



Baroness Drake
Chair, Lords Constitution Committee
House of Lords
London
SW1A 0PW

MoJ ref: SUB5625

24 March 2022

Dear Baroness Drake,

EXTENSION OF PROVISIONS WITHIN THE CORONAVIRUS ACT 2020

I am writing to inform you that the Government is laying before Parliament today the Regulations which extend five temporary provisions within the Coronavirus Act 2020 for six months. The Regulations are named: The Coronavirus Act 2020 (Delay in Expiry: Inquests, Courts and Tribunals, and Statutory Sick Pay) (England and Wales and Northern Ireland) Regulations 2022.

As part of the “Living with COVID-19” plan, the Government committed to expiring all remaining non-devolved temporary provisions within the Coronavirus Act 2020, with the vast majority of these due to expire at midnight on 24 March 2022. However, there are a small number of non-devolved temporary provisions that we are seeking to make permanent through primary legislation currently before Parliament. We are therefore seeking to extend these provisions of the Coronavirus Act 2020 to ensure there is no gap in legislation before the Bills receive Royal Assent.

Since the publication of the ‘Living with COVID-19’ plan, the Government has received a request from the Northern Ireland Department of Communities to extend one further provision of the Coronavirus Act 2020 that relates to Statutory Sick Pay in Northern Ireland.

The SI we have laid today will extend these five provisions for a period of six months.

Extension of temporary provisions in England and Wales which are being made permanent via other legislation

Four of the five provisions being extended by these regulations have enabled innovations in the delivery of public services in England and Wales. The Government is seeking approval to make them permanent through other primary legislation which is currently before Parliament and due to come into force over the spring and summer. In each case, a final six-month extension is necessary in order to ensure there is no gap in the legislation that enables public service delivery. These four provisions:

- (i) disapply the obligation for a coroner to hold an inquest with a jury in relation to a death where Covid-19 is suspected to be the cause;
- (ii) extend the powers of criminal courts to make a direction enabling participation by video and audio link to any participant (except for jurors) in a criminal hearing; and
- (iii) enable most of our courts and tribunals to transmit proceedings to remote observers, including the press and the public.

These provisions are vital to court recovery and are helping courts to work more quickly through the backlog of cases and inquests which has built up during the pandemic. They will be replaced by permanent measures in the Police, Crime, Sentencing and Courts Bill, and the Judicial Review and Courts Bill which are currently making their way through Parliament.

The two Bills will not receive Royal Assent in time to enable new measures to be implemented before the four temporary provisions within the Coronavirus Act 2020 would otherwise expire (24 March). To prevent a gap in legislative provision, which would lead to an increase in the backlog of cases and demand on court and coroner services causing further delays for victims and other court users, these Regulations will extend the provisions for a period of six months. These provisions in the Coronavirus Act 2020 will automatically be repealed when permanent measures are commenced.

Extension of a temporary provision at the request of Northern Ireland

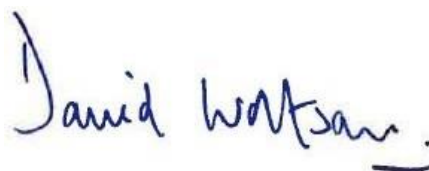
In addition to these four provisions, the regulations also extend a fifth provision within the Act (section 43) for six months. This provision disapplies Statutory Sick Pay waiting days for absences related to COVID-19 in Northern Ireland. Statutory Sick Pay is usually a transferred matter in Northern Ireland, but section 43 is not within the legislative competence of Northern Ireland. The UK Government is facilitating this extension on the formal request of the Department for Communities in Northern Ireland.

This extension does not apply to the Statutory Sick Pay powers within the 2020 Act which relate to Great Britain, which the Government has confirmed will expire as planned on 24 March. The Minister for Disabled People is available to address any queries with respect to this provision.

The Order is subject to the affirmative resolution procedure and dates for the debates have yet to be settled.

I would be happy to meet with you should you wish to discuss this further.

Yours sincerely,

A handwritten signature in blue ink that reads "David Wolfson". The signature is written in a cursive, flowing style with a small horizontal line at the end.

**LORD (DAVID) WOLFSON
OF TREDEGAR, QC**