

SL(5)602 – The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 7) Regulations 2020

Background and Purpose

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

The amendments:

- provide that no person may, without a reasonable excuse, be involved in organising certain unlicensed music events (within the meaning given in regulation 14B of the principal Regulations as to be inserted by regulation 2(7) of these Regulations). A person who fails to comply with the restriction commits an offence under regulation 20(1)(b) of the principal Regulations, and an enforcement officer may issue a fixed penalty notice of £10,000 under regulation 21 to anyone that the officer reasonably believes to have committed the offence,
- provide that people have a reasonable excuse (under regulation 14 of the principal Regulations) to gather indoors to visit a resident in a care home, hospice, or secure accommodation for children,
- clarify that people also have a reasonable excuse to gather to access educational services (both indoors as a reasonable excuse under regulation 14 of the principal Regulations, and outdoors as a reasonable excuse under regulation 14A of those Regulations),
- permit casinos to open, but measures must be taken to minimise the risk of exposure to coronavirus on the premises,
- make other technical changes, most of which are consequential on the other amendments made by these 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: (i) dissolved, or (ii) 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 point is 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.

There has been no public consultation in relation to these Regulations, the Explanatory Memorandum explains that this is due to “the serious and imminent threat arising from coronavirus and the need for an urgent public health response, including the need to lift any restrictions which are no longer considered proportionate to that response”.

It is further explained that “more widely, individuals and businesses have been informed about the restrictions through wide scale and ongoing public information broadcasts across the UK, including by the Chief Medical Officer for Wales, the First Minister of Wales and the Prime Minister. In making the Regulations this week there has been ongoing discussions with the Chief Constables and Police and Crime Commissioners in Wales about the likelihood of unlicensed music events taking place in Wales, and the risk of organisers moving events from England to Wales if reciprocal provision was not made for Wales. All four police forces support the introduction of the new offence through this week’s Regulations.”

A regulatory impact assessment has not been prepared in relation to these Regulations due to the need to put them in place urgently as part of the ongoing response to a serious and imminent threat to public health. The Explanatory Memorandum does however state that a summary equalities impact assessment has been prepared and will be published.

Implications arising from exiting the European Union

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

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

8 September 2020

