

SL(6)214 – The Health Protection (Notification) (Wales) (Amendment) Regulations 2022

Background and Purpose

The Health Protection (Notification) (Wales) Regulations 2010 (“the 2010 Regulations”) place obligations on various persons for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination.

These Regulations amend the 2010 Regulations by:

- adding “monkeypox” to the list of diseases and syndromes in Schedule 1 for which there is a duty upon medical practitioners to notify a relevant local authority if a patient they are attending is believed to have such a disease or syndrome.
- adding “monkeypox virus” to the list of causative agents in Schedule 2 for which there is a duty upon operators of diagnostic laboratories to notify a relevant local authority if they identify an agent, or evidence of such an agent, in a human sample.

Procedure

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

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:

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

We note the breach of the 21-day rule (i.e. the rule that 21 days should pass between the date a “made negative” instrument is laid before the Senedd and the date the instrument comes into force), and the explanation for the breach provided by Eluned Morgan MS, Minister for Health and Social Services, in a [letter](#) to the Llywydd dated 14 June 2022.



In particular, we note the following paragraph in the letter:

"Not adhering to the 21-day convention allows these Regulations to come into force at the earliest opportunity in response to the current outbreak of monkeypox in the UK. It will oblige any medical practitioners to notify the proper officer of the relevant local authority of any suspected cases of monkeypox. In addition, diagnostic laboratories will be obliged to report if they identify monkeypox virus as a causative agent."

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

We note there has been no formal consultation on these Regulations. In particular, we note the following paragraph in the Explanatory Memorandum:

"As the Regulations provide a limited amendment, affecting a small number of individuals and does not reflect a change in the Welsh Government's policy, a formal public consultation did not take place"

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

20 June 2022



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee