
WELSH STATUTORY INSTRUMENTS

2020 No. 1521 (W. 325)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus, International
Travel and Public Health Information to Travellers)
(Wales) (Amendment) (No. 2) Regulations 2020**

<i>Made</i>	- - - -	<i>at 2.04 p.m. on 11 December 2020</i>
<i>Laid before before Senedd Cymru</i>	- - - -	<i>at 6.00 p.m. on 11 December 2020</i>
<i>Coming into force</i>	- -	<i>at 4.00 a.m. on 12 December 2020</i>

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

PART 1

General

Title, coming into force and interpretation

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

(2) These Regulations come into force at 4.00 a.m. on 12 December 2020.

(3) In these Regulations—

“the International Travel Regulations” (“*y Rheoliadau Teithio Rhyngwladol*”) means the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020(2);

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- (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.
- (2) 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) and S.I. 2020/1477 (W. 316).

“the Public Health Information Regulations” (“*y Rheoliadau Gwybodaeth Iechyd y Cyhoedd*”) means the Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020(3).

PART 2

Amendments to the list of exempt countries and territories outside the common travel area in Schedule 3 to the International Travel Regulations

Removal of countries from the list of exempt countries and territories outside the common travel area

2. In Part 1 of Schedule 3 to the International Travel Regulations (exempt countries and territories outside the common travel area), omit the following entry—

“Canary Islands”.

Transitional provision in connection with regulation 2

3.—(1) Paragraph (2) applies where a person (“P”)—

(a) arrives in Wales at or after 4.00 a.m. on 12 December 2020, and

(b) was last in the Canary Islands—

(i) within the period of 10 days ending with the day of P’s arrival in Wales, and

(ii) before 4.00 a.m. on 12 December 2020.

(2) P is, by virtue of having been in the Canary Islands 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.

Additions to the list of exempt countries and territories outside the common travel area

4. In Part 1 of Schedule 3 to the International Travel Regulations (exempt countries and territories outside the common travel area), at the appropriate place insert—

“Kingdom of Saudi Arabia”

“Republic of Botswana”.

Transitional provision in connection with regulation 4

5.—(1) Paragraph (2) applies where, immediately before 4.00 a.m. on 12 December 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 listed in regulation 4, and

(b) P’s last day of isolation is 12 December 2020 or a day after that day.

(2) The addition of the countries listed in regulation 4 to Part 1 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 12 December 2020, and

(b) was in a country listed in regulation 4 within the period of 10 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 listed in regulation 4, to be determined by reference to whether the country was a non-exempt country when P was last there (and not by reference to the country'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.

PART 3

Amendments to Part 4 of the International Travel Regulations

Amendments to Part 4 (enforcement and offences) of the International Travel Regulations

6.—(1) Regulation 16 of the International Travel Regulations (fixed penalty notices) is amended as follows.

(2) In paragraph (6), for "must be £1000" substitute "is to be as set out in paragraph (6A)".

(3) After paragraph (6), insert—

“(6A) The amount specified as the fixed penalty in paragraph (6) is to be—

- (a) in the case of the first fixed penalty notice received, £500;
- (b) in the case of the second fixed penalty notice received, £1000;
- (c) in the case of the third fixed penalty notice received, £2000;
- (d) in the case of the fourth and any subsequent fixed penalty notice received, £4000.”

PART 4

Amendment to the Public Health Information Regulations

Amendment to regulation 6 (Offences) of the Public Health Information Regulations

7. In regulation 6(2) after "in" insert "regulation 3(1) or (3) or".

Amendment to regulation 7 (Fixed penalty notices) of the Public Health Information Regulations

8. For regulation 7(5) substitute—

“(5) The amount of fixed penalty specified under paragraph 4(c) is to be—

- (a) in the case of the first penalty notice received, £1000;
- (b) in the case of the second penalty notice received, £2000;
- (c) in the case of the third penalty notice received, £4000;
- (d) in the case of the fourth and any subsequent fixed penalty notice received, £10,000.”

Amendment to the Schedule to the Public Health Information Regulations

9.—(1) In Part 1 of the Schedule for “14” substitute “10”.

(2) In Part 2 of the Schedule for “14” substitute “10”.

At 2.04 p.m. on 11 December 2020

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

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”) and the Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations (S.I. 2020/595 (W. 136)) (“the Public Health Information Regulations”).

The International Travel Regulations have been previously amended by:

- the Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020 (S.I. 2020/595 (W. 136));
- the Health Protection (Coronavirus, International Travel and Public Health Information to Travellers) (Wales) (Amendment) Regulations 2020 (S.I. 2020/714 (W. 160));
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) Regulations 2020 (S.I. 2020/726 (W. 163));
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/804 (W. 177));
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/817 (W. 179));
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 4) Regulations 2020 (S.I. 2020/840 (W. 185));
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 5) Regulations 2020 (S.I. 2020/868 (W. 190));
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 6) Regulations 2020 (S.I. 2020/886 (W. 196));
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 7) Regulations 2020 (S.I. 2020/917 (W. 205));
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 8) Regulations 2020 (S.I. 2020/944 (W. 210));
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 9) Regulations 2020 (S.I. 2020/962 (W. 216));
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 10) Regulations 2020 (S.I. 2020/981 (W. 220));
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 11) Regulations 2020 (S.I. 2020/1015 (W. 226));
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 12) Regulations 2020 (S.I. 2020/1042 (W. 231));
- the Transfer of Functions (Secretary of State for Foreign, Commonwealth and Development Affairs) Order (S.I. 2020/942);
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 13) Regulations 2020 (S.I. 2020/1080);
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 14) Regulations 2020 (S.I. 2020/1098 (W. 249));

Status: This is the original version (as it was originally made).

- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 15) Regulations 2020 (S.I. 2020/1133 (W. 258));
- the Health Protection (Coronavirus International Travel) (Wales) (Amendment) (No. 16) Regulations 2020 (S.I. 2020/1165 (W. 263));
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 17) Regulations 2020 (S.I. 2020/1191) (W. 269);
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 18) Regulations 2020 (S.I. 2020/1223) (W. 277);
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 19) Regulations 2020 (S.I. 2020/1232) (W. 278);
- the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (Wales) Regulations 2020 (S.I. 2020/1237) (W. 279);
- the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 2) (Wales) Regulations 2020 (S.I. 2020/1288) (W. 286);
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 20) Regulations 2020 (S.I. 2020/1329) (W. 295);
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 21) Regulations 2020 (S.I. 2020/1362) (W. 301);
- the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 3) (Wales) Regulations 2020 (S.I. 2020/1477) (W. 316).

The Public Health Information Regulations have been previously amended by:

- the Health Protection (Coronavirus, International Travel and Public Health Information to Travellers) (Wales) (Amendment) Regulations 2020 (S.I. 2020/714) (W. 160);
- the Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) (Amendment) Regulations 2020 (S.I. 2020/1118) (W. 253).

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.

The requirements imposed by the International Travel Regulations are subject to exceptions, and certain categories of person are exempt from having to comply. The International Travel Regulations also confer powers on specified persons in specified circumstances to issue fixed penalty notices in relation to offences committed under the regulations, including in relation to offences for failure to comply with the requirements to isolate.

Persons entering Wales after being in one or more of the countries and territories (or parts of countries and territories) listed in Schedule 3 to the International Travel Regulations are not required to isolate. The countries and territories and parts of countries and territories listed in Schedule 3 are referred to as “exempt countries and territories”.

Part 2 of these Regulations amends the list of exempt countries and territories. Regulation 2 amends the International Travel Regulations to remove the entry for the Canary Islands from the list of exempt countries and territories. Regulation 4 amends the International Travel Regulations to add Botswana and Saudi Arabia to the list of exempt countries and territories.

Regulations 3 and 5 of these Regulations make transitional provision in connection with these countries’ and territories’ change of status. 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 regulations 2 and 4 of these Regulations.

Part 3 of these Regulations amends the amount of the fixed penalty notice that may be issued under regulation 16(6) of the International Travel Regulations. Regulation 6 of these Regulations replaces the fixed sum of £1000 with a sliding scale starting at £500 for a first offence.

The Public Health Information Regulations require the operators of commercial air or sea passenger services that arrive in Wales to provide certain information to passengers using those services. The information relates to measures being taken in the United Kingdom in response to coronavirus, including measures required by the International Travel Regulations.

Part 4 of these Regulations amends the Public Health Information Regulations. Regulations 7 and 9 of these Regulations make consequential amendments as a result of the amendments made by the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 3) (Wales) Regulations 2020 (S.I. 2020/1477 (W. 316)) to the International Travel Regulations to reduce the period for which a person is required to isolate from 14 days to 10 days.

Regulation 8 of these Regulations amends the amount of the fixed penalty notice that may be issued under regulation 7(1) of the Public Health Information Regulations. Regulation 7 of these Regulations replaces the fixed sum of £4000 with a sliding scale starting at £1000 for a first offence.

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.