

2020 No. 595 (W. 136)

PUBLIC HEALTH, WALES

**The Health Protection
(Coronavirus, Public Health
Information for Persons Travelling
to Wales etc.) Regulations 2020**

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). 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 operators of international passenger services coming from outside the common travel area to an airport, heliport or seaport in Wales (“operators”) to provide passengers with certain public health information relating to the virus.

Regulation 3 imposes requirements on operators at the point of both booking and check-in. Where booking or checking in is undertaken online the regulation requires the operator to make available to passengers a link to the relevant pages of the gov.uk website and the gov.wales website. Where booking or checking in is undertaken by telephone or in person operators are required to direct the passenger to these pages.

Regulation 4 requires operators to provide the public health information statement in the Schedule to passengers while on board.

Regulation 5 provides an exception to the requirement to provide the public health information in regulations 3 and 4; it does not apply where the recipient of the

information is unlikely to be capable of understanding it.

Regulation 6 creates a summary only offence of contravening the requirements to provide the public health information in regulations 3 and 4. The offence is punishable by a fine.

Regulation 6(2) provides a defence of “reasonable excuse” for an operator charged with an offence under regulation 4 (contravening a requirement to provide information to passengers whilst on board).

Regulation 7 provides that fixed penalties may be imposed on persons who are suspected of committing an offence under these Regulations as an alternative to prosecution. The penalty is £4000.

The necessity and proportionality of these Regulations must be reviewed every 21 days (regulation 9).

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.

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PUBLIC HEALTH, WALES

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(Coronavirus, Public Health
Information for Persons Travelling
to Wales etc.) Regulations 2020**

Made at 5.38 p.m. on 15 June 2020

Laid before Senedd Cymru 16 June 2020

*Coming into force in accordance with
regulation 1(2) and (3)*

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

PART 1

General

Title and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020.

(2) Regulations 2 to 9 come into force on 17 June 2020.

(3) This regulation and regulations 10 and 11 come into force when these Regulations are made.

Interpretation

2. In these Regulations—

“authorised person” (“*person awdurdodedig*”) means—

(1) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).

- (a) in relation to passengers arriving on a vessel, the Secretary of State;
 - (b) in relation to passengers arriving on an aircraft, the Civil Aviation Authority⁽¹⁾;
- “common travel area” (“*ardal deithio gyffredin*”) has the meaning given in section 1(3) of the Immigration Act 1971⁽²⁾;
- “coronavirus” (“*coronafeirws*”) means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);
- “international passenger service” (“*gwasanaeth teithwyr rhyngwladol*”) means a commercial service by which passengers travel on a vessel or aircraft from outside the common travel area to a port in Wales;
- “port” (“*porthladd*”) includes any airport, heliport or seaport;
- “vessel” (“*llestr*”) means every description of vessel used in navigation (including a hovercraft within the meaning of Hovercraft Act 1968⁽³⁾) which is 24 metres or more in length.

PART 2

Requirements to provide information to passengers

Provision of information before booking and at check-in

3.—(1) The operator of any international passenger service must provide the information specified in paragraph (2) as part of any facility managed by the operator by which a person—

- (a) may make a booking for travel on the service, or
- (b) may check-in for travel on the service.

(2) The information mentioned in paragraph (1)(a) is—

- (a) in the case of a facility provided online—
 - (i) a link to www.gov.uk/uk-border-control, and
 - (ii) a link to www.gov.wales/coronavirus along with a statement that the information found at that link contains

(1) The Civil Aviation Authority is a body corporate established by section 1 of the Civil Aviation Act 1971 (c. 75).

(2) 1971 c. 77. That section provides that the United Kingdom, the Channel Islands, the Isle of Man, and the Republic of Ireland are collectively referred to as “the common travel area”.

(3) 1968 c. 59.

- the latest public health advice relating to coronavirus in Wales,
- embedded in a prominent place so that the links are visible prior to a booking being made or check-in being completed;
- (b) in the case of a facility provided by telephone or face to face, an instruction—
- (i) to read the information at www.gov.uk/uk-border-control, and
 - (ii) to visit www.gov.wales/coronavirus along with a statement that the information found at that link contains the latest public health advice relating to coronavirus in Wales;
- (c) in either case, a request to pass on the information mentioned in sub-paragraph (a) or (b) (as the case may be) to any person on whose behalf—
- (i) a booking is being made, or
 - (ii) check-in is being carried out.

(3) Where the operator does not directly manage the booking or check-in process, the operator must take all reasonable measures to ensure that the person managing the process complies with paragraph (1) on the operator's behalf.

Provision of information during journey

4.—(1) The operator of an international passenger service must ensure that every passenger on the vessel or aircraft is provided with the statement set out in the Schedule during the journey to the port in Wales.

(2) The statement must be provided orally in Welsh, English and an officially recognised language of the country of departure.

Exception from requirements of regulations 3 and 4

5. Nothing in regulation 3 or 4 requires information to be provided to a person who, by virtue of age or mental capacity, is unlikely to be capable of understanding it.

PART 3

Offences, penalties and prosecutions

Offences

6.—(1) A person who contravenes a requirement in regulation 3(1) or (3) or regulation 4 commits an offence.

(2) It is a defence to a charge of committing the offence of contravening the requirement in regulation 4 to show that the person had a reasonable excuse for the contravention.

(3) A person who commits an offence under paragraph (1) is liable on summary conviction to a fine.

Fixed penalty notices

7.—(1) An authorised person may issue a fixed penalty notice to any person (“P”) that the authorised person reasonably believes has committed an offence under regulation 6(1).

(2) A fixed penalty notice is a notice offering P 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.

(3) Where a notice is issued under paragraph (1) in respect of an offence—

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

(4) A fixed penalty notice must—

- (a) describe the circumstances alleged to constitute the offence,
- (b) state the period during which (because of paragraph (3)(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.

(5) The amount of the fixed penalty specified under paragraph (4)(c) must be £4,000.

(6) In any proceedings, a certificate—

- (a) that purports to be signed by or on behalf of—
 - (i) the Welsh Ministers, or
 - (ii) a person designated by the Welsh Ministers under paragraph (2)(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.

Prosecutions

8. No proceedings for an offence under these Regulations may be brought other than by the Director of Public Prosecutions or an authorised person.

PART 4

Miscellaneous

Review of requirements

9.—(1) The Welsh Ministers must carry out a review of the requirements imposed by Part 2—

- (a) by 29 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.

(2) A review carried out under paragraph (1) must consider whether the requirements are necessary and proportionate as a means of preventing danger to the public arising from the spread of coronavirus.

Amendment of the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020

10.—(1) The Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020⁽¹⁾ are amended as follows.

(2) In the Welsh language text only—

- (a) in regulation 2(1), for the definition of “gwybodaeth am deithiwr” (“*passenger information*”) substitute—
“ystyr “gwybodaeth am deithiwr” (“*passenger information*”) yw’r wybodaeth a bennir yn Atodlen 1;”;
- (b) in regulation 5(3)(b), for “ddiweddarau ar ran P” substitute “diweddarau”;
- (c) in regulation 7—
 - (i) in paragraph (1)(b)(ii) omit the comma after “sydd”;
 - (ii) in paragraph (4)(a) omit “bai”;
 - (iii) in paragraph (5)(a) after “yng Nghymru” insert “sy’n addas i breswyllo ynddi”;
- (d) in regulation 8—
 - (i) in paragraph (2)(a)(i) for “7(3);” substitute “7(3); a”;

(1) S.I. 2020/574 (W. 132)

- (ii) in paragraph (3)(b)(i) for “(bod y tu allan i fangre am gyhyd ag y bo’n angenrheidiol)” substitute “(gadael y fangre dros dro)”;
- (e) in regulation 14(4), for “rreoliadau yma” substitute “Rheoliadau hyn”;
- (f) in regulation 16(2) for “Reoliadau” substitute “Rheoliadau”;
- (g) in regulation 17(10)—
 - (i) after ““ddeddfwriaeth diogelu data” insert “a “data personol””;
 - (ii) for “ac mae i “data personol” yr ystyr a roddir i” substitute “a”;
- (h) in Schedule 1, in sub-paragraph (d), for “ei ddogfen” substitute “dogfen”;
- (i) in Schedule 2—
 - (i) in paragraph 1, sub-paragraphs (1)(h) and (2)(a)(i) for “swydd” substitute “swyddfa”;
 - (ii) in paragraph 1(2)(a)(i) for “i’r person” substitute “i P”;
 - (iii) in paragraph 2(1)(a) for “y tu allan i’r” substitute “yn y”;
 - (iv) for paragraph 3(1)(b) substitute—

“sydd wedi bod ar lestr a weithredir gan Wasanaeth Llyngesol ei Mawrhydi am gyfnod di-dor o 14 o ddiwrnodau o leiaf yn union cyn iddo gyrraedd ac nad yw’r llestr hwnnw wedi codi unrhyw bersonau nac wedi glanio mewn unrhyw borthladd môr y tu allan i’r ardal deithio gyffredin yn ystod y cyfnod hwnnw.”;
 - (v) in paragraph 7(2), in the opening words, for “y paragraff hwn” substitute “is-baragraff (1)”;
 - (vi) in paragraph 13(1)(b) insert “hanfodol” after “plismona” in both places where it occurs.
- (3) In Schedule 2—
 - (a) for the heading to the Schedule substitute—

“Exempt persons”;
 - (b) in the heading to Part 1 of the Schedule, for “3 or regulation 4” substitute “4, 5, 7 or 8”;
 - (c) in the heading to Part 2 of the Schedule, for “4” substitute “7 or 8”.

Expiry of these Regulations

11.—(1) These Regulations expire at the end of the 7th day of June 2021.

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

Mark Drakeford

The First Minister, one of the Welsh Ministers

At 5.38 p.m. on 15 June 2020

On-board statement

The statement to be provided for the purposes of regulation 4 is—

(a) Welsh language version—

“Dyma neges iechyd y cyhoedd ar ran Llywodraeth Cymru a Iechyd Cyhoeddus Cymru.

Symptomau'r coronafeirws yw peswch cyson newydd, tymheredd uchel neu golli eich synnwyr blasu neu arogl arferol, neu newid yn eich synnwyr blasu neu arogl. Os ydych yn profi unrhyw un o'r symptomau hyn, waeth pa mor ysgafn ydynt, fe'ch cynghorir chi i wneud eich hunan yn hysbys i'r criw.

Camau syml y gallwch eu cymryd i helpu i'ch diogelu chi eich hun a'ch teulu yw:

1. Golchi eich dwylo.
2. Osgoi cyffwrdd â'ch wyneb â'ch dwylo.
3. Dal peswch a thisian mewn hances bapur a'i gwaredu ar unwaith.

Cyn cael mynediad i'r Deyrnas Unedig, rhaid i chi lenwi ffurflen lleoli cyswllt ar lein ar www.gov.uk. Rhaid i chi hefyd hunanynysu am y 14 o ddiwrnodau ar ôl i chi gyrraedd. Wedi cyrraedd, rhaid ichi gadw'r arfer o gadw pellter cymdeithasol os yn bosibl a theithio'n uniongyrchol i'r man lle rydych yn bwriadu ynysu. Dylech osgoi defnyddio trafndiaeth gyhoeddus oni bai nad oes dewis arall gennych.

Mae rhestr o'r bobl sy'n esempt rhag y gofynion ar gael ar lein ar www.llyw.cymru/coronafeirws”

(b) English language version—

“The following is a public health message on behalf of the Welsh Government and Public Health Wales.

The symptoms of coronavirus are a new continuous cough, a high temperature or a loss of, or change in, normal sense of taste or smell. If you experience any of these symptoms, however mild, you are advised to make yourself known to the crew.

Simple measures you can take to help protect yourself and family are:

1. Wash your hands.
2. Avoid touching your face with your hands.
3. Catch coughs and sneezes in a tissue and dispose of it immediately.

Before entering the UK, you must complete a contact locator form online at www.gov.uk. You must also self-isolate for the first 14 days after you arrive. When you arrive you must practice social distancing where possible and travel directly to the place where you

intend to isolate. Please avoid using public transport unless you have no alternative.

A list of the people who are exempt from the requirements can be found online at www.gov.wales/coronavirus”

- (c) the statement in paragraph (a) or (b) translated into an officially recognised language of the country of departure.