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## By email

Date 3 July 2020  
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Dear Sirs

### **The Queen (on the application of) Simon Dolan & Anor v The Secretary of State for Health & Social Care & Anor**

We refer to yesterday's hearing before Lewis J during which the subject of yet further potential changes to the existing lockdown laws was discussed.

As you know, we consider it to be a matter of serious concern that the Government has fallen into the habit of announcing changes to the lockdown rules in advance for political / PR purposes but only publishing the actual law that governs them at the very last moment. We cannot see any justification for this and view it as a clear abuse of the emergency procedures for statutory instruments. It also effectively removes the opportunity for proper parliamentary scrutiny of the legislation.

On 23 June, the Government announced that changes would be made to the lockdown as from tomorrow. That was well over a week ago, yet no draft legislation appeared in the aftermath of the announcement. Nor had some of the promised additional guidance on such matters as data protection compliance for establishments that were due to open and collect customer data such as pubs and restaurants.

Yesterday during the hearing, Sir James Eadie QC stated that new regulations were afoot. It is now less than 24 hours before such regulations must come into force if the changes previously announced by the Government are to become law. Yet there is still no sign that the new regulations have been published. (We have been checking the relevant legislation portal regularly).

It was agreed at yesterday's hearing that we would be entitled to make submissions in relation to any such regulations ahead of Lewis J delivering his judgment.

The continuing absence of the legislation is not only unsatisfactory from the point of view of those who are expected to comply with it but is also highly unsatisfactory in the context of these proceedings.

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Will you therefore please take instructions from your client and provide us with a copy of the new regulations as a matter of urgency.

Yours faithfully

*Wedlake Bell LLP*

Wedlake Bell LLP

cc

