

SL(5)516 – The Health Protection (Notification) (Wales) (Amendment) Regulations 2020

Background and Purpose

These Regulations amend the Health Protection (Notification) (Wales) Regulations 2010 (“the Principal Regulations”). The Principal 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. This includes placing a duty on health professionals to notify relevant local authority public health staff if they discover the presence of ‘notifiable diseases’ and ‘causative agents’ in their patients or elsewhere.

These Regulations are being made to address the public health risk of Corona Virus Disease (COVID-19), by placing this and ‘Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2)’ (the causative virus of coronavirus disease) on the list of ‘notifiable diseases’ and ‘causative agents’.

Procedure

Negative.

Technical Scrutiny

No technical points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

One point is identified for reporting under Standing Order 21.3 in respect of this instrument.

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 Assembly

1. We note the breach of the 21-day rule (i.e. the rule that 21 days should pass between the date subordinate legislation is laid before the Assembly and the date the subordinate legislation comes into force), and the explanation for the breach provided by Rebecca Evans, Minister for Finance and Trefnydd to the Llywydd in a letter dated 6 March 2020.

In particular, we note what the letter says about these Regulations coming into force on the day they are laid:

“The 2020 Regulations were made and laid as soon as practicable on public health grounds in order to ensure appropriate procedures are in place for monitoring and containing the spread of the disease. As a result, they have come into force less than 21 days after they were made.

Not adhering to the 21 day convention allows the Regulations to come into force on 5 March 2020 and in view of the circumstances surrounding this disease the reduced period is therefore thought necessary and justifiable in this case.”

Implications arising from exiting the European Union

No implications are identified for reporting under Standing Order 21.3 in respect of this instrument.



Government Response

A government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

11 March 2020



Cynulliad Cenedlaethol Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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National Assembly for Wales

Legislation, Justice and Constitution Committee