

SL(5)535 – Declaration of threat to public health in Wales due to coronavirus

Background and Purpose

Part 4 of Schedule 22 to the Coronavirus Act 2020, gives the Welsh Ministers powers relating to events, gatherings and premises in Wales in the event of a serious and imminent threat to public health in Wales due to coronavirus.

Paragraph 26 of that Schedule enables the Welsh Ministers to make a declaration under that paragraph if they are of the view that:

- (a) the incidence or transmission of coronavirus constitutes a serious and imminent threat to public health in Wales, and
- (b) the powers in the Schedule will be an effective means of— (i) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus in Wales, or (ii) facilitating the most appropriate deployment of medical or emergency personnel and resources in Wales.

Before making a declaration under paragraph 26 of Schedule 22, the Welsh Ministers must consult the Chief Medical Officer or one of the Deputy Chief Medical Officers for Wales.

Having come to the view outlined above and having consulted the Chief Medical Officer for Wales, the Welsh Ministers have made this declaration under paragraph 26 of Schedule 22.

The effect of the declaration is to enable the Welsh Ministers to use the powers conferred on them by Part 4 of Schedule 22 to the Coronavirus Act 2020.

Part 4 of Schedule 22 gives powers to the Welsh Ministers to make directions relating to the prohibition or restriction of events or gatherings and to the closure of premises or imposition of restrictions on persons entering or remaining inside premises.

The directions may be made or varied from the time this declaration is made and until such time as the declaration is revoked. The period beginning with the making of this declaration and the revoking of it is referred to as a “public health response period” in Schedule 22 to the Coronavirus Act 2020.

Procedure

No procedure.

Scrutiny under Standing Order 21.7

One point is identified for reporting under Standing Order 21.7 in respect of this declaration.

1. Accessibility of the law

We note that this declaration has triggered the availability of significant powers that can now be used by the Welsh Ministers under Schedule 22 to the Coronavirus Act 2020.



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—
National Assembly for Wales
Legislation, Justice and Constitution Committee

We also note that these powers can be exercised by the Welsh Ministers by the mere giving of a direction (directions are not always easy to find online) and that it is a criminal offence to fail to comply with such a direction without reasonable excuse.

It is therefore vital that the public will be made aware of these directions and the consequences of failing to comply with them.

It will also be vital for the public to understand, and not be confused by, the relationship between:

- directions made by the Welsh Ministers under Schedule 22 to the Coronavirus Act 2020, and
- regulations made by the Welsh Ministers under the Public Health (Control of Disease) Act 1984 (several of which have been made, and laid before the Assembly, in response to the coronavirus).

It is our understanding that, at the time of publishing this report, the Welsh Ministers have not exercised the powers to make directions under Schedule 22.

Implications arising from exiting the European Union

None.

Government Response

A Welsh Government response is not required.

Committee Consideration

The Committee considered the declaration at its meeting on 28 April 2020 and reports to the Assembly in line with the reporting point above.

