

Explanatory Memorandum to the Health Protection (Coronavirus, Restrictions, International Travel, Notification and Public Health Information to Travellers) (Wales) (Miscellaneous Amendments) Regulations 2021

This Explanatory Memorandum has been prepared by the Welsh Government and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Health Protection (Coronavirus, Restrictions, International Travel, Notification and Public Health Information to Travellers) (Wales) (Miscellaneous Amendments) Regulations 2021.

Eluned Morgan MS
Minister for Health and Social Services

08 November 2021

1. Description

These Regulations amend:

- The [Health Protection \(Coronavirus, International Travel\) \(Wales\) Regulations 2020](#) (“the International Travel Regulations”);
- The [Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) Regulations 2020](#) (“the Restriction Regulations”);
- The [Health Protection \(Notification\) \(Wales\) Regulations 2010](#) (“the Notification Regulations”);
- The [Health Protection \(Coronavirus, Public Health Information for Persons Travelling to Wales etc.\) Regulations 2020](#) (“the Public Health Information Regulations”).

2. Matters of special interest to the Legislation, Justice and Constitution Committee

Coming into force

In accordance with section 11A(4) of the Statutory Instruments Act 1946, the Llywydd has been informed that the Regulations do not adhere to the 21 day convention. This is necessary owing to the risk posed in relation to coronavirus and in particular variant strains of the same, from passengers travelling to the UK. The changes made by these Regulations continue the four nation approach to international travel and ensure continuing alignment with England and the other nations.

European Convention on Human Rights

The amendments contained in these Regulations do not change the engagement under the International Travel Regulations of individual rights under the Human Rights Act 1998 and the European Convention on Human Rights; the Government considers that they are justified for the purpose of preventing the spreading of infectious diseases and/or the interference is permitted on the basis that it is in pursuit of a legitimate aim, namely of protecting public health, and are proportionate.

The Government considers that the Public Health Information Regulations do not engage any of the individual rights under the Human Rights Act 1998 and the European Convention on Human Rights. And, to the extent that any such rights may be engaged, the Government considers that the interference is minimal and can be justified as being necessary and proportionate to achieve a legitimate aim. The amendments to the Public Health Information Regulations made by these Regulations do not change the engagement of individual rights.

3. Legislative background

The Public Health (Control of Disease) Act 1984 (“the 1984 Act”), and regulations made under it, provide a legislative framework for health protection in England and Wales. These Regulations are made in reliance on the powers in sections 45B, 45C(1) and (3)(c), 45F(2) and 45P(2) of the 1984 Act. The Explanatory Memoranda

to the [International Travel Regulations](#), [the Restriction Regulations](#), and the [Public Health Information Regulations](#) provide further information on these powers.

4. Purpose and intended effect of the legislation

These Regulations amend the International Travel Regulations by making the following changes:

- Amending the requirement for post-arrival tests to include lateral flow tests as well as PCR tests;
- Removing Colombia, Dominican Republic, Ecuador, Haiti, Panama, Peru and Venezuela from the red list;
- Adding the following countries to the list of relevant countries with recognised vaccination certification -
- Angola; Anguilla; Argentina; Armenia; Azerbaijan; Belize; Bermuda; Botswana; British Antarctic Territory; British Indian Ocean Territory; British Virgin Islands; Cambodia; Cayman Islands; Costa Rica; Djibouti; Eswatini; Falkland Islands; Gibraltar; Guernsey; Guyana; Honduras; Isle of Man; Jersey; Lebanon; Lesotho; Madagascar; Mauritius; Mongolia; Montserrat; Nepal; Occupied Palestinian Territories; Panama; Pitcairn, Henderson, Ducie and Oeno Islands; Saint Helena, Ascension and Tristan da Cunha; South Georgia and the South Sandwich Islands; The Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus; Turks and Caicos Islands; Peru; Rwanda; Seychelles; Sierra Leone; Sri Lanka; Suriname; Tanzania; Trinidad and Tobago; Tunisia; Uganda and Uruguay;
- Removing the requirement for seat numbers from the passenger information requirements;
- Making various technical and consequential amendments in light of the change to include lateral flow tests as well as PCR tests.

These Regulations also make consequential amendments to the Public Health Information Regulations so the information operators are required to provide to travellers both prior to and during travel reflects the changes made by these Regulations. These Regulations amend the Notification Regulations so as to require private test providers to notify PHW of the results of LFD tests provided under ITR.

These Regulations also amend the Restrictions Regulations, further extending the list of countries and territories, so that evidence of vaccination in those countries with vaccines authorised in the United Kingdom is also acceptable for the purposes of what is commonly known as the COVID-pass. The amendment is required to maintain consistency with the vaccine recognition amendments to the International Travel Regulations.

These Regulations also amend the International Travel Regulations to fully extend recognition of vaccines given in British Overseas Territories and Crown Dependencies regardless of residency requirements. These have been included in

the list of relevant countries so their vaccination programmes are defined in the same way.

The Welsh Ministers consider that these amendments are proportionate to what they seek to achieve, which is to respond to a serious and imminent threat to public health.

5. Consultation

Given the serious and imminent threat arising from coronavirus and the need for an urgent public health response, there has been no public consultation in relation to these Regulations.

6. Regulatory Impact Assessment (RIA)

There has been no regulatory impact assessment in relation to these Regulations due to the need to put them in place urgently to deal with a serious and imminent threat to public health.