

Government Response: The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 12) Regulations 2020

1. This is a Government response to the draft report of the Legislation, Justice and Constitution Committee dated 30 September 2020.

Merits scrutiny points:

Point 3.1: pace of changes to the Regulations

2. The draft Report notes that the frequency of amendments to the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 (the “principal Regulations”) makes it difficult for the public to keep up with the current legal position.
3. In the current extraordinary circumstances, there is a balance to be struck between ensuring that the law is as clear and accessible as possible and the need to make rapid changes to the legislation when the circumstances surrounding the coronavirus pandemic change (both in order to introduce restrictions where necessary from a public health perspective and to ease restrictions as soon as possible where it is proportionate to do so, so as to avoid imposing restrictions on the public for any longer than is necessary). As an aid to accessibility, the Welsh Government publishes a revised version of the principal Regulations which is updated after every revision (<https://gov.wales/health-protection-coronavirus-restrictions-no-2-wales-regulations-2020-amended>). Those updates are made on the day that amending Regulations are made so as to ensure that the public has access to the up to date Regulations as soon as possible. The Welsh Government understands that this practice is not replicated elsewhere in the United Kingdom.

Point 3.2(a): Regulation 12B(5)

4. The draft Report notes that regulation 12B(5) remains in the principal Regulations despite the revocation of regulation 12B(3)(b). This has been rectified in the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 17) Regulations 2020 made on 2 October 2020.

Point 3.2(b): Timing of reviews of local restrictions

5. The draft Report seeks clarification of the timescales for reviewing local restrictions, particularly in light of the introduction of local restrictions being imposed in Blaenau Gwent, Bridgend, Merthyr Tydfil and Newport on 22 September and the first review of local restrictions being required by 24 September. The Welsh Government considers it important that all the areas subject to local restrictions are reviewed on the same 7-day cycle. That can lead to the first review in respect of some areas taking place very soon after the restrictions have been imposed.

6. Although the result of such an early review is most likely to result in no change (as there would not be any time for the effect of the restrictions to be reliably assessed) the Welsh Government nevertheless considers the importance of maintaining a consistent review cycle to outweigh the disadvantage of conducting an apparently superfluous review of recently introduced restrictions.