

SL(5)587 – The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 2) Regulations 2020

Background and Purpose

These Regulations amend the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 (“the principal Regulations”).

These Regulations are made under sections 45C(1), (3)(c), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984 (“the 1984 Act”) in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) which causes the disease known as COVID-19 or “coronavirus”.

The amendments made by regulation 2 of these Regulations (which came into force on 25 July 2020) consist of provision-

- permitting underground visitor attractions to open (the persons responsible for the premises will be required to take all reasonable measures to minimise the risk of exposure to coronavirus on the premises);
- removing the requirement to close holiday accommodation that is not self-contained (the persons responsible for the premises will be required to take all reasonable measures to minimise the risk of exposure to coronavirus on the premises);
- removing the requirement imposed on individuals to work from home where reasonably practicable; and
- clarifying that a reasonable excuse for gathering with other persons may include accessing any public services and childcare, as well as taking part in supervised children’s recreation.

The amendments made by regulation 3 of these Regulations (which came into force on 27 July 2020) consist of provision-

- permitting the opening of crematoriums (in all circumstances), indoor cinemas, nail and beauty salons, massage parlours, establishments providing tanning services, body piercings, tattooing, electrolysis or acupuncture, amusement arcades, museums, galleries and archive services (the persons responsible for the premises will be required to take all reasonable measures to minimise the risk of exposure to coronavirus on the premises);
- requiring passengers travelling on public transport services to wear a face covering (subject to certain exceptions); and
- relaxing the restriction on gatherings to allow a wider range of activities relating to the sale and letting of residential property, such as viewings of occupied properties.

Procedure

Made affirmative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd must approve the Regulations within 28 days (excluding any days when the Senedd is dissolved or in recess for more than four days) of the date they were made for them to continue to have effect.



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:

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

1. Regulation 3(12)(ii) of these Regulations amends regulation 20(1)(a) of the principal Regulations so that it reads:

“(a) without reasonable excuse, contravenes a requirement in regulation 6(1), 7(1), 10(4), 11(4) or 12(2) or 12A(1),” *[emphasis added]*

The amendment creates polysyndeton (the conjunction is repeated unnecessarily). Although this does not result in defective drafting, we consider that it would assist the reader if unusual sentence structures are avoided so far as possible.

2. No public consultation or regulatory impact assessment has been carried out in respect of these Regulations. The Explanatory Memorandum to these Regulations explains that this is due to the need to put these Regulations in place urgently to deal with the serious and imminent threat to public health arising from coronavirus.

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 required in relation to the first merits reporting point.

Legal Advisers

Legislation, Justice and Constitution Committee

29 July 2020

