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6 May 2020

Dear Sirs

THE HEALTH PROTECTION (CORONAVIRUS) (ENGLAND) REGULATIONS 2020: THE PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984

Thank you for your Pre-action Protocol ('PAP') letter dated 30 April 2020 concerning the lawfulness of the Health Protection (Coronavirus) (England) Regulations 2020 ('the Regulations') and the Health Protection (Coronavirus, Restrictions) (England) (Amendment) Regulations 2020 ('the Amendment Regulations').

We confirm that we represent the Secretary of State for Health and Social Care ('SSHSC'), who is the proposed defendant in this matter.

You have requested an urgent response to your PAP letter by 4pm on Thursday, 7 May 2020, which is 7 days from the date of receipt.

The proposed action requested in your PAP letter is for the SSHSC to direct that all restrictions imposed by the Regulations are terminated by Tuesday 12 May 2020. Your letter raises a number of proposed grounds of challenge and makes various detailed points across 22 pages.

We will not be in a position to provide a substantive response by Thursday 7 May 2020. We will endeavour to respond within the usual PAP timeframe of 14 days, i.e. by 4pm on Thursday 14 May 2020.

By that time, there will have been further developments relevant to the issues raised in your letter. You will be aware that the Regulations and the Amendment Regulations were debated and approved by the House of Commons on 4 May 2020 in line with the requirements of s.45R of the Public Health (Control of Disease) Act 1984. The House of Lords will debate the same regulations on 12 May. Further, the Government continues to keep all of the measures set out in the Regulations under active review against the information and evidence available. Full formal reviews of the Regulations take place at least every 21 days. The next such review is due to be completed by 7 May 2020.

[REDACTED]



In the meantime, you may be aware that a number of SAGE documents have now been published.¹

Moreover, although your letter is expressed to be urgent, the Regulations have already been in place for nearly 6 weeks (since 26 March 2020) and your client has not taken any action to challenge them within this time.

It is therefore both necessary and appropriate in these circumstances for our client to prepare his response to your letter in line with the normal 14-day timeframe and taking account of the important developments which will have ensued by that date. It would plainly not be appropriate, and indeed it would be premature, for you to issue proceedings before receiving our client's response.

Please direct all future correspondence to myself, copy to my colleague [REDACTED]
[REDACTED]

Yours faithfully

[REDACTED]

For the Treasury Solicitor
[REDACTED]

¹ <https://www.gov.uk/government/groups/scientific-advisory-group-for-emergencies-sage-coronavirus-covid-19-response>