

Jeremy Miles MS, Counsel General

Rebecca Evans MS, Minister for Finance and Trefnydd

4 September 2020

Dear both

### **Breaches of the 21 day rule**

At our meeting on 24 August 2020 we considered **The Traffic Orders Procedure (Amendment) (Wales) (Coronavirus) Regulations 2020, The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 3) Regulations 2020, The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 4) Regulations 2020, and The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No.5) Regulations 2020**. Our subsequent reports noted that all of these instruments were laid in **breach of the 21 day rule**.

We first wrote to you on 17 March 2020 in relation to breaches of the 21 day rule, at which point there had been 12 such instances since late October 2019. Since that letter, there have been a further 23 instances, as noted in this letter and in our letters of 1 July, 8 July and 4 August.

We acknowledge that there can be valid reasons for such breaches and note that the majority have occurred as regulations have been made in relation to the coronavirus (COVID-19) pandemic. However, even when such breaches have been coronavirus-related, we have drawn attention to instances where it has been unclear why the Regulations have had to come into force so urgently as to breach the 21-day rule, for example during our scrutiny of The Traffic Orders Procedure (Amendment) (Wales) (Coronavirus) Regulations 2020.

As stated in previous correspondence, we do not wish to see the practice of breaching the 21 day rule becoming normalised in any way.



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We will continue to monitor the frequency and circumstances of future breaches of the 21 day rule during the forthcoming term.

Yours sincerely

A handwritten signature in black ink, reading "Mick Antoniw". The signature is written in a cursive style with a horizontal line underneath the name.

**Mick Antoniw AM**  
**Chair**

Croesewir gohebiaeth yn Gymraeg neu Saesneg  
We welcome correspondence in Welsh or English

