

Status: Point in time view as at 04/11/2020.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020. (See end of Document for details)

WELSH STATUTORY INSTRUMENTS

2020 No. 595 (W. 136)

PUBLIC HEALTH, WALES

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

Made - - - - at 5.38 p.m. on 15
June 2020
Laid before Senedd Cymru 16th June 2020
Coming into force in accordance with regulation 1(2)
and (3)

The Welsh Ministers make the following Regulations 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 ^{M1}.

Marginal Citations

M1 1984 c. 22. Part 2A was inserted by section 129 of the [Health and Social Care Act 2008 \(c. 14\)](#).

PART 1 **E+W**

General

Title and coming into force **E+W**

1.—(1) The title of these Regulations is the Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020.

(2) Regulations 2 to 9 come into force on 17 June 2020.

(3) This regulation and regulations 10 and 11 come into force when these Regulations are made.

Commencement Information

11 Reg. 1 in force at made date at 5.38 p.m., see reg. 1(1)

Interpretation **E+W**

2. In these Regulations—

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

- (a) in relation to passengers arriving on a vessel, the Secretary of State;
- (b) in relation to passengers arriving on an aircraft, the Civil Aviation Authority ^{M2};

“common travel area” (“*ardal deithio gyffredin*”) has the meaning given in section 1(3) of the Immigration Act 1971 ^{M3};

“coronavirus” (“*coronafeirws*”) means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“international passenger service” (“*gwasanaeth teithwyr rhyngwladol*”) means a commercial service by which passengers travel on a vessel or aircraft from outside the common travel area to a port in Wales;

“port” (“*porthladd*”) includes any airport, heliport or seaport;

[^{F1}“requirement to isolate” (“*gofyniad i ynysu*”) means the requirement to isolate in accordance with Part 3 of the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020;]

[^{F1}“requirement to provide information” (“*gofyniad i ddarparu gwybodaeth*”) means the requirement to provide information in accordance with Part 2 of the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020;]

“vessel” (“*llestr*”) means every description of vessel used in navigation (including a hovercraft within the meaning of Hovercraft Act 1968 ^{M4}) which is 24 metres or more in length.

Textual Amendments

- F1** Words in reg. 2 inserted (4.11.2020) by [The Health Protection \(Coronavirus, Public Health Information for Persons Travelling to Wales etc.\) \(Amendment\) Regulations 2020 \(S.I. 2020/1118\)](#), regs. 1(2), **2(2)**

Commencement Information

- I2** Reg. 2 in force at 17.6.2020, see reg. 1(2)

Marginal Citations

- M2** The Civil Aviation Authority is a body corporate established by section 1 of the [Civil Aviation Act 1971 \(c. 75\)](#).
- M3** [1971 c. 77](#). That section provides that the United Kingdom, the Channel Islands, the Isle of Man, and the Republic of Ireland are collectively referred to as “the common travel area”.
- M4** [1968 c. 59](#).

PART 2 E+W

Requirements to provide information to passengers

Provision of information before booking and at check-in E+W

3.—(1) The operator of any international passenger service must provide the information specified in paragraph (2) as part of any facility managed by the operator by which a person—

- (a) may make a booking for travel on the service, or
- (b) may check-in for travel on the service.

[^{F2}(2) The information mentioned in paragraph (1) is—

- (a) in the case of a facility provided for booking travel online—
 - (i) the information set out in Part 1 of the Schedule which must be embedded in a prominent place so that it is visible prior to a booking being made,
 - (ii) a link to www.gov.uk/uk-border-control (referred to in Part 1 of the Schedule), and
 - (iii) a link to www.gov.uk/provide-journey-contact-details-before-travel-uk;
 - (b) in the case of a facility provided for checking in online—
 - (i) the information set out in Part 1 of the Schedule which must be embedded in a prominent place so that it is visible prior to check-in being completed,
 - (ii) a link to www.gov.uk/uk-border-control (referred to in Part 1 of the Schedule),
 - (iii) a link to www.gov.uk/provide-journey-contact-details-before-travel-uk, and
 - (iv) a link to <https://gov.wales/exemptions-self-isolation-coronavirus-covid-19-html>;
 - (c) in the case of a facility provided for booking travel or checking in by telephone or face to face—
 - (i) where the information is provided orally, the information set out in Part 1 of the Schedule;
 - (ii) where the information is provided in writing, written notice which sets out the requirement to provide information and the requirement to isolate;
 - (d) in any of the above cases, a request to pass on the information mentioned in sub-paragraph (a), (b) or (c) (as the case may be) to any person on whose behalf—
 - (i) a booking is being made, or
 - (ii) a check-in is being carried out.]
- (3) 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.

Textual Amendments

F2 Reg. 3(2) substituted (4.11.2020) by [The Health Protection \(Coronavirus, Public Health Information for Persons Travelling to Wales etc.\) \(Amendment\) Regulations 2020 \(S.I. 2020/1118\)](#), regs. 1(2), **2(3)**

Commencement Information

I3 Reg. 3 in force at 17.6.2020, see reg. 1(2)

[^{F3} Provision of information prior to departure **E+W**]

3A.—(1) Paragraph (2) applies where at least 48 hours prior to the scheduled departure time of an international passenger service, a booking is made for a passenger (“P”) to travel on that service.

(2) Where this paragraph applies, between 24 and 48 hours prior to the scheduled departure time of the service, the operator of the service must ensure that P has been provided with the information specified in paragraph (4) (“the required information”).

(3) The required information must be provided by text message, push notification, email or orally.

(4) The required information mentioned in paragraph (2) is—

- (a) where the information is provided by text message or push notification, text which—
 - (i) informs P of the requirement to provide information,

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- (ii) informs P that penalties apply for failure to comply with the requirement to provide information,
 - (iii) includes a link to <https://www.gov.uk/provide-journey-contact-details-before-travel-uk>, and
 - (iv) if the international passenger service is one on which P is allocated a seat numbers, advises P to provide the seat number as part of the requirement to provide information;
- (b) where the information is provided by email—
- (i) the information set out in Part 1 of the Schedule,
 - (ii) a link to a link to www.gov.uk/uk-border-control (referred to in Part 1 of the Schedule),
 - (iii) a link to <https://www.gov.uk/provide-journey-contact-details-before-travel-uk>, and
 - (iv) a link to <https://gov.wales/exemptions-self-isolation-coronavirus-covid-19-html>;
- (c) where the information is provided orally, the information set out in Part 1 of the Schedule.

(5) 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, as regards the time set out in paragraph (1), if the required information was provided to A in the required manner between 24 and 48 hours prior to the scheduled departure time of that service, along with a written request that A provides that information to the passenger.]

Textual Amendments

- F3** Reg. 3A inserted (4.11.2020) by [The Health Protection \(Coronavirus, Public Health Information for Persons Travelling to Wales etc.\) \(Amendment\) Regulations 2020 \(S.I. 2020/1118\)](#), regs. 1(2), **2(4)**

Provision of information during journey **E+W**

4.—(1) The operator of an international passenger service must ensure that every passenger on the vessel or aircraft is provided with the statement set out in [^{F4}Part 2 of the Schedule] during the journey to the port in Wales.

(2) The statement must be provided ^{F5}... in Welsh, English and an officially recognised language of the country of departure.

Textual Amendments

- F4** Words in reg. 4(1) substituted (4.11.2020) by [The Health Protection \(Coronavirus, Public Health Information for Persons Travelling to Wales etc.\) \(Amendment\) Regulations 2020 \(S.I. 2020/1118\)](#), regs. 1(2), **2(5)**
- F5** Word in reg. 4(2) omitted (10.7.2020) by virtue of [The Health Protection \(Coronavirus, International Travel and Public Health Information to Travellers\) \(Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/714\)](#), regs. 1(2), **10(2)**

Commencement Information

- I4** Reg. 4 in force at 17.6.2020, see reg. 1(2)

Exception from requirements of regulations 3 ^[F6], 3A] and 4 **E+W**

5. Nothing in regulation 3 ^[F7], 3A] or 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.

Textual Amendments

- F6** Word in reg. 5 heading inserted (4.11.2020) by The Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) (Amendment) Regulations 2020 (S.I. 2020/1118), regs. 1(2), **2(6)(a)**
- F7** Word in reg. 5 inserted (4.11.2020) by The Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) (Amendment) Regulations 2020 (S.I. 2020/1118), regs. 1(2), **2(6)(b)**

Commencement Information

- I5** Reg. 5 in force at 17.6.2020, see reg. 1(2)

PART 3 **E+W**

Offences, penalties and prosecutions

Offences **E+W**

6.—(1) A person who contravenes a requirement in regulation 3(1) or (3) ^[F8], regulation 3A(2)] or regulation 4 commits an offence.

(2) It is a defence to a charge of committing the offence of contravening the requirement in regulation 4 to show that the person had a reasonable excuse for the contravention.

(3) A person who commits an offence under paragraph (1) is liable on summary conviction to a fine.

Textual Amendments

- F8** Words in reg. 6(1) inserted (4.11.2020) by The Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) (Amendment) Regulations 2020 (S.I. 2020/1118), regs. 1(2), **2(7)**

Commencement Information

- I6** Reg. 6 in force at 17.6.2020, see reg. 1(2)

Fixed penalty notices **E+W**

7.—(1) An authorised person may issue a fixed penalty notice to any person (“P”) that the authorised person reasonably believes has committed an offence under regulation 6(1).

(2) A fixed penalty notice is a notice offering P the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to—

- (a) the Welsh Ministers, or
- (b) a person designated by the Welsh Ministers for the purposes of receiving payment under this regulation.

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- (3) Where a notice is issued under paragraph (1) in respect of an offence—
- (a) no proceedings may be taken for the offence before the end of the period of 28 days following the date the notice is issued;
 - (b) P may not be convicted of the offence if P pays the fixed penalty before the end of that period.
- (4) A fixed penalty notice must—
- (a) describe the circumstances alleged to constitute the offence,
 - (b) state the period during which (because of paragraph (3)(a)) proceedings will not be taken for the offence,
 - (c) specify the amount of the fixed penalty,
 - (d) state the name and address of the person to whom the fixed penalty may be paid, and
 - (e) specify permissible methods of payment.
- (5) The amount of the fixed penalty specified under paragraph (4)(c) must be £4,000.
- (6) In any proceedings, a certificate—
- (a) that purports to be signed by or on behalf of—
 - (i) the Welsh Ministers, or
 - (ii) a person designated by the Welsh Ministers under paragraph (2)(b), and
 - (b) states that the payment of a fixed penalty was, or was not, received by the date specified in the certificate,

is evidence of the facts stated.

Commencement Information

I7 Reg. 7 in force at 17.6.2020, see reg. 1(2)

Prosecutions **E+W**

8. No proceedings for an offence under these Regulations may be brought other than by the Director of Public Prosecutions or an authorised person.

Commencement Information

I8 Reg. 8 in force at 17.6.2020, see reg. 1(2)

PART 4 **E+W**

Miscellaneous

Review of requirements **E+W**

- 9.—(1)** The Welsh Ministers must carry out a review of the requirements imposed by Part 2—
- (a) by 29 June 2020,
 - ^[F9](b) by 27 July 2020;
 - (c) at least once in the period of 28 days beginning with 28 July 2020;

(d) at least once in each subsequent period of 28 days.]

(2) A review carried out under paragraph (1) must consider whether the requirements are necessary and proportionate as a means of preventing danger to the public arising from the spread of coronavirus.

Textual Amendments

F9 Reg. 9(1)(b)-(d) substituted for reg. 9(1)(b)(c) (10.7.2020) by [The Health Protection \(Coronavirus, International Travel and Public Health Information to Travellers\) \(Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/714\)](#), regs. 1(2), **11**

Commencement Information

I9 Reg. 9 in force at 17.6.2020, see reg. 1(2)

Amendment of the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 **E+W**

10.—(1) The Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020^{M5} are amended as follows.

(2) In the Welsh language text only—

(a) in regulation 2(1), for the definition of “gwybodaeth am deithiwr” (“*passenger information*”) substitute—

“ystyr “gwybodaeth am deithiwr” (“*passenger information*”) yw'r wybodaeth a bennir yn Atodlen 1;”;

(b) in regulation 5(3)(b), for “ddiweddaru ar ran P” substitute “ diweddarau ”;

(c) in regulation 7—

(i) in paragraph (1)(b)(ii) omit the comma after “sydd”;

(ii) in paragraph (4)(a) omit “bai”;

(iii) in paragraph (5)(a) after “yng Nghymru” insert “sy'n addas i breswyllo ynddi”;

(d) in regulation 8—

(i) in paragraph (2)(a)(i) for “7(3);” substitute “ 7(3); a ”;

(ii) in paragraph (3)(b)(i) for “(bod y tu allan i fangre am gyhyd ag y bo'n angenrheidiol)” substitute “ (gadael y fangre dros dro) ”;

(e) in regulation 14(4), for “rreoliadau yma” substitute “ Rheoliadau hyn ”;

(f) in regulation 16(2) for “Reoliadau” substitute “ Rheoliadau ”;

(g) in regulation 17(10)—

(i) after “ “ddeddfwriaeth diogelu data” insert “ a “data personol” ”;

(ii) for “ac mae i “data personol” yr ystyr a roddir i” substitute “ a ”;

(h) in Schedule 1, in sub-paragraph (d), for “ei ddogfen” substitute “ dogfen ”;

(i) in Schedule 2—

(i) in paragraph 1, sub-paragraphs (1)(h) and (2)(a)(i) for “swydd” substitute “ swyddfa ”;

(ii) in paragraph 1(2)(a)(i) for “i'r person” substitute “ i P ”;

(iii) in paragraph 2(1)(a) for “y tu allan i'r” substitute “ yn y ”;

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- (iv) for paragraph 3(1)(b) substitute— “sydd wedi bod ar lestr a weithredir gan Wasanaeth Llyngesol ei Mawrhydi am gyfnod di-dor o 14 o ddiwrnodau o leiaf yn union cyn iddo gyrraedd ac nad yw'r llestr hwnnw wedi codi unrhyw bersonau nac wedi glanio mewn unrhyw borthladd môr y tu allan i'r ardal deithio gyffredin yn ystod y cyfnod hwnnw.”;
 - (v) in paragraph 7(2), in the opening words, for “y paragraff hwn” substitute “ is-baragraff (1) ”;
 - (vi) in paragraph 13(1)(b) insert “ hanfodol ” after “plismona” in both places where it occurs.
- (3) In Schedule 2—
- (a) for the heading to the Schedule substitute— “ Exempt persons ”;
 - (b) in the heading to Part 1 of the Schedule, for “3 or regulation 4” substitute “ 4, 5, 7 or 8 ”;
 - (c) in the heading to Part 2 of the Schedule, for “4” substitute “ 7 or 8 ”.

Commencement Information

I10 Reg. 10 in force at made date at 5.38 p.m., see reg. 1(1)

Marginal Citations

M5 [S.I. 2020/574](#) (W. 132)

Expiry of these Regulations **E+W**

- 11.**—(1) These Regulations expire at the end of the 7th day of June 2021.
- (2) The expiry of these Regulations does not affect the validity of anything done pursuant to these Regulations before they expire.

Commencement Information

I11 Reg. 11 in force at made date at 5.38 p.m., see reg. 1(1)

Mark Drakeford
The First Minister, one of the Welsh Ministers

[^{F10}SCHEDULE E+W

Regulations 3, 3A and 4

On-board statement

Textual Amendments

F10 Sch. substituted (4.11.2020) by The Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) (Amendment) Regulations 2020 (S.I. 2020/1118), regs. 1(2), 2(8)

PART 1 E+W

The information to be provided for the purposes of regulations 3(2)(a)(i), 3(2)(b)(i), 3(2)(c)(i), 3A(4)(b)(i) and 3A(4)(c) is—

“ESSENTIAL INFORMATION TO ENTER THE UK

The United Kingdom is taking steps to help stop the spread of COVID-19.

- 1) To protect your health and others’, everyone must complete an online Passenger Locator Form before arrival in the United Kingdom.
- 2) You may be required to self-isolate for 14 days on arrival. Check the exempt countries list immediately before you travel as this list can change at short notice.
- 3) It is a legal requirement that you wear a face covering on public transport in the UK.

Failure to comply with the above measures is a criminal offence and you could be fined. Please visit www.gov.uk/uk-border-control for detailed public health advice and requirements for entering the UK.”

PART 2 E+W

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.

Cyn cael mynediad i’r Deyrnas Unedig, rhaid i chi lenwi Ffurflen Lleoli Teithwyr ar-lein, ni waeth o ble yr ydych yn cyrraedd. Rhaid i chi hefyd hunanynysu am y 14 o ddiwrnodau cyntaf ar ôl i chi gyrraedd, oni bai eich bod mewn categori esempt. Mae hyn er mwyn eich diogelu chi ac eraill.

Ewch i gov.uk i gael rhagor o wybodaeth.

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.

Camau syml y gallwch eu cymryd i helpu i’ch diogelu chi a’ch teulu yw:

Golchi eich dwylo

Osgoi cyffwrdd â’ch wyneb â’ch dwylo

Dal peswch a thisian mewn hances bapur a’i gwaredu ar unwaith.”;

(b) English language version—

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

Before entering the UK, you must complete a Passenger Locator Form online, regardless of where you are arriving from. You must also self-isolate for the first 14 days after you arrive, unless you are in an exempt category. This is to protect yourself and others.

Visit gov.uk for more information.

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.

Simple measures you can take to help protect yourself and family are:

Wash your hands

Avoid touching your face with your hands

Catch coughs and sneezes in a tissue and dispose of it immediately.”;

- (c) the statement in paragraph (a) or (b) translated into an officially recognised language of the country of departure.]

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

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 place a requirement on operators of international passenger services coming from outside the common travel area to an airport, heliport or seaport in Wales (“operators”) to provide passengers with certain public health information relating to the virus.

Regulation 3 imposes requirements on operators at the point of both booking and check-in. Where booking or checking in is undertaken online the regulation requires the operator to make available to passengers a link to the relevant pages of the gov.uk website and the gov.wales website. Where booking or checking in is undertaken by telephone or in person operators are required to direct the passenger to these pages.

Regulation 4 requires operators to provide the public health information statement in the Schedule to passengers while on board.

Regulation 5 provides an exception to the requirement to provide the public health information in regulations 3 and 4; it does not apply where the recipient of the information is unlikely to be capable of understanding it.

Regulation 6 creates a summary only offence of contravening the requirements to provide the public health information in regulations 3 and 4. The offence is punishable by a fine.

Regulation 6(2) provides a defence of “reasonable excuse” for an operator charged with an offence under regulation 4 (contravening a requirement to provide information to passengers whilst on board).

Regulation 7 provides that fixed penalties may be imposed on persons who are suspected of committing an offence under these Regulations as an alternative to prosecution. The penalty is £4000.

The necessity and proportionality of these Regulations must be reviewed every 21 days (regulation 9).

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.

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