

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.

Status:

Point in time view as at 15/06/2020.

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.