

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Sixth Delegated Legislation Committee

HEALTH PROTECTION (CORONAVIRUS,
RESTRICTIONS) (NO. 2) (ENGLAND)
(AMENDMENT) (NO. 3) REGULATIONS 2020

HEALTH PROTECTION (CORONAVIRUS)
(RESTRICTIONS ON HOLDING OF GATHERINGS
AND AMENDMENT) (ENGLAND)
REGULATIONS 2020

Tuesday 22 September 2020

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Saturday 26 September 2020

© Parliamentary Copyright House of Commons 2020

This publication may be reproduced under the terms of the Open Parliament licence, which is published at www.parliament.uk/site-information/copyright/.

The Committee consisted of the following Members:

Chair: DR RUPA HUQ

- | | |
|---|---|
| † Argar, Edward (<i>Minister for Health</i>) | † Saxby, Selaine (<i>North Devon</i>) (Con) |
| † Baker, Duncan (<i>North Norfolk</i>) (Con) | † Throup, Maggie (<i>Lord Commissioner of Her Majesty's Treasury</i>) |
| Bryant, Chris (<i>Rhondda</i>) (Lab) | † Webb, Suzanne (<i>Stourbridge</i>) (Con) |
| Cryer, John (<i>Leyton and Wanstead</i>) (Lab) | † Whittaker, Craig (<i>Calder Valley</i>) (Con) |
| † Double, Steve (<i>St Austell and Newquay</i>) (Con) | Whittome, Nadia (<i>Nottingham East</i>) (Lab) |
| Duffield, Rosie (<i>Canterbury</i>) (Lab) | † Williams, Craig (<i>Montgomeryshire</i>) (Con) |
| Jones, Mr Kevan (<i>North Durham</i>) (Lab) | Kenneth Fox, Anwen Rees, <i>Committee Clerks</i> |
| † Longhi, Marco (<i>Dudley North</i>) (Con) | † attended the Committee |
| † Morden, Jessica (<i>Newport East</i>) (Lab) | |
| † Norris, Alex (<i>Nottingham North</i>) (Lab/Co-op) | |
| † Randall, Tom (<i>Gedling</i>) (Con) | |

Sixth Delegated Legislation Committee

Tuesday 22 September 2020

[DR RUPA HUQ *in the Chair*]

Health Protection (Coronavirus, Restrictions) (No. 2) (England) (Amendment) (No. 3) Regulations 2020

9.25 am

The Chair: If Members speak in the debate, will they please email their speaking notes to hansardnotes@parliament.uk? The *Hansard* reporters can then turn your contribution into something erudite—which I am sure it will be anyway.

The Minister for Health (Edward Argar): I beg to move,

That the Committee has considered the Health Protection (Coronavirus, Restrictions) (No. 2) (England) (Amendment) (No. 3) Regulations 2020 (S.I., 2020, No. 863).

The Chair: With this, we will consider the Health Protection (Coronavirus) (Restrictions on Holding of Gatherings and Amendment) (England) Regulations 2020 (S.I., 2020, No. 907).

Edward Argar: It is pleasure to serve under your chairmanship for the first time, Dr Huq. I will start by summarising the changes to the regulations. The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, which I will refer to as the national regulations for simplicity, were laid on 4 July. There have been five changes to the national regulations, the first of which was debated and approved in both Houses before the summer recess. The second amendment was debated by a Delegated Legislation Committee on 14 September, and today's debate focuses on the third and fourth amendments to the regulations. As the Minister for Care, my hon. Friend the Member for Faversham and Mid Kent (Helen Whately), set out last week in a Delegated Legislation Committee, the second and third amendments to the national regulations continued to ease business closure restrictions.

To briefly recap, the second amendment to the regulations permitted the reopening of the following businesses and venues from 25 July: indoor swimming pools, including water parks; indoor fitness and dance studios; and indoor gyms, sports courts and associated facilities. Alongside the changes, the Government produced supporting guidance advising that the most high-risk activities within those businesses and venues, such as saunas and steam rooms, should not reopen at that time.

The third amendment to the national regulations allowed the following venues to open from 15 August: bowling alleys; indoor skating rinks; indoor play areas, including soft play areas, with several adjustments advised in guidance, such as the closure and removal of ball pits; casinos; and exhibition halls and conference centres, with guidance advising that this was only to enable Government-endorsed pilots at that time.

Alongside the regulatory changes are a series of non-legislative changes to allow close contact services, including treatments on the face, to resume. They include allowing socially distanced and outdoor performances to take place, pilots for large crowds in sports stadiums and business events, and the relaxation of guidance on wedding and civil partnerships to allow receptions of up to 30 people.

As I have set out, those amendments opened businesses and venues that had been required to close, with covid-secure guidance developed with industry and with medical advice to ensure they opened in a safe way. Nationally, this has meant that only nightclubs, dancehalls, discotheques, sexual entertainment venues and hostess bars are required to remain closed. Such venues are considered to pose a high risk of transmission because of the close proximity of members of staff and customers, so they need to remain closed for now in line with the current scientific advice to control the virus.

Although we were able to successively ease business restrictions over the summer, we also now better understand how the infection is transmitted and the role of social activity within this. Between the end of June and the middle of August, the Metropolitan police responded to more than 1,000 unlicensed events. Over one of the weekends in that period, the force received information about more than 200 illegal gatherings across the city. That is why the Government have acted quickly to strengthen the enforcement and restrictiveness of social distancing measures against the backdrop of a slow but steady increase in infection levels nationally. I note, at this point, that although we are debating regulations that came into force earlier this summer, which therefore pertain to the circumstances at the time, we are all cognisant of the chief medical officer's and the chief scientific adviser's recent comments and we will see what the Prime Minister announces later today.

The fourth amendment to the national regulations that came into force on 28 August created a new offence of holding or being involved in the holding of an illegal gathering of more than 30 people, giving the police the power to issue a fixed penalty notice of up to £10,000. The fixed penalty notice level has been set at such a significant amount to reflect the seriousness of organising or facilitating an unlawful gathering. It was introduced because this is considered to be particularly egregious behaviour that carries a high risk of transmission of the virus by proactively gathering a large group in breach of the restrictions under the regulations. We hold the view that that level of fine is justified on the basis that this is a narrow offence that targets those holding an illegal gathering. The prospect of an accidental breach of the restrictions is highly unlikely, given it requires an active decision to organise a large event. The regulations set out how large gatherings can be lawfully organised.

I suspect that the shadow Minister, the hon. Member for Nottingham North (Alex Norris) will raise the issue of the use of emergency powers and how the decisions are made. If he does, I look forward to responding as fully as I can in my closing remarks. We believe that it is right that we use the emergency power to amend the regulations so we can respond quickly to the serious and imminent threat to public health posed by the coronavirus. We also recognise that the national regulations have caused real disruption to people's lives and businesses, placing restrictions on who people can see, what they can do and where they can work. Just as the Secretary

of State has the legal obligation to protect public health, he is also obliged to ease restrictions as soon as it is safe to do so for businesses and others. Indeed, the Government continue to pay close attention to the measures, assessing them to ensure they continue to be necessary and proportionate and taking other steps where they are deemed appropriate. The regulations set out that a review of the restrictions must take place within 28 days. However, the Secretary of State for Health and Social Care also keeps their necessity under constant consideration between review points.

The question to be considered is whether the restrictions or requirements contained in the regulations remain necessary for the regulations' public health purposes. Each restriction must be judged by reference to its continuing necessity as the pandemic develops and based on the information available at each stage about the effectiveness and impact of the measures. That is what we are seeing at the moment with the recent updates from the Prime Minister and the chief scientific adviser. We will continue to use the best available scientific advice along with consideration of the most up-to-date data available at the time to inform decisions, and central to that continues to be a robust assessment of the rate of transmission and infection.

The Government have also undertaken significant wider analysis and evaluation of the national regulations, including consideration of economic impact, the level of compliance with the measures, the amount of enforcement needed and the impact felt by local authorities. Understanding the full impacts of the regulations is key to continuing to improve our approach to controlling the virus and we must remember we have both to protect the health of our nation and to balance that with protecting its economic health. I believe that this shows the Government's commitment to ensuring restrictions are only in place for as long as necessary, while also showing the evolution in our understanding and approach to tackling the virus.

Throughout, the Government have moved with speed to ensure action is taken rapidly to address the needs of the population as the pandemic continues. Over the summer recess, we combined that with tightening restrictions in areas with local outbreaks, alongside the easing of some restrictions nationally. That is an important balance to be struck and we have given local authorities powers to act quickly in response to local outbreaks by closing specific premises, shutting public outdoor spaces and cancelling events. I take the opportunity here in the Committee to pay tribute to the work of local authorities and local councillors up and down this country, working in partnership with the NHS, social care providers and public health officials to protect their populations and do what is right for their areas. I am extremely grateful to them for their service, as I suspect all Members are.

In that context, we asked councils to develop dedicated local outbreak plans, giving them £300 million of additional funding to support that, and published the contain framework, providing further guidance on managing local outbreaks. Where regulations have been required, the Government have worked with local partners to develop tailored and proportionate restrictions based on the best scientific evidence available, varying from a single factory to, indeed, an entire region such as the north of England. We have seen similar approaches adopted in the devolved Administrations, including recently in Wales.

Last week, colleagues will have seen new restrictions were mandated in areas of the north-east, requiring, among other things, the closure of a range of businesses linked to the night-time economy. Such interventions continue to be underpinned by scientific evidence and local data.

On Monday 14 September, colleagues will have seen the rule of six come into effect. This change brought the gathering policy from guidance into regulation, meaning that people can only gather in groups of six. That applies both indoors and outdoors. Single households or support bubbles of more than six are still able to gather together, and there are a small number of exceptions such as for work, school, weddings and organised activities. As the Prime Minister recently announced, these measures are not a second national lockdown but are aimed at preventing the need for one.

Colleagues will also have seen that on Friday we laid new regulations for businesses, which make a number of behaviours and activities already encouraged through guidance legally mandated under the Public Health Act (Control of Disease) Act 1984. If businesses and venues do not adhere to the regulations, they could be issued with a fixed penalty notice to ensure strict enforcement of measures designed to keep customers and workers safe from the virus. We will continue to seek to ensure timely scrutiny of these changes.

I am grateful to hon. Members on both sides of the Committee not only for their valuable contributions to these debates but for their continued scrutiny of the Government's response to the crisis. We continue to learn and adapt our approach to ensure that these and all restrictions remain a proportionate and necessary public health response to the threat of coronavirus. As I have said before, it is thanks to local health officials, local councils and others that we continue to bear down on the virus, but there is clearly more to do. In this context, it would be remiss of me not to thank the public, who have made huge sacrifices to try to beat the virus. It is important that we recognise the burden that places on individuals, businesses and families and that we continue to do only what is absolutely essential to tackle this public health challenge.

I believe we have met the bar set for us in such debates thus far that the regulations are proportionate and necessary. I look forward to constructive challenge, as always, from the hon. Member for Nottingham North, and I commend the regulations to the Committee.

9.37 am

Alex Norris (Nottingham North) (Lab/Co-op): It is a pleasure to serve with you in the Chair for the first time, Dr Huq. I am grateful to the Minister for his introductory remarks and his service over the last seven-plus months. Whatever we think about coronavirus and whatever our views on where to go next, Ministers have clearly been working at very high frequency for a long time, which would tire anyone. We are grateful for that important public service.

It is risky business, Dr Huq, to be on your feet speaking at the same time as your party's leader makes their speech to conference. In fact, it might be the first time that I or any colleague would be so brave. I hope the Whip will get me out of any trouble, should it be seen that I am trying to elevate my standing prematurely. I apologise to the hon. Members for Erewash and for

[Alex Norris]

St Austell and Newquay, because they may have heard some of this speech 18 hours ago, but they will see just how many of my jokes really are ad hoc rather than just delivered with aplomb.

I will start, as I did yesterday, with a couple of things about opposition in the time of covid—like love in the time of cholera, or the other way around. We have set out our stall throughout the pandemic to be a supportive Opposition. The Leader of the Opposition spoke about that on Sunday and, as I said yesterday, some of the replies to his tweet are extraordinary, saying that perhaps we should not be as supportive of these sorts of restrictions and regulations. But we are, and we think that is right.

It would be easy to fall into the narcissism of small differences that one can in opposition, with the Government saying it should be a role of six and us saying it should be a rule of seven or five. Or the Government could say, as they do in SI No. 907, that the fixed penalty should be £10,000, and we could say it should be £9,500. We are not doing any of that—it takes up time and it does not help—but that shared and collective well of goodwill has to come from being able to scrutinise what the Government choose to do and to regulate in a proper and timely manner and in a way that is effective for our constituents. I would gently say, and I will talk about this shortly, that we are on the edge of that goodwill with these regulations. In fact, we are probably past the edge.

I am sure the irony will not be lost on hon. Members of discussing legislation that reopens part of the economy as we wait to hear at half-past 11 details of it being closed down again. It will definitely affect venues that are covered in SI No. 863. I have seen it said by industry bodies, certainly about casinos, that they will hear about the retrospective rubber-stamping of their ability to reopen on the one hand and the 10 pm curfew on the other, if what has been briefed to the newspapers is accurate, and that is likely to be harmful for them.

That does not mean that it is the wrong thing to do, but when we are not discussing such matters in a timely manner, they start to look inconsistent and a bit chaotic. Part of that is inevitable because of the fast-moving pace of the pandemic, but part of it is a need for better organisation. I hope that the Minister will talk about where we might go in future on that.

We broadly support the measures and we will not divide the Committee on them, because halting the spread of the virus and keeping people safe is the No. 1 priority for us all. SI No. 863, however, came into effect nine and a half weeks ago, so we are scrutinising it long after the fact. SI No. 907 is much more recent and came into effect only three and a half weeks ago. That is pretty hard to justify. I had a similar conversation with the Minister for Public Health, the hon. Member for Bury St Edmunds (Jo Churchill), yesterday about measures that were eight weeks old. She discussed the backlog and the complications because of recess, but we had four or five sitting days after SI No. 863 came into effect on 15 July. We are running just to catch up and we are a long way behind.

We understand the need to be efficient. We never want to be in a situation where important regulations that would reduce infection rates are being held up merely because of our opportunity to talk about them, but I do not think that is the same. No one could make

a solid case for the public interest of waiting nine and a half weeks to discuss these things. It is a pattern that has been raised many times.

Craig Williams (Montgomeryshire) (Con): I welcome the constructive tone of the hon. Gentleman's speech which, in Wales, we try to emulate, given that the Welsh Labour Government are in charge of similar regulations. May I gently push back, however, since he is gently pushing, and say that the level of scrutiny that we are operating for these regulations far exceeds what we have in Wales in terms of the scrutiny of the regulations there?

Alex Norris: I am certainly no expert in the operation of secondary legislation in the Senedd; my hon. Friend the Member for Newport East might be better at that than me. From what we have in front of us, however, I know that nine and a half weeks does not work, whether that is a good level of scrutiny or not. We are here on a fool's errand, frankly. Our time is not being used in particularly constructive way. I do not know if that is revealing what is behind the curtain in a way that we are perhaps not allowed to do, but that is true. I cannot address the specific point about Wales, but I know that it will not do for us.

The issue has been raised by hon. Members on both sides of the House and, indeed, in the other place. We do not exist to rubber stamp and nobody would want us to. We are here to scrutinise, because these are exceptionally important regulations. They are important in their substance, because we are all significant stakeholders in their success, and our scrutiny of them is important because of public confidence. We need public confidence in the changes that are made because we need people to comply with them. People are smart. If they think that the process has been cooked, they will smell that a mile off.

Some 17 statutory instruments are being debated this week, all of which are in force. Recently, regulations have come into force only a quarter of an hour after they have been available to read, which does not work. Other regulations have come into force and been revoked before being discussed. That will not do; it is not proper parliamentary scrutiny. We absolutely need a solid commitment from the Government, hopefully today, or definitely soon, about how we will get upstream and catch up. I said this yesterday and I was not contradicted by my Whip so I will say it again: we would be minded to be efficient and fast-moving in our scrutiny of the backlog if it meant that we could get upstream to the consideration of the measures that are coming in.

Indeed, it seems that extra restrictions are coming in today, so when does the Minister foresee a Committee discussing them? What will be the timeline for that? The Under-Secretary of State for Health and Social Care, the hon. Member for Bury St Edmunds (Jo Churchill) asked yesterday what we would be willing to do workwise in order to be available at the right time, and my answer is whatever it takes. I hope the Whip does not contradict me; I am volunteering myself more than anything else. The Under-Secretary asked whether I would be willing to be here seven days a week. Well, yes, if that is what it takes. I have no doubt the Minister is working seven days a week. We are more than willing to match that energy.

To make a very quick point, I see lots of 2019 Members and I envy them to a great degree because they missed what we were doing this time last year on

Brexit. Putting aside the massive substance of that issue, we have an awful lot of debates, increasingly on other Bills too, on statutory instruments and the negative and affirmative procedure. Sometimes I think it looks as if we are being deliberately obtuse and saying, “That is by the negative procedure; it should be by the affirmative procedure.” Of course, that is what an Opposition would want. We do not want really significant changes such as these discussed at such a distant time period so that the discussion is meaningless and the horse is already three or four fields down. That is why it matters to us. I raised the matter at length during debates on the Medicines and Medical Devices Bill, and I know that on Second Reading peers in the other place did, too. I hope the Government can come up with something more sensible because there are significant powers under the negative procedure. I think that is disproportionate and I have explained the reasons why.

Moving back to these statutory instruments, our operating them competently proves the value of the Coronavirus Act 2020. Colleagues will have had conspiracy theory emails about coronavirus, many of which carry little value, but they will also have had a smaller number of emails that sometimes get lost in it all about very legitimate concerns to do with the Coronavirus Act—I would say rightly; we all supported it—because it gives the Government a lot of power to act swiftly to make significant regulations regarding individual freedom. The catch in that, or the check and balance in that, is that we reassure constituents that these things are scrutinised properly, and that has to be true. We cannot be far from the Act being up for renewal. I have already had emails, as others have, saying, “You had better not support it now; it is a massive breach of personal liberty”, but I do not buy that analysis. We have to be able to say that, during the six months, it has done its job competently, and we are, as I say, stretching that as a credible argument at the moment.

SI No. 907 is significant. Again, I think it is proportionate. The Minister made the point that someone cannot stumble accidentally into a party of more than 30 people. There is no way that someone acting responsibly and in line with regulations could accidentally get caught up in that. That is why the fine is significant and probably about right. How many times has it been used? I know it has definitely been used once in Nottingham—not in my constituency, but in the Nottingham South constituency. It got a lot of interest locally, which is not a bad thing because it was a good reminder of what people can and cannot do. I am interested to know how many times it has been used.

The vast majority of people have done the right thing the vast majority of the time. The Minister was right to praise the British people because they have responded incredibly in really difficult times, but the shoe has to drop sometimes, and that is the right thing to do.

I want to make a final point on testing and tracing because I cannot miss an opportunity to raise it with Ministers. This afternoon we are almost certainly going to backslide. We are going to rubber-stamp opening up parts of our economy, and in about two hours’ time we are going to close it back down again. That is not a good sign. To a certain extent it is to be expected. As infection rates rise, restrictions will increase. We have known that from the start. However, it would be less likely to happen, if at all, or would happen in a much

more modest way, if we had an effective testing and tracing operation in place, which we do not, as everybody knows. Part of the problem is that the Minister is very defensive when we raise that, but we do so it because we need it to work. A vaccine is something in the middle distance, but testing and tracing is a way to drive down infection rates today. It clearly is not operating at its full capacity—forget world-class and all the nonsense public relations elements of it. We need it to be an effective operation so that people can have confidence in it. Again, I would be very grateful for the Minister’s engagement and reflections on that.

I note that the Minister referred to sports pilots, but it seems that we are going to find out that they cannot take place. Perhaps I have a personal vested interest in that, but there will be a lot of disappointment. There will be an existential problem for a lot of clubs in our communities that are struggling. People who are desperate for one of those great pleasures in life will be very disappointed. We need that proper test and trace operation in place if we are to do everything we can to drive down infection rates. I will conclude on that point. I am grateful for the Minister’s remarks, and I hope he can address some of my points.

9.51 am

Edward Argar: I am grateful to the shadow Minister, a fellow east midlands MP, for his typically constructive tone, his well-informed and measured remarks, as ever, and his kind words about the work of Ministers in this context, even if there is political disagreement at times. As he and others will see, I am a little greyer, and there is rather less hair there than there was six months ago.

Before responding to some of the questions that the hon. Gentleman posed, which I will endeavour to answer, I reiterate the Government’s commitment to working with colleagues across the House in ensuring proper scrutiny of these regulations. I will come to his specific points in a minute. Although, as we have both acknowledged, these restrictions have been tough for people, businesses and public services, they have been absolutely necessary to protect the public, and I remain incredibly grateful for the sacrifices that people have made.

We will continue to be guided by the scientific data. I am always cautious about using the words “the science”, because as we know there are multiple views within the scientific community, and that is inevitable in the context of a new disease about which we knew virtually nothing six or seven months ago. Every day, we learn more about it. It is quite right that that debate is going on in the scientific community, because it is through that that we learn and understand more about this disease.

With the recent rule of six and the restrictions on the north-east, the Government have shown that we are willing to reimpose restrictions at a national or local level to restrict the spread of the virus where necessary. Notwithstanding the ability of the ladies and gentlemen of the press to seem to be always slightly ahead of things, I will not prejudge what the Prime Minister will say later this morning to the House. It is quite right that he does that to the House, so I will not pre-comment on what he is going to say. I would say, however—the hon. Member for Nottingham North alluded to this—that hospitality businesses, pubs and restaurants have done extraordinary work to prepare to reopen after a period of closure. We are entirely sympathetic to the impact that this has had on them. It is no fault of theirs; they

[Edward Argar]

have done everything they can to make their businesses, where people are in their businesses, covid secure. Of course, once people leave those premises, other challenges arise. The Prime Minister will set out in greater detail later this morning the response to what we are seeing, in terms of the infection rate.

The hon. Gentleman raised a point about penalty notices and fines. I am afraid that I do not have the number of £10,000 fines that have been issued, but between 27 March and 17 August, 18,683 fixed-penalty notices for a variety of infringements of regulations were issued. That, of course, is reflective not just of the number of offences but of the efforts by the police across the country. I know that they see enforcement with a fine as a last resort; they will try in the first instance to educate, engage with people and explain why they should not be doing things and why they should change their behaviour where they are contravening regulations or guidance. I pay tribute—I am doing a lot of this today, but it is right to do so—to the police around the country, who have done amazing work in very difficult circumstances.

Before I turn to the hon. Gentleman's points about parliamentary scrutiny and the nature of the process that we have followed, he mentioned briefly the testing system in this country. I will say two things on that. First, let us not fail to recognise the significant progress that has been made in getting a testing system up from scratch in the past six months. Per 1,000 of the population we are testing more people than France, Germany, Spain and Italy. In the latest figures I saw, which were possibly about a week and a half out of date, it was about 2.3 per 1,000 of our population, which is double what it is—it is about 1.15, I think—in France, Italy, Spain and similar countries.

It is important that we recognise that a huge amount has been done on testing, but the hon. Gentleman is right to highlight it. Being straight with people is hugely important in the business that we are all in—in public service and in politics. The Prime Minister was right to say that we have made progress, but there is a huge amount still to do and we need to do more to achieve it. That is why I welcomed the new Lighthouse lab, which has just about come onstream, very near me—and very near the hon. Gentleman—in Loughborough, to increase the lab testing and processing capacity, which is where the bottlenecks have been. Further lab capacity will be brought onstream in the coming weeks significantly to ramp up the capacity to process tests and thereby avoid those bottlenecks. He is right to highlight the importance of testing, but we are taking every step that we can to address those challenges within the system.

I recognise the concerns that colleagues across the House have sometimes expressed about the scrutiny of coronavirus regulations and the rules put in place due to the Government's having to rely on the emergency procedures set out in section 45R of the Public Health (Control of Disease) Act 1984. We have needed to move extremely fast both to tackle outbreaks of disease and to address behaviours that can lead to an increase in infection rates. Equally, as soon as we can safely ease restrictions, given the impact that they have had on individuals and businesses, it is right that we do not wait to do that either.

The arrangement of business in this House, as the hon. Gentleman will know, is a matter for my right hon. Friend the Government Chief Whip, the Leader of the House and their opposite numbers and, indeed, the usual channels. The hon. Gentleman will know that Standing Order 72 prevents us from taking affirmative statutory instruments until the Joint Committee on Statutory Instruments has reported on them. When regulations have to be debated, those debates take place in the light of reports from the JCSI.

The hon. Gentleman mentioned the idea of our sitting day seven days a week if necessary. Although it is always a pleasure to spend time with him, and indeed with all colleagues in the House, I would gently say, as I look at the Government and Opposition Whips, that that is a matter for the usual channels. On a serious note, I am sure that they are continuing to work closely together to find ways in which we can facilitate timely discussion and debate of the regulations.

Each statutory instrument is subject to full parliamentary scrutiny in line with the requirements of its parent Act, with the requirement that they are debated in both Houses within 28 days, beginning from the day when the instrument is made, unless during that period the instrument is approved by a resolution of each House. Timely scrutiny is important, and the hon. Gentleman will have heard me recognise that in my recent evidence to the Public Administration and Constitutional Affairs Committee. I am not a million miles away from agreeing with the reasons that he cited.

When we are taking very difficult decisions, transparency and scrutiny are hugely important in conferring legitimacy on what we are doing, and in building awareness of them and building the consent that is necessary in this country to ensure that people comply. I take his point and, as he knows, I never shy away from an opportunity to appear before the House or Committees such as this.

The hon. Gentleman rightly touched on the recess. Although I note his comments about the regulations that were made just before recess, the recess period limited our ability to introduce some of the regulations at that time. We are, however, to use his phrase, catching up a bit with the backlog. Yesterday, my hon. Friend the Member for Erewash was sitting in the same seat, going through Delegated Legislation Committee procedure. We were debating four sets of regulations, two of which were made in September. The lag between making regulations and debating them is therefore being significantly reduced. I know that she and other colleagues—ministerial and the usual channels—are working hard to try to ensure that we can debate things in a timely fashion.

Alongside that, Ministers continue to provide oral statements and answer urgent questions in the House on the broader themes of what we are doing and how we are approaching the pandemic, and to answer questions in oral questions sessions. I believe that Westminster Hall sittings may be due to resume at some point in the near future, which will provide further opportunity for scrutiny and debate. With that in mind, I am grateful to the shadow Minister and to all colleagues, and I commend the regulations to the Committee.

Question put and agreed to.

Resolved,

That the Committee has considered the Health Protection (Coronavirus, Restrictions) (No. 2) (England) (Amendment) (No. 3) Regulations 2020 (S.I., 2020, No. 863).

**HEALTH PROTECTION (CORONAVIRUS)
(RESTRICTIONS ON HOLDING OF
GATHERINGS AND AMENDMENT) (ENGLAND)
REGULATIONS 2020**

Resolved,

That the Committee has considered the Health Protection (Coronavirus) (Restrictions on Holding of Gatherings and Amendment) (England) Regulations 2020 (S.I., 2020, No. 907).—
(*Edward Argar.*)

10.1 am

Committee rose.

