

Julie James MS  
Minister for Housing and Local Government

13 November 2020

Dear Julie

**The Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Wales) Regulations 2020**

Thank you for your letter of 3 November 2020 in relation to The Coronavirus Act 2020 (Residential Tenancies: Protection from Eviction) (Wales) Regulations 2020 (the Regulations), which responded to the points we raised in our letter of 22 October. We considered your letter at our meeting on 9 November 2020.

Issues relating to a citizen's human rights are significant matters and, in considering all subordinate legislation laid before the Senedd, we examine carefully all instruments for any potential interference with human rights.

You are aware that these Regulations engage a landlord's human rights under Article 1 Protocol 1 of the European Convention on Human Rights, by having the effect of restricting a landlord's use and enjoyment of their property for an additional period of time. A1P1 is a qualified right, meaning that any interference with it must be a proportionate means of achieving a legitimate aim. It is the apparent lack of consideration of the impact on the A1P1 rights of landlords that concerns us.

We remain disappointed with the responses we have received to date from Welsh Government regarding our wish to see evidence of your assessment that the Regulations are compliant with A1P1 of the ECHR.

You will also be aware that in our report on the earlier Regulations - The Coronavirus Act 2020 (Assured Tenancies and Assured Shorthold Tenancies, Extension of Notice Periods) (Amendment) (Wales) Regulations 2020 - we also noted that there was no analysis in the Welsh Government Explanatory Memorandum of landlords' A1P1 rights and how interference with these rights is justified.



**Senedd Cymru**  
Bae Caerdydd, Caerdydd, CF99 1SN

✉ [SeneddDCC@senedd.cymru](mailto:SeneddDCC@senedd.cymru)

☎ 0300 200 6565

**Welsh Parliament**  
Cardiff Bay, Cardiff, CF99 1SN

✉ [SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)

☎ 0300 200 6565

We acknowledge your view, that the rationale for the changes brought about by the Regulations is set out in the purpose and effect section of the Explanatory Memorandum to the Regulations. Nonetheless, we are of the view that it would be more helpful and transparent for the public and civic organisations if the information you refer to was properly structured and referenced as a human rights analysis in the accompanying Explanatory Memorandum.

Yours sincerely

A handwritten signature in black ink, reading "Mick Antoniw". The signature is written in a cursive style with a horizontal line underneath the name.

**Mick Antoniw AM**  
Chair

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

