
WELSH STATUTORY INSTRUMENTS

2021 No. 305 (W. 78)

PUBLIC HEALTH, WALES

The Health Protection (Coronavirus, International
Travel and Operator Liability) (Miscellaneous
Amendments) (Wales) Regulations 2021

<i>Made</i>	- - - -	<i>at 12.02 p.m. on 12 March 2021</i>
<i>Laid before Senedd Cymru</i>		<i>at 6.00 p.m. on 12 March 2021</i>
<i>Coming into force</i>	- -	<i>at 4.00 a.m. on 13 March 2021</i>

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.

PART 1

General

Title, coming into force and interpretation

1.—(1) The title of these Regulations is the Health Protection (Coronavirus, International Travel and Operator Liability) (Miscellaneous Amendments) (Wales) Regulations 2021.

(2) These Regulations come into force at 4.00 a.m. on 13 March 2021.

(3) In these Regulations—

(a) the “International Travel Regulations” means the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020(2);

(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), S.I. 2020/1477 (W. 316), S.I. 2020/1521 (W. 325), S.I. 2020/1602 (W. 332),

- (b) the “Operator Liability Regulations” means the Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (Wales) (Amendment) Regulations 2021(3);
- (c) the “No. 3 Regulations” means the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 3) Regulations 2021(4).

PART 2

Amendments to Part 4 of the International Travel Regulations

Amendments to regulation 14 of the International Travel Regulations (offences)

- 2.—(1) Regulation 14 of the International Travel Regulations (offences) is amended as follows.
- (2) In paragraph (1B), after “regulation” insert “4(1) or (4), 5(2),”.
- (3) After paragraph (2) insert—
 - “(2A) But a person does not commit an offence under regulation 4 or 5 if they have a reasonable excuse for providing false or misleading information to the Secretary of State.”

PART 3

Amendments to Schedule 1A to the International Travel Regulations

Amendments to paragraph 2 of Schedule 1A to the International Travel Regulations (testing before arrival in Wales)

- 3.—(1) Schedule 1A to the International Travel Regulations (testing before arrival in Wales) is amended as follows.
- (2) In paragraph 2—
 - (a) in sub-paragraph (b), after “birth” insert “or age”;
 - (b) for sub-paragraph (e) substitute—
 - “(e) a statement—
 - (i) that the test was a polymerase chain reaction test, or
 - (ii) of the name of the device that was used for the test,”;
 - (c) omit sub-paragraph (f).

S.I. 2020/1645 (W. 345), S.I. 2021/20 (W. 7), S.I. 2021/24 (W. 8), S.I. 2021/46 (W. 10), S.I. 2021/48 (W. 11), S.I. 2021/50 (W. 12), S.I. 2021/66 (W. 15), S.I. 2021/72 (W. 18), S.I. 2021/95 (W. 26) and S.I. 2021/154 (W. 38).
(3) S.I. 2021/48 (W. 11), amended by S.I. 2021/72 (W. 18) and S.I. 2021/171 (W. 39).
(4) S.I. 2021/154 (W. 38).

PART 4

Amendment to Part 2 of Schedule 2 to the International Travel Regulations

Amendment to paragraph 10 of Schedule 2 to the International Travel Regulations (exempt persons)

4. For paragraph 10 of Schedule 2 to the International Travel Regulations (exempt persons) substitute—

“10.—(1) A member of aircraft crew where they have travelled to the United Kingdom in the course of their work or are otherwise required to travel to the United Kingdom for work purposes.

(2) For the purposes of this paragraph—

(a) “member of aircraft crew” means a person who—

(i) acts as a pilot, flight navigator, flight engineer or flight radiotelephony operator of the aircraft,

(ii) is carried on the flight deck and is appointed by the operator of the aircraft to give or to supervise the training, experience, practice and periodical tests required for the flight crew under article 114(2) of the Air Navigation Order 2016⁽⁵⁾, or

(iii) is carried on the flight for the purpose of performing duties to be assigned by the operator or the pilot in command of the aircraft in the interests of the safety of passengers or of the aircraft;

(b) travel for work purposes includes, in particular—

(i) where the member of aircraft crew resides outside the United Kingdom, travelling to the United Kingdom to work on an aircraft departing from the United Kingdom,

(ii) travelling to attend work-related training in the United Kingdom,

(iii) returning to the United Kingdom following work-related training outside the United Kingdom.”

PART 5

Amendments to Schedule 4 to the International Travel Regulations

Amendments to Schedule 4 to the International Travel Regulations (specified sporting events)

5. In Schedule 4 to the International Travel Regulations (specified sporting events)—

(a) omit the following entries—

“World Snooker Tour – Shoot Out,”

“British Judo – British Closed Senior Invitational Competition,”

“Professional Darts Corporation – Ladbrokes Masters,”

“World Snooker Tour – German Masters,”

(5) [S.I. 2016/765](#). There are amendments to Schedule 1 but none are relevant.

“World Snooker Tour – Players Championship,”
“World Snooker Tour – Welsh Open,”
“Betfair Ascot Chase Day horse-racing,”
“Bolton Indoor ITF Wheelchair Tennis events,”
“FIG Gymnastics World Cup,”
“Grand National Trial Day horse-racing,”
“Matchroom – Superstars of Gymnastics,”
“Matchroom – World Ping Pong Masters,”
“Professional Darts Corporation – Q School,”;

(b) at the end insert—

“British Athletics – 20km Race Walk Olympic Trial,
British Wrestling – Home Nations Invitational Tournament,
LTA Loughborough Indoor Wheelchair Tennis Tournament,
FIA World Endurance Championship Prologue and Round 1 Silverstone,
British Para Athletics Sprint Meet,
Motorsport UK – HSCC Formula 2 Championship Masters Historic Race Weekend,
Motorsport UK – British Superkart Championship and Support Series,
Motorsport UK – British Truck Racing Championship,
British Equestrian – International Dressage Events,
British Para Swimming International Meet,
Cage Warriors 121,
Badminton Horse Trials,
European Tour – Betfred British Masters,
Motorsport UK – GT World Challenge Europe Sprint Cup and Support Series,
Motorsport UK – Donington Historic Festival,
Motorsport UK – British Touring Car Championship and Support Series,
Motorsport UK – Ferrari Challenge UK and Support,
Motorsport UK – British GT Championship and Support Series / Porsche Sprint
Challenge GB and Support Series,
Motorsport UK – Masters Historic F1 / Sports Cars and Support Series,
Motorsport UK – FIA Main Event 2021 and Support Series,
England Hockey Pro League,
FIM Speedway Grand Prix World Championship – Qualifying Round,
Royal Windsor Horse Show,
Bolesworth International Horse Show,
British Speedway Premiership, Championship and National Development Leagues,
The 2020 UEFA European Football Championship.”

PART 6

Miscellaneous Amendments to the International Travel Regulations

Amendments to the International Travel Regulations

- 6.—(1) The International Travel Regulations are amended as follows.
- (2) In regulation 6A(4)(d), for “paragraph 24” substitute “paragraph 14”.
- (3) In regulation 6B(8)—
 - (a) after the first “officer” insert “or a constable”;
 - (b) after the second “officer” insert “or constable”.
- (4) In regulation 6H(4)(b)(ii), in the English language text, after “before” omit “than”.
- (5) In regulation 10(8)—
 - (a) in the definition of “elite athlete”, for “paragraph 31(2)(a)” substitute “paragraph 21(2)(a)”;
 - (b) in the definition of “elite competition”, for “paragraph 31(2)(b)” substitute “paragraph 21(2)(b)”.
- (6) In regulation 16(1)(a)(i) (fixed penalty notices)—
 - (a) for the “or” before “7(5)” substitute “,”, and
 - (b) after “7(5)” insert “or 12E”.

PART 7

Amendments to the Welsh language text of Schedule 5 to the International Travel Regulations

Amendments to Schedule 5 to the International Travel Regulations (sectoral exceptions)

7. In paragraph 5(2) of Schedule 5 to the International Travel Regulations (sectoral exceptions), in the Welsh language text—
 - (a) for “(d)” substitute “(c)”;
 - (b) for “(e)” substitute “(d)”.

PART 8

Amendment to the No. 3 Regulations

Amendment to regulation 2 of the No. 3 Regulations (amendment of the International Travel Regulations)

8. In regulation 2 of the No. 3 Regulations (amendment of the International Travel Regulations), for “2 to 12” substitute “2 to 20”.

PART 9

Amendment to regulation 4 of the Operator Liability Regulations

9. In regulation 4 of the Operator Liability Regulations (interpretation), in the definition of “required notification”, for paragraphs (e) and (f) substitute—

- “(e) a statement—
 - (i) that the test was a polymerase chain reaction test, or
 - (ii) of the name of the device that was used for the test,
- (f) the name of the test provider;”.

At 12.02 p.m. on 12 March 2021

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”), 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”) and the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/154 (W. 38)) (“the No. 3 Regulations”).

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.

Part 2 of these Regulations makes amendments to Part 4 of the International Travel Regulations, which makes provision regarding enforcement and offences which may be committed under those Regulations. Regulation 2 amends regulation 14 of the International Travel Regulations to make provision for a reasonable excuse defence in relation to the offences under those Regulations for failure to provide passenger information and providing false or misleading information in relation to the requirements to provide, or notify changes to, passenger information.

Part 3 of these Regulations amends Schedule 1A to the International Travel Regulations. Schedule 1A to those Regulations provides further details as to what constitutes a valid test and notification for the purposes of regulation 6A of those Regulations, which sets out the requirement to possess notification of a negative test before arriving in Wales. Regulation 3 amends the required content of the notification of a negative test result set out in paragraph 2 of Schedule 1A.

Part 4 of these Regulations amends Part 2 of Schedule 2 to the International Travel Regulations. Schedule 2 to those Regulations exempts certain categories of worker from having to isolate, or in certain circumstances, provide passenger information. Regulation 4 widens the scope of the exemption for aircraft crew at paragraph 10 of Schedule 2 to the International Travel Regulations to include crew that are otherwise required to travel to the United Kingdom for work purposes.

Part 5 of these Regulations amends Schedule 4 to the International Travel Regulations. Regulation 5 makes removals and additions to Schedule 4 to update the list of specified sporting events.

Part 6 of these Regulations makes miscellaneous amendments to various cross-references in the International Travel Regulations and to provide a constable with the power to request evidence from a person that they have booked and paid for day 2 and day 8 tests to be taken after their arrival in Wales. It also makes provision providing an immigration officer with the power to issue a fixed penalty notice to any adult the officer reasonably believes has committed an offence under regulation 12E of the International Travel Regulations.

Part 7 of these Regulations makes technical amendments to the Welsh language text of paragraph 5 of Schedule 5 to the International Travel Regulations.

Part 8 of these Regulations makes a technical amendment to regulation 2 of the No. 3 Regulations.

Part 9 of these Regulations amends the Operator Liability Regulations in consequence of the amendment made to the International Travel Regulations by Part 3 of these Regulations.

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

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 costs and benefits of complying with these Regulations.