

# Let Welsh citizens vote on lockdown restrictions

Y Pwyllgor Deisebau | 16 Gorffennaf 2021  
Petitions Committee | 16 July 2021

Reference: SR210189-12

**Petition Number:** P-06-1169

Petition title: Let Welsh citizens vote on lockdown restrictions.

**Text of petition:**

I believe the population of Wales should have a say on how the issue should be tackled.

Example

Full lockdown

Half lockdown

No lockdown & masks optional

It's affecting all people's lives so all the people should have their say.

## 1. Background: The restrictions

Since March 2020, the Welsh Government has imposed restrictions on life in Wales to manage the impact of the COVID-19 pandemic, by making health protection regulations under the Public Health (Control of Disease) Act 1984.



The current regulations set out the rules at the four levels set out in the Welsh Government Coronavirus Control Plan, from a requirement to stay at home at Level 4 to restrictions on gatherings and events at Level 1. They also set rules that apply at all alert levels, including requiring people to wear face coverings in certain situations and places.

The regulations have been frequently amended to reflect changes in the development of the pandemic.

## 2. Approving the restrictions

The Welsh Government makes the health protection regulations under the Act using the urgency procedure set out in Section 45R. This procedure enables regulations to be made without a draft being laid before and approved by the Senedd, if the person making the regulations makes a declaration that they are 'of the opinion that, by reason of urgency, it is necessary' to do this.

Such regulations must be approved by the Senedd within 28 days. This can be extended for periods of dissolution or recess for more than four days. If the regulations are not approved within that time, they cease to have effect. This is known as the made affirmative procedure.

After the regulations are made, they are laid before the Senedd. A Senedd Committee considers and reports on the regulations, drawing attention to issues of legal, political or public policy significance. Members of the Senedd then vote on the regulations, using the affirmative procedure set out in Standing Orders. Committee reports and records of votes on the regulations during the Fifth Senedd and Sixth Senedd are published online. The Senedd has not voted to reject any health protection regulations during the pandemic.

Some parliamentarians have raised concerns about the use of the urgency procedure to impose lockdown restrictions. In a meeting of the Senedd Legislation, Justice and Constitution Committee on 8 June 2020, Suzy Davies MS asked then Health Minister Vaughan Gething MS for made-affirmative regulations to be brought to the attention of the Senedd more quickly after they were made, or for the draft affirmative procedure to be used instead. The draft affirmative procedure would allow Members to vote on the regulations before they came into effect. The Health Minister said:

The Government is making use of the legitimate ways to introduce regulations in the extraordinary times that we live in and the made affirmative process is there for exactly circumstances like these, where extraordinary steps need to be taken at a level and a speed that makes sense for the public that we serve, and that's the way the Government will continue to exercise our responsibilities with and for the people of Wales.

At Westminster, the House of Lords Constitution Committee has argued that the UK Government's use of the same urgency procedure in the Act to make lockdown regulations for England 'restricted the Government's accountability to Parliament' and 'significantly constrained parliamentary scrutiny'. It said that the UK Government should hold a parliamentary debate and vote on the regulations before they came into force wherever possible.

### 3. Holding a public vote on the restrictions

Section 64 of the Government of Wales Act 2006 provides that the Welsh Government may hold a poll across all, or any parts of, Wales for the purpose of ascertaining the views of those polled about whether or how any of the functions of the Welsh Ministers should be exercised.

Using this power, a poll could be held to ascertain people's views on how the Welsh Ministers should move forward with the lockdown restrictions.

Such a poll would allow the people of Wales to have their say on what they consider to be the best way to handle the pandemic going forward.

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