

Covid-19 LEGISLATION**SUMMARY**

1. A full response to an outbreak of Covid-19 in the UK will require additional UK legislation. As part of Reasonable Worst Case Scenario planning COBR(M) is asked to agree to the development of policy and draft legislative provisions which could be brought forward in emergency legislation (a Covid-19 Bill / the Bill), led by DHSC.
2. Following this policy clearance from COBR(M), departments will assess the required legislative provisions and return to COBR(M) in late March for final agreement to take the Bill forward. The final decision on what provisions a Bill includes, when to introduce, and its parliamentary handling will be taken by No.10 and the Business Managers with Parliamentary Business and Legislation Committee (PBL) clearance in the normal way and in light of the latest scientific evidence from SAGE.

LEGISLATIVE NEEDS

3. As part of the initial Government response to the Covid-19 outbreak officials have examined the statute book to determine what additional provisions might be required to give effect to a comprehensive response. This work has built on the considerable work done on legislative requirements for the 'Pandemic Influenza Bill'. Although Covid-19 is medically distinct the legislative requirements for a widespread outbreak of a novel contagion of this type are not fundamentally distinct from the response to an influenza pandemic.
4. In addition to measures previously suggested for a Pandemic Influenza Bill, departments have now identified a number of areas where they do not believe they have the necessary statutory or common law powers to respond to fully respond to a Covid-19 outbreak in the UK (a full list is available at ANNEX A).
5. The list of areas where further legislation might be needed has been developed on a UK wide basis. The needs identified vary between the different jurisdictions of the UK (reflecting the different legal landscapes in England or England & Wales, Scotland, and Northern Ireland). The list of provisions in ANNEX A does however reflect the totality of provisions possibly required for all the nations and jurisdictions of the UK.
6. The list of provisions in ANNEX A is a maximalist position. In some areas departments are still seeking additional legal advice on the scope of existing statutory or common law powers. Departments should seek to use existing powers where possible and COBR should expect all departments to rigorously test and justify their asks. If existing powers can be used Departments should notify the DHSC Bill team and remove those provisions from consideration.
7. Although there has not yet been any consultation through the usual channels the early expectations are that emergency legislation in relation to a Covid-19 outbreak would not in and of itself be controversial in Parliament. Some of the proposed provisions (e.g. relating to the early release of prisoners) will be controversial and so a clear justification for a future PBL committee and robust handling strategy for Parliament will be essential for controversial provisions.
8. Additionally whilst the nature of the threat to public health may allow for emergency legislation the practice of legislating in haste without proper scrutiny is in and of itself controversial in Parliament