

## The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, as amended

This document has been prepared by the Office of the Legislative Counsel in the Welsh Government. It is intended for illustrative purposes only to assist the reader of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, to understand the subsequent changes made to those Regulations.

The Coronavirus Restrictions Regulations originally came into force on 20 December 2020. Subsequent amendments made to them, up to and including amendments which came into force on 17 July 2021 are shown on a separate document available from [LegislativeCodesOffice@gov.wales](mailto:LegislativeCodesOffice@gov.wales)

This document shows amendments made to the Coronavirus Restrictions Regulations from 18 July 2021 onwards.

- When text is **omitted** by the amending Regulations, text is ~~struck through and presented in red text~~
- When text is **inserted** by the amending Regulations, text is underlined and presented in blue text
- A superscript number, for example <sup>1, 2, 3</sup>, refers to the relevant note in the box that follows an amended regulation or Schedule.

It is not an official version of the principal Regulations, a copy of which may be found on the [legislation.gov.uk](https://legislation.gov.uk) website.

The principal Regulations have been amended, as follows:

<i>Regulations</i>	<i>Came into force</i>
The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) Regulations 2020	19 December 2020 at 11.59 p.m.
The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 2) Regulations 2020	22 December 2020 at 12.01 a.m.
The Health Protection (Coronavirus, South Africa) (Wales) Regulations 2020	24 December 2020 at 9.00 a.m.
The Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (Wales) Regulations 2020	9 January 2021 at 4.00 a.m.
The Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 2) (Wales) Regulations 2020	15 January 2021 at 4.00 a.m.
The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) Regulations 2021	20 January 2021
The Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 3) (Wales) Regulations 2020	22 January 2021 at 4.00 a.m.

<i>Regulations</i>	<i>Came into force</i>
The Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 4) (Wales) Regulations 2020	29 January 2021 at 4.00 a.m.
The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 2) Regulations 2021	30 January 2021
The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 3) Regulations 2021	20 February 2021
The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 4) Regulations 2021	27 February and 1 March 2021
The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 5) Regulations 2021	13, 15 and 22 March 2021
The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 6) Regulations 2021	27 March 2021
The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 7) Regulations 2021	12 April 2021
The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 8) Regulations 2021	24 and 26 April 2021
The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 9) Regulations 2021	3 May 2021
The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 10) Regulations 2021	17 May 2021 at 6.00 a.m.
The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 11) Regulations 2021	7 June 2021 at 6.00 a.m.
The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 12) Regulations 2021	8 June 2021 at 6.00 p.m.
The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 13) Regulations 2021	21 June 2021
The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 14) Regulations 2021	17 July 2021
The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 15) Regulations 2021	7 August 2021
The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 16) Regulations 2021	28 August 2021
The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 17) Regulations 2021	11 October 2021 at 7.00 a.m.
The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 18) Regulations 2021	9 October 2021

**This document has been prepared by the Welsh Government to assist readers of the legislation, but is not an official version of the Statutory Instrument or the Explanatory Note**

The principal Regulations contain an Explanatory Note, but that Note is not part of the Regulations themselves. The Office of the Legislative Counsel has updated the Explanatory Note, in this document only, to further assist the reader of the legislation.

Date of issue: 08 October 2021

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Part 2A of the Public Health (Control of Disease) Act 1984 enables the Welsh Ministers, by regulations, to make provision for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Wales.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales. The Regulations impose requirements and restrictions on individuals, businesses and others.

There are 9 Parts to the Regulations.

**Part 1** provides that these Regulations come into force on 20 December 2020 and expire at the end of the day on 26 November 2021. It also provides that the Regulations must be reviewed regularly to ensure that the restrictions and requirements imposed remain proportionate.

**Part 2** imposes 4 different levels (Alert Levels 1 to 4) of restrictions on people gathering, on organising events and on the use of premises of specified businesses or services that are ordinarily open to the public. The restrictions of Alert Levels 1 to 4 are set out in Schedules 1 to 4 respectively. Schedule 5 sets out which alert level applies to an area, or may provide that no alert level applies to an area.

Following the making of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 15) Regulations 2021, no alert level applies to Wales. This means that none of the restrictions and requirements in Schedules 1 to 4 to the principal Regulations apply (but see further below for a summary of what those restrictions and requirements entail).

The restrictions and requirements in the other Parts of the Regulations (aside from Part 2 and Schedules 1 to 4) continue to apply to Wales.

**Part 3** imposes requirements on people who have tested positive for coronavirus and their close contacts. Regulations 6 and 7 provide that adults and children who have tested positive for coronavirus must not leave the place they are living for 10 days (except in the circumstances provided for by regulation 10). Regulation 8 provides that adults who have had “close contact” with someone who has tested positive for coronavirus must not leave the place they are living for 10 days (except in the circumstances provided for by regulation 10, which include where the person has completed a course of doses of an authorised vaccine at least 14 days before the day they had the close contact with the person who tested positive for coronavirus, or is participating in a clinical trial of a vaccine). The 10 day period of isolation begins either the day after a person tests positive, the day after the day which a person reports as the day they first experience symptoms or the day after a person has close contact. Regulation 11 provides an exception to the requirement to isolate if people test negative regularly in accordance with a formal scheme of testing. Regulation 12 relates to obligations of adults in respect of children required to isolate under regulation 7, regulation 13 enables notices given under this Part by contact tracers to be withdrawn and regulation 14 makes provision about the use of information held by contact tracers.

**Part 4** makes provision for the purpose of minimising risk of exposure to coronavirus in premises open to the public and in workplaces. Regulation 16 requires the person responsible for “regulated premises” to take the following steps.

Step 1 – undertake an assessment of the risk of exposure to coronavirus at the premises.

Step 2 – provide information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus, including information to those working at the premises about the risk of exposure to coronavirus identified under the assessment undertaken under Step 1, and the measures to be taken under Step 3 to minimise the risk.

Step 3 – take reasonable measures to mitigate the risk of exposure to coronavirus that arises where persons gather in close proximity to each other. The measures may include seeking to prevent persons experiencing symptoms of COVID-19 from entering the premises, ensuring that people gather outdoors instead of indoors where it is practicable to do so, limiting close physical interaction, seeking to ensure that the premises are

well ventilated, and maintaining good hygiene. They may also include measures such as not carrying on certain activities and collecting contact information from persons at the premises.

Regulation 16A provides that the measures that the person responsible for particular types of premises must take include reasonable measures to ensure that adults are on the premises only if they have what is commonly referred to as a “COVID pass” (that is – evidence of either vaccination, participation in a relevant vaccine trial, a negative test for coronavirus, or a positive test within the last 6 months which has been followed by the appropriate period of isolation).

Regulation 16A applies to the following premises—

- nightclubs and other places where music is provided for dancing if they serve alcohol and are open at any time between midnight and 5 a.m. (and the requirement to have a COVID pass applies to such premises at any time, including times outside these hours, if they are open and are providing music for people to dance);
- premises where an event is being held with over 10,000 people in attendance if they are all seated, or over 500 indoors and 4,000 outdoors if they are not all seated.

There are exceptions for premises holding wedding or civil partnership receptions, or wakes, open air events which are free and unticketed, and which have multiple entry points, protests and picketing, and open air mass-participation sporting events such as running and cycling races, and the provisions make it clear that for venues that do not always provide music for dancing the requirement applies only at those times when music for dancing is provided. The provisions also make it clear that a person participating in a religious service in premises ordinarily used as a place of worship is considered to be normally seated. This means that the requirements of regulation 16A(1) do not apply to a religious service of more than 500 people indoors in premises ordinarily used as a place of worship, which in practice means that those requirements don't apply to any religious service held in premises ordinarily used as a place of worship.

**Part 4A** makes provision about taking preventative measures when election campaigning. A person responsible for carrying out or facilitating activity undertaken for the purposes of persuading or dissuading a person to vote in a particular manner in an election (for example, canvassing) must take all reasonable measures to minimise the risk of exposure to, and the spread of, coronavirus at the activity. The person responsible must also have regard to any guidance issued by the Welsh Ministers about the reasonable measures.

**Part 5** provides that face coverings must be worn on public transport, including taxis, and in certain indoor places (but not where a person is attending a wedding, civil partnership or alternative wedding ceremony, or in premises where food or drink are sold for consumption on the premises), subject to listed exemptions and exceptions.

**Part 7** relates to the enforcement of the restrictions and requirements. Regulation 25 makes provision about those who can take enforcement action, regulation 26 makes further provision (in Schedules 8 and 9) about enforcing the need to take preventative measures under regulation 16, regulation 27 relates to compliance notices, and regulation 28 to powers of removal and dispersal. Regulations 29 to 32 relate specifically to enforcing the requirements in relation to isolation, events, and wearing a face covering and regulation 33 relates to the requirements' application to children. Regulation 34 contains a power to enter premises, regulation 35 relates to police powers to conduct road checks and regulation 36 makes supplemental provision about the exercise of powers by enforcement powers.

**Part 8** makes provision about offences and penalties. Regulations 37 to 43 in Chapter 1 provide that a person who, without a reasonable excuse, contravenes the restrictions or requirements referred to commits an offence. An offence is punishable by an unlimited fine (regulation 44). Chapter 2 allows for offences to be punished by way of fixed penalty notices and makes provision about how they are applied and Chapter 3 relates to proceedings for offences under the Regulations.

**Part 9** contains defined terms (regulation 57), revokes previous Regulations and makes a consequential amendment.

A summary of the restrictions that apply at Alert Levels 1 to 4 is provided below. As set out above, none of these Alert Levels currently apply to Wales, and the summary is provided for completeness only. All restrictions are subject to exceptions listed in the Regulations.

A number of the restrictions refer to the concept of an “extended household”. This enables more than one household to agree to come together for the purposes of the rules by forming a larger, extended, household. In addition there are separate provisions that allow a “well-being needs household” to agree to come together for these purposes with another household as part of an extended household. A “well-being needs household” is a single adult household (a person who lives alone or only with a child or adult they care for), or a household composed of one or more children and no adults.

All extended household arrangements must be agreed to by the adults in each household that forms an extended household and by any children in the extended household that do not live with an adult who has parental responsibility for them. A household may only agree to be part of one extended household at any one time, but a household may agree to form a new extended household if it has ceased to be part of its previous extended household and at least 10 days have passed since any member of the household was last in a gathering with anyone from another household that was part of that previous extended household.

When **Alert Level 1** restrictions apply to an area:

- gatherings indoors in people’s homes and in holiday accommodation are allowed only between up to 6 people (not including children under 11), or the members of no more than 2 households, or more if all present are members of the same household or an extended household consisting of up to 3 households and a well-being needs household;
- gatherings indoors (away from people’s homes) are limited to 6 people (not including children under 11) or more if all present are members of the same household;
- different rules apply to gatherings that are formally organised, allowing more people (up to 50 indoors and up to 100 outdoors) to come together;
- there is no limit specified on the number of people that may participate in a gathering outdoors (in private dwellings, in regulated premises, and in holiday or travel accommodation) but persons responsible for regulated premises outdoors must still comply with regulation 16 by taking all reasonable measures, based on a risk assessment, to minimise the risk of exposure to coronavirus at the premises;
- no person may, without a reasonable excuse, organise an event unless it is regulated, and, where it is held indoors, no more than 1,000 people (for an event where every person attending is normally seated) or 200 people (for other events) attend (but in all cases, including for outdoor events, capacities will need to continue to be set in light of the reasonable measures to be taken, based on a risk assessment, under regulation 16 of the principal Regulations). There are a number of exceptions, including for weddings, funerals, and indoor wedding receptions and celebrations of the life of deceased persons;
- there are no restrictions on people gathering at a regulated gathering or event held indoors (but again, the person responsible for the premises must comply with the maximum number that can attend and regulation 16, including taking all reasonable measures, based on a risk assessment, to ensure that a distance of 2 metres is maintained between people on the premises, apart from between members of groups of up to 6 people that are gathering together at the event or members of the same household;
- the Welsh Ministers may authorise specific events to be held (regardless of their size);
- nearly all business premises that are ordinarily open to the public may continue to be open.

When **Alert Level 2** restrictions apply to an area:

- gatherings indoors in people’s homes and in holiday accommodation are allowed only between members of the same household or an extended household consisting of up to 2 households and a well-being needs household.
- gatherings outdoors in people’s homes (e.g. in private gardens) and in holiday accommodation are limited to 6 people (not including children under 11) or more if all present are members of the same household or an extended household consisting of up to 2 households and a well-being needs household;
- gatherings indoors (away from people’s homes) or outdoors in regulated premises are limited to 6 people (not including children under 11) or more if all present are members of the same household.



- gatherings outdoors in premises that are not regulated premises are limited to 6 people (not including children under 11) or more if all present are members of the same household or an extended household consisting of up to 2 households and a well-being needs household;
- different rules apply to gatherings that are formally organised and held in regulated premises, allowing more people (up to 30 indoors and up to 50 outdoors) to come together;
- no person may, without a reasonable excuse, organise an event unless it is regulated, held outdoors, and no more than 50 people attend. There are a number of exceptions, including for regulated events involving up to 30 people (indoors) or 50 people (outdoors), weddings, funerals, and wedding receptions and celebrations of the life of deceased persons (of no more than 30 people in either case where it is held indoors, or 50 people where it is held outdoors);
- the Welsh Ministers may authorise specific events to be held (regardless of their size);
- nearly all business premises that are ordinarily open to the public may continue to be open.

When **Alert Level 3** restrictions set out in Schedule 3 apply to an area:

- gatherings indoors in people's homes and in holiday accommodation are allowed only between members of the same household or an extended household consisting of up to 2 households and a well-being needs household;
- gatherings outdoors in people's homes (e.g. in private gardens) and in holiday accommodation are limited to 6 people (not including children under 11) or more if all present are members of the same household or an extended household consisting of up to 2 households and a well-being needs household;
- gatherings indoors (away from people's homes) are limited to the members of 1 household;
- gatherings outdoors in regulated premises are limited to 6 people (not including children under 11) or more if all present are members of the same household;
- gatherings outdoors in premises that are not regulated premises are limited to 6 people (not including children under 11) or more if all present are members of the same household or an extended household consisting of up to 2 households and a well-being needs household;
- different rules apply to gatherings that are formally organised and held in regulated premises, allowing more people (up to 15 indoors and up to 30 outdoors) to come together;
- no person may, without a reasonable excuse, organise an event unless it is regulated, held outdoors, and no more than 30 people attend. There are a number of exceptions, including for regulated events involving up to 15 people (indoors) or 30 people (outdoors), weddings, funerals, and wedding receptions and celebrations of the life of deceased persons (of no more than 15 people in either case where it is held indoors, or 30 people where it is held outdoors);
- most premises that are ordinarily open to the public may continue to be open. The exceptions are that—
  - (a) food and drink business must close the indoor parts of their premises (but may continue to sell food and drink to be consumed off the premises);
  - (b) holiday accommodation that is not self-contained must close. Self-contained accommodation, where guests do not share facilities, is permitted to open;
  - (c) visitor attractions and most businesses providing leisure and social activities are required to close their premises or their indoor premises (but sports and exercise facilities are allowed to open).

When **Alert Level 4** restrictions apply to an area:

- there is an overarching requirement to stay at home;
- most premises ordinarily open to the public are required to be closed.

The ability to come together for events and formally organised gatherings, and for premises to be open to the public, is subject to the need to take all “reasonable measures” to minimise the spread of, and exposure to, coronavirus (see Part 4).

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The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has not been prepared as to the likely cost and benefit of complying with these Regulations.



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**2020 No. 1609 (W. 335)**

**PUBLIC HEALTH, WALES**

**The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020**

*Approved by Senedd Cymru*

*Made* *at 5.45 p.m. on 18  
December 2020*

*Laid before Senedd Cymru* *at 10.00 p.m. on 18  
December 2020*

*Coming into force* *in accordance with  
regulations 1(3) and (4)*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 45B, 45C(1) and (3), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984<sup>(1)</sup>.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales.

The Welsh Ministers consider that restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 45R of that Act the Welsh Ministers are of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, Senedd Cymru.

**PART 1**

**Introduction, review and expiry**

**1. Title, application and coming into force**

- (1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020.
- (2) These Regulations apply in relation to Wales.
- (3) These Regulations, other than Part 6, come into force on 20 December 2020.

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(1) 1984 c. 22. Sections 45C, 45F and 45P were inserted by section 129 of the Health and Social Care Act 2008 (c. 14). The functions under these sections are conferred on “the appropriate Minister”. Under section 45T(6) of the 1984 Act the appropriate Minister, as respects Wales, is the Welsh Ministers.

- (4) Part 6 comes into force on 23 December 2020.

## **2. Review**

The Welsh Ministers must review the need for the restrictions and requirements imposed by these Regulations, and whether those restrictions and requirements are proportionate to what the Welsh Ministers seek to achieve by them—

- (a) by 7 January 2021;
- (b) at least once in the period from 8 January 2021 to 28 January 2021;
- (c) at least once in each subsequent period of 21 days.

## **3. Expiry**

These Regulations expire at the end of the day on ~~27 August~~ 26 November<sup>1</sup> 2021.

### Notes:

- <sup>1</sup> Substituted by reg 2(2) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (07/08/21)

# **PART 2**

## **Levels of restrictions on gathering, travelling, and on use of premises of businesses and services**

## **4. Levels of restrictions**

- (1) Schedules 1 to 4 set out restrictions and requirements that may apply in an area in relation to—
  - (a) gatherings;
  - (b) organising events;
  - (d) the use of premises of specified businesses or services that are ordinarily open to the public.
- (2) The restrictions and requirements set out in Schedule 1 apply in relation to an Alert Level 1 area.
- (3) The restrictions and requirements set out in Schedule 2 apply in relation to an Alert Level 2 area.
- (4) The restrictions and requirements set out in Schedule 3 apply in relation to an Alert Level 3 area.
- (5) The restrictions and requirements set out in Schedule 4 apply in relation to an Alert Level 4 area.
- (6) Schedule 5 sets out which one of Schedules 1 to 4 apply to an area by specifying a level for that area.

(6ZA) But Schedule 5 may provide that none of Schedules 1 to 4 apply to an area by specifying that no alert level applies to the area.<sup>1</sup>

- (8) In these Regulations—
  - (a) an “Alert Level 1 area” is an area specified in the table in Schedule 5, where the table indicates it is an Alert Level 1 area;
  - (b) an “Alert Level 2 area” is an area specified in the table in Schedule 5, where the table indicates it is an Alert Level 2 area;

- (c) an “Alert Level 3 area” is an area specified in the table in Schedule 5, where the table indicates it is an Alert Level 3 area;
- (d) an “Alert Level 4 area” is an area specified in the table in Schedule 5, where the table indicates it is an Alert Level 4 area.

Notes:

- <sup>1</sup> Inserted by reg 2(3) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00am 07/08/21)

## PART 3

### Requirement to isolate etc.

#### CHAPTER 1

#### Requirement to isolate etc. where person tests positive for coronavirus or has close contact with such person

### 5. Interpretation of Part

- (1) In this Part, “close contact” means contact that a contact tracer considers may lead to a risk of infection or contamination with coronavirus, including—
  - (a) having face-to-face contact with a person at a distance of less than 1 metre;
  - (b) spending more than 15 minutes within 2 metres of a person;
  - (c) travelling in a car or other small vehicle with a person or in close proximity to a person on an aeroplane or in the same carriage of a train.
- (2) In ~~regulations 6 and 8~~ [regulation 6<sup>1</sup>](#), references to an “adult” (“A”) include references to a child aged 16 or 17.
- (3) For the purposes of this Part, a person has responsibility for a child if the person has—
  - (a) custody or charge of the child for the time being, or
  - (b) parental responsibility for the child.
- (4) For the purposes of these Regulations, notification by means of the NHS Covid 19 smartphone app developed and operated by the Secretary of State is not a notification.

Notes:

- <sup>1</sup> Substituted by reg 2(4) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (07/08/21)

### 6. Requirement to isolate: adult with coronavirus

- (1) This regulation applies where an adult (“A”) is notified by a contact tracer that A has tested positive for coronavirus.
- (2) A may not leave or be outside the place where A is living before the end of the last day of A’s isolation unless regulation 10 or 11 applies.
- (3) If requested by a contact tracer, A must notify the contact tracer—
  - (a) of the name of each person living at the place A is living, and

(b) of the address of that place.

- (4) The last day of A's isolation is the last day of the period of 10 days beginning with the day after the day of the test which led to the notification referred to in paragraph (1) being given.
- (5) But where A reports to a contact tracer the day on which symptoms first developed, the last day of A's isolation is the last day of the period of 10 days beginning with the day after the day which A reports as being the day on which the symptoms first developed.

#### **7. Requirement to isolate: child with coronavirus**

- (1) This regulation applies where an adult ("A") is notified by a contact tracer that a child ("C") for whom A is a responsible adult has tested positive for coronavirus.
- (2) C may not leave or be outside the place where C is living before the end of the last day of C's isolation unless regulation 10 or 11 applies.
- (3) If requested by a contact tracer, A must notify the contact tracer—
  - (a) of the name of each person living at the place where C is living, and
  - (b) of the address of that place.
- (4) The last day of C's isolation is the last day of the period of 10 days beginning with the day after the day of the test which led to the notification referred to in paragraph (1) being given.
- (5) But in a case where A reports to a contact tracer the day on which C's symptoms first developed, the last day of C's isolation is the last day of the period of 10 days beginning with the day after the day which A reports as being the day on which C's symptoms first developed.

#### **8. Requirement to isolate after close contact: adult**

- (1) This regulation applies where an adult ("A") is notified by a contact tracer that A has had close contact with a person ("P") who has tested positive for coronavirus.
- (2) A may not leave or be outside the place where A is living before the end of the last day of A's isolation unless regulation 10 or 11 applies.
- (3) If requested by a contact tracer, A must notify the contact tracer of the address of the place where A is living.
- (4) The last day of A's isolation is the last day of the period of 10 days beginning with the day after the day which a contact tracer records as being the last day on which A had close contact with P before A received the notification referred to in paragraph (1).
- (5) But where A is living in the same place as P, the last day of A's isolation is—
  - (a) where P, or, where P is a child, a responsible adult ("R") on P's behalf, reports to a contact tracer the day on which P's symptoms first developed, the last day of the period of 10 days beginning with the day after the day on which P, or R, reports as being the day on which P's symptoms first developed;
  - (b) where no symptoms are reported, the last day of the period of 10 days beginning with the day after the day of the test which led to the notification being given to P, or R, that P had tested positive for coronavirus.

#### **~~9. Requirement to isolate after close contact: child~~**

- ~~(1) This regulation applies where an adult ("A") is notified by a contact tracer that a child ("C") for whom A is responsible has had close contact with a person ("P") who has tested positive for coronavirus.~~

- ~~(2) C may not leave or be outside the place where C is living before the end of the last day of C's isolation unless regulation 10 or 11 applies.~~
- ~~(3) If requested by a contact tracer, A must notify the contact tracer of the address of the place where C is living.~~
- ~~(4) The last day of C's isolation is the last day of the period of 10 days beginning with the day after the day which a contact tracer records as being the last day on which C had close contact with P before A received the notification referred to in paragraph (1).~~
- ~~(5) But where C is living in the same place as P, the last day of C's isolation is—~~
- ~~(a) where P, or, where P is a child, a responsible adult ("R") on P's behalf, reports to a contact tracer the day on which P's symptoms first developed, the last day of the period of 10 days beginning with the day after the day on which P, or R, reports as being the day on which P's symptoms first developed, or~~
- ~~(b) where no symptoms are reported, the last day of the period of 10 days beginning with the day after the day of the test which led to the notification being given to P, or R, that P had tested positive for coronavirus.~~

Notes:

- <sup>1</sup> Omitted by reg 2(5) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (07/08/21)

## 10. Isolation requirements: general exceptions

- (1) Paragraph (2) applies where a person is required to not leave or be outside of the place where the person is living by virtue of regulation 6(2), 7(2), ~~8(2) or 9(2)~~ or 8(2)<sup>1</sup>.
- (2) The person may leave and be outside the place where the person is living for as long as is necessary—
- (a) to seek medical assistance, where this is required urgently or on the advice of a registered medical practitioner;
- (b) to access veterinary services where—
- (i) they are urgently required, and
- (ii) it is not possible for another person at the place that the person is living to access those services;
- (c) to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings, where it is not possible or practicable to so without leaving the place where the person is living;
- (d) to avoid illness, injury or other risk of harm;
- (da) to enable the person to seek to prevent illness, injury or other risk of harm to another person ("A") where—
- (i) it is not possible or not practicable for somebody else to assist A,
- (ii) the person is not assisting A as part of the person's work or through providing voluntary services, and
- (iii) the risk of harm to A from being in the same place as the person is less than the risk of harm to A that the person is seeking to prevent;<sup>4</sup>
- (e) for compassionate reasons, including to attend the funeral of—
- (i) a family member;

- (ii) a close friend;
  - (f) to obtain basic necessities (including for other persons at the place where the person is living or any pets at that place) where it is not possible or practicable—
    - (i) for another person at the place where the person is living to obtain them, or
    - (ii) to obtain them by delivery to that place from a third party;
  - (g) to access public services (including social services or victims' services) where—
    - (i) access to the service is critical to the person's well-being, and
    - (ii) the service cannot be provided if the person remains at the place where the person is living;
  - ~~(h) to move to a different place to live where it becomes impracticable to remain at the place where the person is living;~~
  - (h) to move to a different place to live—
    - (i) where it becomes impracticable to remain at the place where the person is living, or
    - (ii) to prevent illness to another person who lives in the place where the person is living;<sup>5</sup>
  - (i) where the person is a child who does not live in the same household as the child's parents, or one of the child's parents, to continue existing arrangements for access to, and contact between, the child and the child's parents, and for the purposes of this sub-paragraph, "parent" includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of, the child.
- (3) Regulations 6(2), 7(2), ~~8(2) and 9(2)~~ and 8(2)<sup>2</sup> do not apply to a person who is homeless.
- (4) Regulation 6(2) does not apply to a person who—
- (a) has tested positive for coronavirus in the course of a research study (the "prior test"), and
  - (b) tests positive for coronavirus in the course of the same study within the period of 90 days beginning with the date of the prior test.
- (5) Regulation 8(2) does not apply to a person who—
- (a) has completed a course of doses of an authorised vaccine, and—
    - (i) that course of doses was administered to the person in the United Kingdom,
    - (ii) the day on which the person had the close contact which resulted in the notification described in regulation 8(1) is more than 14 days after the day on which the person completed that course of doses, and
  - (b) if requested to do so by the contact tracer who gave the notification described in regulation 8(1), provides evidence that they have completed the course of doses of an authorised vaccine in accordance with sub-paragraph (a).
- (6) Regulation 8(2) does not apply to a person who—
- (a) has participated in, or is participating in, a clinical trial of a vaccine for vaccination against coronavirus carried out in the United Kingdom in accordance with the requirements of the Medicines for Human Use (Clinical Trials) Regulations 2004(2), and

(2) S.I. 2004/1031 as amended by section 116 of the Care Act 2014 (c. 23) and by S.I. 2004/3224, S.I. 2005/2754, S.I. 2005/2759, S.I. 2006/562, S.I. 2006/1928, S.I. 2006/2984, S.I. 2007/289, S.I. 2007/3101, S.I. 2008/941, S.I. 2010/231, S.I. 2010/551, S.I. 2010/1882, S.I. 2011/2581, S.I. 2012/134, S.I. 2012/504, S.I. 2012/1641, S.I. 2012/1916, S.I. 2013/532, S.I. 2016/190, S.I. 2016/696, S.I. 2019/593, S.I. 2019/744, S.I. 2019/1094 and S.I. 2020/1488.

- (b) if requested to do so by the contact tracer who gave the notification described in regulation 8(1), provides evidence that they have participated in, or are participating in, a clinical trial in accordance with sub-paragraph (a).
- (6A) A contact tracer may, for the purposes of determining whether to request evidence from a person in accordance with paragraph (5)(b) or (6)(b), obtain and use information about whether a person—
- (a) has completed a course of doses of an authorised vaccine;
- (b) has participated in, or is participating in, a clinical trial of a vaccine for vaccination against coronavirus carried out in the United Kingdom in accordance with the requirements of the Medicines for Human Use (Clinical Trials) Regulations 2004(3).<sup>6</sup>
- (7) For the purposes of paragraph (5), a person has completed a course of doses if that person has received the complete course of doses specified—
- (a) in the summary of product characteristics approved as part of the marketing authorisation for the authorised vaccine, or
- (b) in the instructions for usage approved as part of the authorisation by the licensing authority on a temporary basis under regulation 174 of the Human Medicines Regulations 2012(4) for the authorised vaccine.
- (8) In this regulation—
- (a) “authorised vaccine” means a medicinal product—
- (i) authorised for supply in the United Kingdom in accordance with a marketing authorisation, or
- (ii) authorised by the licensing authority on a temporary basis under regulation 174 of the Human Medicines Regulations 2012,
- for vaccination against coronavirus;
- (b) “clinical trial” has the meaning given in regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004;
- (c) “the licensing authority” has the meaning given in regulation 6(2) of the Human Medicines Regulations 2012;
- (d) “marketing authorisation” has the meaning given in regulation 8(1) of the Human Medicines Regulations 2012;
- (e) “medicinal product” has the meaning given in regulation 2 of the Human Medicines Regulations 2012.<sup>3</sup>

**Notes:**

- <sup>1</sup> Substituted by reg 2(6)(a) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (07/08/21)
- <sup>2</sup> Substituted by reg 2(6)(b) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (07/08/21)
- <sup>3</sup> Inserted by reg 2(6)(c) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (07/08/21)
- <sup>4</sup> Inserted by reg 2(2)(a)(i) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21)

(3) S.I. 2004/1031 as amended by section 116 of the Care Act 2014 (c. 23) and by S.I. 2004/3224, S.I. 2005/2754, S.I. 2005/2759, S.I. 2006/562, S.I. 2006/1928, S.I. 2006/2984, S.I. 2007/289, S.I. 2007/3101, S.I. 2008/941, S.I. 2010/231, S.I. 2010/551, S.I. 2010/1882, S.I. 2011/2581, S.I. 2012/134, S.I. 2012/504, S.I. 2012/1641, S.I. 2012/1916, S.I. 2013/532, S.I. 2016/190, S.I. 2016/696, S.I. 2019/593, S.I. 2019/744, S.I. 2019/1094 and S.I. 2020/1488.

(4) S.I. 2012/1916.



<sup>5</sup>	Substituted by reg 2(2)(a)(ii) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21)
<sup>6</sup>	Substituted by reg 2(2)(a)(ii) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21)

#### **10A. Transitional provision: isolation requirements**

~~Where—~~

~~(a) a person—~~

~~(i) satisfies the conditions in regulation 10(5) or (6), or is a child, and~~

~~(ii) is required to not leave or be outside of the place where the person is living by virtue of regulation 8(2) or 9(2) immediately before 7 August 2021, and~~

~~(b) the last day of the person's isolation (as determined in accordance with regulation 8(4) or (5) or regulation 9(4) or (5)) is 7 August 2021 or later,~~

~~the requirement to not leave or be outside of the place where the person is living comes to an end at the beginning of 7 August 2021.<sup>1 2</sup>~~

#### **Notes:**

- |              |  |
|--------------|--|
| <sup>1</sup> | Inserted by reg 2(7) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (07/08/21) |
| <sup>2</sup> | Omitted by reg 2(3) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21)  |

#### **11. Isolation requirements: exception for participants in a testing scheme**

(1) This regulation applies where—

(a) a person (“P”) is required to not leave or be outside of the place where P is living by virtue of regulation 8(2) ~~or 9(2)~~<sup>1</sup> (“the isolation requirement”), and

(b) P agrees to participate in a testing scheme.

(2) If P’s first test under the testing scheme is negative for coronavirus, the isolation requirement ceases to apply to P from the time P receives the result of the test, subject to paragraphs (3) and (4).

(3) If the result of a test taken by P under the testing scheme is positive for coronavirus, the isolation requirement applies to P from the time P receives the result of the test as if it had not ceased to apply by virtue of paragraph (2).

(4) Despite paragraph (2) the isolation requirement applies to P on—

(a) non-test days;

(b) any day on which P is required to take a test under the scheme but fails to do so.

(5) If P’s last test under the testing scheme is negative for coronavirus, the isolation requirement ceases to apply to P from the earlier of—

(a) the time P receives the result of the test, or

(b) P’s last day of isolation calculated in accordance with regulation 8 ~~or 9 as the case may be~~<sup>2</sup>.

~~(6) Where P is a child—~~

~~(a) a person with responsibility for P must agree on P's behalf that P is to participate in a testing scheme;~~

~~(b) the references in paragraphs (2) and (5)(a) to P receiving the result of a test include references to a person with responsibility for P receiving the result.<sup>3</sup>~~

(7) In this regulation—

- (a) “testing scheme” means a scheme designated by the Welsh Ministers under which P is required to take a number of tests for coronavirus specified in the scheme, on dates and in a manner so specified;
- (b) “non-test day” means a day between the day on which P takes the first and last test under the scheme on which P is not required to take a test under the scheme.

Notes:

- <sup>1</sup> Omitted by reg 2(8)(a) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (07/08/21)
- <sup>2</sup> Omitted by reg 2(6)(b) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (07/08/21)
- <sup>3</sup> Omitted by reg 2(6)(c) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (07/08/21)

## **12. Requirement on persons with responsibility for children**

Where a requirement is imposed under regulation 7(2) ~~or 9(2)~~<sup>1</sup> on a child, a person with responsibility for the child must take all reasonable measures to ensure that the child complies with the requirement.

Notes:

- <sup>1</sup> Omitted by reg 2(9) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (07/08/21)

## **13. Withdrawing a notice which requires isolation**

(1) This regulation applies where a contact tracer—

- (a) has given a notification under regulation 6(1), 7(1), ~~8(1) or 9(1)~~ or 8(1)<sup>1</sup> (“the original notification”), but
- (b) subsequently notifies the recipient of the original notification that it is withdrawn.

(2) The original notification is treated as if it had not been given.

Notes:

- <sup>1</sup> Omitted by reg 2(10) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (07/08/21)

## CHAPTER 2

### Information

#### 14. Power to use and disclose information

- (1) A contact tracer may disclose only such relevant information to a person (“the information holder”) as is necessary for the information holder to have—
  - (a) for the purposes of—
    - (i) carrying out a function under these Regulations,
    - (ii) preventing danger to the health of the public as a result of the spread of infection or contamination with coronavirus, or
    - (iii) monitoring the spread of infection or contamination with coronavirus, or
  - (b) for a purpose connected with, or otherwise incidental to, a purpose described in sub-paragraph (a).
- (2) Relevant information is—
  - (a) where a person is required to isolate in accordance with regulation 6(2), 7(2) ~~8(2) or 9(2)~~ or 8(2)<sup>1</sup>—
    - (i) the person’s contact information and date of birth, or, where the person is a child, the contact details of the adult who is notified that the child is required to isolate and the child’s date of birth;
    - (ii) the date the notification was given under regulation 6(1), 7(1), ~~8(1) or 9(1)~~ or 8(1)<sup>2</sup>;
    - (iii) the particular period in respect of which the person is required to not leave or be outside of the place where the person is living calculated in accordance with regulation 6, 7, ~~8 or 9~~ or 8<sup>3</sup>;
  - (ab) information about whether a person—
    - (i) has completed a course of doses of an authorised vaccine;
    - (ii) has participated in, or is participating in, a clinical trial of a vaccine for vaccination against coronavirus carried out in the United Kingdom in accordance with the requirements of the Medicines for Human Use (Clinical Trials) Regulations 2004;<sup>4</sup>
  - (b) confirmation a person did not receive a positive coronavirus test and the person’s name, contact information and date of birth, or, where the person is a child, the name and contact details of an adult with responsibility for the child in addition to the child’s name and date of birth.
- (3) The information holder may use relevant information disclosed under paragraph (1) only to the extent that it is necessary—
  - (a) for the purposes of—
    - (i) carrying out a function under these Regulations,
    - (ii) preventing danger to the health of the public as a result of the spread of infection or contamination with coronavirus, or
    - (iii) monitoring the spread of infection or contamination with coronavirus, or
  - (b) for a purpose connected with, or otherwise incidental to, a purpose described in sub-paragraph (a).
- (4) Subject to paragraph (6), the information holder may disclose only such relevant information to another person (the “recipient”) as is necessary for the recipient to have—
  - (a) for the purposes of—

- (i) carrying out a function of the recipient under these Regulations,
  - (ii) preventing danger to the health of the public as a result of the spread of infection or contamination with coronavirus, or
  - (iii) monitoring the spread of infection or contamination with coronavirus, or
  - (b) for a purpose connected with, or otherwise incidental to, a purpose described in subparagraph (a).
- (5) Subject to paragraph (7), disclosure which is authorised by this regulation does not breach—
- (a) an obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (6) This regulation does not limit the circumstances in which information may otherwise be disclosed under any other enactment or rule of law.
- (7) Nothing in this regulation authorises the use or disclosure of personal data where doing so contravenes the data protection legislation.
- ~~(8) In this regulation, “data protection legislation” and “personal data” have the same meanings as in section 3 of the Data Protection Act 2018(5).~~
- (8) In this regulation—
- (a) “authorised vaccine” and “clinical trial” have the same meanings as in regulation 10;
  - (b) “data protection legislation” and “personal data” have the same meanings as in section 3 of the Data Protection Act 2018(6).<sup>5</sup>

**Notes:**

- <sup>1</sup> Substituted by reg 2(11)(a) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (07/08/21)
- <sup>2</sup> Substituted by reg 2(11)(b) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (07/08/21)
- <sup>3</sup> Substituted by reg 2(11)(c) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (07/08/21)
- <sup>4</sup> Inserted by reg 2(4)(a) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21)
- <sup>5</sup> Substituted by reg 2(4)(b) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21)

## **PART 4**

### **Taking preventative measures in regulated premises**

#### **15. Regulated premises and responsible persons**

- (1) For the purposes of these Regulations, the following are “regulated premises”—
- (a) premises of businesses or services listed in Schedule 7, to the extent that that the public have or are permitted access to the premises;
  - (b) a vehicle used to provide a public transport service;

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(5) 2018 c. 12.

(6) 2018 c. 12.

- (c) other premises where work is being carried out.
- (2) In this Part, “responsible person”, in relation to regulated premises, means—
  - (a) in relation to premises referred to in paragraph (1)(a) and (b), the person responsible for the premises,
  - (b) in relation to premises referred to in paragraph (1)(c), the person responsible for the work being carried out on the premises.

## **16. Requirement to take all reasonable measures to minimise the risk of exposure to coronavirus**

- (1) For the purposes of minimising the risk of exposure to coronavirus at regulated premises, or the spread of coronavirus by those who have been at regulated premises, the responsible person must take the following steps—

### *Step 1*

Undertake a specific assessment of the risk of exposure to coronavirus at the premises, and in doing so consult persons working on the premises or representatives of those persons.

### *Step 2*

Provide information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus, including information to those working at the premises about the risk of exposure to coronavirus identified under the assessment undertaken under Step 1, and the measures to be taken under Step 3 ~~and Step 4~~<sup>1</sup> to minimise the risk.

### *Step 3*

~~Take all reasonable measures to ensure—~~

- ~~(a) that a distance of 2 metres is maintained between any persons [indoors<sup>3</sup>] on the premises, except between members of a permitted group;~~
- ~~(b) where persons are required to wait indoors to enter the premises, that a distance of 2 metres is maintained between them, except between members of a permitted group.~~

### ~~*Step 4*~~<sup>2</sup>

Take reasonable measures to mitigate the risk of exposure to coronavirus that arises where persons gather on the premises, such as—

- (a) seeking to prevent the following persons from being present at the premises—
  - (i) any person who has tested positive for coronavirus in the previous 10 days,
  - (ii) any person who ~~has had close contact in the previous 10 days with a person who has tested positive for coronavirus~~ is required to not leave or be outside of the place where the person is living by virtue of regulation 8(2)<sup>6</sup>,
  - (iii) any person experiencing symptoms associated with COVID-19;
- (b) ensuring that persons gathering at the premises gather outdoors where this is practicable;
- (c) limiting close physical interaction between persons on the premises, in particular face-to-face interaction, for example by—
  - (i) changing the layout of premises including the location of furniture and workstations;
  - (ii) controlling the use of entrances, passageways, stairs and lifts;
  - (iii) controlling the use of shared facilities such as toilets and kitchens;
  - (iv) otherwise controlling the use of, or access to, any other part of the premises;
  - (v) installing barriers or screens;
- (d) limiting the duration of time for which persons may be present on the premises;

- (e) seeking to ensure that the premises are well ventilated;
  - (f) maintaining good hygiene on the premises;
  - (g) providing or requiring use of personal protective equipment.
- ~~(2) In determining the extent to which it is reasonable to take a particular measure under Step 3, regard may be had to measures taken under Step 4 to mitigate the risk of exposure to coronavirus that arises when any person is within a distance of 2 metres of another person.<sup>3</sup>~~
- (3) Measures that may be taken under paragraph (1) include—
- (a) not carrying out certain activities;
  - (b) closing a part of the premises;
  - (c) allowing and enabling a person who ordinarily works at the premises to isolate due to testing positive for coronavirus or having had close contact with somebody who has tested positive, for a period—
    - (i) recommended in guidance published by the Welsh Ministers;
    - (ii) specified in a notification given to the person by a contact tracer;
  - (d) collecting contact information from each person at the premises and retaining it for 21 days for the purpose of providing it to any of the following, upon their request—
    - (i) the Welsh Ministers;
    - (ii) a contact tracer;
  - (e) taking reasonable measures to ensure that such contact information is correct.
- (4) An assessment under Step 1—
- (a) must satisfy the requirements of regulation 3 of the Management of Health and Safety at Work Regulations 1999<sup>(7)</sup> (the “1999 Regulations”), and
  - (b) must be undertaken—
    - (i) whether or not the responsible person has already undertaken an assessment under that regulation, and
    - (ii) whether or not that regulation applies to the responsible person.
- (5) For the purposes of paragraph (4)—
- (a) regulation 3 of the 1999 Regulations is to be read as if the words “by or under the relevant statutory provisions”, in both places it occurs, were substituted by the words “by ~~regulations 16, 17 and 17A~~ [regulation 16](#)<sup>4</sup> of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020”, and
  - (b) if regulation 3 of the 1999 Regulations would not, but for paragraph (4)(b)(ii), apply to a responsible person—
    - (i) that regulation is to be treated as applying to the person as if the person were an employer, and
    - (ii) persons working at the premises are, for the purposes of that regulation as it applies by virtue of paragraph (4)(b)(ii), treated as being employed by the responsible person.
- ~~(6) For the purposes of Step 3, “permitted group” means—~~
- ~~(a) where the premises are in an Alert Level 1 area or an Alert Level 2 area, a group which—~~
    - ~~(i) consists of no more than 6 people, not counting any persons under the age of 11 or any carer of a person in the group, or~~

(7) S.I. 1999/3242. Regulation 3 was amended by S.I. 2005/1541, S.I. 2015/21 and S.I. 2015/1637.

- ~~(ii) consists of members of the same household and any carer of a member of the household;~~
- ~~(b) where the premises are in an Alert Level 3 area or an Alert Level 4 area, a group which consists of members of the same household and any carer of a member of the household.<sup>5</sup>~~

Notes:

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|---|--|
| 1 | Omitted by reg 2(12)(a)(i) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00am 07/08/21)  |
| 2 | Omitted by reg 2(12)(a)(ii) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00am 07/08/21) |
| 3 | Omitted by reg 2(12)(b) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00am 07/08/21)     |
| 4 | Substituted by reg 2(12)(c) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00am 07/08/21) |
| 5 | Omitted by reg 2(12)(d) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00am 07/08/21)     |
| 6 | Substituted by reg 2(2) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.16) Regulations 2021 (28/08/21)            |

**Specific measures applicable to premises where music is provided for dancing or at which specified events are held**

**16A.—**(1) Where regulation 16(1) applies to a person responsible for premises described in paragraph (2), the reasonable measures to be taken by the responsible person under Step 3 of that regulation must include measures to ensure that a person aged 18 or over is only permitted to be present on the premises if the person possesses evidence—

- (a) complying with the requirements in paragraph (6), that the person has completed a course of doses of an authorised vaccine,
- (b) that the person has participated in, or is participating in, a clinical trial, within the meaning of regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004<sup>(8)</sup>, of a vaccine for vaccination against coronavirus carried out in the United Kingdom in accordance with the requirements of those Regulations,
- (c) of a negative result from a qualifying test taken by the person no more than 48 hours before the person enters the premises, or
- (d) of a positive result from a polymerase chain reaction test taken by the person no more than 180 days and no less than 10 days before the person enters the premises.

(2) The premises referred to in paragraph (1) are—

- (a) premises that meet all of the following conditions—
  - (i) the premises are authorised for the sale or supply of alcohol,
  - (ii) the premises provide live or recorded music for members of the public or members of the venue to dance, including nightclubs, discotheques and dance halls, and

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<sup>(8)</sup> S.I. 2004/1031 as amended by section 116 of the Care Act 2014 (c. 23) and by S.I. 2004/3224, S.I. 2005/2754, S.I. 2005/2759, S.I. 2006/562, S.I. 2006/1928, S.I. 2006/2984, S.I. 2007/289, S.I. 2007/3101, S.I. 2008/941, S.I. 2010/231, S.I. 2010/551, S.I. 2010/1882, S.I. 2011/2581, S.I. 2012/134, S.I. 2012/504, S.I. 2012/1641, S.I. 2012/1916, S.I. 2013/532, S.I. 2016/190, S.I. 2016/696, S.I. 2019/593, S.I. 2019/744, S.I. 2019/1094 and S.I. 2020/1488.



- (iii) the premises are open at any time between midnight and 5.00 a.m. (however where this condition is met, the requirement in paragraph (1) applies to the premises at any time they are open, subject to paragraph (3)(a) or (e));
- (b) premises at which an event is taking place and more than 10,000 people are in attendance at any time;
- (c) premises at which an event is taking place to any extent indoors, where—
  - (i) more than 500 people are in attendance at any time, and
  - (ii) not all the persons attending the event are normally seated during the event;
- (d) premises at which an event is taking place outdoors, where—
  - (i) more than 4,000 people are in attendance at any time, and
  - (ii) not all the persons attending the event are normally seated during the event.
- (3) But paragraph (1) does not apply to premises—
  - (a) of a kind described in paragraph (2)(a) at any time when music is not being provided for members of the public or members of the venue to dance;
  - (b) at which an event is held outdoors, where—
    - (i) a person is not required to obtain a ticket or pay a fee in order to gain entry to the event, and
    - (ii) there are two or more points of entry for persons attending the event;
  - (c) at which a protest, or picketing carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992<sup>(9)</sup>, is being held;
  - (d) at which a mass participation sporting event is being held outdoors, such as a marathon, cycling race or triathlon;
  - (e) used for the celebration of—
    - (i) a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony, or
    - (ii) the life of a deceased person,at any time when they are used for any of those purposes.
- (4) In paragraph (1) the reference to a person aged 18 or over does not include a person working or providing voluntary services at the premises.
- (5) For the purposes of paragraph (2)(b) to (d), a person working, or providing voluntary services at the event, is not to be treated as being in attendance at the event.
- (5A) For the purposes of paragraph (2)(c), a person participating in a religious service in premises ordinarily used as a place of worship is to be treated as being normally seated.<sup>2</sup>
- (6) For the purposes of paragraph (1)(a), the evidence that a person has completed a course of doses of an authorised vaccine must—
  - (a) show that—
    - (i) the course of doses was administered to the person in the United Kingdom, under the United Kingdom vaccine roll-out overseas, or in a relevant country, and
    - (ii) the day on which the person enters the premises is more than 14 days after the day on which the person completed that course of doses;
  - (b) in relation to a<sup>3</sup> course of doses of vaccines administered in the United Kingdom, be provided to the person by or on behalf of the Government of the United Kingdom, the

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(9) 1992 c. 52.

Scottish Ministers, the Welsh Ministers or a Northern Ireland department (including by means of letter, text message, e-mail, the NHS COVID Pass website<sup>(10)</sup> or the NHS smartphone app developed and operated by the Secretary of State);

- (c) in relation to a course of doses of vaccines administered by a relevant country, be the EU digital COVID certificate ~~or~~ the<sup>4</sup> Centers for Disease Control and Prevention vaccination card ,or a vaccine certificate relating to the person<sup>5</sup>.
- (7) For the purposes of paragraph (1)(d), where a person has isolated for a period of less than 10 days calculated in accordance with regulation 6(5) or 7(5), the reference to “10 days” is to be treated as a reference to the number of days for which the person was required to isolate.
- (8) For the purposes of paragraph (6)(a), where a person has received a dose of an authorised vaccine in the United Kingdom and a dose of a vaccine under the United Kingdom vaccine roll-out overseas, the ~~person is deemed to have received a course of doses of a vaccine~~ doses are deemed to be administered<sup>6</sup> under the United Kingdom vaccine roll-out overseas.
- (9) For the purposes of this regulation—
- (a) a test is a qualifying test if it is capable of detecting the presence of coronavirus, and is—
- (i) a polymerase chain reaction test provided or administered under the National Health Service Act 2006<sup>(11)</sup>, the National Health Service (Wales) Act 2006<sup>(12)</sup>, the National Health Service (Scotland) Act 1978<sup>(13)</sup>, or the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(14)</sup>, or
- (ii) a lateral flow test, the results of which may be submitted through the NHS public reporting system<sup>(15)</sup>.
- (b) in relation to a course of doses administered in the United Kingdom or a relevant country,<sup>7</sup> a person has completed ~~a~~ the<sup>8</sup> course of doses if
- (i) the person has received the complete course of doses specified—
- (aa) in the summary of product characteristics approved as part of the marketing authorisation for the authorised vaccine, or
- (bb) in the instructions for usage approved as part of the authorisation by the licensing authority on a temporary basis under regulation 174 of the Human Medicines Regulations 2012<sup>(16)</sup> for the authorised vaccine , or;<sup>9</sup>
- (ii) the person has received a dose of one authorised vaccine and a dose of a different authorised vaccine;<sup>10</sup>
- (c) in relation to a course of doses administered under the United Kingdom vaccine roll-out overseas, a person has completed the course of doses if—
- (i) the person has received the complete course of doses of the vaccine as specified in the manufacturer’s guidance for that vaccine, or
- (ii) the person has received a dose of one vaccine and a dose of a different vaccine.<sup>11</sup>

(10) Available at <https://covid-status.service.nhs.uk>

(11) 2006 c. 41.

(12) 2006 c. 42.

(13) 1978 c. 29.

(14) S.I. 1972/1265 (N.I. 14).

(15) Available at <https://www.gov.uk/report-covid19-result>

(16) S.I. 2012/1916.

(10) In this regulation—

- (a) “authorised vaccine” means a medicinal product for vaccination against coronavirus authorised—
  - (i) in relation to doses received in the United Kingdom or in a relevant country listed in paragraph (12)<sup>12</sup>—
    - (aa) for supply in the United Kingdom in accordance with a marketing authorisation, or
    - (bb) by the licensing authority on a temporary basis under regulation 174 of the Human Medicines Regulations 2012;
  - (ii) in relation to doses received in a relevant country listed in the first column of the table in paragraph (11)<sup>13</sup>, for supply in that country following evaluation by the relevant regulator for the country;
- (b) “the licensing authority” has the meaning given in regulation 6(2) of the Human Medicines Regulations 2012;
- (c) “marketing authorisation” means—
  - (i) in relation to a vaccine authorised for supply in the United Kingdom or in a member State, has the meaning given in regulation 8(1) of the Human Medicines Regulations 2012;
  - (ii) in relation to a vaccine authorised for supply in a relevant country listed in the first column of the table in paragraph (11)<sup>14</sup> other than a member State, means a marketing authorisation granted by the relevant regulator for the country;
- (d) “relevant country” means a country listed in the first column of the table in paragraph (11);
- (e) “relevant regulator” in relation to a relevant country, means the regulator identified in the corresponding row of the second column of the table in paragraph (11) or a country or territory listed in paragraph (12)<sup>15</sup>, and a reference to a regulator in that table is a reference to the regulatory authority of that name designated as a Stringent Regulatory Authority by the World Health Organization pursuant to the operation of the COVAX Facility<sup>(17)</sup>;
- (f) “United Kingdom vaccine roll-out overseas” means the administration of vaccine against coronavirus to—
  - (i) Crown servants (within the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989<sup>(18)</sup>), government contractors (within the meaning given in section 12(2) of the Official Secrets Act 1989) or other personnel posted or based overseas and their dependants under the scheme known as the Foreign, Commonwealth and Development Office staff COVID-19 vaccination programme,
  - (ii) residents of the British overseas territories, the Channel Islands and the Isle of Man, as part of a programme agreed in the overseas territory with the United Kingdom government, or
  - (iii) military or civilian personnel, government contractors and their dependants at a military posting overseas, including the British overseas territories, the Channel Islands and the Isle of Man, under the vaccination scheme provided or approved by the UK Defence Medical Services.

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(17) A list of the national regulatory authorities designated as Stringent Regulatory Authorities has been published by the World Health Organization and is available online at [https://extranet.who.int/pqweb/sites/default/files/documents/Product-Eligibility\\_COVAX-Facility\\_Dec2020\\_0.pdf](https://extranet.who.int/pqweb/sites/default/files/documents/Product-Eligibility_COVAX-Facility_Dec2020_0.pdf)

(18) 1989 c. 6.

(g) “vaccine certificate” means a certificate in English, French or Spanish issued by the competent health authority of Australia, Canada or a relevant country listed in paragraph (12) which contains—

- (i) the person’s full name;
- (ii) the person’s date of birth;
- (iii) the name and manufacturer of the vaccine that the person has received;
- (iv) the date that the person received each dose of the vaccine;
- (v) details of either the identity of the issuer of the certificate or the country of vaccination, or both.<sup>16</sup>

(11) (The table referred to in the definitions of “relevant country” and “relevant regulator” follows—

<u>Relevant country</u>	<u>Relevant regulator</u>
<u>a member State</u>	<u>European Medicines Agency</u>
<u>Andorra</u>	<u>European Medicines Agency</u>
<u>Australia</u>	<u>The Therapeutic Goods Administration</u> <sup>17</sup>
<u>Canada</u>	<u>Health Canada</u> <sup>18</sup>
<u>Iceland</u>	<u>European Medicines Agency</u>
<u>Liechtenstein</u>	<u>European Medicines Agency</u>
<u>Monaco</u>	<u>European Medicines Agency</u>
<u>Norway</u>	<u>European Medicines Agency</u>
<u>San Marino</u>	<u>European Medicines Agency</u>
<u>Switzerland</u>	<u>Swissmedic</u>
<u>the United States of America</u>	<u>United States Food and Drug Administration</u>
<u>Vatican City State</u>	<u>European Medicines Agency</u>

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(12) The countries and territories referred to in the definition of “relevant country” are—

Albania  
Antigua and Barbuda  
The Bahamas  
Bahrain  
Bangladesh  
Barbados  
Bosnia and Herzegovina  
Brazil  
Brunei  
Chile

[Colombia](#)  
[Dominica](#)  
[Egypt](#)  
[Georgia](#)  
[Ghana](#)  
[Grenada](#)  
[Hong Kong](#)  
[India](#)  
[Indonesia](#)  
[Israel](#)  
[Jamaica](#)  
[Japan](#)  
[Jordan](#)  
[Kenya](#)  
[Kosovo](#)  
[Kuwait](#)  
[Malaysia](#)  
[Maldives](#)  
[Moldova](#)  
[Montenegro](#)  
[Morocco](#)  
[Namibia](#)  
[New Zealand](#)  
[Nigeria](#)  
[North Macedonia](#)  
[Oman](#)  
[Pakistan](#)  
[The Philippines](#)  
[Qatar](#)  
[Saudi Arabia](#)  
[Serbia](#)  
[Singapore](#)  
[South Africa](#)  
[South Korea](#)  
[St Kitts and Nevis](#)  
[St Lucia](#)  
[St Vincent and the Grenadines](#)  
[Taiwan](#)  
[Thailand](#)  
[Turkey](#)  
[Ukraine](#)  
[United Arab Emirates](#)  
[Vietnam.](#) <sup>19</sup>

**Notes:**

- 1 Inserted by reg 2(2) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.17) Regulations 2021 (7.00am 11/10/21)
- 2 Inserted by reg 3(2) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21)
- 3 Inserted by reg 3(3)(a) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21)
- 4 Substituted by reg 3(3)(b)(i) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21)
- 5 Inserted by reg 3(3)(b)(ii) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21)
- 6 Substituted by reg 3(4) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21)
- 7 Inserted by reg 3(5)(a)(i) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21)
- 8 Substituted by reg 3(5)(a)(ii) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21)
- 9 Inserted by reg 3(5)(a)(vi) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21) (and previous section renumbered by regs 3(5)(a)(iii), 3(5)(a)(iv) and 3(5)(a)(v))
- 10 Inserted by reg 3(5)(a)(vii) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21)
- 11 Inserted by reg 3(5)(b) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21)
- 12 Inserted by reg 3(6)(a)(i) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21)
- 13 Inserted by reg 3(6)(a)(ii) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21)
- 14 Inserted by reg 3(6)(b) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21)
- 15 Inserted by reg 3(6)(c) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21)
- 16 Inserted by reg 3(6)(d) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21)
- 17 Inserted by reg 3(7)(a) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21)
- 18 Inserted by reg 3(7)(b) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21)
- 19 Inserted by reg 3(8) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21)

**17. Specific measures applicable to licensed premises**

~~(1) Where regulation 16(1) applies to a person responsible for premises authorised for the sale or supply of alcohol for consumption on the premises, the measures to be taken by the responsible person under Step 4 of that regulation include (but are not limited to) —~~

- ~~(a) having a person controlling entry to the premises, apart from in cinemas, sports grounds and theatres;~~
- ~~(b) requiring customers to be seated in the premises in any place other than at a bar—~~
  - ~~(iii) when ordering food or drink,~~
  - ~~(iv) when being served with food or drink, and~~
  - ~~(v) when consuming food or drink.~~
- ~~(3) But where food is provided at the premises on a buffet basis, customers may select food from the buffet and return to where they are seated.~~
- ~~(4) Paragraph (1) does not apply to—~~
  - ~~(a) workplace canteens, or~~
  - ~~(b) premises in an educational establishment.~~
- ~~(4A) Paragraph (1)(b) does not apply in relation to—~~
  - ~~(a) customers at—~~
    - ~~(i) cinemas,~~
    - ~~(ii) sports grounds, or~~
    - ~~(iii) theatres,~~~~where those customers are normally seated at the premises (other than when ordering food or drink or being served with food or drink) for the showing of a film, a live sporting event or a live theatrical performance, or~~
  - ~~(b) persons attending a regulated gathering or event.~~
- ~~(4B) For the purpose of paragraph (4A), a “live” sporting event or theatrical performance is one the customer is witnessing other than by means of a broadcast.~~
- ~~(5) For the purposes of paragraph (1)—~~
  - ~~(a) food or drink sold in holiday or travel accommodation as part of room service is not to be treated as being sold for consumption on the premises;~~
  - ~~(b) food or drink sold for consumption in an area adjacent to the premises where seating is made available for customers is to be treated as being sold for consumption on the premises.~~
- ~~(6) Where regulated premises not authorised for the sale or supply of alcohol for consumption on the premises allow customers to consume their own alcohol on the premises, paragraphs (1) to (4) apply to those premises as they apply to premises that are authorised for the sale or supply of alcohol for consumption on the premises.~~

Notes:

- <sup>1</sup> Omitted by reg 2(13) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00am 07/08/21)

#### **~~17A. Specific measures applicable to retail premises~~**

~~Where regulation 16(1) applies to a person responsible for retail premises of a business offering goods or services for sale or hire in those premises (including businesses selling food or drink for consumption off the premises), the measures to be taken by the responsible person under Step 4 of that regulation must include (but are not limited to)—~~



- ~~(a) measures for controlling entry to the premises and limiting the number of customers who are on the premises at any one time;~~
- ~~(b) provision of hand sanitisation products or hand washing facilities for use by customers when they enter and exit the premises;~~
- ~~(c) measures to sanitise any baskets, trolleys or similar containers provided for use by customers on the premises;~~
- ~~(d) in order to remind customers to maintain a distance of 2 metres between each other and to wear a face covering—~~
  - ~~(i) displaying signs and other visual aids;~~
  - ~~(ii) making announcements on a regular basis.<sup>1</sup>~~

Notes:

- <sup>1</sup> Omitted by reg 2(13) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00am 07/08/21)

## 18. Guidance about taking reasonable measures

- (1) A person required to take reasonable measures under regulation 16(1), ~~17(1) or 17A<sup>1</sup>~~ or 16A(1)<sup>2</sup> must have regard to guidance issued by the Welsh Ministers about those measures.
- (2) The Welsh Ministers—
  - (a) may revise guidance issued under paragraph (1), and
  - (b) must publish the guidance (and any revisions).
- (3) Guidance under this regulation may incorporate (by reference or transposition) guidance, codes of practice or other documents published by another person (for example, a trade association, body representing members of an industry or a trade union).
- (4) Guidance issued by the Welsh Ministers under—
  - (a) paragraph (1) of regulation 20 of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020~~(19)~~, or
  - (b) paragraph (1) of regulation 24 of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020~~(20)~~,is to be treated as if it were guidance issued under paragraph (1) of this regulation.

Notes:

- <sup>1</sup> Omitted by reg 2(14) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00am 07/08/21)
- <sup>2</sup> Inserted by reg 2(3) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.17) Regulations 2021 (7.00am 11/10/21)

(19) S.I. 2020/1149 (W. 261).

(20) S.I. 2020/1219 (W. 276), as amended by S.I. 2020/1237 (W. 279), S.I. 2020/1288 (W. 286), S.I. 2020/1409 (W. 311), S.I. 2020/1477 (W. 316) and S.I. 2020/1522 (W. 326).

## PART 4A

### Taking preventative measures when election campaigning

#### 18A. Requirement to take all reasonable measures to minimise the risk of exposure to coronavirus when election campaigning

- (1) A person responsible for carrying out or facilitating an activity which involves participating in a gathering for the purposes of persuading or dissuading any person to vote in a particular manner in an election must—
  - (a) take all reasonable measures to minimise the risk of—
    - (i) any person involved in the activity being exposed to coronavirus, and
    - (ii) the spread of coronavirus by any such person, and
  - (b) in taking those measures, have regard to any guidance about them issued by the Welsh Ministers.
- (2) The measures to be taken under paragraph (1)(a)—
  - ~~(a) must include taking all reasonable measures to ensure that a distance of 2 metres is maintained between any persons participating in the gathering (except between members of the same household or a carer and the person assisted by the carer), and<sup>1</sup>~~
  - (b) may include taking ~~other measures which limit close face-to-face interaction and~~ measures which limit close physical interaction between persons participating in the gathering, in particular face-to-face interaction, and measures to<sup>2</sup> maintain hygiene such as—
    - (i) limiting the number of persons participating in the gathering;
    - (ii) wearing face coverings;
    - (iii) limiting the number of persons handling leaflets or other materials.
- (3) The Welsh Ministers—
  - (a) may revise guidance issued under paragraph (1)(b), and
  - (b) must publish the guidance (and any revisions).

Notes:

- <sup>1</sup> Omitted by reg 2(3)(a) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.16) Regulations 2021 (28/08/21)
- <sup>2</sup> Substituted by reg 2(3)(b) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.16) Regulations 2021 (28/08/21)

## PART 5

### Face coverings

## **19. Requirement to wear face covering on public transport**

- (1) A person (“P”) who is travelling as a passenger ~~on~~ in an indoor part of<sup>1</sup> a vehicle used to provide a public transport service must wear a face covering.
- (2) But this is not required—
  - (a) where an exemption applies under paragraph (3);
  - (b) where P has a reasonable excuse not to wear a face covering, as to which see paragraph (4).
- (3) An exemption to the requirement to wear a face covering applies—
  - (a) where P is a child under the age of 11;
  - (b) on a vehicle providing a school transport service;
  - (c) on a ferry where—
    - (i) the part of the ferry which is open to passengers is entirely outdoors, ~~on~~<sup>2</sup>
    - (ii) a distance of at least 2 metres can be maintained between persons on the part of the ferry which is open to passengers;
  - (d) on a cruise ship;
  - (e) where P is allocated a cabin, berth or other similar accommodation on the vehicle, at any time when P is in that accommodation—
    - (i) alone, or
    - (ii) only with members of P’s household or a member of the household’s carer;
  - (f) where—
    - (i) P is permitted, or ordinarily required, to board and to stay in a vehicle when using the public transport service,
    - (ii) the vehicle is not itself used for the provision of a public transport service, and
    - (iii) P stays in that vehicle;
  - (g) on an aircraft which neither took off from, nor is to land at, a place in Wales;
  - (h) on a vessel which does not dock at a port in Wales.
- (4) The circumstances in which P has a reasonable excuse to not wear a face covering include—
  - (a) where P is unable to put on, wear or remove a face covering because of a physical or mental illness or impairment, or a disability (within the meaning of section 6 of the Equality Act 2010<sup>(21)</sup>);
  - (b) where P has to remove the face covering to communicate with a person who has difficulty communicating (in relation to speech, language or otherwise);
  - (c) where P has to remove the face covering in order to avoid harm or injury, or the risk of harm or injury, to P or others;
  - (d) where P is travelling to avoid injury, or to escape a risk of harm, and does not have a face covering;
  - (e) where P has to remove the face covering to—
    - (i) take medication;
    - (ii) eat or drink, if this is allowed on the vehicle and is reasonably necessary (for example due to the length of the journey);

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(21) 2010 c. 15.

- (f) where P is asked to remove the face covering by—
  - (i) an enforcement officer, or
  - (ii) the operator of the public transport service, an employee of the operator or a person authorised by the operator.
- (5) An operator of a public transport service to which paragraph (1) applies must provide information to passengers about the requirement to wear face coverings on their vehicles.
- (6) For the purposes of this regulation a “school transport service” means any transport service provided solely for the purpose of—
  - (a) carrying a person to and from the school or other place at which the person receives education or training, or
  - (b) otherwise facilitating a person’s attendance at a school or other place at which the person receives education or training.

**Notes:**

- |   |   |
|---|---|
| 1 | Substituted by reg 2(15)(a) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (07/08/21) |
| 2 | Omitted by reg 2(15)(b) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (07/08/21)     |

**20. Requirement to wear face covering in certain indoor public places**

- (1) A person (“P”) must wear a face covering in indoor public areas of premises to which the public have or are permitted access, [other than premises where food or drink is sold, or otherwise provided, for consumption on the premises](#)<sup>1</sup>.
- (2) But this is not required—
  - (a) where P is a child under the age of 11;
  - [\(aa\) where P is attending a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony](#)<sup>4</sup>;
  - (b) where P has a reasonable excuse not to wear a face covering, as to which see paragraph (3).
- (3) The circumstances in which P has a reasonable excuse to not wear a face covering include—
  - (a) where P is unable to put on, wear or remove a face covering because of a physical or mental illness or impairment, or a disability (within the meaning of section 6 of the Equality Act 2010);
  - (b) where P is undertaking an activity and wearing a face covering during that activity may be considered to be a risk to P’s health;
  - (c) where P has to remove the face covering to communicate with a person who has difficulty communicating (in relation to speech, language or otherwise);
  - (d) where P has to remove the face covering in order to avoid harm or injury, or the risk of harm or injury, to P or others;
  - (e) where P is at the premises to avoid injury, or to escape a risk of harm, and does not have a face covering;
  - (f) where P has to remove the face covering to—
    - (i) take medication;
    - (ii) eat or drink, where reasonably necessary;

(g) where P is asked to remove the face covering by an enforcement officer;

~~(h) where P is seated in premises where food or drink is sold, or otherwise provided, for consumption on the premises.<sup>2</sup>~~

(4) For the purposes of paragraph (1), where—

(a) a business (“business A”) sells, or otherwise provides, food or drink for consumption on the business premises,

(b) business A forms part of a larger business (“business B”), and

(c) business B also carries on its business on the premises, but does not sell, or otherwise provide, food or drink for consumption on those premises,

P is to be treated as being in premises where food or drink is sold, or otherwise provided, for consumption on the premises only where P is in the part of the premises at which business A carries on its business.<sup>3</sup>

**Notes:**

- |   |   |
|---|---|
| 1 | Inserted by reg 2(16)(a) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00a.m. 07/08/21) |
| 2 | Omitted by reg 2(16)(b) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00a.m. 07/08/21)  |
| 3 | Inserted by reg 2(16)(c) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00a.m. 07/08/21) |
| 4 | Inserted by reg 2(4) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.16) Regulations 2021 (28/08/21)              |

## **21. Guidance about requirements to wear face coverings**

(1) An operator of a public transport service to which regulation 19 applies must have regard to guidance issued by the Welsh Ministers about—

- (a) the requirement to wear a face covering in accordance with paragraphs (1) to (4) of regulation 19 and the enforcement of that requirement under regulation 32;
- (b) providing information to passengers in accordance with paragraph (5) of regulation 19.

(2) The Welsh Ministers—

- (a) may revise guidance issued under paragraph (1), and
- (b) must publish the guidance (and any revisions).

(3) Guidance under this regulation may incorporate (by reference or transposition) guidance, codes of practice or other documents published by another person (for example, a trade association, body representing members of an industry or a trade union).

(4) Guidance issued by the Welsh Ministers under—

- (a) paragraph (2) of regulation 20 of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020, or
- (b) paragraph (2) of regulation 24 of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020,

is to be treated as if it were guidance issued under paragraph (1) of this regulation.

## **PART 6**

### **Provision of education in school**

#### **22. Provision of education in school to certain pupils when school premises are closed**

- (1) ~~Paragraph (3) applies in relation to a relevant pupil if—~~
- ~~(a) the premises of the school at which the pupil is registered are closed to that pupil for a period of at least 3 consecutive school days, and~~
  - ~~(b) the closure is a response to a threat to public health posed by the incidence and spread of coronavirus.~~
- (2) ~~For the purposes of paragraph (1), “relevant pupil” means a registered pupil—~~
- ~~(a) who the local authority which maintains the school at which the pupil is registered considers is the child of a critical worker, or~~
  - ~~(b) who the proprietor of the school at which the pupil is registered considers should attend school by reason of the pupil’s vulnerability.~~
- (3) ~~The proprietor of the school at which the pupil is registered must make arrangements for the pupil to attend the premises of a school for the purpose of the provision of education on the third and each subsequent school day of the period during which the premises of the school at which the pupil is registered are closed.~~
- (4) ~~But paragraph (3) does not apply if, on the school day in question—~~
- ~~(a) the pupil is required to not leave or be outside of the place where the pupil is living by virtue of regulation 6(2), 7(2), 8(2) or 9(2), or~~
  - ~~(b) the pupil is otherwise isolating having been—~~
    - ~~(i) notified by means of the NHS Covid-19 smartphone app developed and operated by the Secretary of State, or~~
    - ~~(ii) advised to do so by the proprietor of the school at which the pupil is registered or by a childcare provider.~~
- (5) ~~In determining, for the purposes of paragraph (1)(a), whether the premises of a school are closed to a pupil, the fact that those premises may be open by virtue of paragraph (3) is to be disregarded.~~
- (6) ~~In deciding whether a pupil is the child of a critical worker, the local authority must have regard to any guidance published by the Welsh Ministers about identifying children of critical workers.~~

#### **23. Failure to comply with regulation 22**

~~Any failure by a proprietor to comply with regulation 22 is enforceable by an application for an injunction by the Welsh Ministers or the local authority which maintains the school to the High Court or County Court, without notice.~~

#### **24. Interpretation of this Part**

~~In this Part—~~

- ~~(a) “maintained nursery school” has the meaning given by section 22(9) of the School Standards and Framework Act 1998(22);~~

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(22) 1998 c. 31.

- ~~(b) “maintained school” has the meaning given by section 20(7) of the School Standards and Framework Act 1998;~~
- ~~(c) “proprietor” has the meaning given by section 579(1) of the Education Act 1996(23);~~
- ~~(d) “pupil” has the same meaning as in section 3 of the Education Act 1996;~~
- ~~(e) “pupil referral unit” has the meaning given by section 19(2) of the Education Act 1996;~~
- ~~(f) “registered pupil” has the meaning given by section 434(5) of the Education Act 1996;~~
- ~~(g) “school” means a maintained school, a maintained nursery school or a pupil referral unit;~~
- ~~(h) “school day” has the meaning given by section 579(1) of the Education Act 1996.~~

Notes:

- <sup>1</sup> Omitted by reg 2(5) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.16) Regulations 2021 (28/08/21)

## PART 7

### Enforcement

#### 25. Enforcement officers

- (1) For the purposes of regulation 26 and Schedule 8, an “enforcement officer” means a person designated by a local authority —
  - (a) for the purposes of these Regulations,
  - (b) under regulation 17(A1) of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020(24),
  - (c) under regulation 21(1) of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020, or
  - (d) under regulation 25(1) of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020.
- (2) For the purposes of regulations 18A, 19, 20, 27 to 34, 36 and 47, an “enforcement officer” means—
  - (a) a constable,
  - (b) a police community support officer,
  - (c) a person designated by—
    - (i) the Welsh Ministers, or
    - (ii) a local authority,for the purposes of these Regulations (but see paragraph (3)), or
  - (d) a person designated by the Welsh Ministers or a local authority under—
    - (i) regulation 10(11)(c) of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020(25) as a relevant person (within the meaning given by that regulation),

(23) 1996 c. 56.

(24) S.I. 2020/725 (W. 162).

(25) S.I. 2020/353 (W. 80).



- (ii) regulation 17(1) of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 for the purposes of those Regulations,
  - (iii) regulation 21(2) of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020 for the purposes of those Regulations, or
  - (iv) under regulation 25(2) of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020,
- (but see paragraph (3)).
- (3) A person designated by a local authority may exercise an enforcement officer's functions only—
- (a) in relation to a contravention (or alleged contravention) of a requirement in—
    - (i) regulation 16(1), ~~17(1) or 17A~~<sup>1</sup> or [16A\(1\)](#)<sup>2</sup>,
    - (ii) paragraph 7(1) of Schedule 1,
    - (iii) paragraph 7(1) of Schedule 2,
    - (iv) paragraph 7(1) or 8(1) or 9(1) of Schedule 3, or
    - (v) paragraph 7(1), 8(1), 9(1), 10(1) or 11(3) of Schedule 4, or
  - (b) under and by virtue of Schedule 8.

**Notes:**

- <sup>1</sup> Omitted by reg 2(17) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00a.m. 07/08/21)
- <sup>2</sup> Inserted by reg 2(4) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.17) Regulations 2021 (7.00am 11/10/21)

## **26. Enforcement of requirement to take preventative measures**

Schedules 8 and 9 make provision for and in connection with conferring functions on enforcement officers for the purpose of enforcing regulations 16(1), ~~17(1) and 17A~~<sup>1</sup> and [16A\(1\)](#)<sup>2</sup>.

**Notes:**

- <sup>1</sup> Omitted by reg 2(18) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00a.m. 07/08/21)
- <sup>2</sup> Inserted by reg 2(5) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.17) Regulations 2021 (7.00am 11/10/21)

## **27. Compliance notices**

- (1) An enforcement officer may give a compliance notice to a person if the officer has reasonable grounds for suspecting that the person is contravening a requirement in—
- (za) regulation 18A(1),
  - (a) regulation 19(5),
  - (b) paragraph 7(1) of Schedule 1,
  - (c) paragraph 7(1) of Schedule 2,
  - (d) paragraph 7(1), 8(1) or 9(1) of Schedule 3, or
  - (e) paragraph 7(1), 8(1), 9(1), 10(1) or 11(3) of Schedule 4.

- (2) A compliance notice may specify measures that the person to whom it is given must take as soon as is reasonably practicable so as to prevent that person from continuing to contravene the requirement.

## **28. Powers of removal and dispersal: gatherings and being away from home**

- (1) Paragraph (2) applies where an enforcement officer has reasonable grounds for suspecting that a person is participating in a gathering in a private dwelling in contravention of—
  - (a) paragraph 1(1) of Schedule 1,
  - (b) paragraph 1(1) of Schedule 2,
  - (c) paragraph 1(1) of Schedule 3, or
  - (d) paragraph 2(1) of Schedule 4.
- (2) The enforcement officer may—
  - (a) direct the gathering to disperse;
  - (b) if the officer has reasonable grounds to suspect that the person does not live at the dwelling—
    - (i) direct the person to leave the dwelling;
    - (ii) remove the person from the dwelling.
- (3) Paragraph (4) applies where an enforcement officer has reasonable grounds for suspecting that a person is participating in a gathering in a place other than a private dwelling in contravention of—
  - (a) paragraph 2(1) or (1A) of Schedule 1,
  - (b) paragraph 2(1) or (3) of Schedule 2,
  - (c) paragraph 2(1) or 3(1) of Schedule 3, or
  - (d) paragraph 2(1) of Schedule 4.
- (4) The enforcement officer may—
  - (a) direct the gathering to disperse;
  - (b) direct the person to leave the place where the gathering is taking place;
  - (c) remove the person from that place.
- (5) Where an enforcement officer has reasonable grounds for suspecting that a person is away from the place where the person is living in contravention of paragraph 1(1) of Schedule 4, the officer may—
  - (a) direct the person to return to the place where the person is living;
  - (b) remove the person to that place.

## **30. Powers relating to contravention of isolation requirement**

Where an enforcement officer has reasonable grounds for suspecting that a person is away from the place where they are living in contravention of regulation 6(2), 7(2), ~~8(2) or 9(2)~~ [or 8\(2\)](#)<sup>1</sup>, the officer may—

- (a) direct the person to return to the place where the person is living;
- (b) remove the person to that place.

Notes:

- <sup>1</sup> Substituted by reg 2(19) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (07/08/21)

**Powers relating to offence of possessing false or misleading evidence relating to vaccination or coronavirus test results**

**30A.** Where an enforcement officer has reasonable grounds for suspecting that a person is committing an offence under regulation 40A, the officer may require the person to produce any evidence of a kind described in regulation 16A(1) which the officer suspects is in the person's possession.<sup>1</sup>

Notes:

- <sup>1</sup> Inserted by reg 2(6) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.17) Regulations 2021 (7.00am 11/10/21)

**31. Powers relating to events**

- (1) Paragraph (2) applies where an enforcement officer has reasonable grounds for suspecting that a person ("P") is—
  - (a) committing an offence under regulation 39(2);
  - (b) involved in organising an event in contravention of (or which the officer considers likely to be in contravention of) paragraph 4 of Schedule 1, paragraph 4 of Schedule 2, paragraph 5 of Schedule 3 or paragraph 4 of Schedule 4.
- (2) The enforcement officer may—
  - (a) direct P to follow such instructions as the officer considers necessary in order to stop the event;
  - (b) remove P from the location of the event;
  - (c) direct any person to leave the event;
  - (d) remove any person from the event;
  - (e) where the event has not started—
    - (i) direct P to follow such instructions as the officer considers necessary in order to stop the event from taking place;
    - (ii) remove P from the proposed location of the event.
- (3) Where an enforcement officer has reasonable grounds for suspecting that a person ("P") is involved in organising an event authorised under paragraph 5 of Schedule 1, paragraph 5 of Schedule 2, paragraph 6 of Schedule 3, or paragraph 5 of Schedule 4 which the officer considers is being held in contravention of a requirement, restriction or other condition specified in relation to the authorisation, the officer may—
  - (a) direct P to follow such instructions as the officer considers necessary in order to secure compliance with the requirement, restriction or other condition;
  - (b) direct P to follow such instructions as the officer considers necessary in order to stop the event;
  - (c) remove P from the location of the event;
  - (d) direct any person to leave the event;
  - (e) remove any person from the event.

### **32. Enforcement of face covering requirements**

- (1) Where an enforcement officer has reasonable grounds for suspecting that a person is contravening (or is about to contravene) regulation 19(1), the officer may—
  - (a) direct the person not to board the vehicle providing the public transport service in question;
  - (b) remove the person from the vehicle.
- (2) Where—
  - (a) the operator of a public transport service,
  - (b) an employee of the operator, or
  - (c) a person authorised by the operator,has reasonable grounds to suspect that a person is about to contravene regulation 19(1), the operator, employee or authorised person may direct the person not to board the vehicle providing the public transport service in question.
- (3) Where an enforcement officer has reasonable grounds to suspect that a person is contravening (or is about to contravene) regulation 20(1), the officer may—
  - (a) direct the person not to enter the premises;
  - (b) remove the person from the premises.

### **33. Enforcement: children**

- (1) Where an enforcement officer has reasonable grounds to suspect that a person (“P”) in respect of whom the officer may exercise a power under this Part is a child accompanied by an individual (“I”) who has responsibility for P—
  - (a) the officer may direct I to take such action in respect of P as the officer considers appropriate, and
  - (b) I must, so far as reasonably practicable, ensure that P complies with any direction or instruction given by the officer to P.
- (2) For the purposes of paragraph (1), I has responsibility for a child if I—
  - (a) has custody or charge of the child for the time being, or
  - (b) has parental responsibility for the child.

### **34. Power of entry**

- (1) An enforcement officer may enter premises, if the officer—
  - (a) has reasonable grounds for suspecting that a requirement imposed by these Regulations is being, has been or is about to be contravened on the premises, and
  - (b) considers it necessary to enter the premises for the purpose of ascertaining whether the requirement is being, has been or is about to be contravened.
- (2) An enforcement officer entering premises in accordance with paragraph (1) may take such other persons, equipment and materials onto the premises as appears to the officer to be appropriate.
- (3) An enforcement officer entering premises in accordance with paragraph (1)—
  - (a) if asked by a person on the premises, must show evidence of the officer’s identity and outline the purpose for which the power is exercised;

- (b) if the premises are unoccupied or the occupier is temporarily absent, must leave the premises as effectively secured against unauthorised entry as when the officer found them.
- (4) An enforcement officer may enter premises which are wholly or mainly used as a private dwelling only if the enforcement officer is a constable.

### **35. Power of police to conduct road checks**

- (1) For the purposes of this regulation, a “road check” means the exercise in a locality of the power conferred by section 163 of the Road Traffic Act 1988<sup>(26)</sup> in such a way as to stop, during the period for which the exercise of that power in that locality continues, all vehicles or vehicles selected by any criterion.
- (2) A constable may conduct a road check for the purpose of ascertaining whether a vehicle is carrying a person who the constable reasonably believes—
  - (a) has committed, or
  - (b) intends to commit,an offence under these Regulations.
- (3) A road check must be authorised by a constable of the rank of superintendent or above.
- (4) But a road check may be authorised by a constable below that rank if the constable considers it necessary as a matter of urgency.
- (5) A constable may authorise a road check if the constable has reasonable grounds to believe that a person referred to in paragraph (2) is, or is about to be, in the locality in which vehicles would be stopped.
- (6) An authorisation must be in writing and must specify—
  - (a) the locality in which vehicles are to be stopped;
  - (b) the period, not exceeding 7 days, during which the road check may take place;
  - (c) whether the road check is to be conducted—
    - (i) continuously throughout the period, or
    - (ii) at particular times during the period (in which case the authorisation must specify those times);
  - (d) the name of the constable giving the authorisation.
- (7) Where a road check is authorised under paragraph (4)—
  - (a) the period specified in paragraph (6)(b) may not exceed 2 days;
  - (b) the constable giving the authorisation must, as soon as is reasonably practicable after giving it, inform a constable of the rank of superintendent or above that it has been given.
- (8) A constable of the rank of superintendent or above may give authorisation in writing for a road check to continue for a further period, not exceeding 7 days, beyond the period for which the road check was initially authorised.
- (9) Where a vehicle is stopped in a road check, the person in charge of the vehicle at the time when it is stopped is entitled to obtain a written statement of the purpose of the road check by applying in writing—
  - (a) to the police force responsible for the locality where the road check is conducted, and

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<sup>(26)</sup> 1988 c. 52, as amended by the Road Traffic Act 1991 (c. 40) and the Traffic Management Act 2004 (c. 18).

- (b) no later than the end of the period of 12 months from the day on which the vehicle was stopped.

### **36. Enforcement: supplemental provision**

- (1) An enforcement officer may take other action to facilitate the exercise of a power conferred on the officer by this Part.
- (2) Action taken under paragraph (1) may include—
  - (a) requiring a person to give any information or answer any question the officer considers—
    - (i) necessary to enable the officer to determine whether to exercise a power conferred on the officer by this Part, or
    - (ii) is otherwise relevant to the exercise of such a power;
  - (b) directing a person to follow such instructions as the officer considers necessary.
- (3) A constable may use reasonable force in the exercise of a power under—
  - (a) regulation 28(2)(b)(ii), (4)(c) or (5)(b);
  - (b) regulation 29(4)(b) or 8(b);
  - (c) regulation 30(b);
  - (d) regulation 31(2)(b), (d) or (e)(ii), or (3)(c) or (e);
  - (e) regulation 32(1)(b) or (3)(b);
  - (f) regulation 34(1).
- (4) An enforcement officer may only exercise a power under this Part if the officer considers that it is necessary and proportionate to do so.
- (5) In this Part and Part 8 references to a requirement include references to a restriction.

## **PART 8**

### **Offences and penalties**

#### **CHAPTER 1**

##### **Offences**

### **37. Offences relating to gatherings and being away from home**

- (1) A person who contravenes a requirement in—
  - (a) paragraph 1(1) or 2(1) or (1A) of Schedule 1,
  - (b) paragraph 1(1) or 2(1) or (3) of Schedule 2,
  - (c) paragraph 1(1) 2(1) or 3(1) of Schedule 3, or
  - (d) paragraph 1(1) or 2(1) of Schedule 4,commits an offence.
- (2) A person who participates in a gathering—
  - (a) which takes place in a private dwelling,
  - (b) which consists of more than 15 people, and
  - (c) at which people are gathered in contravention of—

- (i) paragraph 1(1) of Schedule 1,
  - (ii) paragraph 1(1) of Schedule 2,
  - (iii) paragraph 1(1) of Schedule 3, or
  - (iv) paragraph 2(1) of Schedule 4,
- commits an offence.

### **39. Offences relating to organising events**

- (1) A person who contravenes a requirement in—
  - (a) paragraph 4 of Schedule 1,
  - (b) paragraph 4 of Schedule 2,
  - (c) paragraph 5 of Schedule 3, or
  - (d) paragraph 4 of Schedule 4,commits an offence.
- (2) A person who, without reasonable excuse, is involved in organising a large unlicensed music event commits an offence.
- (3) For the purposes of paragraph (2)—
  - (a) “large unlicensed music event” means an event—
    - (i) at which more than 30 people are in attendance,
    - (ii) at which music is played or performed for the purpose, or for purposes which include the purpose, of entertainment, and
    - (iii) where the playing or performance of the music is—
      - (aa) a licensable activity (within the meaning of the Licensing Act 2003<sup>(27)</sup>), and
      - (bb) not carried on under and in accordance with an authorisation (within the meaning given by section 136(5) of that Act);
  - (b) a person is not involved in organising a large unlicensed music event if the person’s only involvement is attending it.

### **40. Offences relating to isolation requirements and contact tracing**

- (1) A person who—
  - (a) contravenes a requirement in regulation 6(2), 7(2), 8(2), ~~9(2)~~<sup>1</sup> or 12, or
  - (b) without reasonable excuse, contravenes a requirement in regulation 6(3), 7(3), ~~8(3)~~ or ~~9(3)~~ or 8(3)<sup>2</sup>,commits an offence.
- (2) It is an offence for a person (“P”) to give false or misleading information to a contact tracer—
  - (a) under regulation 6(3), 7(3), ~~8(3)~~ or ~~9(3)~~ or 8(3)<sup>3</sup>, or
  - (b) about—
    - (i) P’s contact information, or
    - (ii) persons with whom P may have had close contact,

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(27) 2003 c. 17.

where P knows the information is false or misleading, or P is reckless as to whether the information is false or misleading.

- (3) In paragraph (2), “close contact” has the same meaning as in Part 3.

**Notes:**

- |   |   |
|---|---|
| 1 | Omitted by reg 2(20)(a)(i) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (07/08/21)      |
| 2 | Substituted by reg 2(20)(a)(ii) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (07/08/21) |
| 3 | Substituted by reg 2(20)(b) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (07/08/21)     |

**Offence of possessing false or misleading evidence relating to vaccination or coronavirus test results**

**40A. It is an offence for a person (“P”) to possess evidence of a kind described in regulation 16A(1) which P knows is false or misleading.<sup>1</sup>**

**Notes:**

- |   |   |
|---|---|
| 1 | Inserted by reg 2(7) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.17) Regulations 2021 (7.00am 11/10/21) |
|---|---|

**41. Offence of failing to wear a face covering**

A person who contravenes the requirement in regulation 19(1) or 20(1) commits an offence.

**42. Offences relating to businesses and services**

- (1) A person who, without reasonable excuse, contravenes a requirement in—
- (a) paragraph 7(1) of Schedule 1,
  - (b) paragraph 7(1) of Schedule 2,
  - (c) paragraphs 7(1), 8(1) or 9(1) of Schedule 3, or
  - (d) paragraphs 7(1), 8(1), 9(1), 10(1) or 11(3) of Schedule 4,
- commits an offence.
- (2) An operator of a public transport service who, without reasonable excuse, contravenes the requirement in regulation 19(5) commits an offence.
- (3) A person who, without reasonable excuse, fails to take the measures specified in a premises improvement notice issued under paragraph 1(1) of Schedule 8 within the time limit specified in the notice commits an offence.
- (4) A person who, without reasonable excuse, contravenes paragraph 3(1) of Schedule 8 commits an offence.
- (5) A person who—
- (a) contravenes paragraph 3(2) of Schedule 8, or
  - (b) without reasonable excuse, removes, obscures or damages a notice or sign required to be displayed under paragraph 7(2)(a) of that Schedule,
- commits an offence.



#### **43. Obstruction and contravention of directions and compliance notices**

- (1) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.
- (2) A person who, without reasonable excuse—
  - (a) contravenes a direction given—
    - (i) by an enforcement officer under Part 7, or
    - (ii) by the operator of a public transport service, an employee of the operator, or a person authorised by the operator, under regulation 32(2), or
  - (b) fails to comply with a compliance notice given by an enforcement officer under regulation 27(1),commits an offence.

#### **44. Penalty**

An offence under these Regulations is punishable on summary conviction by a fine.

#### **45. Arrest without warrant**

Section 24 of the Police and Criminal Evidence Act 1984<sup>(28)</sup> applies in relation to an offence under these Regulations as if the reasons in subsection (5) included—

- (a) to maintain public health;
- (b) to maintain public order.

#### **46. Offences committed by bodies corporate etc.**

- (1) If an offence under these Regulations committed by a body corporate is proved—
  - (a) to have been committed with the consent or connivance of an officer of the body, or
  - (b) to be attributable to any neglect on the part of such an officer,the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.
- (2) In paragraph (1), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.
- (3) Proceedings for an offence under these Regulations alleged to have been committed by a partnership may be brought in the name of the partnership instead of in the name of any of the partners.
- (4) Proceedings for an offence under these Regulations alleged to have been committed by an unincorporated body other than a partnership may be brought in the name of the body instead of in the name of any of its members and, for the purposes of any such proceedings, any rules of court relating to the service of documents have effect as if that body were a body corporate.
- (5) Section 33 of the Criminal Justice Act 1925<sup>(29)</sup> and Schedule 3 to the Magistrates’ Courts Act 1980<sup>(30)</sup> apply in proceedings for an offence brought against a partnership or an unincorporated body other than a partnership as they apply in relation to a body corporate.

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<sup>(28)</sup> 1984 c. 60. Section 24 was substituted by section 110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).

<sup>(29)</sup> 1925 c. 86.

<sup>(30)</sup> 1980 c. 43.

- (6) A fine imposed on a partnership on its conviction for an offence under these Regulations is to be paid out of the partnership assets.
- (7) A fine imposed on an unincorporated body other than a partnership on its conviction for an offence under these Regulations is to be paid out of the funds of the body.

## CHAPTER 2

### Fixed penalties

#### **47. Fixed penalty notices**

- (1) An enforcement officer may issue a fixed penalty notice to a person the officer reasonably believes—
  - (a) has committed an offence under these Regulations, and
  - (b) is aged 18 or over.
- (2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to—
  - (a) a local authority, or
  - (b) a person designated by the Welsh Ministers for the purposes of receiving payment under this regulation,as the notice may specify.
- (3) The Welsh Ministers may designate themselves under paragraph (2)(b).
- (4) A person designated by the Welsh Ministers for the purposes of receiving payment under—
  - (a) regulation 13 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020,
  - (b) regulation 21 of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020,
  - (c) regulation 31 of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020, or
  - (d) regulation 37 of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020is to be treated as if designated for the purposes of receiving payment under this regulation.
- (5) Where a local authority is specified in the notice it must be the authority (or as the case may be, one of the authorities) in whose area the offence is alleged to have been committed.
- (6) Where a person is issued with a notice under this regulation in respect of an offence—
  - (a) no proceedings may be taken for the offence before the end of the period of 28 days following the date the notice is issued;
  - (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

#### **48. Amount of fixed penalty: general**

- (1) Unless regulation 49, 50, 51 or 52 applies, the amount of a fixed penalty is—
  - (a) £60, or
  - (b) if £30 is paid before the end of the period of 14 days following the date of the notice, £30.
- (2) But if the person to whom such a fixed penalty notice is issued has already received a relevant fixed penalty notice—

- (a) paragraph (1) does not apply, and
  - (b) the amount specified as the fixed penalty is—
    - (i) in the case of the second relevant fixed penalty notice received, £120;
    - (ii) in the case of the third relevant fixed penalty notice received, £240;
    - (iii) in the case of the fourth relevant fixed penalty notice received, £480;
    - (iv) in the case of the fifth relevant fixed penalty notice received, £960;
    - (v) in the case of the sixth and any subsequent relevant fixed penalty notice received, £1,920.
- (3) In paragraph (2), “relevant fixed penalty notice” means—
- (a) a fixed penalty notice where the amount of fixed penalty is determined under this regulation;
  - (b) a fixed penalty notice under—
    - (i) the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020,
    - (ii) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 other than a notice to which regulation 21(7A) of those Regulations applies,
    - (iii) the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020 other than a notice to which regulation 31(8) of those Regulations applies,
    - (iv) the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 other than a notice to which regulation 39, 40, 41 or 42 of those Regulations applies,
    - (v) the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020<sup>(31)</sup>.

#### **49. Amount of fixed penalty: participating in a large gathering at a private dwelling**

Where a fixed penalty notice is issued in respect of an alleged offence under regulation 37(2), the amount of the fixed penalty is £60.

#### **50. Amount of fixed penalty: organising an event**

- (1) Where a fixed penalty notice is issued in respect of an alleged offence under regulation 39(1), the amount of the fixed penalty is £500.
- (2) But if the person to whom a fixed penalty notice is issued in respect of such an alleged offence has already received a relevant fixed penalty notice—
  - (a) paragraph (1) does not apply, and
  - (b) the amount of the fixed penalty is—
    - (i) in the case of the second such fixed penalty notice received, £1,000;
    - (ii) in the case of the third such fixed penalty notice received, £2,000;
    - (iii) in the case of the fourth and any subsequent such fixed penalty notice received, £4,000.
- (3) In paragraph (2), “relevant fixed penalty notice” means—
  - (a) a fixed penalty notice where the amount of fixed penalty is determined under this regulation;

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<sup>(31)</sup> S.I. 2020/1011 (W. 225).

- (b) a fixed penalty notice under the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 to which regulation 40 of those Regulations applies.

#### **51. Amount of fixed penalty: organising an unlicensed music event**

Where a fixed penalty notice is issued in respect of an alleged offence under regulation 39(2), the amount of the fixed penalty is £10,000.

#### **52. Amount of fixed penalty: business-related offences**

- (1) This regulation applies to a fixed penalty notice issued in respect of an alleged offence under regulation 42(1), (2), (3) or (4) (an “alleged business offence”).
- (2) Where a fixed penalty notice is issued in respect of an alleged business offence, the amount of the fixed penalty is £1,000.
- (3) But if the person to whom a fixed penalty notice is issued in respect of an alleged business offence has already received a relevant fixed penalty notice—
  - (a) paragraph (2) does not apply, and
  - (b) the amount of the fixed penalty is—
    - (i) in the case of the second such fixed penalty notice received, £2,000;
    - (ii) in the case of the third such fixed penalty notice received, £4,000;
    - (iii) in the case of the fourth and any subsequent such fixed penalty notice received, £10,000.
- (4) In paragraph (3), “relevant fixed penalty notice” means—
  - (a) a fixed penalty notice issued in respect of an alleged business offence;
  - (b) a fixed penalty notice under the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 to which regulation 42 of those Regulations applies.

#### **53. Fixed penalties: form and procedure**

- (1) A fixed penalty notice must—
  - (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;
  - (b) state the period during which (because of regulation 47(6)(a)) proceedings will not be taken for the offence;
  - (c) specify the amount of the fixed penalty determined under regulation 48, 49, 50, 51 or 52 (as the case may be);
  - (d) state the name and address of the person to whom the fixed penalty may be paid;
  - (e) specify permissible methods of payment.
- (2) Whatever other method may be specified under paragraph (1)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (1)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).
- (3) Where a letter is sent as mentioned in paragraph (2), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (4) In any proceedings, a certificate—
  - (a) that purports to be signed by or on behalf of the person with responsibility for the financial affairs of—
    - (i) the local authority, or

- (ii) the person designated under regulation 47(2)(b),  
specified in the fixed penalty notice to which the proceedings relate, and
  - (b) which states that the payment of a fixed penalty was, or was not, received by the date  
specified in the certificate,
- is evidence of the facts stated.

#### **54. Fixed penalty notices: prohibition of double jeopardy**

- (1) Where the same, or largely the same, act or omission by a person may give rise to a reasonable belief that the person has committed more than one offence under these Regulations, a fixed penalty notice may be issued to the person only in respect of one of the alleged offences.
- (2) But a fixed penalty notice may be issued in respect of both an alleged offence under regulation 37(1) and under regulation 37(2) where the same, or largely the same, act by a person gives rise to a reasonable belief that the person has committed both offences.

### **CHAPTER 3**

#### **Proceedings**

#### **55. Self-incrimination**

- (1) Relevant information may be used in evidence against the person to whom the information relates in criminal proceedings.
- (2) Where the information is used in proceedings other than for an offence under these Regulations or section 5 of the Perjury Act 1911<sup>(32)</sup> (false statements made otherwise than on oath)—
  - (a) no evidence relating to the information may be adduced by or on behalf of the prosecution, and
  - (b) no question relating to the information may be asked by or on behalf of the prosecution.
- (3) Paragraph (2) does not apply if, in the proceedings—
  - (a) evidence relating to the information is adduced by or on behalf of the person who provided it, or
  - (b) a question relating to the information is asked by or on behalf of that person.
- (4) In this regulation, “relevant information” means—
  - (a) information which is relevant information for the purposes of regulation 14;
  - (b) information, or the answer to a question, given in response to a requirement imposed under regulation 36(1);
  - (c) anything contained in a document or electronic records produced in response to a requirement imposed under paragraph 8(1) of Schedule 8.

#### **56. Prosecutions**

- (1) No proceedings for an offence under these Regulations may be brought other than by—
  - (a) the Director of Public Prosecutions,
  - (b) any person designated by the Welsh Ministers, or
  - (c) in relation to proceedings for an offence mentioned in (1A), a local authority.

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<sup>(32)</sup> 1911 c. 6. Section 5 was amended by section 1(2) of the Criminal Justice Act 1948 (c. 58).

(1A) The offences referred to in paragraph (1)(c) are—

- (a) an offence under regulation 42 other than an offence under paragraph (2) of that regulation;
- (b) an offence under regulation 43(1) where the person carrying out a function under these Regulations is an enforcement officer designated by a local authority;
- (c) an offence under regulation 43(2)(a)(i) or (b) where the enforcement officer giving the direction or compliance notice is a person designated by a local authority.

(2) A person designated by the Welsh Ministers under—

- (a) regulation 14 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020,
- (b) regulation 22 of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020,
- (c) regulation 32 of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020, or
- (d) regulation 46 of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020,

is to be treated as if designated under this regulation.

## PART 9

### General

#### 57. Interpretation

(1) In these Regulations—

- (a) “alcohol” has the meaning given by section 191 of the Licensing Act 2003<sup>(33)</sup>;
- (b) “alternative wedding ceremony” means a ceremony—
  - (i) based on a person’s faith or belief or lack of belief, to mark the union of two people, other than a ceremony for the purposes of solemnising a marriage or forming a civil partnership,
  - (ii) held in regulated premises, and
  - (iii) organised by a charitable, benevolent or philanthropic institution;
- (c) “carer” means a person who provides care for the person assisted where—
  - (i) the carer is entitled to an assessment under section 24 of the Social Services and Well-being (Wales) Act 2014<sup>(34)</sup>,
  - (ii) the care is part of the provision of community care services under Part 4 of the Social Services and Well-being (Wales) Act 2014, or
  - (iii) the care is provided by a care provider registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016<sup>(35)</sup>;
- (d) “child” means a person who is aged under 18;

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<sup>(33)</sup> Section 191 has been amended by the Policing and Crime Act 2017 (c. 3) and S.I. 2006/2407.

<sup>(34)</sup> 2014 anaw 4.

<sup>(35)</sup> 2016 anaw 2.

- (da) “close contact service” means a service which is ordinarily provided by any of the following—
- (i) hair salons and barbers;
  - (ii) nail and beauty salons including tanning and electrolysis services;
  - (iii) body piercings and tattooing services;
- (e) “contact information”, in relation to a person, means the person’s name and information sufficient to enable the person to be contacted, (including a telephone number, and, in relation to a person at regulated premises, the date and time at which the person was at the premises);
- (f) “contact tracer” means—
- (i) a person employed or engaged for the purposes of the health service (within the meaning of section 206 of the National Health Service (Wales) Act 2006<sup>(36)</sup> or section 108 of the National Health Service (Scotland) Act 1978<sup>(37)</sup>);
  - (ii) a person employed or engaged by a local authority, designated for the purposes of Part 3 by a Local Health Board, Public Health Wales National Health Service Trust<sup>(38)</sup> or a local authority;
- (g) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);
- (ga) “COVID-19” is the official designation of the disease which can be caused by coronavirus;
- (h) “elite athlete” means an individual who—
- (i) derives a living from competing in a sport,
  - (ii) is designated as an elite athlete by the Sports Council for Wales for the purposes of—
    - (aa) these Regulations,
    - (bb) the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020,
    - (cc) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020,
    - (dd) the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020, or
    - (ee) the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020,
  - (iii) is an “elite sportsperson” within the meaning given by regulation 2(1) of the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020<sup>(39)</sup>,
  - (iv) is a “professional sportsperson” within the meaning given by regulation 2(1) of the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020<sup>(40)</sup>, or

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<sup>(36)</sup> 2006 c. 42.

<sup>(37)</sup> 1978 c. 29.

<sup>(38)</sup> Established by S.I. 2009/2058 (W. 177).

<sup>(39)</sup> S.I. 2020/1374, as amended by S.I. 2020/1518, S.I. 2020/1533, S.I. 2020/1572, S.I. 2020/1611, S.I. 2020/1646, S.I. 2020/1654, S.I. 2021/8, S.I. 2021/53 and S.I. 2021/97.

<sup>(40)</sup> S.S.I. 2020/344, as amended by S.S.I. 2020/347, S.S.I. 2020/374, S.S.I. 2020/389, S.S.I. 2020/392, S.S.I. 2020/400, S.S.I. 2020/415, S.S.I. 2020/427, S.S.I. 2020/439, S.S.I. 2020/452, S.S.I. 2020/471, S.S.I. 2021/1, S.S.I. 2021/3, S.S.I. 2021/17, S.S.I. 2021/25, S.S.I. 2021/35, S.S.I. 2021/49, S.S.I. 2021/54 and S.S.I. 2021/86.

- (v) is an “elite athlete” within the meaning given by paragraph 39(2) of Schedule 2 to the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2020<sup>(41)</sup>;
- (i) “elite sporting event” means a sporting event at which only elite athletes are competing;
- (j) “face covering” means a covering of any type which covers a person’s nose and mouth;
- (k) “food and drink business” means—
  - (i) bars (including bars in members’ clubs);
  - (ii) public houses;
  - (iii) cafes, canteens and restaurants (including workplace canteens and dining rooms in members’ clubs);
- (l) “holiday site” means any land in Wales on which a mobile home or caravan is stationed for the purposes of human habitation (including any land in Wales used in conjunction with that land), in respect of which the relevant planning permission or the site licence for the land—
  - (i) is expressed to be granted for holiday use only, or
  - (ii) requires that there are times of the year when no mobile home or caravan may be stationed on the site for human habitation;
- (m) “holiday or travel accommodation” means accommodation in—
  - (i) camping sites;
  - (ii) holiday sites;
  - (iii) hotels and bed and breakfast accommodation;
  - (iv) other holiday accommodation (including holiday apartments, hostels and boarding houses);
- (n) “local authority” means the council of a county or county borough in Wales;
- (o) “parental responsibility” has the same meaning as in the Children Act 1989<sup>(42)</sup>;
- (p) a “person responsible for carrying on a business” includes the owner, proprietor, and manager of that business;
- (q) “premises” includes any building or structure and any land;
- (r) “public transport service” means a service provided to the general public for the carriage of passengers by road, railway, tramway, air or water;
- (s) “regulated premises” has the meaning given by regulation 15(1);
- (u) “single adult household” means—
  - (i) a household comprising of 1 adult (and any number of children), or
  - (ii) a household comprising of—
    - (aa) 1 adult who has caring responsibilities for 1 or more other adults in the household,
    - (bb) the adult or adults being cared for,
    - (cc) no other adults, and

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<sup>(41)</sup> S.R. 2020 No. 90, as amended by S.R. 2020 Nos. 138, 140, 154, 155, 163, 168, 179, 185, 189, 193, 194, 200, 203, 212, 216, 223, 228, 234, 241, 243, 244, 254, 275, 278, 289, 326, 344, and 355 and S.R. 2021 Nos. 4, 5, 6, 9, 10, 13, 17 and 32.

<sup>(42)</sup> 1989 c. 41. See Part 1 of the Act, to which there have been various amendments, including by the Human Fertilisation and Embryology Act 2008 (c. 22) and S.I. 2019/1458.



- (dd) any number of children;
- (v) “vehicle” includes an aircraft, a cable car, a train, a tram and a vessel;
- (w) “vulnerable person” includes—
  - (i) any person aged 70 or older;
  - (ii) any person under 70 who has an underlying health condition;
  - (iii) any person who is pregnant;
  - (iv) any child;
  - (v) any person who is a vulnerable adult within the meaning given by section 60(1) of the Safeguarding Vulnerable Groups Act 2006<sup>(43)</sup>.
- (2) For the purposes of determining whether or not a site is a holiday site in accordance with paragraph (1)(1), any provision of the relevant planning permission or of the site licence which permits the stationing of a mobile home on the land for human habitation all year round is to be ignored if the mobile home is authorised to be occupied by—
  - (a) the person who is the owner of the site, or
  - (b) a person employed by that person who does not occupy the mobile home under an agreement to which Part 4 of the Mobile Homes (Wales) Act 2013<sup>(44)</sup> applies.
- (3) In these Regulations, references to a “private dwelling”—
  - (a) include a houseboat and any garden, yard, passage, stair, outhouse or other appurtenance of the dwelling;
  - (b) do not include the following—
    - (i) holiday or travel accommodation;
    - (ii) accommodation in a care home service, secure accommodation service or residential family centre service, within the meaning given to those terms by Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016<sup>(45)</sup>;
    - (iii) criminal justice accommodation.
- (4) For the purposes of these Regulations—
  - (a) there is a gathering when two or more people are in the same place in order to do something together;
  - (b) an event is an occasion—
    - (i) which is planned or scheduled for a particular purpose, and
    - (ii) at which any number of people are in the same place for that purpose, whether or not they are participating in a gathering at the event.
- (5) For the purposes of these Regulations—
  - (a) premises are indoors if they are enclosed or substantially enclosed within the meaning given by regulation 3 of the Smoke-free Premises and Vehicles (Wales) Regulations 2020<sup>(46)</sup>;
  - (aa) a vehicle, or a part of a vehicle, is indoors if it is enclosed within the meaning given by that regulation;<sup>1</sup>

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<sup>(43)</sup> Section 60 was amended by section 65 of the Protection of Freedoms Act 2012 (c. 9).

<sup>(44)</sup> 2013 anaw 6, as amended by the Housing (Wales) Act 2014 (anaw 7).

<sup>(45)</sup> 2016 anaw 2.

<sup>(46)</sup> S.I. 2020/1211 (W. 273).

- (b) premises are authorised for the sale or supply of alcohol where the premises have been granted or given an authorisation under the Licensing Act 2003, and “authorisation” has the meaning given by section 136(5) of that Act.
- (6) For the purposes of these Regulations, the premises of a cinema or theatre is a drive-in cinema or theatre if—
  - (a) the premises are outdoors, and
  - (b) persons attending the showing of a film or performance at the premises—
    - (i) may only do so in an enclosed vehicle, and
    - (ii) may not, in so far as is reasonably practicable, leave the vehicle while at the premises.
- (7) For the purposes of these Regulations, a gathering or event is “regulated” if—
  - (a) it is organised by—
    - (i) a business,
    - (ii) a public body or a charitable, benevolent, educational or philanthropic institution,
    - (iii) a club or political organisation, or
    - (iv) the national governing body of a sport or other activity, and
  - (b) the person organising it has—
    - (i) carried out a risk assessment which would satisfy the requirements of regulation 3 of the Management of Health and Safety at Work Regulations 1999<sup>(47)</sup>, whether or not the person is subject to those Regulations, and
    - (ii) complied with the requirements of Part 4.
- (8) For the purposes of paragraph (7)(b)—
  - (a) regulation 3 of the Management of Health and Safety at Work Regulations 1999 applies as if the gathering or event were an undertaking conducted by the person organising it;
  - (b) Part 4 of these Regulations applies as if—
    - (i) the place where the gathering or event takes place were regulated premises within the meaning given by regulation 15, and
    - (ii) the person organising the gathering or event were the responsible person in relation to those regulated premises.
- (9) For the purposes of these Regulations, a **regulated**<sup>2</sup> gathering or event is not to be treated as being otherwise than “outdoors” by reason only of—
  - (a) the provision of indoor facilities for the sale or consumption of food and drink;
  - (b) the provision of other indoor facilities necessary for the holding of the gathering or event.

Notes:

- <sup>1</sup> Inserted by reg 2(21) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (07/08/21)
- <sup>2</sup> Omitted by reg 2(5) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.18) Regulations 2021 (09/10/21)

(47) S.I. 1999/3242. Regulation 3 was amended by S.I. 2005/1541, S.I. 2015/21 and S.I. 2015/1637.

## **58. Revocation**

The following Regulations are revoked—

- (a) the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020, other than regulation 48;
- (b) regulation 4 of the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (Wales) Regulations 2020~~(48)~~;
- (c) regulation 6 of the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 2) (Wales) Regulations 2020~~(49)~~.

## **59. Consequential amendment**

In regulation 19(10) of the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020, after sub-paragraph (d) insert—

- “(e) the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 if regulation 48 of those Regulations applies to the notice.”

*Mark Drakeford*

First Minister, one of the Welsh Ministers

At 5.45 p.m. on 18 December 2020

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**(48)** S.I. 2020/1237 (W. 279) as amended by S.I. 2020/1288 (W. 286).

**(49)** S.I. 2020/1288 (W. 286).

## **SCHEDULE 1**

Regulation 4(2)

### **Alert Level 1 Restrictions**

#### **PART 1**

##### **Restrictions on gathering**

###### **Restriction on gatherings in private dwellings**

- 1.** (1) No person may, without a reasonable excuse, participate in a gathering indoors in a private dwelling which consists of more than 6 people unless—
  - (a) all the persons participating in the gathering are members of the same household or extended household, or
  - (b) where all the persons participating in the gathering are not members of the same household or extended household, all the persons participating in the gathering are members of no more than 2 households.
- (2) In determining, for the purposes of sub-paragraph (1), the number of persons participating in a gathering no account is to be taken of—
  - (a) any children under the age of 11, as long as the persons participating in the gathering (including any children under the age of 11) are from no more than 6 households, or
  - (b) the carer of a person who is participating in the gathering.
- (2) For the purposes of sub-paragraph (1), a person has a reasonable excuse if—
  - (a) the person is participating in the gathering for a purpose that is reasonably necessary and there is no reasonably practicable alternative, or
  - (b) one of the circumstances in sub-paragraph (5) applies.
- (3) Examples of purposes for which it may be reasonably necessary for a person to participate in a gathering include—
  - (a) obtaining or providing medical assistance, or accessing veterinary services;
  - (c) meeting a legal obligation;
  - (d) providing, receiving or accessing care or assistance, including childcare or relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006, where the person receiving the care is a vulnerable person;
  - (e) in relation to children who do not live in the same household as their parents, or one of their parents, continuing existing arrangements for access to, and contact between, parents and children, and for the purposes of this paragraph, “parent” includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of, the child;
  - (f) moving home;
  - (g) undertaking activities in connection with the purchase, sale, letting, or rental of residential property;

- (h) accessing or receiving educational services.
- (4) The circumstances referred to in sub-paragraph (3)(b) are that the person is—
  - (a) providing or receiving emergency assistance;
  - (b) avoiding illness, injury or other risk of harm.
  - (c) working or providing voluntary or charitable services, or is receiving services from a person working or providing voluntary or charitable services;
- (5) This paragraph does not apply to a person who is homeless.

**Restriction on gatherings in public places**

- 2. (1) No person may, without a reasonable excuse, participate in a gathering which takes place indoors other than in a private dwelling or in holiday or travel accommodation which consists of more than 6 people unless all the persons participating in the gathering are members of the same household.
- (1A) No person may, without a reasonable excuse, participate in a gathering which takes place indoors in holiday or travel accommodation which consists of more than 6 people unless—
  - (a) all the persons participating in the gathering are members of the same household or extended household, or
  - (b) where all the persons participating in the gathering are not members of the same household or extended household, all the persons participating in the gathering are members of no more than 2 households.
- (2) In determining, for the purposes of sub-paragraphs (1) and (1A), the number of persons participating in a gathering no account is to be taken of—
  - (a) any children under the age of 11, as long as the persons participating in the gathering (including any children under the age of 11) are from no more than 6 households, or
  - (b) the carer of a person who is participating in the gathering.
- (3) For the purposes of sub-paragraph (1), a person has a reasonable excuse if—
  - (a) the person is participating in the gathering for a purpose that is reasonably necessary and there is no reasonably practicable alternative, or
  - (b) one of the circumstances in sub-paragraph (5) applies.
- (4) Examples of purposes for which it may be reasonably necessary for a person to participate in a gathering include—
  - (a) obtaining or providing medical assistance, or accessing veterinary services;
  - (b) working or providing voluntary or charitable services;
  - (c) meeting a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
  - (d) providing, receiving or accessing care or assistance, including childcare or relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006, where the person receiving the care is a vulnerable person;
  - (e) in relation to children who do not live in the same household as their parents, or one of their parents, continuing existing arrangements for access to, and contact between, parents and children, and for the purposes of this paragraph, “parent” includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of, the child;

- (f) moving home;
  - (g) undertaking activities in connection with the purchase, sale, letting, or rental of residential property;
  - (h) accessing or receiving public services;
  - (i) accessing or receiving educational services.
- (5) The circumstances referred to in sub-paragraph (3)(b) are that the person is—
- (a) providing or receiving emergency assistance;
  - (b) avoiding illness, injury or other risk of harm;
  - (c) attending a solemnisation of a marriage, formation of a civil partnership or an alternative wedding ceremony—
    - (i) as a party to the marriage, civil partnership or alternative wedding,
    - (ii) if invited to attend, or
    - (iii) as the carer of a person attending;
  - (d) attending a funeral—
    - (i) as a person responsible for arranging the funeral,
    - (ii) if invited by a person responsible for arranging the funeral, or
    - (iii) as the carer of a person attending;
  - (e) participating in an indoor gathering at regulated premises, to—
    - (i) celebrate a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony that took place on or after 26 March 2020;
    - (ii) celebrate the life of a deceased person whose funeral is held on or after 26 March 2020;
  - (f) attending a place of worship;
  - (g) an elite athlete and is training or competing;
  - (h) providing coaching or other support to an elite athlete, or providing support at an elite sporting event;
  - (i) participating in, attending or facilitating a regulated gathering or event that takes place to any extent indoors other than at holiday or travel accommodation;
  - (ka) participating in or facilitating a regulated gathering of no more than 30 children in holiday or travel accommodation, where the gathering relates to—
    - (i) a regulated gathering for the development or well-being of children (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays);
    - (ii) a gathering in which the children are participating for the purpose described in sub-paragraph (4)(i);
  - (l) attending or facilitating an event authorised by the Welsh Ministers in accordance with paragraph 5.

### **Extended households**

3. (1) Up to 3 households may agree to be treated as an extended household.

- (2) In addition to the up to 3 households who may agree to be treated as an extended household under sub-paragraph (1), 1 well-being needs household may also agree to be treated as part of that extended household.
- (3) To agree to be treated as an extended household, all members of the households must agree.
- (4) A household may only agree to be treated as being in 1 extended household at any one time.
- (5) Where households have agreed to be treated as an extended household under—
  - (a) paragraph 3 of Schedule 2,
  - (b) paragraph 3 of Schedule 3, or
  - (ba) paragraph 4 of Schedule 3A (despite its revocation by the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 9) Regulations 2021),
  - (c) paragraph 3 of Schedule 4,those households are to be treated as having agreed to be treated as an extended household under this paragraph.
- (6) A household ceases to be treated as part of an extended household if any member of the household ceases to agree to be treated as part of the extended household.
- (6A) Sub-paragraph (6B) applies where—
  - (a) a person who would be, or is, a member of an extended household is a child, and
  - (b) a person who has parental responsibility for the child (“P”) is a member of the child’s household.
- (6B) Where this sub-paragraph applies—
  - (a) the agreement required by sub-paragraph (3) is to be given by P (and not the child), and
  - (b) a household ceases to be treated as part of an extended household in accordance with sub-paragraph (6) if P ceases to agree to be treated as part of the extended household (whether or not the child also ceases to agree).
- (7) If a household ceases to be treated as part of an extended household, the household may not agree to be treated as part of an extended household with any other household unless a period of at least 10 days has expired since any member of the household last participated in a gathering with any member of another household in reliance on being treated as part of an extended household with that household.
- (8) In this Schedule, references to an extended household are references to an extended household formed under or by virtue of this paragraph.
- (9) In this paragraph, “well-being needs household” means—
  - (a) a single adult household;
  - (b) a household comprising of 1 or more children and no adults.

## **PART 2**

### **Restrictions on organising events**

**Prohibition on organising events**

4. (1) No person may, without a reasonable excuse, be involved in organising an event unless—
- (a) the event is regulated (see regulation 57(7)), and
  - (c) where the event is held to any extent indoors, no more than the permitted number of people attend at any time.
- (1A) The permitted number of people is—
- (a) where every person attending is normally seated during the event, 1000;
  - (b) otherwise, 200.
- (1B) For the purposes of this paragraph, a person working, or providing voluntary services, in relation to the holding of an event is not to be treated as attending the event.
- (2) Sub-paragraph (1) does not apply to a person involved in organising—
- (a) an event held at a private dwelling at which people do not participate in a gathering in contravention of paragraph 1;
  - (b) an event authorised by the Welsh Ministers under paragraph 5;
  - (c) a solemnisation of a marriage, formation of a civil partnership or an alternative wedding ceremony;
  - (d) a funeral;
  - (e) an indoor gathering at regulated premises, to—
    - (i) celebrate a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony that took place on or after 26 March 2020;
    - (ii) celebrate the life of a deceased person whose funeral is held on or after 26 March 2020;
  - (g) a regulated gathering, in premises other than holiday or travel accommodation, for the development or well-being of children (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays).
  - (h) an event that is held to any extent indoors at regulated premises [(other than at holiday or travel accommodation)<sup>44</sup> and at which—
    - (i) no more than 6 people are in attendance, or
    - (ii) all of the people in attendance are members of the same household;
  - (i) an event that is held outdoors at regulated premises (other than at holiday or travel accommodation) and at which—
    - (i) no more than 30 people are in attendance, or
    - (ii) all of the people in attendance are members of the same household;
  - (ia) an event that is any of the following, where it is held in premises ordinarily used for that purpose—
    - (i) the showing of a film,
    - (ii) an entertainment performance where no more than 200 people are in attendance or where it is held outdoors,
    - (iii) a market, or
    - (iv) a religious service;



- (ib) an elite sporting event at which the only people present are elite athletes and persons working or providing voluntary services for the event;
  - (j) an event that is held outdoors at premises that are not regulated premises or outdoors at holiday or travel accommodation and at which—
    - (i) no more than 30 people are in attendance, or
    - (ii) all of the people in attendance are members of the same household or extended household.<sup>37</sup>
  - (k) an event that is held to any extent indoors at holiday or travel accommodation and at which—
    - (i) no more than 6 people are in attendance,
    - (ii) all of the people in attendance are members of the same household or extended household, or
    - (iii) where all the people in attendance are not members of the same household or extended household, all of the people in attendance are members of no more than 2 households.
- (2A) In determining, for the purposes of sub-paragraph (2), the number of persons in attendance at an event, no account is to be taken of—
- (a) any children under the age of 11,
  - (b) the carer of any person in attendance, or
  - (c) any person working, or providing voluntary services, at the event.
- (3) For the purposes of sub-paragraph (1)—
- (a) a person is not involved in organising an event if the person's only involvement is attending it;
  - (b) a reasonable excuse includes where the person has taken all reasonable measures to ensure that no more than the permitted number of people are present at the event at any time, as the case may be;

#### **Authorised events**

5. (1) The Welsh Ministers may give authorisation in writing for an event to be held.
- (3) An authorisation may be given under sub-paragraph (1) in relation to a particular event or a particular description of events.
- (4) An authorisation under sub-paragraph (1)—
- (a) must be given to a person the Welsh Ministers consider is responsible for organising the event, and
  - (b) may require the event to be held in accordance with any requirements, restrictions or other conditions as may be specified by the Welsh Ministers.
- (4A) A requirement, restriction or other condition specified by the Welsh Ministers in an authorisation given under sub-paragraph (1) may modify ~~regulations 16, 17 and 17A~~ [regulation 16<sup>1</sup>](#) (requirement to take all reasonable measures to minimise exposure to coronavirus) for a specified period in so far as it applies to the premises at which the event is held.
- (5) The Welsh Ministers must publish—
- (a) an authorisation given under sub-paragraph (1), and

- (b) details of any requirements, restrictions or other conditions specified by the Welsh Ministers in relation to an event to be held under the authorisation.
- (6) The Welsh Ministers may withdraw an authorisation at any time by giving notice in writing to the person to whom the authorisation was given.
- (7) An authorisation may be withdrawn under sub-paragraph (6) only if the Welsh Ministers—
  - (a) have reasonable grounds to believe that the event will not be held, or is not being held, in accordance with a requirement, restriction or other condition specified by them, or
  - (b) consider that it is necessary and proportionate to withdraw the authorisation for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus.

## **PART 4**

### **Restrictions on certain businesses and services**

#### **Closure of premises used by certain businesses and services**

- 7.** (1) A person responsible for carrying on or providing a business or service listed in paragraph 9 or 10 must—
- (a) close to members of the public any premises operated as part of the business or service, and
  - (b) not carry on the business or service at such premises otherwise than in accordance with this regulation.
- (2) Sub-paragraph (1) does not prevent—
- (a) carrying out maintenance and repairs or other work to ensure premises are suitable for use when sub-paragraph (1) no longer applies to the premises;
  - (b) the use of premises for any purpose as may be requested or authorised by the Welsh Ministers or a local authority;
  - (c) the use of premises to broadcast without an audience present at the premises (whether over the internet or as part of a radio or television broadcast) or to rehearse;
  - (d) the use of premises for the provision of services or information (including the sale, hire or delivery of goods or services)—
    - (i) through a website, or otherwise by on-line communication,
    - (ii) by telephone, including by text message, or
    - (iii) by post.
- (3) Where—
- (a) a person responsible for carrying on a business (“business A”) is required by virtue of this paragraph to cease carrying on business A at premises, and
  - (b) business A forms part of a larger business (“business B”),

the requirement in this paragraph is complied with if the person responsible for carrying on business B ceases to carry on business A at the premises.

**Businesses or services whose premises must be closed**

- 9.** Nightclubs, discotheques, dance halls or other venues authorised for the sale or supply of alcohol where live or recorded music is provided for members of the public or members of the venue to dance.
- 10.** Sexual entertainment venues (within the meaning given by paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982~~(50)~~).

Notes:

- <sup>1</sup> Substituted by reg 2(22) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00a.m. 07/08/21)

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**(50)** 1982 c. 30. Paragraph 2A of Schedule 3 was inserted by section 27(3) of the Policing and Crime Act 2009 (c. 26).

## **SCHEDULE 2**

### **Regulation 4(3)**

## **Alert Level 2 Restrictions**

### **PART 1**

#### **Restrictions on gathering**

##### **Restriction on gatherings in private dwellings**

- 1.** (1) No person may, without a reasonable excuse, participate in a gathering in a private dwelling unless all the persons participating in the gathering are members of the same household or extended household.
  - (1A) But a person may participate in such a gathering outdoors if the gathering consists of no more than 6 persons.
  - (2) In determining, for the purposes of sub-paragraph (1A), the number of persons participating in a gathering no account is to be taken of—
    - (a) any children under the age of 11, as long as the persons participating in the gathering (including any children under the age of 11) are from no more than 6 households, or
    - (b) the carer of a person who is participating in the gathering.
  - (3) For the purposes of sub-paragraph (1), a person has a reasonable excuse if—
    - (a) the person is participating in the gathering for a purpose that is reasonably necessary and there is no reasonably practicable alternative, or
    - (b) one of the circumstances in sub-paragraph (5) applies.
  - (4) Examples of purposes for which it may be reasonably necessary for a person to participate in a gathering include—
    - (a) obtaining or providing medical assistance, or accessing veterinary services;
    - (c) meeting a legal obligation;
    - (d) providing, receiving or accessing care or assistance, including childcare or relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006, where the person receiving the care is a vulnerable person;
    - (e) in relation to children who do not live in the same household as their parents, or one of their parents, continuing existing arrangements for access to, and contact between, parents and children, and for the purposes of this paragraph, “parent” includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of, the child;
    - (f) moving home;
    - (g) undertaking activities in connection with the purchase, sale, letting, or rental of residential property;
    - (h) accessing or receiving educational services.
  - (5) The circumstances referred to in sub-paragraph (3)(b) are that the person is—

- (a) providing or receiving emergency assistance;
- (b) avoiding illness, injury or other risk of harm;
- (ba) working or providing voluntary or charitable services, or is receiving services from a person working or providing voluntary or charitable services;
- (c) participating in a gathering of no more than 4 people where all the persons in the gathering—
  - (i) live in the same premises, and
  - (ii) share toilet, washing, dining or cooking facilities with each other.
- (6) This paragraph does not apply to a person who is homeless.

**Restriction on gatherings in public places**

2. (1) No person may, without a reasonable excuse, participate in a gathering which—
- (a) takes place anywhere other than—
    - (i) in a private dwelling, or
    - (ii) in holiday or travel accommodation, and
  - (b) consists of more than 6 people, not including—
    - (i) any children under the age of 11, as long as the persons participating in the gathering (including any children under the age of 11) are from no more than 6 households, or
    - (ii) the carer of a person who is participating in the gathering.
- (2) But a person may participate in such a gathering which—
- (a) takes place indoors or outdoors in regulated premises, if all of the persons participating in the gathering are members of the same household, or
  - (b) takes place outdoors other than in regulated premises if all the persons participating in the gathering are members of the same household or extended household.
- (3) No person may, without a reasonable excuse, participate in a gathering which takes place in holiday or travel accommodation unless all the persons participating in the gathering are members of the same household or extended household.
- (3A) But a person may participate in such a gathering outdoors if the gathering consists of no more than 6 persons.
- (3B) In determining, for the purposes of sub-paragraph (3A), the number of persons participating in a gathering no account is to be taken of—
- (a) any children under the age of 11, as long as the persons participating in the gathering (including any children under the age of 11) are from no more than 6 households, or
  - (b) the carer of a person who is participating in the gathering.
- (4) For the purposes of sub-paragraphs (1) and (3), a person has a reasonable excuse if—
- (a) the person is participating in the gathering for a purpose that is reasonably necessary and there is no reasonably practicable alternative, or
  - (b) one of the circumstances in sub-paragraph (6) applies.
- (5) Examples of purposes for which it may be reasonably necessary for a person to participate in a gathering include—

- (a) obtaining or providing medical assistance, or accessing veterinary services;
  - (b) working or providing voluntary or charitable services;
  - (c) meeting a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
  - (d) providing, receiving or accessing care or assistance, including childcare or relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006, where the person receiving the care is a vulnerable person;
  - (e) in relation to children who do not live in the same household as their parents, or one of their parents, continuing existing arrangements for access to, and contact between, parents and children, and for the purposes of this paragraph, “parent” includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of, the child;
  - (f) moving home;
  - (g) undertaking activities in connection with the purchase, sale, letting, or rental of residential property;
  - (h) accessing or receiving public services;
  - (i) accessing or receiving educational services.
  - (j) visiting a person who is resident in a care home, with the permission of the service provider.
- (6) The circumstances referred to in sub-paragraph (4)(b) are that the person is—
- (a) providing or receiving emergency assistance;
  - (b) avoiding illness, injury or other risk of harm;
  - (c) attending a solemnisation of a marriage, formation of a civil partnership or an alternative wedding ceremony—
    - (i) as a party to the marriage, civil partnership or alternative wedding,
    - (ii) if invited to attend, or
    - (iii) as the carer of a person attending;
  - (d) attending a funeral—
    - (i) as a person responsible for arranging the funeral,
    - (ii) if invited by a person responsible for arranging the funeral, or
    - (iii) as the carer of a person attending;
  - (e) participating in an indoor gathering of no more than 30 people at regulated premises, or an outdoor gathering of no more than 50 people at such premises, not counting (in either case) persons under the age of 11 or persons working at the premises, to—
    - (i) celebrate a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony that took place on or after 26 March 2020;
    - (ii) celebrate the life of a deceased person whose funeral is held on or after 26 March 2020;
  - (f) attending a place of worship;
  - (g) an elite athlete and is training or competing;

- (h) providing coaching or other support to an elite athlete, or providing support at an elite sporting event;
  - (i) participating in or facilitating a regulated gathering that takes place to any extent indoors at which—
    - (i) no more than 30 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, at the gathering, and
    - (ii) no alcohol is consumed;
  - (j) participating in or facilitating a regulated gathering that takes place outdoors and at which—
    - (i) no more than 50 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, at the gathering, unless the gathering is organised for the purposes of protest, or picketing carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, and
    - (ii) no alcohol is consumed;
  - (k) participating in or facilitating an regulated gathering, in premises other than holiday or travel accommodation, for the development or well-being of persons who were aged under 18 on 31 August 2020 (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays);
  - (l) attending or facilitating an event authorised by the Welsh Ministers in accordance with paragraph 5.
- (7) This paragraph does not apply to a person who is homeless.

### **Extended households**

- 3.**
- (1) 2 households may agree to be treated as an extended household.
  - (2) In addition to the 2 households who may agree to be treated as an extended household under sub-paragraph (1), 1 well-being needs household may also agree to be treated as part of that extended household.
  - (3) To agree to be treated as an extended household, all members of the households must agree.
  - (4) A household may only agree to be treated as being in 1 extended household at any one time.
  - (5) Where a household has agreed to be treated as an extended household with other households under paragraph 3 of Schedule 1 (“the previous extended household”), it may make an agreement under this paragraph only with those other households, unless a period of at least 10 days has expired since any member of the household last participated in a gathering with a member of those households in reliance on being treated as part of the previous extended household.
  - (6) Where households have agreed to be treated as an extended household under—
    - (a) paragraph 3 of Schedule 3, or
    - (aa) paragraph 4 of Schedule 3A (despite its revocation by the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 9) Regulations 2021),
    - (b) paragraph 3 of Schedule 4,

those households are to be treated as having agreed to be treated as an extended household under this paragraph.

- (7) A household ceases to be treated as part of an extended household if any member of the household ceases to agree to be treated as part of the extended household.

(7A) Sub-paragraph (7B) applies where—

- (a) a person who would be, or is, a member of an extended household is a child, and
- (b) a person who has parental responsibility for the child (“P”) is a member of the child’s household.

(7B) Where this sub-paragraph applies—

- (a) the agreement required by sub-paragraph (3) is to be given by P (and not the child), and
  - (b) a household ceases to be treated as part of an extended household in accordance with sub-paragraph (7) if P ceases to agree to be treated as part of the extended household (whether or not the child also ceases to agree).
- (8) If a household ceases to be treated as part of an extended household, the household may not agree to be treated as part of an extended household with any other household unless a period of at least 10 days has expired since any member of the household last participated in a gathering with any member of another household in reliance on being treated as part of an extended household with that household.
- (9) In this Schedule, references to an extended household are references to an extended household formed under or by virtue of this paragraph.
- (10) In this paragraph, “well-being needs household” means—
- (a) a single adult household;
  - (b) a household comprising of 1 or more children and no adults.

## **PART 2**

### **Restrictions on organising events**

#### **Prohibition on organising events**

- 4.** (1) No person may, without a reasonable excuse, be involved in organising an event unless—
- (a) the event is regulated (see regulation 57(7)),
  - (b) the event is held outdoors, and
  - (c) no more than 50 people attend at any time.
- (1A) For the purposes of this paragraph, a person working, or providing voluntary services, in relation to the holding of an event is not to be treated as attending the event.
- (2) Sub-paragraph (1) does not apply to a person involved in organising—
- (a) an event held at a private dwelling at which people do not participate in a gathering in contravention of paragraph 1;
  - (b) an event authorised by the Welsh Ministers under paragraph 5;
  - (c) a solemnisation of a marriage, formation of a civil partnership or an alternative wedding ceremony;



- (d) a funeral;
- (e) an indoor gathering at regulated premises where no more than 30 people are in attendance, or an outdoor gathering at regulated premises where no more than 50 people are in attendance, to—
  - (i) celebrate a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony that took place on or after 26 March 2020;
  - (ii) celebrate the life of a deceased person whose funeral is held on or after 26 March 2020;
- (f) a regulated gathering that takes place to any extent indoors and at which—
  - (i) no more than 30 people are in attendance, and
  - (ii) no alcohol is consumed;
- (g) a regulated gathering that takes place outdoors and at which—
  - (i) no more than 50 people are in attendance, unless the gathering is organised for the purposes of protest, or picketing carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992<sup>(51)</sup>, and
  - (ii) no alcohol is consumed;
- (h) a regulated gathering, in premises other than holiday or travel accommodation, for the development or well-being of children (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays).
- (i) an event that is held at regulated premises, other than at holiday or travel accommodation, and at which—
  - (i) no more than 6 people are in attendance, or
  - (ii) all of the people in attendance are members of the same household;
- (j) an event that is any of the following, where it is held in premises ordinarily used for that purpose—
  - (i) the showing of a film,
  - (ii) an entertainment performance where no more than 200 people are in attendance or where it is held outdoors,
  - (iii) a market, or
  - (iv) a religious service;
- (k) an elite sporting event at which the only people present are elite athletes and persons working or providing voluntary services for the event;
- (l) an event that is held outdoors at premises that are not regulated premises or outdoors at holiday or travel accommodation and at which—
  - (i) no more than 6 people are in attendance, or
  - (ii) all of the people in attendance are members of the same household or extended household;
- (m) an event that is held to any extent indoors at holiday or travel accommodation and at which all of the people in attendance are members of the same household or extended household.

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<sup>(51)</sup> 1992 c. 52.

- (2A) In determining, for the purposes of sub-paragraph (2), the number of persons in attendance at an event, no account is to be taken of—
- (a) any children under the age of 11,
  - (b) the carer of any person in attendance, or
  - (c) any person working, or providing voluntary services, at the event.
- (3) For the purposes of sub-paragraph (1)—
- (a) a person is not involved in organising an event if the person's only involvement is attending it;
  - (b) a reasonable excuse includes where the person has taken all reasonable measures to ensure that no more than 50 people are present at the event at any time;

### **Authorised events**

5. (1) The Welsh Ministers may give authorisation in writing for an event to be held.
- (3) An authorisation may be given under sub-paragraph (1) in relation to a particular event or a particular description of events.
- (4) An authorisation under sub-paragraph (1)—
- (a) must be given to a person the Welsh Ministers consider is responsible for organising the event, and
  - (b) may require the event to be held in accordance with any requirements, restrictions or other conditions as may be specified by the Welsh Ministers.
- (4A) A requirement, restriction or other condition specified by the Welsh Ministers in an authorisation given under sub-paragraph (1) may modify ~~regulations 16, 17 and 17A~~ [regulation 16](#)<sup>1</sup> (requirement to take all reasonable measures to minimise exposure to coronavirus) for a specified period in so far as it applies to the premises at which the event is held.
- (5) The Welsh Ministers must publish—
- (a) an authorisation given under sub-paragraph (1), and
  - (b) details of any requirements, restrictions or other conditions specified by the Welsh Ministers in relation to an event to be held under the authorisation.
- (6) The Welsh Ministers may withdraw an authorisation at any time by giving notice in writing to the person to whom the authorisation was given.
- (7) An authorisation may be withdrawn under sub-paragraph (6) only if the Welsh Ministers—
- (a) have reasonable grounds to believe that the event will not be held, or is not being held, in accordance with a requirement, restriction or other condition specified by them, or
  - (b) consider that it is necessary and proportionate to withdraw the authorisation for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus.

## **PART 4**

### **Restrictions on certain businesses and services**

**Closure of premises used by certain businesses and services**

7. (1) A person responsible for carrying on or providing a business or service listed in paragraph 9 or 10 must—
- (a) close to members of the public any premises operated as part of the business or service, and
  - (b) not carry on the business or service at such premises otherwise than in accordance with this regulation.
- (2) Sub-paragraph (1) does not prevent—
- (a) carrying out maintenance and repairs or other work to ensure premises are suitable for use when sub-paragraph (1) no longer applies to the premises;
  - (b) the use of premises for any purpose as may be requested or authorised by the Welsh Ministers or a local authority;
  - (c) the use of premises to broadcast without an audience present at the premises (whether over the internet or as part of a radio or television broadcast) or to rehearse;
  - (d) the use of premises for the provision of services or information (including the sale, hire or delivery of goods or services)—
    - (i) through a website, or otherwise by on-line communication,
    - (ii) by telephone, including by text message, or
    - (iii) by post.
- (3) Where—
- (a) a person responsible for carrying on a business (“business A”) is required by virtue of this paragraph to cease carrying on business A at premises, and
  - (b) business A forms part of a larger business (“business B”),
- the requirement in this paragraph is complied with if the person responsible for carrying on business B ceases to carry on business A at the premises.

**Businesses or services whose premises must be closed**

9. Nightclubs, discotheques, dance halls or other venues authorised for the sale or supply of alcohol where live or recorded music is provided for members of the public or members of the venue to dance.
10. Sexual entertainment venues (within the meaning given by paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982<sup>(52)</sup>).
11. Ice skating rinks.

**Notes:**

- <sup>1</sup> Substituted by reg 2(23) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00a.m. 07/08/21)

(52) 1982 c. 30. Paragraph 2A of Schedule 3 was inserted by section 27(3) of the Policing and Crime Act 2009 (c. 26).

## **SCHEDULE 3**

Regulation 4(4)

### **Alert Level 3 Restrictions**

#### **PART 1**

##### **Restrictions on gathering**

###### **Restriction on gatherings in private dwellings**

- 1.** (1) No person may, without a reasonable excuse, participate in a gathering in a private dwelling unless all the persons participating in the gathering are members of the same household or extended household.
- (2) But a person may participate in such a gathering outdoors if the gathering consists of no more than 6 persons.
- (3) In determining, for the purposes of sub-paragraph (2), the number of persons participating in a gathering no account is to be taken of—
  - (a) any children under the age of 11, as long as the persons participating in the gathering (including any children under the age of 11) are from no more than 6 households, or
  - (b) the carer of a person who is participating in the gathering.
- (4) For the purposes of sub-paragraph (1), a person has a reasonable excuse if—
  - (a) the person is participating in the gathering for a purpose that is reasonably necessary and there is no reasonably practicable alternative, or
  - (b) one of the circumstances in sub-paragraph (6) applies.
- (5) Examples of purposes for which it may be reasonably necessary for a person to participate in a gathering include—
  - (a) obtaining or providing medical assistance, or accessing veterinary services;
  - (b) meeting a legal obligation;
  - (c) providing, receiving or accessing care or assistance, including childcare or relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006<sup>(53)</sup>, where the person receiving the care is a vulnerable person;
  - (d) in relation to children who do not live in the same household as their parents, or one of their parents, continuing existing arrangements for access to, and contact between, parents and children, and for the purposes of this paragraph, “parent” includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of, the child;
  - (e) moving home;
  - (f) undertaking activities in connection with the purchase, sale, letting, or rental of residential property;
  - (g) accessing or receiving educational services.

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<sup>(53)</sup> 2006 c. 47. Paragraph 7(3B) was inserted by section 66(2) of the Protection of Freedoms Act 2012 (c. 9).

- (6) The circumstances referred to in sub-paragraph (4)(b) are that the person is—
  - (a) providing or receiving emergency assistance;
  - (b) avoiding illness, injury or other risk of harm;
  - (c) working or providing voluntary or charitable services, or obtaining services from a person working or providing voluntary or charitable services;
  - (d) participating in a gathering of no more than 4 people where all the persons in the gathering—
    - (i) live in the same premises, and
    - (ii) share toilet, washing, dining or cooking facilities with each other.
- (7) This paragraph does not apply to a person who is homeless.

**Restriction on gatherings in holiday or travel accommodation**

- 2.
  - (1) No person may, without reasonable excuse, participate in a gathering which takes place in holiday or travel accommodation unless all the persons participating in the gathering are members of the same household or extended household.
  - (2) But a person may participate in such a gathering outdoors if the gathering consists of no more than 6 persons.
  - (3) In determining, for the purposes of sub-paragraph (2), the number of persons participating in a gathering no account is to be taken of—
    - (a) any children under the age of 11, as long as the persons participating in the gathering (including any children under the age of 11) are from no more than 6 households, or
    - (b) the carer of a person who is participating in the gathering.
  - (4) For the purposes of sub-paragraph (1), a person has a reasonable excuse if—
    - (a) the person is participating in the gathering for a purpose that is reasonably necessary and there is no reasonably practicable alternative, or
    - (b) one of the circumstances in sub-paragraph (6) applies.
  - (5) Examples of purposes for which it may be reasonably necessary for a person to participate in a gathering include—
    - (a) obtaining or providing medical assistance, or accessing veterinary services;
    - (b) meeting a legal obligation;
    - (c) providing, receiving or accessing care or assistance, including childcare or relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006, where the person receiving the care is a vulnerable person;
    - (d) in relation to children who do not live in the same household as their parents, or one of their parents, continuing existing arrangements for access to, and contact between, parents and children, and for the purposes of this paragraph, “parent” includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of, the child.
  - (6) The circumstances referred to in sub-paragraph (4)(b) are that the person is—
    - (a) providing or receiving emergency assistance;
    - (b) avoiding illness, injury or other risk of harm;

- (c) working or providing voluntary or charitable services;
- (d) attending a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony—
  - (i) as a party to the marriage, civil partnership or alternative wedding,
  - (ii) if invited to attend, or
  - (iii) as the carer of a person attending;
- (e) participating in an indoor gathering of no more than 15 people at holiday or travel accommodation, not counting persons under the age of 11 or persons working at the premises, to—
  - (i) celebrate a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony that took place on or after 26 March 2020;
  - (ii) celebrate the life of a deceased person whose funeral is held on or after 26 March 2020,at which no alcohol is consumed;
- (f) participating in an outdoor gathering of no more than 30 people at holiday or travel accommodation, not counting persons under the age of 11 or persons working at the premises, to—
  - (i) celebrate a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony that took place on or after 26 March 2020;
  - (ii) celebrate the life of a deceased person whose funeral is held on or after 26 March 2020;
- (g) participating in or facilitating a regulated gathering that takes place to any extent indoors at which—
  - (i) no more than 15 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, at the gathering, and
  - (ii) no alcohol is consumed;
- (h) participating in or facilitating a regulated gathering that takes place outdoors at which—
  - (i) no more than 30 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, at the gathering, and
  - (ii) no alcohol is consumed;
- (i) attending or facilitating an event authorised by the Welsh Ministers in accordance with paragraph 6.

(7) This paragraph does not apply to a person who is homeless.

### **Restriction on gatherings in public places**

- 3. (1) No person may, without a reasonable excuse, participate in a gathering which takes place in premises to which neither paragraph 1 nor 2 applies unless all the persons participating in the gathering are members of the same household.
- (2) But a person may participate in such a gathering—
  - (a) outdoors in regulated premises if the gathering consists of no more than 6 persons;
  - (b) outdoors other than in regulated premises if—

- (i) the gathering consists of no more than 6 persons, or
  - (ii) all the persons participating in the gathering are members of the same extended household.
- (3) In determining, for the purposes of sub-paragraph (2), the number of persons participating in a gathering no account is to be taken of—
  - (a) any children under the age of 11, as long as the persons participating in the gathering (including any children under the age of 11) are from no more than 6 households, or
  - (b) the carer of a person who is participating in the gathering.
- (4) For the purposes of sub-paragraph (1), a person has a reasonable excuse if—
  - (a) the person is participating in the gathering for a purpose that is reasonably necessary and there is no reasonably practicable alternative, or
  - (b) one of the circumstances in sub-paragraph (6) applies.
- (5) Examples of purposes for which it may be reasonably necessary for a person to participate in a gathering include—
  - (a) obtaining or providing medical assistance, or accessing veterinary services;
  - (b) working or providing voluntary or charitable services;
  - (c) meeting a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
  - (d) providing, receiving or accessing care or assistance, including childcare or relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006, where the person receiving the care is a vulnerable person;
  - (e) in relation to children who do not live in the same household as their parents, or one of their parents, continuing existing arrangements for access to, and contact between, parents and children, and for the purposes of this paragraph, “parent” includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of, the child;
  - (f) moving home;
  - (g) undertaking activities in connection with the purchase, sale, letting or rental of residential property;
  - (h) accessing or receiving public services;
  - (i) accessing or receiving educational services;
  - (j) visiting a person who is resident in a care home, with the permission of the service provider.
- (6) The circumstances referred to in sub-paragraph (4)(b) are that the person is—
  - (a) providing or receiving emergency assistance;
  - (b) avoiding illness, injury or other risk of harm;
  - (c) attending a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony—
    - (i) as a party to the marriage, civil partnership or alternative wedding,
    - (ii) if invited to attend, or
    - (iii) as the carer of a person attending;

- (d) attending a funeral—
    - (i) as a person responsible for arranging the funeral,
    - (ii) if invited by a person responsible for arranging the funeral, or
    - (iii) as the carer of a person attending;
  - (e) participating in an indoor gathering of no more than 15 people at regulated premises, not counting persons under the age of 11 or persons working at the premises, to—
    - (i) celebrate a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony that took place on or after 26 March 2020;
    - (ii) celebrate the life of a deceased person whose funeral is held on or after 26 March 2020,at which no alcohol is consumed;
  - (f) participating in an outdoor gathering of no more than 30 people at regulated premises, not counting persons under the age of 11 or persons working at the premises, to—
    - (i) celebrate a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony that took place on or after 26 March 2020;
    - (ii) celebrate the life of a deceased person whose funeral is held on or after 26 March 2020;
  - (g) attending a place of worship;
  - (h) an elite athlete and is training or competing;
  - (i) providing coaching or other support to an elite athlete, or providing support at an elite sporting event;
  - (j) participating in or facilitating a regulated gathering that takes place to any extent indoors at which—
    - (i) no more than 15 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, at the gathering, and
    - (ii) no alcohol is consumed;
  - (k) participating in or facilitating a regulated gathering that takes place outdoors at which—
    - (i) no more than 30 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, at the gathering, unless the gathering is organised for the purposes of protest, or picketing carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, and
    - (ii) no alcohol is consumed;
  - (l) participating in or facilitating a regulated activity for the development or well-being of persons who were aged under 18 on 31 August 2020 (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays);
  - (m) attending or facilitating an event authorised by the Welsh Ministers in accordance with paragraph 6.
- (7) This paragraph does not apply to a person who is homeless.



**Extended households**

4. (1) 2 households may agree to be treated as an extended household.
- (2) In addition to the 2 households who may agree to be treated as an extended household under sub-paragraph (1), 1 well-being needs household may also agree to be treated as part of that extended household.
- (3) To agree to be treated as an extended household, all members of the households must agree.
- (4) A household may only agree to be treated as being in 1 extended household at any one time.
- (5) Where a household has agreed to be treated as an extended household with any other households under paragraph 3 of Schedule 1 (“the previous extended household”), it may make an agreement under this paragraph only with those other households, unless a period of at least 10 days has expired since any member of the household last participated in a gathering with a member of those households in reliance on being treated as part of the previous extended household.
- (6) Where households have agreed to be treated as an extended household under—
- (a) paragraph 3 of Schedule 2,
  - (b) paragraph 4 of Schedule 3A (despite its revocation by the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 9) Regulations 2021), or
  - (c) paragraph 3 of Schedule 4,
- those households are to be treated as having agreed to be treated as an extended household under this paragraph.
- (7) A household ceases to be treated as part of an extended household if any member of the household ceases to agree to be treated as part of the extended household.
- (8) Sub-paragraph (9) applies where—
- (a) a person who would be, or is, a member of an extended household is a child, and
  - (b) a person who has parental responsibility for the child (“P”) is a member of the child’s household.
- (9) Where this sub-paragraph applies—
- (a) the agreement required by sub-paragraph (3) is to be given by P (and not the child), and
  - (b) a household ceases to be treated as part of an extended household in accordance with sub-paragraph (7) if P ceases to agree to be treated as part of the extended household (whether or not the child also ceases to agree).
- (10) If a household ceases to be treated as part of an extended household, the household may not agree to be treated as part of an extended household with any other household unless a period of at least 10 days has expired since any member of the household last participated in a gathering with any member of another household in reliance on being treated as part of an extended household with that household.
- (11) In this Schedule, references to an extended household are references to an extended household formed under or by virtue of this paragraph.
- (12) In this paragraph, “well-being needs household” means—
- (a) a single adult household;

- (b) a household comprising of 1 or more children and no adults.

## **PART 2**

### **Restrictions on organising events**

#### **Prohibition on organising events**

- 5.** (1) No person may, without a reasonable excuse, be involved in organising an event unless—
- (a) the event is regulated (see regulation 57(7)),
  - (b) the event is held outdoors, and
  - (c) no more than 30 people attend at any time.
- (1A) For the purposes of this paragraph, a person working, or providing voluntary services, in relation to the holding of an event is not to be treated as attending the event.
- (2) Sub-paragraph (1) does not apply to a person involved in organising—
- (a) an event held at a private dwelling at which people do not participate in a gathering in contravention of paragraph 1;
  - (b) an event authorised by the Welsh Ministers under paragraph 6;
  - (c) a solemnisation of a marriage, formation of a civil partnership or an alternative wedding ceremony;
  - (d) a funeral;
  - (e) an indoor gathering of no more than 15 people at regulated premises, or an outdoor gathering of no more than 30 people at such premises, not counting (in either case) persons under the age of 11 or persons working at the premises, to—
    - (i) celebrate a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony that took place on or after 26 March 2020;
    - (ii) celebrate the life of a deceased person whose funeral is held on or after 26 March 2020;
  - (f) a regulated gathering that takes place to any extent indoors and at which—
    - (i) no more than 15 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, at the gathering, and
    - (ii) no alcohol is consumed;
  - (g) a regulated gathering that takes place outdoors and at which—
    - (i) no more than 30 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, at the gathering, unless the gathering is organised for the purposes of protest, or picketing carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, and
    - (ii) no alcohol is consumed;
  - (h) a regulated gathering, in premises other than holiday or travel accommodation, for the development or well-being of children (including sports, music and other

recreational activities such as those provided for children outside of school hours and during school holidays).

- (3) For the purposes of sub-paragraph (1)—
- (a) a person is not involved in organising an event if the person's only involvement is attending it;
  - (b) a reasonable excuse includes where the person has taken all reasonable measures to ensure that no more than 30 people are present at the event at any time;
  - (c) where—
    - (i) a market, or
    - (ii) a religious service,is held in premises ordinarily used for that purpose or outdoors, it is not to be treated as an event;
  - (d) the following are not to be treated as events—
    - (i) the showing of a film at a drive-in cinema;
    - (ii) a performance at a drive-in theatre;
    - (iii) an elite sporting event at which the only people present are elite athletes and persons working or providing voluntary services at the event.

#### **Authorised events**

6. (1) The Welsh Ministers may give authorisation in writing for an event to be held.
- (2) An authorisation may be given under sub-paragraph (1) in relation to a particular event or a particular description of events.
- (3) An authorisation under sub-paragraph (1)—
- (a) must be given to a person the Welsh Ministers consider is responsible for organising the event, and
  - (b) may require the event to be held in accordance with any requirements, restrictions or other conditions as may be specified by the Welsh Ministers.
- (4A) A requirement, restriction or other condition specified by the Welsh Ministers in an authorisation given under sub-paragraph (1) may modify ~~regulations 16, 17 and 17A~~ [regulation 16<sup>1</sup>](#) (requirement to take all reasonable measures to minimise exposure to coronavirus) for a specified period in so far as it applies to the premises at which the event is held.
- (4) The Welsh Ministers must publish—
- (a) an authorisation given under sub-paragraph (1), and
  - (b) details of any requirements, restrictions or other conditions specified by the Welsh Ministers in relation to an event to be held under the authorisation.
- (5) The Welsh Ministers may withdraw an authorisation at any time by giving notice in writing to the person to whom the authorisation was given.
- (6) An authorisation may be withdrawn under sub-paragraph (6) only if the Welsh Ministers—
- (a) have reasonable grounds to believe that the event will not be held, or is not being held, in accordance with a requirement, restriction or other condition specified by them, or

- (b) consider that it is necessary and proportionate to withdraw the authorisation for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus.

## **PART 3**

### **Restrictions on certain businesses and services**

#### **CHAPTER 1**

*Businesses or services whose premises are required to be closed but to which limited access may be allowed*

#### **Closure of indoor premises of food and drink businesses**

- 7. (1) A person responsible for carrying on a business which is listed in paragraphs 11 to 13 (food and drink businesses) must close to members of the public any part of its premises which is indoors and used for the consumption of food or drink.
- (2) Sub-paragraph (1) does not prevent—
  - (a) the use of premises for—
    - (i) the sale of food and drink for consumption off the premises, or
    - (ii) services providing food or drink to homeless people;
  - (b) the provision of room service at a hotel or other accommodation (where the hotel or other accommodation continues to operate in accordance with the exceptions allowed by paragraph 8);
  - (c) a workplace canteen from being open where there is no practical alternative for staff at that workplace to obtain food or drink;
  - (d) the use of premises for any purpose as may be requested or authorised by the Welsh Ministers or a local authority;
  - (e) the carrying out of maintenance and repairs or other work to ensure premises are suitable for use when sub-paragraph (1) no longer applies to the premises.
- (3) Sub-paragraph (1) does not apply to—
  - (a) cafés and canteens at a hospital, care home, school or within accommodation provided for students;
  - (b) canteens at a prison or an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence.
- (4) For the purposes of sub-paragraph (1), an indoor area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business) is to be treated as part of the premises of that business.
- (5) Where—
  - (a) a person responsible for carrying on a business (“business A”) is required by virtue of this paragraph to cease carrying on business A at premises, and
  - (b) business A forms part of a larger business (“business B”),the requirement in this paragraph is complied with if the person responsible for carrying on business B ceases to carry on business A at the premises.

**Closure of holiday or travel accommodation that is not self-contained**

- 8.** (1) A person responsible for carrying on a business which is listed in paragraphs 14 to 17 (holiday or travel accommodation) must—
- (a) close to members of the public any premises operated as part of the business, and
  - (b) not carry on business at such premises otherwise than in accordance with this paragraph.
- (2) But sub-paragraph (1) does not prevent the use of premises for the provision of accommodation—
- (a) in a camping site or holiday site, provided that the only shared facilities used by guests at the camping site or holiday site are water points and waste disposal points, or
  - (b) in separate and self-contained premises.
- (3) And sub-paragraph (1) does not prevent—
- (a) carrying out maintenance and repairs or other work to ensure premises are suitable for use when sub-paragraph (1) no longer applies to the premises;
  - (b) the use of premises for any purpose as may be requested or authorised by the Welsh Ministers or a local authority;
  - (c) the provision of accommodation for any persons staying in that accommodation when this paragraph most recently began to apply to the area in which the accommodation is situated and who—
    - (i) are unable to return to their main residence, or
    - (ii) are using the accommodation as their main residence;
  - (d) the use of premises to carry on the business by providing information or other services—
    - (i) through a website, or otherwise by on-line communication,
    - (ii) by telephone, including enquiries by text message, or
    - (iii) by post.
- (4) Premises are separate and self-contained for the purposes of this paragraph only if—
- (a) they are provided for persons who are members of the same household or extended household, and
  - (b) none of the following are shared with the members of any other household—
    - (i) kitchens,
    - (ii) sleeping areas,
    - (iii) bathrooms, or
    - (iv) indoor communal areas.
- (5) In this paragraph—
- (a) a reception area is not to be treated as a shared facility for the purposes of sub-paragraph (2)(a);
  - (b) “communal areas” includes any area of the premises that is open to the public, but does not include a reception area or corridors, lifts and staircases used to access other parts of the premises.

- (6) Where—
- (a) a person responsible for carrying on a business (“business A”) is required by virtue of this paragraph to cease carrying on business A at premises, and
  - (b) business A forms part of a larger business (“business B”),
- the requirement in this paragraph is complied with if the person responsible for carrying on business B ceases to carry on business A at the premises.

## CHAPTER 2

### *Businesses or services whose premises are required to be closed*

#### **Closure of businesses and services**

9. (1) A person responsible for carrying on a business or providing a service which is listed in paragraphs 18 to 35 must—
- (a) close to members of the public any premises operated as part of the business or service, and
  - (b) not carry on the business or service at such premises otherwise than in accordance with this paragraph.
- (2) In its application to a business or service listed in paragraphs 27 (funfairs, amusement parks and theme parks), 28 (holiday, leisure activity or events businesses), 29 (museums and galleries), 32 (trampoline parks and centres), 34 (venues for events or conferences (including venues for weddings)) and 35 (visitor attractions), sub-paragraph (1) does not apply to—
- (a) a public outdoor area of the premises, or
  - (b) a public indoor area of the premises where it is necessary for the indoor area to be open—
    - (i) to allow access to a public outdoors area,
    - (ii) for health and safety reasons, or
    - (iii) to ensure that the requirements in Part 4 of these Regulations are complied with in relation to the premises.
- (3) Sub-paragraph (1) does not prevent—
- (a) carrying out maintenance and repairs or other work to ensure premises are suitable for use when sub-paragraph (1) no longer applies to the premises;
  - (b) the use of premises for any purpose as may be requested or authorised by the Welsh Ministers or a local authority;
  - (c) the use of premises to broadcast without an audience present at the premises (whether over the internet or as part of a radio or television broadcast) or to rehearse;
  - (d) the use of premises for the provision of goods or services (including their sale, hire, collection or delivery) in response to an order or enquiry made—
    - (i) through a website, or otherwise by on-line communication,
    - (ii) by telephone, including by text message, or
    - (iii) by post;

- (e) the use of premises for the provision of information—
  - (i) through a website, or otherwise by on-line communication,
  - (ii) by telephone, including by text message, or
  - (iii) by post.
- (4) Despite sub-paragraph (1), a person responsible for carrying on a business or providing a service listed in paragraph 28 (holiday, leisure activity or events businesses) may open the indoor areas of its premises to the public, but only for the purposes of facilitating a regulated activity for the development or well-being of persons who were aged under 18 on 31 August 2020 (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays).
- (5) Where—
  - (a) a person responsible for carrying on a business (“business A”) is required by virtue of this paragraph to cease carrying on business A at premises, and
  - (b) business A forms part of a larger business (“business B”),the requirement in this paragraph is complied with if the person responsible for carrying on business B ceases to carry on business A at the premises.

## CHAPTER 3

### *Businesses and services whose premises are exempt from the requirement to close*

#### **Exemption from the requirement to be closed: venues for weddings and celebrations of life of deceased**

- 10.** Despite the preceding provisions of this Part—
- (a) premises used as a venue for the solemnisation of a marriage, formation of civil partnership or alternative wedding ceremony, or the celebration of such an event, may open to the public—
    - (i) to the extent that this is required for the purposes of the solemnisation of a marriage, formation of civil partnership or alternative wedding ceremony at the premises, or the celebration of such an event at the premises;
    - (ii) for the purposes of enabling a person to visit the premises, by appointment, with a view to booking the premises for the solemnisation of a marriage, formation of civil partnership or alternative wedding ceremony, or for the celebration of such an event;
  - (b) premises used as a venue for the celebration of the life of a deceased person may open to the public to the extent that this is required for such a celebration at the premises.

## CHAPTER 4

### *List of closed or partially closed premises*

**Closed premises**

*Food and drink businesses*

- 11. Bars (including bars in members' clubs).
- 12. Public houses.
- 13. Cafes, canteens and restaurants (including workplace canteens and dining rooms in members' clubs).

*Holiday or travel accommodation*

- 14. Camping sites.
- 15. Holiday sites.
- 16. Hotels and bed and breakfast accommodation;
- 17. Other holiday accommodation (including holiday apartments, hostels and boarding houses).

*Leisure and social etc.*

- 18. Nightclubs, discotheques, dance halls or other venues authorised for the sale or supply of alcohol where live or recorded music is provided for members of the public or members of the venue to dance.
- 19. Sexual entertainment venues (within the meaning given by paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982).
- 20. Cinemas, other than drive in cinemas.
- 21. Concert halls and theatres, other than drive in theatres.
- 22. Casinos.
- 23. Bingo halls.
- 24. Amusement arcades.
- 25. Bowling alleys.
- 26. Indoor play centres or areas.
- 27. Funfairs, amusement parks and theme parks.
- 28. Holiday, leisure activity or events businesses
- 29. Museums and galleries.
- 30. Skating rinks.
- 31. Trampoline parks and centres.
- 32. Indoor skate parks and centres



- 33.** Steam rooms.
- 34.** Venues for events or conferences (including venues for weddings).
- 35.** Visitor attractions.

Notes:

- <sup>1</sup> Substituted by reg 2(24) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00a.m. 07/08/21)

## **SCHEDULE 4**

Regulation 4(5)

### **Alert Level 4 Restrictions**

#### **PART 1**

##### **Restrictions on gathering**

###### **Restriction to stay at home**

- 1.** (1) No person may, without a reasonable excuse, leave the place where they are living or remain away from that place.
- (2) For the purposes of sub-paragraph (1), a person has a reasonable excuse if—
  - (a) the person leaves or remains away from the place where they are living for a purpose that is reasonably necessary and there is no reasonably practicable alternative, or
  - (b) one of the circumstances in sub-paragraph (4) applies.
- (3) Examples of purposes for which it may be reasonably necessary for a person to leave or remain away from the place where they are living include—
  - (a) obtaining supplies from a business or service listed in paragraphs 55 to 66, including—
    - (i) food and medical supplies for those in the same household or extended household (including animals in the household or extended household) or for vulnerable persons;
    - (ii) supplies for the essential upkeep, maintenance and functioning of the household or extended household, or the household of a vulnerable person;
  - (b) obtaining or providing medical assistance, or accessing veterinary services;
  - (c) working or providing voluntary or charitable services;
  - (d) meeting a legal obligation;
  - (e) providing, receiving or accessing care or assistance, including childcare or relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006, where the person receiving the care is a vulnerable person;
  - (f) in relation to children who do not live in the same household as their parents, or one of their parents, continuing existing arrangements for access to, and contact between, parents and children, and for the purposes of this paragraph, “parent” includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of, the child;
  - (g) moving home;
  - (h) obtaining money from or depositing money with any business or service listed in paragraph 39(g) of Schedule 7;
  - (i) viewing a property in connection with the purchase, sale, letting or rental of the property;

- (j) undertaking activities in connection with the purchase, sale, letting, or rental of residential property;
  - (k) accessing or receiving public services;
  - (l) accessing or receiving educational services.
- (4) The circumstances referred to in sub-paragraph (2)(b) are that the person is—
- (a) providing or receiving emergency assistance;
  - (b) avoiding illness, injury or other risk of harm;
  - (c) attending a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony —
    - (i) as a party to the marriage, civil partnership or alternative wedding,
    - (ii) if invited to attend, or
    - (iii) as the carer of a person attending;
  - (d) attending a funeral—
    - (i) as a person responsible for arranging the funeral,
    - (ii) if invited by a person responsible for arranging the funeral, or
    - (iii) as the carer of a person attending;
  - (e) attending a place of worship;
  - (f) exercising, either—
    - (i) alone,
    - (ii) with other members of the person’s household or extended household,
    - (iii) with the person’s carer, or
    - (iv) with 1 other person who is not a member of the person’s household or extended household or the person’s carer, and any children under the age of 11 who are members of either person’s household;
  - (g) an elite athlete and is training or competing;
  - (h) providing coaching or other support to an elite athlete, or providing support at—
    - (i) an elite sporting event, or
    - (ii) a sporting event taking place outside Wales;
  - (i) travelling to vote in an election;
  - (j) travelling to or from, or is present at, a place where a member of their extended household is living.
- (5) In sub-paragraph (4)(f)—
- (a) exercise must start and finish at the place where the person is living or where a member of the person’s extended household is living, or
  - (b) where, for reasons of physical or mental illness or impairment, or a disability (within the meaning of section 6 of the Equality Act 2010), the person needs to exercise in another place, exercise must take place in an area local to the place where the person is living.
- (6) This paragraph does not apply to a person who is homeless.

**Restriction not to gather with other people**

2. (1) No person may, without a reasonable excuse, gather with any other person apart from—
- (a) members of their household,
  - (b) their carer, or
  - (c) a person they are providing care to.
- (2) For the purposes of sub-paragraph (1), a person has a reasonable excuse if—
- (a) the person is gathering with other people for a purpose that is reasonably necessary and there is no reasonably practicable alternative, or
  - (b) one of the circumstances in sub-paragraph (4) applies.
- (3) Examples of purposes for which it may be reasonably necessary for a person to participate in a gathering include—
- (a) obtaining or providing medical assistance, or accessing veterinary services;
  - (b) working or providing voluntary or charitable services;
  - (c) meeting a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
  - (d) providing, receiving or accessing care or assistance, including childcare or relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006, where the person receiving the care is a vulnerable person;
  - (e) in relation to children who do not live in the same household as their parents, or one of their parents, continuing existing arrangements for access to, and contact between, parents and children, and for the purposes of this paragraph, “parent” includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of, the child;
  - (f) moving home;
  - (g) viewing a property in connection with the purchase, sale, letting or rental of the property;
  - (h) undertaking activities in connection with the purchase, sale, letting, or rental of residential property;
  - (i) accessing or receiving public services;
  - (j) accessing or receiving educational services;
  - (k) avoiding illness, injury or risk of harm.
- (4) The circumstances referred to in sub-paragraph (2)(b) are that the person is—
- (a) providing or receiving emergency assistance;
  - (b) attending a solemnisation of a marriage, formation of a civil partnership or an alternative wedding ceremony—
    - (i) as a party to the marriage, civil partnership or alternative wedding,
    - (ii) if invited to attend, or
    - (iii) as the carer of a person attending;
  - (c) attending a funeral—
    - (i) as a person responsible for arranging the funeral,
    - (ii) if invited by a person responsible for arranging the funeral, or

- (iii) as the carer of a person attending;
  - (d) attending a place of worship;
  - (e) an elite athlete and is training or competing;
  - (f) providing coaching or other support to an elite athlete, or providing support at an elite sporting event;
  - (g) participating in a gathering with members of their extended household at a place where members of the extended household are living;
  - (h) participating in a gathering of no more than 4 people where all the persons in the gathering—
    - (i) live in the same premises, and
    - (ii) share toilet, washing, dining or cooking facilities with each other.
  - (i) exercising outdoors, except in a private dwelling, with—
    - (i) members of the person's extended household, together with any carer of a person participating who is present. or
    - (ii) 1 other person and any children under the age of 11 who are members of either person's household,together with any carer of a person participating who is present.
- (5) This paragraph does not apply to a person who is homeless.

### **Extended households**

- 3.**
- (1) A well-being needs household and another household may agree to be treated as an extended household.
  - (2) To agree to be treated as an extended household, all members of the households must agree.
  - (3) A household may only agree to be treated as being in 1 extended household at any one time.
  - (4) Where well-being needs household has agreed to be treated as an extended household with up to—
    - (a) 3 other households under paragraph 3 of Schedule 1, or
    - (b) 2 other households under—
      - (i) paragraph 3 of Schedule 2, or
      - (ii) paragraph 3 of Schedule 3,(“the previous extended household”) an agreement under this paragraph may be made only between the well-being needs household and 1 of those other households unless a period of at least 10 days has expired since any member of the well-being needs household last participated in a gathering with a member of those households in reliance on being treated as part of the previous extended household.
  - (5) A household ceases to be treated as part of an extended household if any member of the household ceases to agree to be treated as part of the extended household.
  - (5A) Sub-paragraph (5B) applies where—
    - (a) a person who would be, or is, a member of an extended household is a child, and
    - (b) a person who has parental responsibility for the child (“P”) is a member of the child's household.

(5B) Where this sub-paragraph applies—

- (a) the agreement required by sub-paragraph (2) is to be given by P (and not the child), and
  - (b) a household ceases to be treated as part of an extended household in accordance with sub-paragraph (5) if P ceases to agree to be treated as part of the extended household (whether or not the child also ceases to agree).
- (6) If a household ceases to be treated as part of an extended household, the household may not agree to be treated as part of an extended household with any other household unless a period of at least 10 days has expired since any member of the household last participated in a gathering with any member of another household in reliance on being treated as part of an extended household with that household.
- (7) In this Schedule, references to an extended household are references to an extended household formed under or by virtue of this paragraph.
- (8) In this paragraph, “well-being needs household” means—
- (a) a single adult household;
  - (b) a household comprising of 1 or more children and no adults.

## **PART 2**

### **Restrictions on organising events**

#### **Prohibition on organising events**

- 4.** (1) No person may, without a reasonable excuse, be involved in organising an event unless—
- (a) the event is regulated (see regulation 57(7)),
  - (b) the event is held outdoors, and
  - (c) no more than 30 people attend at any time.
- (1A) For the purposes of this paragraph, a person working, or providing voluntary services, in relation to the holding of an event is not to be treated as attending the event.
- (2) Sub-paragraph (1) does not apply to a person involved in organising—
- (a) an event held at a private dwelling at which people do not participate in a gathering in contravention of paragraph 2;
  - (b) an elite sporting event authorised by the Welsh Ministers under paragraph 5;
  - (c) a solemnisation of a marriage, formation of a civil partnership or an alternative wedding ceremony;
  - (d) a funeral.
- (3) For the purposes of sub-paragraph (1)—
- (a) a person is not involved in organising an event if the person’s only involvement is attending it;
  - (b) a reasonable excuse includes where the person has taken all reasonable measures to ensure that no more than 30 people are present at the event at any time, as the case may be;
  - (c) where—

- (i) a market, or
  - (ii) a religious service,
- is held in premises ordinarily used for that purpose or outdoors, it is not to be treated as an event.

**Authorised elite sporting events**

- 5.
- (1) The Welsh Ministers may give authorisation in writing for an elite sporting event to be held.
  - (2) An authorisation under sub-paragraph (1)—
    - (a) must be given to a person the Welsh Ministers consider is responsible for organising the event, and
    - (b) may require the event to be held in accordance with any requirements, restrictions or other conditions as may be specified by the Welsh Ministers.
  - (3) The Welsh Ministers must publish—
    - (a) an authorisation given under sub-paragraph (1), and
    - (b) details of any requirements, restrictions or other conditions specified by the Welsh Ministers in relation to the event.
  - (4) The Welsh Ministers may withdraw an authorisation at any time by giving notice in writing to the person to whom the authorisation was given.
  - (5) An authorisation may be withdrawn under sub-paragraph (4) only if the Welsh Ministers—
    - (a) have reasonable grounds to believe that the event will not be held, or is not being held, in accordance with a requirement, restriction or other condition specified by them, or
    - (b) consider that it is necessary and proportionate to withdraw the authorisation for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus.

**PART 4**

**Restrictions on certain businesses and services**

**CHAPTER 1**

**Businesses or services whose premises must be closed  
but to which limited access may be allowed**

**Closure of food and drink businesses**

- 7.
- (1) A person responsible for carrying on a business which is listed in paragraphs 12 to 14 (food and drink businesses) must—
    - (a) close to members of the public any premises operated as part of the business, and
    - (b) not carry on business at such premises otherwise than in accordance with this paragraph.
  - (2) Sub-paragraph (1) does not prevent—

- (a) the use of premises for—
    - (i) the sale of food and drink for consumption off the premises, or
    - (ii) services providing food or drink to homeless people;
  - (b) the provision of room service at a hotel or other accommodation (where the hotel or other accommodation continues to operate in accordance with the exceptions allowed by paragraph 8);
  - (c) a workplace canteen from being open where there is no practical alternative for staff at that workplace to obtain food or drink;
  - (d) the carrying out of maintenance and repairs or other work to ensure premises are suitable for use when sub-paragraph (1) no longer applies to the premises.
- (3) For the purposes of sub-paragraph (1), an indoor area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business) is to be treated as part of the premises of that business.
- (4) Where—
- (a) a person responsible for carrying on a business (“business A”) is required by virtue of this paragraph to cease carrying on business A at premises, and
  - (b) business A forms part of a larger business (“business B”),
- the requirement in this paragraph is complied with if the person responsible for carrying on business B ceases to carry on business A at the premises.

#### **Closure of holiday or travel accommodation**

- 8.** (1) A person responsible for carrying on a business which is listed in paragraphs 15 to 18 (holiday or travel accommodation) must—
- (a) close to members of the public any premises operated as part of the business, and
  - (b) not carry on business at such premises otherwise than in accordance with this regulation.
- (2) Sub-paragraph (1) does not prevent—
- (a) carrying out maintenance and repairs or other work to ensure premises are suitable for use when sub-paragraph (1) no longer applies to the premises;
  - (b) the use of premises for any purpose as may be requested or authorised by the Welsh Ministers or a local authority;
  - (c) the provision of accommodation for any persons staying in that accommodation when this paragraph most recently began to apply to the area in which the accommodation is situated and who—
    - (i) are unable to return to their main residence, or
    - (ii) are using the accommodation as their main residence;
  - (d) the use of premises to carry on the business by providing information or other services—
    - (i) through a website, or otherwise by on-line communication,
    - (ii) by telephone, including enquiries by text message, or
    - (iii) by post.
- (3) Where—



- (a) a person responsible for carrying on a business (“business A”) is required by virtue of this paragraph to cease carrying on business A at premises, and
  - (b) business A forms part of a larger business (“business B”),
- the requirement in this paragraph is complied with if the person responsible for carrying on business B ceases to carry on business A at the premises.

**Closure of community centres**

- 9.** (1) A person responsible for premises that are of a kind listed in paragraph 19 must ensure that the premises are closed to members of the public, except for the uses permitted by sub-paragraph (2).
- (2) A community centre may be open—
- (a) to provide essential voluntary services, or
  - (b) to provide public services upon the request of the Welsh Ministers or a local authority.
- (5) In this paragraph, “public services” includes the provision of food banks or other support for homeless or vulnerable people, childcare, blood donation sessions or support in an emergency.

**CHAPTER 2**

**Businesses or services whose premises are required to be closed**

**Closure of businesses and services**

- 10.** (1) A person responsible for carrying on a business or providing a service which is listed in paragraphs 21 to 48 must—
- (a) close to members of the public any premises operated as part of the business or service, and
  - (b) not carry on the business or service at such premises otherwise than in accordance with this paragraph.
- (2) Sub-paragraph (1) does not prevent—
- (a) carrying out maintenance and repairs or other work to ensure premises are suitable for use when sub-paragraph (1) no longer applies to the premises;
  - (b) the use of premises for any purpose as may be requested or authorised by the Welsh Ministers or a local authority;
  - (c) the use of premises to broadcast without an audience present at the premises (whether over the internet or as part of a radio or television broadcast) or to rehearse for such a broadcast;
  - (d) the use of premises for the provision of goods or services (including their sale, hire, collection or delivery) in response to an order or enquiry made—
    - (i) through a website, or otherwise by on-line communication,
    - (ii) by telephone, including by text message, or
    - (iii) by post;
  - (e) the use of premises for the provision of information—

- (i) through a website, or otherwise by on-line communication,
  - (ii) by telephone, including by text message, or
  - (iii) by post.
- (3) Where—
  - (a) a person responsible for carrying on a business (“business A”) is required by virtue of this paragraph to cease carrying on business A at premises, and
  - (b) business A forms part of a larger business (“business B”),
  - (c) the requirement in this paragraph is complied with if the person responsible for carrying on business B ceases to carry on business A at the premises.

### CHAPTER 3

Business and services whose premises are exempt from the requirement to close

#### **Exemption from the requirement to be closed**

- 11.** (1) Despite the preceding provisions of this Part, premises operated by businesses or services listed in paragraphs 49 to 66 may continue to be open.
- (2) And shopping centres, shopping arcades and markets may be open to the public to the extent that this is required for access to a business or service listed in paragraphs 49 to 66.
- (3) A person responsible for premises authorised for the sale or supply of alcohol for consumption off the premises may not sell or supply alcohol between 10.00 p.m. and 6.00 a.m.
- (4) Sub-paragraph (3) does not allow the person responsible for the premises to sell or supply alcohol in contravention of an authorisation granted or given in respect of the premises.

### CHAPTER 4

List of closed premises

#### **Closed premises**

##### *Food and drink businesses*

- 12.** Bars (including bars in members’ clubs).
- 13.** Public houses.
- 14.** Cafes, canteens and restaurants (including workplace canteens and dining rooms in members’ clubs).

##### *Holiday or travel accommodation*

- 15.** Camping sites.
- 16.** Holiday sites.

- 17. Hotels and bed and breakfast accommodation;
- 18. Other holiday accommodation (including holiday apartments, hostels and boarding houses).

*Public services etc.*

- 19. Community centres.
- 21. Libraries and archive services.

*Personal services etc.*

- 22. Hair salons and barbers.
- 23. Nail and beauty salons including tanning and electrolysis services.
- 24. Body piercings and tattooing services.

*Leisure and social etc.*

- 25. Nightclubs, discotheques, dance halls or other venues authorised for the sale or supply of alcohol where live or recorded music is provided for members of the public or members of the venue to dance.
- 26. Sexual entertainment venues (within the meaning given by paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982).
- 27. Cinemas.
- 28. Concert halls and theatres.
- 29. Casinos.
- 30. Bingo halls.
- 31. Amusement arcades.
- 32. Bowling alleys.
- 33. Indoor play centres or areas.
- 34. Funfairs, amusement parks and theme parks.
- 35. Holiday, leisure activity or events businesses.
- 36. Museums and galleries.
- 37. Ice skating rinks.
- 38. Trampoline parks and centres.
- 39. Enclosed or indoor skate parks and centres
- 40. Spas.

**41.** Venues for events or conferences (including venues for weddings).

**42.** Visitor attractions.

*Sports and exercise.*

**43.** Sports or exercise facilities, including indoor fitness studios and gyms.

**44.** Swimming pools.

**45.** Sports courts, bowling greens, golf courses and enclosed sports grounds or pitches (whether outdoors or indoors).

*Retail etc.*

**46.** Any business offering goods or services for sale or hire in retail premises.

**47.** Shopping centres and shopping arcades.

**48.** Estate or letting agents and developer sales offices.

**Exempt premises**

*Public services etc.*

**49.** Dental services, opticians, audiology services, chiropody, chiropractors, osteopaths, physiotherapy services, acupuncture services and other medical or health services, including services relating to mental health.

**50.** Hospital libraries and libraries at educational establishments.

**51.** Funeral directors.

**52.** Veterinary surgeons.

*Food and drink businesses*

**53.** Cafés and canteens at a hospital, care home, school or within accommodation provided for students.

**54.** Canteens at a prison or an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence.

*Retail etc.*

- 55.** Businesses offering the following goods for sale or hire in a shop—
- (a) food or drink for consumption off the premises (including food for pets and other domestic animals);
  - (b) products essential for the storage, preparation or consumption of food or drink;
  - (c) products for the essential upkeep, maintenance or functioning of the home or a workplace;
  - (d) pharmaceutical products, health and personal care products, baby products (including clothing), toiletries and cosmetics;

- (e) newspapers and magazines;
  - (f) bicycles and products essential for the use and maintenance of bicycles,  
but only for the purposes of selling or hiring those goods.
- 56.** Food markets, convenience stores, corner shops, pet shops, off licences and petrol stations.
- 57.** Supermarkets and other shops that sell multiple types of goods but only for the purposes of—
  - (a) selling the goods listed in paragraph 55;
  - (b) selling goods of a type ordinarily sold by any of the businesses listed in paragraph 56;
  - (c) selling other goods—
    - (i) where it is not reasonably practicable to separate or demarcate those areas of a shop that ordinarily displays such goods from those areas that display the goods mentioned in paragraphs (a) and (b);
    - (ii) on an exceptional basis where the goods are required in an emergency or on compassionate grounds.
- 58.** Shops offering maintenance or repair services for telecommunications or information technology devices.
- 59.** Building supplies and hardware stores
- 60.** Banks, building societies and other financial services providers.
- 61.** Post offices.
- 62.** Car repair and MOT services.
- 62A.** Automatic car washes.
- 63.** Livestock markets or auctions.
- 64.** Laundrettes and dry cleaners.
- 65.** Taxi or vehicle hire businesses.
- 66.** Agricultural or aquacultural supplies shops.

## SCHEDULE 5

Regulation 4(8)

### Areas

1. This is the table referred to in regulation 4(8)—

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	<i>Area</i>	<i>Alert Level of Area</i>
1	The whole of Wales	<del>+</del> <a href="#">No alert level</a> <sup>1</sup>

Notes:

<sup>1</sup> Substituted by reg 2(25) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00a.m. 07/08/21)

**SCHEDULE 7**  
**Regulation 15**  
**Regulated premises**

*Food and drink businesses*

1. Bars (including bars in members' clubs).
2. Public houses.
3. Cafes, canteens and restaurants (including workplace canteens and dining rooms in members' clubs).

*Holiday and travel accommodation*

4. Camping sites.
5. Holiday sites.
6. Hotels and bed and breakfast accommodation.
7. Other holiday accommodation (including holiday apartments, hostels and boarding houses).

*Public services etc.*

8. Medical or health services.
9. Recycling and waste centres.
10. Community centres.
11. Libraries and archive services.
12. Places of worship.
13. Funeral directors.
14. Crematoriums.
15. Veterinary surgeons.

*Personal services etc.*

16. Hair salons and barbers.
17. Nail and beauty salons including tanning and electrolysis services.
18. Body piercings and tattooing services.

*Leisure and social etc.*

19. Cinemas.
20. Concert halls and theatres.
21. Casinos.
22. Bingo halls.
23. Amusement arcades.
24. Bowling alleys.
25. Indoor play centres or areas.
26. Playgrounds.

- 27. Funfairs, amusement parks and theme parks.
- 28. Holiday, leisure activity or events businesses.
- 29. Museums and galleries.
- 30. Ice skating rinks.
- 31. Trampoline parks and centres.
- 32. Indoor skate parks and centres.
- 33. Spas.
- 34. Venues for events or conferences (including venues for weddings).
- 35. Visitor attractions.

*Sports and exercise*

- 36. Sports or exercise facilities, including indoor fitness studios and gyms.
- 37. Swimming pools.
- 38. Sports courts, bowling greens, golf courses and enclosed sports grounds or pitches (whether outdoors or indoors).

*Retail etc.*

- 39. Any business offering goods or services for sale or hire in retail premises, including—
  - (a) auction houses;
  - (b) car dealerships;
  - (c) markets;
  - (d) betting shops;
  - (e) garden centres and plant nurseries;
  - (f) pharmacies (including non-dispensing pharmacies) and chemists;
  - (g) banks, building societies and other financial services providers;
  - (h) post offices;
  - (i) car repair and MOT services;
  - (j) livestock markets or auctions;
  - (k) laundrettes and dry cleaners;
  - (l) petrol stations;
  - (m) taxi or vehicle hire businesses.
- 40. Shopping centres and shopping arcades.
- 41. Storage and distribution facilities, including delivery drop off points.
- 42. Estate or letting agents, developer sales offices and show homes.



## SCHEDULE 8

### Regulation 26

#### Enforcement of requirement to take preventative measures on regulated premises

##### Premises improvement notice

1. (1) An enforcement officer may issue a notice (a “premises improvement notice”) to a responsible person if the officer considers that—
  - (a) the person is not complying with the obligations imposed on the person by regulation 16, ~~17 or 17A<sup>1</sup>~~ [or 16A<sup>8</sup>](#), and
  - (b) the measures specified in the notice are necessary and proportionate in order to ensure that the person complies with those obligations.
- (2) A premises improvement notice must—
  - (a) specify the premises to which it relates;
  - (b) specify the measures it requires to be taken in order to ensure that the person complies with the obligations imposed by regulation 16, ~~17 or 17A<sup>2</sup>~~ [or 16A<sup>9</sup>](#);
  - (c) specify a time limit within which the measures must be taken (which must not be less than 48 hours beginning with the time the notice is issued);
  - (d) give details of the right of appeal conferred by paragraph 5.
- (3) In this Schedule, “responsible person” has the meaning given by regulation 15(2).

##### Premises closure notice

2. (1) If either condition 1 or condition 2 is satisfied, an enforcement officer may issue a notice (a “premises closure notice”) to a responsible person requiring the premises, or part of the premises, to be closed.
- (2) Condition 1 is—
  - (a) a premises improvement notice has been issued to the person,
  - (b) the enforcement officer considers that the person has failed to take the measures specified in the premises improvement notice within the specified time limit, and
  - (c) the officer considers that the closure of the premises, or part of the premises, is necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus.
- (3) Condition 2 is that the enforcement officer considers that—
  - (a) the person is not complying with the obligations imposed on the person by regulation 16, ~~17 or 17A<sup>3</sup>~~ [or 16A<sup>10</sup>](#), and
  - (b) the closure of the premises, or part of the premises, (without a premises improvement notice having been issued) is necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus.
- (4) A premises closure notice must—
  - (a) contain a description of the premises to be closed,

- (b) where a premises improvement notice has been issued, set out the measures that the enforcement officer considers—
    - (i) have not been taken, and
    - (ii) must be taken in order to ensure that the responsible person complies with the obligations imposed by regulation 16, ~~17 or 17A~~<sup>4</sup> or 16A<sup>11</sup>,
  - (c) where a premises improvement notice has not been issued, set out the reasons why the enforcement officer considers that the person is not complying with the obligations imposed by regulation 16, ~~17 or 17A~~<sup>5</sup> or 16A<sup>12</sup>,
  - (d) in either case, set out the reasons why the enforcement officer considers that closure of the premises is necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus,
  - (e) specify the period for which the notice has effect, and
  - (f) give details of the right of appeal conferred by paragraph 5.
- (5) The period specified under sub-paragraph (4)(e) may not be more than 672 hours (28 days) beginning with the time the notice is issued.
- (6) A premises closure notice has effect from the time at which it is issued or from a later time specified in the notice.
- (7) A premises closure notice may not be issued in relation to premises which form part of critical infrastructure (for example, premises used to generate electricity or supply water) or which are used to provide essential public services.
- (8) Where—
- (a) an enforcement officer considers that a responsible person has failed to take the measures specified in a premises improvement notice within the specified time limit, and
  - (b) either—
    - (i) a fixed penalty notice has been issued, or
    - (ii) proceedings have been brought for such an offence,in relation to that failure,
- the enforcement officer may nevertheless issue a premises closure notice under sub-paragraph (1).

### **Effect of premises closure notice**

3. (1) As soon as is reasonably practicable after a premises closure notice takes effect, the person to whom it is issued must ensure that—
- (a) the premises to which the notice relates are closed, and
  - (b) no business is carried on or service is provided on, or from, the premises.
- (2) No person may enter, or be on, premises closed under sub-paragraph (1) without a reasonable excuse.
- (3) For the purposes of sub-paragraph (2), the circumstances in which a person has a reasonable excuse include where—
- (a) the person lives on the premises;
  - (b) the person is carrying out essential maintenance or repairs;

- (c) the person is doing things necessary to ensure that regulation 16 ~~and, where relevant, regulation 17 or 17A<sup>6</sup>~~ or 16A<sup>13</sup> can be complied with when the premises are allowed to be open;
- (d) the person is an enforcement officer or a person assisting an enforcement officer;
- (e) it is necessary for the person to be on the premises to avoid injury or illness or escape a risk of harm.

#### **Termination of premises improvement or closure notice**

- 4. (1) An enforcement officer may issue a notice terminating a premises improvement notice or a premises closure notice if satisfied that—
  - (a) the measures specified in the premises improvement notice (if one was issued) have been taken, or
  - (b) other measures have been taken to ensure that regulation 16 ~~and, where relevant, regulation 17 or 17A<sup>7</sup>~~ can be complied with at the premises in question.
- (2) A premises improvement notice or premises closure notice ceases to have effect at the time notice of the termination is issued.

#### **Appeals**

- 5. (1) A person to whom a premises improvement notice or premises closure notice is issued may appeal to a magistrates' court against the notice.
- (2) An appeal must be made—
  - (a) by way of complaint for an order, and in accordance with the Magistrates' Courts Act 1980, and
  - (b) within 7 days after the day the notice is issued.
- (3) But a magistrates' court may allow an appeal to be made after the expiry of the period mentioned in sub-paragraph (2)(b) if satisfied that there is a good reason for the failure to appeal before the expiry of that period (and for any delay in applying for permission to appeal out of time).
- (4) A magistrates' court may suspend the effect of a premises improvement notice or premises closure notice pending the determination of an appeal.
- (5) On an appeal against a premises improvement notice or premises closure notice, a magistrates' court may—
  - (a) confirm the decision to issue the notice;
  - (b) direct that the notice is to cease to have effect;
  - (c) modify the notice;
  - (d) make such other order as the court considers appropriate.
- (6) If the magistrates' court directs that a notice is to cease to have effect or modifies a notice, it may order the local authority for the area in which the premises in question are situated to pay compensation for loss suffered as the result of the issue of the notice.
- (7) An appeal by either party against the decision of a magistrates' court on an appeal under this section may be brought to the Crown Court.
- (8) On an appeal to the Crown Court, the Court may—
  - (a) confirm, vary or reverse the decision of the magistrates court;

- (b) remit the case to the magistrates' court to dispose of in accordance with directions given by the Crown Court.

**Issuing premises improvement and closure notices and terminations**

- 6. (1) A premises improvement notice, premises closure notice or a termination of either of those types of notice is issued to a person by giving a copy of it in writing to that person.
- (2) But where the person responsible for the premises to which the notice or termination relates is not on the premises when it is to be issued, the notice is to be treated as having been issued to that person if—
  - (a) a copy of it is given to any other person on the premises who appears to be responsible for any business or service being carried out on the premises, or
  - (b) if there is no such person on the premises when the notice is to be issued, a copy of the notice is placed in a conspicuous position on the premises.

**Publicising premises improvement and closure notices**

- 7. (1) This regulation applies where an enforcement officer has issued a premises improvement notice or a premises closure notice.
- (2) A notice or sign displayed under sub-paragraph (2)(a) must be at least A4 size.
  - (a) display in a prominent place near every entrance to the premises—
    - (i) a copy of the notice, or information about where the notice can be found, and
    - (ii) a sign in the form set out in Schedule 9;
  - (b) arrange for the notice to be published on the website of the local authority for the area in which the premises are located.
- (3) A sign displayed under sub-paragraph (2)(a) must be at least A4 size.
- (4) The following must continue to be displayed or published (as the case may be) in accordance with sub-paragraph (2) for as long as the notice has effect—
  - (a) the copy of the notice or the information about where the notice can be found;
  - (b) the sign.

**Production of documents etc.**

- 8. (1) An enforcement officer may, to facilitate the exercise of a power conferred on the officer by this Schedule, require the production of, inspect and take copies of, any documents or electronic records.
- (2) A person may not be required under sub-paragraph (1) to provide a document, record or other information in respect of which a claim for legal professional privilege could be maintained in legal proceedings.

**Notes:**

- <sup>1</sup> Omitted by reg 2(26)(a)(i) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00a.m. 07/08/21)
- <sup>2</sup> Omitted by reg 2(26)(a)(ii) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00a.m. 07/08/21)

3	Omitted by reg 2(26)(b)(i) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00a.m. 07/08/21)
4	Omitted by reg 2(26)(b)(ii) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00a.m. 07/08/21)
5	Omitted by reg 2(26)(b)(iii) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00a.m. 07/08/21)
6	Omitted by reg 2(26)(c) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00a.m. 07/08/21)
7	Omitted by reg 2(26)(d) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.15) Regulations 2021 (6.00a.m. 07/08/21)
8	Inserted by reg 2(8)(a)(i) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.17) Regulations 2021 (7.00a.m. 06/10/21)
9	Inserted by reg 2(8)(a)(ii) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.17) Regulations 2021 (7.00a.m. 06/10/21)
10	Inserted by reg 2(8)(b)(i) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.17) Regulations 2021 (7.00a.m. 06/10/21)
11	Inserted by reg 2(8)(b)(ii) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.17) Regulations 2021 (7.00a.m. 06/10/21)
12	Inserted by reg 2(8)(b)(iii) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.17) Regulations 2021 (7.00a.m. 06/10/21)
13	Inserted by reg 2(8)(c) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.17) Regulations 2021 (7.00a.m. 06/10/21)
14	Inserted by reg 2(8)(d) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No.17) Regulations 2021 (7.00a.m. 06/10/21)

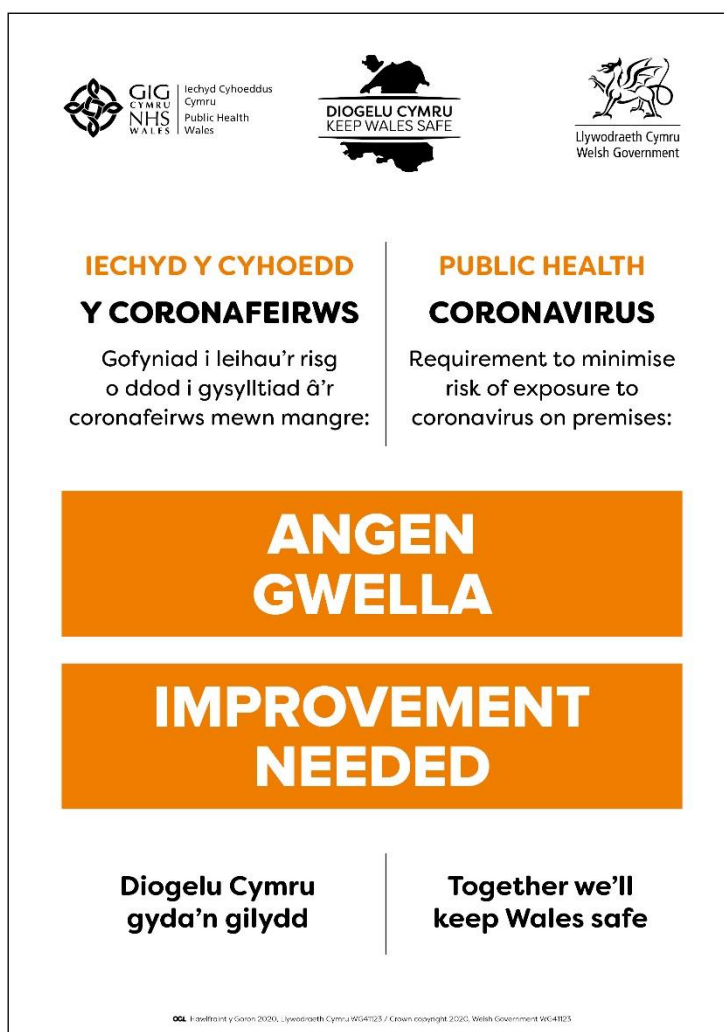
## SCHEDULE 9

### Regulation 26

#### Form of sign to accompany premises improvement notice or premises closure notice

*Sign to be displayed with premises improvement notice*

1. (1) A sign to be displayed under paragraph 7(2)(a)(ii) in conjunction with the issue of a premises improvement notice must be in the form set out below.  
(2) The colours used in the sign must be white, black and amber C0 M60 Y100 K0.



*Sign to be displayed with premises closure notice*

2. (1) A sign to be displayed under paragraph 7(2)(a)(ii) in conjunction with the issue of a premises improvement notice must be in the form set out below.
- (1) The colours used in the sign must be white, black and red C15 M100 Y100 K0.

