

SL(5)629 – The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 17) Regulations 2020

Background and Purpose

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

- (a) allow a household made up of no more than one adult (whether or not children also live in the household) living in a local health protection area and another household that also lives in the area, to form an extended household temporarily;
- (b) permit skating rinks to open, but measures must be taken to minimise the risk of exposure to coronavirus on the premises;
- (c) make minor consequential amendments.

A household may form a temporary extended household in accordance with the amendment made by these Regulations whether or not it had previously formed an extended household (with up to three other households) before its area became a local health protection area.

Procedure

Made Affirmative.

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

Technical Scrutiny

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

Merits Scrutiny

The following two 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 following paragraph in the Explanatory Memorandum:



The Regulations permit a single adult household in a local health protection area to form an extended household, with one other household in the same local health protection area. This will engage rights under Article 8 (right to respect for family and private life) and enable people greater enjoyment of this right, through the formation of extended households in such circumstances, therefore easing the current interference with those rights, which itself has been justified as pursuing the legitimate aim of providing a public health response to the threat posed by the increasing incidence and spread of coronavirus both in these areas and more widely and has been proportionate to that aim. The listing of ice rinks as open premises will similarly allow greater enjoyment of rights, particularly under Article 1 of the First Protocol.

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.

More widely, individuals and businesses have been informed about the restrictions through wide scale and ongoing public information broadcasts across the UK, including by the Chief Medical Officer for Wales and me. Together with other Ministers and the Welsh Government, I have continued to update individuals and businesses throughout subsequent changes to the Regulations. I outlined the intention to make these changes in a statement to Members and a press conference held earlier today; the proposed changes have been widely reported by the media.

Implications arising from exiting the European Union

None.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

7 October 2020

