
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

2021 No. 361 (W. 110)

PUBLIC HEALTH, WALES

**The Health Protection
(Coronavirus, International Travel)
(Wales) (Amendment) (No. 4)
Regulations 2021**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (S.I. 2020/574 (W. 132)) (the “International Travel Regulations”).

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 those Regulations.

Regulation 3 of these Regulations amends regulation 10 of the International Travel Regulations to provide that a person who is required to isolate may leave their isolation premises if required to do so by a constable.

Regulation 4 of these Regulations make provision in relation to non-exempt persons entering Wales after being in a country or territory listed in Schedule 3A to the International Travel Regulations within the last 10 days of arrival. Such persons are prohibited from entering Wales. A person who contravenes this prohibition is liable to a £10,000 fixed penalty notice. Regulation 4 makes provision relating to the isolation requirements on such persons and any member of their household. It also makes provision to exempt certain aviation and maritime personnel from the prohibition on entry to Wales.

Regulation 5 of these Regulations amends the enforcement powers available under the International Travel Regulations in relation to requirements to self-isolate. It allows police officers to direct or remove persons to a place where they are isolating if they reasonably suspect that the person is in breach of a requirement to isolate. It also provides powers to

authorised persons including the police, immigration officers, and other persons designated by the Welsh Ministers in relation to non-exempt persons suspected to be entering Wales having been in a country or territory listed in Schedule 3A. These powers include powers to direct, detain and search.

Regulation 6 of these Regulations amends Schedule 3A to the International Travel Regulations, which contains the list of countries and territories subject to additional measures. Non-exempt persons are prohibited from entering Wales where they have been in a listed country or territory within the last 10 days of arrival pursuant to regulation 12E of the International Travel Regulations. Regulation 6 removes Portugal and the Republic of Mauritius from the list in Schedule 3A, and adds Ethiopia, Oman, Qatar and Somalia to it.

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 costs and benefits of complying with these Regulations.

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2021 No. 361 (W. 110)

PUBLIC HEALTH, WALES

**The Health Protection
(Coronavirus, International Travel)
(Wales) (Amendment) (No. 4)
Regulations 2021**

Made at 4.03 p.m. on 19 March 2021

*Laid before Senedd
Cymru at 6.00 p.m. on 19 March 2021*

*Coming into force at 4.00 a.m. on 20 March
2021*

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

PART 1

General

Title and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 4) Regulations 2021.

(2) These Regulations come into force at 4.00 a.m. on 20 March 2021.

⁽¹⁾ 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14). The function of making regulations under Part 2A is conferred on “the appropriate Minister”. Under section 45T(6) of the 1984 Act the appropriate Minister as respects Wales, is the Welsh Ministers.

PART 2

Amendments

Amendments to the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020

2. The Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020(1) are amended as follows.

Amendment to regulation 10

3. In regulation 10 (isolation requirements: exceptions), after paragraph (4)(m) insert—

“(n) if required to do so by a constable.”

Amendments to regulation 12E

4.—(1) Regulation 12E (additional measures applicable to persons travelling from a country or territory listed in Schedule 3A) is amended as follows.

(2) In paragraph (2)(d)—

(a) after paragraph (i) insert—

“(ia) paragraphs 7 to 10;”;

(b) paragraph (ii) is omitted.

(3) After paragraph (3) insert—

“(3A) This paragraph applies where an isolation requirement (within the meaning given by regulation 10(2)) is imposed on P where P has entered Wales and has been in a country or territory listed in Schedule 3A at any time in the period beginning with the 10th day before the date of P’s arrival in Wales.

(3B) Where paragraph (3A) applies—

(a) regulations 7, 8, 9 and 10 apply to P with the modifications in paragraphs (3C) to (3F);

(1) S.I. 2020/574 (W. 132), 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. 2020/942, 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. 2020/1080 (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), S.I. 2020/1237 (W. 279), S.I. 2020/1288 (W. 286), S.I. 2020/1329 (W. 295), S.I. 2020/1362 (W. 301), S.I. 2020/1477 (W. 316), S.I. 2020/1521 (W. 325), S.I. 2020/1602 (W. 332), S.I. 2020/1645 (W. 345), S.I. 2021/20 (W. 7), S.I. 2021/24 (W. 8), S.I. 2021/46 (W. 10), S.I. 2021/48 (W. 11), S.I. 2021/50 (W. 12), S.I. 2021/66 (W. 15), S.I. 2021/72 (W. 18), S.I. 2021/95 (W. 26); S.I. 2021/154 (W. 38) and S.I. 2021/305 (W. 78).

- (b) the isolation requirement imposed on P as modified by paragraphs (3C) to (3F) is also imposed on all members of P's household.

(3C) Regulation 7 applies as if—

- (a) in paragraph (1), references to “a non-exempt country or territory” were references to “a country or territory listed in Schedule 3A”;
- (b) paragraph (4)(b) is omitted.

(3D) Regulation 8 applies as if—

- (a) in paragraph (1), references to “a non-exempt country or territory” were references to “a country or territory listed in Schedule 3A”;
- (b) paragraph (2)(b) is omitted.

(3E) Regulation 9 applies as if for paragraph (2) there were substituted—

“(2) Regulations 7 and 8 do not apply to a person described in regulation 12E(2).”

(3F) Regulation 10 applies as if—

- (a) in paragraph (3), for “paragraph (4)(b) to (k) there” were substituted “paragraph (4)”;
- (b) for paragraph (4) there were substituted—

“(4) P may leave and be outside the premises for as long as is necessary—

- (a) to travel for the purpose of leaving Wales;
- (b) to seek medical assistance, where this is required urgently or on the advice of a registered medical practitioner;
- (c) to avoid illness, injury, or other risk of harm;
- (d) to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
- (e) where P is a child who does not live in the same household as P's parents, or one of P's parents, to continue existing arrangements for access to, and contact between, P and P's parents, and for the purposes of this subparagraph, “parent” includes a person who is not a parent of P, but who has parental

responsibility for, or who has care of, P;

- (f) for compassionate reasons, including to attend the funeral of—
 - (i) a member of P's family;
 - (ii) a close friend;
- (g) for the purpose of obtaining a test for coronavirus provided or administered under the National Health Service (Wales) Act 2006⁽¹⁾;
- (h) if required to do so by a constable.””

Amendments to regulation 13

5. For regulation 13 (enforcement of requirement to isolate) substitute—

“**13.**—(1) Where an authorised person has reasonable grounds to believe that a person (“P”) has left, or is outside of, the place where P is isolating in contravention of regulation 7(3) or 8(3)(b) the authorised person may—

- (a) direct P to return to the premises where P is residing;
- (b) where the authorised person is a constable, remove P to the premises where P is residing;
- (c) where the authorised person is a constable and it is not practicable or appropriate in the circumstances to take the action in sub-paragraph (a) or (b), remove P to premises secured by the Welsh Ministers which are suitable for P to reside in for the purposes of regulation 7(3) or 8(3)(b).

(2) Where an authorised person has reasonable grounds to believe that P is a person who falls within regulation 12E(3A), an authorised person may do any of the following for the purpose of ensuring that P complies with a requirement in regulations 7 and 8—

- (a) give a direction to P, including a direction—
 - (i) that P remain in a particular area of a port to await transportation to a specified premises;

⁽¹⁾ 2006 c. 42.

- (ii) that P move to a particular place to board transportation to a specified premises;
- (iii) that P board transportation to travel to specified premises;
- (iv) that P remain in the premises where P is residing;

(b) remove P to a specified premises.

(3) Where an authorised person has reasonable grounds to believe that P is a person who falls within regulation 12E(3A) and that P has committed an offence under regulation 14(1)(g), the authorised person may—

- (a) require P to produce their passport or travel document for examination,
- (b) detain P for up to three hours,
- (c) search P and any baggage belonging to P or under P's control, or any vehicle in which P has travelled, for evidence, other than items subject to legal privilege, that relates to the possible commission of an offence under regulation 14(1)(g), and
- (d) seize and retain any document or article recovered by a search under sub-paragraph (c).

(4) Paragraph (3) does not confer a power to detain or search an unaccompanied child.

(5) Any search under paragraph (3) must be conducted by an authorised person of the same gender as P.

(6) Paragraph (3) does not confer a power to conduct an intimate search.

(7) An authorised person exercising the power in paragraph (1)(b) or (c), (2)(b) or (3) may use reasonable force, if necessary, in the exercise of the power.

(8) Where P is a child, and has left or is outside of, the premises where they are residing and is accompanied by an individual who has responsibility for them—

- (a) an authorised person may direct that individual to take P to the premises where P is residing, and
- (b) that individual must, so far as reasonably practicable, ensure that P complies with any direction given by an authorised person to P.

(9) Where P is a child, and an authorised person has reasonable grounds to believe that P is repeatedly failing to comply with a requirement in regulation 7 or 8, the authorised

person may direct any individual who has responsibility for P to ensure, so far as reasonably practicable, that P so complies.

(10) An authorised person may take such other action as the authorised person considers necessary and proportionate to facilitate the exercise of a power conferred on the authorised person by this regulation.

(11) An authorised person may only exercise a power conferred on the authorised person by this regulation if the authorised person considers that it is a necessary and proportionate means of ensuring compliance with a requirement in regulation 7 or 8.

(12) For the purposes of this regulation—

“authorised person” (*“person awdurdodedig”*) means—

- (a) a constable, or
- (b) for the purposes of paragraphs (2), (3) and (10) only, an immigration officer;

“specified premises” (*“mangre benodedig”*) means a premises specified under regulation 7 or a premises deemed suitable under regulation 8.”

Amendments to Schedule 3A

6.—(1) Schedule 3A (countries and territories subject to additional measures) is amended as follows.

(2) Omit the entries for “Republic of Mauritius” and “Portugal”.

(3) In the appropriate places insert—

“Ethiopia”

“Oman”

“Qatar”

“Somalia”.

Vaughan Gething

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

At 4.03 p.m. on 19 March 2021