
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

2022 No. 150 (W. 48)

PUBLIC HEALTH, WALES

**The Health Protection
(Coronavirus, Public Health
Information to Travellers and
Operator Liability) (Wales)
(Amendment) Regulations 2022**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in response to the ongoing danger to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales. Section 45B of the Public Health (Control of Disease) Act 1984 enables the Welsh Ministers, by regulations, to make provision for the purpose of (amongst other things) preventing danger to public health from “vessels, aircraft, trains or other conveyances arriving at any place”.

The Regulations amend the Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020 (S.I. 2020/595 (W. 136)) (“the Public Health Information Regulations”) and the Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (Wales) (Amendment) Regulations 2021 (S.I. 2021/48 (W. 11)) (“the Operator Liability Regulations”).

The Public Health Information Regulations and the Operator Liability Regulations impose requirements on persons operating international passenger services arriving into Wales from outside the common travel area (“operators”).

In consequence of the revocation and replacement of the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (S.I. 2020/574 (W. 132)) by the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2022 (S.I. 2022/126 (W. 41)), these Regulations make

amendments to the Public Health Information Regulations and Operator Liability Regulations.

The Public Health Information Regulations are also amended to provide that operators need only provide specified information to passengers pre-departure and on-board an international passenger service. The Schedule is amended to update the information that must be provided to passengers.

In addition, the Operator Liability Regulations are amended to replace the current suite of obligations on operators with an obligation to maintain adequate processes and systems to ensure that passengers possess certain information or evidence. Operators are also required to retain such records and information as are required to show that they have maintained adequate systems and processes. Amendments are also made to ensure that a fixed penalty notice can be issued in respect of an ongoing breach of the new duty where a previous fixed penalty notice issued in respect of the breach has been paid.

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.

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(Coronavirus, Public Health
Information to Travellers and
Operator Liability) (Wales)
(Amendment) Regulations 2022**

Made 16 February 2022

Laid before Senedd Cymru 17 February 2022

Coming into force 18 February 2022

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.

Title and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus, Public Health Information to Travellers and Operator Liability) (Wales) (Amendment) Regulations 2022.

(2) These Regulations come into force on 18 February 2022.

Amendment of the Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020

2. The Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.)

(1) 1984 c. 22 (“the 1984 Act”). 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.

Regulations 2020⁽¹⁾ are amended in accordance with regulations 3 to 9.

3. In regulation 2 (interpretation)—

- (a) in the appropriate place insert—
 - (i) ““the relevant websites” (“*y gwefannau perthnasol*”) means the websites specified in Part 3 of the Schedule;”;
 - (ii) ““the required information” (“*yr wybodaeth ofynnol*”) means the information specified in Part 1 of the Schedule and a hyperlink to each of the relevant websites specified in Part 3 of the Schedule;”;
- (b) in the definition of “the International Travel Regulations” for “the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020” substitute “the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2022”;
- (c) omit the definition of “requirement to isolate”;
- (d) in the definition of “requirement to provide information” for “4” substitute “6”.

4. Omit regulation 10.

5. For regulation 3 (provision of information before booking and at check-in) and 3A (provision of information prior to departure) substitute—

“Provision of information prior to departure

3.—(1) The operator of an international passenger service must ensure that a passenger who arrives at a port in Wales on such a service is provided with the information required by paragraph (3) and in the manner required by that regulation at the times specified in paragraph (2).

(2) The times are—

(a) where a booking was made for the passenger to travel on the relevant service more than 24 hours before departure, at least 24 hours before departure;

(1) S.I. 2020/595 (W. 136), as amended by S.I. 2020/714 (W. 160), S.I. 2020/1118 (W. 253), S.I. 2020/1521 (W. 325), S.I. 2021/72 (W. 18), S.I. 2021/171 (W. 39), S.I. 2021/457 (W. 145), S.I. 2021/584 (W. 161), S.I. 2021/646 (W. 166), S.I. 2021/765 (W. 187), S.I. 2021/863 (W. 202), S.I. 2021/1109 (W. 265), S.I. 2021/1212 (W. 303), S.I. 2021/1342 (W. 346), S.I. 2021/1369 (W. 362), S.I. 2021/1433 (W. 371) and S.I. 2022/16 (W. 8).

(b) where a booking was made for the passenger to travel on the relevant service less 24 hours before departure, at any time before departure.

(3) For the purposes of paragraph (1), the required information—

(a) may be provided orally or in writing;

(b) if provided orally, is the information specified in Part 1 of the Schedule (essential information to enter the UK);

(c) if provided in writing, is the information specified in Part 1 of the Schedule (essential information to enter the UK) and—

(i) where it is provided by electronic means, a hyperlink to each of the relevant websites;

(ii) where it is provided by other means, the text or the URLs of each of the relevant websites;

(iii) in any event, must be provided in a way that draws the passengers attention to it by being particularly prominent and distinct from other written information provided in relation to the booking.

(4) Where another person (“A”) makes a booking on an international passenger service on behalf of another passenger (whether or not A is also a passenger on that service), the requirement to provide information in accordance with this regulation is to be treated as complied with if the required information is provided to A in the required manner at the times specified in paragraph (2), along with a written request that A provide that information to the passenger.

(5) Where the operator does not directly manage the booking or check in process, the operator must take all reasonable measures to ensure that the person managing the process complies with paragraph (1) on the operator’s behalf.

(6) Nothing in this regulation or regulation 4 requires information to be provided to a person who, by virtue of age or mental capacity, is unlikely to be capable of understanding it.”

6. In regulation 4, after the word “Schedule” insert “(on-board announcement)”.

7. In regulation 5 (exception from requirements of regulations 3, 3A and 4)—

(a) in the heading omit “, 3A”;

(b) in the regulation omit “, 3A”.

8. In regulation 6 (offences)—

(a) in paragraph (1) omit “or (3), regulation 3A(2) or”;

(b) in paragraph (2) omit “, regulation 3A(2)”.

9. For the Schedule substitute—

“**SCHEDULE** Regulations 3
and 4

PART 1

**Essential Information to enter the UK
from overseas**

The information to be provided for the purposes of regulations 3(3) and 4 is—

“Essential information to enter the UK from overseas

All persons arriving in the UK must fill in a Passenger Locator Form before arrival.

Before departure to the UK check if any of the countries you have visited in the last 10 days are on the red list.

If you have visited a country on the red list you must follow the red list rules.

If you have not visited any countries on the red list, what you have to do depends on your vaccination status. Check the rules before you travel at gov.uk/coronavirus.

Public health requirements may vary depending upon which nation of the UK you are travelling to. Check the relevant website if your final destination is in Northern Ireland, Scotland or Wales.

Failure to comply with these measures is a criminal offence and you could be fined. There are a limited set of exemptions from these measures. You may be fined if you fraudulently claim an exemption.”

PART 2

On-board announcement

The statement to be provided for the purposes of regulation 4 is—

(a) Welsh language version—

“Dyma neges iechyd y cyhoedd ar ran asiantaethau iechyd y cyhoedd y Deyrnas Unedig.

Os nad ydych wedi eich brechu'n llawn neu os nad ydych yn bodloni'r meini prawf cymhwysra, rhaid i chi gymryd prawf ar neu cyn diwrnod 2 ar ôl i chi gyrraedd.

Symptomau'r coronafeirws yw peswch cyson newydd, tymheredd uchel neu golli eich synnwyr blasu neu arogl arferol, neu newid yn eich synnwyr blasu neu arogl arferol. Os ydych yn profi unrhyw un o'r symptomau hyn, ni waeth pa mor ysgafn ydynt, fe'ch cynghorir i wneud eich hunan yn hysbys i'r criw.

Dilynwch y canllawiau Iechyd y Cyhoedd ar gyfer yr ardal yr ydych yn byw ynddi neu'n teithio ynddi.

Ewch i gov.uk/coronavirus i gael rhagor o gyngor.”

(b) English language version—

“The following is a public health message on behalf of the UK's public health agencies.

If you are not fully vaccinated or do not meet the eligibility criteria, you must take a test on or before day 2 after you arrive.

The symptoms of coronavirus are a new continuous cough, a high temperature or a loss of, or change in, normal sense of taste or smell. If you experience any of these symptoms, however mild, you are advised to make yourself known to the crew.

Please follow the Public Health guidance for the area you are living or travelling in.

Visit gov.uk/coronavirus for more advice.”

PART 3

Relevant Websites

The following are “relevant websites”—

<https://www.gov.uk/provide-journey-contact-details-before-travel-uk>

<https://www.gov.uk/guidance/red-list-of-countries-and-territories>

<https://www.gov.uk/guidance/travel-to-england-from-another-country-during-coronavirus-covid-19>

<https://www.nidirect.gov.uk/articles/coronavirus-covid-19-travel-advice>

<https://www.gov.scot/publications/coronavirus-covid-19-international-travel-quarantine/>

<https://gov.wales/rules-international-travel-and-wales-coronavirus.>”

Amendment of the Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (Wales) (Amendment) Regulations 2021

10. The Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (Wales) (Amendment) Regulations 2021(1) are amended in accordance with regulations 11 to 14.

11.—(1) Omit regulation 2 (interpretation).

(2) Omit Part 2 (pre-departure testing).

(3) In regulation 4 (interpretation)—

(a) in the appropriate place insert “common travel area” (“*ardal deithio gyffredin*”) has the meaning given in section 1(3) of the Immigration Act 1971(2);

(b) in the appropriate place insert ““the International Travel Regulations” (“*y Rheoliadau Teithio Rhyngwladol*”) means the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2022(3);”;

(1) S.I. 2021/48 (W. 11), as amended by S.I. 2021/72 (W. 18), S.I. 2021/171 (W. 39), S.I. 2021/305 (W. 78), S.I. 2021/584 (W. 161), S.I. 2021/646 (W. 166), S.I. 2021/826 (W. 193), S.I. 2021/915 (W. 208), S.I. 2021/926 (W. 211) and S.I. 2021/1109 (W. 265).

(2) 1971 c. 77. Section 1(3) provides that the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland are collectively referred to in that Act as “the common travel area”.

(3) S.I. 2022/126 (W. 41).

- (c) in the appropriate place insert “eligible traveller has the meaning given in regulation 3 of the International Travel Regulations;”;
- (d) in the definition of “authorised person” omit “, other than in regulation 5B,”;
- (e) omit the definition of “child”;
- (f) in the definition of “operator” omit “, other than in regulation 5B,”;
- (g) omit the definition of “notification of post arrival testing arrangements”;
- (h) omit the definition of “regulation 2A traveller”;
- (i) omit the definition of “relevant passenger”;
- (j) omit the definition of “required notification”;
- (k) in the definition of “the requirement to possess notification of a negative test result”, for “6A(1)” substitute “7(3)”;
- (l) omit the definition of “responsible individual”;
- (m) omit the definition of “Schedule 3A Passenger”.

12. For regulations 5, 5A, 5B, 5C and 5D, substitute—

“Requirement to implement and maintain processes and systems

5.—(1) An operator must implement and maintain adequate processes and systems to ensure that passengers arriving in Wales on international passenger services—

- (a) have complied with the requirement in regulation 6 (requirement to provide passenger information) of the International Travel Regulations, if they are passengers required to comply with that regulation;
- (b) are in possession of evidence that they are person described in Schedule 5 (exempt persons), if they claim to be such a person on a facility referred to in regulation 6(1) of the International Travel Regulations;
- (c) are in possession of a required notification, if they are passengers required to comply with regulation 7 (requirement to possess notification of a negative test result) of the International Travel Regulations;
- (d) are in possession of eligibility evidence, if they have indicated on a facility referred to in regulation 6(1) of

the International Travel Regulations that they meet the COVID-19 vaccination eligibility criteria.

(2) For the purposes of paragraph (1) a passenger (“P”) is not considered to be required to comply with the requirements in regulation 6 or 7 of the International Travel Regulations if the operator, or a person acting behalf of the operator, would have cause to reasonably believe that—

- (a) P is not required to comply with the relevant requirement,
- (b) P has a reasonable excuse which would protect P from liability for breach of the relevant requirement under regulation 13 (offences), or
- (c) P is being lawfully compelled to travel to the United Kingdom in the course of an extradition, prisoner repatriation or deportation.

(3) An operator must retain such records and information as are required to show that they have complied with paragraph (1).

(4) An authorised person may request from an operator copies of such records and information as the authorised person considers are required to determine whether the operator has complied with paragraph (1).

(5) A request under paragraph (4) must specify the period within which the operator must provide the records and information requested.

(6) In determining whether an operator has complied with paragraph (1), an authorised person must have regard to the following matters so far as they have information about them—

- (a) the regime by which the operator complies with paragraph (1), together with the approach to retaining contemporaneous evidence;
- (b) the existence and quality of any guidance or training programmes for those involved in the day-to-day operation of the processes and systems;
- (c) whether the operator has—
 - (i) appointed a named contact to assist the authorised person in determining if the operator has complied with paragraph (1), and
 - (ii) notified the authorised person of the identity of that contact;

- (d) the speed and effectiveness of any response the operator makes to any recommendations made by the authorised person intended to secure the operator's compliance with paragraph (1);
 - (e) any failure to comply with a request under paragraph (4);
 - (f) any other matter the authorised person considers appropriate.
- (7) In this regulation “eligibility evidence” means—
- (a) evidence described in regulation 3(3)(b), 3(4)(b) or 3(6)(b) of the International Travel Regulations,
 - (b) where P intends to take advantage of the exemption in regulation 3(6) of the International Travel Regulations (P is under the age of 18), evidence of P's age, or
 - (c) a facility referred to in regulation 6(1) of the International Travel Regulations which indicates that P's vaccine status is: “Vaccine Status: Verified Exempt/Full.”

13. For regulation 6 (offences) substitute—

“Offences

6.—(1) An operator who fails to comply with a requirement in—

- (a) regulation 5(1),
- (b) regulation 5(3), or
- (c) a request under regulation 5(4) to provide records and information within the period specified for the purposes of regulation 5(5),

commits an offence.

(2) An offence under paragraph (1) is punishable on summary conviction by a fine.”

14. In paragraph (2)(a) of regulation 9 (power to use and disclose information), for “6A, 6AB or 12E(1)” substitute “6 or 7”.

15. In regulation 10 (review) for “regulations 5, 5A, 5B, 5C and 5D” substitute “regulation 5”.

Eluned Morgan
Minister for Health and Social Services, one of the
Welsh Ministers
16 February 2022