

SL(5)554 – The Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 5) Regulations 2020

Background and Purpose

These Regulations amend the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 (“the Principal Regulations”) SI 2020/353 made under Part 2A of the Public Health (Control of Disease) Act 1984 (as amended) and come into force at 4:00 p.m. on 1 June 2020.

Regulation 2 of these Regulations amends the Principal Regulations and the amendments made include:

- (a) provisions enabling a marriage or civil partnership where a party to the marriage or civil partnership is terminally ill;
- (b) a relaxation to the requirement to stay at home unless you have a reasonable excuse to enable people to be outside for any purpose within their local area;
- (c) a relaxation to the prohibition on gathering which allows persons from no more than two households to gather outdoors.

Procedure

Made Affirmative: the Regulations have already been made, but require Senedd approval for them to stay into force for more than 28 days.

Technical Scrutiny

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

Merits Scrutiny

The following 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.

The Convention rights engaged by these Regulations are the same as those under the Principal Regulations, including Article 8 (right to respect for private and family life), Article 11 (freedom of assembly and association) and Article 1 of the First Protocol (protection of property) of the Human Rights Act 1998 and the European Charter of Fundamental Rights.

As the Explanatory Memorandum refers, ‘each of these are qualified rights, which permit the Welsh Ministers to interfere with the exercise of the rights if necessary in a democratic society in the interests of public safety or for the protection of health. All such restrictions and requirements must be justified on the basis that they are in pursuit of a legitimate aim, namely of protecting public health and are proportionate.’

Legal Services note the Welsh Government’s additional commentary in the Explanatory Memorandum concerning the Human Rights considerations.



“The tempered easing of the restrictions made by these amending Regulations, is a proportionate response balancing the need to maintain an appropriate response to the threat posed by the coronavirus against the rights of individuals and businesses, giving people more opportunity to leave their homes and to meet friends and family, albeit subject to restrictions, in a manner which remains proportionate to the need to avoid an increase to the rate of transmission of the coronavirus, taking into account the scientific evidence.”

Implications arising from exiting the European Union

No implications are identified for reporting under Standing Order 21.3 in respect of this instrument.

Government Response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

3 June 2020



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee