
WELSH STATUTORY INSTRUMENTS

2020 No. 1645 (W. 345)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus,
South Africa) (Wales) Regulations 2020**

Approved in Senedd Cymru

<i>Made</i>	- - - -	<i>23 December 2020</i>
<i>Laid before Senedd Cymru</i>		<i>29 December 2020</i>
		<i>at 9.00 a.m. on 24</i>
<i>Coming into force</i>	- -	<i>December 2020</i>

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

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.

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.

PART 1

General

Title, coming into force and interpretation

1.—(1) The title of these Regulations is the Health Protection (Coronavirus, South Africa) (Wales) Regulations 2020.

(2) These Regulations come into force at 9.00 a.m. on 24 December 2020.

(3) In these Regulations—

(a) the “International Travel Regulations” means the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020(1);

(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.

- (b) the “Restrictions Regulations” means the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020(2).

PART 2

Amendment to Part 3 of the International Travel Regulations

Insertion of new provisions relating to South Africa

2.—(1) In Part 3 of the International Travel Regulations (requirement to isolate etc.), before Part 4 insert—

“Special rules applicable to persons travelling from South Africa

12C.—(1) This regulation applies where an isolation requirement (within the meaning given by regulation 10(2)) is imposed on a person (“P”) because P—

- (a) has arrived in Wales from South Africa, or
- (b) has, within the period of 10 days ending with the day of P’s arrival in Wales, been in South Africa.

(2) Regulations 7(1) and 8(1) are to be read in relation to P as if references to “a non-exempt country or territory” were references to “South Africa”.

(3) The isolation requirement imposed on P by virtue of regulation 7(1) or 8(1) as modified by paragraph (2), is also imposed on all members of P’s household.

(4) Despite regulation 9(2), regulations 7 and 8 apply to P.

(5) A member of P’s household is not exempt from the isolation requirement by virtue by regulation 9(2).

(6) Accordingly neither P nor any member of P’s household is to be treated as a person described in any paragraph of Schedule 2.

(7) For the purposes of regulation 10, a member of P’s household is to be treated as if that person were P.

(8) Regulation 10 applies to P (and a member of P’s household by virtue of paragraph (7)) as if, for paragraph (4) of that regulation, there were substituted—

“(4) P may leave and be outside of the premises—

- (a) for as long as is necessary—
 - (i) to seek medical assistance, where this is required urgently or on the advice of a registered medical practitioner;
 - (ii) to avoid serious illness, serious injury or other risk of serious harm;
- (b) if required to do so by a constable.”

(9) In this regulation, “isolation requirement” has the meaning given by regulation 10(2).”

(2) After regulation 12C insert—

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) and 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) and S.I. 2020/1602 (W. 332).

(2) S.I. 2020/1609 (W. 335) as amended by S.I. 2020/1610 (W.336) and S.I. 2020/1623 (W. 340).

“PART 3B

Travel from South Africa

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

12D.—(1) The person with management or control of an aircraft or vessel whose last point of departure was South Africa 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. ”

(3) 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) 12D(1),”.

Transitional provision relating to regulation 2(2)

3. Regulation 12D of the International Travel Regulations, inserted by regulation 2(2) of these Regulations, does not apply in respect of any flight or voyage that commenced before these Regulations came into force.

PART 3

Amendments to Part 3 of the Restrictions Regulations

4.—(1) The Restrictions Regulations are amended as follows.

(2) After regulation 11 insert—

“Requirement to isolate: specific provision for people who have been in South Africa

11A.—(1) This regulation applies where a person (“P”)—

- (a) is in Wales at 9.00 a.m. on 24 December 2020,
- (b) has arrived in Wales within the period of 10 days ending immediately before 9.00 a.m. on 24 December 2020, and

(c) has been in South Africa within that period.

(2) Unless regulation 11B applies P, and any person living in the same household with P, may not leave or be outside the place where they are living until the end of the period of 10 days beginning with the day on which P left South Africa.

(3) If requested by a contact tracer, P must notify the contact tracer—

- (a) of the name of each person living at the place P is living, and
- (b) of the address of that place.

Isolation requirements: specific exception for people who have been in South Africa

11B.—(1) Paragraph (2) applies where a person is required to not leave or be outside of the place where the person is living by virtue of regulation 11A(2).

(2) The person may leave and be outside the place where the person is living—

- (a) for as long as is necessary to seek medical assistance, where this is required urgently or on the advice of a registered medical practitioner;
- (b) if required to do so by a constable;
- (c) for as long is necessary to avoid serious illness, serious injury or other risk of serious harm.”

(3) In regulation 12, for “or 9(2)” substitute “, 9(2) or 11A(2)”.

(4) In regulation 14(2), after sub-paragraph (a) insert—

“(aa) where a person is required to isolate in accordance with regulation 11A(2), the person’s contact information and date of birth, or, where the person is a child, the contact details of a person with responsibility for the child and the child’s date of birth.”

(5) In regulation 22(4)(a), for “or 9(2)” substitute “, 9(2) or 11A(2)”.

(6) In regulation 30, for “or 9(2)” substitute “, 9(2) or 11A(2)”.

(7) In regulation 40—

(a) in paragraph (1)—

- (i) in sub-paragraph (a), after “9(2)” insert “, 11A(2)”;
- (ii) in sub-paragraph (b), for “or 9(3)” substitute “, 9(3) or 11A(3)”;

(b) in paragraph (2)(a), for “or 9(3)” substitute “, 9(3) or 11A(3)”.

23 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)

Part 2A of the Public Health (Control of Disease) Act 1984 enables the Welsh Ministers, by regulations, to make provision for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Wales.

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.

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 Restrictions) (No. 5) (Wales) Regulations 2020 (S.I. 2020/1609) (W. 335)) (the “Restrictions Regulations”).

There are 3 Parts to the Regulations.

Part 1 provides that these Regulations come into force at 9.00 a.m. on 24 December 2020.

Part 2 of the Regulations amends the International Travel Regulations. Regulation 2(1) inserts provisions relating to South Africa into the International Travel Regulations as new regulation 12C. This provides that when a person has been in South Africa in the last 10 days and arrives in Wales on or after 9.00 a.m. on 24 December 2020, the categories of exempt persons as detailed at Schedule 2 to the International Travel Regulations do not apply. The isolation requirements also apply to any members of a household in which the person is isolating. Regulation 2(2) insert a new regulation 12D into those Regulations prohibiting any aircraft or ship coming directly from South Africa from arriving in Wales except for safety reasons. Regulation 3 provides that new Regulation 12D of the International Travel Regulations does not apply where an aircraft or ship’s journey began before Regulation 12D came into force.

Part 3 of the Regulations inserts new provisions relating to persons who have recently been in South Africa into the Restrictions Regulations. These provisions will provide that where a person is in Wales at 9.00 a.m. on 24 December 2020 having arrived within the period of 10 days ending immediately before that time and been in South Africa during that period, that person and any member of that person’s household will need to isolate for a period of 10 days beginning with the day on which the person left South Africa.

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.