

SL(6)008 - The Health Protection (Coronavirus, International Travel, Operator Liability and Public Health Information to Travellers) (Wales) (Miscellaneous Amendments) (No. 2) Regulations 2021

Background and Purpose

These Regulations amend the International Travel Regulations, in particular the exemptions from the prohibition on entry to Wales from countries on the red list. Under these Regulations, the exemption for seafarers and inspectors and surveyors of ships arriving in Wales from red list countries is amended to exclude such persons arriving in Wales to work on cruise ships.

These Regulations also extend the expiry date of the International Travel Regulations, the Operator Liability Regulations and the Passenger Information Regulations to 31 May 2022.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

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

Merits Scrutiny

The following 4 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

These Regulations amend the list of people who are exempt from the prohibition on entry into Wales from a red list country by excluding from the exemption certain persons who arrive in Wales to work on cruise ships.



In a [letter to the Llywydd dated 28 May 2021](#), Eluned Morgan MS, Minister for Health and Social Services, says that the Regulations are necessary and justifiable “in view of the changing evidence on risk in relation to this disease”.

However, there is no explanation of the evidence or the reasons why this particular change is needed and why this particular group of people need to be excluded from the exemption, (while other groups remain exempt).

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 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.”

3. 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 these Regulations. In particular, we note the following paragraph 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.”

4. 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 breach of the 21-day rule (i.e. the rule that 21 days should pass between the date a “made negative” instrument is laid before the Senedd and the date the instrument comes into force), and the explanation for the breach provided by Eluned Morgan MS, Minister for Health and Social Services, in a [letter to the Llywydd dated 28 May 2021](#).

In particular, we note the following from the letter:

“Not adhering to the 21 day convention allows these Regulations to come into force at the earliest opportunity and continue the four nation approach to international travel; in view of the changing evidence on risk in relation to this disease this is considered necessary and justifiable in this case.”

Welsh Government response

A Welsh Government response is required to merits points 1.



Senedd Cymru
Pwyllgor Is-ddeddfwriaeth Dros Dro
—
Welsh Parliament
Interim Subordinate Legislation Committee

Committee Consideration

The Committee considered the instrument at its meeting on 14 June 2021 and reports to the Senedd in line with the reporting points above.



Senedd Cymru

Pwylgor Is-ddeddfwriaeth Dros Dro

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Welsh Parliament

Interim Subordinate Legislation Committee