



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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| TITLE | The Coronavirus Act 2020 (Alteration of Expiry Date) (Wales) Regulations 2022 |
| DATE | 22 March 2022 |
| BY | First Minister, Mark Drakeford MS |

The Coronavirus Act 2020 (the Act) granted the Welsh Ministers emergency powers to respond to the pandemic. The Act received Royal Assent on 25 March 2020. The majority of the temporary provisions within the Act will expire at the end of the day on 24 March.

Today, I have laid the Coronavirus Act 2020 (Alteration of Expiry Date) (Wales) Regulations 2022 to extend two temporary provisions for a period of six months.

The provisions are:

Section 82 – Business tenancies in England and Wales: protection from forfeiture etc

Section 82 provides that a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent may not be enforced, by action or otherwise, during the “relevant period”.

The moratorium was introduced to limit the significant impact on businesses from the series of interventions and restrictions that have been imposed on the Welsh economy throughout the pandemic. These provisions were included as an intervention to address the issues – particularly cash-flow.

The end of the relevant period for this provision was initially 30 June 2020. Subsequently, the Welsh Ministers agreed to extend the moratorium on a number of occasions. Most recently, the “relevant period” was extended in relation to Wales until 25 March 2022 by The Business Tenancies (Extension of Protection from Forfeiture etc) (Wales) (Coronavirus) (No. 3) Regulations 2021.

This has provided protection for relevant business tenants whilst also providing time for the Welsh Government to engage with the UK Government in the development of the Commercial Rent (Coronavirus) Bill. This Bill is currently progressing through the UK Parliament and is expected to provide continued protection for business tenancies falling in scope of the Bill, whilst also providing for a bespoke arbitration regime in certain circumstances

The proposal to extend Section 82 is to provide the Welsh Ministers continued opportunity to extend the relevant period if it is considered to be required in the context of the Bill.

Section 38 (Schedule 17) – Temporary continuity: education and training and childcare

These provisions give the Welsh Ministers a power to issue temporary continuity directions to educational institutions, registered childcare providers and local authorities requiring them to take reasonable steps – or specific steps that the Welsh Minister consider reasonable – in connection with the provision of education, training, childcare (or services relating to these), or ancillary services and facilities, for a specified period.

Before giving the direction, the Welsh Ministers must have regard to any advice from the Chief Medical Officer for Wales (or his deputies) relating to the incidence or transmission of coronavirus, and must determine that giving the direction is a necessary and proportionate action for, or in connection with the continued provision, as relevant, of education, training or childcare etc.

It also gives the Welsh Ministers a power to issue notices to disapply or modify, for a period of one month, certain specified statutory requirements in education and childcare, where the Welsh Ministers consider the issuing of the notice to be an appropriate and proportionate action in all the circumstances relating to the incidence or transmission of coronavirus.

While there is no requirement to extend the childcare or higher or further education provisions, there may be need to consider powers for schools to dis-apply or modify certain requirements, if there is further significant disruption during this academic year as a consequence of the pandemic.

This is very much a contingency measure – we are not planning or expecting to use this provision in the six-month extension window unless necessary.

The Regulations are scheduled for debate on 29 March.