



Liaison Committee

House of Commons London SW1A 0AA

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From Sir Bernard Jenkin MP, Chair

Rt Hon Boris Johnson MP
Prime Minister
10 Downing Street
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29th September 2020

Dear Prime Minister

Thank you for attending the Liaison Committee meeting on Wednesday 16th September. We look forward to hearing from your office soon, to confirm a date for a third hearing before the end of the year.

You have since made your statement to the House on the further measures necessary to contain a resurgence in the rate of Covid infection. On behalf of the Committee I would like to press two issues of general concern:

Scaling up test and trace operations

We note the statement you made in response to a question last week (to Ms Peacock, 22 September, Col 822) –

Testing and tracing has very little or nothing to do with the spread or the transmission of the disease.

We would be grateful if you could explain how this statement can be reconciled with the Government's efforts to scale up testing and tracking and the general scientific agreement about the importance of tracking and tracing contacts to containing the spread of the disease? For example, in the WMS from Lord Bethell, given on 28 July, on the question of test and trace, he wrote:

This will form an increasingly important part of our strategy for controlling the spread of the virus as the rate of infection reduces. By extending the period of time for which we ask people for information on places they have been and activities they have engaged in, we can identify common locations and potentially undetected transmission chains. This will help us to identify more people who may have been unknowingly exposed to the virus.

We would also like to understand what new measures the Government will be taking to achieve the "moonshot" of 10 million tests per day, given the widespread concern over the operation and leadership of Track and Trace so far?

In his question to you on Wednesday 16th, the Chair of the Defence Committee asked if the government would make ““greater use of our fine armed forces.” He pointed out “the one department in Whitehall that actually plans for and trains for crisis situations is the MOD”, and asked:

Please, would you consider taking more advantage of their incredible skill sets at the centre here in Whitehall and assisting with strategic planning, operational delivery, command and control, and managing the narrative.

In your opening statement last week you announced “the option to draw on military support where required to free up the police,” a very different proposition from that made above. Could you please confirm whether your decision was made following consultation with the Ministry of Defence, Home Office or Police? Concerns have been raised that this would not be an appropriate use of the Armed Forces and it is not what any member of this Committee was suggesting.

We would also like to know what lessons have been learned from the use of 102 Brigade HQ, which supervised the construction of the Nightingale hospitals and took over the command and control of the supply and contracting of PPE under Lord Deighton? The mass coordination of supply chains of testing equipment, the chemical reagents required and the potentially biologically hazardous samples from possible patients is a task that, in the timescale required, would stretch any government. Could you please outline how the lessons from those earlier logistical challenges are being applied, and could be applied in future, to delivering testing at greater scale and, in due course, arrangements for vaccine distribution?

Could you also tell us what account has been taken of the views of local authorities and Directors of Public Health about the importance of national and local partnerships to delivering Test, Track and Trace – for example, the evidence heard by the Communities, Housing and Local Government Committee on 15th June? In particular, what consideration has been given to more of the hands-on tracking and tracing being delivered at a local level, by local authority public health officers working within the overall national strategy and operating plan, alongside local NHS counterparts and the NHS app?

Parliamentary scrutiny and control over Covid emergency measures

Secondly, we note the widespread concern that the government has powers under the Coronavirus Act 2020 and the Public Health (Control of Disease) Act 1984 to apply the most exceptional restrictions on individuals and families, with severe consequences for their livelihoods and quality of life. We recognise the importance of these measures to try to contain the spread of the virus, but the Coronavirus Act was taken through both Houses with the minimum of scrutiny and the vires of

regulations under the Public Health (Control of Disease) Act 1984 has been, and may continue to be, challenged in court.

At the outset of the crisis, such measures without parliamentary scrutiny or control were more acceptable than now. It should also be noted that even the Civil Contingencies Act provides for 30 day scrutiny of emergency measures. The Joint Committee on Human Rights set out a series of concerns in its report, [The Government's response to COVID-19: human rights implications](#), published on 21st September.

Various proposals are being made that would require the approval by a vote of the House of Commons before or immediately after new restrictions come into force. The majority of us support this principle and expect that the Government will also wish to accept it. The idea that such restrictions can be applied without express parliamentary approval, except in dire emergency, is not widely acceptable and indeed may be challenged in law. We trust the Government will accept a suitable amendment or agree a motion to that effect, at the earliest possible opportunity at or before the debate on Wednesday.

Yours ever

A handwritten signature in black ink, appearing to read 'Bernard Jenkin', with a horizontal line underneath.

Sir Bernard Jenkin MP

Chair of the Committee