
WELSH STATUTORY INSTRUMENTS

2021 No. 72 (W. 18)

PUBLIC HEALTH, WALES

The Health Protection (Coronavirus, International Travel, Operator Liability and Public Health Information to Travellers) (Wales) (Amendment) Regulations 2021

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| <i>Made</i> | - - - - | <i>at 3.08 p.m. on 22 January 2021</i> |
| <i>Laid before Senedd Cymru</i> | | <i>at 5.30 p.m. on 22 January 2021</i> |
| <i>Coming into force</i> | - - | <i>at 4.00 a.m. on 23 January 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.

Title, coming into force and interpretation

1.—(1) The title of these Regulations is the Health Protection (Coronavirus, International Travel, Operator Liability and Public Health Information to Travellers) (Wales) (Amendment) Regulations 2021.

(2) These Regulations come into force at 4.00 a.m. on 23 January 2021.

(3) In these Regulations—

“the International Travel Regulations” (“*y Rheoliadau Teithio Rhyngwladol*”) 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), 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) and S.I. 2021/50 (W. 12).

“the Public Health Information Regulations” (“*y Rheoliadau Gwybodaeth Iechyd y Cyhoedd*”) means the Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020(3).

Amendment of the Public Health Information Regulations

2.—(1) The Public Health Information Regulations are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) in the appropriate place, insert ““the International Travel Regulations” (“*y Rheoliadau Teithio Rhyngwladol*”) means the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020;”;
- (b) in the definition of “requirement to isolate” (“*gofyniad i ynysu*”), for “Part 3 of the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020” substitute “regulation 7 of the International Travel Regulations”;
- (c) in the definition of “requirement to provide information” (“*gofyniad i ddarparu gwybodaeth*”), for “Part 2 of the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020” substitute “regulation 4 of the International Travel Regulations”.

(3) In regulation 3 (provision of information before booking and at check-in)—

(a) for paragraph (2)(a) substitute—

“(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),
- (iii) a link to <https://gov.wales/coronavirus-covid-19-testing-people-travelling-wales> (referred to in Part 1 of the Schedule),
- (iv) a link to www.gov.uk/guidance/coronavirus-covid-19-test-to-release-for-international-travel (referred to in Part 1 of the Schedule),
- (v) a link to www.gov.uk/provide-journey-contact-details-before-travel-uk, and
- (vi) a link to <https://gov.wales/exemptions-self-isolation-coronavirus-covid-19-html>;”;

(b) for paragraph (2)(b) substitute —

“(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 <https://gov.wales/coronavirus-covid-19-testing-people-travelling-wales> (referred to in Part 1 of the Schedule),
- (iv) a link to www.gov.uk/guidance/coronavirus-covid-19-test-to-release-for-international-travel (referred to in Part 1 of the Schedule),

- (v) a link to www.gov.uk/provide-journey-contact-details-before-travel-uk, and
 - (vi) a link to <https://gov.wales/exemptions-self-isolation-coronavirus-covid-19-html>”;
- (c) for paragraph 2(c)(ii) substitute—
- “(ii) where information is provided in writing, written notice which sets out—
 - (aa) the requirement to provide information,
 - (bb) the requirement to possess notification of a negative test result in accordance with regulation 6A of the International Travel Regulations, and
 - (cc) the requirement to isolate;”;
- (d) in paragraph (2)(d), for “request” substitute “written request”.
- (4) In regulation 3A (provision of information prior to departure)—
- (a) in paragraph (4)(a), after sub-paragraph (iv) insert—
 - “(v) informs P of the requirement to possess notification of a negative test result in accordance with regulation 6A of the International Travel Regulations;”;
- (b) for paragraph (4)(b) substitute—
- “(b) where the information is provided by email—
 - (i) the information set out in Part 1 of the Schedule,
 - (ii) a link to www.gov.uk/uk-border-control (referred to in Part 1 of the Schedule),
 - (iii) a link to <https://gov.wales/coronavirus-covid-19-testing-people-travelling-wales> (referred to in Part 1 of the Schedule),
 - (iv) a link to www.gov.uk/guidance/coronavirus-covid-19-test-to-release-for-international-travel (referred to in Part 1 of the Schedule),
 - (v) a link to www.gov.uk/provide-journey-contact-details-before-travel-uk, and
 - (vi) a link to <https://gov.wales/exemptions-self-isolation-coronavirus-covid-19-html>”.
- (5) For Part 1 of the Schedule (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)), substitute—

“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—

“ESSENTIAL INFORMATION TO ENTER THE UK

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

1) All persons (including UK nationals and residents) arriving in the UK from outside the common travel area must provide proof of a negative COVID-19 test taken within 3 days of departure to the UK. For further information please visit: <https://gov.wales/coronavirus-covid-19-testing-people-travelling-wales>

2) To protect your health and others’, everyone must complete an online passenger locator form before arrival in the United Kingdom.

- 3) All arrivals must self-isolate for 10 days unless exempt. Check the list of exempt countries immediately before travel and the list of work-related exemptions if travelling for work.
- 4) It is a legal requirement that you wear a face covering on public transport in the UK.
- 5) If you self-isolate in England, you may opt in to Test to Release. For further information please visit www.gov.uk/guidance/coronavirus-covid-19-test-to-release-for-international-travel.

Failure to comply with these 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.””.

Amendment of the International Travel Regulations

3.—(1) The International Travel Regulations are amended as follows.

(2) In Schedule 1 (passenger information), omit paragraphs 2(g), 3 and 5.

(3) In paragraph 3(1)(e) of Schedule 1A (testing before arrival in Wales), after “resume their work” insert—

“

- (f) a member of aircraft crew carried on a 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 the aircraft, where they have travelled to the United Kingdom in the course of their work.”

Amendment of the Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (Wales) (Amendment) Regulations 2021

4.—(1) Part 3 of the Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (Wales) (Amendment) Regulations 2021(4) is amended as follows.

(2) In regulation 4 (interpretation)—

- (a) omit the definition of “qualifying test”;
- (b) in the definition of “relevant passenger”, for “required notification” substitute “valid notification of a negative result from a qualifying test”;
- (c) for the definition of “required notification”, substitute—

““required notification” (““hysbysiad gofynnol”) means notification of the result of a test for the detection of coronavirus which includes, in English, French or Spanish, the following information—

- (a) the name of the person from whom the test sample was taken,
- (b) that person’s date of birth or age,
- (c) the negative result of that test,
- (d) the date the test sample was collected or received by the test provider,
- (e) the name of the test provider and information sufficient to contact that provider,
- (f) the name of the device that was used for the test;”.

At 3.08 p.m. on 22 January 2021

Vaughan Gething
Minister for Health and Social Services, one of
the Welsh Ministers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020 (S.I. 2020/595 (W. 136)) (“the Passenger 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 (“operators”), to provide passengers with specified public health information. These Regulations amend the Passenger Information Regulations so that that specified information includes information about the requirement under regulation 6A of the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (S.I. 2020/574 (W. 132)) (“the International Travel Regulations”), to possess notification of a negative coronavirus test result.

These Regulations also amend the International Travel Regulations to;

- (a) reduce the amount of passenger information that people travelling to Wales are required to provide in order to comply with the requirement in regulation 4 of the International Travel Regulations; and
- (b) add an exemption from the requirement to possess notification of a negative coronavirus test result for air crew who perform duties onboard aircraft in the interests of the safety of the aircraft, such as loadmasters.

These Regulations also amend the Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (Wales) (Amendment) Regulations 2021 (S.I. 2021/48 (W. 11)) so that operators are not required to ensure that a notification of a negative coronavirus test result is in the form of a “qualifying test”, i.e., a test which meets the standards specified in paragraph 1 of Schedule 1A to the International Travel Regulations. Operators are required to check that passengers possess a notification of a coronavirus test which includes specified information, while liability for ensuring the result was from a qualifying test falls on the passenger.

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.