
WELSH STATUTORY INSTRUMENTS

2022 No. 16 (W. 8)

PUBLIC HEALTH, WALES

The Health Protection (Coronavirus, International
Travel and Public Health Information to Travellers)
(Wales) (Miscellaneous Amendments) Regulations 2022

<i>Made</i>	- - - -	<i>at 7.11 p.m. on 6 January 2022</i>
<i>Laid before Senedd Cymru</i>		<i>at 11 a.m. on 7 January 2022</i>
<i>Coming into force in accordance with regulation 1</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 and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus, International Travel and Public Health Information to Travellers) (Wales) (Miscellaneous Amendments) Regulations 2022.

- (2) Regulations 2, 4, 9, 10, 14 and 15 come into force at 4.00 a.m. on 7 January 2022.
- (3) Regulations 5, 6, 7, 8, 11, 12 and 13 come into force at 4.00 a.m. on 9 January 2022.
- (4) Regulation 3 comes into force at 4.00 a.m. on 10 January 2022.

(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.

PART 2

Amendments to the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020

2. The Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020(2) are amended in accordance with this Part.

Amendment of regulation 2A

3. In regulation 2A (exemptions for vaccinated travellers and others), in paragraph (12) , at the appropriate places insert—

“Bhutan”
 “Cameroon”
 “Cote d’Ivoire”
 “Fiji”
 “Iraq”
 “Liberia”
 “Mali”
 “Mauritania”
 “Niger”
 “Palau”
 “Papua New Guinea”
 “Paraguay”
 “Solomon Islands”
 “The Gambia”
 “The north of Cyprus”
 “Uzbekistan”.

Amendment of regulation 6A

4. In regulation 6A (requirement to possess notification of a negative test result), in paragraph (4), at the end insert—

“(f) a person who is a regulation 2A traveller.”

(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), 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), S.I. 2021/154 (W. 38), S.I. 2021/305 (W. 78), S.I. 2021/361 (W. 110), S.I. 2021/454 (W. 144), S.I. 2021/500 (W. 149), S.I. 2021/568 (W. 156), S.I. 2021/584 (W. 161), S.I. 2021/646 (W. 166), S.I. 2021/669 (W. 170), S.I. 2021/765 (W. 187), S.I. 2021/826 (W. 193), S.I. 2021/863 (W. 202), S.I. 2021/867 (W. 203), S.I. 2021/915 (W. 208), S.I. 2021/926 (W. 211), S.I. 2021/967 (W. 227), S.I. 2021/1063 (W. 250), S.I. 2021/1109 (W. 265), S.I. 2021/1126 (W. 273), S.I. 2021/1212 (W. 303), S.I. 2021/1321 (W. 336), S.I. 2021/1330 (W. 343), S.I. 2021/1342 (W. 346), S.I. 2021/1354 (W. 352), S.I. 2021/1366 (W. 361), S.I. 2021/1369 (W. 362), S.I. 2021/1433 (W. 371).

Amendment of regulation 6AB

5. In regulation 6AB (requirement to book and undertake tests), for paragraph (2)(a), substitute—

- “(a) a “day 2 test”—
 - (i) in respect of a person to whom regulation 2A does not apply, is a test complying with paragraph 1 of Schedule 1C which is undertaken in the circumstances described in paragraph 1A of that Schedule;
 - (ii) in respect of a regulation 2A traveller, means—
 - (aa) a test described in paragraph (i), or
 - (bb) a test complying with paragraph 1ZBA of Schedule 1C which is undertaken in the circumstances described in paragraph 1A of that Schedule.”

Amendment of regulation 6DB

6.—(1) Regulation 6DB (requirement to isolate on failure to take tests: regulation 2A travellers) is amended as follows.

(2) For paragraph (3), substitute—

“(3) Where paragraph (2) applies, P is to be treated as if the requirements of regulation 7 or 8 (as the case may be) applied and P must enter into and remain in isolation in accordance with that regulation until the last day of the period of 14 days beginning with the day after the day on which P was last in a non-exempt country or territory (and regulation 12 does not apply for the purposes of determining the last day of P’s isolation).”

(3) For paragraph (5)(a), substitute—

“(a) complies with the requirements for a day 2 test in regulation 6AB(2)(a)(ii).”

Amendment of regulation 6E

7.—(1) Regulation 6E (consequences of a positive test result) is amended as follows.

(2) In paragraph (1), at the end insert—

- “(c) P is a regulation 2A traveller—
 - (i) where the test is a day 2 PCR test, paragraphs (6A) and (7) apply;
 - (ii) where the test is day 2 LFD test, paragraphs (6B), (6C) and (7) apply.”

(3) Before paragraph (7), insert—

“(6A) P is to be treated as if the requirements of regulation 7 applied and P must enter into and remain in isolation in accordance with that regulation until the last day of the period of 10 days beginning with the day on which P took the test.

(6B) P must as soon as reasonably practicable undertake a confirmatory test provided by the Welsh Ministers for the purposes of this paragraph.

(6C) P is to be treated as if the requirements of regulation 7 applied and P must enter into and remain in isolation in accordance with that regulation until the earlier of—

- (a) the last day of the period of 10 days beginning with the day on which P took the day 2 LFD test;
- (b) the time that P is notified that the result of the confirmatory test undertaken in accordance with paragraph (6B) is negative.

(6D) In this regulation, a person is deemed to receive notification of a result in relation to a day 2 LFD test when the person determines the result in accordance with the test manufacturer’s instructions for use.”

(4) In regulation 6E, at the end insert—

“(9) In this regulation—

“day 2 LFD test” means a test within the meaning of regulation 6AB(2)(a)(ii)(bb);

“day 2 PCR test” means a test within the meaning of regulation 6AB(2)(a)(ii)(aa).”

Amendment of regulation 6HB

8.—(1) Regulation 6HB (consequences of receiving inconclusive test result: regulation 2A travellers) is amended as follows.

(2) For paragraph (3), substitute—

“(3) Where paragraph (2) applies, P is to be treated as if the requirements of regulation 7 or 8 (as the case may be) applied and P must enter into and remain in isolation in accordance with that regulation until the last day of the period of 10 days beginning with the day after the day on which P was last in a non-exempt country or territory (and regulation 12 does not apply for the purposes of determining the last day of P’s isolation).”

(3) For paragraph (5)(a), substitute—

“(a) complies with the requirements for a day 2 test in regulation 6AB(2)(a)(ii).”

Amendments of regulation 9

9. In regulation 9 (isolation requirements: exemptions) in paragraph 2, at the end insert—

“(f) a child who is under the age of 5 upon arrival in Wales;

(g) a regulation 2A traveller.”

Amendment of regulation 12

10. For regulation 12 (last day of isolation), substitute—

“**12.** For the purposes of regulations 7, 8 and 10, the last day of P’s isolation is the last day of the period of 10 days beginning with the day after the day on which P was last in a non-exempt country.”

Amendment of regulation 14

11.—(1) Regulation 14 (offences) is amended as follows.

(2) After paragraph (1)(i), insert—

“(ia) 6E(6B).”

(3) In paragraph (1B), after “6AB” insert “,6E(6B)”.

(4) In paragraph (1D), after “6AB” insert “or 6E(6B)”.

Amendment of regulation 16

12. In regulation 16(6AB) (fixed penalty notices)—

(a) In the words before paragraph (a), after “regulation 14(1)(h)” insert “or (ia)”;

(b) In sub-paragraph (b), after “6AB(7)” insert “or 6E(6B)”;

- (c) In sub-paragraph (c), after “6AB(7)” insert “or 6E(6B)”.

Amendment of Schedule 1C

13.—(1) Schedule 1C (mandatory testing after arrival in Wales) is amended as follows.

(2) After paragraph 1ZA insert—

“Day 2 tests: general requirements for lateral flow device tests.

1ZBA.—(1) A day 2 test complies with this paragraph where the test complies with sub-paragraph (2) and—

- (a) it is a test provided by a public test provider; or
 - (b) it is a test provided by a private test provider where the private test provider complies with paragraph 1ZCA.
- (2) A test complies with this sub-paragraph where—
- (a) it is a test for the detection of coronavirus which uses one or more of—
 - (i) mid-turbinate or anterior nares nasal swabbing;
 - (ii) tonsillar swabbing;
 - (iii) saliva;
 - (b) it is uniquely identifiable;
 - (c) it is provided in accordance with the test manufacturer’s instructions for use including, in particular, instructions as to the target use, target user and target use settings; and
 - (d) any device used for the purposes of the test can be put into service in accordance with Part 4 of the Medical Devices Regulations 2002, other than solely by virtue of regulation 39(2) of those Regulations.

Day 2 tests: private test provider requirements for lateral flow device tests.

1ZCA.—(1) A private test provider complies with this paragraph where—

- (a) they comply with the requirements of paragraph 1ZA(1)(a) to (e) and (h);
- (b) they have made a declaration to the Department of Health and Social Care that they meet the minimum standards for private sector-provided testing published at [gov.uk/guidance/day-2-lateral-flow-tests-for-international-arrivals-minimum-standards-for-providers](https://www.gov.uk/guidance/day-2-lateral-flow-tests-for-international-arrivals-minimum-standards-for-providers) on 6th January 2022 and the Department has confirmed in writing that it considers the provider meets those standards;
- (c) they continue to meet the minimum standards to which the declaration mentioned in paragraph (b) relates;
- (d) they have provided the Department of Health and Social Care with a list of all organisations that they work with (whether by sub-contract or otherwise) to carry out the testing service, indicating the nature of the service that each organisation is providing, and kept that list updated as appropriate;
- (e) they receive the information required by regulation 6AB(5), and if they administer the test to P, they do so no later than the end of the second day after the day on which P arrived in Wales;
- (f) they ensure they only accept results from the first use of the device;
- (g) each day, they notify the Secretary of State in writing of—

- (i) the number of tests they sold on that day, and
 - (ii) in relation to each test sold on that day—
 - (aa) the date of the arrival in the United Kingdom of the person in respect of whom the test was sold,
 - (bb) whether it is a polymerase chain reaction or lateral flow device, and
 - (cc) the test reference number given to P in accordance with regulation 6AB(6);
 - (iii) in relation to each test the purchase of which was cancelled on that day, the information set out in sub-paragraph (ii)(aa) to (cc);
 - (h) if they arrange with another person (“X”) for X to carry out any element of the single end-to-end testing service on their behalf, the test provider ensures that X complies with the following so far as relevant to the carrying out of that element—
 - (i) paragraph 1ZA(1)(b) to (e) and (h) as applied by paragraph (a) of this sub-paragraph;
 - (ii) paragraph (c) to (g) of this sub-paragraph;
 - (iii) paragraph 2D(2) and (4).
- (2) For the purposes of sub-paragraph (1)(h), “single end-to-end testing service” means a service which comprises any of the following elements where they are part of the service offered by the test provider—
- (a) accepting the booking from the person to be tested;
 - (b) providing the test;
 - (c) collecting and processing the test once it has been undertaken;
 - (d) analysing the test;
 - (e) verifying the result of the test;
 - (f) providing notification of the test result.”
- (3) For paragraph (1A) substitute—
- “(1A) The circumstances mentioned in regulation 6AB(2)(a) are—
- (a) that P undertake the day 2 test no later than the end of the second day after the day on which P arrived in Wales, and
 - (b) in relation to a test described in regulation 6AB(2)(a)(ii)(bb) not administered by a test provider, that P provides the test provider with the following information within 15 minutes of the test’s read time as determined by the manufacturer’s instructions for use—
 - (i) photographic evidence clearly showing—
 - (aa) the test device in such a way that it is identifiable as having been provided by the test provider,
 - (bb) the test reference number given in accordance with regulation 6AB(6), and
 - (cc) the test result, and
 - (ii) the address at which P is able to receive a confirmatory test pursuant to regulation 6E(4).”
- (4) After paragraph 2C insert—

“Notification of test results: lateral flow device tests

2E.—(1) This paragraph applies to a private test provider who administers or provides a test within the meaning of regulation 6AB(2)(a)(ii)(bb) to P in the circumstances described in paragraph 1A.

(2) The private test provider must, within 24 hours of the relevant event—

(a) (a) notify P and, where applicable, any person who arranges the test on P’s behalf, by email, letter or text message, the result of P’s test, or

(b) make P’s test result available to P and, where applicable, any person who arranges the test on P’s behalf, via a secure web portal,

in accordance with sub-paragraph (4).

(3) In paragraph (2), “relevant event” means—

(a) where the test provider administered the test, the time at which the test provider determined the results of the test;

(b) where the test provider did not administer the test, the time at which the test provider received the information required to be provided by paragraph 1A(b).

(4) The notification of P’s test result must include P’s name, date of birth, passport number, or travel document reference number (as appropriate), the name and contact details of the test provider and P’s test reference number, and must be conveyed so as to inform P whether the test was negative, positive, or inconclusive.”

(5) In paragraph 2A of Schedule 1C (mandatory testing after arrival in Wales), for “later” substitute “earlier”.

(6) In paragraph 3(d), after “single end-to-end testing”, insert “, except in paragraph 1ZCA (1)(h),”.

PART 3

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

14. The Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020(3) are amended as follows.

Substitution of the Schedule

15. For the Schedule substitute—

“SCHEDULE

Regulations 3, 3A and 4

Part 1

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—

(3) S.I. 2020/595 (W. 136) as amended by S.I. 2020/714 (W. 160), S.I. 2020/1118 (W. 253), S.I. 2020/1521 (W. 325), S.I. 2021/72 (W. 18) , S.I. 2021/171 (W. 39), S.I. 2021/457 (W. 145), S.I. 2021/584 (W. 161), S.I. 2021/646 (W. 166), S.I. 2021/765 (W. 187), S.I. 2021/863 (W. 202), S.I. 2021/1109 (W. 265), S.I. 2021/1212 (W. 303), S.I. 2021/1342 (W. 346), S.I. 2021/1369 (W. 362) and S.I. 2021/1433 (W. 371).

“Essential information to enter the UK from overseas

All persons arriving in the UK must fill in a Passenger Locator Form up to 48 hours before arrival. You must declare all countries you have visited in the 10 days before arrival.

Before departure check if any of the countries you have visited are on the red list.

If you have visited a country on the red list you must book a managed quarantine hotel.

You can only enter if you are a British or Irish National, or you have residence rights in the UK. You must enter through a designated port of arrival.

If you have not visited any countries on the red list, check if you qualify as fully vaccinated.

If you qualify as fully vaccinated you must book a test to take on or before day 2.

If you do not qualify as fully vaccinated you must:

- provide proof of a negative COVID-19 test taken within 2 days of departure to the UK,
- make plans to quarantine in private accommodation for 10 full days after arrival (or full duration of stay if less than 10 days), and
- book tests to take on day 2 and day 8 of quarantine.

These measures apply to all persons (including UK nationals and residents) arriving in the UK from outside the Common Travel Area comprising the United Kingdom, Ireland, the Isle of Man, and the Channel Islands. The British Overseas Territories are not in the Common Travel Area. Public health requirements may vary depending upon which nation of the UK you are staying in.

England: <https://www.gov.uk/uk-border-control>

Northern Ireland: <https://www.nidirect.gov.uk/articles/coronavirus-covid-19-international-travel-advice>

Scotland: <https://www.gov.scot/publications/coronavirus-covid-19-international-travel-quarantine>

Wales: <https://gov.wales/arriving-wales-overseas>

Failure to comply with these measures is a criminal offence and you could be fined. There are a limited set of exemptions from these measures. You may be fined if you fraudulently claim an exemption”

Part 2

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.

Os ydych wedi eich brechu’n llawn neu’n bodloni’r meini prawf cymhwysra mewn ffordd arall, rhaid i chi gymryd prawf ar neu cyn diwrnod 2 ar ôl i chi gyrraedd. Rhaid i chi hunanynysu wrth gyrraedd a dim ond os yw canlyniad y prawf yn negyddol y caniateir i chi adael yr hunanynsiad.

Os nad ydych wedi eich brechu’n llawn neu os nad ydych yn bodloni’r meini prawf cymhwysra, rhaid i chi hunanynysu am 10 niwrnod a chymryd prawf ar ddiwrnod 8 ar ôl i chi gyrraedd.

Os ydych wedi bod mewn unrhyw wledydd ar y rhestr goch o fewn y 10 niwrnod blaenorol, rhaid i chi fynd i gwarantyn mewn cyfleuster cwarantyn a reolir am 10 niwrnod.

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.

Dilynwch y canllawiau Iechyd y Cyhoedd ar gyfer yr ardal yr ydych yn byw ynddi neu'n teithio ynddi. Ewch i [gov.uk/coronavirus](https://www.gov.uk/coronavirus) i gael rhagor o gyngor.”;

(b) English language version—

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

If you are fully vaccinated or otherwise meet the eligibility criteria, you must take a test on or before day 2 after you arrive. You must self-isolate on arrival and may only leave self-isolation if the result of the test is negative.

If you are not fully vaccinated or do not meet the eligibility criteria, you must self-isolate for 10 days and take a test on day 8 after you arrive.

If you have been in any countries on the red list within the previous 10 days, you must quarantine in a managed quarantine facility for 10 days.

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.

Please follow Public Health guidance for the area you are living or travelling in. Visit [gov.uk/coronavirus](https://www.gov.uk/coronavirus) for more advice.”;

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

At 7.11 p.m. on 6 January 2022

Eluned Morgan
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 2020 (S.I. 2020/595 (W. 136)) (“the Public Health Information Regulations”).

Part 2 of these Regulations amends the International Travel Regulations.

The International Travel Regulations impose requirements on persons entering Wales after having been abroad. They include requirements for persons arriving in Wales to book and undertake coronavirus tests and 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 make specific provisions for “regulation 2A travellers”, which includes individuals who have been fully vaccinated in prescribed countries and territories.

Regulation 3 of these Regulations makes an amendment to regulation 2A (exemptions for vaccinated travellers and others) of the International Travel Regulations to extend the recognition of vaccinations and vaccine certificates to further countries and territories.

Regulation 4 of these Regulations makes an amendment to regulation 6A (requirement to possess notification of a negative test result) of the International Travel Regulations to remove the requirement for pre-departure testing for regulation 2A travellers.

Regulation 5 of these Regulations amends regulation 6AB (requirement to book and undertake tests) of the International Travel Regulations so as to enable regulation 2A travellers to use a lateral flow device (“LFD”) tests for day 2 tests.

Regulation 6 of these Regulations makes amendments to regulation 6DB (requirement to isolate on failure to take tests: regulation 2A travellers) of the International Travel Regulations to provide that the isolation requirements shall apply to a regulation 2A traveller that fails to take a day 2 test.

Regulation 7 of these Regulations makes amendments to regulation 6E (consequences of a positive test result) of the International Travel Regulations to insert provision requiring a person to undertake a confirmatory polymerase chain reaction (“PCR”) test where they receive a positive test result on a LFD test, as well as containing provision on isolation requirements following test results.

Regulation 8 of these Regulations makes amendments to regulation 6HB (consequences of receiving inconclusive test result: regulation 2A travellers) of the International Travel Regulations to provide that the isolation requirements apply to a regulation 2A traveller that has received an inconclusive test result.

Regulation 9 of these Regulations makes amendments to regulation 9 (isolation requirements: exemptions) to remove the requirement to isolate for children that are under the age of 5 upon arrival in Wales and regulation 2A travellers.

Regulation 10 of these Regulations substitutes regulation 12 (last day of isolation) to provide that the last day of a person’s isolation is the last day of the period of 10 days beginning with the day after the day on which they were last in a non-exempt country or territory.

Regulation 11 of these Regulations makes amendments to regulation 14 (offences) to introduce an offence for failing to undertake a confirmatory PCR test.

Regulation 12 of these Regulations which makes amendments to regulation 16 (fixed penalty notices) in consequence of the introduction of an offence for failing to undertake a confirmatory PCR test.

Regulation 13 of these Regulations makes further provision in Schedule 1C (mandatory testing after arrival in Wales) in relation to the introduction of LFD testing, and to ensure that day 8 tests are taken no earlier than the end of seventh day of a person's isolation.

Part 3 of these Regulations amends the Public Health Information Regulations.

The Public Health Information Regulations impose requirements on operators of international passenger services coming from outside the common travel area to an airport, heliport or seaport in Wales to provide passengers with specific public health information.

Regulation 15 of these Regulations amends the Public Health Information Regulations to update the information that operators are required to provide to passengers travelling to Wales in consequence of the amendments made to the International Travel Regulations.

There has been no regulatory impact assessment in relation to these Regulations due to the need to put them in place urgently to deal with a serious and imminent threat to public health.