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W E L S H S T A T U T O R Y  
I N S T R U M E N T S

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**2022 No. 126 (W. 41)**

**PUBLIC HEALTH, WALES**

**The Health Protection  
(Coronavirus, International Travel)  
(Wales) Regulations 2022**

**EXPLANATORY NOTE**

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

These Regulations are made in response to the ongoing danger to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (“coronavirus”) 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 revoke and replace the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (S.I. 2020/574 (W. 132)) (“the 2020 Regulations”).

For persons arriving in Wales who began their journey outside of the common travel area, the Regulations require that they provide information about where they live, their vaccination status, and other related matters (via “a passenger locator form”). Certain categories of person are exempt from this requirement.

The Regulations impose further requirements on adults arriving in Wales who do not meet the definition of “eligible traveller” (or other, specific exemptions) and who began their journey outside the common travel area. Such persons must—

- possess a negative test result for coronavirus before they arrive in Wales,
- arrange a test for coronavirus to be taken after arriving in Wales (“a day 2 test”), and
- take that day 2 test.

Regulation 1 revokes the 2020 Regulations and Part 3 of the Health Protection (Coronavirus, International Travel and Notification) (Wales) (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1063 (W. 250)) (“the Amendment Regulations”). This second revocation returns the Health Protection (Notification) (Wales) Regulations 2010 (S.I. 2010/1546 (W. 144)) to the position prior to the amendments made by Part 3 of the Amendment Regulations.

Regulation 3 sets out the definition of “eligible traveller”, which includes fully vaccinated persons from specified countries, and children.

Regulation 4 makes transitional provision for persons from certain specified countries who arrived in Wales before these Regulations come into force.

Regulations 5 and 6 provide that persons arriving in Wales who began their journey outside the common travel area must complete a passenger locator form. Schedule 1 sets out the information which must be included in that form.

Regulation 7 requires that persons who began their journey outside the common travel area and are not eligible travellers (or otherwise exempt) must possess a negative test result for coronavirus on arrival in Wales. Schedule 2 provides details on the requirements that a test under regulation 7 must satisfy.

Regulation 8 provides that persons who began their journey outside the common travel area and are not eligible travellers (or otherwise exempt) must possess a booking for a day 2 test on arrival in Wales. Such persons must take that test before the end of their second day after arrival in Wales. Schedule 3 provides details on the booking information which persons booking a day 2 test must provide to test providers. Schedule 4 provides details on the requirements that a day 2 test must satisfy.

Schedule 5 sets out the categories of person who are exempt from some or all of the requirements in regulations 5 to 8.

Regulation 9 provides that road haulage workers who are not eligible travellers must undertake workforce testing.

Regulation 10 places a duty on employers of road haulage workers who are not eligible travellers to facilitate workforce tests.

Regulations 11 and 12 set out, respectively, the consequences of an inconclusive or positive result to a day 2 test. Regulation 11 provides that persons receiving a positive test result must comply with the

Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 (S.I. 2020/1609 (W. 335)).

Regulation 13 provides that contravention of certain requirements 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.

Regulation 14 provides that no proceedings under these Regulations may be brought other than by the Director of Public Prosecutions or any person designated by the Welsh Ministers.

Regulation 15 provides that fixed penalties may be imposed on persons who are suspected of committing an offence under these Regulations as an alternative to prosecution.

Regulation 16 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 17 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 18).

Regulation 19 provides that these Regulations will expire on 31 May 2022.

There has been no regulatory impact assessment in relation to these Regulations due to the need to put them in place urgently to deal with a serious and imminent threat to public health.

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**2022 No. 126 (W. 41)**

**PUBLIC HEALTH, WALES**

**The Health Protection  
(Coronavirus, International Travel)  
(Wales) Regulations 2022**

*Made at 2.56 p.m. on 10 February 2022*

*Laid before Senedd  
Cymru at 4.45 p.m. on 10 February 2022*

*Coming into force at 4.00 a.m. on 11 February  
2022*

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

In accordance with section 45Q(3) of that Act the Welsh Ministers are of the opinion that the instrument does not contain any provision made by virtue of section 45C of the Act which imposes or enables the imposition of a special restriction or requirement, or any other restriction or requirement which has or would have a significant effect on a person's rights.

**PART 1**

**General**

**Title, coming into force and revocations**

**1.—(1)** The title of these Regulations is the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2022.

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(1) 1984 c. 22. ("the 1984 Act"). Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14). The function of making regulations under Part 2A is conferred on "the appropriate Minister". Under section 45T(6) of the 1984 Act the appropriate Minister as respects Wales, is the Welsh Ministers.

(2) These Regulations come into force at 4.00 a.m. on 11 February 2022.

(3) The Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020(1) are revoked.

(4) Part 3 of the Health Protection (Coronavirus, International Travel and Notification) (Wales) (Miscellaneous Amendments) Regulations 2021(2) is revoked.

## General interpretation

2.—(1) In these Regulations—

“the 2020 Regulations” (“*Rheoliadau 2020*”) means the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020;

“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);

“the Coronavirus Restrictions Regulations” (“*y Rheoliadau Cyfyngiadau Coronafeirws*”) means the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020(3);

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(1) S.I. 2020/574 (W. 132), amended by S.I. 2020/595 (W. 136), S.I. 2020/714 (W. 160), S.I. 2020/726 (W. 163), S.I. 2020/804 (W. 177), S.I. 2020/817 (W. 179), S.I. 2020/840 (W. 185), S.I. 2020/868 (W. 190), S.I. 2020/886 (W. 196), S.I. 2020/917 (W. 205), S.I. 2020/942, S.I. 2020/944 (W. 210), S.I. 2020/962 (W. 216), S.I. 2020/981 (W. 220), S.I. 2020/1015 (W. 226), S.I. 2020/1042 (W. 231), S.I. 2020/1080 (W. 243), S.I. 2020/1098 (W. 249), S.I. 2020/1133 (W. 258), S.I. 2020/1165 (W. 263), S.I. 2020/1191 (W. 269), S.I. 2020/1223 (W. 277), S.I. 2020/1232 (W. 278), S.I. 2020/1237 (W. 279), S.I. 2020/1288 (W. 286), S.I. 2020/1329 (W. 295), S.I. 2020/1362 (W. 301), S.I. 2020/1477 (W. 316), S.I. 2020/1521 (W. 325), S.I. 2020/1602 (W. 332), S.I. 2020/1645 (W. 345), S.I. 2021/20 (W. 7), S.I. 2021/24 (W. 8), S.I. 2021/46 (W. 10), S.I. 2021/48 (W. 11), S.I. 2021/50 (W. 12), S.I. 2021/66 (W. 15), S.I. 2021/72 (W. 18), S.I. 2021/95 (W. 26), S.I. 2021/154 (W. 38), S.I. 2021/305 (W. 78), S.I. 2021/361 (W. 110), S.I. 2021/454 (W. 144), S.I. 2021/500 (W. 149), S.I. 2021/568 (W. 156), S.I. 2021/584 (W. 161), S.I. 2021/646 (W. 166), S.I. 2021/669 (W. 170), S.I. 2021/765 (W. 187), S.I. 2021/826 (W. 193), S.I. 2021/863 (W. 202), S.I. 2021/867 (W. 203), S.I. 2021/915 (W. 208), S.I. 2021/926 (W. 211), S.I. 2021/967 (W. 227), S.I. 2021/1063 (W. 250), S.I. 2021/1109 (W. 265), S.I. 2021/1126 (W. 273), S.I. 2021/1212 (W. 303), S.I. 2021/1321 (W. 336), S.I. 2021/1330 (W. 343), S.I. 2021/1342 (W. 346), S.I. 2021/1354 (W. 352), S.I. 2021/1366 (W. 361), S.I. 2021/1369 (W. 362), S.I. 2021/1433 (W. 371), and S.I. 2022/16 (W. 8).

(2) S.I. 2021/1212 (W. 250).

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

“crown servant” (“*gwas i’r goron*”) has the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989(1);

“day 2 test” (“*prawf diwrnod 2*”) means a test which complies with regulation 8(5) and paragraph 1 of Schedule 4;

“device” (“*dyfais*”) means an in vitro diagnostic medical device within the meaning given in regulation 2(1) of the Medical Devices Regulations 2002(2);

“driver” (“*gyrrwr*”) includes a person who is travelling in a vehicle as a relief driver;

“eligible traveller” (“*teithiwr cymwys*”) has the meaning given in regulation 3;

“EU Digital COVID Certificate” (“*Tystysgrif COVID Ddigidol yr UE*”) means a certificate of COVID-19 records issued by an EEA state, a member State of the European Free Trade Association, Andorra, Monaco, San Marino or the Vatican City State;

“goods vehicle” (“*cerbyd nwyddau*”) has the meaning given in section 192 of the Road Traffic Act 1988(3);

“government contractor” (“*contractwr llywodraeth*”) has the meaning given in section 12(2) of the Official Secrets Act 1989;

“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(4);

“NHS” (“*GIG*”) means the health service continued under section 1(1) of the National Health Service Act 2006(5);

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2021/1119 (W. 271), S.I. 2021/1131 (W. 274), S.I. 2021/1212 (W. 303), S.I. 2021/1304 (W. 334), S.I. 2021/1363 (W. 358), S.I. 2021/1407 (W. 366), S.I. 2021/1468 (W. 376), S.I. 2021/1477 (W. 379), S.I. 2021/1485 (W. 386), S.I. 2021/1490 (W. 390), S.I. 2022/39 (W. 16) and S.I. 2022/55 (W. 21).

- (1) 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).
- (2) S.I. 2002/618, amended by S.I. 2008/2936.
- (3) 1988 c. 52. There are amendments to section 192 but none is relevant.
- (4) 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.
- (5) 2006 c. 41.

“passenger information” (“*gwybodaeth am deithiwr*”) means—

- (a) where P is an eligible traveller, the information specified in Part 1 of Schedule 1;
- (b) where P is not an eligible traveller, the information specified in Parts 1 and 2 of Schedule 1;

“private test provider” (“*darparwr prawf preifat*”) means a test provider other than a public test provider;

“public test provider” (“*darparwr prawf cyhoeddus*”) means a person who provides or administers a test exercising powers under the National Health Service (Wales) Act 2006<sup>(1)</sup>, the National Health Service Act 2006, the National Health Service (Scotland) Act 1978<sup>(2)</sup>, or the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(3)</sup>;

“qualifying test” (“*prawf cymhwysol*”) means a test that is a qualifying test for the purposes of regulation 7;

“replacement workforce test” (“*prawf gweithlu arall*”) means a test which is taken for the detection of coronavirus which are provided or administered under the National Health Service (Wales) Act 2006 and which is taken in accordance with regulation 9(4) or regulation 11(3);

“road haulage worker” (“*gweithiwr cludiant ffyrdd*”) means—

- (a) a 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
- (b) a person who is employed by the holder of a Community licence issued under Article 4 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council<sup>(4)</sup>, and who is acting in the course of their employment;

“sensitivity” (“*sensitifrwydd*”), in relation to a device, means how often the device correctly generates a positive result;

“specificity” (“*penodolrwydd*”), in relation to a device, means how often the device correctly generates a negative result;

“test provider” (“*darparwr prawf*”) means a public test provider or a private test provider;

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(1) 2006 c. 42.

(2) 1978 c. 29.

(3) S.I. 1972/1265 (N.I. 14).

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

“workforce test” (“*prawf gweithlu*”) means a test which is taken for the detection of coronavirus which is provided or administered under the National Health Service (Wales) Act 2006.

(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<sup>(1)</sup>).

(3) In these Regulations—

“aircraft” (“*cerbyd awyr*”)<sup>(2)</sup>;

“the common travel area” (“*yr ardal deithio gyffredin*”)<sup>(3)</sup>;

“port” (“*porthladd*”)<sup>(4)</sup>;

“ship” (“*llong*”)<sup>(5)</sup>,

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

(4) For the purposes of these Regulations, a person travelling by aircraft or ship is not to be treated as having been in a place unless—

- (a) the person disembarks from the aircraft or ship while it is at the place, or
- (b) where the person remains on the aircraft or ship while it is at the place, any other passengers embark on the aircraft or ship at the place.

(5) For the purposes of these Regulations, a person has begun their journey to Wales outside the common travel area if the original place of departure was outside the common travel area, whether or not the last place of departure on that journey was inside the common travel area.

### Exemptions for eligible travellers

**3.**—(1) In these Regulations, a person (“P”) is an eligible traveller if P meets the requirements of paragraph (2) and any of the requirements in paragraphs (3) to (7) of this regulation.

(2) P arrives in Wales having begun their journey outside the common travel area.

(3) P—

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<sup>(1)</sup> 1989 c. 41.

<sup>(2)</sup> See section 33(1).

<sup>(3)</sup> 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”.

<sup>(4)</sup> See section 33(1).

<sup>(5)</sup> See section 33(1).



- (a) has completed a course of doses of an authorised vaccine with the final dose having been received at least 14 days prior to arriving in Wales,
  - (b) if required by an immigration officer or the operator of a commercial service on which P travels to Wales from outside the common travel area, is able to provide proof of meeting the requirement in sub-paragraph (a) in the form of—
    - (i) the NHS COVID pass or equivalent from NHS Scotland, NHS Wales or the Department of Health in Northern Ireland,
    - (ii) the EU Digital COVID certificate,
    - (iii) a certificate of COVID-19 records issued by an approved third country or territory,
    - (iv) a North American Certificate,
    - (v) the Centers for Disease Control and Prevention vaccination card, or
    - (vi) a vaccine certificate, and
  - (c) has declared that P has completed a course of an authorised vaccine using a facility referred to in regulation 6(1).
- (4) P—
- (a) has participated in, or is participating in, a clinical trial of an authorised vaccine for vaccination against coronavirus carried out in accordance with the requirements of the Medicines for Human Use (Clinical Trials) Regulations 2004<sup>(1)</sup>,
  - (b) is able to provide proof of such participation if required by an immigration officer or the operator of a commercial service on which P travels to Wales from outside the common travel area, and
  - (c) has declared that P has participated in or is participating in such a clinical trial using a facility referred to in regulation 6(1).
- (5) P—
- (a) has participated or is participating in a clinical trial in the United States of America by the Food and Drugs Administration of a vaccine for vaccination against coronavirus, and
  - (b) is able to provide proof of such participation through the Centers for Disease Control and Prevention vaccination card if required by an immigration officer or the operator of a

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(1) S.I. 2004/1031.

commercial service on which P travels to Wales from outside the common travel area.

(6) P is under the age of 18 upon arrival in Wales.

(7) P—

- (a) has completed a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas, with the final dose having been received at least 14 days prior to arriving in Wales,
- (b) is able to provide proof if required by an immigration officer of meeting the requirements in sub-paragraph (a), and
- (c) has declared that P has completed a course of doses of a vaccine as described in sub-paragraph (a) using a facility referred to in regulation 6(1).

(8) For the purposes of paragraph (3), P has completed a course of doses if P has received the complete course of doses specified—

- (a) in the summary of product characteristics approved as part of the marketing authorisation for the authorised vaccine, or
- (b) in the instructions for usage approved as part of the authorisation by the licensing authority on a temporary basis under regulation 174 of the Human Medicines Regulations 2012<sup>(1)</sup> for the authorised vaccine.

(9) For the purposes of paragraph (3)—

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

(10) For the purposes of paragraph (7), P has completed a course of doses of a vaccine if P has received the complete course of doses of the vaccine as specified in the manufacturer’s guidance for that vaccine.

(11) For the purposes of paragraph (7), where P has received—

- (a) a dose of an authorised vaccine, and
- (b) a dose of a vaccine under the United Kingdom vaccine roll-out overseas,

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(1) S.I. 2012/1916.

P is deemed to have completed a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas.

(12) For the purposes of paragraph (7), where P has received—

- (a) a dose of one vaccine under the United Kingdom vaccine roll-out overseas, and
- (b) a dose of a different vaccine under the United Kingdom vaccine roll-out overseas,

P is deemed to have completed a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas.

(13) For the purposes of this regulation, a child is to be treated as making a declaration using a facility referred to in regulation 6(1), and providing any proof required, if that declaration is made, and the proof provided, by a person who is travelling with and has responsibility for that child.

(14) In this regulation—

“authorised vaccine” (*“brechlyn awdurdodedig”*) means a medical product for vaccination against coronavirus—

- (a) in relation to doses received in the United Kingdom, authorised—
  - (i) for supply in the United Kingdom in accordance with a marketing authorisation, or
  - (ii) by the licensing authority on a temporary basis under regulation 174 of the Human Medicines Regulations 2012;
- (b) in relation to doses received in a relevant country listed in the first column of the table in paragraph (15), authorised for supply in that country following evaluation by the relevant regulator for the country;
- (c) in relation to doses received in any other country or territory (including a relevant country listed in paragraph (16)), which would be authorised as provided for in paragraph (a)(i) or (ii) if the doses were received in the United Kingdom;
- (d) in relation to doses received in any country in the world, those vaccines which are—
  - (i) listed in lines 10, 11, 12, 13 or 14 of the Guidance Document “Status of COVID-19 Vaccines within WHO EUL/PQ evaluation process” published by the World Health Organisation on 23 December 2021, and
  - (ii) authorised or certified in a regulated country listed in paragraph (16);

“clinical trial” (*“treial clinigol”*) has the meaning given in regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004;

“the licensing authority” (*“yr awdurdod trwyddedu”*) has the meaning given in regulation 6(2) of the Human Medicines Regulations 2012;

“marketing authorisation” (*“awdurdodiad marchnata”*)—

(a) in relation to a vaccine authorised for supply in the United Kingdom or in a member State, has the meaning given in regulation 8(1) of the Human Medicines Regulations 2012;

(b) in relation to a vaccine authorised for supply in a relevant country listed in the first column of the table in paragraph (15) other than a member State, means a marketing authorisation granted by the relevant regulator for the country;

“NHS COVID pass” (*“pàs COVID y GIG”*) means the COVID-19 records on the NHS smartphone app developed and operated by the Secretary of State through the website at NHS.uk or a COVID-19 post vaccination letter obtained from the NHS;

“NHS Scotland” (*“GIG yr Alban”*) means the health service continued under section 1(1) of the National Health Service (Scotland) Act 1978;

“NHS Wales” (*“GIG Cymru”*) means the health service continued under section 1(1) of the National Health Service (Wales) Act 2006;

“North American Certificate” (*“Tystysgrif Gogledd America”*) means—

(a) Excelsior Pass Plus (New York);

(b) Digital COVID-19 Vaccine Record (California);

(c) WA Verify (Washington state);

“relevant country” (*“gwlad berthnasol”*) means a country or territory listed in the first column of the table in paragraph (15) or a country or territory listed in paragraph (16);

“relevant regulator” (*“rheoleiddiwr perthnasol”*), in relation to a relevant country, means the regulator identified in the corresponding row of the second column of the table in paragraph (15), and a reference to a regulator in that table is a reference to the regulatory authority of that name designated as a Stringent Regulatory Authority by the World Health Organization pursuant to the operation of the COVAX Facility;

“United Kingdom vaccine roll-out overseas” (*“rhaglen frechu’r Deyrnas Unedig dramor”*) means the administration of vaccination against coronavirus to—

- (a) crown servants, government contractors or other personnel posted or based overseas and their dependants under the scheme known as the Foreign, Commonwealth and Development Office staff COVID-19 vaccination programme, or
- (b) military or civilian personnel, government contractors and their dependants at a military posting overseas, including the British overseas territories, the Channel Islands and the Isle of Man, under the vaccination scheme provided or approved by the UK Defence Medical Services;

“vaccine certificate” (“*tystysgrif brechlyn*”) means a certificate in English, French or Spanish issued by the competent health authority of a relevant country, other than a European country or territory listed in the table in paragraph (15) or the United States of America, which contains—

- (a) P’s full name;
- (b) P’s date of birth;
- (c) the name and manufacturer of the vaccine that P has received;
- (d) the date that P received each dose of the vaccine;
- (e) details of either the identity of the issuer of the certificate or the country of vaccination, or both.

(15) The table referred to in the definitions of “relevant country” and “relevant regulator” follows—

<i>Relevant country</i>	<i>Relevant regulator</i>
A member State	European Medicines Agency
Andorra	European Medicines Agency
Australia	The Therapeutic Goods Administration
Canada	Health Canada
Iceland	European Medicines Agency
Liechtenstein	European Medicines Agency
Monaco	European Medicines Agency
Norway	European Medicines Agency
San Marino	European Medicines Agency
Switzerland	Swissmedic
the United States of America	United States Food and Drug Administration
Vatican City State	European Medicines Agency

Agency

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(16) The countries and territories referred to in the definition of “relevant country” are—

Albania  
Algeria  
Angola  
Anguilla  
Antigua and Barbuda  
Argentina  
Armenia  
Azerbaijan  
The Bahamas  
Bahrain  
Bangladesh  
Barbados  
Belarus  
Belize  
Bermuda  
Bhutan  
Bolivia  
Bosnia & Herzegovina  
Botswana  
Brazil  
British Antarctic Territory  
British Indian Ocean Territory  
British Virgin Islands  
Brunei  
Cambodia  
Cameroon  
Cayman Islands  
Chile  
China  
Colombia  
Costa Rica  
Cote d’Ivoire  
Democratic Republic of the Congo  
Djibouti  
Dominica  
Dominican Republic  
Ecuador  
Egypt  
Eswatini  
Falkland Islands

Fiji  
The Gambia  
Georgia  
Ghana  
Gibraltar  
Grenada  
Guatemala  
Guernsey  
Guyana  
Honduras  
Hong Kong  
India  
Indonesia  
Iran  
Iraq  
Isle of Man  
Israel  
Jamaica  
Japan  
Jersey  
Jordan  
Kazakhstan  
Kenya  
Kosovo  
Kuwait  
Kyrgyzstan  
Laos  
Lebanon  
Lesotho  
Liberia  
Libya  
Macao SAR  
Madagascar  
Malawi  
Malaysia  
Maldives  
Mali  
Mauritania  
Mauritius  
Mexico  
Moldova  
Mongolia  
Montenegro

Montserrat  
Morocco  
Mozambique  
Namibia  
Nepal  
New Zealand  
Niger  
Nigeria  
The north of Cyprus  
North Macedonia  
Occupied Palestinian Territories  
Oman  
Pakistan  
Palau  
Panama  
Papua New Guinea  
Paraguay  
Peru  
Philippines  
Pitcairn, Henderson, Ducie and Oeno Islands  
Qatar  
Rwanda  
Saint Helena, Ascension and Tristan da  
Cunha  
Samoa  
Sao Tome and Principe  
Saudi Arabia  
Senegal  
Serbia  
Seychelles  
Sierra Leone  
Singapore  
Solomon Islands  
South Africa  
South Georgia and the South Sandwich  
Islands  
South Korea  
South Sudan  
The Sovereign Base Areas of Akrotiri and  
Dhekelia in the Island of Cyprus  
Sri Lanka  
St Kitts and Nevis  
St Lucia  
St Vincent and the Grenadines



Suriname  
Taiwan  
Tanzania  
Thailand  
Timor-Leste  
Tonga  
Trinidad and Tobago  
Tunisia  
Turkey  
Turkmenistan  
Turks and Caicos Islands  
Uganda  
Ukraine  
United Arab Emirates  
Uruguay  
Uzbekistan  
Vanuatu  
Vietnam  
Zambia  
Zimbabwe.

(17) The following countries and territories are approved third countries or territories for the purposes of this Part—

Albania  
Armenia  
Cape Verde  
El Salvador  
Faroe Islands  
Israel  
Morocco  
North Macedonia  
Panama  
Togo  
Turkey  
Ukraine.

(18) Where a course of doses of an authorised vaccine has been administered to a person (“P”) by a person acting on behalf of the United Nations and authorised to administer the vaccination in that capacity, P is to be treated as if they have received those doses in a relevant country listed in paragraph (16), and any reference to a person from a relevant country in these Regulations is to be construed accordingly.

### **Transitional provision**

4.—(1) Paragraph (2) applies where—

- (a) a person (“P”), immediately before these Regulations come into force, is required not to leave or be outside of specified premises in Wales in accordance with regulation 7(1) or regulation 8(1) of the 2020 Regulations (“the isolation requirement”), and
- (b) the isolation requirement would not have applied to P had the countries and territories listed in paragraph (3) been included in regulation 2A(12) of the 2020 Regulations immediately before P’s arrival in Wales.

(2) The isolation requirement ceases to apply to P when these Regulations come into force.

(3) The countries and territories referred to in paragraph (1)(b) are—

- Algeria
- Cape Verde
- China
- El Salvador
- Guatemala
- Iran
- Kazakhstan
- Kyrgyzstan
- Macao SAR
- Mexico
- Sao Tome and Principe
- South Sudan
- Timor-Leste
- Togo
- Tonga
- Turkmenistan.

## **PART 2**

### **Requirement to provide information**

#### **Persons arriving from outside the common travel area**

5.—(1) In this Part, references to “P” are to a person who arrives in Wales having begun their journey outside the common travel area.

(2) But references to P do not include a person described in any of paragraphs 1 to 11 of Schedule 5.

### **Requirement to provide passenger information**

6.—(1) P must submit the following information to the Secretary of State electronically not more than 3 days before 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 must, if requested by an immigration officer to do so, provide the officer with evidence that the passenger information has been provided.

(4) 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.

(5) Nothing in this regulation 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**

### **Testing requirements**

#### **Requirement to possess notification of a negative test result**

7.—(1) This regulation applies to a person ("P") who arrives in Wales having begun their journey outside the common travel area.

(2) But references to P do not include—

- (a) an eligible traveller;
- (b) a person described in paragraph 3(1) of Schedule 2;
- (c) a person described in any of paragraphs 2, 3, 4, 6, 8, 9, 10, 11, 12 or 18 of Schedule 5.

(3) P must possess on arrival a valid notification of a negative result from a qualifying test taken by P.

(4) P must produce, physically or digitally, the notification referred to in paragraph (3), if requested to do so by an immigration officer.

(5) For the purposes of this regulation—

- (a) a test is a qualifying test if it complies with paragraph 1 of Schedule 2;
- (b) a notification of a negative test result is valid if—
  - (i) it is provided through the EU Digital COVID Certificate, or
  - (ii) it includes the information specified in paragraph 2 of Schedule 2.

**Requirement to book and undertake day 2 test**

**8.**—(1) This regulation applies to a person (“P”) who arrives in Wales having begun their journey outside of the common travel area.

(2) But references to P do not include—

- (a) an eligible traveller;
- (b) a person described in paragraph 1(1)(a) to (i) of Schedule 5 who satisfies the conditions in paragraph 1(2) of that Schedule;
- (c) a person described in any of paragraphs 2 to 18 of Schedule 5.

(3) P must on arrival in Wales possess a booking for a day 2 test arranged with a test provider.

(4) P must undertake the day 2 test.

(5) A day 2 test is not to be treated as complying with this regulation unless—

- (a) P undertakes the test no later than the end of the second day after the day on which P arrived in Wales,
- (b) the person arranging the test notified the test provider that the tests were being arranged for the purposes of this regulation, and
- (c) the information in Schedule 3 was provided to the test provider in relation to P.

(6) When a day 2 test has been arranged, the test provider must provide a test reference number to—

- (a) P, and
- (b) any person who arranges tests on P’s behalf.

(7) Where P is an adult who arrives in Wales without possessing the day 2 test required under paragraph (3), P must as soon as is reasonably practicable obtain that test or those tests.

(8) Where P does not undertake a test as required by this regulation by reason of a reasonable excuse (see regulation 13(2) and (4)), P must, as soon as is reasonably practicable after the matters giving rise to the reasonable excuse no longer apply, undertake a test (“a replacement test”) complying with the requirements (with the exception of the requirement at paragraph (5)(a)) that apply to the test that was missed.

(9) Where a replacement test is undertaken, P is to be treated as if they had undertaken a day 2 test in accordance with this regulation.

(10) A person who has arranged a day 2 test must provide evidence of it if requested by an immigration officer or a constable.

### **Workforce testing for road haulage workers**

**9.**—(1) This regulation applies to a person (“P”) who—

- (a) is a road haulage worker, and
- (b) began their journey outside the common travel area.

(2) But references to P do not include an eligible traveller.

(3) P must undertake—

- (a) a workforce test before the end of day 2,
- (b) a workforce test after day 2 but before the end of day 5, and
- (c) a workforce test after day 5 but before the end of day 8.

(4) Where P does not undertake any of the workforce tests as required by paragraph (3) by reason of a reasonable excuse (see regulation 13(2) and (5)), P must, as soon as is reasonably practicable after the matters giving rise to the reasonable excuse no longer apply, undertake a replacement workforce test or tests.

(5) Where P takes a replacement workforce test in accordance with paragraph (4), P is to be treated as if they had complied with paragraph (3).

(6) For the purposes of this regulation—

“day 2” (“*diwrnod 2*”) means the second day after the day on which P arrives in Wales;

“day 5” (“*diwrnod 5*”) means the fifth day after the day on which P arrives in Wales;

“day 8” (“*diwrnod 8*”) means the eighth day after the day on which P arrives in Wales.

### **Duties on employers of road haulage workers to facilitate workforce testing**

**10.**—(1) Paragraph (2) applies where—

- (a) an employer (“E”) employs more than 50 persons, and
- (b) any person E employs must undertake workforce tests in accordance with regulation 9.

(2) E must take reasonable steps to facilitate the taking of those workforce tests.

(3) In discharge of the duty in paragraph (2), E must have regard to any guidance issued by the Welsh Ministers for the purposes of this regulation.

(4) For the purposes of this regulation—

- (a) “employs” includes having responsibility for agency workers;
- (b) a person has responsibility for agency workers if—
  - (i) the agency worker is supplied or to be supplied by a person (an “agent”) to the employer under a contract or other arrangements made between the agent and the employer, and
  - (ii) the agency worker is not—
    - (aa) a worker because of the absence of a worker’s contract between the agency worker and the agent or the employer, or
    - (bb) a party to a contract under which the agency worker undertakes to do the work for another party to a contract whose status is, by virtue of the contract, that of a client or customer of any profession or business undertaking carried on by the agency worker.

### **Consequences of an inconclusive result**

**11.**—(1) This regulation applies where a person (“P”) has taken a test in accordance with regulation 8 or regulation 9 and that test has returned an inconclusive result.

(2) Where the test was taken in accordance with regulation 8, P must, as soon as is reasonably practicable, arrange and undertake a further test which complies with the requirements of a day 2 test, with the exception of the requirement in regulation 8(5)(a).

(3) Where the test was taken in accordance with regulation 9, P must, as soon as is reasonably practicable, arrange and undertake a replacement workforce test.

### **Consequences of a positive result**

**12.**—(1) Paragraph (2) applies where a test taken by a person (“P”) in accordance with regulation 8, regulation 9 or regulation 11 returns a positive result.

(2) The Coronavirus Restrictions Regulations apply to P as if P had been notified by a contact tracer that P had tested positive for coronavirus.

(3) Where P’s positive result under paragraph (1)—

- (a) came from a workforce test or replacement workforce test, and
- (b) that workforce test or replacement workforce test was not a polymerase chain reaction test,

P must undertake a test that complies with the requirements of a day 2 test, with the exception of the requirement at regulation 8(5)(a).

(4) Where a test taken in accordance with paragraph (3) returns a negative result, paragraph (2) ceases to apply to P.

(5) “Contact tracer” has the meaning given in the Coronavirus Restrictions Regulations.

## PART 4

### Enforcement and offences

#### Offences

**13.**—(1) A person who contravenes a requirement in regulation—

- (a) 6(1),
- (b) 6(3),
- (c) 7(3),
- (d) 7(4),
- (e) 8,
- (f) 9,
- (g) 10(2), or
- (h) 11,

commits an offence.

(2) But a person does not commit an offence where they have a reasonable excuse for contravening regulations referred to in paragraph (1).

(3) For the purposes of an offence under paragraph (1)(c), a reasonable excuse includes, in particular, where—

- (a) a person reasonably believed at the time of the contravention that a notification in their possession of a negative result relating to the person was valid and from a qualifying test (for the purposes of regulation 7);
- (b) a person was medically unfit to provide a sample for a qualifying test before travelling to Wales and possesses a document, signed by a medical practitioner entitled to practise in the country or territory in which that practitioner was based, to that effect;
- (c) it was not reasonably practicable for a person to obtain a qualifying test before travelling to Wales due to—

- (i) a disability;
  - (ii) the need to obtain urgent medical treatment;
- (d) a person was accompanying, in order to provide support (whether medical or otherwise), a person described in subparagraph (b) and where it was not reasonably practicable for the accompanying person to obtain a qualifying test before travelling to Wales;
- (e) a person began their journey to Wales in a country or territory in which a qualifying test was not available to the public (with or without payment) or in which it was not reasonably practicable for a person to obtain a qualifying test due to a lack of reasonable access to a qualifying test or testing facility and it was not reasonably practicable for them to obtain a qualifying test in their last point of departure if this was different to where they began their journey;
- (f) the time it has taken a person to travel from the country or territory where they began their journey to the country or territory of their last point of departure prior to arriving in Wales meant that it was not reasonably practicable for them to meet the requirement in paragraph 1(1)(c) of Schedule 2, and it was not reasonably practicable for them to obtain a qualifying test in their last point of departure.
- (4) For the purposes of an offence under paragraph (1)(e), a reasonable excuse includes, in particular, where—
- (a) it was not reasonably practicable for a person to book a test due to a disability;
  - (b) a person reasonably considered before arriving in Wales that it would not be reasonably practicable for the person to provide a sample for a test due to a disability;
  - (c) a person required medical treatment with such urgency that booking a test was not reasonably practicable;
  - (d) a person was accompanying, in order to provide support, whether medical or otherwise, a person described in subparagraph (a) or (c) where it was not reasonably practicable for the accompanying person to book a test;
  - (e) a person began their journey to Wales in a country or territory in which the person did not have reasonable access to the facilities or services required to book a test, with or without payment, and such facilities or services were not reasonably accessible in



their last point of departure if this was different to where they began their journey;

- (f) a test is cancelled for reasons beyond P's control;
- (g) a test provider took all reasonable steps to provide a test reference number to P and any person arranging a test for P.

(5) For the purposes of an offence under paragraph (1)(f), a reasonable excuse includes, in particular, where—

- (a) it is not reasonably practicable for P to undertake a test due to a disability;
- (b) P requires medical treatment with such urgency that undertaking a test is not reasonably practicable;
- (c) P has left Wales.

(6) It is an offence for a person to provide false or misleading information to the Secretary of State for the purposes of regulation 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.

(7) But a person does not commit an offence under paragraph (6) if they have a reasonable excuse for providing false or misleading information to the Secretary of State.

(8) A person who intentionally obstructs any person exercising functions under these Regulations commits an offence.

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

(10) Section 24 of the Police and Criminal Evidence Act 1984(1) 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**

**14.** 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.

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

### **Fixed penalty notices**

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

- (a) under regulation 13(1) or (6), in relation to a requirement in regulation 6(1) or (3), or
- (b) under regulation 13(8), 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 under regulation 13(1)(c) or (d), the amount specified under paragraph (5)(c) is to be—

- (a) in the case of the first fixed penalty notice received, £500;
- (b) in the case of the second fixed penalty notice received, £1000;
- (c) in the case of the third fixed penalty notice received, £2000;
- (d) in the case of the fourth and any subsequent fixed penalty notice received, £4000.

(7) Where the fixed penalty notice is issued to a person in respect of an offence described in regulation 13(1)(e) then the amount specified under paragraph (5)(c) must be—

- (a) in the case of a fixed penalty notice issued in respect of a failure to arrange tests in accordance with regulation 8(3), £1000;
- (b) in the case of the first fixed penalty notice issued in respect of a failure to take a test in accordance with regulation 8(4), £1000;
- (c) in the case of the second and any subsequent fixed penalty notice issued in respect of a failure to take a test in accordance with regulation 8(4), £2000.

(8) 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 6(1) or (4), or
- (b) under regulation 13(8) 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 (9) and (10)).

(9) 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.

(10) 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 (9) 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.

(11) 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).

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

(13) 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

**16.**—(1) In this regulation and regulation 17, “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 6;
  - (ii) where a person arranges or undertakes a test under regulation 8—
    - (aa) information generated where the person arranges or takes a test;
    - (bb) information obtained by a test provider under regulation 8;
    - (cc) the results of the test;
    - (dd) information recorded by a test provider in the course of administering a test taken in accordance with regulation 8 (including confirmation that the test was taken, details of when and where it was taken, any reasons for a test not being taken and the details of any replacement test to be taken);
  - (iii) information provided to an immigration officer pursuant to regulation 8(10);

(iv) where a sample taken in respect of a day 2 test under regulation 8 has been sequenced, the sorted BAM file relating to that sample containing all reads aligning to the coronavirus reference genome with unaligned and human reads removed;

(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);
- (c) a test provider;
- (d) an immigration officer.

(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 sub-paragraph (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 (9), “the data protection legislation” and “personal data” have the same meanings as in section 3 of the Data Protection Act 2018<sup>(1)</sup>.

### **Self-incrimination**

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

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(1) 2018 c. 12.

(2) Where the information is used in such proceedings—

- (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 the proceedings are for—

- (a) an offence under these Regulations,
- (b) an offence under section 5 of the Perjury Act 1911 (false statements made otherwise than on oath)(**1**),
- (c) an offence under section 1 of the Fraud Act 2006 (fraud)(**2**), or
- (d) an offence under section 2 or 3 of the Forgery and Counterfeiting Act 1981 (offence of copying or using a false instrument)(**3**).

(4) 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

**18.** 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) at least once in the period of 28 days beginning with 11 February 2022;
- (b) at least once in each subsequent period of 28 days.

#### Expiry of Regulations

**19.—**(1) These Regulations expire at the end of 31 May 2022.

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

(2) 2006 c. 35.

(3) 1981 c. 45.

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

*Eluned Morgan*  
Minister for Health and Social Services, one of the  
Welsh Ministers  
At 2.56 p.m. on 10 February 2022



## SCHEDULE 1 Regulation 2(1)

### PART 1

Passenger information to be provided by eligible travellers and persons who are not eligible travellers

**1. Personal details—**

- (a) full name;
- (b) date of birth;
- (c) passport number, or travel document reference number (as appropriate), issue and expiry dates and issuing authority;
- (d) telephone number;
- (e) home address;
- (f) email address.

**2. Journey details—**

- (a) the operator P is travelling, or travelled, with, or through which P's booking was made;
- (b) coach number;
- (c) flight number or vessel name;
- (d) the location at which P will arrive, or has arrived, in the United Kingdom;
- (e) the country P is travelling, or travelled, from;
- (f) any other country or territory P will be, or has been, in as part of their journey to the United Kingdom;
- (g) where sub-paragraph (f) applies, the dates on which P was or will be in the other country or territory;
- (h) the date and time, or planned date and time, as appropriate, of P's arrival in the United Kingdom;
- (i) 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, and
  - (iv) the flight number, vessel name or coach number of the onward journey.

**3.** Where P intends to take advantage of an exemption as an eligible traveller—

- (a) confirmation that P meets one of the exemptions in regulation 3, and
- (b) details of which exemption in regulation 3 P falls under.

**4.** Where P is travelling with a child for whom they have responsibility, the full name and date of birth of that child.

## PART 2

Additional passenger information to be provided by persons who are not eligible travellers

**5.** The name of the provider of P's day 2 test.

**6.** The reference number for the test provided to P by the test provider in accordance with regulation 8(6).

## SCHEDULE 2 Regulation 7

### Testing before arrival in Wales

- 1.—(1) A test complies with this paragraph if—
- (a) it is a test for the detection of coronavirus, which is—
    - (i) a polymerase chain reaction test, or
    - (ii) undertaken using a device which the manufacturer states has—
      - (aa) a sensitivity of at least 80%,
      - (bb) a specificity of at least 97%, and
      - (cc) a limit of detection of less than or equal to 100,000 coronavirus copies per millilitre,
  - (b) it is not a test provided or administered under the National Health Service Act 2006, the National Health Service (Wales) Act 2006, the National Health Service (Scotland) Act 1978, or the Health and Personal Social Services (Northern Ireland) Order 1972, and
  - (c) the test sample is taken from the person no more than 48 hours before—
    - (i) in the case of that person travelling to Wales on a commercial transport service, the service's scheduled time of departure, not including any transit, or
    - (ii) in any other case, the actual time of departure of the vessel or aircraft on which that person is travelling to Wales, not including any transit.
- (2) For the purposes of this paragraph, a person transits through a country or territory if they arrive in that country or territory for the sole purpose of continuing a journey to Wales—
- (a) on a conveyance other than the conveyance on which they arrived, or
  - (b) on the same conveyance, having temporarily disembarked from it.
2. Notification of a negative test result must include, in English, French, or Spanish, the following information—
- (a) the name of the person from whom the sample was taken,
  - (b) that person's date of birth or age,
  - (c) the negative result of the test,
  - (d) the date the test sample was collected or received by the test provider,
  - (e) a statement—

- (i) that the test was a polymerase chain reaction test, or
  - (ii) of the name of the device that was used for the test, and
- (f) the name of the test provider.

**3.—**(1) The persons referred to in regulation 7(2)(b) (as not being required to comply with that regulation) are—

- (a) a person described in—
  - (i) paragraph 13(1)(b) of Schedule 5 where, prior to the person’s departure to the United Kingdom, the relevant Department has certified that they meet this description and are not required to comply with regulation 7, or
  - (ii) paragraph 14 of Schedule 5 where, prior to person’s departure to the United Kingdom, the relevant Department has also certified that they are not required to comply with regulation 7;
- (b) a crown servant or government contractor (“C”) who is required to undertake essential government work or essential policing in the United Kingdom or is returning from conducting such work outside the United Kingdom where, prior to C’s departure to the United Kingdom, the relevant Department has certified that they meet this description and are not required to comply with regulation 7;
- (c) a representative (“R”) of a foreign country or territory travelling to the United Kingdom to conduct official business with the United Kingdom where, prior to R’s departure to the United Kingdom—
  - (i) the relevant head of the mission, consular post, or 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, Commonwealth and Development Office that R is required 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) the Foreign, Commonwealth and Development Office has then confirmed in writing to the person giving the notification in sub-paragraph (i) that—
    - (aa) it has received that confirmation, and

- (bb) R is travelling to the United Kingdom to conduct official business with the United Kingdom and is not required to comply with regulation 7;
  - (d) a member of aircraft crew carried on a flight for the purpose of performing duties to be assigned by the operator or the pilot in command of the aircraft, in the interests of the safety of the aircraft, where they have travelled to the United Kingdom in the course of their work.
- (2) In sub-paragraph (1)—

“consular post” (“*swyddfa gonsylaidd*”) has the meaning given in paragraph 1(3) of Schedule 5;

“essential government work” (“*gwaith llywodraeth hanfodol*”) and “essential policing” (“*plismona hanfodol*”) have the meanings given in paragraph 13(2) of Schedule 5.

**SCHEDULE 3** Regulation 8(5)

**Booking information for day 2 tests**

**1.—(1) Personal details—**

- (a) full name;
- (b) sex;
- (c) ethnicity;
- (d) date of birth;
- (e) passport number, or travel document reference number (as appropriate);
- (f) NHS number (if known and applicable);
- (g) telephone number;
- (h) home address;
- (i) email address.

**(2) Journey details—**

- (a) P's date of arrival in the United Kingdom;
- (b) coach number, flight number or vessel name;
- (c) the date on which P was last, or will last have been, outside of the common travel area;
- (d) the name of the country or territory P will be travelling from when P arrives in the United Kingdom, and the name of any country or territory P will have been in as part of that journey.

## SCHEDULE 4 Regulation 2(1)

### Requirements for day 2 tests

#### Day 2 tests: general requirements

1.—(1) A day 2 test complies with this paragraph where the test complies with sub-paragraphs (2) and (3).

(2) The day 2 test is—

- (a) provided by a public test provider, or
- (b) provided by a private test provider where the private test provider complies with paragraph 2.

(3) The day 2 test complies with this sub-paragraph where—

- (a) it is a semi-quantitative test for the detection of coronavirus which—
  - (i) targets a minimum of two distinguishable coronavirus genes other than the S gene and performance reference controls,
  - (ii) includes routine in silico assurance against every variant of concern, and
  - (iii) produces a test solution that provides extracted nucleic acid that is suitable for whole genome sequencing using a specified method,
- (b) the manufacturer of any device used for the purposes of the test states that the device—
  - (i) uses an established molecular detection method,
  - (ii) has a specificity and a sensitivity greater than or equal to 99% (or a 95% two-sided confidence interval entirely above 97%),
  - (iii) has a limit of detection of less than or equal to 1,000 coronavirus copies per millilitre, and
  - (iv) is suitable for identifying every variant of concern, and
- (c) any device used for the purposes of the test—
  - (i) can be put into service in accordance with Part 4 of the Medical Devices Regulations 2002, other than solely by virtue of regulation 39(2) of those Regulations, and
  - (ii) has been validated no more than 18 months before the test is administered or provided to P.

### **Day 2 tests: general private provider requirements**

2.—(1) For the purposes of paragraph 1(2)(b), a private test provider complies with this paragraph where—

- (a) they provide day 2 tests in a single end-to-end testing service (whether or not they arrange with another person (“X”) for X to provide one or more elements of the service on their behalf);
- (b) a registered medical practitioner has oversight and approval of medical practices undertaken by the private test provider, and responsibility for reporting medical issues;
- (c) they have an effective system of clinical governance in place which includes appropriate standard operating procedures in relation to the carrying out of day 2 tests;
- (d) a registered clinical scientist has oversight of clinical practices undertaken by the private test provider, and responsibility for reporting clinical issues;
- (e) they have systems in place to identify any adverse incidents or quality control issues in relation to day 2 tests and be able to report them as soon as is reasonably practicable to the Welsh Ministers;
- (f) if the private test provider is a laboratory that conducts diagnostic test evaluation for testing in accordance with this Schedule, they have made a declaration to the Secretary of State that they meet the minimum standards for private sector-provided testing at <https://support-covid-19-testing.dhsc.gov.uk/InternationalTesting>;
- (g) they have provided the Secretary of State with a list of all organisations that they work with (whether by sub-contract or otherwise) to carry out the testing service or to carry out genomic sequencing, indicating the nature of the service that each organisation is providing, and kept that list updated as appropriate;
- (h) the person responsible for the taking of samples meets the relevant requirements for accreditation to ISO standard 15189 or ISO/IEC standard 17025 in respect of the taking of samples;
- (i) the laboratory used by the private test provider for the processing of samples meets the relevant requirements for ISO standard 15189 or ISO/IEC standard 17025 in respect of the evaluation of the established molecular detection method and the genome sequencing of samples;



- (j) they receive the information required by regulation 8(5)(b) and (c), and they administer or provide the test to P no later than the end of the second day after the day on which P arrived in Wales;
- (k) each day, they notify the Secretary of State in writing of—
  - (i) the number of tests they sold on that day, and
  - (ii) in relation to each test sold on that day—
    - (aa) the date of arrival into the United Kingdom of the person in respect of whom the test was sold;
    - (bb) the test reference number given to P in accordance with regulation 8(6);
- (l) they sequence each sample with a cycle threshold less than 30 (equivalent to 1,000 viral genome copies per millilitre);
- (m) where—
  - (i) a sample is to be sequenced in accordance with paragraph (l), and
  - (ii) the sequencing is to take place at a laboratory (“the sequencing laboratory”) other than the laboratory at which the sample was initially processed (“the diagnostic laboratory”),they secure that the sample is received at the sequencing laboratory no later than 24 hours after the result of the initial processing becomes known to the diagnostic laboratory;
- (n) in respect of the sequencing of samples, they must secure a reference genome coverage breadth of at least 50% and at least 30 times coverage;
- (o) on a request by the Welsh Ministers or the COVID-19 Genomics UK Consortium, they make samples available for the purpose of dual sequencing;
- (p) they preserve and transport samples in a manner that enables genome sequencing;
- (q) they have in place a process to remove human reads from any data submitted in a notification to Public Health Wales pursuant to the Health Protection (Notification) (Wales) Regulations 2010<sup>(1)</sup>;
- (r) if they arrange with another person (“X”) for X to carry out any element of the single end-to-end testing service on their behalf, the

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(1) S.I. 2010/1546 (W. 144).

private test provider ensures that X complies with the following so far as relevant to the carrying out of that element—

- (i) paragraphs (b) to (e) and (g) to (q) of this sub-paragraph;
- (ii) paragraph 4(2) and (3).

(2) For the purposes of sub-paragraph (1)(h) and (i), a person or laboratory (as the case may be) meets the relevant requirements for accreditation to a standard where the person who is the operator of the laboratory complies with the requirements of paragraph 3.

(3) In this paragraph, “registered clinical scientist” means a person registered as a clinical scientist with the Health and Care Professions Council pursuant to article 5 of the Health Professions Order 2001<sup>(1)</sup>.

### **UKAS accreditation**

**3.—**(1) Before providing a day 2 test, a private test provider must have been accredited by UKAS to the relevant ISO standard.

(2) If the private test provider arranges with another person (“X”) for X to carry out any element of the testing service on their behalf, the private test provider must—

- (a) ensure that X complies with any provision of this paragraph that is relevant to the carrying out of that element, and
- (b) subject to sub-paragraph (3), cease to provide tests under arrangement with X if X fails to comply with any such provision.

(3) Sub-paragraph (2)(b) does not apply to a test that was administered before the date that X failed to comply with this paragraph.

(4) In this paragraph—

“the relevant ISO standard” (“*y safon ISO berthnasol*”) means—

- (a) in the case of a test which requires laboratory processing, ISO standard 15189 or ISO/IEC standard 17025, and
- (b) in the case of a point of care test, ISO standard 15189 and ISO standard 22870, and for this purpose “point of care test” means a test processed outside a laboratory environment;

“UKAS” (“*UKAS*”) means the United Kingdom Accreditation Service, a company limited by guarantee and incorporated in England and Wales under number 3076190.

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(1) S.I. 2002/254.

### Notification of test results by private providers

4.—(1) This paragraph applies to a private test provider who administers or provides a day 2 test to P.

(2) The private test provider must, within the relevant timeframe—

- (a) notify P and, where applicable, any person who arranges the test on P's behalf, by email, letter or text message, the result of P's test, or
- (b) make P's test result available to P and, where applicable, any person who arranges the test on P's behalf, via a secure web portal,

in accordance with sub-paragraph (3).

(3) The notification of P's test result must include P's name, date of birth, passport number, or travel document reference number (as appropriate), the name and contact details of the private test provider and P's test reference number, and must be conveyed so as to inform P whether the test was negative, positive, or inconclusive.

(4) In this paragraph, "relevant timeframe" means no later than 48 hours after the sample taken for the purposes of the test is received by the diagnostic laboratory.

### Interpretation

5. In this Schedule—

"single end-to-end testing service" ("*un gwasanaeth profi o'r dechrau i'r diwedd*") means a service which comprises accepting the booking from the person to be tested, collecting and processing the sample to be tested, carrying out genomic sequencing and providing the test result to P;

"specified method" ("*dull penodedig*") means a targeted sequence method specific to coronavirus or an equivalent—

- (a) amplicon method, or
- (b) sequence bait capture method;

"validated" ("*wedi ei dilysu*"), in relation to a device, means confirmed as having a sensitivity of at least 97% and a specificity of at least 99% for at least 150 positive samples and 250 negative samples, by—

- (a) the Welsh Ministers,
- (b) the National Institute for Health and Care Excellence, or
- (c) a laboratory which is accredited by the United Kingdom Accreditation Service ("UKAS") to ISO standard 15189 or ISO/IEC standard 17025, other than a laboratory which processes tests provided by the test provider

for the purposes of this Schedule or is owned by the test provider;

“variant of concern” (*“amrywiolyn sy’n destun pryder”*) means a variant of coronavirus identified in a designation made by the relevant expert UK Group<sup>(1)</sup> for the purposes of these Regulations and published in a way that the Welsh Ministers consider to be appropriate.

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(1) At the time of coming into force, this is the New and Emerging Respiratory Virus Threats Advisory Group (“NERVTAG”).

## SCHEDULE 5

Regulations 5(2), 7(2) and 8(2)

### Exempt persons

- 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) described in paragraph (a) or (b) who is passing through the United Kingdom to commence or continue their functions at a diplomatic mission or consular post in another country or territory, or to return to the country of their nationality;
  - (g) a representative of a foreign country or territory travelling to the United Kingdom to conduct official business with the United Kingdom;
  - (h) a representative of the government of a British overseas territory;
  - (i) a diplomatic courier or a consular courier;
  - (j) a member of the family forming part of the household of a person falling within any of paragraphs (a) to (i).
- (2) The conditions referred to in regulation 8(2)(b) (persons to whom regulation 8 does not apply) are that—
- (a) the relevant head of the mission, consular post, international organisation, or 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, Commonwealth and Development Office that—
    - (i) P is required to undertake work which is essential to the functioning of the mission, consular post, international organisation, 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 8, and
- (b) prior to P's arrival in the United Kingdom the Foreign, Commonwealth and Development 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 8.
- (3) For the purpose 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<sup>(1)</sup>, 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

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(1) 1968 c. 18. There are amendments but none is relevant.

Schedule 1 to the Diplomatic Privileges Act 1964<sup>(1)</sup>.

(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 10 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, “essential government work” means work which has been designated as such by the relevant Department or employer.

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

- (a) is required to undertake work necessary to the delivery of essential defence activities,
- (b) has travelled from within the common travel area on a vessel or aircraft operated by, or in support of, Her Majesty’s armed forces or by, or in support of, a visiting force and that vessel or aircraft has not taken on any persons, docked in any port or landed in any place outside the common travel area, or
- (c) has, immediately before the person's arrival, been aboard a vessel operated by or in support of Her Majesty's Naval Service or by, or in support of, a visiting force for a continuous period of at least 10 days and that vessel has not taken on any persons or docked in any port outside the common travel area 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;

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(1) 1964 c. 81. There are amendments but none is relevant.

- (b) “visiting force” means any body, contingent or detachment of the forces of a country, being a body, contingent or detachment for the time being present in the United Kingdom (including United Kingdom territorial waters), on the invitation of Her Majesty’s Government in the United Kingdom.

**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 10 days of arrival and that that work cannot be undertaken whilst the person is complying with regulations 6, 7 and 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.

**5.** A person who, on arrival in the United Kingdom, passes through to another country or territory without entering the United Kingdom.

**6.** A road haulage worker.

**7.—(1)** A road passenger transport worker.

**(2)** For the purposes of this paragraph—

- (a) “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, and who is acting in the course of their employment;
- (b) “public service vehicle” has the meaning given in section 1 of the Public Passenger Vehicles Act 1981<sup>(1)</sup>.

**8.—(1)** Masters and seamen, as defined in section 313(1) of the Merchant Shipping Act 1995<sup>(2)</sup>, where they have travelled to the United Kingdom in the course of their work or have been repatriated to the

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

<sup>(2)</sup> 1995 c. 21. There are amendments to section 313(1) but none is relevant.



United Kingdom in accordance with the Maritime Labour Convention 2006 or the Work in Fishing Convention 2007.

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

- (a) “the Maritime Labour Convention 2006” means the Convention adopted on 23 February 2006 by the General Conference of the International Labour Organisation<sup>(1)</sup>;
- (b) “the Work in Fishing Convention 2007” means the Convention adopted at Geneva on 14 June 2007 by the International Labour Organisation<sup>(2)</sup>.

**9.** A pilot, as defined in paragraph 22(1) of Schedule 3A to the Merchant Shipping Act 1995<sup>(3)</sup>, 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.

**10.** An inspector, or a surveyor of ships, appointed under section 256 of the Merchant Shipping Act 1995 or by a government of a relevant British possession as defined in section 313(1) of that Act, where they have travelled to the United Kingdom in the course of their work.

**11.**—(1) A member of aircraft crew where they have travelled to the United Kingdom in the course of their work or are otherwise required to travel to the United Kingdom for work purposes.

(2) For the purposes of this paragraph—

- (a) “member of aircraft crew” means a person who—
  - (i) acts as a pilot, flight navigator, flight engineer or flight radiotelephony operator of the aircraft,
  - (ii) is carried on the flight deck and is appointed by the operator of the aircraft to give or to supervise the training, experience, practice and periodical tests required for the flight crew under article 114(2) of the Air Navigation Order 2016<sup>(4)</sup>, or
  - (iii) is carried on the flight for the purpose of performing duties to be assigned by the operator or the pilot in command of the aircraft in the interests of the safety of passengers or of the aircraft;

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

(2) Cm 7375.

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

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

- (b) travel for work purposes includes, in particular—
  - (i) where the member of aircraft crew resides outside the United Kingdom, travelling to the United Kingdom to work on an aircraft departing from the United Kingdom;
  - (ii) travelling to attend work-related training in the United Kingdom;
  - (iii) returning to the United Kingdom following work-related training outside the United Kingdom.

**12.** A civil aviation inspector as defined in Annex 9 to the Convention on International Civil Aviation signed at Chicago on 7 December 1944<sup>(1)</sup>, where the inspector has travelled to the United Kingdom when engaged on inspection duties.

**13.—(1)** Any person who the relevant Department has certified as meeting the descriptions in paragraph (a), (b) or (c)—

- (a) a crown servant or government contractor who is required to undertake essential policing or essential government work in the United Kingdom;
- (b) a person returning from undertaking essential state business outside of the United Kingdom;
- (c) a person returning to the United Kingdom where this is necessary to facilitate the functioning of a diplomatic mission or consular post of Her Majesty or of a military or other official posting on behalf of Her Majesty.

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

- (a) “consular post” means any consulate-general, consulate, vice-consulate or consular agency;
- (b) “essential government work” means work which has been designated as such by the Welsh Ministers or the relevant Department, and includes, in particular, work related to national security, the work of the National Crime Agency in pursuance of its statutory functions, and work related to immigration, the coronavirus disease or any other crisis response, but does not include work of the description in paragraph 2(1);

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(1) 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).

- (c) “essential policing” means activity which has been designated as such on behalf of the relevant chief officer or chief constable;
- (d) “essential state business” means activity which has been designated as essential to the United Kingdom or Her Majesty’s Government by the relevant Department, and includes, in particular, bilateral or multilateral discussions with another state or international organisation and visits to another state on behalf of the United Kingdom or Her Majesty’s Government.

**14.**—(1) A person returning from undertaking essential or emergency work outside of the United Kingdom, which has been certified by the relevant Department as necessary to facilitate essential government work or essential state business.

(2) For the purposes of sub-paragraph (1), “essential government work” and “essential state business” have the same meaning as in paragraph 13.

**15.** A person designated by the relevant Minister under section 5(3) of the Repatriation of Prisoners Act 1984<sup>(1)</sup>.

**16.** A person responsible for escorting a person sought for extradition pursuant to a warrant issued under Part 3 of the Extradition Act 2003<sup>(2)</sup> or sought for extradition pursuant to any other extradition arrangements.

**17.** 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.

**18.**—(1) A person who has travelled to the United Kingdom for the purpose of transporting material which consists of, or includes, human cells or blood and which is to be used for the provision of a health service by a provider of health services.

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

- (a) “blood” includes blood components;
- (b) “health service” 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.

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(1) 1984 c. 47.

(2) 2003 c. 41.