
WELSH STATUTORY INSTRUMENTS

2020 No. 574

**The Health Protection (Coronavirus,
International Travel) (Wales) Regulations 2020**

PART 1

General

Title and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020.

(2) These Regulations come into force at 12.01 a.m. on 8 June 2020.

General interpretation

2.—(1) In these Regulations –

“child” (*“plentyn”*) means a person under 18 years of age and any reference to an “adult” (*“oedolyn”*) is to be interpreted accordingly;

“coronavirus” (*“coronafeirws”*) means severe acute respiratory syndrome coronavirus 2 (SARS-Cov-2);

“Immigration Acts” (*“y Deddfau Mewnfudo”*) has the meaning given by section 61 of the UK Borders Act 2007⁽¹⁾;

“immigration officer” (*“swyddog mewnfudo”*) means a person appointed by the Secretary of State as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971⁽²⁾;

“passenger information” (*“gwybodaeth am deithiwr”*) means the information specified in Schedule 1;

“premises” (*“mangre”*) includes any garden, yard, passage, stair, garage, outhouse, or other appurtenance of such premises.

(2) For the purpose of these Regulations, a person has responsibility for a child if—

(a) the person has custody or charge of the child, or

(b) the person has parental responsibility for the child (within the meaning of the Children Act 1989)⁽³⁾.

(3) In these Regulations—

(1) 2007 c. 30. Section 61 was amended by section 73(5) of the Immigration Act 2014 (c. 22) and section 92(5) of the Immigration Act 2016 (c. 19).

(2) 1971 c. 77. Paragraph 1 was amended by paragraph 3 of Schedule 3 to the Health Protection Agency Act 2004 (c. 17), and by S.I. 1993/1813.

(3) 1989 c. 41.

“aircraft” (“*awyren*”)(4);

“the common travel area” (“*yr ardal deithio gyffredin*”)(5);

“port” (“*porthladd*”)(6);

“ship” (“*llong*”)(7),

have the same meaning as they have in the Immigration Act 1971.

PART 2

Requirement to provide information

Persons arriving from outside the common travel area

3.—(1) In this Part, references to “P” are to—

- (a) a person who arrives in Wales by ship or aircraft from a place outside the common travel area, or
- (b) a person who—
 - (i) arrives in Wales by ship or aircraft from the Republic of Ireland, the Channel Islands or the Isle of Man, and
 - (ii) has, within the period of 14 days ending with the person’s arrival, been in a place outside the common travel area.

(2) But references to P do not include a person described in Part 1 of Schedule 2.

Requirement to provide passenger information

4.—(1) P must submit the following information to the Secretary of State electronically as soon as reasonably practicable upon arriving in Wales, using a facility provided by the Secretary of State for this purpose—

- (a) P’s passenger information, and
- (b) where P arrives in Wales accompanied by a child for whom P has responsibility, the child’s passenger information.

(2) Where P arrives in Wales at a port—

- (a) P must comply with paragraph (1) before leaving the port, and
- (b) an immigration officer at the port must provide P with any assistance the officer considers necessary to enable P to comply with paragraph (1).

(3) P is not required to comply with paragraph (1) if the passenger information has, before P’s arrival in Wales, been provided electronically to the Secretary of State using a facility provided by the Secretary of State for this purpose.

(4) But where paragraph (3) applies P must, if requested by an immigration officer to do so, provide the officer with evidence that the passenger information has been provided.

(4) See section 33(1).

(5) See section 1(3). It provides that the United Kingdom, the Channel Islands, the Isle of Man, and the Republic of Ireland are collectively referred to in that Act as “the common travel area”.

(6) See section 33(1).

(7) See section 33(1).

(5) Where P is a child in respect of whom passenger information has been provided by a person with responsibility for P in accordance with paragraph (1)(b), P is not required by paragraph (1)(a) to provide P's passenger information.

Requirement to notify changes to passenger information

5.—(1) Paragraph (2) applies where—

- (a) P is required by regulation 7 or 8 to reside in (and not leave or be outside of) premises until the end of the last day of P's isolation (within the meaning given by regulation 12), and
- (b) before the end of that day, P's passenger information changes.

(2) Where this paragraph applies, P must provide updated passenger information to the Secretary of State electronically as soon as is reasonably practicable, using a facility provided by the Secretary of State for this purpose.

(3) Where P is a child for whom another person has responsibility—

- (a) P is not required to provide updated passenger information under paragraph (2), and
- (b) the other person is required to provide the updated passenger information on behalf of P.

Passenger information not in a person's possession or control

6. Nothing in regulation 4 or 5 requires a person to provide passenger information if the information is not within the person's possession or under the person's control.

PART 3

Requirement to isolate etc.

Requirement to isolate: arrivals from outside the United Kingdom

7.—(1) This regulation applies to a person ("P")—

- (a) who arrives in Wales by ship or aircraft from a place outside the common travel area, or
- (b) who—
 - (i) arrives in Wales by ship or aircraft from the Republic of Ireland, the Channel Islands or the Isle of Man, and
 - (ii) has, within the period of 14 days ending with the day of P's arrival in Wales, arrived in the common travel area from a place outside that area.

(2) P must—

- (a) travel directly to specified premises in Wales suitable for P to reside in until the end of the last day of P's isolation, or
- (b) travel directly to a part of the United Kingdom other than Wales.

(3) Where P travels to specified premises in Wales to reside in, as required by paragraph (2)(a), P may not leave or be outside the premises before the end of the last day of P's isolation unless—

- (a) authorised by regulation 10(4) (temporary departure from premises) to do so, or
- (b) this paragraph ceases to apply in relation to P by virtue of regulation 10(3) (leaving Wales).

(4) For the purposes of paragraphs (2) and (3), the specified premises are—

- (a) the premises specified in P's passenger information as the premises at which P intends to reside for the purposes of this regulation (unless sub-paragraph (d) applies to P);

- (b) if P is a person described in—
 - (i) paragraph 1(1)(a) to (k) of Schedule 2 who has not satisfied the conditions in paragraph 1(2) of that Schedule, or
 - (ii) paragraph 1(1)(l) of that Schedule,
 premises at which P intends to reside for the purposes of this regulation;
 - (c) if P's passenger information does not specify premises at which P intends to reside for the purposes of this regulation, the premises arranged by P under paragraph (5);
 - (d) if P is subject to a requirement imposed under or by virtue of the Immigration Acts to reside at particular premises in Wales, those premises.
- (5) Where P's passenger information does not specify premises at which P intends to reside for the purposes of this regulation, P must, as soon as is reasonably practicable—
- (a) make arrangements to reside at premises in Wales suitable for P to reside in until the end of the last day of P's isolation, and
 - (b) notify the Secretary of State of the address of those premises electronically using a facility provided by the Secretary of State for this purpose.
- (6) But where P arrived in Wales at a port, P must comply with the requirements of paragraph (5) before leaving the port.
- (7) Where paragraph (5) applies, the Welsh Ministers must provide or secure the provision of such assistance as they consider necessary (if any) to ensure P is able to make the arrangements mentioned in paragraph (5)(a).

Requirement to isolate: arrivals from another part of the United Kingdom

- 8.—(1) This regulation applies to a person ("P") —
- (a) who arrives in Wales from elsewhere in the United Kingdom, and
 - (b) has within the period of 14 days ending with the day of P's arrival in Wales, arrived in the common travel area from a place outside that area.
- (2) But references to P do not include—
- (a) a person—
 - (i) who arrives in Wales for the purpose of returning to the premises in Wales at which the person is residing for the purposes of regulation 7(3), and
 - (ii) who left Wales temporarily, for one or more of the reasons authorised by regulation 10(4);
 - (b) a person—
 - (i) who is required to reside at premises elsewhere in the United Kingdom by provision in Regulations made as respects England, Scotland or Northern Ireland (as the case may be) that are equivalent to these Regulations,
 - (ii) who is permitted to leave that other part of the United Kingdom temporarily by virtue of those Regulations, and
 - (iii) who remains in Wales for no longer than is necessary.
- (3) P must—
- (a) travel directly to premises in Wales that are suitable for P to reside in until the end of the last day of P's isolation, and
 - (b) may not leave or be outside the premises before the end of the last day of P's isolation unless—

- (i) authorised by regulation 10(4) (temporary departure from premises) to do so, or
- (ii) this paragraph ceases to apply in relation to P by virtue of regulation 10(3) (leaving Wales).

(4) P must also—

- (a) before arriving in Wales, or
- (b) as soon as practicable after arriving,

notify the Secretary of State of the address of the premises at which P intends to reside for the purposes of paragraph (3) electronically using a facility provided by the Secretary of State for this purpose.

Isolation requirements: exemptions

9. Regulations 7 and 8 do not apply to a person described in —

- (a) paragraph 1(1)(a) to (k) of Schedule 2 who satisfies the conditions in paragraph 2 of that Schedule;
- (b) paragraphs 2 to 36 of Schedule 2.

Isolation requirements: exceptions

10.—(1) This regulation applies where a person (“P”) is required to reside in (and not leave or be outside of) premises in Wales by an isolation requirement.

(2) “Isolation requirement” in relation to P means a requirement imposed by—

- (a) regulation 7(3);
- (b) regulation 8(3)(b).

(3) An isolation requirement ceases to apply in relation to P if P leaves Wales, unless P is temporarily outside Wales for a purpose authorised by paragraph (4)(b) to (j).

(4) P may leave and be outside of the premises for as long as is necessary—

- (a) to travel for the purpose of leaving Wales in the manner described by paragraph (3);
- (b) to obtain basic necessities (including for other persons at the premises or any pets at the premises), where it is not possible or practicable—
 - (i) for another person at the premises to obtain them on P’s behalf, or
 - (ii) to obtain them by delivery to the premises from a third party;
- (c) to seek medical assistance, where this is required urgently or on the advice of a registered medical practitioner;
- (d) to receive a health service provided by a registered medical practitioner, where the provision of the service was arranged before P’s arrival in the United Kingdom;
- (e) to assist a person receiving a health service described in paragraph (d), or to accompany that person if P is a child for whom the person has responsibility;
- (f) to access veterinary services where—
 - (i) they are required urgently for a pet at the premises, and
 - (ii) it is not possible for another person at the premises to access those services;
- (g) to carry out specified activities in relation to edible horticulture, but only if P is residing at the premises in connection with those activities;
- (h) to avoid illness or injury or to escape a risk of harm;

- (i) to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
 - (j) to access public services (including social services or victims' services) where—
 - (i) access to the service is critical to P's well-being, and
 - (ii) the service cannot be provided if P remains at the premises;
 - (k) for compassionate reasons, including to attend the funeral of—
 - (i) a member of P's family;
 - (ii) a close friend.
- (5) Where—
- (a) a legal obligation requires P to change the premises at which P resides for the purpose of an isolation requirement, or
 - (b) P is otherwise unable to remain at the premises at which P is residing for the purpose of an isolation requirement,

P may travel directly to alternative premises in Wales that are suitable for P to reside in until the end of the last day of P's isolation; and references in this Part to premises, in relation to an isolation requirement, are to be read accordingly.

(6) Where paragraph (5) applies, P must notify the Secretary of State of the address of the alternative premises electronically as soon as is reasonably practicable using a facility provided by the Secretary of State for this purpose.

- (7) An isolation requirement does not apply in relation to any period during which P is—
- (a) removed to, directed to go to or directed to remain at a place by an immigration officer, constable or public health officer under Schedule 21 to the Coronavirus Act 2020⁽⁸⁾;
 - (b) detained at a place by virtue of a requirement imposed under the Immigration Acts.
- (8) For the purposes of this regulation—
- (a) “edible horticulture” (“*garddwriaeth fwytdwy*”) means growing—
 - (i) protected vegetables grown in glasshouse systems,
 - (ii) field vegetables grown outdoors, including vegetables, herbs, leafy salads and potatoes,
 - (iii) soft fruit grown outdoors or under cover,
 - (iv) trees that bear fruit,
 - (v) vines and bines, or
 - (vi) mushrooms;

“health service” (“*gwasanaeth iechyd*”) means a service provided for or in connection with—

- (i) the prevention, diagnosis or treatment of illness, or
- (ii) the promotion or protection of public health;

“registered medical practitioner” (“*ymarferydd meddygol cofrestredig*”) means a fully registered person within the meaning of the Medical Act 1983⁽⁹⁾ who holds a licence to practise under that Act;

“specified activities” (“*gweithgareddau penodedig*”), in relation to edible horticulture, means—

⁽⁸⁾ 2020 c. 7.

⁽⁹⁾ 1983 c. 54. see section 55(1). The definition of “fully registered person” was amended by S.I. 2006/1914, S.I. 2007/3101 and S.I. 2008/1774

- (i) crop maintenance,
- (ii) crop harvesting,
- (iii) tunnel construction and dismantling,
- (iv) irrigation installation and maintaining,
- (v) crop husbandry,
- (vi) packing and processing of crops on employers premises,
- (vii) preparing and dismantling growing areas and media,
- (viii) general primary production work in edible horticulture,
- (ix) activities relating to supervising teams of horticulture workers.

Requirement on persons with responsibility for children

11. Where a requirement is imposed under regulation 7, 8 or 10 on a child, a person with responsibility for the child must take all reasonable measures to ensure that the child complies with the requirement.

Last day of isolation

12. For the purposes of regulations 7, 8 and 10, the last day of P's isolation is the last day of the period of 14 days beginning with the day on which P arrived in the common travel area from a place outside that area.

PART 4

Enforcement and offences

Enforcement of requirement to isolate

13.—(1) Where a constable has reasonable grounds for suspecting that a person ("P") is contravening regulation 7(3) or 8(3)(b), the constable may—

- (a) direct P to return to the premises where P is residing,
- (b) remove P to the premises, or
- (c) where it is not practicable or appropriate in the circumstances to take the action in subparagraph (a) or (b), remove P to premises secured by the Welsh Ministers which are suitable for P to reside in for the purposes of regulation 7(3) or 8(3)(b).

(2) A constable exercising the power in paragraph (1)(b) or (c) may use reasonable force, if necessary, in the exercise of the power.

(3) Where P is a child accompanied by a person who has responsibility for the child—

- (a) the constable may direct the person with that responsibility to take the child to the premises where the child is residing, and
- (b) the person must, so far as reasonably practicable, ensure that the child complies with any direction or instruction given by the constable to the child.

(4) A constable may take such other action as the constable considers necessary and proportionate to facilitate the exercise of a power conferred on the constable by this regulation.

(5) A constable may not exercise a power conferred on the constable by this regulation unless the constable considers that it is necessary and proportionate to do so.

Offences

14.—(1) An adult who contravenes a requirement in regulation—

- (a) 4(1) or (4),
- (b) 5(2),
- (c) 7(2), (3) or (5),
- (d) 8(3) or (4),
- (e) 10(6), or
- (f) 11,

commits an offence.

(2) It is an offence for an adult to provide false or misleading information to the Secretary of State for the purposes of regulation 4, 5, 7(5), 8(4) or 10(6) where—

- (a) the person knows the information is false or misleading, or
- (b) the person is reckless as to whether the information is false or misleading.

(3) An adult who fails to comply with a direction given by a constable under regulation 13 commits an offence.

(4) An adult who intentionally obstructs any person exercising functions under these Regulations commits an offence.

(5) It is a defence to a charge of committing an offence under paragraph (1) or (3) to show that the person had a reasonable excuse for the contravention, or failure to comply, in question.

(6) A person who commits an offence under this regulation is liable on summary conviction to a fine.

(7) Section 24 of the Police and Criminal Evidence Act 1984⁽¹⁰⁾ applies in relation to an offence under this regulation as if the reasons in subsection (5) of that section included—

- (a) to maintain public health;
- (b) to maintain public order.

Prosecutions

15. No proceedings for an offence under these Regulations may be brought other than by the Director of Public Prosecutions or any person designated by the Welsh Ministers.

Fixed penalty notices

16.—(1) An immigration officer may issue a fixed penalty notice to any adult the officer reasonably believes has committed an offence—

- (a) under regulation 14(1) or (2)—
 - (i) in relation to a requirement in regulation 4(1) or (4), 5(2) or 7(5), or
 - (ii) in relation to a contravention of the requirement in regulation 11 which relates to the requirement in regulation 7(5), or
- (b) under regulation 14(4) where the person is believed to have intentionally obstructed a person carrying out a function in relation to one of those requirements.

(2) A constable may issue a fixed penalty notice to any adult the constable reasonably believes has committed an offence under these Regulations.

⁽¹⁰⁾ 1984 c. 60. Section 24 was substituted by s.110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).

(3) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to—

- (a) the Welsh Ministers, or
- (b) a person designated by the Welsh Ministers for the purposes of receiving payment under this regulation.

(4) Where a person is issued with a notice under this regulation in respect of an offence—

- (a) no proceedings may be taken for the offence before the end of the period of 28 days beginning with the date the notice is issued;
- (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

(5) A fixed penalty notice must—

- (a) describe the circumstances alleged to constitute the offence,
- (b) state the period during which (because of paragraph (4)(a)) proceedings will not be taken for the offence,
- (c) specify the amount of the fixed penalty,
- (d) state the name and address of the person to whom the fixed penalty may be paid, and
- (e) specify permissible methods of payment.

(6) Where the fixed penalty notice is issued in respect of an offence—

- (a) of contravening a requirement imposed by regulation 7(2) or (3), 8(3) or 11,
- (b) under regulation 14(3), or
- (c) under regulation 14(4) where the person is believed to have intentionally obstructed a person carrying out a function in relation to regulation 7(2) or (3), 8(3) or 11,

the amount specified under paragraph (5)(c) must be £1000.

(7) Where the fixed penalty notice is issued in respect of an offence (an “information or notification offence”)—

- (a) of contravening a requirement imposed by regulation 4(1) or (4), 5(2), 7(5), 8(4) or 10(6), or
- (b) under regulation 14(4) where the person is believed to have intentionally obstructed a person carrying out a function in relation to one of those requirements,

the amount specified under paragraph (5)(c) must be £60 (subject to paragraphs (8) and (9)).

(8) A fixed penalty notice issued in respect of an information or notification offence may specify that if £30 is paid before the end of the period of 14 days beginning with the day after the date the notice is issued, that is the amount of the fixed penalty.

(9) But if the person to whom a fixed penalty notice in respect of an information or notification offence is issued has already received a fixed penalty notice in respect of such of such an offence—

- (a) paragraph (8) does not apply, and
- (b) the amount specified as the fixed penalty is to be—
 - (i) in the case of the second fixed penalty notice received, £120;
 - (ii) in the case of the third fixed penalty notice received, £240;
 - (iii) in the case of the fourth fixed penalty notice received, £480;
 - (iv) in the case of the fifth fixed penalty notice received, £960;
 - (v) in the case of the sixth and any subsequent fixed penalty notice received, £1920.

(10) Whatever other method may be specified under paragraph (5)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (5)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(11) Where a letter is sent as mentioned in paragraph (10), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(12) In any proceedings, a certificate that—

(a) purports to be signed by or on behalf of—

(i) the Welsh Ministers, or

(ii) a person designated by the Welsh Ministers under paragraph (3)(b), and

(b) states that the payment of a fixed penalty was, or was not, received by the date specified in the certificate,

is evidence of the facts stated.

PART 5

Information sharing

Use and disclosure of information

17.—(1) In this regulation and regulation 18, “relevant information” means—

(a) Welsh passenger information;

(b) other UK passenger information.

(2) For the purposes of this regulation—

(a) “Welsh passenger information” means—

(i) passenger information provided to the Secretary of State for the purpose of regulation 4 or 5;

(ii) information provided to the Secretary of State in a notification given under regulation 7(5)(b), 8(4) or 10(6);

(b) “other UK passenger information” means information provided to a person under provision in Regulations made as respects England, Scotland or Northern Ireland (as the case may be) that is equivalent to provision mentioned in sub-paragraph (a).

(3) In this regulation, any reference to the holder of information is a reference to—

(a) the Secretary of State;

(b) a person to whom the information was disclosed under paragraph (4) or (5).

(4) The holder of Welsh passenger information may disclose it to another person (the “recipient”) in circumstances where it is necessary for the recipient to have the information—

(a) for the purpose of carrying out a function of the recipient under—

(i) these Regulations, or

(ii) Regulations made as respects England, Scotland or Northern Ireland (as the case may be) that are equivalent to these Regulations;

(b) for the purpose of—

(i) preventing danger to public health as a result of the spread of infection or contamination with coronavirus,

(ii) monitoring the spread of infection or contamination with coronavirus, or

- (iii) giving effect to any international agreement or arrangement relating to the spread of infection or contamination with coronavirus;
 - (c) for a purpose connected with, or otherwise incidental to, a purpose described in subparagraph (a) or (b).
- (5) The holder of other UK passenger information may disclose it to another person (the “recipient”) in circumstances where it is necessary for the recipient to have the information—
- (a) for the purpose of carrying out a function of the recipient under these Regulations;
 - (b) for the purpose of—
 - (i) preventing danger to public health in Wales as a result of the spread of infection or contamination with coronavirus,
 - (ii) monitoring the spread of infection or contamination with coronavirus in Wales, or
 - (iii) giving effect in Wales to any international agreement or arrangement relating to the spread of infection or contamination with coronavirus;
 - (c) for a purpose connected with, or otherwise incidental to, a purpose described in subparagraph (a) or (b).
- (6) A holder of relevant information may not use the information otherwise than—
- (a) for the purpose of carrying out a function of the holder under these Regulations;
 - (b) in the case of Welsh passenger information, for a purpose described in paragraph (4)(b);
 - (c) in the case of other UK passenger information, for a purpose described in paragraph (5)(b);
 - (d) for a purpose connected with, or otherwise incidental to, a purpose described in subparagraph (a), (b) or (c).
- (7) Despite paragraphs (4), (5) and (6), this regulation does not limit the circumstances in which information may otherwise lawfully be disclosed or used under any other enactment or rule of law.
- (8) Disclosure which is authorised by this regulation does not breach—
- (a) an obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (9) Nothing in this regulation authorises the disclosure of personal data where doing so contravenes the data protection legislation.
- (10) In paragraph (8), “data protection legislation” and “personal data” have the same meanings as in section 3 of the Data Protection Act 2018⁽¹¹⁾.

Self-incrimination

18.—(1) Relevant information may be used in evidence against the person to whom the information relates in criminal proceedings.

(2) Where the information is used in proceedings other than for an offence under these Regulations or section 5 of the Perjury Act 1911⁽¹²⁾ (false statements made otherwise than on oath)

- (a) no evidence relating to the information may be adduced by or on behalf of the prosecution, and
 - (b) no question relating to the information may be asked by or on behalf of the prosecution.
- (3) Paragraph (2) does not apply if, in the proceedings—

⁽¹¹⁾ 2018 c. 12.

⁽¹²⁾ 1911 c. 6. Section 5 was amended by section 1(2) of the Criminal Justice Act 1948 (c. 58).

- (a) evidence relating to the information is adduced by or on behalf of the person who provided it, or
- (b) a question relating to the information is asked by or on behalf of that person.

PART 6

Review and expiry

Review of requirements

19. The Welsh Ministers must review the need for the requirements imposed by these Regulations, and whether those requirements are proportionate to what the Welsh Ministers seek to achieve by them—

- (a) by 29th June 2020,
- (b) at least once in the period of 21 days beginning with the day after that date, and
- (c) at least once in every subsequent period of 21 days.

Expiry of Regulations

20.—(1) These Regulations expire at the end of the period of 12 months beginning with the day on which they come into force.

(2) The expiry of these Regulations does not affect the validity of anything done pursuant to these Regulations before they expire.

5 June 2020

Mark Drakeford
The First Minister, one of the Welsh Ministers