



Eich cyf/Your ref P-05-1050
Ein cyf/Our ref FM -/01689/20

Janet Finch-Saunders MS
Chair
Petitions Committee
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11 December 2020

Dear Chair

I am responding to your letter of 19 October. Please accept my apologies for the delayed response.

The regulations, which implemented local lockdowns, were made using powers in the Public Health (Control of Disease) Act 1984. All regulations must be voted on and approved by the Senedd and there are two scrutiny procedures, which can be followed:

- **The draft affirmative procedure** – the regulations are considered and voted on by the Senedd in draft and cannot be signed and come into effect until after a vote by Members to approve them. Procedural requirements mean the draft regulations must lay before the Senedd for 21 non-recess days before they can be debated.
- **The made affirmative procedure** – the regulations are made and can come into effect very quickly after they are signed. They must still be approved by the Senedd within 28 non-recess days, otherwise they will fall.

The urgency of the ongoing public health situation means it has been necessary to make regulations using the made affirmative procedure, so proportionate measures can be taken to quickly respond to the threat to human health from coronavirus.

The Welsh Government has however carefully considered the scheduling of debates on coronavirus regulations, which have followed the made affirmative procedure. We have endeavoured to balance a number of aspects:

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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.

- Ensuring Members have an opportunity to debate the regulations and vote whether or not to approve them as soon as possible after they have been put in place;
- Ensuring proper scrutiny of the regulations by allowing time for Members to consider the detail in the regulations and a report from the Senedd's Legislation, Justice and Constitution Committee;
- The requirements of Senedd Standing Orders.

During the course of the pandemic, we have changed our approach and are scheduling debates earlier in the 28-day window. These are now normally held on the first date available while adhering to the requirements of Standing Orders.

We have also tried to mitigate timing challenges by providing other opportunities to debate restrictions *ahead* of regulations being made. For example, there was a debate in Plenary on the "firebreak" restrictions on 20 October, before the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020 were made on 21 October and came into force on 23 October. I also made an oral statement in Plenary on 3 November setting out the proposed post-firebreak regime and was questioned at length by Members. The Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 were subsequently finalised and made on 5 November before coming into force on 9 November.

Best wishes

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

MARK DRAKEFORD