

C(5)040 – The Coronavirus Act 2020 (Commencement No. 1) (Wales) Regulations 2020

Background and Purpose

These Commencement Regulations bring into force certain provisions of the Coronavirus Act 2020 (**the Act**).

Regulation 2 brings into force at 9 a.m. on 27 March 2020 section 10 of, Part 1 of and paragraphs 11, 12 and 13 of Schedule 8 to, the Act so that the Mental Health Review Tribunal for Wales does not have to comply with certain requirements under the Mental Health Act 1983. Part 1 of Schedule 8 contains introductory provision and paragraphs 11 and 12 remove the requirement that there must be at least three members to constitute a tribunal and provides that in specified circumstances cases may be determined without a hearing. Paragraph 13 provides that if the President of the Tribunal is temporarily unavailable the President of Welsh Tribunals may nominate another legal member to act as deputy.

Regulation 3 brings into force on 1 April 2020 section 15 of, and Part 2 of Schedule 12 to, the Act so that local authorities in Wales do not have to comply with certain duties in relation to meeting needs, and carrying out assessments, under the Social Services and Well-being (Wales) Act 2014 (**the 2014 Act**), and to modify duties to meet needs under the 2014 Act, until such time as regulations are in force under section 88 of the Act (power to suspend and revive provisions of the Act), or the Act is no longer in force.

Procedure

No procedure.

Scrutiny under Standing Order 21.7

One point is identified for reporting under Standing Order 21.7 in respect of these Commencement Regulations.

1. Significance of these Commencement Regulations

While commencement regulations / orders are often seen as technical matters that receive little scrutiny (especially as they usually involve no formal Assembly procedure), we note the particular importance of these Commencement Regulations.

When the Mental Health Review Tribunal for Wales was established and when the Assembly passed the Social Services and Well-being (Wales) Act 2014, the changes that are being commenced by these Commencement Regulations would have been inconceivable.

We expect the Welsh Government to:

- keep under close review the need for these changes to remain in force, and
- report to the Assembly of any further changes.

Implications arising from exiting the European Union

None.



Cynulliad Cenedlaethol Cymru
Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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National Assembly for Wales
Legislation, Justice and Constitution Committee

Government Response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

20 April 2020



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National Assembly for Wales

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