

SL(5)615 – The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 10) (Rhondda Cynon Taf) Regulations 2020

Background and Purpose

These Regulations amend the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 (“the Principal Regulations”). The Regulations are made under sections 45C(1) and (3)(c), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984 (“the 1984 Act”).

The Regulations amend the Principal Regulations to designate Rhondda Cynon Taf as a local health protection area that is subject to specific restrictions and requirements, namely that:

- no household in Rhondda Cynon Taf borough can form or continue with an extended household;
- no person living in the Rhondda Cynon Taf borough can leave the area without reasonable excuse (as listed in paragraph 3(2) of Schedule 4A to the Principal Regulations);
- no person may enter Rhondda Cynon Taf borough or remain there without reasonable excuse (as listed in paragraph 4(2) of Schedule 4A to the Principal Regulations);
- no person may leave the place where they are living to attend work or provide charitable or voluntary services, unless it is not reasonably practicable for them to work or provide charitable or voluntary services from the place at which they are living; and
- all premises licensed to sell alcohol must not open before 6am each day and must close at or before 11pm each day¹.

The Regulations also make minor amendments to the provisions relating to reasonable excuse to gather indoors and to enter or leave a designated protection area. These amendments are intended to clarify that donating blood and similar procedures fall within the reasonable excuse that exists to obtain or provide medical assistance, which itself includes accessing health services.

¹ The First Minister announced on 22 September 2020 that this is changed to 10:00pm with effect from 23 September 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

The Committee notes that these Regulations introduce a tightening of Covid-19 related restrictions to the area of Rhondda Cynon Taf County Borough Council. As such, these Regulations engage various human rights under the Human Rights Act 1998/European Convention on Human Rights. The Committee notes the summary in the Explanatory Memorandum as to which rights are engaged and why such engagement is justified as pursuing the legitimate aim of providing a public health response to the threat posed by the increasing incidence and spread Covid-19 in the Rhondda Cynon Taf Borough. In particular, the Committee notes the following from the Explanatory Memorandum:

"These restrictions and requirements will, or may, engage rights under Article 8 (right to respect for family and private life); Article 9 (freedom of religion, conscience and religion); Article 11 (freedom of information); Article 14 (prohibition of discrimination) and Article 1 of the First Protocol (Protection of Property). The Welsh Ministers consider that to the extent that the restrictions and requirements imposed by the Regulations engage or interfere with those rights, the interference is justified as pursuing the legitimate aim of providing a public health response to the threat posed by the increasing incidence and spread of coronavirus in Rhondda Cynon Taf County Borough and is proportionate to that aim. The requirements not to leave or enter the area are subject to a person having a reasonable excuse to do so, which includes being able to access essential services and public services and to provide care to vulnerable persons."

The Committee notes that the Principal Regulations provide for a review of the restrictions and requirements imposed upon Rhondda Cynon Taf Borough by the Regulations by 24 September 2020 and every seven days thereafter.



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

No public consultation or regulatory impact assessment has been carried out in relation to these Regulations. The Explanatory Memorandum states that this is because:

- the Welsh Government has been updating individuals and business throughout the changes to the Principal Regulations;
- the Minister for Health and Social Services informed Members of the Senedd, in a statement on 16 September 2020, of the intention to impose restrictions and requirements upon Rhondda Cynon Taf Borough; and
- the changes to the Principal Regulations have been widely reported in the media.

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

23 September 2020

