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WELSH STATUTORY INSTRUMENTS

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**2020 No. 574 (W. 132)**

**PUBLIC HEALTH, WALES**

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

<i>Made</i>	- - - -	<i>5th June 2020</i>
		<i>at 11.00 a.m. on 8</i>
<i>Laid before Senedd Cymru</i>		<i>June 2020</i>
		<i>at 12.01 a.m. on 8</i>
<i>Coming into force</i>	- -	<i>June 2020</i>

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

**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(2);

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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).

(2) 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).

“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(3);

“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)(4).
- (3) In these Regulations—
- “aircraft” (“*awyren*”)(5);
- “the common travel area” (“*yr ardal deithio gyffredin*”)(6);
- “port” (“*porthladd*”)(7);
- “ship” (“*llong*”)(8),

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—

(3) 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.

(4) 1989 c. 41.

(5) See section 33(1).

(6) 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”.

(7) See section 33(1).

(8) See section 33(1).

- (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.
- (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<sup>(9)</sup>;
  - (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 fwytadwy*”) 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

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(9) 2020 c. 7.

(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<sup>(10)</sup> who holds a licence to practise under that Act;

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

- (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).

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<sup>(10)</sup> 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

(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<sup>(11)</sup> 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.

<sup>(11)</sup> 1984 c. 60. Section 24 was substituted by s.110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).

### **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.

(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(12).

### **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(**13**) (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—
  - (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 29<sup>th</sup> 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

## SCHEDULE 1

Regulation 2(1)

### Passenger information

1. Personal details—
  - (a) full name,
  - (b) sex,
  - (c) date of birth,
  - (d) passport number, or travel document reference number (as appropriate), issue and expiry dates and issuing authority,
  - (e) telephone number,
  - (f) home address,
  - (g) email address.
2. Journey details—
  - (a) if applicable, the address of suitable premises in Wales at which P intends to reside as required by regulation 7(3),
  - (b) if applicable, the address of suitable premises in the United Kingdom at which P intends to reside as required by equivalent provision in Regulations made as respects England, Scotland or Northern Ireland,
  - (c) the date, or planned date, as appropriate of arrival at an address specified in subparagraph (a) or (b),
  - (d) the operator P is travelling, or travelled, with or through which P's booking was made,
  - (e) travel booking reference,
  - (f) flight number, train number, or ticket number (as appropriate),
  - (g) the name of any organised travel group with whom P is travelling, or travelled,
  - (h) the location at which P will arrive, or has arrived, in the United Kingdom,
  - (i) the country P is travelling, or travelled, from,
  - (j) the date and time, or planned date and time, as appropriate, of P's arrival in the United Kingdom,
  - (k) whether P is connecting through the United Kingdom to a destination outside the United Kingdom and, if so—
    - (i) the location at which P will depart from in the United Kingdom,
    - (ii) P's final destination country,
    - (iii) the operator P is travelling with or through which the booking was made for the onward journey,
    - (iv) the travel booking reference for the onward journey,
    - (v) the flight number, train number, or ticket number (as appropriate) of the onward journey.
3. Whether the person providing passenger information is doing so on behalf of another person.
4. Where P is travelling with a child for whom they have responsibility—
  - (a) the full name and date of birth of that child,
  - (b) the relationship of the passenger to that child.
5. The full name and telephone number of an emergency contact.

SCHEDULE 2

Regulations 3(2), 7(4)(b) and 9

Persons not required to comply with regulation 3 or 4

PART 1

Persons not required to comply with regulation 3 or regulation 4

- 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 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;
  - (l) a member of the family forming part of the household of a person falling within any of paragraphs (a) to (k).
- (2) The conditions referred to in regulation 9(a) (persons exempt from regulation 7 or 8) are that—
  - (a) the relevant head of the mission, consular post, international organisation, or conference, office representing a foreign territory in the United Kingdom or a Governor of a British overseas territory (as the case may be), or a person acting on their authority, confirms in writing to the Foreign and Commonwealth Office that—
    - (i) P is required to undertake work which is essential to the functioning of the mission, consular post, international organisation, conference, or office, or to undertake work which is essential to the foreign country represented by the mission or consular post, the foreign territory represented by the office or the British overseas territory and
    - (ii) that work cannot be undertaken whilst P is complying with regulation 7 or 8, and
  - (b) prior to P’s arrival in the United Kingdom the Foreign and Commonwealth Office—
    - (i) has confirmed in writing to the person giving the confirmation referred to in paragraph (a) that it has received that confirmation, and
    - (ii) where P is a representative of a foreign country or territory, has then confirmed in writing to the person giving the confirmation referred to in paragraph (a) that P is travelling to the United Kingdom to conduct official business with the United Kingdom and is not required to comply with regulation 7 or 8.
- (3) 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(14), 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(15).
- (4) This paragraph is without prejudice to any immunity from jurisdiction or inviolability which is accorded to any person described in sub-paragraph (1) under the law of England and Wales apart from these Regulations.

**2.—(1) A Crown servant or government contractor—**

- (a) who is required to undertake essential government work related to the United Kingdom border in the United Kingdom within 14 days of arriving in the United Kingdom, or
  - (b) who is undertaking essential government work related to the United Kingdom border outside the United Kingdom but—
    - (i) is required to return to the United Kingdom temporarily, and
    - (ii) will subsequently depart to undertake essential government work related to the United Kingdom border outside 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(16);
  - (b) “essential government work” means work which has been designated as such by the relevant Department or employer;
  - (c) “government contractor” has the meaning given in section 12(2) of that Act.

**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, or

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(14) 1968 c. 18. There are amendments but none is relevant.

(15) 1964 c. 81. There are amendments but none is relevant.

(16) 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(3) 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, 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).

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- (b) has, immediately before the person’s arrival, been aboard a vessel operated by or in support of Her Majesty’s Naval Service for a continuous period of at least 14 days and that vessel has not taken on any persons or docked in any port outside the common travel during that period.
- (2) For the purposes of sub-paragraph (1)—
- (a) “defence” has the meaning given in section 2(4) of the Official Secrets Act 1989(17),
  - (b) “visiting force” means a visiting force within the meaning given in section 12(1) of the Visiting Forces Act 1952(18), where that force is from a country which is listed under section 1(1)(a) or designated under section 1(1)(b) or 1(2) of the Visiting Forces Act 1952(19), or which is a country member of the North Atlantic Treaty Organisation.
4. An official of a foreign Government required to travel to the United Kingdom to undertake essential border security duties, or a contractor directly supporting these essential border security duties where—
- (a) the official or contractor is in possession of a written notice signed by a senior member of the foreign Government confirming that they are required to undertake essential border security duties in the United Kingdom within 14 days of arrival and that that work cannot be undertaken whilst the person is complying with regulation 7 or 8, or
  - (b) the official’s or contractor’s deployment is pursuant to a standing bilateral or multilateral agreement with Her Majesty’s Government on the operation of border controls within the United Kingdom.

## PART 2

### Persons not required to comply with regulation 4

5. A person who, on arrival in the United Kingdom, passes through to another country or territory without entering the United Kingdom.
- 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(20),
  - (c) “public service vehicle” has the meaning given in section 1 of the Public Passenger Vehicles Act 1981(21),
  - (d) “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

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(17) 1989 c. 6.

(18) 1952 c. 67. The definition of “visiting force” in section 12(1) was amended by paragraph 14(1) of Schedule 15 to the Criminal Justice Act 1988 (c. 33).

(19) Section 1(a) has been amended numerous times. The countries listed are: Canada, Australia, New Zealand, South Africa, India, Pakistan, Ceylon, Ghana, Malaysia, the Republic of Cyprus, Nigeria, Sierra Leone, Tanganyika, Jamaica, Trinidad and Tobago, Uganda, Kenya, Zanzibar, Malawi, Zambia, Malta, The Gambia, Guyana, Botswana, Lesotho, Singapore, Barbados, Mauritius, Swaziland, Tonga, Fiji, the Bahamas, Bangladesh, Solomon Islands, Tuvalu, Dominica, St. Lucia, Kiribati, St Vincent and the Grenadines, Papua New Guinea, Western Samoa and Nauru, Zimbabwe, the New Hebrides, Belize, Antigua and Barbuda, Saint Christopher and Nevis, Brunei, Maldives, Namibia, Cameroon and Mozambique.

(20) 1988 c. 52. There are amendments to section 192 but none is relevant.

(21) 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 1072/2009 of the European Parliament and of the Council(22), and who is acting in the course of their employment,
- (e) “road passenger transport worker” means—
  - (i) the driver of a public service vehicle, or
  - (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(23), and who is acting in the course of their employment.

7.—(1) Masters and seamen, as defined in section 313(1) of the Merchant Shipping Act 1995(24), where they have travelled to the United Kingdom in the course of their work or have been repatriated to 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) and paragraph 8—

- (a) “the Maritime Labour Convention 2006” means the Convention adopted on 23 February 2006 by the General Conference of the International Labour Organisation(25),
- (b) “the Work in Fishing Convention 2007” means the Convention adopted at Geneva on 14 June 2007 by the International Labour Organisation(26).

8. A pilot, as defined in paragraph 22(1) of Schedule 3A to the Merchant Shipping Act 1995(27), where the pilot has travelled to the United Kingdom in the course of the pilot’s work or has been repatriated to the United Kingdom in accordance with the Maritime Labour Convention 2006 or the Work in Fishing Convention 2007.

9. An inspector or a surveyor of ships appointed under section 256 of the Merchant Shipping Act 1995(28), where they have travelled to the United Kingdom in the course of their work.

10. A person falling within the definition of crew, in paragraph 1 of Schedule 1 to the Air Navigation Order 2016(29), where the person has travelled to the United Kingdom in the course of their work.

11. A civil aviation inspector as defined in Annex 9 to the Convention on International Civil Aviation signed at Chicago on 7 December 1944(30), where the inspector has travelled to the United Kingdom when engaged on inspection duties.

12.—(1) Any of the following persons who have travelled to 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.

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(22) OJ No. L 300, 14.11.2009, p. 72.

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

(24) 1995 c. 21. There are amendments to section 313(1) but none is relevant.

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

(26) Cm 7375.

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

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

(29) S.I. 2016/765. There are amendments to Schedule 1 but none is relevant.

(30) 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).

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- (2) For the purposes of sub-paragraph (1)—
  - (a) “shuttle service” has the meaning given in section 1(9) of Channel Tunnel Act 1987<sup>(31)</sup>,
  - (b) “tunnel system” has the meaning given in section 1(7) of that Act.

- 13.**—(1) A Crown servant or government contractor—
- (a) who is required to undertake essential policing or essential government work in the United Kingdom within 14 days of arriving, or
  - (b) who is undertaking essential policing or essential government work outside the United Kingdom but—
    - (i) is required to return to the United Kingdom temporarily,
    - (ii) will subsequently depart to undertake essential policing or essential government work outside the United Kingdom, or
  - (c) who is conducting bi-lateral or multilateral discussions with another state or international organisation.

- (2) For the purposes of sub-paragraph (1)—
  - (a) “Crown servant” has the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989,
  - (b) “essential government work” means work that has been designated as such by the Welsh Ministers or the relevant Department or employer, and includes, in particular, work related to national security, the work of the National Crime Agency in pursuance of its statutory functions, immigration, coronavirus and any other crisis response, but does not include work of the kind specified in paragraph 2(1) of Part 1 of this Schedule,
  - (c) “essential policing” means policing that has been designated as such by the relevant chief officer or chief constable,
  - (d) “government contractor” has the meaning given in section 12(2) of the Official Secrets Act 1989.

**14.** A person designated by the relevant Minister under section 5(3) of the Repatriation of Prisoners Act 1984<sup>(32)</sup>.

**15.** A person responsible for escorting a person sought for extradition pursuant to a warrant issued under Part 3 of the Extradition Act 2003<sup>(33)</sup> or sought for extradition pursuant to any other extradition arrangements.

**16.** A representative of any territory travelling 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.**—(1) A worker engaged in essential or emergency works—
- (a) related to water supplies and sewerage services, and
  - (b) carried out by, for, or on behalf of a water undertaker, sewerage undertaker, water supply licensee, sewerage licensee or local authority,

where the worker has travelled to the United Kingdom in the course of the work.

- (2) For the purposes of sub-paragraph (1)—
  - (a) “essential or emergency works” includes—

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<sup>(31)</sup> 1987 c. 53.

<sup>(32)</sup> 1984 c. 47.

<sup>(33)</sup> 2003 c. 41.

- (i) inspections, maintenance, repairs, and asset replacement activities,
- (ii) monitoring, sampling and analysis of water supplies under the Private Water Supplies (Wales) Regulations 2017<sup>(34)</sup>, the Water Supply (Water Quality) Regulations 2018<sup>(35)</sup>, the Private Water Supplies (England) Regulations 2016<sup>(36)</sup> or the Water Supply (Water Quality) Regulations 2016<sup>(37)</sup>,
- (b) “sewerage licensee” has the meaning given in section 17BA(6) and 219(1) of the Water Industry Act 1991<sup>(38)</sup>,
- (c) “sewerage services” has the meaning given in section 219(1) of the Water Industry Act 1991<sup>(39)</sup>,
- (d) “sewerage undertaker” means a company appointed as a sewerage undertaker under section 6 of the Water Industry Act 1991<sup>(40)</sup>,
- (e) “water supply licensee” has the meaning given in sections 17A(7) and 219(1) of the Water Industry Act 1991<sup>(41)</sup>,
- (f) “water undertaker” means a company appointed as a water undertaker under section 6 of the Water Industry Act 1991.

**18.—(1)** A worker engaged in essential or emergency works—

- (a) related to—
  - (i) a generating station,
  - (ii) an electricity interconnector,
  - (iii) a district heat network as defined in regulation 2 of the Heat Network (Metering and Billing) Regulations 2014<sup>(42)</sup>,
  - (iv) communal heating as defined in regulation 2 of the Heat Network (Metering and Billing) Regulations 2014,
  - (v) automated ballast cleaning and track re-laying systems on a network, or
  - (vi) the commissioning, maintenance and repair of industrial machinery for use on a network, or
- (b) carried out by, for, or on behalf of—
  - (i) the national system operator,
  - (ii) a person holding a transmission licence,
  - (iii) a person holding a distribution licence,
  - (iv) a person holding a licence under section 7 and 7ZA of the Gas Act 1986<sup>(43)</sup>,
  - (v) a LNG import or export facility as defined in section 48 of the Gas Act 1986<sup>(44)</sup>, or
  - (vi) a person holding a network licence under section 8 of the Railways Act 1993,

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<sup>(34)</sup> S.I. 2017/1041 (W. 270); amended by S.I. 2018/647 (W. 121), S.I. 2019/460 (W. 110) and S.I. 2019/463 (W. 111).

<sup>(35)</sup> S.I. 2018/647 (W. 121); amended by S.I. 2019/463 (W. 111).

<sup>(36)</sup> S.I. 2016/618; relevant amending instruments are S.I. 2017/506, S.I. 2018/707 and S.I. 2019/558.

<sup>(37)</sup> S.I. 2016/614; relevant amending instruments are S.I. 2017/506, S.I. 2018/706, S.I. 2018/378, S.I. 2019/526 and S.I. 2019/558.

<sup>(38)</sup> 1991 c. 56. Section 17BA(6) was inserted by section 4(1) of the Water Act 2014 (c. 21). The reference to “sewerage licensee” was inserted in section 219(1) by paragraph 120(2)(f) of Schedule 7 to the Water Act 2014.

<sup>(39)</sup> The definition of “sewerage services” was amended by paragraph 120 of Schedule 7 to the Water Act 2014.

<sup>(40)</sup> Section 6 was amended by section 36(2) of and Schedule 8 to the Water Act 2003 (c. 37), Schedule 23 to the Deregulation Act 2015 (c. 20), and Schedule 7 to the Water Act 2014.

<sup>(41)</sup> Section 17A was inserted by section 1 of the Water Act 2014.

<sup>(42)</sup> S.I. 2014/3120. There are no relevant amending instruments.

<sup>(43)</sup> 1986 c. 44. Section 7ZA was inserted by section 149(6) of the Energy Act 2004.

<sup>(44)</sup> The definition was inserted by S.I. 2011/2704.

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where the worker has travelled to the United Kingdom for the purposes of the work.

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

- (a) “distribution licence” means a licence granted under section 6(1)(c) of the Electricity Act 1989<sup>(45)</sup>,
- (b) “essential or emergency works” includes commissioning, inspections, maintenance, repairs, and asset replacement activities,
- (c) “national system operator” means the person operating the national transmission system for Great Britain,
- (d) “network” has the meaning given in section 83(1) of the Railways Act 1993<sup>(46)</sup>,
- (e) “transmission licence” means a licence granted under section 6(1)(b) of the Electricity Act 1989,
- (f) “electricity interconnector”, “generating station” and “transmission system” have the meanings given in section 64(1) of the Electricity Act 1989<sup>(47)</sup>.

19.—(1) A person who is—

- (a) nuclear personnel, and who is essential to the safe and secure operation of a site in respect of which a nuclear site licence has been granted,
- (b) a nuclear emergency responder,
- (c) an agency inspector, or
- (d) a Euratom inspector, provided that the inspector arrives in the United Kingdom before implementation period completion day,

where the person travelled to the United Kingdom in the course of the person’s work.

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

- (a) “agency inspector” has the meaning given in section 1(1) of the Nuclear Safeguards Act 2000<sup>(48)</sup>,
- (b) “nuclear emergency responder” means a person providing assistance to the United Kingdom in accordance with the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency done at Vienna on 26 September 1986, who has been duly notified to and accepted by the United Kingdom, where the United Kingdom has requested assistance under that Convention,
- (c) “Euratom inspector” means an inspector sent to the United Kingdom by the Commission of the European Union in accordance with Articles 81 and 82 of the Euratom Treaty,
- (d) “nuclear personnel” means—
  - (i) a worker who is employed to carry out work on or in relation to a site in respect of which a nuclear site licence has been granted, or
  - (ii) an employee of the Nuclear Decommissioning Authority<sup>(49)</sup>,
- (e) “nuclear site licence” has the meaning given in section 1 of the Nuclear Installations Act 1965<sup>(50)</sup>.

<sup>(45)</sup> 1989 c. 29.

<sup>(46)</sup> 1993 c. 43. There are amendments to section 83(1) but none is relevant.

<sup>(47)</sup> The definition of “electricity interconnector” was inserted by section 147(7) of the Energy Act 2004. The definition of “transmission system” was substituted by paragraph 15 of Schedule 19 to the 2004 Act.

<sup>(48)</sup> 2000 c. 5

<sup>(49)</sup> The Nuclear Decommissioning Authority was established by section 1 of the Energy Act 2004.

<sup>(50)</sup> 1965 c. 57. Section 1 was substituted by paragraph 17 of Schedule 2 to the Energy Act 2013 (c. 32); by virtue of section 1(2), a licence described in section 1(1) is referred to as a “nuclear site licence”.

**20.** An inspector from the Organisation for the Prohibition of Chemical Weapons, within the meaning given to “inspector” by section 24(e) of the Chemical Weapons Act 1996<sup>(51)</sup>, who has travelled to the United Kingdom for the purposes of an inspection.

**21.—(1)** A person —

- (a) carrying out a critical function at a space site,
- (b) is a spacecraft controller who is responsible for command and control of a launch vehicle or spacecraft for nominal operations, collision avoidance or anomalies, or
- (c) employed by, or contracted to provide services to, a person who operates or maintains space situational awareness capabilities,

where the person has travelled to the United Kingdom in the course of the work.

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

- (a) “space site” has the meaning given in paragraph 5(3) of Schedule 4 to the Space Industry Act 2018<sup>(52)</sup>,
- (b) “space situational awareness capabilities” means the sensors, systems and analytical services needed to provide time-sensitive warnings of space weather events, orbital collisions, orbital fragmentations or the re-entry of man-made objects from orbit,
- (c) “spacecraft” has the meaning given in section 2(6) of the Space Industry Act 2018,
- (d) “spacecraft controller” means a person competent, authorised and responsible for maintaining the safe and secure operation of spacecraft through monitoring the status of a spacecraft, issuing manoeuvre commands or controlling other aspects of the spacecraft that influence its behaviour including its motion in space.

**22.—(1)** A specialist aerospace engineer, or a specialist aerospace worker, where the engineer or worker has travelled to 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<sup>(53)</sup>.

**23.—(1)** A person engaged in operational, maintenance or safety activities of a downstream oil facility that has a capacity in excess of 20,000 tonnes, where—

- (a) the downstream oil facility is engaged in a specified activity carried on in the United Kingdom in the course of a business, and contributes (directly or indirectly) to the supply of

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<sup>(51)</sup> 1996 c. 6.

<sup>(52)</sup> 2018 c. 5.

<sup>(53)</sup> 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.

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crude oil based fuels to consumers in the United Kingdom or persons carrying on business in the United Kingdom, and

(b) the activities are required to ensure continued safe operation of the facility,

where the person has travelled to the United Kingdom in the course of the person's work.

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

(a) a facility has a capacity in excess of 20,000 tonnes at any time if it was used in the previous calendar year for the purposes of downstream oil sector activities in relation to more than that number of tonnes of oil,

(b) “specified activities” are—

(i) storing oil,

(ii) handling oil,

(iii) the carriage of oil by sea or inland water,

(iv) conveying oil by pipes,

(v) refining or otherwise processing oil.

**24.**—(1) A worker undertaking, or required to commence—

(a) activities on or in relation to offshore installations,

(b) activities on or in relation to upstream petroleum infrastructure,

(c) critical safety work on offshore installations and wells that are being decommissioned or which are being preserved pending demolition or reuse, or

(d) activities for the provision of workers, goods, materials or equipment or other essential services required to support the safe operation of the activities referred to in paragraphs (a) to (c).

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

(a) “offshore installations” has the meaning given in section 44 of the Petroleum Act 1998 **(54)**,

(b) “upstream petroleum infrastructure” has the meaning given in section 9H of the Petroleum Act 1998 **(55)**,

(c) “wells” has the meaning given in section 45A(10) of the Petroleum Act 1998 **(56)**.

**25.** A postal operator, as defined in section 27(3) of the Postal Services Act 2011 **(57)**, where the operator has travelled to the United Kingdom in the course of their work.

**26.** A worker with specialist technical skills, where those specialist technical skills are required for essential or emergency works or services (including commissioning, maintenance and repairs and safety checks) to ensure the continued production, supply, movement, manufacture, storage or preservation of goods, where the worker has travelled to the United Kingdom in the course of their work or otherwise to commence or resume their work.

**27.** A worker with specialist technical skills, where those specialist technical skills are required for essential or emergency works (including commissioning, maintenance, repairs and safety checks) or to fulfil contractual obligations or warranty specifications in, or in connection with, waste management facilities used for the management, sorting, treatment, recovery, or disposal of waste

**(54)** 1998 c. 17. Section 44 was amended by paragraph 11 of Schedule 1 to the Energy Act 2008 (c. 32).

**(55)** Section 9H was substituted by section 74(2) of the Energy Act 2016 (c. 20).

**(56)** Section 45A was inserted by section 75(1) of the Energy Act 2008. There are amendments to section 45A(10) but none is relevant.

**(57)** 2011 c. 5.

(including energy from waste), where the worker has travelled to the United Kingdom in the course of their work.

**28.**—(1) A person who has travelled to the United Kingdom for the purpose of transporting, to a provider of health services (within the meaning of regulation 10(8)) in the United Kingdom, material which consists of, or includes, human cells or blood which are to be used for the purpose of providing health services.

(2) For the purposes of sub-paragraph (1), “blood” includes blood components.—

**29.** A person who has travelled to the United Kingdom who is—

- (a) required to undertake work as a health or care professional in the United Kingdom within 14 days of their arrival, and
- (b) eligible to practise a profession regulated by any of the bodies mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002(**58**).

**30.** A person who is an “inspector” within the meaning given in regulation 8(1) of the Human Medicines Regulations 2012(**59**) who has travelled to the United Kingdom to undertake activities in relation to their role as such a person.

**31.**—(1) A person who—

- (a) has travelled to the United Kingdom to—
  - (i) conduct a clinical trial within the meaning of “conducting a clinical trial” in regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004(**60**),
  - (ii) undertake such activities as are necessary or expedient to prepare for the conduct of a clinical trial, or
  - (iii) carry out any necessary compliance activity in relation to a clinical trial that cannot be conducted remotely,
- (b) is a “qualified person” within the meaning of regulation 43 of those Regulations, where they have travelled to the United Kingdom in order to undertake activities in relation to their role as such a person, or
- (c) is a “sponsor” within the meaning given in regulation 2(1) of those Regulations of a clinical trial, or carries out the functions or duties of such a sponsor, and has travelled to the United Kingdom to undertake activities in relation to the clinical trial.

(2) For the purposes of sub-paragraph (1), “clinical trial” has the meaning given in regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004.

**32.** A person who has travelled to the United Kingdom to conduct a “clinical investigation” within the meaning of the Medical Devices Regulations 2002(**61**), or to undertake such activities as are necessary or expedient to prepare for the conduct of a clinical investigation or carry out any other necessary compliance activity in relation to a clinical investigation that cannot be conducted remotely.

**33.**—(1) A person who is—

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(58) 2002 c. 17. Section 25(3) was amended by paragraph 17(2) and (3) of Schedule 10 to the Health and Social Care Act 2008, by paragraph 56(b) of Schedule 15 to the Health and Social Care Act 2012, by paragraph 2(2) of Schedule 4 to the Children and Social Work Act 2017 (c. 16) and by S.I. 2010/231.

(59) S.I. 2012/1916.

(60) S.I. 2004/1031, to which there are amendments not relevant to these Regulations.

(61) S.I. 2002/618.

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- (a) a “qualified person” within the meaning of regulation 41(2) of the Human Medicines Regulations 2012<sup>(62)</sup>,
- (b) a “responsible person” within the meaning of regulation 45(1) of those Regulations, or
- (c) “an appropriately qualified person responsible for pharmacovigilance” within the meaning of regulation 182(2)(a) of those Regulations,

where the person has travelled to the United Kingdom in order to undertake activities in relation to their role as such a person.

**34.—**(1) A person who has travelled to the United Kingdom for the purposes of their work in essential infrastructure industries including—

- (a) a person involved in essential maintenance and repair of data infrastructure required to reduce and resolve outages, or in the provision of goods and services to support these activities, and
- (b) an information technology or telecommunications professional (including information technology consultant, quality analyst, software tester, systems tester, and telecommunications planner), whose expertise is required to—
  - (i) provide an essential or emergency response to threats and incidents relating to the security of any network and information system, and
  - (ii) ensure the continued operation of any network and information system.

(2) For the purposes of sub-paragraph (1), “network and information” system has the meaning in regulation 1(2) of the Network and Information Systems Regulations 2018<sup>(63)</sup>.

**35.** A person who is engaged in urgent or essential work—

- (a) that is necessary for the continued operation of—
  - (i) electronic communications networks and services as defined in section 32 of the Communications Act 2003<sup>(64)</sup>, including work relating to maintenance and repair of submarine cables connecting the United Kingdom with other countries, or
  - (ii) the BBC’s broadcasting transmission network and services,
- (b) in supply chain companies that maintain the confidentiality, integrity, and availability of the electronic communications networks and services and the BBC transmission network and services,

where the person has travelled to the United Kingdom in the course of their work.

**36.** A person—

- (a) pursuing an activity as an employed or self-employed person in the United Kingdom and who resides in another country to which they usually return at least once a week, or
- (b) residing in the United Kingdom and who pursues an activity as an employed or self-employed person in another country to which they usually go at least once a week.

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<sup>(62)</sup> S.I. 2012/1916.

<sup>(63)</sup> S.I. 2018/506.

<sup>(64)</sup> 2003 c. 21. The definition of “electronic communications network” was amended by S.I. 2011/1210.

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## EXPLANATORY NOTE

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

These Regulations are made in response to the danger to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales. Section 45B of the Public Health (Control of Disease) Act 1984 enables the Welsh Ministers, by regulations, to make provision for the purpose of (amongst other things) preventing danger to public health from “vessels, aircraft, trains or other conveyances arriving at any place”.

The Regulations place a requirement on certain categories of people arriving in Wales from outside the common travel area—

- to provide information about where they will reside in Wales and other related matters, and
- to isolate for a period of 14 days.

Regulation 4 requires persons arriving in Wales by ship or aircraft to provide information electronically to the Secretary of State. In practice this will be done by completing an online form on [www.gov.uk](http://www.gov.uk) for this purpose. Where a person is accompanied by a child for whom they are responsible, they must also provide the child’s information.

Regulation 5 provides that a person must notify the Secretary of State of any changes to the information provided as soon as reasonably practicable. This will also be done using the same online facility.

Schedule 1 sets out the types of information required to be provided under regulation 4 or 5. This will be the information that must be included when filling in the online form.

In some cases the information required in Schedule 1 will depend on the circumstances (for example, under paragraph 1(d) the person must provide passport details or details of the other travel document that permits the person to travel if they do not possess a passport). Persons who fall into one of the categories set out in Part 1 of Schedule 2 are not required to provide information under regulations 4 and 5. If the person does not hold the information they do not have to provide it (regulation 6).

Regulations 7 and 8 require the following categories of persons to isolate for a period of 14 days upon their arrival in Wales—

- (a) a person arriving in Wales by ship or aircraft from outside the common travel area,
- (b) a person arriving in Wales from the Republic of Ireland, the Channel Islands or the Isle of Man who has, within a period of 14 days ending with the person’s arrival in Wales, arrived in the common travel area from a place outside that area, or
- (c) a person who arrives in Wales from elsewhere in the United Kingdom who has in the previous 14 days arrived from a place outside the common travel area.

These persons must not leave or be outside of the premises where they are isolating before the end of the last day of isolation (other than for reasons set out in regulation 10).

Regulation 8 further provides that where a person arrives in Wales from another part of the United Kingdom who has in the previous 14 days arrived from a place outside the common travel area, they must notify the Secretary of State prior to, or as soon as practicable after arriving in Wales, of the address at which they will reside (again using the online form).

Schedule 2 (introduced by regulation 9) sets out the categories of person who are exempt from the requirement to isolate. Regulation 10 provides that the requirement to isolate ceases to apply if the

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person travels to leave Wales (paragraph (3)), sets out the limited circumstances in which a person may be permitted to be temporarily outside the place at which they are isolating (paragraph (4)), permits a person to change the place where they are isolating if they have to do so for legal reasons or are otherwise unable to stay at the original place (paragraph (5)) and provides that the requirement to isolate does not apply to a person subject to certain requirements imposed under the Coronavirus Act 2020 or immigration legislation.

Regulation 13 provides police officers with powers to direct or remove persons to a place where they are isolating if they reasonably suspect that the person is in breach of a requirement to isolate.

Regulation 14 provides that contravention of a requirement imposed by these Regulations is an offence, as is the obstruction of a person exercising functions under these Regulations. A person found guilty of an offence under these Regulations may be fined and there is no limit on the fine that may be imposed.

Regulation 16 provides that fixed penalties may be imposed on persons who are suspected of committing an offence under these Regulations as an alternative to prosecution. Where the alleged offence relates to a breach of a requirement to isolate the penalty is £1000, in other cases the penalty is £60 (£30 if paid within 14 days) rising each time a similar fixed penalty notice is issued up to a maximum of £1920.

Regulation 17 sets out the circumstances in which information provided under these Regulations (and equivalent Regulations made as respects England, Scotland or Northern Ireland) may be disclosed or used. Regulation 18 prevents information provided under these Regulations from being used to incriminate a person in proceedings for any offence other than one under these Regulations of the offence of making a false statement other than under oath.

The necessity and proportionality of these Regulations must be reviewed every 21 days (regulation 19).

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.