

# **SL(5)728 – The Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 3) (Wales) Regulations 2021**

## **Background and Purpose**

The Regulations amend the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (the International Travel Regulations) and the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 (the Restrictions Regulations).

Advice received from the Joint Biosecurity Centre (JBC) indicates that the current restrictions in place in response to the new strain of coronavirus first identified in South Africa in December 2020 should remain in place. The JBC advise that as a precautionary approach the measures should be extended to the Democratic Republic of Congo and Tanzania, as both of these have borders with Zambia which is subject to the enhanced restrictions regime and has seen an increase in the number of cases and fatalities in recent weeks.

Part 2 of these Regulations amends Schedule 3A to the International Travel Regulations. Regulation 2 adds the Democratic Republic of Congo and Tanzania to the list of countries and territories in Schedule 3A that are subject to additional measures by virtue of regulations 12E and 12F of those Regulations.

Part 3 of the Regulations amends the Restrictions Regulations to impose more stringent isolation requirements on people who have been to the Democratic Republic of Congo or Tanzania within the period of 10 days before the Regulations come into force, and on people within the same household.

Part 4 of the Regulations amends regulation 12F of the International Travel Regulations to add three exceptions to the ban on arrivals of aircraft or vessels in Wales from countries or territories listed in Schedule 3A. The new exceptions include landing the aircraft or vessel for refuelling or maintenance; where the aircraft is an air ambulance landing for the purpose of transporting a person for medical treatment; and vessels required to moor following a safety direction issued following an accident.

These Regulations came into force at 4.00 am on 22 January 2021.

## **Procedure**

Made Affirmative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd.



The Senedd must approve the Regulations within 28 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were made for them to continue to have effect.

## Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

## Merits Scrutiny

The following two points are identified for reporting under Standing Order 21.3 in respect of this instrument.

### **1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.**

We note the Welsh Government's justification for any potential interference with human rights. In particular, we note the following paragraph in the Explanatory Memorandum:

*"The amendments contained in these Regulations do not change the engagement under the International Travel Regulations of individual rights under the Human Rights Act 1998 and the European Convention on Human Rights; the Government considers that they are justified for the purpose of preventing the spreading of infectious diseases and/or the interference is permitted on the basis that it is in pursuit of a legitimate aim, namely of protecting public health, and are proportionate."*

### **2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.**

We note there has been no formal consultation on the Regulations. In particular, we note the following paragraphs in the Explanatory Memorandum:

*"Given the serious and imminent threat arising from coronavirus and the need for an urgent public health response, there has been no public consultation in relation to these Regulations."*

## Welsh Government response

A Welsh Government response is not required.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**22 January 2021**

