

## **Explanatory Memorandum to the Health Protection (Notification) (Wales) (Amendment) Regulations 2022**

This Explanatory Memorandum has been prepared by the Welsh Government and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

### **Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Health Protection (Notification) (Wales) (Amendment) Regulations 2022.

**Eluned Morgan MS**  
**Minister for Health and Social Services**

14 June 2022

## **1. Description**

These Regulations amend [the Health Protection \(Notification\) \(Wales\) Regulations 2010](#) (“the 2010 Regulations”) which 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.

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

### *Procedure*

The Regulations have been made using the negative procedure, because, in accordance with section 45Q(3) of the Public Health (Control of Disease) Act 1984, the Welsh Ministers are of the opinion that the Regulations do not contain provision made by virtue of section 45C(3)(c) of that Act which imposes 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.

### *Coming into force*

In accordance with section 11A(4) of the Statutory Instruments Act 1946, the Llywydd has been informed that the Regulations do not adhere to the 21 day convention. This is necessary to respond to the current outbreak of monkeypox in the UK.

## **3. Legislative background**

The Public Health (Control of Disease) Act 1984 (“the 1984 Act”), and regulations made under it, provide a legislative framework for health protection in England and Wales. These Regulations are made in reliance on the powers in sections 13, 45C(1), (2), (3)(a) and (b), 45F(2), 45P(2) and 60A of the 1984 Act. The Explanatory Memorandum to [the Health Protection \(Notification\) \(Wales\) Regulations 2010](#) provides further information on these powers.

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

These Regulations amend Schedule 1 (Notifiable Diseases and Syndromes) and Schedule 2 (Causative Agents) to the Health Protection (Notification) (Wales) Regulations 2010 to include monkeypox and monkeypox virus respectively.

Regulation 2(2) inserts “monkeypox” into Schedule 1 to the 2010 Regulations for the purposes of adding this to the list of “Notifiable Diseases and Syndromes” for which there is a duty upon medical practitioners to notify the proper officer of a relevant local authority if a patient they are attending is believed to have such a disease or syndrome. This extends to the notification of suspected disease, infection or contamination in a dead body.

Regulation 2(3) inserts “monkeypox virus” into Schedule 2 to the 2010 Regulations for the purposes of adding this to the list of “Causative agents” for which there is a duty upon operators of diagnostic laboratories to notify the proper officer of a relevant local authority if they identify an agent, or evidence of such an agent, in a human sample.

The Welsh Ministers consider that these amendments are appropriate given the risks to public health posed by the current outbreak of monkeypox in the UK.

## **5. Consultation**

As the Regulations provide a limited amendment, affecting a small number of individuals and does not reflect a change in the Welsh Government’s policy, a formal public consultation did not take place.

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

There has been no regulatory impact assessment in relation to these Regulations due to the need to put them in place urgently to respond to the current outbreak of monkeypox in the UK.