

Julie James MS
Minister for Housing and Local Government

21 December 2020

Dear Julie

The Public Health (Protection from Eviction) (Wales) (Coronavirus) Regulations 2020

We scrutinised **The Public Health (Protection from Eviction) (Wales) (Coronavirus) Regulations 2020** at our meeting on 14 December 2020, reporting on the same day.

In our **report**, we noted that the Explanatory Memorandum fails to refer specifically to the fact that these regulations engage human rights and how they deem the provisions to be justifiable and proportionate in the context of those rights. In your response to our request for you to justify this approach you said:

“We consider that the Regulations are compatible with the European Convention on Human Rights.”

However, this response does not answer our question and is simply a statement of opinion without an analysis of how you reached this view. It is this analysis we are requesting and as a consequence, how you deem the provisions to be justifiable and proportionate in the context of human rights. We note that you did not address this issue during the debate on the Regulations in plenary on 15 December 2020.

In requesting this information, we should make it clear that we are not seeking to comment on the policy objectives of the Regulations. However, we do have a role in monitoring the compliance of subordinate legislation with human rights. In this instance, we wish to ensure that the Welsh Government has carefully considered human rights, including the Article 1 of Protocol 1 rights of landlords.

I would therefore welcome clarification that you undertook a formal assessment of the human rights implications of the Regulations, an explanation of why it was not covered in the Explanatory Memorandum and publication of the outcome of that assessment as soon as possible.



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We raised similar concerns in our reports on [The Coronavirus Act 2020 \(Assured Tenancies and Assured Shorthold Tenancies, Extension of Notice Periods\) \(Amendment\) \(Wales\) Regulations 2020](#) and [The Coronavirus Act 2020 \(Residential Tenancies: Protection from Eviction\) \(Wales\) Regulations 2020](#) with subsequent exchanges of correspondence in each case.

We are becoming concerned at the apparent reluctance of the Welsh Government to provide information about how provisions contained in Regulations relating to tenancies are justifiable and proportionate in the context of human rights. We believe this to be essential not only in terms of good law-making (and for the benefit of all those affected by the legislation) but also as regards a commitment to open and transparent government.

We therefore seek an assurance that Explanatory Memoranda accompanying such Regulations will, in future, contain this information, thereby avoiding the need for the Committee to request it each time.

Yours sincerely



Mick Antoniw AM

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg
We welcome correspondence in Welsh or English

