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Counsel General and Minister for European Transition

By email: [PS.CounselGeneral@gov.wales](mailto:PS.CounselGeneral@gov.wales)

28 July 2020

Dear Counsel General,

**Re: Coronavirus legislation – divergence in the law in England and Wales, clarity for citizens and impact of a 4 nations approach on Welsh speakers**

Thank you for your letter of 29 June 2020, in which you raised some further questions about some of the practical implications of the divergence of Coronavirus legislation between England and Wales.

Police charges made under Coronavirus legislation

I understand your concerns about incorrect police charges made under the Coronavirus legislation in England and Wales and the associated impact this may have on the rule of law and public confidence in the justice system.

The Home Office has worked closely with the Police to ensure that any changes to legislation or guidance, and differences in the Devolved Administrations' approaches, are understood and enforced consistently. We engage regularly with the College of Policing, who provide guidance for Police officers on applying the new legislation. English and Welsh versions of operational guidance have been published and updated frequently as the coronavirus legislation has developed.

In its most recent analysis of cases the CPS found that 8 cases charged under the Regulations should not have been. Where mistakes have been made in individual cases, these have quickly been identified and rectified. The CPS continues to review prosecutions under Coronavirus legislation to determine whether it is being applied correctly.

Passengers travelling between England and Wales

Under the Health Protection (Coronavirus Public Health Information to Passengers Traveling to England) Regulations 2020 ("the Passenger Information Regulations"), operators (that is operators of a commercial transport service on which passengers travel to England from outside the common travel area on a vessel, aircraft or train) must ensure that 'the required information' is provided to passengers at the 'required times'.

For these purposes, 'the required information' is information about Coronavirus, Coronavirus disease and related duties and public health guidance (including, in particular, duties and guidance applying to passengers arriving in England) as specified from time to time on gov.uk. At present, the required information includes a direction to the government 'Entering the UK' website, [www.gov.uk/uk-border-control](http://www.gov.uk/uk-border-control), which itself includes references to the self-isolation legislation in force in England, Scotland, Wales and Northern Ireland.

The relevant gov.uk page is:

<https://www.gov.uk/government/publications/coronavirus-covid-19-requirements-to-provide-public-health-information-to-passengers-travelling-to-england/coronavirus-covid-19-required-information-and-exemption-periods-under-the-public-health-information-for-passengers-travelling-to-england-regulati>

The 'required times' are a) where prior to departure a booking was made for the passenger to travel on the relevant service, before the booking was made; (b) where prior to departure the passenger was checked in to travel on the relevant service, at the time of check-in; and (c) while the passenger was on board the vessel, aircraft or train.

As you will see from the gov.uk page above, if operators take bookings or allow check-ins online, they are required to prominently display a link to <https://www.gov.uk/uk-border-control>. That page also references the requirements in force in England, Scotland, Wales and Northern Ireland.

#### Welsh Language Scheme

The Home Office is bound by the 1993 Welsh Language Act to have a Language Scheme and the fundamental principal is one of equality of Welsh and English when communicating with the public and public bodies in Wales, and that all information and services Home Office provides that is applicable to the public in England and Wales is available in both English and Welsh.

Whilst the Passenger Locator Form is not currently available in Welsh language format, this matter is being reviewed urgently and is next in line of priority to be produced subject to no changes in current legislation.

PD

**RT HON SUELLA BRAVERMAN QC MP  
ATTORNEY GENERAL**