

# SL(5)620 – The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 13) (Llanelli etc.) Regulations 2020

## Background and Purpose

These Regulations amend the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 (“the Principal Regulations”). The Regulations are made under sections 45C(1) and (3)(c), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984.

The principal Regulations were made 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).

The principal Regulations were amended<sup>1</sup> with effect from 8 September 2020 to introduce restrictions in respect of a ‘local health protection area’, and these Regulations now extend restrictions to a further local health protection area comprising 13 electoral wards in the Llanelli area of Carmarthenshire<sup>2</sup>. The effect of this in respect of the new area is to:

- provide that no household within that area may be treated as forming part of an extended household and prohibiting the formation of an extended household by such a household;
- prohibiting persons living in that area from leaving or remaining away from the area without reasonable excuse;
- require residents of that area to work from home, unless it is not reasonably practicable for them to do so;
- prohibit people outside of that area entering the area without reasonable excuse. It is not a reasonable excuse to enter the area to work, if it is reasonably practicable for that work to be done outside the area.

The Regulations also amend regulation 12 of the principal Regulations, the obligation to take all reasonable measures to minimise the risk of exposure to, or the spread of, coronavirus. From 24 September<sup>3</sup> all licensed premises are prohibited from selling alcohol after 10.00 p.m. and must close no later than 10.20 p.m. These provisions are now extended so as to include premises which, although not licensed, permit customers to ‘bring your own’ alcohol.

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<sup>1</sup> See the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 8) (Caerphilly) Regulations 2020 (SI 2020/961 (W. 215))

<sup>2</sup> As set out in paragraph 1(g) of Schedule 4A to the principal Regulations, these are: Bigyn; Bynea; Dafen; Elli; Felinfoel; Glanymor; Hendy; Hengoed; Llangennech; Lliedi; Llwynhendy; Tyisha; and Swiss Valley.

<sup>3</sup> See the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 12) Regulations 2020 (SI 2020/1035 (W.229))



This means customers must order from, be served at, and consume their food and drink whilst seated (other than at the bar). The premises must also close by 10.20 p.m. and may not reopen before 6.00 a.m.

The Regulations came into force at 6.00 p.m. on 26 September 2020. The restrictions and requirements introduced by these amendments in relation to local health protection areas must be reviewed on or before 1 October, and at least once every seven days thereafter.

## 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: (i) dissolved, or (ii) 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 two 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 Committee notes that these Regulations introduce a tightening of Covid-19 related restrictions to 13 electoral wards in the Llanelli area of Carmarthenshire. As such, these Regulations engage various human rights under the Human Rights Act 1998/European Convention on Human Rights. The Committee notes the summary in the Explanatory Memorandum as to which rights are engaged and why such engagement is justified as pursuing the legitimate aim of providing a public health response to the threat posed by the increasing incidence and spread Covid-19 in the 13 electoral wards in the Llanelli area of Carmarthenshire. In particular, the Committee notes the following from the Explanatory Memorandum:

*"These restrictions and requirements will, or may, engage rights under Article 8 (right to respect for family and private life); Article 9 (freedom of religion, conscience and religion); Article 11 (freedom of information); Article 14 (prohibition of discrimination) and Article 1 of the First Protocol (Protection of Property). The Welsh Ministers consider that to the extent that the restrictions and requirements imposed by the Regulations engage or interfere with those rights, the interference is justified as pursuing the legitimate aim of providing a public health response to the threat posed by the*



*increasing incidence and spread of coronavirus both in these areas and more widely and is proportionate to that aim. The requirements not to leave or enter the areas are subject to a person having a reasonable excuse to do so, which includes being able to access essential services and public services and to provide care to vulnerable persons."*

The Committee notes also the Welsh Ministers must, by 1 October, review the need for the restrictions and requirements imposed by the Regulations, and their proportionality to what they seek to achieve in respect of the 13 electoral wards in the Llanelli area of Carmarthenshire, and do so at least once every seven days thereafter.

## **2. 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 Explanatory Memorandum states no public consultation or regulatory impact assessment has been carried out in relation to these Regulations due to the serious and imminent threat arising from coronavirus and the need for an urgent public health response. The Explanatory Memorandum further states that this is because:

- the Welsh Government has been updating individuals and business throughout the changes to the Principal Regulations;
- the Minister for Health and Social Services informed the public, via a press conference on 25 September 2020, of the intention to impose restrictions and requirements upon the 13 electoral wards in the Llanelli area of Carmarthenshire; and
- the changes to the Principal Regulations have been widely reported in the media.

## **Implications arising from exiting the European Union**

None.

## **Welsh Government response**

A Welsh Government response is not required.

### **Legal Advisers**

**Legislation, Justice and Constitution Committee**

**30 September 2020**

