

United Kingdom – coronavirus – effect on UK Parliament

An update as of 16 March 2020 was as follows:

Update from UK Parliament on coronavirus



16 March 2020

Parliament will stop all non-essential visitor access to both Houses from Tuesday 17 March.

From Friday 20 March [Westminster Hall debates](#) will be suspended.

With the nation currently facing extremely challenging circumstances due to coronavirus (COVID-19), steps have been taken to allow Parliament to continue to fulfil its important constitutional duties.

For more details, see <https://www.parliament.uk/business/news/2020/march/uk-parliament-coronavirus-update/>

COVID-19 – some other immediate responses around Commonwealth

Australia: Commonwealth

- [Coronavirus Economic Response Package Omnibus Act 2020 \(No. 22, 2020\) \(Aust\).](#)

Australia: Australian Capital Territory

- [COVID-19 Emergency Response Bill 2020.](#)
- [Public Health \(Emergencies\) Amendment Bill 2020.](#)

Australia: New South Wales

- [COVID-19 Legislation Amendment \(Emergency Measures\) Act 2020 \(Act No 1, 2020\) \(commenced 25 March 2020\).](#)
- See also other COVID-19 legislation at www.legislation.nsw.gov.au.

Australia: Queensland

- [Public Health and Other Legislation \(Public Health Emergency\) Amendment Act 2020.](#)

Australia: South Australia

- [South Australian Public Health \(Controlled Notifiable Conditions\) Amendment Act 2020.](#)
- [Local Government \(Public Health Emergency\) Amendment Act 2020.](#)

Australia: Tasmania

- [COVID-19 Disease Emergency \(Miscellaneous Provisions\) Act 2020.](#)

Australia: Western Australia

- [COVID-19 coronavirus: Latest updates.](#)
- [Emergency Management Amendment \(COVID-19 Response\) Bill 2020.](#)
- [Criminal Code Amendment \(COVID-19 Response\) Bill 2020.](#)
- [Family Violence Legislation Reform \(COVID-19 Response\) Bill 2020.](#)
- [Transport \(Road Passenger Services\) Amendment \(COVID-19 Response and Regional Assistance\) Bill 2020.](#)
- [Guardianship and Administration Amendment \(Medical Research\) Bill 2020.](#)
- [Supply Act 2020.](#)
- [Treasurer's Advance Authorisation Bill 2020.](#)

Canada: Federal

- [COVID-19 Emergency Response Act \(2020 c. 5\) \(Canada\).](#)

New Zealand

- [Infectious and Notifiable Diseases Order \(No 2\) 2020 \(LI 2020/31\).](#)
- [COVID-19 Response \(Taxation and Social Assistance Urgent Measures\) Act 2020 \(2020 No 8\).](#)
- [COVID-19 Response \(Urgent Management Measures\) Legislation Act 2020 \(2020 No 9\).](#)
- [Epidemic Preparedness \(Social Security Act 2018—Temporary Additional Support\) Immediate Modification Order 2020 \(SR 2020/52\).](#)

South Africa

- [Message from Parliament's Presiding Officers on Nationwide Lockdown to Combat Covid-19 Infection.](#)

United Kingdom: General

- [The Health Protection \(Coronavirus\) Regulations 2020 \(UKSI 2020 No. 129\).](#)
- [Coronavirus Bill 2019-21 \(introduced to HC 19 March 2020\).](#)
- [Coronavirus Act 2020 \(2020 c. 7\) \(UK\).](#)

United Kingdom: Northern Ireland

- [Order Paper for 31 March 2020, including Motion: Establishment of an Ad Hoc Committee on the COVID-19 response, and proposed amendments to Standing Orders.](#)

United Kingdom: Scotland

- [Scottish Parliament asked to consent to UK's Emergency Coronavirus Bill.](#)

United Kingdom: Wales

- [Update to changes at The National Assembly for Wales.](#)



Leader of the House of...

@CommonsLeader

Follow



During today's Business Questions @Jacob_Rees_Mogg thanked @cabinetofficeuk @ParliCounsel_UK team for drafting the Coronavirus Bill - the emergency legislation introduced today in Parliament.



10:14 AM - 19 Mar 2020



Ruth Fox

@RuthFox01

Follow



A very topical example of how delegated legislation can be so useful. By reason of 'urgency' this Statutory Instrument becomes law immediately, before Parliament considers it, so public health measures can be taken quickly to respond to #COVID19 #SIWatch

Hansard Society @HansardSociety

The Statutory Instrument making #COVID19 a notifiable disease has just been published. Made y'day (Thurs 5/3) & into force immediately. Made using emergency procedure in Public Health (Control of Disease) Act 1984 - no need for parliamentary approval 1st. #SIWatch [legislation.gov.uk/ukSI/2020/237/...](https://legislation.gov.uk/ukSI/2020/237/)

8:48 AM - 6 Mar 2020

For some commentary, see also <https://binghamcentre.biicl.org/publications/rule-of-law-monitoring-of-legislation-coronavirus-bill>:

**BINGHAM
CENTRE FOR
THE
RULE
OF
LAW**

Rule of Law Monitoring of Legislation – Coronavirus Bill

Dr. Ronan Cormacain

See also T Konstadinides and L Marsons, 'Covid-19 and its impact on the constitutional relationship between Government and Parliament', U.K. Const. L Blog (26th March 2020) (available at <https://ukconstitutionalaw.org>).



Matthew Waddington

@mattwadd

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Today was a bit of a lull in the frantic filling of legislative gaps for coronavirus. Now at the stage of "working from home", but not yet at "locked down". So in a lull I was able to cycle off & look at the sea in the sunshine- always a refreshing sight in this beautiful island.



10:32 AM - 26 Mar 2020



Alex Gordon

@cribbagepegging

Follow




This shows an amazing feat of civil service endeavour and excellence at all levels and in all parts of the UK.




Leader of the House of Commons @CommonsLeader

✓ The Coronavirus Bill has been given Royal Assent and is now an Act of Parliament.




12:50 PM - 25 Mar 2020

 **Elizabeth Gardiner**  @1ParliCounsel · Mar 25 

I second that and add my thanks to the dedicated and professional team of parliamentary counsel who have done a remarkable job producing this important bill in a matter of days and supporting one another. @ParliCounsel_UK

Jonathan Jones  @PermSecGLD

Many thanks to scores of lawyers across government who have worked so hard under pressure to produce this essential legislation.
twitter.com/ukhouseoflords...

 3  14  91

 **Jeff King**  @jeff_a_king  

Replying to @1ParliCounsel @ParliCounsel_UK

As one of the few lawyers that was, as adviser to the Lords Constitution Committee, charged with reviewing the Bill line by line, both myself and colleague Tierney were amazed by the drafting, and the astonishing challenge of integrating this scheme into existing law so quickly.

7:36 AM - 26 Mar 2020

8 Likes        

 1   8

 **Elizabeth Gardiner**  @1ParliCounsel · 14h 

Replying to @jeff_a_king @ParliCounsel_UK

Good to hear!

   1

United Kingdom – Elizabeth Gardiner CB QC (Hon)



ParliamentaryCounsel

@ParliCounsel_UK

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Congratulations to Elizabeth Gardiner, First Parliamentary Counsel, who was appointed as Queen's Counsel (honoris causa) today
[@1ParliCounsel](#) [#QCceremony](#)



5:28 AM - 16 Mar 2020

In the United Kingdom, changes to will witnessing formalities are being discussed. A major overhaul of probate legislation is on the agenda, as the government urgently looks to change requirements around witnessing wills in the wake of the coronavirus outbreak. The Law Society and the Ministry of Justice are discussing ways to deformalise the signing of wills and to make it quicker to register for lasting powers of attorney. [Read more.](#)

See *also*, from New Zealand, an opinion on administration of Oaths and Declarations in circumstances of mandatory self-isolation, sought from Barrister Paul Collins. <http://ow.ly/ah8j50yXfAO>



NZ Law Society

@nzlawsociety

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An opinion on administration of Oaths and Declarations in circumstances of mandatory self-isolation, sought from Barrister Paul Collins.

ow.ly/ah8j50yXfAO

COVID-19

Opinion: witnessing Oaths and
Declarations under mandatory isolation



New Zealand
Law Society
Te Kāhui Ture o Aotearoa

1:00 PM - 27 Mar 2020



Legislative Drafting Office,...

@JerseyLDO

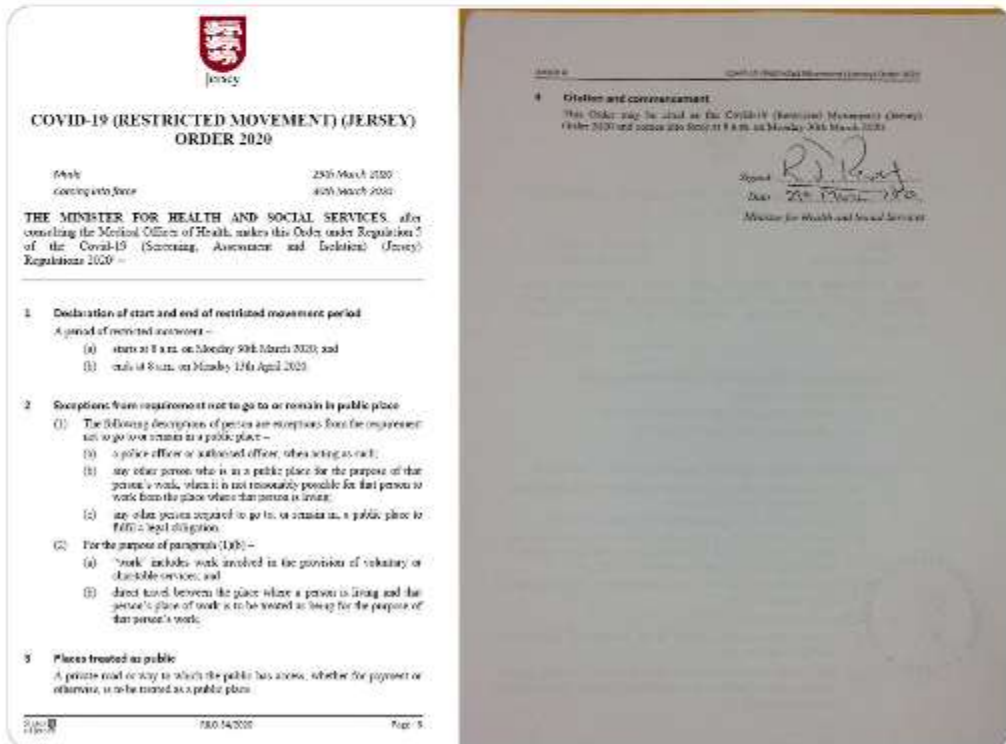


The Covid-19 (Restricted Movement) (Jersey) Order 2020 was made by the Minister earlier this evening, and we published it on @Jerseylegalinfo shortly after.

It comes into force tomorrow morning at 8am.

jerseylaw.je/laws/enacted/P...

See @GovJersey for guidance.



12:52 PM - 29 Mar 2020

New Zealand – Cooke J “without expectations of drafting perfection”

“Perfect coherence of provisions of this kind would [require] much of legislative drafters. The legislation must be made to work as Parliament appears to have intended without expectations of drafting perfection.”: [C v R \[2020\] NZHC 225](#) at [38] per Cooke J (in respect of provisions in the Criminal Procedure (Mentally Impaired Persons) Act 2003 (New Zealand)).

United Kingdom – Rules-as-Code knowledge-sharing session



Matthew Waddington

@mattwadd

Follow

Just back from very useful
[#RulesAsCode](#) knowledge-sharing
session organised by Bank of England &
[@ParliCounsel_UK](#) (thanks [@Lenorbury](#)).
Great food for thought from such a
variety of initiatives in/around UK
(inspired by work in NZ, NSW & Canada).
Pleased to share Jersey's news
1/2



2:21 PM - 28 Feb 2020

For more information, see pic.twitter.com/aQVTXJqtJT.

Jersey – New Zealand PCO drafter on secondment – A kiwi in Jersey



I have been in working as a Legislative Drafter at the Jersey Legislative Drafting Office since November 2019, taking leave from my role as a Parliamentary Counsel with the New Zealand Parliamentary Counsel Office.

In some respects, the work here is very similar to what I do in New Zealand. However, there are quite a few differences between Jersey and New Zealand that lead to some interesting and sometimes confusing differences in the work. The Jersey office is

much smaller than the New Zealand office and is located within the States Greffe, which is the equivalent of New Zealand's Office of the Clerk. Regulations, though secondary legislation, are more like what I would call an Act, since they are debated in the States (Jersey's Parliament). Laws are also like Acts, and require Royal Assent given by the Queen in Council, but can be (and often are) amended by Regulations. Added to that is the relationship with the UK and the EU, something that I don't have to think about in New Zealand. It has been a good challenge to apply my drafting skills to this different context.

On a personal note, living in Jersey is really enjoyable. The people are lovely and my 3 kids have settled in well at the local school (one of my children even has a Kiwi teacher!). The proximity to all that Europe offers is great, although tempered at the moment by the COVID-19 threat. Thankfully, there's surprisingly a lot to do here for such a small island.


There are, of course, also challenges on the personal front. My Australian colleague (April Eisner from the NSW Parliamentary Counsel's Office) seems to be easily understood by the locals. Me, not so much. It seems the Australian vowel sounds (while patently incorrect) are easier for Jersey folk to understand than the (far superior) Kiwi vowel sounds. I also get lost surprisingly frequently, even on the way to my local grocery store – there are a lot of very narrow, confusing roads on this tiny island.

To anyone considering an overseas secondment, I would highly recommend it.

Zoë Rillstone, Jersey



United Kingdom – UK PCO speaks to Sussex Law Students about legislative drafting as a career

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@ParliCounsel_UK

Thank you @SussexLaw for inviting us to speak to your students yesterday about the work of @ParliCounsel_UK and @GovernmentLegal. We had a great time with you discussing legal careers in government, the legislative process and the intricacies of drafting!



4:05 AM - 28 Feb 2020

United Kingdom – closing event marking 150th anniversary of OPC



Elizabeth Gardiner ✓

@1ParliCounsel

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Thank you to the Westminster Abbey Institute for hosting [@ParliCounsel_UK](#) today [@wabbey](#). An inspiring afternoon with thoughtful contributions from all the speakers. A fitting close to our 150th anniversary celebrations.



1:22 PM - 6 Feb 2020

New Zealand – Review of Standing Orders 2020 – submissions

New Zealand’s House of Representatives is conducting its [Review of Standing Orders 2020](#). This Review is done by the House’s Standing Orders Committee with a view to recommending that the House adopt revised Standing Orders for the next (53rd) Parliament. That Parliament will be elected at the next general parliamentary election. Earlier in 2020, the Prime Minister announced that election would be held on 19 September 2020. However, the Electoral Commission is looking at the potential impacts of COVID-19 for people working and voting in [the 2020 General Election and associated referendums](#).

In October 2019, the Clerk of the House of Representatives made a detailed [Submission on the Review](#). The submission discusses a number of proposed changes to Standing Orders under the heading “Improving legislative quality”.

New Zealand PCO also made, on 4 November 2019, a [Submission on the Review](#). The submission also proposed various procedural changes, with the overall objective of improving legislation for its users.



Northern Ireland – same-sex marriage



Julian Smith MP ✓

@JulianSmithUK

Follow



A very good end to the day - signing the new same sex marriage regulations for Northern Ireland. Same sex couples in NI will now be able to marry by Valentine's Day 2020.



2:30 PM - 19 Dec 2019

United Kingdom – talk by Adam Wagner on how courts approach sections 3 and 4 of the Human Rights Act 1998 (UK)

ParliamentaryCounsel [Follow](#)
@ParliCounsel_UK

Our thanks to [@adamwagner1](#) who was at 1 Horse Guards Road earlier today to give Parliamentary Counsel and [@cabinetofficeuk](#) legal advisers a fascinating talk about the way that the courts approach sections 3 and 4 of the Human Rights Act 1998.



8:12 AM - 25 Feb 2020

United Kingdom – Lady Arden’s talk to mark 70th anniversary of Commonwealth Secretariat



Andy Beattie

@CPCandyb

Follow

Pleasure to hear Lady Arden mark the 70th anniversary of @commonwealthsec with wonderful talk about the essential protection of the rule of law @CL_legal



1:05 PM - 9 Dec 2019



Cayman Islands – judicial review – protective costs orders

Protective cost orders in judicial review are a matter of particular interest in many jurisdictions.

Judicial review challenges based on human rights or environmental rights may serve the public interest.

However, judicial review litigants may, if unsuccessful in their challenge, lack the resources to be able to comply with orders to pay the other parties' costs. It is in order to facilitate greater access to justice for such important matters, which often affect a majority of the population (and not just the applicants' private interests), that protective costs orders (or "cost capping" or "maximum costs" orders) are made.

Earlier in 2020, in the Cayman Islands Courts, [the Chief Justice granted a Protective Costs Order](#) to a litigant in person who is part of a group of people who successfully brought a petition for a people-initiated referendum (PIR) in protest against the Government's plans to build a new port. The new port is intended mainly for large cruise ships, who want to avoid tendering boats collecting their passengers from the ship, and instead want to be able to dock at a pier overnight. The protest was due to the fact that the new port would damage, irreparably, the marine environment (eg, many reefs and corals, etc).

However, although the Government agreed to hold a referendum on the issue, there was no framework referendum legislation in place to support the PIR that the Constitution made provision for. The Government therefore enacted, in a short time, a [Referendum Law](#), but did not also put in place a general framework concerning referendums, and didn't provide sufficiently for many things that would have been required to make the referendum processes and procedures fairer.

One of the members of the group for the People's Initiated Referendum, and against the Port project, decided to pursue the challenge in her name, and therefore sought the protective costs order from the Court. [The National Trust \(for protection of the environment\) decided to join in the proceedings in support of the applicant](#), as they were both arguing similar points.

The protective costs order made in this judicial review matter concerns the challenge to the Referendum Law which was enacted in a short period of time to facilitate a PIR, to allow people to vote "yes" or "no" on the Government initiated-port project. There has been mounting public opposition to the project, due to concerns that the project would inevitably result in vast environmental damage and destruction, in particular, to the marine life and sea. Importantly, in the Cayman Islands, there is a constitutionally-entrenched Bill of Rights that includes a right to the protection of the environment.

[The Referendum Law was on 2 March 2020 quashed by a Judge of the Cayman Islands Grand Court.](#) Mr Justice Tim Owen QC, Acting Justice of the Grand Court, found that the Referendum Law is incompatible with s 70 of the Constitution because that Law fails to satisfy the requirement for a general law governing all s 70 referendums and is itself not in accordance with such a law. The Cayman Islands Premier indicated the Government would appeal [Owen's decision](#). The Government's appeal was [reportedly](#) filed on Wednesday, 4 March 2020.

New South Wales and Northern Ireland: a drafting exchange across the globe



CALC member Michael Andrews has recently returned to the New South Wales Parliamentary Counsel's Office in Sydney, Australia, having spent 18 months in Europe completing the Erasmus Mundus Joint Masters Degree in Parliamentary Procedures and Legislative Drafting (EUPADRA), which included a practical placement at the Office of the Legislative Counsel (OLC) in Belfast, Northern Ireland.

Michael's exchange to OLC came at an interesting point in the constitutional history of Northern Ireland, where the continuing uncertainty over the end result of Brexit was combined with an extended period during which the Northern Ireland Assembly was without an executive.

Michael says: 'You'd think that Sydney and Belfast couldn't be further apart – politically, legally, and, of course,

geographically! – but my time at the OLC in Northern Ireland was fascinating not only because of the differences I observed but also because of the similarities. Beyond the obvious contrast between a legislature in a devolved unitary state and a legislature under federalism, it was interesting that New South Wales and Northern Ireland both decriminalised abortion almost simultaneously – NSW through the [Abortion Law Reform Act 2019 \(NSW\)](#), which received assent on 2 October 2019, and Northern Ireland by virtue of section 9 of the [Northern Ireland \(Executive Formation etc\) Act 2019 \(UK\)](#), which came into force on 22 October 2019. (CALC Newsletter editor: On 24 March 2020, New Zealand's [Abortion Legislation Bill](#) (164—3) 2019 awaits a third reading.)

'Thank you to the current and former Parliamentary Counsel of New South Wales (Annette O'Callaghan and Don Colagiuri SC) and the First and Second Legislative Counsel in Northern Ireland (Immediate Past President of CALC Brenda King and Alex Gordon) for facilitating what I hope was a mutually beneficial drafting placement.'

Michael hopes the NSW PCO will one day be able to welcome his Belfast colleagues to Sydney!



Incorporation by reference – typology of referencing in regulation

Referencing in pieces of regulation is becoming more common in a globalised and interconnected world.

Jurisdictions recognise that other bodies or organisations, both within and outside their jurisdiction, have more expertise in a given sector, and so it makes sense to reference such bodies or organisations.

In fact, such referencing, or citation, is justified based on efficiency, limited resources, and consistency.

However, some referencing has not been conceived well. Some Commonwealth jurisdictions do offer guidance, in their respective drafting manuals, on how to reference (eg. how to reference other legislation within the jurisdiction). However, such guidance is not complete.

For a roadmap of considerations that a regulator ought to take into account before making a reference that is external to the piece of regulation, see [this howtoregulate article](#).

Regulatory architecture

Legislative and regulatory acts rarely exist in an isolated way. So it is important to fit them well into the overall regulatory architecture for the given sector or field.

To that end, we need to look more closely at how these acts relate to each other.

For an examination of how best to position a legislative or regulatory act in the overall regulatory architecture, see [this howtoregulate article](#).

Valerie Thomas
Manager, Regulatory Institute ASBL
(BCE: 718994880)
Brussels and Lisbon
+351 912 870 672
www.howtoregulate.org



Drafting manuals and other resources

CALC provides links to online drafting manuals and other resources.

[View Drafting manuals and other resources page](#)

CALC webpage – Links to drafting manuals “and other resources”

At CALC’s webpage (www.calc.ngo), the Drafting manuals page is now expanded to include links to other online resources – at [Drafting manuals and other resources page](#).

Recent additions are—

- Regulatory Institute Handbook: How to Regulate? (2014):
- Plain English articles – Michigan Bar Journal.

To suggest links to other online resources which could be usefully added to this page, please email Ross.Carter@pco.govt.nz.

Other resources

Resource	Link
Athabasca University - Webinars	http://pbdld.athabascau.ca/openaccess/webinars.php
Hamlyn Lecture 2017 - Andrew Burrows - Statutory Interpretation	https://www.law.ox.ac.uk/news/2017-11-10-hamlyn-lecture-2017-andrew-burrows-statutory-interpretation
Plain English articles - Michigan Bar Journal	https://www.michbar.org/generalinfo/plainenglish/home
Regulatory Institute - Handbook: How to Regulate? (2014)	https://www.howtoregulate.org/wp-content/uploads/2015/04/Handbook-INT-V1-3.pdf

New CALC members

New members since November 2019

The following have been recorded as members of CALC (a) since 25 November 2019 (the date when new members were last listed in the *CALC Newsletter* (November 2019 edition, as published on 6 December 2019), and (b) as at 29 March 2020.

Name	Country
Binning, Tim	Dubai
Kwaw-Swanzy, Ama Benieh	Ghana
Rossi, Matthias	Germany
Williams, Violet	Saint Kitts and Nevis
Keogh, Lucy	Australia
Jallow, Sulayman	Gambia
Earle, Nicola	Gibraltar
King, Sandra	Hong Kong
Mothibe, Mothibe Andreas	Lesotho
Abd Karim, Ida Hanani	Malaysia
Soo, Kok Weng	Malaysia
Lawal, Fatai Thompson	Nigeria
McCloy-Stevens, Carla	United Kingdom
McNamara, Siobhán	Ireland
Powick, Anna	Jersey
Boyko, Marika	Canada
Kelly, Ann-Marie	Ireland
Mbutu, Stephano	Tanzania
Berbotto, J. Angelo	Australia
Hannah, Kate	Australia
Smith, Rebecca	Australia
Gibson, Odecca	Bahamas
Das, Mousumi	Bangladesh
Nayan, Qhairul Azim	Brunei Darussalam
Beck, Angela	Canada
Duperreault, Charles	Canada
Nawaqakuta, Vuetaki LR	Fiji
Baker, Wynette	Grenada
Wong, Winnie	Hong Kong

Name	Country
Gulati, Devika	India
Afzal, Muhammad	Pakistan
Mutebi, Beatrice	Uganda
Eggeling, Mark	United Kingdom
Jones, Dafydd	United Kingdom
Jones, Dewi	United Kingdom
Mukaratirwa, Jameson Mupariwa	Zimbabwe
Prentice, Mark	New Zealand
Jones, Nick	Australia
Ross, Melanie	Australia
Rosario, Craig	Canada
Salomon-Labbé, Carmelle	Canada
Stephenson, William	Canada
Morgan, Paul	United Kingdom
Owen, Peter	United Kingdom
Perkins, Amy	United Kingdom
Shah, Neil	United Kingdom
Wetherall, Anthony	Australia
Edmondson, Susan	Australia
Hossen, S M Shafaet	Bangladesh
Vranckx, Saara	Namibia
Gledhill, Suzanne	New Zealand
Harcourt, Christy	New Zealand
Hayes, Julia	New Zealand
McIver, Linda	New Zealand
Chaudhary, Irfan	Pakistan
Latif, Rubia	Pakistan
Saleem, Sara	Pakistan
Kuelinad, Fredrick	Papua New Guinea
Davies, Stephen	United Kingdom
Stevenson, Melanie	United Kingdom
Chester, Nathan	Australia
Siwale-nchito, Nachimata	Zambia



Secretary Contact Details

To contact CALC's Secretary, Ross Carter, about membership or any other CALC matters (for example, to suggest or send items for this *CALC Newsletter*), email: ross.carter@pco.govt.nz



REFORMATIVE LEGISLATION. NEW LEGISLATION.

Much Needed Legislation. ADVANCED LEGISLATION.

(Old New Zealand newspaper headlines — courtesy of [Papers Past](#))