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WELSH STATUTORY INSTRUMENTS

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**2021 No. 457 (W. 145)**

**PUBLIC HEALTH, WALES**

**The Health Protection (Coronavirus Restrictions)  
(No. 5) (Wales) (Amendment) (No. 7) Regulations 2021**

*Approved by Senedd Cymru*

<i>Made</i>	- - - -	<i>at 3.43 p.m. on 9 April 2021</i>
<i>Laid before Senedd Cymru</i>		<i>at 6.00 p.m. on 9 April 2021</i>
<i>Coming into force</i>	- -	<i>12 April 2021</i>

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

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales.

The Welsh Ministers consider that restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 45R of that Act the Welsh Ministers are of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, Senedd Cymru.

**Title and coming into force**

1.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 7) Regulations 2021.

(2) These Regulations come into force immediately before the start of the day on 12 April 2021.

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<sup>(1)</sup> 1984 c. 22. Sections 45B, 45C, 45F and 45P were inserted by section 129 of the Health and Social Care Act 2008 (c. 14). The functions under these sections are conferred on “the appropriate Minister”. Under section 45T(6) of the 1984 Act the appropriate Minister, as respects Wales, is the Welsh Ministers.

## **Amendment of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020**

2.—(1) The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020(2) are amended as follows.

- (2) In regulation 4(6A), for “11 April” substitute “25 April”.
- (3) After Part 3 insert—

### “PART 3A

Travel restrictions etc.

#### **Restriction on international travel**

**14A.**—(1) No person may, without a reasonable excuse—

- (a) leave Wales to travel to a destination outside the common travel area, or
- (b) travel to, or be present at, an embarkation point for the purpose of travelling from there to a destination outside the common travel area.

(2) For the purposes of paragraph (1), a person has a reasonable excuse if—

- (a) the purpose for which the person is travelling to a destination outside the common travel area is reasonably necessary and there is no reasonably practicable alternative;
- (b) one of the circumstances in paragraph (4) applies.

(3) Examples of purposes for which it may be reasonably necessary for a person to travel to a destination outside the common travel area include—

- (a) obtaining or providing medical assistance;
- (b) avoiding illness, injury or other risk of harm;
- (c) working or providing voluntary or charitable services;
- (d) meeting a legal obligation, including attending court or satisfying bail conditions, or participating in legal proceedings;
- (e) providing, receiving or accessing care or assistance, including childcare or relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006(3), where the person receiving the care is a vulnerable person;
- (f) in relation to children who do not live in the same household as their parents, or one of their parents, continuing existing arrangements for access to, and contact between, parents and children, and for the purposes of this paragraph, “parent” includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of, the child;
- (g) moving home;
- (h) undertaking activities in connection with the purchase, sale, letting or rental of residential property;
- (i) accessing or receiving educational services.

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(2) S.I. 2020/1609 (W. 335) as 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) and S.I. 2021/413 (W. 133).

(3) 2006 c. 47. Paragraph 7(3B) was inserted by section 66(2) of the Protection of Freedoms Act 2012 (c. 9).

- (4) The circumstances referred to in paragraph (2)(b) are that the person is—
  - (a) providing or receiving emergency assistance;
  - (b) attending a solemnization of a marriage, formation of a civil partnership or alternative wedding ceremony—
    - (i) as a party to the marriage, civil partnership or wedding, or
    - (ii) as the carer of a party to the marriage, civil partnership or wedding;
  - (c) attending a funeral—
    - (i) as a person responsible for arranging the funeral,
    - (ii) if invited by a person responsible for arranging the funeral, or
    - (iii) as the carer of a person attending;
  - (d) an elite athlete and is travelling for the purposes of training or competition;
  - (e) providing coaching or other support to an elite athlete, or providing support at—
    - (i) an elite sporting event, or
    - (ii) a sporting event taking place outside the common travel area;
  - (f) travelling to vote in an election.
- (5) Paragraphs (1) and (2) do not apply to a person referred to in Schedule 5A.
- (6) In this regulation, and in regulations 14B and 29—
  - (a) “the common travel area” has the same meaning as in the Immigration Act 1971<sup>(4)</sup>;
  - (b) “embarkation point” means an international terminal or any other place in Wales from which a person may travel to a destination outside the United Kingdom.

#### **International travel declaration form**

**14B.**—(1) A person (“P”) who is present at an embarkation point for the purpose of travelling from there to a destination outside the common travel area must, if requested by an enforcement officer, provide the officer with a completed international travel declaration form.

(2) The international travel declaration form must be in the form published by the Welsh Ministers<sup>(5)</sup> and include the following information—

- (a) P’s full name,
- (b) P’s date of birth and nationality,
- (c) P’s passport number, or travel document reference number (as appropriate),
- (d) P’s home address,
- (e) P’s destination,
- (f) the reason P is travelling to a destination outside the common travel area,
- (g) a statement that P certifies that the information P provides is true, and
- (h) the date on which the declaration is completed.

(3) Where P is travelling with a child or person who lacks capacity (“C”), for whom P has responsibility, P must, if requested by an enforcement officer, provide the officer with a completed international travel declaration form relating to C.

- (4) The obligation in paragraph (1) does not apply—
  - (a) to C, or

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(4) 1971 c. 77.

(5) The form can be found at <https://gov.wales/exemptions-self-isolation-coronavirus-covid-19-html#section-57963>.

(b) to a person referred to in Schedule 5A.

(5) In this regulation, a person lacks capacity if they lack capacity, within the meaning of section 2 of the Mental Capacity Act 2005<sup>(6)</sup>, to complete the international travel declaration form.”

(4) After Part 4 insert—

## “PART 4A

### Taking preventative measures when election campaigning

#### **Requirement to take all reasonable measures to minimise the risk of exposure to coronavirus when election campaigning**

**18A.**—(1) A person responsible for carrying out or facilitating an activity which involves participating in a gathering for the purposes of persuading or dissuading any person to vote in a particular manner in an election must—

- (a) take all reasonable measures to minimise the risk of—
  - (i) any person involved in the activity being exposed to coronavirus, and
  - (ii) the spread of coronavirus by any such person, and
- (b) in taking those measures, have regard to any guidance about them issued by the Welsh Ministers.

(2) The measures to be taken under paragraph (1)(a)—

- (a) must include taking all reasonable measures to ensure that a distance of 2 metres is maintained between any persons participating in the gathering (except between members of the same household or a carer and the person assisted by the carer), and
- (b) may include taking other measures which limit close face-to-face interaction and maintain hygiene such as—
  - (i) limiting the number of persons participating in the gathering;
  - (ii) wearing face coverings;
  - (iii) limiting the number of persons handling leaflets or other materials.

(3) The Welsh Ministers—

- (a) may revise guidance issued under paragraph (1)(b), and
- (b) must publish the guidance (and any revisions).”

(5) In regulation 25(2), in the words before sub-paragraph (a), after “regulations” insert “14B, 18A,”.

(6) In regulation 27(1), before sub-paragraph (a) insert—

“(za) regulation 18A(1),”.

(7) For regulation 29 substitute—

#### **“Powers relating to travel restrictions**

**29.**—(1) Paragraph (2) applies where an enforcement officer has reasonable grounds for suspecting a person is about to leave Wales to travel to a destination outside the common travel area, other than from an embarkation point, in contravention of regulation 14A(1)(a).

(6) 2005 c. 9.

- (2) The enforcement officer may direct the person not to leave Wales.
- (3) Paragraph (4) applies where an enforcement officer has reasonable grounds for suspecting a person has left Wales to travel to a destination outside the common travel area, other than from an embarkation point, in contravention of regulation 14A(1)(a).
- (4) The enforcement officer may—
  - (a) direct the person to return to Wales;
  - (b) return the person to Wales.
- (5) Paragraph (6) applies where an enforcement officer considers—
  - (a) that a person (“P”) is present at an embarkation point for the purposes of travelling from there to a destination outside the common travel area, and
  - (b) that the requirement in regulation 14B(1) applies to P and P has failed to comply with the requirement.
- (6) The enforcement officer may direct P to complete an international travel declaration form and may specify a time by which the form is to be completed.
- (7) Paragraph (8) applies where—
  - (a) an enforcement officer considers that the restriction in regulation 14A(1) applies in the case of a person (“P”) who is present at an embarkation point, and
  - (b) P either—
    - (i) fails to comply with the requirement in regulation 14B(1), and does not complete the international travel declaration form when directed to do so under paragraph (5), or
    - (ii) provides the enforcement officer with a completed international travel declaration form which the officer considers does not disclose a reasonable excuse.
- (8) The enforcement officer may—
  - (a) direct P to leave the embarkation point without leaving the United Kingdom;
  - (b) remove the person from the embarkation point.”
- (8) For regulation 38 substitute—

**“Travel restriction offences**

- 38.**—(1) A person who contravenes a requirement in—
  - (a) regulation 14A, or
  - (b) regulation 14B,commits an offence.
- (2) It is an offence for a person to provide false or misleading information on an international travel declaration form under regulation 14B where the person knows the information is false or misleading, or is reckless as to whether the information is false or misleading.
- (3) Paragraph (2) does not apply where the false or misleading information is given for reasons of national security.”
- (9) In regulation 48(1), after “regulation 49,” insert “49A,”.
- (10) After regulation 49 insert—

**“Amount of fixed penalty: international travel requirements**

**49A.** Where a fixed penalty notice is issued in respect of an alleged offence under regulation 38(1)(a), the amount of the fixed penalty is £5000.”

- (11) In regulation 53(1)(c), after “49,” insert “49A,”.
- (12) In regulation 57(1)
- (a) after sub-paragraph (d) insert—
- “(da) “close contact service” means a service which is ordinarily provided by any of the following—
- (i) hair salons and barbers;
- (ii) nail and beauty salons including tanning and electrolysis services;
- (iii) body piercings and tattooing services;”
- (b) omit sub-paragraph (t).
- (13) In Schedule 1, omit Part 3.
- (14) In Schedule 2, omit Part 3.
- (15) In Schedule 3, omit Part 3.
- (16) In Schedule 3A—
- (a) in paragraph 1—
- (i) in sub-paragraph (6), after paragraph (b) insert—
- “(ba) participating in a gathering for the purposes of obtaining or providing—
- (i) medical or health services, including services relating to mental health, and services provided by dentists, opticians, optometrists, audiologists, chiropodists, chiropractors, osteopaths, physiotherapists and acupuncturists;
- (ii) a close contact service;”;
- (ii) omit sub-paragraph (7);
- (b) in paragraph 3, omit sub-paragraph (7);
- (c) omit Part 3;
- (d) in paragraph 7(2), after paragraph (c) insert—
- “(ca) the use of premises for any purpose as may be requested or authorised by the Welsh Ministers or a local authority;”
- (e) in paragraph 9—
- (i) in the heading, omit “and crematoriums”;
- (ii) in sub-paragraph (1)—
- (aa) for “paragraphs 19 and 20” substitute “paragraph 19”;
- (bb) for “sub-paragraphs (2) and (3)” substitute “sub-paragraph (2)”;
- (iii) in sub-paragraph (2)(b), for “to provide public services upon the request of” substitute “for any purpose as may be requested or authorised by”;
- (iv) omit sub-paragraph (3);
- (v) omit sub-paragraph (4)(b);
- (vi) omit sub-paragraph (5);
- (f) in paragraph 10—

- (i) in sub-paragraph (1), for “21 to 47” substitute “24 to 44”;
- (ii) in sub-paragraph (3), for paragraph (a) substitute—
  - “(a) listed in paragraph 39 or 42 (spas and indoor sports and fitness facilities) may open its premises to the public, but only for the purposes of providing, by appointment, close contact services or services provided by dentists, opticians, optometrists, audiologists, chiropodists, chiropractors, osteopaths, physiotherapists and acupuncturists;”;
- (g) in paragraph 11—
  - (i) in sub-paragraph (1)(a), for “48 to 66” substitute “51 and 52”;
  - (ii) for sub-paragraph (1)(c) substitute—
    - “(c) premises used as a venue for the solemnisation of a marriage, formation of civil partnership or alternative wedding ceremony, or the celebration of such an event, may open to the public for the purposes of enabling a person to visit the premises, by appointment, with a view to booking the premises for the solemnisation of a marriage, formation of civil partnership or alternative wedding ceremony, or for the celebration of such an event;”;
- (h) omit paragraphs 20 to 23;
- (i) omit paragraphs 45 to 50;
- (j) omit paragraphs 53 to 66.
- (17) In Schedule 4—
  - (a) omit Part 3;
  - (b) in paragraph 9—
    - (i) in the heading, omit “and crematoriums”;
    - (ii) in sub-paragraph (1)—
      - (aa) for “paragraphs 19 and 20” substitute “paragraph 19”;
      - (bb) for “sub-paragraphs (2) and (3)” substitute “sub-paragraph (2)”;
    - (iii) omit sub-paragraphs (3) and (4);
  - (c) omit paragraph 20.
- (18) In Schedule 5, paragraph 2—
  - (a) in the words before paragraph (a), for “11 April” substitute “25 April”;
  - (b) omit paragraphs (d) and (g).
- (19) After Schedule 5 insert—

“SCHEDULE 5A

Regulations 14A and 14B

Persons exempt from the restrictions on leaving the United Kingdom, and the requirement to have a travel declaration form

- 1.—(1) A person (“P”) who is—
- (a) a member of a diplomatic mission in the United Kingdom,
  - (b) a member of a consular post in the United Kingdom,
  - (c) an officer or servant of an international organisation,
  - (d) employed by an international organisation as an expert or on a mission,

- (e) a representative to an international organisation,
  - (f) a representative at an international or United Kingdom conference who is granted privileges and immunities in the United Kingdom,
  - (g) a member of the official staff of a representative to an international organisation, or of a person falling within paragraph (f),
  - (h) described in paragraph (a) or (b) who is passing through the United Kingdom to commence or continue their functions at a diplomatic mission or consular post in another country or territory, or to return to the country of their nationality,
  - (i) a representative of a foreign country or territory travelling to the United Kingdom to conduct official business with the United Kingdom,
  - (j) a representative of the government of a British overseas territory,
  - (k) a diplomatic courier or a consular courier, or
  - (l) a member of the family forming part of the household of a person falling within any of paragraphs (a) to (k).
- (2) For the purposes of this paragraph—
- (a) “consular courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a consular courier in accordance with Article 35(5) of the Vienna Convention on Consular Relations of 1963;
  - (b) “consular post” means any consulate-general, consulate, vice-consulate or consular agency;
  - (c) “diplomatic courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a diplomatic courier in accordance with Article 27(5) of the Vienna Convention on Diplomatic Relations of 1961;
  - (d) “international organisation” means an international organisation accorded privileges and immunities in the United Kingdom;
  - (e) “member of a consular post” means a “consular officer”, “consular employee” and “member of the service staff” as defined in Schedule 1 to the Consular Relations Act 1968(7), and “head of consular post” has the meaning given in that Schedule;
  - (f) “member of a diplomatic mission” means the “head of the mission”, “members of the diplomatic staff”, “members of the administrative and technical staff” and “members of the service staff” as defined in Schedule 1 to the Diplomatic Privileges Act 1964(8).

2.—(1) A Crown servant or government contractor where they are undertaking essential government work related to the United Kingdom border outside of the United Kingdom.

- (2) For the purposes of sub-paragraph (1) and paragraph 3—
- (a) “Crown servant” has the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989(9);
  - (b) “essential government work” means work which has been designated as such by the relevant Department or employer;

(7) 1968 c. 18. There are amendments but none is relevant.

(8) 1964 c. 81. There are amendments but none is relevant.

(9) 1989 c. 6. Section 12 was amended by paragraph 22 of Schedule 10 to the Reserve Forces Act 1996 (c. 14), by paragraph 30 of Schedule 12 to the Government of Wales Act 1998 (c. 38), by paragraph 26 of Schedule 8 to the Scotland Act 1998 (c. 46), by paragraph 9 of Schedule 13 to the Northern Ireland Act 1998 (c. 47), by paragraph 9 of Schedule 6 to the Police (Northern Ireland) Act 2000 (c. 32), by paragraph 6 of Schedule 14 to the Energy Act 2004 (c. 20), by paragraph 58 of Schedule 4 to the Serious Organised Crime and Police Act 2005 (c. 15), by paragraph 34 of Schedule 10, and paragraph 1 of Schedule 12, to the Government of Wales Act 2006 (c. 32) and by paragraph 36 of Schedule 8 to the Crime and Courts Act 2013 (c. 22).



- (c) “government contractor” has the meaning given in section 12(2) of the Official Secrets Act 1989.

**3.—(1)** A person who is a Crown servant, a government contractor, or a member of a visiting force, who—

- (a) is required to undertake work necessary to the delivery of essential defence activities;
- (b) is travelling on a vessel or aircraft operated by, or in support of, Her Majesty’s armed forces or by, or in support of, a visiting force.

(2) For the purposes of sub-paragraph (1)—

- (a) “defence” has the meaning given in section 2(4) of the Official Secrets Act 1989;
- (b) “visiting force” means any body, contingent or detachment of the forces of a country, being a body, contingent or detachment for the time being present in the United Kingdom (including United Kingdom territorial waters), on the invitation of her Majesty’s Government for the United Kingdom.

**4.** An official of a foreign Government, who came to the United Kingdom to undertake essential border security duties, or a contractor directly supporting these essential border security duties.

**5.—(1)** A transit passenger.

(2) For the purposes of sub-paragraph (1), “transit passenger” means a person who, on arrival in the United Kingdom—

- (a) passes through to another country or territory outside the common travel area without entering the United Kingdom, or
- (b) enters the United Kingdom for the sole purpose of continuing a journey to a country or territory outside the common travel area and—
  - (i) remains within their port of entry until their departure from Wales, or
  - (ii) travels directly from their port of entry to another port of departure in Wales.

**6.—(1)** A road haulage worker or a road passenger transport worker.

(2) For the purposes of this paragraph—

- (a) “driver” includes a person who is travelling in a vehicle as a relief driver;
- (b) “goods vehicle” has the meaning given in section 192 of the Road Traffic Act 1988<sup>(10)</sup>;
- (c) “road haulage worker” means—
  - (i) the driver of a goods vehicle that is being used in connection with the carriage of goods, other than goods for non-commercial personal use by the driver, or
  - (ii) a person who is employed by the holder of a Community licence issued under Article 4 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council<sup>(11)</sup>, and who is acting in the course of their employment;
- (d) “public service vehicle” has the meaning given in section 1 of the Public Passenger Vehicles Act 1981<sup>(12)</sup>;
- (e) “road passenger transport worker” means—
  - (i) the driver of a public service vehicle, or

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<sup>(10)</sup> 1988 c. 52. There are amendments to section 192 but none is relevant.

<sup>(11)</sup> OJ No. L 300, 14.11.2009, p. 72.

<sup>(12)</sup> 1981 c. 14. Section 1 was amended by section 139(3) of the Transport Act 1985 (c. 67).

- (ii) a person who is employed by the holder of a Community licence issued under Article 4 of Regulation (EC) No 1073/2009 of the European Parliament and of the Council(13), and who is acting in the course of their employment.

7.—(1) Seamen and masters, as defined in section 313(1) of the Merchant Shipping Act 1995(14), where they are travelling from the United Kingdom in the course of their work or are being repatriated from the United Kingdom in accordance with the Maritime Labour Convention, 2006 or the Work in Fishing Convention, 2007.

(2) For the purposes of sub-paragraph (1)—

- (a) “the Maritime Labour Convention, 2006” means the Convention adopted on 23 February 2006 by the General Conference of the International Labour Organisation(15);
- (b) “the Work in Fishing Convention, 2007” means the Convention adopted at Geneva on 14 June 2007 by the International Labour Organisation(16).

8. A pilot, as defined in paragraph 22(1) of Schedule 3A to the Merchant Shipping Act 1995(17), where they are travelling from the United Kingdom in the course of their work or are being repatriated from the United Kingdom.

9. An inspector, or a surveyor of ships, appointed under section 256 of the Merchant Shipping Act 1995(18), or by a government of a relevant British possession as defined in section 313(1) of that Act, where they are travelling from the United Kingdom in the course of their work.

10.—(1) A member of aircraft crew where they are travelling from the United Kingdom in the course of their work or are otherwise required to travel from the United Kingdom for work purposes.

(2) In sub-paragraph (1)—

- (a) “member of aircraft crew” means a person who—
  - (i) acts as a pilot, flight navigator, flight engineer or flight radiotelephony operator of the aircraft,
  - (ii) is carried on the flight deck and is appointed by the operator of the aircraft to give or to supervise the training, experience, practice and periodical tests required for the flight crew under article 114(2) of the Air Navigation Order 2016(19) or under Annex III or Annex VI of the EASA Air Operations Regulation, or
  - (iii) is carried on the 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 passengers or of the aircraft;
- (b) “EASA Air Operations Regulation” has the meaning given in paragraph 1 of Schedule 1 to the Air Navigation Order 2016.

11. Civil aviation inspectors, as defined in Annex 9 to the Convention on International Civil Aviation signed at Chicago on 7 December 1944(20), where they are travelling from the United Kingdom when engaged on inspection duties.

(13) OJ No. L 300, 14.11.2009, p. 88.

(14) 1995 c. 21. There are amendments to section 313(1) but none is relevant.

(15) Cm. 7049. ISBN 978 010 1889 766.

(16) Cm 7375.

(17) Schedule 3A was inserted by Schedule 1 to the Marine Safety Act 2003 (c. 16).

(18) There are amendments to section 256 but none is relevant.

(19) S.I. 2016/765.

(20) The latest edition of Annex 9, which is published by the International Civil Aviation Organization, is the 15th edition, which applied from 23 February 2018 (ISBN 978-92-9258-301-9).

**12.**—(1) Any of the following who are travelling from the United Kingdom in the course of their work—

- (a) drivers and crews on shuttle services and on services for the carriage of passengers or goods by way of the tunnel system;
- (b) operational, rail maintenance, safety and security workers working on the tunnel system;
- (c) other workers carrying out essential roles for the safe or efficient operation of the tunnel system, shuttle services or services for the carriage of passengers or goods by way of the tunnel system, or relating to the security of the tunnel system or any such services.

(2) For the purposes of sub-paragraph (1)—

- (a) “shuttle service” has the meaning given in section 1(9) of the Channel Tunnel Act 1987(21);
- (b) “tunnel system” has the meaning given in section 1(7) of that Act.

**13.** A person designated by the relevant Minister under section 5(3) of the Repatriation of Prisoners Act 1984(22).

**14.** A person being removed from the United Kingdom pursuant to a warrant issued under section 1 of the Repatriation of Prisoners Act 1984.

**15.** A person responsible for escorting a person sought for extradition pursuant to a warrant issued under Part 3 of the Extradition Act 2003(23) or sought for extradition pursuant to any other extradition arrangements.

**16.** A representative of any territory who travelled to the United Kingdom in order to take into custody a person whose surrender has been ordered pursuant to any provision of the Extradition Act 2003.

**17.** A person who is being extradited or deported from the United Kingdom, and any person who is being removed from, or voluntarily departing from, the United Kingdom, because they do not have leave to enter or remain in the United Kingdom.

**18.**—(1) A specialist aerospace engineer, or a specialist aerospace worker, where they are travelling from the United Kingdom in the course of their work.

(2) For the purposes of sub-paragraph (1)—

- (a) “specialist aerospace engineer” means a person who is employed or otherwise engaged to provide engineering services for the purpose of ensuring the continued operation of aviation activities (including but not limited to the provision of maintenance and repair services for production lines, aviation components, grounded aircraft and new aircraft);
- (b) “specialist aerospace worker” means a person who is employed or otherwise engaged to provide services for the purpose of ensuring safety management and quality assurance as required by relevant standards, guidance and publications on aviation safety produced by the Civil Aviation Authority or the European Union Aviation Safety Agency(24).”

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(21) 1987 c. 53.

(22) 1984 c. 47.

(23) 2003 c. 41.

(24) The Civil Aviation Authority was established under section 1(1) of the Civil Aviation Act 1971 (c. 75). That Act was replaced by a consolidating statute, the Civil Aviation Act 1982 (c. 16), section 2(1) of which provides for the continued existence of the Civil Aviation Authority. There are amendments to section 2 but none is relevant. The European Union Aviation Safety Agency was established by Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91.

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

3.—(1) The Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020(25) are amended as follows.

(2) In regulation 2—

(a) in the definition of “authorised person”, in sub-paragraphs (a) and (b), after “arriving” insert “or departing”;

(b) in the appropriate place, insert—

““outbound international passenger service” (“*gwasanaeth teithwyr rhyngwladol allan*”) means a commercial service by which passengers travel from a port in Wales to a destination outside the common travel area on a vessel or aircraft;”.

(3) In regulation 3—

(a) after paragraph (2) insert—

“(2A) The operator of any outbound international passenger service must provide the information specified in paragraph (2B) as part of any facility managed by the operator by which a person may make an online booking for travel on the service.

(2B) The information mentioned in paragraph (2A) is—

(a) the information set out in Part 3 of the Schedule which must be embedded in a prominent place so that it is visible prior to a booking being made, and

(b) a link to <https://gov.wales/exemptions-self-isolation-coronavirus-covid-19-html#section-57963>.

(2C) Paragraph (2A) does not apply in relation to a passenger who arrives in Wales on an international passenger service and later departs from Wales on an outbound international passenger service if both journeys are part of the same booking.”;

(b) in paragraph (3), for “paragraph (1)” substitute “paragraphs (1) and (2A)”.

(4) In regulation 3A, after paragraph (5) insert—

“(6) Paragraph (7) applies where at least 48 hours prior to the scheduled departure time of an outbound international passenger service, a booking is made for a passenger (“Q”) to travel on that service.

(7) Where this paragraph applies, at least 24 hours prior to the scheduled departure time of the outbound international passenger service, the operator of that service must ensure that Q has been provided with the information specified in paragraph (8) by text message, push notification, email or orally.

(8) The information required by paragraph (7) is—

(a) where the information is provided by email—

(i) the information set out in Part 3 of the Schedule, and

(ii) a link to <https://gov.wales/exemptions-self-isolation-coronavirus-covid-19-html#section-57963>;

(b) where the information is provided orally, the information set out in Part 3 of the Schedule;

(c) where the information is provided by text message or push notification, the information set out in Part 4 of the Schedule.

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(25) 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) and S.I. 2021/171 (W. 39).

(9) Where another person (“B”) makes a booking on an outbound international passenger service on behalf of another passenger (whether or not B is also a passenger on that service), the requirement to provide information in accordance with this regulation is to be treated as complied with if the required information was provided to B in the required manner at least 24 hours prior to the scheduled departure time of that service, along with a written request that B provides that information to the passenger.”

(5) In regulation 6—

(a) in paragraph (1), for “regulation 3A(2)” substitute “regulation 3A(2) or (7),”;

(b) in paragraph (2), for “regulation 3(1) or (3)” substitute “regulation 3(1), regulation 3A(2) or (7),”.

(6) In the Schedule, after Part 2 insert—

### “Part 3

The information to be provided for the purposes of regulations 3(2B)(a) and 3A(8)(a)(i) and (8)(b) is—

“International travel restrictions - You can only travel from Wales to a destination outside the common travel area for legally permitted reasons. This does not include holidays.

You must complete an international travel declaration form and may be required to show the form at the port of departure. You may also wish to take with you to the port evidence supporting the reason for your trip.

Some job related exemptions apply. You may be issued with a Fixed Penalty Notice and directed to leave the port if you do not have a valid reason for travel.”

### Part 4

The information to be provided for the purposes of regulation 3A(8)(c) is—

“International travel from Wales is restricted - only travel if you have a legally permitted reason. You must complete a declaration form. Penalties apply.””

At 3.43 p.m. on 9 April 2021

*Mark Drakeford*  
First Minister, one of the Welsh Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Part 2A of the Public Health (Control of Disease) Act 1984 enables the Welsh Ministers, by regulations, to make provision for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Wales.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales.

These Regulations amend the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 (S.I. 2020/1609 (W. 335)) (“the principal Regulations”).

The amendments provide that the restrictions and requirements set out in Schedule 3A to the principal Regulations will continue to apply to the whole of Wales until the end of the day on 25 April 2021. The Regulations also amend the Schedule 3A restrictions and requirements to—

- (a) remove the prohibition on gathering for the purposes of persuading or dissuading a person to vote in a particular manner in an election (canvassing);
- (b) enable all retail premises to re-open;
- (c) allow all close contact personal services to open their premises, allow such services to be provided in private dwellings, and allow spas and indoor sports and fitness facilities to open for the purposes of providing such services (only);
- (d) allow wedding venues to open for the purposes of enabling a person to visit the venue, by appointment, with a view to booking it in relation to the solemnisation of a marriage, formation of civil partnership or alternative wedding ceremony, or for the celebration of such an event;
- (e) allow crematoriums to fully open (and an equivalent change is made to Schedule 4 so that crematoriums won’t be required to close under Alert Level 4 either).

The Regulations also remove the current travel restrictions across all Alert Levels and amend the principal Regulations to impose restrictions and requirements relating to international travel that apply to all Alert Levels. They—

- (a) provide that no person may depart Wales to a destination outside the common travel area (the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland) without a reasonable excuse;
- (b) provide that any person who is at an embarkation point (for example, an airport) for the purposes of leaving the common travel area must provide a completed international travel declaration form to an enforcement officer on request.

The Regulations also amend the principal Regulations to require a person responsible for carrying out or facilitating activity undertaken for the purposes of persuading or dissuading a person to vote in a particular manner in an election (for example, canvassing) to take all reasonable measures to minimise the risk of exposure to, and the spread of, coronavirus at the activity. The person responsible must also have regard to any guidance issued by the Welsh Ministers about the reasonable measures. The Regulations also make minor and consequential amendments, including to provide for the enforcement of the new provisions on international travel.

In consequence of the amendments relating to international travel, these Regulations also amend the Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020 to impose a requirement on the operators of commercial transport services departing from Wales to a destination outside the common travel area. Such operators will be required to provide information to passengers about the restriction on leaving Wales for a destination outside the common travel area and the requirement to complete an international travel declaration form. This information is to be provided at the time of booking and at least 24 hours prior to the scheduled departure.

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.