

SL(5)698 – The Health Protection (Coronavirus Restrictions) (No. 4) (Wales) (Amendment) Regulations 2020

Background and Purpose

These Regulations make amendments to the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 to (the principal Regulations) —

- (a) require all cinemas, funfairs, amusement parks, theme parks, museums, galleries and visitor attractions to be closed, whether indoors or outdoors;
- (b) clarify that trampoline parks and centres and indoor skate parks and centres must be closed;
- (c) (despite the requirements on certain business premises to be closed) allow drive-in cinemas and theatres to open subject to the requirement in the principal Regulations for all reasonable measures to be taken on business premises to minimise the risk of exposure to coronavirus.

These changes come into force at the very beginning of the day on 14 December 2020.

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

We note the Welsh Government's comments in the Explanatory Memorandum (copied below) regarding the human rights impact of these Regulations:



The amendments contained in these Regulations continue to engage, under the principal Regulations, individual rights under the Human Rights Act 1998 and the European Charter of Fundamental Rights; the Government considers that they are justified for the purpose of preventing the spreading of infectious diseases and/or the interference is permitted on the basis that it is in pursuit of a legitimate aim, namely of protecting public health, and are proportionate.

However, this is just a statement that the Regulations are justified / proportionate – there is no analysis of how that conclusion was reached.

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 paragraphs in the Explanatory Memorandum:

Given the serious and imminent threat arising from coronavirus and the need for an urgent public health response, there has been no public consultation in relation to these Regulations.

In determining the need for, and details of the restrictions and requirements set out in these Regulations, I together with other Ministers and the Welsh Government officials have held and continue to hold discussions with key sectors and stakeholders, including local government and business leaders and trade unions in Wales. I announced in my statement to Members on 11 December the Welsh Government's intention to publish an update to the Coronavirus Control Plan the following week.

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

13 December 2020

