

Jeremy Miles MS, Counsel General

Rebecca Evans MS, Minister for Finance and Trefnydd

24 September 2020

Dear both

Breaches of the 21 day rule, and other matters concerning Covid-related legislation

At our meetings on 14 and 21 September 2020, we considered [The Health Protection \(Coronavirus, International Travel\) \(Wales\) \(Amendment\) \(No.6\) Regulations 2020](#), [The Health Protection \(Coronavirus, International Travel\) \(Wales\) \(Amendment\) \(No. 7\) Regulations 2020](#), [The Health Protection \(Coronavirus, International Travel\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2020](#) and [The Education \(Student Support\) \(Postgraduate Master's Degrees\) \(Wales\) \(Amendment\) \(Coronavirus\) Regulations 2020](#).

Our subsequent reports noted that the instruments had been laid in **breach of the 21 day rule**, and the reasons for doing so as set out in the Minister for Finance and Trefnydd's respective letters to the Llywydd.

On several occasions during the previous term, I wrote to you noting that Welsh Government breaches of the 21 day rule appear to be occurring with increasing regularity. While we acknowledge and accept that there can be valid reasons for such breaches, particularly as a result of the Covid-19 pandemic, I would like to reiterate the point that the practice of breaching the 21 day rule should not become normalised in any way.

I would also like to relay our concerns about the clarity and accessibility of law with regard to the numerous regulations being made. While we welcome the fact that the Welsh Government's has developed its own **Coronavirus and the law webpage**, our scrutiny of The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No.6) Regulations 2020 noted the limitations of the information provided on this webpage, particularly as regards the availability of up-to-date regulations in the Welsh language. We also noted that an up-to-date consolidated version of these regulations is only available in the English language on legislation.gov.uk. At a time when amendments are being made to regulations on such a frequent basis, we consider it vital that clear information is available in order that the public can fully understand the changes taking place.



Senedd Cymru

Bae Caerdydd, Caerdydd, CF99 1SN

✉ SeneddDCC@senedd.cymru

☎ 0300 200 6565

Welsh Parliament

Cardiff Bay, Cardiff, CF99 1SN

✉ SeneddLJC@senedd.wales

☎ 0300 200 6565

We will continue to monitor the frequency and circumstances of future breaches of the 21 day rule, while also continuing to monitor the accessibility of Covid-related subordinate legislation.

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

