

## **Explanatory Memorandum to the Health Protection (Notification) (Wales) (Amendment) Regulations 2020**

This Explanatory Memorandum has been prepared by Public Health Division and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

### **Minister**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Health Protection (Notification) (Wales) (Amendment) Regulations 2020.

Vaughan Gething

**Minister for Health and Social Services**

**6 March 2020**

## **PART 1**

### **1. Description**

These Regulations amend the Health Protection (Notification) (Wales) Regulations 2010 (“The Principle Regulations”).

The Principle 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’.

### **2. Matters of special interest to the Legislation, Justice and Constitution Committee**

The SI is being laid under the ‘Negative Procedure’ and comes into force the day it is laid and does not follow the 21 day convention. The Regulations add Corona Virus to the list of ‘notifiable diseases’ and ‘causative agents’. Given the current status of the outbreak of Corona Virus in the UK the shortened period is considered necessary and justifiable.

### **3. Legislative background**

The instrument is being made under sections 45C(1), (2) and (3)(a), 45F(2)(a) and (b), 45P(2) and 60A of the Public Health Control of Diseases Act 1984 which confers a power on the Welsh Ministers to make regulations for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Wales,

In accordance with section 45Q(3) of the 1984 Act, these Regulations do not contain provisions which impose or enables the imposition of a special restriction or requirement or any other restriction or requirement which has or would have a significant effect on a person’s rights.

The instrument is also being made under section 13 of the 1984 Act.

### **4. Purpose and intended effect of the legislation**

Amendments to the Principle Regulations ensure help to ensure that appropriate procedures are in place for monitoring and containing the spread of the Coronavirus Disease (COVID-19).

## **5. Consultation**

No formal consultation has been carried out but the Welsh Government has been in regular contact with the UK government and other devolved administrations who have introduced similar provisions. Public Health Wales, which operates the only laboratories in Wales currently capable of testing for COVID-19, has been informed of this change to the Regulations.

## **6. Regulatory Impact Assessment (RIA)**

An RIA has not been prepared further to the Welsh Ministers' regulatory impact assessment code for subordinate legislation and the urgency required to make these Regulations.