



BRIEFING PAPER

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Renewing parts of the Coronavirus Act, new public health regulations and parliamentary proceedings

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Summary

There will be a debate in the Commons Chamber on 25 March on four motions on coronavirus legislation and parliamentary proceedings during the pandemic.

The Commons will consider whether to implement new restrictions to enable the Government's 'roadmap' out of lockdown, renew parts of the Coronavirus Act, continue using virtual proceedings and other ways of working due to the pandemic, and debate the Coronavirus Act one-year status report.¹

A motion on regulations relating to public health

This motion is to approve new regulations implementing coronavirus restrictions in England: [the Health Protection \(Coronavirus, Restrictions\) \(Steps\) \(England\) Regulations 2021](#). These implement coronavirus restrictions in different 'steps', the Government has referred to these as the "Roadmap Regulations".

The regulations would provide legislation for the measures in Government's [roadmap out of lockdown](#), published on 22 February 2021. There is no requirement to stay at home in the regulations but there are now explicit restrictions on international travel leaving the UK, from England. This means that, in the absence of the previous order to stay at home, restrictions on leaving the UK will remain.

A motion on the renewal of temporary provisions under the Coronavirus Act 2020

Under [Section 98](#) of the Coronavirus Act 2020, a six-monthly parliamentary review of parts of the Act must take place.² The motion is: "That the temporary provisions of the Coronavirus Act 2020 should not yet expire."

¹ [Order Paper No.195](#) Wednesday 24 March 2021

² Commons Library Insight, [Coronavirus Bill: Amended time limits and post-legislative review](#), 25 March 2020

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The review is **only** of provisions which are both (a) temporary and (b) non-devolved. An example of a provision that is subject to the review is [section 77](#) of the Act, which makes arrangements for the “up-rating” of certain social security benefits. However, section 76 used to establish the Coronavirus Job Retention Scheme (‘furlough’) is not temporary and will not form part of the review.

In its [statutory one-year report](#), the Government indicated that it will bring forward regulations after the Easter recess to end some of the temporary provisions of the Act.

A motion on the one-year status report on the Coronavirus Act

This motion is: “That this House has considered the one-year report on the status on the non-devolved provisions of the Coronavirus Act 2020.³”

Under [section 97 of the 2020 Act](#), the UK Government must publish, every two months following Royal Assent, a report stating how the non-devolved provisions of the Act are being used. The sixth of these reports is the “one-year status report”. [The report](#) was published on 22 March 2021.

[Section 99 of the Act](#) provides that there must be parliamentary debates of this report, in both the House of Commons and the House of Lords.

A motion on an extension to the parliamentary proceedings during the pandemic.

During the pandemic, several changes have been introduced to parliamentary proceedings, such as virtual participation in debates, an extension of proxy voting and a suspension of debates in Westminster Hall.

The temporary arrangements on parliamentary proceedings during the pandemic lapse on 30 March. A motion to extend these arrangements until 21 June will be considered during the debate on Thursday afternoon.⁴

1. Public health regulations

The first motion to be debated on Thursday is one “to approve regulations relating to public health”. The regulations referred to in this motion are: [The Health Protection \(Coronavirus, Restrictions\) \(Steps\) \(England\) Regulations 2021](#). These regulations implement coronavirus restrictions in different ‘steps,’ the Government have referred to them as the “Roadmap regulations.”

The Government have made these Regulations using powers in the *Public Health (Control of Diseases) Act 1984* (as amended). It has been using the 1984 Act powers throughout the pandemic to make and amend “coronavirus restrictions regulations.” The Roadmap regulations impose restrictions on movement, gatherings and businesses. More information about the regulations used and the measures in place throughout the pandemic is provided in the Library briefing, [Coronavirus: A history of English lockdown laws](#).

The ‘Roadmap Regulations’ were made on 22 March and will come into force on Monday 29 March 2021. They will replace the [All Tiers Regulations \(as amended\)](#) that were first introduced in October 2020.

³ [Order Paper No.195](#) Wednesday 24 March 2021

⁴ [Order Paper No.195](#) Wednesday 24 March 2021

The “urgent” power in the [Public Health \(Control of Diseases\) Act 1984](#)⁵ allows the Government to make and bring into force coronavirus regulations without *prior* parliamentary scrutiny.⁶ Parliament must approve the regulations within 28 sitting days of them being made.⁷ However, following concerns about the UK Government’s approach to making and amending lockdown laws,⁸ in September 2020 the Secretary of State for Health and Social Care, Matt Hancock, promised the Commons that “for significant national measures with effect in the whole of England or UK-wide” the Government would hold votes (wherever possible) before regulations come into force.⁹ Section 1.4 of the Library’s paper [Coronavirus: the lockdown laws](#) explains how the Government uses its 1984 Act powers to make “coronavirus restrictions” regulations.

The Roadmap Regulations legislate for the Government’s [roadmap out of lockdown](#) published 22 February 2021. As made, the whole of England would be under “step one restrictions” set out in Schedule 1 of the Roadmap Regulations.

There is a requirement under the regulations for the Secretary of State to review the need for restrictions by 12 April, and then every 35 days at least.¹⁰ The Regulations will expire on 31 June 2021.¹¹

Two changes in the new regulations that may be the subject of debate are the return of an exemption to the gatherings rule for certain protests and a new restriction specifically on international travel.

1.1 The Spring Covid-19 Response 2021

On 22 February 2021, the Prime Minister made a statement to the House of Commons setting out plans for easing lockdown restrictions in England.¹² He said that the changes would apply across England as a whole, take place in a gradual four step process, and would be subject to four tests. These are set out in the Government document, [COVID-19 Response - Spring 2021](#):

1. The vaccine deployment programme continues successfully.
2. Evidence shows vaccines are sufficiently effective in reducing hospitalisations and deaths in those vaccinated.
3. Infection rates do not risk a surge in hospitalisations which would put unsustainable pressure on the NHS.
4. Our assessment of the risks is not fundamentally changed by new Variants of Concern.¹³

The first step for relaxing lockdown restrictions has two parts; the first of this group of changes were made on 8 March.¹⁴ These mean that an individual can meet one other person outside for recreation (rather than just exercise). They also make provision for wider Covid-19 secure election campaigning prior to the May 2021 elections.

⁵ See for example: [Introductory text](#), *The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020*

⁶ [s45R](#), *Public Health (Control of Disease) Act 1984*

⁷ [s45R\(6\)](#), *Public Health (Control of Disease) Act 1984*

⁸ BBC News, [Coronavirus: Support grows for rebel MPs over law](#), 27 September 2020

⁹ HC Deb, [Coronavirus Act 2020 \(Review of Temporary Provisions\)](#), 30 September 2020, cc389

¹⁰ [r20](#), *The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021*

¹¹ [r21](#), *The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021*

¹² Prime Minister’s Office, 10 Downing Street, [PM statement to the House of Commons on roadmap for easing lockdown restrictions in England: 22 February](#) 2021

¹³ Cabinet Office, [COVID-19 Response - Spring 2021](#), 23 February 2021

¹⁴ [The Health Protection \(Coronavirus\) \(Wearing of Face Coverings in a Relevant Place and Restrictions: All Tiers\) \(England\) \(Amendment\) Regulations 2021](#)

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More information about future planned easing of lockdown restrictions is provided in the [COVID-19 Response - Spring 2021](#) document. According to the Government, England will only move through the next three next steps on the basis of the tests and data above; the final step would take place no earlier than 21 June. At this stage, it would mean no legal limits on social contact, no limits on attendance at weddings and allow larger events to take place.¹⁵

1.2 Provisions within the Roadmap Regulations

The regulations have six parts:

Part 1 sets out the circumstances where a linked household (or support bubble) or linked childcare household (or childcare bubble) may be formed between two households. It also provides for permitted outdoor gathering under certain circumstances.

Part 2 introduces Schedules 1, 2 and 3 which set out three “steps” of lockdown restrictions. The Government will be able to move England (or areas within England) between the steps by amending the Roadmap Regulations. This is comparable to how the Government moved England (or areas within England) between tiers under the lockdown law in force during the post-lockdown-two tier system.

Part 3 introduces a restriction on leaving the UK. Recent regulations implementing coronavirus restrictions required individuals to stay at home unless it was reasonably necessary to leave home for purposes such as work and education. This requirement is no longer in place but there are now restrictions on international travel. More information is provided in section 1.4 below. Part 3 also introduces Schedule 5 and 6 which lists reasonable excuses to travel outside of the UK and set out which individuals are exempt from the restrictions on leaving the UK.

Part 4 provides powers for the Secretary of State to disapply the coronavirus restrictions to a specific premises or event for the purpose of research on the potential transmission of Covid-19 in controlled environments. The Secretary of State must seek advice from the Chief Medical Officer before making such a direction.

Part 5 provides the police and others designated with powers to enforce the restrictions. These powers are like those the police already have to police lockdown laws and other coronavirus restrictions. Police powers to enforce coronavirus restrictions are discussed in the Library briefing [coronavirus: enforcing restrictions](#).

Part 6 requires the Secretary of State to review the restrictions by 12 April, and then every 35 days at least. It also provides that the Regulations will expire on 31 June 2021. It also introduces Schedule 8 which makes amendments to other coronavirus related regulations such as the self-isolation regulations, contact detail regulations and the international travel regulations.

1.3 The steps

The table below provides an overview of some of the restrictions on movement, gatherings and businesses in the Roadmap Regulations. The regulations only include provisions on steps one to three. Step four of the Government’s roadmap, when it is hoped all legal limits on social contact will be lifted, will be in place from no earlier than 21 June.

¹⁵ Prime Minister's Office, 10 Downing Street, [PM statement to the House of Commons on roadmap for easing lockdown restrictions in England: 22 February](#) 2021

England's "steps" of coronavirus restrictions

	Movement	Gatherings		Business
Step one (from 29 March)	International travel ban People are prohibited from leaving the United Kingdom without a "reasonable excuse" but are no longer required to stay at home.	Rule of six or two households (outdoors) People are prohibited from meeting inside with people not in their household/support bubble unless exemptions apply. Outdoor gatherings involving more than six people or people from only two households are prohibited unless exempted. Exemptions include gatherings of people from only two households and organised team sports.		Closures Non-essential retail must remain closed (except click and collect and delivery) Hospitality venues must remain closed (except takeaway and delivery) Close contact services must remain closed
Step two (No earlier than 12 April)	International travel ban People are prohibited from leaving the United Kingdom without a "reasonable excuse" but are no longer required to stay at home.	Rule of six or two households(outdoors) People are prohibited from meeting inside with people not in their household/support bubble unless exemptions apply. Outdoor gatherings involving more than six people are prohibited unless exempted. Exemptions include gatherings of people from only two households and organised team sports.		Restrictions Non-essential retail and personal care services can re-open. Hospitality venues may offer food and drinks outdoors.
Step three (No earlier than 17 May)	International travel ban People are prohibited from leaving the United Kingdom without a "reasonable excuse" but are no longer required to stay at home.	Large gatherings (outdoors) Large gatherings over 30 people will remain prohibited.	Rule of six or two households (indoors) No more than six people can meet indoors. There are exemptions to this, including where all the people gathering are from two households.	Restrictions Hospitality can reopen inside with table service. Businesses such as nightclubs and sexual entertainment venues must remain closed.

1.4 International travel

Since the start of the pandemic, the Government has introduced several border measures designed to contain the transmission of COVID-19 (see box 1 for some of those

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measures). A ban on international travel has never been directly legislated for. Rather, the Government has relied upon the restrictions imposed by the lockdown laws.¹⁶ The [Government's guidance](#) states that a person can only travel internationally (or within the UK) if they first have a legally permitted reasonable excuse to leave home. In other words, once you are legally permitted to leave your home, you are also legally permitted to travel.

Reasonable excuses to leave home include travel for work, educational purposes, fulfilling legal obligations and more. [Certain jobs are also exempt](#) from these restrictions (e.g. pilots).

Since 8 March 2021, (unless otherwise exempted) all travellers intending to leave the Common Travel Area (CTA) have had to complete a [travel declaration form](#), and present that form to relevant persons when directed to do so.¹⁷ This form confirms that you are legally allowed to travel abroad from England. The Government's guidance lists "some of the reasonable excuses to be outside of your home including for international travel under stay at home restrictions" and recommended evidence to support these reasons.

The lifting of the requirement to stay at home on 29 March would have meant international travel could have resumed for any purpose, subject to current entry requirements (see box). However, the Government's roadmap out of lockdown states that international travel would restart no earlier than 17 May 2021, and subject to review.¹⁸

The Government has [relaunched it's Global Travel Taskforce](#) to examine options for facilitating a safe return to international travel. The taskforce will report its findings by 12 April 2021. Based on the taskforce's recommendations, the Government will then determine when international travel (including tourism) should resume. The Taskforce is considering, amongst other things, how to implement recommendations from last year's Global Travel Taskforce, including "travel bubbles" with other countries.

Box 1: Public health (COVID-19) entry requirements

The requirements for persons returning to the UK are that:

- They must fill in a [passenger locator form](#) prior to arrival;
- They must present a [negative Covid-19 test result](#);
- They must [self-isolate for up to 10 days](#) unless they have a [valid exemption](#);
- They must take [Covid-19 tests on day 2 and day 8 of quarantine](#) at a cost of £210 per person;
- If they travel in or through any of the countries on the [UK's travel ban list](#) in the 10 days prior to their arrival in England they must [quarantine in a government-approved hotel for a period of 10 days](#) at their own expense.¹⁹

Regulation 8 of the Roadmap Regulations would provide for a specific travel ban (subject to reasonable excuses provided for in Schedule 5 and certain people listed in Schedule 6) that would make it an offence to:

- leave England to travel to a destination outside the United Kingdom²⁰; or
- travel to, or be present at, an embarkation point for the purpose of travelling from there to a destination outside the United Kingdom.

¹⁶ The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 (as amended)

¹⁷ The Health Protection (Coronavirus) (Wearing of Face Coverings in a Relevant Place and Restrictions: All Tiers) (England) (Amendment) Regulations 2021 (as amended)

¹⁸ Cabinet Office, [COVID-19 Response - Spring 2021](#), 22 Feb 2021

¹⁹ The Health Protection (Coronavirus, International Travel) (England) Regulations 2020 (as amended)

²⁰ Schedule 5 provides that persons are permitted to travel to the Common Travel Area, where that is their final destination.

The reasonable excuses listed in Schedule 5 for which international travel would be permitted largely replicates the current guidance. Moreover, those people exempted from the travel ban in Schedule 6 also largely replicates the list of those people currently exempt from the restrictions on travel, namely people working in jobs that require international travel, such as pilots, diplomats.

Penalties

As with other coronavirus restrictions offences, the police can issue a Fixed Penalty Notice (FPN) to those who commit an offence under regulation 8. FPNs offer those accused of breaching coronavirus restrictions the chance to avoid criminal proceedings by paying a fine. Those issued with FPNs under the regulations have 28 days to pay their fine otherwise court proceedings may follow. The Library has explained more about coronavirus FPNs in the briefing [coronavirus: enforcing restrictions](#).

FPNs issued for international travel offences will be valued at:

- £5,000 for leaving England or travelling to an airport or port to go to a destination outside the UK without a “reasonable excuse”.
- £200 for failing to have a “travel declaration form” at an airport or port.

The Roadmap Regulations provide the police with new powers to enforce the prohibition on leaving the UK. Police at airports and ports will be able to direct people not exempt from the international travel ban to produce or fill out a “travel declaration form”.²¹ If those directed cannot produce a travel declaration form, or the form does not provide an adequate “reasonable excuse” for travelling, the police will be able to direct the person to leave the airport or port.²²

1.5 Protests

The Roadmap Regulations would change the legal situation on protests in the lockdown laws. *Certain* protests would be exempted from the gathering’s rules in each step. This would provide the same legal exemption to gatherings rules some protests have enjoyed under previous iterations of England’s lockdown laws in force in Autumn 2020. Protests have not been explicitly exempted in this way during the third national lockdown.

How has protest been treated in lockdown laws?

Some specific types of gathering have been exempted from lockdown rules. For example, gatherings necessary for work have always been permissible throughout lockdowns. Other types of gatherings (like those for organised team sports) been exempted when more relaxed gatherings rules have been in place. *Certain* protests have been explicitly exempted at points during the last year, as detailed in the table overleaf.

The police have a duty to use their powers to enforce coronavirus restrictions in accordance with human rights legislation.²³ This means they must act proportionately when interfering with qualified rights protected by the *Human Rights Act 1998* (including the freedom of expression and the freedom of assembly).

²¹ [r10\(3\)](#), *The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021*

²² [r10\(5\)](#), *The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021*

²³ **Note:** This is a general duty which applies to all police powers.

Timeline of England's gatherings rule and protest

Lockdown one (March-July 2020)	No explicit mention of protests. ²⁴
Relaxed restrictions (July-October 2020)	No explicit mention of protest between July and September when gatherings rule prohibited gatherings of more than thirty people. ²⁵ Law amended on 14 September. Protests organised by a "a business, a charitable, benevolent or philanthropic institution, a public body or a political body" who have taken "the required precautions" are exempted from the new "rule of six" gatherings rule. ²⁶
Pre-lockdown-two tier system (October 2020)	Protests organised by a "a business, a charitable, benevolent or philanthropic institution, a public body or a political body" who have taken "the required precautions" are exempted from the tier one, two and three gatherings rules. ²⁷
Lockdown two (November 2020)	No explicit mention of protests. ²⁸
Post-lockdown-two tier system (December 2020)	Protests organised by a "a business, a charitable, benevolent or philanthropic institution, a public body or a political body" who have taken "the required precautions" are exempted from tier one, two and three gatherings rule. ²⁹ No explicit mention of protests in tier four rules. ³⁰
Lockdown three (January- March 2021)	No explicit mention of protests. ³¹

Legal commentators disagree about how the police should treat protests when lockdown gatherings rules do not explicitly exempt them. Lawyers acting on behalf of the organisers of the Sarah Everard Vigil argued that the police's responsibility to facilitate peaceful protest under human rights legislation meant the vigil could be legally planned during the third national lockdown, despite the law at that time making no specific provision to exempt protest from the gatherings rule. Lawyers acting on behalf of the Metropolitan Police Service (MPS) disagreed and argued that the lockdown law prevented the police from facilitating the protest. In his judgement Lord Justice Holgate agreed the police have a duty to consider the human rights of individuals when policing lockdown laws but **did not** make a determination as to whether protests were specifically legal under the third national lockdown law. Instead, he said the Metropolitan Police Service (MPS) and the vigil organisers should negotiate outside of court.³²

The MPS decided not to facilitate the protest and the subsequent policing of the vigil was heavily criticised in the media and by local and national politicians. Home Secretary Priti

²⁴ [r7, The Health Protection \(Coronavirus, Restrictions\) \(England\) Regulations 2020](#)

²⁵ [r5, The Health Protection \(Coronavirus, Restrictions\) \(No. 2\) \(England\) Regulations 2020 \(as made\)](#)

²⁶ [r5, The Health Protection \(Coronavirus, Restrictions\) \(No. 2\) \(England\) Regulations 2020 \(as at 14 September 2020\)](#)

²⁷ Schedule 1, Part 1, [para 3\(13\)](#), *The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020*; Schedule 1, Part 1, [para 5\(13\)](#), *The Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2021*; Schedule 1, Part 1, [para 4\(11\)](#), *The Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2021*

²⁸ [r11, The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 4\) Regulations 2020 \(as made\)](#)

²⁹ Schedule 1, Part 1, [para 2](#); Schedule 2, Part 1, [para 4](#); Schedule 3, Part 1, [para 4](#); *The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020*

³⁰ [Schedule 3A, Part 2, The Health Protection \(Coronavirus, Restrictions\) \(All Tiers\) \(England\) Regulations 2020](#)

³¹ [Schedule 3A, Part 2, The Health Protection \(Coronavirus, Restrictions\) \(All Tiers\) \(England\) Regulations 2020](#)

³² [\[2021\] EWHC 661 \(Admin\)](#)

Patel said footage “circulating online” of the event was “upsetting”. She asked Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) to conduct a “lessons-learned review” in response.³³ London Mayor Sadiq Khan called the police actions at the vigil “unacceptable” and asked HMICFRS to conduct a “full independent investigation of the events”.³⁴

Protest in the Roadmap Regulations

Protests organised by a “a business, a charitable, benevolent or philanthropic institution, a public body or a political body” who have taken “the required precautions” are exempt from the gatherings rule in each step of the Roadmap Regulations.³⁵

Regulation six of the Roadmap Regulations sets out the “required precautions”. There are two requirements; organisers must carry out a risk assessment and take “all reasonable measures” to limit the risk of transmission or coronavirus. They must use their risk assessment and any relevant government guidance to determine what the “reasonable measures” should be.³⁶

This is **identical** to how protests were exempted from coronavirus gatherings restrictions in tiers one, two and three of both tier systems. Protests were also exempted in this way in early Autumn 2020.³⁷

Non-coronavirus protest law

Outside of coronavirus legislation the police have an array powers to police protests. The Library briefing [police powers: protests](#) discusses these powers. The Government is currently proposing to amend some of these powers. Part 3 of the *Police, Crime, Sentencing and Courts Bill* contains these proposals. The Library’s [paper on Parts 3 & 4 of the Bill](#) explains them.

2. Motions relating to the Coronavirus Act 2020

2.1 Renewal of temporary provisions (section 98)

Under [section 89 of the Coronavirus Act 2020](#), most, but not all, of its provisions are caused to expire on 25 March 2022 (two years after Royal Assent). This is known as a “sunset clause”.³⁸ Many MPs raised concerns about granting a broad suite of emergency powers to the UK Government for as long as two years. As a compromise, the Government offered to amend the original Bill, to provide regular staging posts for MPs to assess, and then decide, whether the emergency powers in this Act were still needed. To that end, [section 98](#) provides for a six-monthly parliamentary review of the Act.³⁹

³³ HC Deb, [Policing and Prevention of Violence against Women](#), 15 March 2020, c25

³⁴ *BBC News*, [Sarah Everard: Met Police chief will not resign over vigil scenes](#), 14 March 2020

³⁵ Schedule 1, Part 1, [para 4\(27\)](#); Schedule 2, Part 1, [para 4\(27\)](#); Schedule 2, Part 1, [para 3\(27\)](#); *The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021*

³⁶ [r6](#), *The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021*. **Note:** other exempted gatherings must take these precautions too. These are not requirements specific to protests.

³⁷ See table above for details.

³⁸ Commons Library Insight: [Coronavirus Bill: What is the sunset clause provision?](#), 20 March 2020

³⁹ Commons Library Insight, [Coronavirus Bill: Amended time limits and post-legislative review](#), 25 March 2020

What is covered by the review?

The six-month parliamentary review does not relate to the entire Act. It is a review only of provisions which are both (a) temporary and (b) non-devolved. Some provisions of the Act are permanent, whereas others are wholly or partly subject to devolved scrutiny and oversight.

- An example of a provision which is temporary and non-devolved is [section 77](#), which makes arrangements for the “up-rating” of certain social security benefits. This provision, among others, does form part of the statutory review, because it expires on 25 March 2022 (unless extended or terminated early) and it concerns functions of UK Government ministers.
- An example of a provision which is reserved but not temporary is [section 76](#). It empowers the Treasury to direct the functions of HMRC in relation to the coronavirus pandemic. It has been used, among other things, to deliver the [Coronavirus Job Retention Scheme](#) and the [Self-Employment Income Support Scheme](#). Since [section 76](#) is a permanent provision, it does not form part of the six-monthly review.
- An example of a provision which is devolved is [section 49](#) and its associated [Schedule 19](#). These provisions grant to Scottish Ministers similar public health powers to those that the [Public Health \(Control of Disease\) Act 1984](#) already conferred on UK Ministers (with regard to England) and on Welsh Ministers (with regard to Wales). Since these powers could have been conferred by the Scottish Parliament, and since UK Ministers cannot make regulations to terminate those provisions without devolved approval, they are “devolved” provisions. They therefore do not form part of the review, even though they are temporary and, by default, expire two years after the 2020 Act was passed.

What will MPs vote on?

The six-month review takes the form of a debate and vote on a statutory motion to be moved by a Minister of the Crown. It does not involve, as such, Parliament or MPs carrying out a documented review of the different provisions in the Act. The wording of the motion to be moved is:

That the temporary provisions of the Coronavirus Act 2020 should not yet expire.

What are the consequences of rejecting the motion?

If this motion is “rejected” by the House of Commons, a Minister must, within 21 days, bring forward regulations that would cause **all** of the remaining temporary non-devolved provisions of the 2020 Act to expire early. This means that those provisions would cease to have effect. If it was considered desirable to keep any of the temporary provisions in place after the motion had been rejected, a different statutory basis for them would need to be found within the 21-day period.

Can this motion be amended?

The Speaker of the House of Commons declined to select any amendments to the first six-monthly review motion, moved on 30 September 2020. He explained:

When I became Speaker, I made it clear that I would take decisions on matters relating to procedure guided by professional advice. I have concluded, on the basis of advice that I have received, that any amendment to the motion before the House risks giving rise to uncertainty about the decision the House has taken. This then risks decisions that are rightly the responsibility of Parliament ultimately being determined

by the courts. Lack of clarity in such important matters risks undermining the rule of law. I have therefore decided not to select any of the amendments to the motion.⁴⁰

Given that this is exactly the same statutory motion, being debated again six months later it seems unlikely that amendments (if tabled) will be selected. It will not be possible, therefore, for MPs to use this vote to decide that they want only **some**, rather than **all** of the temporary non-devolved provisions of the 2020 Act to expire.

Could the 2020 Act be selectively suspended or caused to expire?

It remains open to Ministers to make regulations either suspending specific provisions of the 2020 Act ([section 88](#)), or to make regulations causing specific provisions to expire early ([section 90](#)), subject to parliamentary approval. However, MPs do not themselves have the “power of initiative” in that regard.

In its [statutory one-year report](#) (more on which below) the Government has indicated that it will bring forward regulations after the Easter Recess to cause some of the provisions of the Act to expire. The provisions to be caused to expire are expected to include:

- Sections 8 and 9 (on emergency volunteering leave)
- Section 15 (on local authority care and support)
- Section 24 (on time limits for retention of DNA and fingerprints)
- Sections 25-29 (on the food supply)
- Section 71 (on flexibilities for signatures of Treasury Commissioners)
- Section 79 (on Business Improvement Districts)
- Section 84 (on postponing General Synod elections)

2.2 The one-year status report (section 99)

Under [section 97 of the 2020 Act](#), the UK Government must publish, every two months following Royal Assent, a report setting out how the non-devolved provisions of the Act are being used. In each report, the Secretary of State for Health must make a declaration that he thinks those provisions remain appropriate.

The sixth of the two-monthly reports is also known as the “one-year status report”. [The report](#) was published slightly before the expiry of the sixth review period, on 22 March 2021.

[Section 99 of the Act](#) provides that there must be parliamentary debates of this report, in both the House of Commons and the House of Lords. The motion to be moved in the House of Commons is “a motion in neutral terms, to the effect that the House of Commons has considered the one-year status report” whereas the Lords motion “takes note” of the report.

[Standing Order No. 24B](#) of the House of Commons prohibits the tabling of amendments if, in the opinion of the Speaker, a motion is expressed in neutral terms. This motion therefore, in practice, simply represents an opportunity for Parliament to discuss the contents of the report, rather than to express the House’s view on it or related matters.

⁴⁰ [HC Deb 30 September 2020 \[Speaker’s Statement\]](#)

3. Motion relating to the extension of parliamentary proceedings during the pandemic

The temporary arrangements on parliamentary proceedings during the pandemic lapse on 30 March. A motion has been tabled to extend these arrangements until 21 June 2021.⁴¹

3.1 Virtual participation

Under current arrangements for hybrid proceedings, Members are able to participate virtually or physically in scrutiny and substantive proceedings. Social distancing is observed in the Chamber and the Speaker or Chair may limit the number of Members present in the Chamber at any one time. Participation in questions, statements and debates is managed by the Speaker or Chair through the use of published Call Lists.

The current resolution limiting the numbers of MPs in the Chamber was agreed on [2 June 2020](#) and the House allowed hybrid proceedings in scrutiny business (ie departmental questions, ministerial statements and urgent questions) on [4 June](#). Standing Orders for [English Votes for English Laws \(EVEL\)](#) are disapplied reducing the number of divisions.

A motion amending the Order of 4 June 2020 to extend hybrid proceedings to substantive business (i.e. motions and debates) was agreed on [30 December 2020](#). The Orders of 2 and 4 June originally ran from 8 June to 7 July. They were then extended to 2 September, then 3 November, then 30 March 2021 when they lapse. The current Orders were modified on:

- [2 September 2020](#) - Temporary arrangements agreed on 2 and 4 June extended until 3 November 2020.
- [22 October 2020](#) - Temporary arrangements agreed on 2 and 4 June extended until 30 March 2021.
- [30 December 2020](#) - Temporary arrangements agreed on 2 and 4 June amended to enable all MPs to participate in proceedings remotely. Such proceedings include oral questions, urgent questions and ministerial statements, debates and presentation of petitions in the Chamber.

Separate arrangements for hybrid proceedings had operated between the Easter and Whitsun recesses in 2020. The [Commons Library Timeline](#) records the changes made from March and when they applied.

3.2 Proxy voting

The proxy voting scheme for parental leave was extended to include MPs unable to attend Westminster for medical or public health reasons related to the pandemic in [June 2020](#). In [November 2020](#) the scheme was extended to include MPs present on the estate. The Temporary Order allowing this expires on 30 March 2021.

3.3 Westminster Hall

Sittings in Westminster Hall were suspended from 20 March 2020 and resumed on 5 October 2020. Sittings were again suspended on 13 January 2021. A motion allowing for

⁴¹ [Order Paper No.195](#) Wednesday 24 March 2021

virtual participation in Westminster Hall sittings (in the Boothroyd Room, Portcullis House) was agreed in [February 2021](#) to have effect from 8 March to 30 March 2021.

3.4 Procedure Committee Report

The Procedure Committee published its sixth report in their ongoing inquiry into procedure under coronavirus restrictions, [Back to the future? Procedure after coronavirus restrictions](#), on 14 March 2021. The Committee calls on the Government to:

- to ensure that hybrid proceedings in the Commons continue until the beginning of stage 4 of the Government's national roadmap [currently 21 June].
- to ensure that MPs have the opportunity to properly debate and if necessary vote on 'House business', including substantive changes to the procedure and practice of the House.

The Committee also made the following points:

- The House should eventually revert to all aspects of its pre-pandemic practice and procedure.
- The House Service should develop the capacity and capability of virtual participation, in case it becomes of future value for business continuity purposes or Restoration and Renewal.
- The Standing Orders have been pushed to the limit in recent years with the challenges of Brexit and coronavirus, and have not been substantively reviewed for some time. The Procedure Committee will undertake a thorough review of Standing Orders in the next session.

3.5 Other business affected by the pandemic

Select Committees

Temporary Order agreed [24 March 2020](#) to allow members of select committees to participate virtually in select committee proceedings and for the Chair to report resolutions of Reports of the Committee to the House, if satisfied that it represents a decision of the majority of the Committee. The Order had effect until 30 June 2020 and, unlike other temporary orders, the Speaker has the power to extend it by notifying the House. The Procedure Committee's report on [procedure after coronavirus restrictions](#) notes that the Speaker has indicated that he is content for the change to be made permanent.

Private Members' Bills

Private Members' Bill Fridays have been affected by the pandemic. The first scheduled Friday of the session went ahead as planned on 13 March 2020 but subsequent Fridays were postponed. By the end of the October, the first five PMB Fridays had taken place. But following further postponements of the later Fridays, on [13 January 2021](#), the House agreed that the House should not sit on the remaining Fridays.

On [4 March 2021](#), the House agreed to reinstate a single sitting Friday ([12 March](#)) and scheduled the remaining stages of the eight PMBs that completed their committee stage. Seven of the eight bills were given third readings that day.

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