



The Right Honourable Suella Braverman QC MP
Attorney General
Attorney General's Office
5 – 8 The Sanctuary
London SW1P 3JS

13 May 2020

Dear Attorney General,

Coronavirus legislation – divergence of the law in England and Wales and clarity for citizens

In my capacity as Law Officer for Wales, with responsibility to uphold the rule of law here, I urge you take steps to ensure that your government does all that it can to give clarity as to the differences in the law governing the lockdown in England and in Wales.

The amending legislation made here on Monday, The Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 3) Regulations 2020, makes clear and distinct law for Wales by making small and modest adjustments to the lockdown. Amendments have come in to force today in England which mean the law applicable in England is different in important ways. The manner in which those changes have been described by the UK Government has not facilitated a clear understanding by the public of the existence and nature of the differences.

The Welsh Government is absolutely committed to adopting a co-operative four-nations' approach to the current crisis, but even within that approach, some divergence of the law is inevitable as each devolved government has regard to the prevailing circumstances in its own nation. We need, as law officers, to be clear what the differences are now and in the future. We cannot afford for there to be lack of clarity amongst our citizens about the law as it could undermine both the response to the pandemic and the rule of law more generally. There are particular responsibilities which apply to both our governments due to the long border between Wales and England and the population concentrated near the border whose daily lives may ordinarily involve travel between the two countries.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

We have sought to make it very clear in Wales, both through Ministerial statements and in government communications generally, what legislation applies in Wales, how that differs from the law applicable in England and what the approach has been to making legislation. I attach below for your information a document in which we have summarised the constitutional and legal position for citizens, together with details of the legislation and guidance made. We explain what the law is and what has been done differently here. This aims to bring legal clarity and transparency, as a means to supporting the rule of law.



Coronavirus
guidance legal and co

I also attach for your information links to the Welsh Government webpages where we have brought together information about the legislative response to the coronavirus. Our aim is to make all relevant information as easily accessible as possible.

<https://gov.wales/coronavirus-regulations-guidance>

<https://gov.wales/coronavirus-regulations-guidance#section-41938>

<https://gov.wales/coronavirus>

I hope that you will do all you can to ensure that in England also there is clarity about the differences in this important legislation between England and Wales in the interests of the rule of law.

Yours sincerely,

Personal Data

Jeremy Miles AS/MS

Cwnsler Cyffredinol a'r Gweinidog Pontio Ewropeaidd
Counsel General and Minister for European Transition