

Regulations made by the Welsh Ministers, laid before the National Assembly for Wales under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of the National Assembly for Wales within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution or recess for more than four days.

WELSH STATUTORY INSTRUMENTS

2020 No. 326 (W. 74)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus,
Business Closure) (Wales) Regulations 2020**

<i>Made</i>	- - - -	<i>at 1.45 p.m. on 21 March 2020</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>23 March 2020 at 2.00 p.m. on 21 March 2020</i>
<i>Coming into force</i>	- -	<i>March 2020</i>

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 45C(1), (3)(c), (4)(d), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984⁽¹⁾.

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, the National Assembly for Wales.

Title and commencement

1.—(1) The title of these Regulations is the Health Protection (Coronavirus, Business Closure) (Wales) Regulations 2020 and they come into force at 2.00 p.m. on 21 March 2020.

(2) These Regulations apply in relation to Wales.

⁽¹⁾ 1984 c. 22 (“the 1984 Act”). Sections 45C, 45F a 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.

Requirement to close premises during the emergency

2.—(1) A person who is responsible for carrying on a business which is listed in Part 1 of the Schedule must—

- (a) during the relevant period—
 - (i) close any premises, or part of the premises, in which food or drink are sold for consumption on those premises, and
 - (ii) cease selling food or drink for consumption on its premises; or
- (b) if the business sells food or drink for consumption off the premises, cease selling food or drink for consumption on its premises during the relevant period.

(2) For the purposes of paragraph (1)(a), food or drink sold by a hotel or other accommodation as part of room service is not to be treated as being sold for consumption on its premises.

(3) For the purposes of paragraph (1)(a)(ii) and (b), an area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business) to be treated as part of the premises of that business.

(4) A person responsible for carrying on a business which is listed in Part 2 of the Schedule must cease to carry on that business during the relevant period.

(5) If a business listed in the Schedule (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in paragraph (1) if it closes down business A.

(6) The Welsh Ministers must review the need for restrictions imposed by this regulation every 28 days, with the first review being carried out before the expiry of the period of 28 days starting with the day after the day on which these Regulations are made.

(7) As soon as the Welsh Ministers consider that the restrictions set out in this regulation are no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in Wales with the coronavirus, the Welsh Ministers must publish a direction terminating the relevant period.

(8) A direction published under paragraph (7) may terminate the relevant period in relation to some of the businesses listed the Schedule, or all businesses listed in the Schedule.

(9) For the purposes of this regulation—

- (a) “coronavirus” (“*coronaveirws*”) means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);
- (b) a “person responsible for carrying on a business” includes the owner, proprietor, and manager of that business;
- (c) the “relevant period” starts when these Regulations come into force and ends on the day specified in a direction published by the Welsh Ministers under paragraph (7).

Offences and penalties

3.—(1) A person who, without reasonable excuse, contravenes regulation 2 commits an offence.

(2) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.

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

(4) If an offence under paragraph (1) 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.

(5) In paragraph (4), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

Enforcement of restrictions and prosecution

4.—(1) A person, designated by the Welsh Ministers, may take such action as is necessary to enforce a closure or restriction imposed by regulation 2.

(2) Proceedings for an offence under regulation 3 may be brought any person designated by the Welsh Ministers.

Expiry

5.—(1) These Regulations expire at the end of the period of six months beginning with the day on which they come into force.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they expire.

At 1.45 p.m. on 21 March 2020

Mark Drakeford
First Minister, one of the Welsh Ministers

SCHEDULE

Regulation 2

Businesses which must close

PART 1

1. Restaurants, including restaurants and dining rooms in hotels or members clubs.
2. Cafes, including workplace canteens, but not including—
 - (a) cafes or canteens at a hospital, care home or school;
 - (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;
 - (c) services providing food or drink to the homeless.
3. Bars, including bars in hotels or members' clubs.
4. Public houses.

PART 2

5. Cinemas.
6. Theatres.
7. Nightclubs.
8. Bingo halls.
9. Concert halls.
10. Museums and galleries.
11. Casinos.
12. Betting shops.
13. Spas.
14. Massage parlours.
15. Indoor skating rinks.
16. Indoor fitness studios, gyms, swimming pools or other indoor leisure centres.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require the closure of businesses selling food or drink for consumption on the premises, and businesses listed in the Schedule, to protect against the risks to public health arising

from coronavirus. Closure of the businesses lasts until a direction is given by the Welsh Ministers allowing them to re-open. The Welsh Ministers are required to keep the need for the restrictions imposed by the Regulations under review every 28 days.

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.