

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:

Committee Room 4 – Tŷ Hywel

Meeting date: 30 November 2020

Meeting time: 09.30

For further information contact:

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Committee Clerk

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In accordance with Standing Order 34.19, the Chair has determined that the public are excluded from the Committee's meeting in order to protect public health. This meeting will be broadcast live on www.Senedd.TV

Informal pre-meeting (09.00–09.30)

1 Introduction, apologies, substitutions and declarations of interest
09.30

2 Instruments previously considered for sifting and now subject to scrutiny under Standing Orders 21.2 and 21.3
09.30–09.35

Negative Resolution Instruments

2.1 SL(5)658 – The Nutrition (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020

(Pages 1 – 14)

CLA(5)–35–20 – Paper 1 – Report

CLA(5)–35–20 – Paper 2 – Regulations

CLA(5)–35–20 – Paper 3 – Explanatory Memorandum

3 Instruments that raise no reporting issues under Standing Order 21.2 or 21.3

09.35–09.40

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CLA(5)–35–20 – Paper 4 – Statutory instruments with clear reports



Affirmative Resolution Instruments

- 3.1 SL(5)661 – Plant Health (Forestry) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020**

4 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3

09.40–09.45

Negative Resolution Instruments

- 4.1 SL(5)666 – The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 20) Regulations 2020**

(Pages 16 – 37)

CLA(5)–35–20 – Paper 5 – Report

CLA(5)–35–20 – Paper 6 – Regulations

CLA(5)–35–20 – Paper 7 – Explanatory Memorandum

CLA(5)–35–20 – Paper 8 – Letter from the Minister for Finance and Trefnydd, 20 November 2020

CLA(5)–35–20 – Paper 9 – Written statement, 19 November 2020

5 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3 – previously considered

09.45–09.50

- 5.1 SL(5)651 – The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 18) Regulations 2020**

(Pages 38 – 41)

CLA(5)–35–20 – Paper 10 – Report

CLA(5)–35–20 – Paper 11 – Welsh Government response

- 5.2 SL(5)652 – The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 19) Regulations 2020**

(Pages 42 – 45)

CLA(5)–35–20 – Paper 12 – Report

CLA(5)–35–20 – Paper 13 – Welsh Government response

5.3 SL(5)660 – The Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 2) (Wales) Regulations 2020

(Pages 46 – 49)

CLA(5)–35–20 – Paper 14 – Report

CLA(5)–35–20 – Paper 15 – Welsh Government response

6 Papers to note

09.50–09.55

6.1 Letter from the First Minister: Accessibility and public understanding of the Coronavirus regulations in Wales

(Pages 50 – 51)

CLA(5)–35–20 – Paper 16 – Letter from the First Minister, 20 November 2020

6.2 Letter from the Deputy Minister for Health and Social Services: The Adoption and Fostering (Wales) (Miscellaneous Amendments) (Coronavirus) Regulations 2020

(Pages 52 – 54)

CLA(5)–35–20 – Paper 17 – Letter from the Deputy Minister for Health and Social Services, 20 November 2020

CLA(5)–35–20 – Paper 18 – Letter to the Deputy Minister for Health and Social Services, 6 November 2020

6.3 Letter from the First Minister: The Senedd Cymru (Disqualification) Order 2020

(Page 55)

CLA(5)–35–20 – Paper 19 – Letter from the First Minister, 24 November 2020

6.4 Letter from the First Minister: The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 5) Regulations 2020

(Pages 56 – 59)

CLA(5)–35–20 – Paper 20 – Letter from the First Minister, 25 November 2020

CLA(5)–35–20 – Paper 21 – Letter to the First Minister, 4 September 2020

6.5 Letter from the Deputy Minister and Chief Whip: The Socio-economic Duty

(Pages 60 – 61)

**CLA(5)–35–20 – Paper 22 – Letter from the Deputy Minister and Chief Whip,
25 November 2020**

6.6 Letter from the First Minister: Making Justice work in Wales

(Pages 62 – 70)

CLA(5)–35–20 – Paper 23 – Letter from the First Minister, 25 November 2020

CLA(5)–35–20 – Paper 24 – Letter to the First Minister, 22 October 2020

**7 Motion under Standing Order 17.42 to resolve to exclude the
public from the remainder of the meeting**

09.55

**8 Supplementary Legislative Consent Memorandum on the Trade Bill
– consideration of draft report**

09.55–10.10

(Pages 71 – 80)

CLA(5)–35–20 – Paper 25 – Draft report

**9 Curriculum and Assessment (Wales) Bill – consideration of draft
report**

10.10–10.25

(Pages 81 – 140)

CLA(5)–35–20 – Paper 26 – Draft report

**10 Scrutiny of regulations made under the EU (Withdrawal) Act 2018
– update**

10.25–10.30

(Pages 141 – 142)

**CLA(5)–35–20 – Paper 27 – Letter from the Minister for Finance and
Trefnydd, 25 November 2020**

11 UK Internal Market Bill – update

10.30–10.40

(Pages 143 – 158)

CLA(5)–35–20 – Paper 28 – Research Service briefing

Date of the next meeting – 7 December 2020

SL(5)658 – The Nutrition (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020

Background and Purpose

These Regulations are made under paragraph 1(1) of Schedule 2 to the European Union (Withdrawal) Act 2018 in order to address deficiencies arising from the withdrawal of the United Kingdom from the European Union.

The Regulations make minor, technical amendments to the Nutrition (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 to ensure the amendments made by those Regulations to secondary legislation for Wales in the field of nutrition operate effectively from Implementation Period ("IP") completion day.

The Regulations come into force immediately before IP completion day at 11.00 pm on 31 December 2020.

Procedure

The Regulations were made by the Welsh Ministers before they were laid before the Senedd.

The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

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.

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

A draft of these Regulations was laid before the Senedd for sifting in accordance with paragraph 4 of Schedule 7 to the European Union (Withdrawal) Act 2018. The Committee agreed that the negative procedure was the appropriate procedure for these Regulations.

Implications arising from exiting the European Union

Save for those set out above, no other implications are identified for reporting under Standing Order 21.3 in respect of these Regulations.



Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

20 November 2020



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Legislation, Justice and Constitution Committee

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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

2020 No. 1252 (W. 284)

**EXITING THE EUROPEAN
UNION, WALES**

FOOD, WALES

**The Nutrition (Miscellaneous
Amendments) (Wales) (EU Exit)
Regulations 2020**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in paragraph 1(1) of Schedule 2 to the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

Regulation 2 amends the Nutrition (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/179 (W. 45)) to ensure the amendments made by those Regulations to secondary legislation for Wales in the field of nutrition operate effectively upon IP completion day.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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

2020 No. 1252 (W. 284)

**EXITING THE EUROPEAN
UNION, WALES**

FOOD, WALES

**The Nutrition (Miscellaneous
Amendments) (Wales) (EU Exit)
Regulations 2020**

Sift requirements satisfied 9 November 2020

Made 10 November 2020

Laid before Senedd Cymru 12 November 2020

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

The Welsh Ministers make these Regulations in exercise of the powers conferred by paragraph 1(1) of Schedule 2 to the European Union (Withdrawal) Act 2018(1).

The requirements of paragraph 4(2) of Schedule 7 to that Act (relating to the appropriate scrutiny procedure for these Regulations) have been satisfied.

There has been consultation as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(2).

As required by paragraph 4(a) of Schedule 2 to the European Union (Withdrawal) Act 2018, the Secretary

(1) 2018 c. 16.

(2) OJ No. L 31, 1.2.2002, p. 1, last amended by Commission Regulation (EC) No. 596/2009 (OJ No. L 188, 18.7.2009, p. 14).

of State has been consulted during the preparation of these Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Nutrition (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020.

(2) These Regulations come into force immediately before IP completion day.

Amendments to the Nutrition (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

2.—(1) The Nutrition (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019⁽¹⁾ are amended as follows.

(2) In regulation 7 (amendment of the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Wales) Regulations 2009), in paragraph (2)(b), for “, Food Standards Scotland or the Food Standards Agency in Northern Ireland” substitute “or Food Standards Scotland”.

(3) In regulation 8 (amendment of the Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016)—

- (a) omit paragraph (2);
- (b) in paragraph (3), in the substituted words, for “UK” substitute “Great Britain”.

Eluned Morgan

Minister for Mental Health, Wellbeing and the Welsh Language, one of the Welsh Ministers
10 November 2020

(1) S.I. 2019/179 (W. 45).

Explanatory Memorandum to the Nutrition (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020

This Explanatory Memorandum has been prepared by the Health and Social Services Group and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister/Deputy Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Nutrition (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020.

I have made the statements required by the European Union (Withdrawal) Act 2018. The statements can be found in Part 2 of the annex to this memorandum.

Eluned Morgan MS

Minister for Mental Health, Wellbeing and the Welsh Language

12 November 2020

PART 1

1. Description

- 1.1. The Nutrition (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (“this Instrument”) amend the Nutrition (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (“the 2019 instrument”) to ensure a workable enforcement regime remains in Wales following the end of the transition period (“TP”) on 31 December 2020. This instrument also reflects the Protocol on Ireland/Northern Ireland (“NIP”) and removes or replaces references which as a consequence of the NIP are no longer applicable.
- 1.2. The instrument comes into force immediately before Implementation Period (“IP”) completion date (11pm 31 December 2020).

2. Matters of special interest to the Legislation, Justice and Constitution Committee

- 2.1 This instrument is being made using the powers conferred by paragraph 1(1) of Schedule 2 to the European Union (Withdrawal) Act 2018 (“the 2018 Act”).
- 2.2 As set out in the Ministerial statement in the annex to this Explanatory Memorandum it is proposed that the instrument be subject to the negative procedure. As required by the 2018 Act, the instrument was considered for sifting by the Legislation, Justice and Constitution Committee on 9 November and the Committee was satisfied that the Regulations should be subject to the negative procedure. The instrument will therefore be subject to the negative procedure. A link to the LJC Committee’s report can be found at: <https://senedd.wales/laid%20documents/cr-ld1392/cr-ld1392-e.pdf>.

3. Legislative background

- 3.1 This instrument is being made using the power in Part 1 of Schedule 2 to the European Union (Withdrawal) 2018 Act in order to address failures of retained EU law to operate effectively or other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

The 2019 Instrument, which comes into force on IP completion date, was made to remedy deficiencies in domestic nutrition legislation (“Welsh Regulations”) arising from the withdrawal of the UK from the EU. This instrument amends the 2019 Instrument to reflect the Protocol on Ireland/Northern Ireland (NIP). This instrument does not amend EU law.

In accordance with the requirements of that Act the Minister has made the relevant statements as detailed in Part 2 of the Annex to this Explanatory Memorandum.

4. Purpose and intended effect of the legislation

- 4.3 The 2019 Instrument amended domestic legislation which established the enforcement regime for obligations arising from EU Nutrition related labelling, composition and standards law to ensure it remained workable in the event the UK left the EU without a deal.
- 4.4 The amendments were technical in nature replacing for example references to EU institutions to UK institutions. No new powers were granted to the Welsh Ministers.
- 4.5 This instrument amends the 2019 Instrument to reflect the Protocol on Ireland/Northern Ireland (NIP) to remove references to the Food Standards Agency in Northern Ireland and, replace references to the UK with GB. The references which are subject to correction do not make any substantive change to the way the Welsh Regulations operate. This instrument only makes minor, technical amendments to ensure the Welsh Regulations are operable following the end of the TP. **This instrument does not amend EU law.**

5. Consultation

- 5.1 A three-week consultation was conducted in Wales on the principle of the proposed amendments in September. No responses were received. Parallel consultation on their equivalent domestic regulations were conducted in England, Scotland and Northern Ireland. All responses received in relation to the domestic fixes were in favour of the approach proposed.
- 5.2 As set out in paragraph 4(a) of Schedule 2 to the European Union (Withdrawal) Act 2018 officials also consulted the Secretary of State for Health in the UK Government on proposals to implement this Instrument. No comments nor objections were required from the Secretary of State for Health.
- 5.3 No amendments to this Instrument were made as a consequence of the consultation.

6. Regulatory Impact Assessment (RIA)

- 6.1 No impact assessment has been produced in relation to these Regulations as no impact on the private, voluntary or public sectors is

foreseen. This legislation has no impact on the statutory duties (sections 77-79 of the Government of Wales Act 2006) or statutory partners (sections 72-75 of the Government of Wales Act 2006).

Annex 1

Statements under the European Union (Withdrawal) Act 2018

Part 1

Table of Statements under the 2018 Act

This table sets out the statements that may be required of the Welsh Ministers under the 2018 Act. The table also sets out those statements that may be required of Ministers of the Crown under the 2018 Act, which the Welsh Ministers have committed to also provide when required. The required statements can be found in Part 2 of this annex.

Statement	Where the requirement sits	To whom it applies	What it requires
Sifting	Paragraphs 3(7) and 4(3), Schedule 7 <i>Paragraph 3(7) (anticipated to be a requirement on Welsh Ministers in Standing Orders)</i>	The Welsh Ministers exercising powers in Part 1 of Schedule 2 to make a Negative SI Paragraph 3(7) applies to Ministers of the Crown, but Welsh Ministers have committed to make the same statement	A statement to explain why the instrument should be subject to the negative procedure and, if applicable, why they disagree with the recommendation of the LJC Committee (as sifting committee)
Appropriateness	Sub-paragraph (2) of paragraph 28, Schedule 7	Applies to Ministers of the Crown exercising powers in sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2. Welsh Ministers have committed to make the same statement when exercising powers in Schedule 2	A statement that the SI does no more than is appropriate.
Good Reasons	Sub-paragraph (3) of paragraph 28, Schedule 7	Applies to Ministers of the Crown exercising powers in sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2. Welsh Ministers have	A statement to explain the good reasons for making the instrument and that what is being done is a reasonable course of action.

		committed to make the same statement when exercising powers in Schedule 2	
Equalities	Sub-paragraphs (4) and (5) of paragraph 28, Schedule 7	Applies to Ministers of the Crown exercising powers in sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2. Welsh Ministers have committed to make the same statement when exercising powers in Schedule 2	<p>A statement to explain what, if any, amendment, repeals or revocations are being made to the Equalities Acts 2006 and 2010 and legislation made under them.</p> <p>A statement that the Minister has had due regard to the need to eliminate discrimination and other conduct prohibited under the Equality Act 2010.</p>
Explanations	Sub-paragraph (6) of paragraph 28, Schedule 7	Applies to Ministers of the Crown exercising powers in sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2. Welsh Ministers have committed to make the same statement when exercising powers in Schedule 2	A statement to explain the instrument, identify the relevant law before exit day, explain the instrument's effect on retained EU law and give information about the purpose of the instrument, e.g. whether minor or technical changes only are intended to the EU retained law.
Criminal offences	Sub-paragraphs (3) and (7) of paragraph 28, Schedule 7	Applies to Ministers of the Crown exercising powers in sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2. Welsh Ministers have committed to make the same statement when exercising powers in Schedule 2	A statement setting out the 'good reasons' for creating a criminal offence, and the penalty attached.
Sub-delegation	Paragraph 30, Schedule 7	Applies to Ministers of the Crown exercising powers in sections 18(1), 9 and paragraph 1 of Schedule 4 to create a legislative power exercisable not by a Minister of the Crown or a Devolved	A statement to explain why it is appropriate to create such a sub-delegated power.

		<p>Authority.</p> <p>Welsh Ministers have committed to make the same statement when exercising powers in Schedule 2 or paragraph 1 of Schedule 4 to create a legislative power exercisable not by a Minister of the Crown or a Devolved Authority</p>	
Urgency	Sub-paragraph (2) and (8) of paragraph 7, Schedule 7	Welsh Ministers exercising powers in Part 1 of Schedule 2 but using the urgent procedure in paragraph 7 of Schedule 7	A statement that the Welsh Ministers are of the opinion that it is necessary to make the SI using the urgent procedure and the reasons for that opinion.

Part 2

Statements required when using enabling powers under the European Union (Withdrawal) 2018 Act

1. Sifting statement(s)

The Minister for Mental Health, Wellbeing and the Welsh Language has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view the Nutrition (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 should be subject to annulment in pursuance of a resolution of the Welsh Parliament (i.e. the negative procedure). This is the case because the changes being made are minor and technical in nature. There is no change to policy.”

2. Appropriateness statement

The Minister for Mental Health, Wellbeing and the Welsh Language has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view the Nutrition (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 do no more than is appropriate. This is the case because all the changes being made are solely in order to address inoperabilities arising from EU exit. There is no change to policy.”

3. Good reasons

The Minister for Mental Health, Wellbeing and the Welsh Language has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view there are good reasons for the provisions in this instrument, and I have concluded they are a reasonable course of action. These are that failure to make this legislation would result in Welsh legislation relating to nutrition, composition and labelling failing to operate effectively after the UK leave the EU.”

4. Equalities

The Minister for Mental Health, Wellbeing and the Welsh Language has made the following statement:

“The instrument does not amend, repeal or revoke a provision or provisions in the Equality Act 2006 or the Equality Act 2010 or subordinate legislation made under those Acts.”

The Minister for Mental Health, Wellbeing and the Welsh Language has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In relation to the instrument, I, Eluned Morgan MS, Minister for Mental Health, Wellbeing and the Welsh Language, have had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.”

5. Explanations

The explanations statement has been made in paragraph 4 (Purpose and intended effect of the legislation) of the main body of this explanatory memorandum.

6. Criminal offences

Not applicable/required.

7. Legislative sub-delegation

Not applicable/required.

8. Urgency

Not applicable/required.

Statutory Instruments with Clear Reports

30 November 2020

SL(5)661 – The Plant Health (Forestry) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020

Procedure: Affirmative

The Plant Health (Forestry) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 ("the Regulations") amend the Plant Health (Forestry) (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019, which in turn amend the Forest Reproductive Material (Great Britain) Regulations 2002 and the Plant Health (Forestry) (Fees) (Wales) Regulations 2019 in relation to Wales.

The amendments made by the Regulations implement Great Britain's decisions on the equivalence of forest reproductive material produced in countries outside Great Britain and set out the revised requirements which apply in Wales. This is necessary to maintain standards of imported forest reproductive material and associated biosecurity.

These amendments are necessary to reflect the post-transitional position of Wales within Great Britain arising from the UK's withdrawal from the EU, and maintain alignment with the law in England and Scotland. The amendments are technical in nature with no changes to policy.

It is necessary to update the above instruments that preceded Withdrawal Agreement between the UK and the EU, and to make further amendments to retained EU law to ensure they function effectively after IP Completion Day. Amendment is also necessary to allow for operability of the Protocol on Ireland/Northern Ireland in relation to Forestry Reproductive Material (Northern Ireland) Regulations 2002. This instrument also removes amendments to the Plant Health (Forestry) Order 2005 which was replaced by the Official Controls (Plant Health and Genetically Modified Organisms) (Wales) Regulations 2020.

Regulations 1, 2, 3 and 5 come into force immediately before IP Completion Day as defined in s.39 European Union (Withdrawal Agreement) Act 2020 as 11pm on 31st December 2020. Regulations 4 and 6 come into force on IP Completion Day.

Parent Act: European Union (Withdrawal) Act 2018, European Union (Withdrawal Agreement) Act 2020

Date Made:

Date Laid:

Coming into force date:



Agenda Item 4.1

SL(5)666 – The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 20) Regulations 2020

Background and Purpose

These Regulations amend the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 ("the International Travel Regulations") to add Bonaire, Sint Eustatius and Saba; Israel; the City of Jerusalem; Namibia; the Northern Mariana Islands; Rwanda; Sri Lanka; Uruguay and the US Virgin Islands to the list of exempt countries and territories in the International Travel Regulations and to make transitional provisions. Travellers from these countries, territories and parts of countries will not be required to isolate on arrival in Wales.

These Regulations also:

- amend regulation 4 of the International Travel Regulations (requirement to provide passenger information) so that passenger information must be provided on or before arrival in Wales;
- amend Schedule 2 (exempt persons) to the International Travel Regulations, including:
 - the exemption for representatives at international or UK conferences, so as to clarify that the reference to conferences is to those conferences held in the UK;
 - the exemption for Crown servants and government contractors;
 - to add a new exemption for subsea telecommunication workers; and
- make miscellaneous amendments to the International Travel Regulations, including a correction to the Welsh language text of those Regulations to remedy a technical point raised by the Committee in its report on the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 2) (Wales) Regulations 2020.

These Regulations came into force at 4.00 am on 21 November 2020.

Procedure

Negative.

These Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul these Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.



Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.

Schedule 2 (exempt persons) to the International Travel Regulations exempts certain categories of worker from having to provide passenger information and from having to isolate.

Regulation 6(5) of these Regulations inserts a new category of exempt persons as paragraph 39 of Schedule 2 to the International Travel Regulations, namely:

“A person —

(a) who is engaged in the installation, maintenance or repair of subsea fibre optic telecommunications infrastructure,

(b) whose role directly supports the installation, maintenance or repair of subsea fibre optic telecommunications infrastructure,

where they have travelled to the United Kingdom in the course of their work.”

The Explanatory Memorandum to these Regulations states that this amendment is *“made to the sectoral exemptions ... adding a new exemption for subsea telecommunication workers”*.

Regulation 9(2)(b) of the International Travel Regulations provides that regulations 7 and 8 of the International Travel Regulations, which contain the requirements to self-isolate, do not apply to a person described in paragraphs 2 to 38 of Schedule 2. To give affect to newly inserted paragraph 39, it appears necessary to amend regulation 9(2) of the International Travel Regulations to include reference to paragraph 39.

A Welsh Government response is requested.

Merits Scrutiny

The following 6 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

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

We note the Welsh Government’s justification for any potential interference with human rights. In particular, we note the Government’s explanation contained in the Explanatory Memorandum that:

“Advice which has now been received from the Joint Biosecurity Centre indicates that the risk to public health posed by the incidence and spread of coronavirus in Bonaire,



Sint Eustatius and Saba; Israel; the City of Jerusalem; Namibia; the Northern Mariana Islands; Rwanda; Sri Lanka; Uruguay and the US Virgin Islands has decreased."

Further, in the Explanatory Memorandum to these Regulations, the Welsh Government states:

"The amendments contained in these Regulations do not change the engagement under the International Travel Regulations of individual rights under the Human Rights Act 1998 and the European Charter of Fundamental Rights; the Government considers that they are justified for the purpose of preventing the spreading of infectious diseases and/or the interference is permitted on the basis that it is in pursuit of a legitimate aim, namely of protecting public health, and are proportionate."

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

We note there has been no formal consultation on these Regulations. In particular, we note the following paragraphs in the Explanatory Memorandum:

"Given the serious and imminent threat arising from coronavirus and the need for an urgent public health response, there has been no public consultation in relation to these Regulations."

In a letter to the Llywydd from Rebecca Evans MS, Minister for Finance and Trefnydd dated 20 November 2020, it is also explained that:

"Due to the immediacy of the Regulations they have not been subject to consultation."

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

We note the breach of the 21-day rule (i.e. the rule that 21 days should pass between the date a negative resolution instrument is laid before the Senedd and the date the instrument comes into force), and the explanation for the breach provided by Rebecca Evans MS, Minister for Finance and Trefnydd, in a letter to the Llywydd dated 20 November 2020.

In particular, we note the following in the letter:

"Not adhering to the 21 day convention allows these Regulations to come into force at the earliest opportunity, and in view of the changing evidence on risk in relation to this disease this is considered necessary and justifiable in this case."

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

When considering the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 18) Regulations 2020 and the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 19) Regulations 2020, the Committee



reported on the absence of an equality impact assessment for those Regulations and the International Travel Regulations.

We note that the Welsh Government responded to the reports in relation to the No. 18 and No. 19 Regulations on 24 November 2020. In particular, we note the following:

"Regulations have been made to respond to a public health emergency, so it has not been possible to produce and publish an Equality Impact Assessment alongside them. An Integrated Impact Assessment of international travel isolation requirements will be published in due course."

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

Regulation 6(2) of these Regulations substitutes paragraph 13 of Schedule 2 to the International Travel Regulations, which exempts certain categories of worker from having to isolate when returning to Wales.

Prior to amendment by these Regulations, the International Travel Regulations defined "essential government work" as "*work that has been designated as such by the Welsh Ministers or the relevant Department or employer*". These Regulations amend that definition so that there is no reference to the Welsh Ministers, and therefore designations are made only by "the relevant Department". The Explanatory Memorandum does not explain why the power to designate essential government work is no longer required by the Welsh Ministers.

A Welsh Government response is requested.

6. Standing Order 21.3(v) – that it imperfectly achieves its policy objectives.

The Explanatory Memorandum states that:

"The following additional amendments are being made to the sectoral exemptions from the requirements to provide passenger information and to self-isolate: ... amending the exemption for Crown servants and government contractors so it is broader in scope and covers their dependents"

It is not clear how these Regulations provide either for the exemption to be broader in scope, and how they cover the dependents of Crown servants and government contractors.

A Welsh Government response is requested.

Implications arising from exiting the European Union

None.

Welsh Government response

Given the current circumstances regarding coronavirus, a Welsh Government response is required as soon as is reasonably practicable.



Legal Advisers
Legislation, Justice and Constitution Committee
25 November 2020



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

2020 No. 1329 (W. 295)

PUBLIC HEALTH, WALES

**The Health Protection
(Coronavirus, International Travel)
(Wales) (Amendment) (No. 20)
Regulations 2020**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (S.I. 2020/574 (W. 132)) (the “International Travel Regulations”). The International Travel Regulations have been previously amended by:

- the Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020 (S.I. 2020/595) (W. 136);
- the Health Protection (Coronavirus, International Travel and Public Health Information to Travellers) (Wales) (Amendment) Regulations 2020 (S.I. 2020/714) (W. 160);
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) Regulations 2020 (S.I. 2020/726) (W. 163);
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/804) (W. 177);
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/817) (W. 179);
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 4) Regulations 2020 (S.I. 2020/840) (W. 185);
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment)

- (No. 5) Regulations 2020 (S.I. 2020/868) (W. 190);
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 6) Regulations 2020 (S.I. 2020/886) (W. 196);
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 7) Regulations 2020 (S.I. 2020/917) (W. 205);
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 8) Regulations 2020 (S.I. 2020/944) (W. 210);
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 9) Regulations 2020 (S.I. 2020/962) (W. 216);
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 10) Regulations 2020 (S.I. 2020/981) (W. 220);
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 11) Regulations 2020 (S.I. 2020/1015) (W. 226);
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 12) Regulations 2020 (S.I. 2020/1042) (W. 231);
- the Transfer of Functions (Secretary of State for Foreign, Commonwealth and Development Affairs) Order 2020 (S.I. 2020/942);
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 13) Regulations 2020 (S.I. 2020/1080) (W. 243);
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 14) Regulations 2020 (S.I. 2020/1098) (W. 249);
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 15) Regulations 2020 (S.I. 2020/1133) (W. 258);
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 16) Regulations 2020 (S.I. 2020/1165) (W. 263);
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment)

(No. 17) Regulations 2020 (S.I. 2020/1191) (W. 269);

- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 18) Regulations 2020 (S.I. 2020/1223) (W. 277);
- the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 19) Regulations 2020 (S.I. 2020/1232) (W. 278);
- the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (Wales) Regulations 2020 (S.I. 2020/1237 (W. 279);
- the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 2) (Wales) Regulations 2020 (S.I. 2020/1288 (W. 286).

The International Travel Regulations impose requirements on persons entering Wales after having been abroad. They include a requirement for persons arriving in Wales to isolate for a period determined in accordance with the Regulations. The requirements imposed by the International Travel Regulations are subject to exceptions, and certain categories of person are exempt from having to comply. Persons entering Wales after being in one or more of the countries and territories listed in Schedule 3 to the International Travel Regulations are not required to isolate. The countries and territories listed in Schedule 3 are referred to as “exempt countries and territories”.

Part 2 of these Regulations amends the list of exempt countries and territories.

Regulation 2 of these Regulations amends the International Travel Regulations to add Bonaire, Sint Eustatius and Saba, Commonwealth of the Northern Mariana Islands, Israel, the City of Jerusalem, the Republic of Namibia, Republic of Rwanda, Sri Lanka, Uruguay and the Virgin Islands of the United States to the list of exempt countries and territories.

Regulation 3 of these Regulations makes transitional provision relating to these countries’ change of status. The transitional provision addresses a potential area of doubt in terms of the effect on the operation of the International Travel Regulations, of the amendments made by regulation 2 of these Regulations.

Part 3 of these Regulations amends regulation 4 of the International Travel Regulations (requirement to provide passenger information) which requires persons arriving in Wales by ship or aircraft to provide information to the Secretary of State. Regulation 4 of

these Regulations requires passenger information to be provided on or before arrival in Wales.

Part 4 of these Regulations amends Schedule 2 (exempt persons) to the International Travel Regulations. Schedule 2 to those Regulations exempts certain categories of worker from having to provide passenger information and from having to isolate.

Part 5 of the Regulations makes miscellaneous amendments to the International Travel Regulations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has not been prepared as to the likely cost and benefit of complying with these Regulations.

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

2020 No. 1329 (W. 295)

PUBLIC HEALTH, WALES

**The Health Protection
(Coronavirus, International Travel)
(Wales) (Amendment) (No. 20)
Regulations 2020**

Made at 3.02 p.m. on 20 November 2020

*Laid before Senedd
Cymru at 7.00 p.m. on 20 November 2020*

*Coming into force at 4.00 a.m. on 21
November 2020*

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

PART 1

General

Title, coming into force and interpretation

1.—(1) The title of these Regulations is the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 20) Regulations 2020.

(2) These Regulations come into force at 4.00 a.m. on 21 November 2020.

(3) In these Regulations, the “International Travel Regulations” means the Health Protection

(1) 1984 c. 22. 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.

(Coronavirus, International Travel) (Wales)
Regulations 2020(1).

PART 2

Addition of countries to the list of exempt countries and territories in Schedule 3 to the International Travel Regulations

Addition of countries to the list of exempt countries and territories

2. In Part 1 of Schedule 3 to the International Travel Regulations (exempt countries and territories outside the common travel area), at the appropriate place insert—

“Bonaire, Sint Eustatius and Saba”
“Commonwealth of the Northern Mariana Islands”
“Israel”
“the City of Jerusalem”(2)
“Republic of Namibia”
“Republic of Rwanda”
“Sri Lanka”
“Uruguay”
“Virgin Islands of the United States”.

Transitional provision in connection with regulation 2

3.—(1) Paragraph (2) applies where, immediately before 4.00 a.m. on 21 November 2020—

- (a) a person (“P”) was subject to an isolation requirement by virtue of having arrived in Wales from, or having been in a country or territory listed in regulation 2, and
- (b) P’s last day of isolation is 21 November 2020 or a day after that day.

(1) S.I. 2020/574 (W. 132) as 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. 2020/944 (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. 2020/942, 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) and S.I. 2020/1288 (W. 286).

(2) This reference to Jerusalem means the City of Jerusalem in its entirety, including East Jerusalem in the Palestinian Territories.

(2) The addition of the country and territory listed in regulation 2 to Part 1 of Schedule 3 to the International Travel Regulations does not affect the isolation requirement as it applies to P, nor affect how P's last day of isolation is determined under the International Travel Regulations.

(3) Paragraph (4) applies where a person ("P")—

- (a) arrives in Wales at or after 4.00 a.m. on 21 November 2020, and
- (b) was in a country or territory listed in regulation 2 within the period of 14 days ending with the day of P's arrival in Wales.

(4) For the purposes of regulations 7(1) and 8(1) of the International Travel Regulations, the question of whether P has arrived in Wales from, or having been in, a non-exempt country or territory is, in relation to a country or territory listed in regulation 2, to be determined by reference to whether the country or territory was a non-exempt country or territory when P was last there (and not by reference to the country's or the territory's status upon P's arrival in Wales).

(5) In this regulation, "isolation requirement" has the meaning given by regulation 10(2) of the International Travel Regulations; and references to P's last day of isolation are to be interpreted in accordance with regulation 12 of those Regulations.

PART 3

Amendment to regulation 4 (requirement to provide passenger information) of the International Travel Regulations

Amendment to regulation 4 (requirement to provide passenger information) of the International Travel Regulations

4. In regulation 4(1) of the International Travel Regulations substitute "as soon as reasonably practicable upon arriving" with "on or before arrival".

PART 4

Amendments to Parts 1 and 2 of Schedule 2 to the International Travel Regulations

Amendment to Part 1 of Schedule 2 to the International Travel Regulations (persons not required to comply with regulations 4, 5, 7 or 8)

5. In Part 1 of Schedule 2 to the International Travel Regulations (persons not required to comply with

regulations 4, 5, 7 or 8), in paragraph 1(1)(f) after “conference” insert “in the United Kingdom”.

Amendment to Part 2 of Schedule 2 to the International Travel Regulations (persons not required to comply with regulations 7 or 8)

6.—(1) Part 2 of Schedule 2 to the International Travel Regulations (persons not required to comply with regulations 7 or 8), is amended as follows.

(2) For paragraph 13 substitute—

“13.—(1) Any person who the relevant Department has certified as meeting the descriptions in sub-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 within the period during which they would, but for this paragraph, have had to self-isolate in accordance with regulations 7 or 8;
- (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 subparagraph (1)—

- (a) “consular post” means any consulate-general, consulate, vice-consulate or consular agency,
- (b) “Crown servant” has the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989,
- (c) “essential government work” means work which has been designated as such by 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) of Part 1 of this Schedule,
- (d) “essential policing” means activity which has been designated as such on

behalf of the relevant chief officer or chief constable,

- (e) “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,
- (f) “government contractor” has the meaning given in section 12(2) of the Official Secrets Act 1989.”

(3) After paragraph 13 insert—

“**13A.**—(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.”

(4) In paragraph 35(a)(i) omit “including work relating to maintenance and repair of submarine cables connecting the United Kingdom with other countries.”.

(5) After paragraph 38 insert—

“**39.** A person —

- (a) who is engaged in the installation, maintenance or repair of subsea fibre optic telecommunications infrastructure,
- (b) whose role directly supports the installation, maintenance or repair of subsea fibre optic telecommunications infrastructure,

where they have travelled to the United Kingdom in the course of their work”.

PART 5

Miscellaneous Amendments to the International Travel Regulations

Amendment of the International Travel Regulations

7.—(1) The International Travel Regulations are amended as follows.

(2) In Part 1 of Schedule 3 to the International Travel Regulations for the heading substitute “Countries, territories and parts of countries or territories”.

(3) In regulation 12B(3)(a)(ii) (prohibition on the arrival of aircraft and vessels travelling directly from Denmark), in the Welsh language text omit “arall”.

Vaughan Gething

Minister for Health and Social Services, one of the
Welsh Ministers

At 3.02 p.m. on 20 November 2020

Explanatory Memorandum to the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 20) Regulations 2020

This Explanatory Memorandum has been prepared by the Welsh Government and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 20) Regulations 2020.

Vaughan Gething
Minister for Health and Social Services

20 November 2020

1. Description

Subject to specified exemptions, until 10 July 2020, the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (“the International Travel Regulations”) required all passengers arriving in Wales from outside of the Common Travel Area (i.e. the open borders area comprising the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland) to provide their contact details and travel information and to isolate for a period of 14 days.

The International Travel Regulations were amended by the Health Protection (Coronavirus, International Travel and Public Health Information to Travellers) (Wales) (Amendment) Regulations 2020 so as to (among other things) introduce an exemption from the isolation requirement for passengers arriving from specified countries and territories, known as “exempt countries”.

These Regulations amend the International Travel Regulations to implement changes identified by the Joint Biosecurity Centre in the public health risk status of certain countries or territories, as is necessary for the protection of public health.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

Coming into force

In accordance with section 11A(4) of the Statutory Instruments Act 1946, the Llywydd has been informed that the Regulations will come into force less than 21 days after the instrument has been laid.

European Convention on Human Rights

The amendments contained in these Regulations do not change the engagement under the International Travel Regulations of individual rights under the Human Rights Act 1998 and the European Charter of Fundamental Rights; the Government considers that they are justified for the purpose of preventing the spreading of infectious diseases and/or the interference is permitted on the basis that it is in pursuit of a legitimate aim, namely of protecting public health, and are proportionate.

3. Legislative background

The Public Health (Control of Disease) Act 1984 (“the 1984 Act”), and regulations made under it, provide a legislative framework for health protection in England and Wales. The Regulations are made in reliance on the powers in sections 45B and 45P(2) of the 1984 Act. The Explanatory Memorandum to the International Travel Regulations provides further information on these powers.

4. Purpose and intended effect of the legislation

The International Travel Regulations were made on 5 June 2020 and came into force on 8 June 2020 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).

The International Travel Regulations are kept under review, and changes have been made to the list of exempt countries and territories from which travellers would not be required to isolate upon arrival in Wales – most recently on the 14 November 2020.

Advice which has now been received from the Joint Biosecurity Centre indicates that the risk to public health posed by the incidence and spread of coronavirus in Bonaire, Sint Eustatius and Saba; Israel; the City of Jerusalem; Namibia; the Northern Mariana Islands; Rwanda; Sri Lanka; Uruguay and the US Virgin Islands has decreased. Travellers from these countries, territories and parts of countries will therefore not be required to isolate on arrival in Wales.

The revised requirements will come into effect for any travellers entering the Common Travel Area from those countries or territories on or after 4.00 am on Saturday 21 November 2020.

The following additional amendments are being made to the sectoral exemptions from the requirements to provide passenger information and to self-isolate:

- amending the exemption for representatives at international or UK conferences who are granted privileges and immunities in the UK, so as to clarify that the reference to conferences is to those conferences held in the UK (and does not cover people returning from attending conferences abroad);
- amending the exemption for Crown servants and government contractors so it is broader in scope and covers their dependents;
- adding a new exemption for subsea telecommunication workers.

An amendment is also made to the requirement to provide passenger information to make clear that the information must be provided on or before arriving in Wales. The Regulations also make a couple of minor and technical amendments to the Regulations, including a correction to the Welsh language text of the Regulations to remove the word “arall” from the Welsh text of Regulation 12B(3)(a)(ii), which was included in error.

These changes will also come into force at 4.00 am on Saturday 21 November 2020.

None of the amendments to the International Travel Regulations made by the latest amending Regulations will affect the requirements under those Regulations for persons arriving into the Common Travel Area before the coming into force of the amendments.

The Welsh Ministers consider that these amendments are proportionate to what they seek to achieve, which is to respond to a serious and imminent threat to public health.

5. Consultation

Given the serious and imminent threat arising from coronavirus and the need for an urgent public health response, there has been no public consultation in relation to these Regulations.

6. Regulatory Impact Assessment (RIA)

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.



Ein cyf/Our ref: MA/VG/3966/20

Elin Jones, MS
Llywydd
Senedd Cymru
Cardiff Bay
CF99 1SN

20 November 2020

Dear Llywydd,

The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 20) Regulations 2020

In accordance with section 11A(4) of the Statutory Instruments Act 1946 I am notifying you that this Statutory Instrument will come into force less than 21 days after it has been laid. The Explanatory Memorandum that accompanies the Regulations is attached for your information.

The Regulations made today further amend the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 to add Bonaire, Sint Eustatius and Saba, the Commonwealth of the Northern Mariana Islands, Israel, the City of Jerusalem, the Republic of Namibia, the Republic of Rwanda, Sri Lanka, Uruguay and the Virgin Islands of the United States to the list of exempt countries and territories. The Regulations make these changes due to the identified changes in risk to public health posed by arrivals from these countries.

The Regulations also make minor amendments to the sectoral exemptions within the main Regulations.

Not adhering to the 21 day convention allows these Regulations to come into force at the earliest opportunity, and in view of the changing evidence on risk in relation to this disease this is considered necessary and justifiable in this case.

Due to the immediacy of the Regulations they have not been subject to consultation.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I am copying this letter to Mick Antoniw MS, Chair of the Legislation, Justice and Constitution Committee, Sian Wilkins, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans". The script is cursive and fluid, with a small dot at the end of the last word.

Rebecca Evans AS/MS

Y Gweinidog Cyllid a'r Trefnydd
Minister for Finance and Trefnydd



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Health Protection (Coronavirus, International Travel) (Wales) Amendments**
DATE **19 November 2020**
BY **Vaughan Gething Minister for Health and Social Services**

Members will be aware that the Welsh Government made provision in the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 to ensure that travellers entering Wales from overseas countries and territories must isolate for 14 days and provide passenger information, to prevent the further spread of coronavirus. These restrictions came into force on 8 June 2020.

On 10 July, the Welsh Government amended these Regulations to introduce exemptions from the isolation requirement for a list of countries and territories, and a limited range of people in specialised sectors or employment who may be exempted from the isolation requirement or excepted from certain provisions of the passenger information requirements.

Since then these Regulations have been kept under review and a number of changes to the list of exempt countries and territories have been made.

Today I reviewed the latest JBC assessments and I have decided that Bonaire, Sint Eustatius and Saba; Israel; the City of Jerusalem; Namibia; the Northern Mariana Islands; Rwanda; Sri Lanka; Uruguay and the US Virgin Islands will be added to the list of exempt countries and territories. Travellers from these countries and territories will therefore not be required to isolate on arrival in Wales.

Tomorrow I will lay the necessary regulations which will come into force at 04:00 on Saturday 21 November.

Agenda Item 5.1

SL(5)651 – The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 18) Regulations 2020

Background and Purpose

These Regulations amend the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (“the principal Regulations”) to remove Denmark from the list of exempt countries and territories in those Regulations and to make transitional provisions.

These Regulations came into force at 4:00am on 6 November 2020. It is noted that further legislative provisions in relation to travel from Denmark have since come into force at 4:00am on 7 November 2020 via the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (Wales) Regulations 2020.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

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

Merits Scrutiny

The following 5 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

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

Human Rights

We note the Welsh Government’s justification for any potential interference with human rights. In particular, we note the following paragraph in the Explanatory Memorandum, which relates to both these Regulations and the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 19) Regulations 2020:



"The amendments contained in both sets of Regulations do not change the engagement under the International Travel Regulations of individual rights under the Human Rights Act 1998 and the European Charter of Fundamental Rights; the Government considers that they are justified for the purpose of preventing the spreading of infectious diseases and/or the interference is permitted on the basis that it is in pursuit of a legitimate aim, namely of protecting public health, and are proportionate."

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

Consultation

We note there has been no formal consultation on these Regulations. In particular, we note the following paragraph in the Explanatory Memorandum:

"Given the serious and imminent threat arising from coronavirus and the need for an urgent public health response, there has been no public consultation in relation to the No 18 [...] Regulations."

In a letter to the Llywydd from Rebecca Evans MS, Minister for Finance and Trefnydd dated 6 November 2020, it is also explained that:

"Due to the immediacy of the Regulations they have not been subject to consultation."

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

Equality Impact Assessment

We note there is no equality impact assessment for these Regulations, neither is there for the principal Regulations, and ask the Welsh Government to explain what arrangements it has made, in respect of these Regulations or the principal Regulations, to publish reports of equality impact assessments in accordance with regulation 8(1)(d) of the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011.

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

Breach of the 21-day rule and coming into force before laid

We note:

- That the Regulations came into force before being laid before the Senedd; and
- The breach of the 21-day rule (i.e. the rule that 21 days should pass between the date a negative resolution instrument is laid before the Senedd and the date the instrument comes into force).

An explanation has been provided by Rebecca Evans MS, Minister for Finance and Trefnydd, in a letter to the Llywydd dated 6 November 2020. In particular, we note the following in the letter:



"Overnight it became necessary to make the above Regulations, and in accordance with sections 4(1) and 11A(4) of the Statutory Instruments Act 1946 I am notifying you that this Statutory Instrument has not adhered to the 21 day convention and has come into force before it could be laid. [...]"

These Regulations further amend the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 to remove Denmark from the list of exempt countries and territories. The Regulations make this change due to the identified changes in risk to public health posed by arrivals from this country."

We also note the Government's explanation contained in the Explanatory Memorandum that it became necessary to "urgently remove Denmark from the list of exempt countries" because of "emerging health risks being reported from mink farms in Denmark, and the need to act before further international travel from Denmark arrived in the UK."

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

Illustrative document

We note and welcome the publication of an [illustrative document](#) by the Welsh Government, which sets out the various amendments made to the principal Regulations in order to assist the reader in understanding the principal Regulations.

Implications arising from exiting the European Union

None.

Welsh Government response

Given the current circumstances regarding coronavirus, a Welsh Government response is required in relation to the third merits point as soon as is reasonably practicable.

Committee Consideration

The Committee considered the instrument at its meeting on 16 November 2020 and reports to the Senedd in line with the reporting points above.



Government Response: *The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 18) Regulations 2020*

Merit Scrutiny point 3:

Regulations have been made to respond to a public health emergency, so it has not been possible to produce and publish an Equality Impact Assessment alongside them. An Integrated Impact Assessment of international travel isolation requirements will be published in due course.

Agenda Item 5.2

SL(5)652 – The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 19) Regulations 2020

Background and Purpose

These Regulations amend the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 ("the principal Regulations") to remove Germany and Sweden from the list of exempt countries and territories in the principal Regulations and to make transitional provisions. These Regulations also make a technical amendment to the Welsh language text of the principal Regulations to give effect to the provisions of the Transfer of Functions (Secretary of State for Foreign, Commonwealth and Development Affairs) Order 2020.

These Regulations came into force at 4.00 am on 7 November 2020.

Procedure

Negative.

These Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul these Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

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

Merits Scrutiny

The following 5 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

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

Human Rights

We note the Welsh Government's justification for any potential interference with human rights. In particular, we note the Government's explanation contained in the Explanatory Memorandum that advice "*received from the Joint Biosecurity Centre indicates that the risk to public health posed by the incidence and spread of coronavirus in Germany and Sweden has increased*".



In the Explanatory Memorandum, which relates to both these Regulations and the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 18) Regulations 2020, the Welsh Government states:

"The amendments contained in both sets of Regulations do not change the engagement under the International Travel Regulations of individual rights under the Human Rights Act 1998 and the European Charter of Fundamental Rights; the Government considers that they are justified for the purpose of preventing the spreading of infectious diseases and/or the interference is permitted on the basis that it is in pursuit of a legitimate aim, namely of protecting public health, and are proportionate."

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

Consultation

We note there has been no formal consultation on these Regulations. In particular, we note the following paragraph in the Explanatory Memorandum:

"Given the serious and imminent threat arising from coronavirus and the need for an urgent public health response, there has been no public consultation in relation to the [...] No 19 Regulations."

In a letter to the Llywydd from Rebecca Evans MS, Minister for Finance and Trefnydd dated 6 November 2020, it is also explained that:

"Due to the immediacy of the Regulations they have not been subject to consultation."

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

Equality Impact Assessment

We note there is no equality impact assessment for these Regulations, neither is there for the principal Regulations, and ask the Welsh Government to explain what arrangements it has made, in respect of these Regulations or the principal Regulations, to publish reports of equality impact assessments in accordance with regulation 8(1)(d) of the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011.

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

Breach of the 21-day rule

We note the breach of the 21-day rule (i.e. the rule that 21 days should pass between the date a negative resolution instrument is laid before the Senedd and the date the instrument comes into force), and the explanation for the breach provided by Rebecca Evans MS, Minister for Finance and Trefnydd, in a letter to the Llywydd dated 6 November 2020.



In particular, we note the following in the letter:

"Not adhering to the 21 day convention allows these Regulations to come into force at the earliest opportunity, and in view of the changing evidence on risk in relation to this disease this is considered necessary and justifiable in this case."

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

Illustrative document

We note and welcome the publication of an [illustrative document](#) by the Welsh Government, which sets out the various amendments made to the principal Regulations in order to assist the reader in understanding the principal Regulations.

Implications arising from exiting the European Union

None.

Welsh Government response

Given the current circumstances regarding coronavirus, a Welsh Government response is required in relation to the third merits point as soon as is reasonably practicable.

Committee Consideration

The Committee considered the instrument at its meeting on 16 November 2020 and reports to the Senedd in line with the reporting points above.



Government Response: *The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 19) Regulations 2020*

Merit Scrutiny point 3:

Regulations have been made to respond to a public health emergency, so it has not been possible to produce and publish an Equality Impact Assessment alongside them. An Integrated Impact Assessment of international travel isolation requirements will be published in due course.

Agenda Item 5.3

SL(5)660 – The Health Protection (Coronavirus, International Travel and Restrictions)(Amendment) (No. 2) (Wales) Regulations 2020

Background and Purpose

These Regulations amend the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 ("the International Travel Regulations") (SI 2020/574) in respect of the isolation requirement for passengers arriving from specified countries and territories, known as "exempt countries".

Regulations 2 amends the International Travel Regulations to –

- (a) permit a person who is required to isolate as a result of having been in Denmark, or being in the same household as a person who has been in Denmark, or being in the same household as person who has been in Denmark to leave the place where they are isolating to in order to leave Wales;
- (b) prohibit any aircraft or ship coming directly from Denmark arriving in Wales except for safety reasons;
- (c) add Bahrain, Cambodia, Chile, Iceland, Laos, Qatar, Turks and Caicos Islands and the United Arab Emirates to the list of exempt countries and territories;
- (d) remove the Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus and all of Greece, other than the islands of Corfu, Crete, Kos, Rhodes and Zakynthos from the list of exempt countries and territories;
- (e) make other minor and consequential amendments.

These Regulations also make minor and technical amendments to the International Travel Regulations and the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 ("the No. 4 Regulations") (SI 2020/1219). These Regulations also make a consequential amendment to the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (Wales) Regulations 2020 (SI 2020/1237) ("the 2020 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

The following one point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vii): that there appear to be inconsistencies between the meaning of its English and Welsh texts

New regulation 12B of the International Travel Regulations prohibits any aircraft or vessel coming directly from Denmark from arriving in Wales except for safety reasons. In relation to a vessel, the English text defines "arrive" in the context of "arrive in Wales" as meaning "to moor at any place" but the Welsh text defines it as meaning "to moor at any **other** place" (emphasis added).

Merits Scrutiny

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

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

We note the Welsh Government's justification for any potential interference with human rights. In particular, we note the following paragraph in the Explanatory Memorandum:

"The amendments contained these Regulations do not change the engagement under the International Travel Regulations or the No. 4 Regulations of individual rights under the Human Rights Act 1998 and the European Charter of Fundamental Rights; the Government considers that they are justified for the purpose of preventing the spreading of infectious diseases and/or the interference is permitted on the basis that it is in pursuit of a legitimate aim, namely of protecting public health, and are proportionate."

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

We note there has been no formal consultation on these Regulations. In particular, we note the following paragraph in the Explanatory Memorandum:

"Given the serious and imminent threat arising from coronavirus and the need for an urgent public health response, there has been no public consultation in relation to these Regulations."

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

The Committee notes and is pleased to read the Explanatory Memorandum concerning the Welsh Government's consideration of the previous LJCC reports concerning the No.4



Regulations, the 2020 Regulations and subsequent technical amendments made to these Regulations to address the previous reporting points.

Implications arising from exiting the European Union

None.

Welsh Government response

A Welsh Government response is required for the one Technical reporting point only.

Committee Consideration

The Committee considered the instrument at its meeting on 23 November 2020 and reports to the Senedd in line with the reporting points above.



Government Response: The Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 2) (Wales) Regulations 2020

This is a Government response to the draft report of the Legislation, Justice and Constitution Committee dated 18 November 2020 on the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 2) (Wales) Regulations 2020.

Technical Scrutiny point 1: Inconsistencies between English and Welsh texts

The draft report notes an inconsistency between the English and Welsh language texts of regulation 12B of the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020, inserted by these Regulations. The Welsh Government is grateful for the notice of the issue and made the required amendment at the earliest opportunity, in the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 20) Regulations 2020, laid on the 20 November 2020.



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref:

Mick Antoniw MS
Chair
Legislation, Justice and Constitution Committee
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20 November 2020

Dear Chair

Thank you for your letter of October 22nd in relation to the accessibility and public understanding of the Coronavirus regulations in Wales. I of course share yours and the committee's aim that there should be maximum awareness of the law as it applies to people in Wales, to gain the greatest possible compliance with the rules. From the outset of the pandemic, communication of our regulations has been a high priority for the Welsh Government, alongside our public health messaging.

This has been especially important as we have amended the regulations to reflect Cabinet decisions which reflect the changing situation we face during the pandemic, often at great pace. However, as a government we have also given as much warning and notice of changes as we can, for example through publishing regulations as far in advance of coming into force as possible. In drafting regulations, we have been as clear as possible as far as the wording and structure is concerned, alongside a clear and consistent approach to naming regulations. We have also consolidated the regulations twice to aid clarity, and made amended regulations available in up to date form, bilingually, as soon as possible.

This approach to the presentation of our regulations has been praised, for example, Tom Hickman QC, of Blackstone Chambers in London, said Wales has led the way: *'It was publishing a really good version of the regulations which showed the amendments, it was up to date, saying what the law was. That was totally fantastic and was not replicated at all in England.'*

Alongside the regulations themselves, we have used a wide variety of channels to ensure the public are informed about the law relating to Coronavirus in Wales. We work with other

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We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

public sector bodies, for example the police and local authorities to make sure our communications have the greatest possible reach. It has been particularly important to work particularly closely with agencies who are tasked with enforcing the regulations, to ensure that there are consistent messages to the public, and that there is shared understanding of the scope and remit of the regulations between public bodies. This has been particularly important where regulations in Wales have differed from those in England.

Media engagement has also been crucial in accurate, timely reporting of the regulations during the pandemic. We have undertaken well over a hundred live televised press conferences, several of which have been dedicated to explaining the outcome of the 21 day reviews, and setting out clearly changes and their impact on people and businesses. There have also been technical briefings and Q+A sessions with senior lawyers to improve the media's understanding of the regulations and their context.

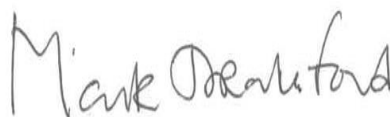
We share your concerns over the dominance of the UK media for Welsh news consumption, and we have worked closely with UK broadcasters and London-based media to ensure that there is accurate reporting of the different regulatory approaches across the four nations, and that Wales' voice is clearly heard across the UK.

Our own social media channels and website have also enabled us to communicate directly with the people of Wales. There have been hundreds of thousands of views a day on our website, which has been a clear and stable platform for publishing regulations, guidance, FAQs and other materials. I and other Ministers have also taken part in several Facebook Live sessions to reach broader audiences than those consuming traditional media. There have also been large increases in engagement with our social media channels where we have been able to answer queries and engage with the public directly on the regulations affecting them.

Our communications campaigns have also had the objective of driving compliance alongside understanding of the regulations, and through the Keep Wales Safe campaign in particular, we have built a sense of shared national endeavour and personal responsibility.

We will continue to make every effort to minimise any public confusion around the regulations by presenting and explaining them in a way which is clear, accessible, and using all the channels and media opportunities at our disposal. I welcome the committee's desire for even greater public understanding and I hope there is a recognition of the substantial and ongoing efforts we have made, even in the most challenging and rapidly-changing circumstances, to keep the public properly informed and help them Keep Wales Safe.

Best wishes

A handwritten signature in dark ink, reading 'Mark Drakeford'. The signature is written in a cursive, slightly stylized font.

MARK DRAKEFORD

Agenda Item 6.2

Y Dirprwy Weinidog Iechyd a Gwasanaethau Cymdeithasol
Deputy Minister for Health and Social Services



Llywodraeth Cymru
Welsh Government

Mick Antoniw MS
Chair, Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay CF99 1SN

20 November 2020

Dear Mick,

The Adoption and Fostering (Wales) (Miscellaneous Amendments) (Coronavirus) Regulations 2020

Thank you for your letter regarding The Adoption and Fostering (Wales) (Miscellaneous Amendments) (Coronavirus) Regulations 2020.

I note your comment relating to the publishing of the Children's Rights Impact Assessment (CRIA) that was produced at the time the temporary easement to the Adoption Agencies (Wales) Regulations 2005 was approved to support the adoption sector during the pandemic. At the time of writing there was no organisational requirement to publish CRIAs. A decision was taken in July 2020 to publish all CRIAs from the 1st January 2020. The CRIA is now published and is available via the link below:

<https://gov.wales/adoption-agencies-wales-regulations-2020-childrens-rights-impact-assessment-html>

Whilst we aspire to publish all supporting documents at the same time as the main legislative documents are laid before the Senedd, the volume of legislation and work related to Covid-19 has had a major impact on workload and the ability to meet timescales; as a result the relevant sections of the Integrated Impact Assessment and summary of consultation responses were published as soon as possible. I would like to acknowledge the pace at which officials worked to expedite these Regulations to support an urgent and problematic issue which could have adversely impacted on the sufficiency of placements for looked after children in Wales. It was not appropriate to delay the Regulations until the other documents were available as there was a need to ensure that the adoption and fostering processes can run as effectively and efficiently as possible to support some of the most vulnerable children in our society during the pandemic. All associated documents have been published and I attach links for your reference:

1. Summary of Consultation Responses:

<https://gov.wales/sites/default/files/consultations/2020-10/the-adoption-and-fostering-wales-miscellaneous-amendments-coronavirus-regulations-2020-summary-response.pdf>

2. Integrated Impact Assessment

<https://gov.wales/adoption-and-fostering-wales-miscellaneous-amendment-coronavirus-regulations-2020-integrated-impact-html>

I trust you find this information helpful.

Yours sincerely

Julie Morgan AS/MS

Y Dirprwy Weinidog Iechyd a Gwasanaethau Cymdeithasol
Deputy Minister for Health and Social Services

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We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Julie Morgan MS
Deputy Minister for Health and Social Services

6 November 2020

Dear Julie

The Adoption and Fostering (Wales) (Miscellaneous Amendments) (Coronavirus) Regulations 2020

We scrutinised The Adoption and Fostering (Wales) (Miscellaneous Amendments) (Coronavirus) Regulations 2020 (the Regulations) at our meeting on 19 October 2020, reporting on the same day, and considered the Welsh Government's response at our meeting on 2 November.

Our report contained four merits points and, while we are grateful for the response we have received, there are some matters which we wish to pursue further with you.

The first point in our report highlighted that the Children's Rights Impact Assessment (CRIA), which was produced at the time the temporary easement to the Adoption Agencies (Wales) Regulations 2005 was approved at the start of the pandemic, was not publicly available and it was therefore not possible for us to identify whether the CRIA established fully that there is no interference with the rights of children and young people under the Convention.

We are disappointed with the Welsh Government response we received, which states that, "This CRIA is publicly accessible via the Welsh Government's central CRIA list. At the time the CRIA was prepared it was not mandatory to publish all CRIAs. The Welsh Government is however in the process of publishing this CRIA and it will be available on the Welsh Government website in the next few weeks." We note also in relation to the Regulations in question that "the relevant sections of the Integrated Impact Assessment are in the process of being published."

We also suggested that, both to meet the obligations imposed by section 1 of the Rights of Children and Young Persons (Wales) Measure 2011 and because the revised process has been running informally since the temporary easement, it would be appropriate to



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conduct and publish a further assessment specific to these Regulations to establish that the relevant rights remain unaffected. While we note that an Integrated Impact Assessment was undertaken for the Regulations, it is again disappointing that only relevant sections of the Integrated Impact Assessment are just now in the process of being published.

Our second and third merits reporting points commented on the four week consultation on these Regulations that was undertaken by the Welsh Government between 27 July and 24 August 2020. We drew attention to the fact that the consultation responses are also not publicly available and it was therefore not possible to gauge how those responses were taken account of when developing the policy underlying the Regulations. It is not clear to us why the Welsh Government is only now in the process of publishing a summary of the responses to the consultation.

Overall we consider the Welsh Government's approach to represent poor practice.

We would be grateful if you would inform us when the CRIA, relevant sections of the Integrated Impact Assessment, and summary of consultation responses related to the Regulations have been published.

Yours sincerely



Mick Antoniw AM

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg
We welcome correspondence in Welsh or English



Mick Antoniw MS
Chair of the Legislation, Justice and Constitution Committee

SeneddLJC@senedd.wales

24 November 2020

Dear Mick

I am pleased to inform you that the Senedd Cymru (Disqualification) Order 2020 was made by the Privy Council on 11 November and has subsequently come into force.

A copy of the Order as approved by the Privy Council can be found on the [legislation.gov.uk](https://www.legislation.gov.uk) website at the attached address:

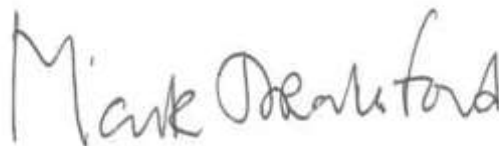
<https://www.legislation.gov.uk/ukxi/2020/1255/made>

The Senedd Cymru (Disqualification) Order 2020 designates offices the holders of which are disqualified from being a Member of the Senedd (but not from being a candidate to be a Member of the Senedd). The offices are described in the Schedule to the Order.

This Order will revoke and replace the National Assembly for Wales (Disqualification) Order 2015 with effect from an election at which the poll is held on or after 5 April 2021.

Additional disqualifying offices, together with categories of person disqualified from being a Member of the Senedd, are prescribed by section 16 of, and Schedule 1A to, the Government of Wales Act 2006.

Best Wishes



MARK DRAKEFORD

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We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



Llywodraeth Cymru
Welsh Government

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Legislation, Justice and Constitution Committee

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25 November 2020

Dear Chair

Please accept my apologies for such a delayed response to your letter of 4 September.

The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 5) Regulations 2020, which amended the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 (at the time, the principal Regulations), stipulated that collecting contact information from people for the purpose of informing those who may have been exposed to coronavirus was a “reasonable measure” that may need to be taken, depending on the circumstances, under regulation 12, of the then principal Regulations.

The committee will be aware that since these regulations were made, new restrictions have come into force. The most recent of are [here](#).

We last updated the Welsh Government’s guidance *Keeping records of staff, customers, and visitors: test, trace, protect* on 26 October. This states:

Regulation 21 of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 requires reasonable measures to be taken to minimise the risk of exposure to coronavirus on premises open to the public and on any premises where work takes place, as well as to minimise the spread of coronavirus by those who have been on the premises.

Regulation 21 provides information about what those reasonable measures, depending on the circumstances, may be. It should be read in conjunction with this guidance and with the principal guidance issued by the Welsh Ministers under regulation 24 (of those Regulations).

One reasonable measure is:

Collecting contact information from each person at the premises or and retaining it for 21 days for the purpose of providing it to any of the following, upon their request

(i) the Welsh Ministers,

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We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

(ii) a contact tracer;

Another reasonable measure is:

(a) taking reasonable measures to ensure that such contact information is correct.

'Contact information', in relation to a person at the premises, means the person's name and information sufficient to enable the person to be contacted, to inform them that they may have been exposed to coronavirus at the premises (including a telephone number and the date and time at which the person was at the premises).

Whether this measure is one that is "reasonable" and is, therefore, one that must be taken depends on the extent to which people who don't know each other may interact on the premises and whether there is a risk of close interaction.

One of the two stated purposes of Regulation 17 is to reduce the risk of any person who has been on someone's premises spreading the virus.

I note the committee's observation that "while it may be reasonable in the large majority of cases for the businesses listed above to collect and retain customer information, we are not convinced that this amounts to a blanket legal obligation on all such businesses. Each case must be decided on its facts to determine what is reasonable, in accordance with the regulations".

I understand why the committee would suggest this, but our view is that some settings are inherently of higher risk, based on factors such as the extent to which people who don't live together are likely to interact on the premises and the duration and proximity of such contact. For that reason we remain satisfied that the collection of contact details is a necessary control for any such setting. In that context, that the listed settings are settings which have been required to close during the firebreak lockdown and previously, and so requiring the collection of contact details represents a much smaller restriction on these settings' ability to operate than has been in place at other stages of the outbreak.

I also note the committee has previously, in other instances, asked us to provide more precision and certainty as to what it considers to be reasonable under legislation, so I hope that on reflection you will accept that it is more helpful to give this clear message to these types of settings, rather than to require individual settings to make their own assessments.

The latter approach would then require individual enforcement officers to make their own judgements as well, which would risk inconsistent decision making.

Collecting names and information sufficient to enable the person to be contacted, supports Test, Trace, Protect in contact tracing those people that may have been exposed to coronavirus at the premises. If assessed as a contact, the NHS Wales Test, Trace, Protect service will then notify them to self-isolate, which minimises the risks of exposure to others and will interrupt the chain of transmission of coronavirus.

Best wishes

A handwritten signature in blue ink, appearing to read 'Mark Drakeford', written in a cursive style.

MARK DRAKEFORD
Pack Page 57

Rt Hon Mark Drakeford MS
First Minister of Wales

4 September 2020

Dear Mark

Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 (“the Principal Regulations”)
The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 5) Regulations 2020 (“the No.2 No.5 Regulations”)

We considered the No.2 No.5 Regulations at our meeting on 24 August 2020 and laid our report the same day. Since preparing our report, we have become aware of the Welsh Government’s guidance *Keeping records of staff, customers, and visitors: test, trace, protect*, which raises the following concerns.

The guidance says that it is a “legal requirement” for the following businesses to collect and retain customer contact information:

- Hospitality, including pubs, bars, restaurants and cafes.
- Cinemas.
- Close contact services including hairdressers, barbers, beauticians, tattooists, sports and massage therapists.
- Swimming pools, indoor fitness studios, gyms, spas or other indoor leisure centres or facilities.

As you are aware, the Principal Regulations in Wales do not expressly say that these businesses are required to collect and retain customer information. Rather, these businesses (like all other businesses, workplaces, open premises etc) must take reasonable measures for the purpose of minimising the risk of exposure to coronavirus at the premises or for the purpose of minimising the spread of coronavirus by those who have been at the premises. While it may be reasonable in the large majority of cases for the businesses listed above to collect and retain customer information, we are not convinced that this amounts to a blanket legal obligation on all such businesses. Each case must be decided on its facts to determine what is reasonable, in accordance with the regulations.



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Also, the guidance discusses the collection and retention of information in the context of the purpose of reducing the risk of any person who has been on someone's premises spreading the virus. However, regulation 12(2A) of the Principal Regulations says that customer information can be collected and retained for the purpose of minimising the risk of exposure to coronavirus at the premises.

In light of the above, we would be grateful for confirmation as to whether the Principal Regulations or the guidance requires amendment.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Mick Antoniw', with a horizontal line underneath.

Mick Antoniw MS
Chair

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Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA-JH-3575-20

To:

Health, Social Care and Sport Committee,
Equality, Local Government and Communities Committee,
Legislation, Justice and Constitution Committee,
Finance Committee, and
Climate Change, Environment and Rural Affairs Committee.

25 November 2020

Dear Committee Chair,

In his Oral Statement to Plenary on 15 July, the First Minister announced that the Socio-economic Duty ("the Duty") was one of five areas confirmed in the Legislative Programme for delivery before the end of this Senedd term. Subsequently on 16 July I confirmed via a Written Statement that the Duty would come into force of 31 March 2021.

Commencing Part 1 of the Equality Act 2010, the Duty, will require specified public bodies, including the Welsh Ministers, when making strategic decisions such as deciding priorities and setting objectives, to consider how their decisions might help to reduce socio-economic disadvantage.

The scope of the Welsh Minister's powers to capture Welsh public bodies by the Duty is determined by a 'test' in section 2(6) of the Equality Act 2010. Based upon this, I envisage the following Welsh public bodies will be specified in the Regulations:

- Welsh Ministers;
- Local Health Boards, NHS Trusts and Special Health Authorities;
- Local Authorities;
- Fire and Rescue Authorities;
- Welsh Revenue Authority; and
- National Park Authorities.

I recognise the pressures Senedd Committee timetables are under between now and the end of this Senedd term. I am therefore writing to offer your Committee, as one which will have interest in the Duty the opportunity of a technical briefing ahead of me laying the

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We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Regulations in the Senedd on 9 February 2021. This would provide you and Committee Members with an opportunity to understand the legislative framework and principles behind the Duty. If you would find this helpful, I would be grateful if your Committee Clerk could contact the Legislative Programme and Governance Unit to make arrangements.

For further information on the Duty, including interim non-statutory guidance, please see the Welsh Government [website](#).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jane', with a horizontal line above it.

Jane Hutt AS/MS

Y Dirprwy Weinidog a'r Prif Chwip
Deputy Minister and Chief Whip



Llywodraeth Cymru
Welsh Government

Mick Antoniw MS
Chair
Legislation, Justice and Constitution Committee

seneddLJC@senedd.wales

26 November 2020

Dear Chair

Thank you for your letter of 22 October seeking further information for the Making Justice Work Inquiry.

Before responding to your request, I must highlight that all of the information provided below and in the Annex to this letter is subject to some very real operational constraints. As you will appreciate, the current devolution settlement does not fund us to have a justice function. This was problematic even before we had to respond to the pandemic. Preparations for the end of the transition period as well as new areas of emergency work are creating unprecedented demands on our staff. I therefore hope that you find the following information useful in benchmarking where we are today.

As you have highlighted, we agreed during the evidence session to provide some further information to the Committee.

The Annex to this letter contains the Work Programme and provides further information on the individual five streams to implement those recommendations of the Commission on Justice in Wales which we are able to progress.

In terms of data and the courts, there does not appear to be any readily available comparative information on the performance of the courts in Wales compared to England. Our new dashboard on justice will be a source of invaluable information in this area and we will of course advise the Committee as soon as it is ready for publication.

Turning to the further questions, and using the numbering set out in your letter, I can respond as follows: -

1. Representations made to the UK Government on the impact of COVID-19 on the delivery of justice in Wales.

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We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

During the pandemic, we have been in close contact with the Lord Chancellor and his officials, the Lord Chief Justice and Her Majesty's Courts and Tribunals Service on a range of issues including the operation of the courts during lockdown and the firebreak, safe working practices, the courts backlog and proposals for ways of working to address it. We have secured confirmation that the guidelines of Public Health Wales are embedded in the operational procedures of the court, and that any new ways of working will be evaluated. We received confirmation that civil enforcement involving house visits will be suspended during the firebreak as it was during lockdown. I have also recently highlighted the need for public openness and transparency in court trials associated with the enforcement of Welsh Covid-19 related regulations.

The Deputy Minister and Chief Whip met the UK Government's Minister for Justice on a number of occasions during the crisis and has discussed recovery across Prison and Probation services.

Our close work with the police forces of Wales and the Police and Crime Commissioners has also been vital to the proper functioning of the Welsh response to the Covid emergency and I am extremely grateful to the police forces for their engagement.

2. How will the Welsh Government keep the Senedd informed of cooperation with the UK Government on managing the recovery of the justice system from the pandemic?

4. How will the Welsh Government keep the Senedd informed of its engagement with UK Government Ministers, departments and non-devolved justice bodies on improving the delivery of justice in Wales?

We will continue to keep the Senedd informed through regular statements, debates, questions and of course its own committee inquiries.

3. In light of the comments made by justice stakeholders in the Wales Governance Centre report, Justice at the Jagged Edge in Wales, that 'you can't scrutinise what you don't know is happening', how will the Welsh Government ensure the public and the Senedd are aware of the Welsh Government's work in the justice space?

This is a challenge that flows from the current division of responsibility between Wales and Westminster and the complexity of the current devolution settlement. We still face the "jagged edge" that the Commission on Justice describes. Bodies providing public services in Wales – for example the police, courts, prison and probation – are accountable to UK Ministers and are set up with systems not designed to provide information on any other basis.

This situation is compounded by what I believe is an increasingly complex and artificial England and Wales jurisdiction.

Perhaps one of the most fundamental impacts of the pandemic has been the way in which for the first time the public have experienced Welsh law made in Wales that touch the ordinary day-to-day lives of all of us. Laws that create these criminal offences are made in Wales but policed and enforced in Wales by organisations which may be accountable only to the UK Government. The pandemic has raised expectations that decisions about the people of Wales and their lives in Wales should be made policed and enforced, in the widest sense, in Wales.

5. What discussions has the Welsh Government had with the UK Government on improving transparency on overall spending on the justice system in Wales?

Because justice is not devolved, we understand that it is not possible to disaggregate all budget figures, or indeed to easily disaggregate any other data, which relates solely to Wales from a combined England and Wales justice function which was never designed to operate with two distinct bodies of law. This relates not only to direct expenditure on justice related matters in Wales but also to indirect expenditure, such as administrative support, computer systems and so forth.

It is of course widely accepted that the entire justice system is underfunded, so even if it were possible to discern how much is spent in Wales at the moment, that wouldn't indicate how much would be needed to fund properly a Welsh justice system of the type the Welsh Government would aspire to create.

A further consideration is that spend *in* Wales does not necessarily reflect spend *on* Wales as Welsh prisoners are not all accommodated in Wales, for example. And not all Welsh court cases are heard in Wales.

6. How will the Welsh Government report on its own spending on justice to enable the Senedd to consider this expenditure as part of budget scrutiny?

Spending on justice related activity is not separately disaggregated in either our budget or annual accounts. As part of the on-going justice transformation programme we will explore if there are any ways in which we can improve the level of information we provide about justice expenditure.

7. How does the Welsh Government respond to the view of the President of Welsh Tribunals that the Welsh Tribunals Unit should have a similar status to HMCTS and that this should not wait for the work of the Law Commission to be completed?

This topic was discussed at my first meeting with Sir Wyn Williams in 2019 and we have discussed this again since then. I agree with the principle of independence for the Welsh Tribunals Unit. An executive agency model like HMCTS is one possible solution but there are others. For example the Scottish Courts and Tribunals Service (SCTS) is an independent body corporate established by statute. In Wales we also have the model of the Welsh Revenue Authority. We will continue to explore these options, but I think we should also not pre-empt the findings of the Law Commission.

8. How does the Welsh Tribunals Unit monitor the accessibility of the Welsh Tribunals, including equalities, the use of the Welsh language and the experience of litigants in person?

The Welsh Tribunals Unit collects limited data in terms of equality and experiences around litigants in person. Each application is treated on its merit and reasonable adjustments are made when required to ensure that every tribunal user is given the same opportunity to participate and contribute.

The President of Welsh Tribunals outlines in his annual report that all the tribunals continue to offer a full Welsh language service to their users in accordance with the duties imposed by the compliance notices issued by the Welsh Language Commissioner.

9. How are the Welsh Tribunals Unit monitoring the impact of the COVID-19 pandemic on the performance and accessibility of the Welsh Tribunals? Will data be published on the use of remote hearings?

The Welsh Tribunals are monitoring case numbers for the period and that information will be fed into the President's annual report. I understand that the President intends to have a significant section within his third annual report on the effect of COVID 19 on the tribunals.

10. What is the Welsh Government doing to prepare the Welsh Tribunals for recovery from the COVID-19 pandemic?

The tribunals of course operate independently of Government.

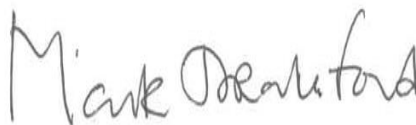
The Welsh Government's policy divisions have a close working relationship with the Welsh Tribunals Unit staff and should the President of Welsh Tribunals or indeed the Head of the Welsh Tribunals Unit ask for support, we would of course give reasonable support wherever possible.

In March, the Welsh Tribunals Unit supported the Welsh tribunals to move quickly to remote hearings, either through telephone or video conferencing, as a result of this they have been able to maintain and continue with the majority of hearings as planned. The President, tribunal members and the Wales Tribunals Unit are reflecting on best practice to ensure that this can be carried forward.

We are firmly of the view that the arguments in favour of constitutional change and the devolution of justice that were comprehensively set out by the Commission on Justice in Wales, and underpinned by the wealth of evidence in its report, have been strengthened by the on-going exceptional circumstances we find ourselves in.

I trust that the further information that I have set out is of assistance to the Committee and to its inquiry.

Best wishes

A handwritten signature in dark ink, appearing to read 'Mark Drakeford', written in a cursive style.

MARK DRAKEFORD

Justice Transformation Work Programme

Workstream	Current Priorities:
Access to justice	<p>Commitments within the Welsh Government's five-year <i>Information and Advice Action Plan for Wales</i> (published in December 2016) to:</p> <ul style="list-style-type: none"> • ensure Welsh Government is grant funding strategically planned and integrated social welfare advice services across Wales; • implement the Welsh Government's Information and Advice Quality Framework providing more people with access to quality assured advice services; and • promote public legal education as a means of helping people to attain a better understanding of their individual rights.
Civil and administrative justice	<p>Operational reform of the devolved tribunals, including establishing a system of complaints and discipline for judges.</p> <p>Reviewing (through Law Commission project) the legislative framework for the devolved tribunals, the system of appeals from tribunals, and the case for moving to a single first tier tribunal – in anticipation of a Sixth Senedd Bill.</p> <p>Preparing for the impact of Mental Health Act reforms on the caseload of the Mental Health Review Tribunal.</p> <p>Proposals for giving effect to the recommendation that the Welsh Tribunals Unit should have greater structural independence.</p>

Criminal justice	<p>Blueprint on Female Offenders (including pursuing a residential centre and Approved Premises provision).</p> <p>Blueprint on Youth Justice.</p> <p>Partnership Agreement on Prisoner Health: includes WG-led work streams on mental health, substance misuse in prisons and medicines management. This relates to our work with HMPPS on the partnership agreement covering substance misuse mental health and medicines management.</p> <p>Framework to support positive change for those at risk of offending in Wales, 2018-2023.</p> <p>Removal of the defence of “reasonable chastisement”.</p> <p>Delivery of recommendations from David Hanson’s review of offender learning.</p> <p>Leading the strategic direction and implementation of the Violence Against Women, Domestic Abuse & Sexual Violence (Wales) Act 2015, which includes an objective to “hold perpetrators to account and provide them with opportunities to change their behaviour based around victim safety.”</p> <p>The collaborative strategic framework – Accommodating Welsh Offenders. WG and HMPPS in Wales have committed to taking a collaborative strategic approach to prevent and address homelessness for all Welsh offenders.</p>
Family justice	<p>Reducing the number of children in care. The Improving Outcomes for Children programme is supporting local authorities to meet their reduction expectation plans.</p> <p>Developing a common outcome framework for all Reflect services across Wales. This framework will be used to feedback national data to Welsh Government which will enable trends to be analysed.</p>

	<p>Analysis of the Social Services and Wellbeing (Wales) Act 2015, being undertaken by University of South Wales.</p> <p>The Family Justice Network is in place.</p>
Legal sector: economy, education and skills	<p>Business support to law firms and chambers, including in response to the impacts of the Covid-19 through the Economic Resilience Fund.</p> <p>The development of a new NPS Solicitors' Framework for the procurement of legal services in the Welsh public service, anticipated to be awarded and available to use by 1 December 2020.</p> <p>Deepening relationships with the key players in the legal sector – including law firms, the Law Society, the Bar, CILEx, law schools – to work collaboratively to explore: the likely lasting impact of Covid-19 on the legal sector; the changing needs and sustainability of legal practice in Wales; and setting a vision for the future of legal practice in Wales.</p> <p>Building on the £5.6 million investment by Swansea University and the Welsh Government in LawTech at the Hillary Rodham Clinton School of Law, to work with key players to utilise new technologies, IT infrastructure and connectivity in practitioners' business, particularly in rural and post-industrial areas of Wales.</p> <p>The setting up of a Law Council of Wales has been much slower than anticipated, owing to competing priorities both for Welsh Government and for potential participants.</p>

Rt Hon Mark Drakeford MS
First Minister of Wales

Jeremy Miles MS
Counsel General

22 October 2020

Dear Both

Making Justice work in Wales

Thank you for attending our meeting on **12 October 2020** to discuss matters relevant to our inquiry into **Making Justice work in Wales**.

We look forward to receiving the further information you agreed to share with us at paragraphs **11** and **94** of the transcript: namely, your Work Programme document that outlines the five ongoing work streams in place to implement the Thomas Commission recommendations and confirmation of the available information and data regarding the performance of the Welsh courts in comparison with the courts in England, including the Welsh Government's assessment of what it shows.

We also welcome your intention to share a dashboard of data on justice in Wales more widely in due course (paragraphs **73 and 74** of the transcript) and we would be grateful if we could be kept updated with developments.

We did not cover certain issues during the session and would therefore welcome your response to the following questions:

1. What representations has the Welsh Government made to the UK Government about the impact of the COVID-19 pandemic on the delivery of justice in Wales?
2. How will the Welsh Government keep the Senedd informed of cooperation with the UK Government on managing the recovery of the justice system from the pandemic?



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3. In light of the comments made by justice stakeholders in the Wales Governance Centre report, Justice at the Jagged Edge in Wales, that 'you can't scrutinise what you don't know is happening', how will the Welsh Government ensure the public and the Senedd are aware of the Welsh Government's work in the justice space?
4. How will the Welsh Government keep the Senedd informed of its engagement with UK Government Ministers, departments and non-devolved justice bodies on improving the delivery of justice in Wales?
5. What discussions has the Welsh Government had with the UK Government on improving transparency on overall spending on the justice system in Wales?
6. How will the Welsh Government report on its own spending on justice to enable the Senedd to consider this expenditure as part of budget scrutiny?
7. How does the Welsh Government respond to the view of the President of Welsh Tribunals that the Welsh Tribunals Unit should have a similar status to HMCTS and that this should not wait for the work of the Law Commission to be completed?
8. How does the Welsh Tribunals Unit monitor the accessibility of the Welsh Tribunals, including equalities, the use of the Welsh language and the experience of litigants in person?
9. How are the Welsh Tribunals Unit monitoring the impact of the COVID-19 pandemic on the performance and accessibility of the Welsh Tribunals? Will data be published on the use of remote hearings?
10. What is the Welsh Government doing to prepare the Welsh Tribunals for recovery from the COVID-19 pandemic?

I would be grateful to receive the further information, and your response to these additional questions, at your earliest convenience.

Yours sincerely



Mick Antoniw AM
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg
We welcome correspondence in Welsh or English



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