

SL(5)563 – The Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 6) Regulations 2020

Background and Purpose

These Regulations amend the Health Protection (Coronavirus Restrictions) (Wales) Regulations (“the principal regulations”) and came into force at 12:01am on 22nd June 2020. These regulations ease specific restrictions that were put in place by the principal regulations.

The purpose of the principal Regulations, which these Regulations amend, is to:

- put restrictions on the movement of individuals, setting out circumstances in which they may leave the place where they live and preventing gatherings of groups of more than two people, except in certain circumstances; and
- require the closure of certain businesses and impose requirements on other businesses, as well as duties to close certain public footpaths and land, to protect against the risks to public health arising from coronavirus.

Specifically, these Regulations:

- permit certain premises to be open for the training of elite athletes and providing that it is a reasonable excuse for elite athletes to be away from their local area, or to gather with other persons for the purposes of training or competition;
- permit shops previously required to be closed (and car dealerships, betting shops and outdoor markets) to open. These shops will be subject to requirements relating to physical distancing (i.e. to take all reasonable measures to ensure that persons on the premises maintain a distance of 2 metres between each other, that persons waiting to enter the premises are similarly distanced and that the number of persons in the premises is limited so as to allow for 2 metre distancing to be observed). Customers will need to continue to abide by the ‘stay local’ requirements.
- in places of worship, marriage ceremonies and civil partnerships may take place subject to physical distancing requirements. People may leave their local area to attend a marriage or civil partnership, and may gather with others for that purpose, although they must follow the arrangements put in place for physical distancing. Places of worship may also open for private prayer.
- permit a place of worship, or community centre, to open on the request of the Welsh Ministers or a local authority in order to provide any public service. The explanatory memorandum gives the example of a community centre being opened to provide childcare facilities.
- expand the list of reasonable excuses to include
 - (a) voting in an election where it is not possible to vote otherwise than in person (this includes elections in other countries where those entitled to vote who currently live in Wales may need to travel to an embassy in London in order to vote);



- (b) move house;
- (c) prepare a property for someone to move in;
- (d) visit an estate or letting agent, developer sales office or show home in connection with the purchase, sale or rental of an unoccupied property. This therefore means that only unoccupied properties can be marketed at this point in time;
- (e) view an unoccupied property with a view to purchasing or renting it.

These measures will allow home moves where properties are untenanted or unoccupied and the completion of sales already agreed, but have until now been postponed because of the coronavirus outbreak.

The amending Regulations also make necessary consequential and savings provisions.

The principal Regulations (and these amendments) expire at the end of the period of six months beginning with the day on which they come into force – they came into force on 26 March 2020 and will therefore expire on 26 September 2020.

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 or public policy likely to be of interest to the Assembly.

The Committee acknowledge that although these regulations lift restrictions in certain areas of public life they do not change the engagement under the principal Regulations of individual rights under the Human Rights Act 1998 and the European Charter of Fundamental Rights. The Committee note that 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) are engaged by the principal Regulations.

However the Committee acknowledge that 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. The Committee notes the Government's analysis on the engagement of human rights in the explanatory memorandum which amongst other matters states that the "further 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, 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

29 June 2020



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee