

SL(5)584 – The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) Regulations 2020

Background and Purpose

These Regulations amend the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 (“the principal Regulations”).

These Regulations are made under sections 45C(1), (3)(c), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984 (“the 1984 Act”) in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) which causes the disease known as COVID-19 or “coronavirus”.

Specifically, these Regulations:

- allow the re-opening of funfairs, playgrounds and outdoor gyms (but those responsible for the premises must take all reasonable measures under regulation 12 of the principal Regulations to minimise the risk of exposure to coronavirus on the premises); and
- clarify that persons who attend a place of worship have a reasonable excuse to gather (in accordance with the requirements of regulation 12 of the principal Regulations).

Procedure

Made affirmative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd must approve the Regulations within 28 days (excluding any days when the Senedd is dissolved or in recess for more than four days) of the date they were made for them to continue to have effect.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following points are identified for reporting under Standing Order 21.3 in respect of this instrument:

Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues or public policy likely to be of interest to the Assembly.

1. The footnote to regulation 2(1) refers to the Health Protection (Coronavirus Restrictions) (No.2) (Wales) Regulations 2020 but appears to cite the wrong SI number. We assume it should be “S.I. 2020/725 (W.162)” [*emphasis added*] and not “S.I. 2020/725 (W.163)”.

It is accepted that the footnote does not form part of the law. However, if the purpose of its inclusion is to assist a reader, it would be helpful if the reference could be updated to reflect the correct regulations.



2. There appears to be wording missing from the beginning of first paragraph of the Explanatory Note, as it currently begins "sAct 1984". We assume that the paragraph should begin with the words "Part 2A of the Public Health (Control of Disease) Act 1984..." (which it does in the Welsh version of these Regulations).

3. The Explanatory Memorandum contains four references to "the original Regulations". The term is not defined, but it appears to be referring to the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020.

Given that "the original Regulations" is used to define the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 in the Explanatory Memorandum to the principal Regulations, we consider that it would assist the reader if the same definition is used in the Explanatory Memorandum to these Regulations.

Implications arising from exiting the European Union

No implications are identified for reporting under Standing Order 21.3 in respect of this instrument.

Government Response

A Welsh Government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 3 August 2020 and reports to the Senedd in line with the reporting points above.

