

UK Government Proposes the Coronavirus Bill 2020 – Key Takeaways

March 23, 2020

On 19 March 2020, the UK Government published the Coronavirus Bill 2020, which sets out emergency powers and reforms to address the growing public health crisis. The government identified four key areas that the legislation seeks to address: (i) enhancing capacity and the flexible deployment of staff; (ii) easing of legislative and regulatory requirements; (iii) containing and slowing the coronavirus; and (iv) managing the deceased. We outline below the key takeaways for Cooley clients.

Statutory Sick Pay

Current legislation requires that employers pay Statutory Sick Pay to eligible employees who are unable to work due to sickness. Given that some forecasts predict up to a fifth of the workforce could be eligible for SSP at the peak of the coronavirus spread, the rules surrounding SSP are being altered to assist small-to-medium enterprises in managing any excess SSP costs.

The government proposes to rebate the cost of additional SSP payments that SMEs pay to employees for COVID-19 related absences. The rebate will be capped at two weeks of SSP payments per employee. In addition to the proposed rebate, SSP will become payable from the first day of an employee's absence meaning that the current three-day waiting period will be temporarily suspended for cases relating to the coronavirus. The exact mechanism for the payment of the rebate has not yet been finalised.

Powers relating to events, gatherings, premises

The government will be empowered to close premises and restrict or prohibit gatherings or events in the UK to help prevent, protect against, delay or otherwise control the transmission of COVID-19. As we have already seen in other jurisdictions, brick-and-mortar stores, business premises and other social venues are closed in order to discourage people from breaking social distancing guidelines.

Courts and tribunals: remote technology

Where possible, and particularly for criminal proceedings, the Courts and Tribunals Service is to hold hearings entirely remotely via video-conference.

Food supply disruption

In the event / risk of disruption to the food supply, the government will be empowered to compel specified information (e.g. level of particular food stocks) from individuals or companies in the food supply chain if it has not been provided voluntarily on request or the information provided is false or misleading to a material extent.

Suspension of port operations

In the event that the staffing levels of the UK Border Force are reduced to unreasonably low levels by COVID-19, the government will be empowered to suspend operations, either wholly or partially, in specific ports. While this power can be used only when the government has exhausted alternative mitigation tactics, it is a draconian measure that could cause significant disruption in supply lines if exercised. Failure to comply with the suspension of operations would be considered a criminal offence.

Further advice

If you would like to know more about how these proposed changes may affect your business, then please do not hesitate to contact any of the team members here.

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