

Regulations made by the Welsh Ministers, laid before Senedd Cymru under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of Senedd Cymru within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution or recess for more than four days.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2020 No. 1288 (W. 286)

PUBLIC HEALTH, WALES

**The Health Protection
(Coronavirus, International Travel
and Restrictions) (Amendment)
(No. 2) (Wales) Regulations 2020**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (S.I. 2020/574 (W. 132)) (the “International Travel Regulations”) and the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 (S.I. 2020/1219 (W. 276)) (the “No. 4 Regulations”). They also make a consequential amendment to the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (Wales) Regulations 2020 (S.I. 2020/1237 (W. 279)).

The International Travel Regulations impose requirements on persons entering Wales after having been abroad. They include a requirement for persons arriving in Wales to isolate for a period determined in accordance with the Regulations. The requirements imposed by the International Travel Regulations are subject to exceptions, and certain categories of person are exempt from having to comply. Persons entering Wales after being in one or more of the countries and territories listed in Schedule 3 to the International Travel Regulations are not required to isolate. The countries and territories listed in Schedule 3 are referred to as “exempt countries and territories”.

Regulation 2 amends the International Travel Regulations to—

- (a) permit a person who is required to isolate under regulation 12A as a result of having been in Denmark, or being in the same household as a person who has been in Denmark, to leave the place where they are isolating in order to leave Wales;
- (b) insert a new regulation 12B into those Regulations prohibiting any aircraft or ship coming directly from Denmark from 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.

Regulation 3 provides that new Regulation 12B of the International Travel Regulations does not apply where an aircraft or ship's journey began before Regulation 12B came into force.

Regulations 4 and 5 of these Regulations make transitional provision relating to the countries and territories whose status has changed. The transitional provisions address a potential area of doubt in terms of the effect on the operation of the International Travel Regulations, of the amendments made by regulation 2(5) to (8) of these Regulations.

Regulation 6 amends the No. 4 Regulations to—

- (a) provide that a person required not to leave the place where they are living under regulation 18A of the No. 4 Regulations (provision relating to persons who have recently been in Denmark) may leave that place in order to leave Wales;
- (b) make other minor and consequential amendments.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has not been prepared as to the likely cost and benefit of complying with these Regulations.

Regulations made by the Welsh Ministers, laid before Senedd Cymru under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of Senedd Cymru within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution or recess for more than four days.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2020 No. 1288 (W. 286)

PUBLIC HEALTH, WALES

**The Health Protection
(Coronavirus, International Travel
and Restrictions) (Amendment)
(No. 2) (Wales) Regulations 2020**

Made at 5.04 p.m. on 13 November 2020

*Laid before Senedd Cymru at 7.00 p.m. on 13
November 2020*

*Coming into force at 4.00 a.m. on 14
November 2020*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 45B, 45C(1) and (3)(c), 45F(2) and 45P(2) of the Public Health (Control of Disease) Act 1984(1).

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales.

The Welsh Ministers consider that restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

(1) 1984 c. 22. Sections 45C, 45F and 45P were inserted by section 129 of the Health and Social Care Act 2008 (c. 14). The functions under these sections are conferred on “the appropriate Minister”. Under section 45T(6) of the 1984 Act the appropriate Minister, as respects Wales, is the Welsh Ministers.

In accordance with section 45R of that Act the Welsh Ministers are of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, Senedd Cymru.

Title, coming into force and interpretation

1.—(1) The title of these Regulations is the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 2) (Wales) Regulations 2020.

(2) These Regulations come into force at 4.00 a.m. on 14 November 2020.

(3) In these Regulations, the “International Travel Regulations” means the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020(1).

Amendment of the International Travel Regulations

2.—(1) The International Travel Regulations are amended as follows.

(2) In regulation 12A—

(a) in paragraph (4), in the English language text, for “by”, the second time it occurs, substitute “of”;

(b) in paragraph (7), in the modified regulation 10(4)—

(i) in the Welsh language text, for sub-paragraph (a)(ii) substitute—

“(ii) i osgoi salwch difrifol, anaf difrifol neu risg arall o niwed difrifol;”

(ii) after sub-paragraph (a)(ii) insert—

“(iii) to travel for the purpose of leaving Wales;”.

(3) After regulation 12A insert—

(1) S.I. 2020/574 (W. 132) as amended by S.I. 2020/595 (W. 136), S.I. 2020/714 (W. 160), S.I. 2020/726 (W. 163), S.I. 2020/804 (W. 177), S.I. 2020/817 (W. 179), S.I. 2020/840 (W. 185), S.I. 2020/868 (W. 190), S.I. 2020/886 (W. 196), S.I. 2020/917 (W. 205), S.I. 2020/944 (W. 210), S.I. 2020/962 (W. 216), S.I. 2020/981 (W. 220), S.I. 2020/1015 (W. 226), S.I. 2020/1042 (W. 231), S.I. 2020/942, S.I. 2020/1080 (W. 243), S.I. 2020/1098 (W. 249), S.I. 2020/1133 (W. 258), S.I. 2020/1165 (W. 263), S.I. 2020/1191 (W. 269), S.I. 2020/1223 (W. 277), S.I. 2020/1232 (W. 278) and S.I. 2020/1237 (W. 279)

“PART 3A

Travel from Denmark

Prohibition on the arrival of aircraft and vessels travelling directly from Denmark

12B.—(1) The person with management or control of an aircraft or vessel whose last point of departure was in Denmark must not cause or permit it to arrive in Wales, unless it is reasonably necessary for it to do so to secure—

- (a) the safety of the aircraft or vessel, or
- (b) the health and safety of any person aboard it.

(2) Paragraph (1) does not apply to—

- (a) a commercially operated aircraft or vessel carrying no passengers;
- (b) an aircraft or vessel operated by or in support of Her Majesty’s Government in the United Kingdom.

(3) In this regulation—

- (a) “arrive” means—
 - (i) in relation to an aircraft, to land;
 - (ii) in relation to a vessel, to moor at any place;
- (b) “passenger” means a person carried in or on an aircraft or vessel other than a member of its crew.”

(4) In regulation 14(1)—

- (a) in sub-paragraph (e), omit “or”;
- (b) in sub-paragraph (f), at the end insert “or”;
- (c) after sub-paragraph (f) insert—

“(g) 12B(1),”.

(5) In Part 1 of Schedule 3 (exempt countries and territories outside the common travel area), at the appropriate place insert—

- “Bahrain”
- “Cambodia”
- “Chile”
- “Corfu”
- “Crete”
- “Iceland”
- “Kos”
- “Laos”
- “Rhodes”
- “Qatar”
- “United Arab Emirates”

“Zakynthos”.

(6) In Part 2 of Schedule 3 (United Kingdom Overseas Territories), at the appropriate place insert—

“Turks and Caicos Islands”.

(7) In Part 1 of Schedule 3 (exempt countries and territories outside the common travel area), omit—

“Greece”.

(8) In Part 2 of Schedule 3 (United Kingdom Overseas Territories), omit—

“The Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus”.

Transitional provision relating to regulation 2(3)

3. Regulation 12B of the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020, inserted by regulation 2(3) of these Regulations, does not apply in respect of any flight or voyage that commenced before these Regulations come into force.

Transitional provision in connection with regulation 2(5) and (6)

4.—(1) Paragraph (2) applies where, immediately before 4.00 a.m. on 14 November 2020—

(a) a person (“P”) was subject to an isolation requirement by virtue of having arrived in Wales from, or having been in a country or territory listed in regulation 2(5) or (6), and

(b) P’s last day of isolation is 14 November 2020 or later.

(2) The addition of the countries and territories listed in regulation 2(5) and (6) to Parts 1 and 2 of Schedule 3 to the International Travel Regulations does not affect the isolation requirement as it applies to P, nor affect how P’s last day of isolation is determined under the International Travel Regulations.

(3) Paragraph (4) applies where a person (“P”)—

(a) arrives in Wales at or after 4.00 a.m. on 14 November 2020, and

(b) was in a country or territory listed in regulation 2(5) or (6) within the period of 14 days ending with the day of P’s arrival in Wales.

(4) For the purposes of regulations 7(1) and 8(1) of the International Travel Regulations, the question of whether P has arrived in Wales from, or having been in, a non-exempt country or territory is, in relation to a country or territory listed in regulation 2(5) or (6), to be determined by reference to whether the country or territory was a non-exempt country or territory when P

was last there (and not by reference to the country's or the territory's status upon P's arrival in Wales).

(5) In this regulation, "isolation requirement" has the meaning given by regulation 10(2) of the International Travel Regulations; and references to P's last day of isolation are to be interpreted in accordance with regulation 12 of those Regulations.

Transitional provision in connection with regulation 2(7) and (8)

5.—(1) Paragraph (2) applies where a person ("P")—

- (a) arrives in Wales at or after 4.00 a.m. on 14 November 2020, and
- (b) was last in a country or territory listed in regulation 2(7) or (8)—
 - (i) within the period of 14 days ending with the day of P's arrival in Wales, and
 - (ii) before 4.00 a.m. on 14 November 2020.

(2) P is, by virtue of having been in a country or territory listed in regulation 2(7) or (8), to be treated for the purposes of regulations 7(1) and 8(1) of the International Travel Regulations as having arrived in Wales from, or having been in, a non-exempt country or territory.

Amendment of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020

6.—(1) The Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020⁽¹⁾ are amended as follows.

- (2) In regulation 18A—
 - (a) in paragraph (2)—
 - (i) omit "4,";
 - (ii) after "with P" insert " , until the end of the restriction period";
 - (b) in paragraph (3), for "period of 14 days beginning with the day on which P arrived in Wales" substitute "restriction period";
 - (c) in paragraph (4), after sub-paragraph (c) insert—
 - "(d) to travel for the purpose of leaving Wales ."
 - (d) after paragraph (4) insert—
 - "(5) In this regulation, the "restriction period" in relation to P and any person living in the same household with P, means the period

(1) S.I. 2020/1219 (W. 276) as amended by S.I. 2020/1237 (W. 279).

ending with the day 14 days after P last arrived in Wales before 4.00 a.m. on 7 November 2020—

- (a) from Denmark, or
- (b) from any other place, having been in Denmark since P was previously in Wales.”

(3) In regulation 28—

- (a) in paragraph (1), omit “18A(3)”;
- (b) in paragraph (4), for “or 14(2)” substitute “, 14(2) or 18A(3)”.

(4) In regulation 31—

- (a) in paragraph (1), omit “18A(3)”;
- (b) in paragraph (4), for “or 14(2)” substitute “, 14(2) or 18A(3)”.

(5) In regulation 35(1)(a), after “16,” insert “18A(3),”.

Amendment of the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (Wales) Regulations 2020

7. In regulation 4 of the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (Wales) Regulations 2020(1), omit paragraph (5).

Vaughan Gething

Minister for Health and Social Services, one of the Welsh Ministers

At 5.04 p.m. on 13 November 2020