
WELSH STATUTORY INSTRUMENTS

2021 No. 1291 (W. 326)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus,
International Travel and Restrictions) (Wales)
(Miscellaneous Amendments) Regulations 2021**

<i>Made</i>	- - - -	<i>at 3.58 p.m. on 19 November 2021</i>
<i>Laid before Senedd Cymru</i>		<i>at 6.00 p.m. on 19 November 2021</i>
<i>Coming into force</i>	- -	<i>at 4.00 a.m. on 22 November 2021</i>

The Welsh Ministers, in exercise of the powers conferred on them by sections 45B, 45C(1) and (3)(c), and 45P(2) of the Public Health (Control of Disease) Act 1984(1), make the following Regulations.

In relation to the provision made by regulation 9 of these Regulations, in accordance with section 45Q(3) of the Public Health (Control of Disease) Act 1984, the Welsh Ministers are of the opinion that the instrument does not contain any provision made by virtue of section 45C(3)(c) of the Act which imposes or enables the imposition of a special restriction or requirement, or any other restriction or requirement which has or would have a significant effect on a person's rights.

Title and coming into force

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

(2) These Regulations come into force at 4.00 a.m. on 22 November 2021.

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

2. The Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020(2) are amended as follows.

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- (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),

Amendment to regulation 2

3. In regulation 2(1) (general interpretation), in the appropriate place insert—
- ““EU Digital COVID Certificate” (“*Tystysgrif COVID Ddigidol yr UE*”) means a certificate of COVID-19 records issued by an EEA state, a member State of the European Free Trade Association, Andorra, Monaco, San Marino or the Vatican City State;”.

Amendments to regulation 2A

- 4.—(1) Regulation 2A (exemptions for vaccinated travellers and others) is amended as follows.

(2) In paragraph (3)—

- (a) omit sub-paragraph (b);
- (b) omit sub-paragraph (ba);
- (c) in sub-paragraph (c)—
- (i) after paragraph (ii) insert—
- “(ia) a certificate of COVID-19 records issued by an approved third country or territory;
- (iib) a North American Certificate;”;
- (ii) at the end, insert “and”;
- (d) omit sub-paragraph (ca).

(3) In paragraph (4A)—

- (a) at the end of sub-paragraph (b), insert “and”;
- (b) after sub-paragraph (c), omit “and”;
- (c) omit sub-paragraph (d).

(4) In paragraph (5), omit sub-paragraph (a).

(5) In paragraph (6)—

- (a) in the opening words, omit “either”;
- (b) at the end of sub-paragraph (a)(iii) omit “, or”;
- (c) omit sub-paragraph (b).

(6) For paragraph (7A), substitute—

- “(7A) For the purposes of paragraph (3)—
- (a) where P has received a dose of one authorised vaccine and a dose of a different authorised vaccine, P is deemed to have completed a course of doses of an authorised vaccine;
- (b) where P has received at least two doses of any of the vaccines referred to in sub-paragraph (d) of the definition of “authorised vaccine”, P is deemed to have completed a course of doses of an authorised vaccine.”

(7) In paragraph (8), omit “in the United Kingdom”.

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) and S.I. 2021/1212 (W. 303).

- (8) In paragraph (10)—
- (a) in the definition of “authorised vaccine”—
 - (i) in the words before paragraph (a), omit “authorised” in the last place it occurs;
 - (ii) in paragraph (a), after “United Kingdom” insert “, authorised”;
 - (iii) in paragraph (b) after “paragraph (11),” insert “authorised”;
 - (iv) after paragraph (c) insert—
 - “(d) in relation to doses received in any country in the world, those vaccines which are—
 - (i) listed in lines 10, 11 or 13 of the Guidance Document “Status of COVID-19 Vaccines within WHO EUL/PQ evaluation process” published by the World Health Organisation on 11 November 2021, and
 - (ii) authorised or certified in a regulated country listed in paragraph (12);”;
 - (b) in the appropriate place insert—
 - ““North American Certificate” (*Tystysgrif Gogledd America*)” means—
 - (a) Excelsior Pass Plus (New York);
 - (b) Digital COVID-19 Vaccine Record (California);
 - (c) WA Verify (Washington state);”;
 - (c) in the definition of “United Kingdom vaccine roll-out overseas”—
 - (i) at the end of paragraph (a), insert “or”;
 - (ii) omit paragraph (b) (including the “or” at the end).
- (9) In paragraph (12), at the appropriate places insert—
- “Belarus”
 - “Bolivia”
 - “Democratic Republic of the Congo”
 - “Dominican Republic”
 - “Ecuador”
 - “Laos”
 - “Libya”
 - “Malawi”
 - “Mozambique”
 - “Samoa”
 - “Senegal”
 - “Vanuatu”
 - “Zambia”
 - “Zimbabwe”.
- (10) After paragraph (12), insert—
- “(12A) The following countries and territories are approved third countries or territories for the purposes of this Part—
 - Albania

Armenia
Faroe Islands
Israel
Morocco
North Macedonia
Panama
Turkey
Ukraine. ”

Amendments to regulation 3

5.—(1) Regulation 3 (persons arriving from outside the common travel area) is amended as follows.

(2) In paragraph (2)—

(a) after sub-paragraph (a), insert—

“(aa) a person described in paragraphs 6 to 10 of Schedule 2.”

(b) omit sub-paragraph (c).

(3) Omit paragraphs (3) and (4).

Amendments to regulation 9

6.—(1) Regulation 9 (isolation requirements: exemptions) is amended as follows.

(2) In paragraph (2)—

(a) for sub-paragraph (a) substitute—

“(aa) a person described in paragraph 1(1)(a), (b), (h) or (k) of Schedule 2, or a member of the family forming part of the household of such a person;

(bb) a person described in paragraph 1(1)(c), (d), (e), (f), (g), (i) or (j) of Schedule 2, or a member of the family forming part of the household of such a person, and who satisfies the conditions in paragraph 1(2) of that Schedule;”.

(b) in sub-paragraph (b), for “2 to 5, 6A to 16” substitute “2 to 16”;

(c) omit sub-paragraph (c);

(d) in sub-paragraph (d), omit “subject to paragraph (3),”.

(3) Omit paragraphs (3) to (6).

Amendment to regulation 10

7. In regulation 10 (isolation requirements: exceptions), omit paragraph (4)(o).

Amendment to Schedule 2

8. In paragraph 1(2) of Schedule 2 (exempt persons), for “9(2)(a)” substitute “9(2)(bb)”.

Amendments to the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020

9.—(1) Regulation 16A (specific measures applicable to specified hospitality and entertainment venues and premises at which specified events are held) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020(3) is amended as follows.

(2) In paragraph (6)—

(a) in sub-paragraph (a), omit paragraph (i) (including the “and” at the end);

(b) in sub-paragraph (c)—

(i) for “by a relevant country” substitute “otherwise than in the United Kingdom”;

(ii) after “EU digital COVID certificate,” insert “a certificate of COVID-19 records issued by an approved third country or territory,”;

(iii) after “Prevention vaccination card,” insert “a North American Certificate”.

(3) For paragraph (8), substitute—

“(8) For the purposes of this regulation, where a person has received a course of doses that consists of one dose of an authorised vaccine under the United Kingdom vaccine roll-out overseas and one dose of an authorised vaccine otherwise than under the United Kingdom vaccine roll-out overseas, the person is deemed to have completed a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas.”

(4) In paragraph (9)(b)—

(a) for the words before paragraph (i) substitute—

“(b) a person has completed a course of doses if—”;

(b) in paragraph (i)(bb), omit the “, or” at the end;

(c) in paragraph (ii), insert “, or” at the end;

(d) after paragraph (ii) insert—

“(iii) the person has received at least two doses of any vaccine referred to in paragraph (iv) of the definition of authorised vaccine in paragraph (10)(a);”.

(5) In paragraph (10)—

(a) in sub-paragraph (a)—

(i) in the words before paragraph (i), omit “authorised” in the last place it occurs;

(ii) in paragraph (i), in the words before sub-paragraph (aa), for “or in a relevant country listed in paragraph (12)” substitute “, authorised”;

(iii) in paragraph (ii), after “paragraph (11),” insert “authorised”;

(iv) after paragraph (ii) insert—

“(iii) in relation to doses received in any other country or territory (including a relevant country listed in paragraph (12)), which would be authorised as provided for in paragraph (i)(aa) or (bb) if the doses were received in the United Kingdom;

(iv) in relation to doses received in any country in the world, those vaccines which are—

(3) S.I. 2020/1609 (W. 335) amended by S.I. 2020/1610 (W. 336), S.I. 2020/1623 (W. 340), S.I. 2020/1645 (W. 345), S.I. 2021/20 (W. 7), S.I. 2021/46 (W. 10), S.I. 2021/57 (W. 13), S.I. 2021/66 (W. 15), S.I. 2021/95 (W. 26), S.I. 2021/103 (W. 28), S.I. 2021/172 (W. 40), S.I. 2021/210 (W. 52), S.I. 2021/307 (W. 79), S.I. 2021/413 (W. 133), S.I. 2021/502 (W. 150), S.I. 2021/542 (W. 154), S.I. 2021/583 (W. 160), S.I. 2021/668 (W. 169), S.I. 2021/686 (W. 172), S.I. 2021/722 (W. 183), S.I. 2021/862 (W. 201), S.I. 2021/925 (W. 210), S.I. 2021/970 (W. 228), S.I. 2021/1119 (W. 271); S.I. 2021/1131 (W. 274), S.I. 2021/1212 (W. 303) and S.I. 2021/1248 (W. 320).

- (aa) listed in lines 10, 11 or 13 of the Guidance Document “Status of COVID-19 Vaccines within WHO EUL/PQ evaluation process” published by the World Health Organisation on 11 November 2021, and
- (bb) authorised or certified in a regulated country listed in paragraph (12);”;
- (b) after sub-paragraph (a) insert—
 - “(aa) “EU Digital COVID Certificate” means a certificate of COVID-19 records issued by an EEA state, a member State of the European Free Trade Association, Andorra, Monaco, San Marino or the Vatican City State;”;
- (c) after sub-paragraph (c) insert—
 - “(ca) “North American Certificate” means—
 - (i) Excelsior Pass Plus (New York);
 - (ii) Digital COVID-19 Vaccine Record (California);
 - (iii) WA Verify (Washington state);”.
- (6) In paragraph (12), at the appropriate places insert—
 - “Belarus”
 - “Bolivia”
 - “Democratic Republic of the Congo”
 - “Dominican Republic”
 - “Ecuador”
 - “Laos”
 - “Libya”
 - “Malawi”
 - “Mozambique”
 - “Samoa”
 - “Senegal”
 - “Vanuatu”
 - “Zambia”
 - “Zimbabwe”.
- (7) After paragraph (12) insert—
 - “(13) The following countries and territories are approved third countries or territories for the purposes of this regulation—
 - Albania
 - Armenia
 - Faroe Islands
 - Israel
 - Morocco
 - North Macedonia
 - Panama
 - Turkey

Ukraine.”

At 3.58 p.m. on 19 November 2021

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 Restrictions) (No. 5) (Wales) Regulations 2020 (S.I. 2020/1609 (W. 335)) (“the Restrictions 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. The International Travel Regulations also make specific provisions for “regulation 2A travellers”; including individuals who have been fully vaccinated in prescribed countries and territories.

Regulation 3 of these Regulations amends regulation 2 (general interpretation) of the International Travel Regulations so as to extend the recognition of certain vaccine certificates issued by additional European countries and territories, for the purposes of pre-departure testing and vaccine travel exemptions.

Regulation 4 of these Regulations amends regulation 2A (exemptions for vaccinated travellers and others) of the International Travel Regulations to—

- extend the recognition of vaccinations to further countries and territories;
- broaden the definition of “authorised vaccine” by removing the requirement that it is to be administered in a relevant country and through recognising certain WHO recognised vaccines;
- remove the residency requirements for travellers vaccinated in the United States of America, participants in clinical trials, and travellers under 18;
- introduce further means of proof of vaccination, including approved third countries and territories certificates and certain US State vaccination certificates;
- make further technical amendments including around vaccinations as part of the UK vaccine roll-out overseas.

Regulation 5 of these Regulations amends regulation 3 (persons arriving from outside the common travel area) of the International Travel Regulations to exempt the following persons from the requirement to provide passenger information when they have travelled to Wales in the course of their work (whether or not they have travelled in a passenger carrying conveyance): road haulage workers; road passenger transport workers; masters and seamen; pilots involved in merchant shipping; inspectors and surveyors of ships; and crew on aircraft.

Regulation 6 of these Regulations amends regulation 9 (isolation requirements: exemptions) of the International Travel Regulations, removing the requirement for certain diplomats to receive written authorisation from the Foreign, Commonwealth & Development Office ahead of reliance on isolation exemption provisions. Regulation 9 is also amended so as to align isolation exemptions for road haulage workers regardless of residency status.

Regulations 7 and 8 contain consequential amendments following the amendments made by regulation 4.

Regulation 9 of these Regulations amends regulation 16A (specific measures applicable to specified hospitality and entertainment venues and premises at which specified events are held)

of the Restrictions Regulations in order to maintain consistency with regulation 2A of the International Travel Regulations. This includes further extending the list of countries and territories in paragraph (12) of that regulation so that evidence of vaccination in those countries with vaccines authorised in the United Kingdom is also acceptable for the purposes of what is commonly known as the COVID-pass.

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.