

SL(5)660 – The Health Protection (Coronavirus, International Travel and Restrictions)(Amendment) (No. 2) (Wales) Regulations 2020

Background and Purpose

These Regulations amend the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 ("the International Travel Regulations") (SI 2020/574) in respect of the isolation requirement for passengers arriving from specified countries and territories, known as "exempt countries".

Regulations 2 amends the International Travel Regulations to –

- (a) permit a person who is required to isolate as a result of having been in Denmark, or being in the same household as a person who has been in Denmark, or being in the same household as person who has been in Denmark to leave the place where they are isolating to in order to leave Wales;
- (b) prohibit any aircraft or ship coming directly from Denmark arriving in Wales except for safety reasons;
- (c) add Bahrain, Cambodia, Chile, Iceland, Laos, Qatar, Turks and Caicos Islands and the United Arab Emirates to the list of exempt countries and territories;
- (d) remove the Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus and all of Greece, other than the islands of Corfu, Crete, Kos, Rhodes and Zakynthos from the list of exempt countries and territories;
- (e) make other minor and consequential amendments.

These Regulations also make minor and technical amendments to the International Travel Regulations and the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 ("the No. 4 Regulations") (SI 2020/219). These Regulations also make a consequential amendment to the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (Wales) Regulations 2020 (SI 2020/1237) ("the 2020 Regulations").

Procedure

Made affirmative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd must approve the Regulations within 28 days (excluding any days when the Senedd is dissolved or in recess for more than four days) of the date they were made for them to continue to have effect.



Technical Scrutiny

The following one point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

New regulation 12B of the International Travel Regulations prohibits any aircraft or vessel coming directly from Denmark from arriving in Wales except for safety reasons. In relation to a vessel, the English text defines “arrive” in the context of “arrive in Wales” as meaning “to moor at any place” but the Welsh text defines it as meaning “to moor at any **other** place” (emphasis added).

Merits Scrutiny

The following three points are identified for reporting under Standing Order 21.3 in respect of this instrument:

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

We note the Welsh Government’s justification for any potential interference with human rights. In particular, we note the following paragraph in the Explanatory Memorandum:

“The amendments contained these Regulations do not change the engagement under the International Travel Regulations or the No. 4 Regulations of individual rights under the Human Rights Act 1998 and the European Charter of Fundamental 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.”

3. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

We note there has been no formal consultation on these Regulations. In particular, we note the following paragraph in the Explanatory Memorandum:

“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.”

4. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

The Committee notes and is pleased to read the Explanatory Memorandum concerning the Welsh Government’s consideration of the previous LJCC reports concerning the No.4



Regulations, the 2020 Regulations and subsequent technical amendments made to these Regulations to address the previous reporting points.

Implications arising from exiting the European Union

None.

Welsh Government response

A Welsh Government response is required for the one Technical reporting point only.

Legal Advisers

Legislation, Justice and Constitution Committee

18 November 2020

