

SL(6)011 - The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 12) Regulations 2021

Background and Purpose

These Regulations further amend the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 (the Principal Regulations) so that the prohibition on organising events in paragraph 4 of Schedule 1 to the Principal Regulations does not apply in relation to specified events.

For example, the prohibition does not apply to an event that is held outdoors at regulated premises (other than holiday or travel accommodation) at which either: (i) no more than 30 people are in attendance, or (ii) all of the people in attendance are members of the same household. (Under 11s, carers of people attending the event, people working at the event and people providing voluntary services at the event do not count towards the 30 limit.)

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 2 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 justification for any potential interference with human rights. In particular, we note the following paragraphs in the Explanatory Memorandum:

"Whilst the principal Regulations, as amended by these Regulations, engage individual rights under the Human Rights Act 1998 and the European Convention on Human 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. Further information about engagement of rights is set out in the [Explanatory Memorandum](#) to the principal Regulations."

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:

"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."

Welsh Government response

A Welsh Government response is not required.

Committee Consideration

The Committee considered the instrument at its meeting on 14 June 2021 and reports to the Senedd in line with the reporting points above.

