
WELSH STATUTORY INSTRUMENTS

2020 No. 1524 (W. 327)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus Restrictions)
(School Premises and Further Education
Institution Premises) (Wales) Regulations 2020**

Approved by Senedd Cymru

<i>Made</i>	- - - -	<i>at 9.42 p.m. on 11 December 2020</i>
<i>Laid before Senedd Cymru</i>		<i>at 11.45 p.m. on 11 December 2020</i>
<i>Coming into force</i>	- -	<i>14 December 2020</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 45C(1) and (3), 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, Senedd Cymru.

Title, application, coming into force and interpretation

1.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (School Premises and Further Education Institution Premises) (Wales) Regulations 2020.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 14 December 2020.

(4) In these Regulations—

(a) the “1996 Act” means the Education Act 1996(2);

(b) “boarder” has the meaning given by section 579 of the 1996 Act;

(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.

(2) 1996 c. 56.

- (c) “critical worker” means a worker the local authority considers to be a critical worker having had regard to guidance published by the Welsh Ministers on identifying children of critical workers;;
- (d) “further education institution” means—
 - (i) an institution within the further education sector;
 - (ii) a provider of education or training within the meaning of section 31(1)(a) or (b) or 32(1)(a) or (b) of the Learning and Skills Act 2000(3) that—
 - (aa) is not an institution within the meaning of paragraph (i),
 - (bb) is not an institution within the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992(4), and
 - (cc) is in receipt of funding for provision of that education or training from the Welsh Ministers or a local authority,
 but does not include an employer who is a provider by reason only of the employer providing such education or training to its employees;
- (e) “independent school” has the meaning given by section 463 of the 1996 Act;
- (f) “institution within the further education sector” has the meaning given by section 91(3) of the Further and Higher Education Act 1992;
- (g) “parent” has the meaning given by section 576 of the 1996 Act;
- (h) “proprietor” has the meaning given by section 579 of the 1996 Act in relation to a school and, in relation to an institution that is not a school, means the person or body of persons responsible for the management of the institution;
- (i) “pupil” has the meaning given by section 3 of the 1996 Act;
- (j) “pupil referral unit” has the meaning given by section 19 of the 1996 Act;
- (k) “special educational needs” has the meaning given by section 312 of the 1996 Act;
- (l) “special school” means—
 - (i) a special school within the meaning given by section 337 of the 1996 Act;
 - (ii) an independent school which wholly or mainly provides education for pupils with special educational needs;
- (m) “school” has the meaning given by section 4 of the 1996 Act;
- (n) “school year” means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July;
- (o) “year 7” means a year group in which the majority of children will, in the school year, attain the age of 12;
- (p) “year group” means a group of children at a school the majority of whom will, in a particular school year, attain the same age.

Expiry

- 2.—(1) These Regulations expire at the end of the day on 22 December 2020.
- (2) This regulation does not affect the validity of anything done pursuant to these Regulations before they expire.

(3) 2000 c. 21.

(4) 1992 c. 13.

Restriction on attending school premises

3.—(1) The proprietor of a school in Wales may not permit a pupil in year 7 or above to attend the premises of the school during the period that starts at the beginning of the day on 14 December 2020 and ends at the end of the day on 22 December 2020.

(2) But paragraph (1) does not apply to a pupil whose parent is a critical worker.

(3) And paragraph (1) does not prevent a proprietor from permitting —

- (a) a pupil to attend a school’s premises—
 - (i) to undertake an examination or other assessment;
 - (ii) where the pupil’s parent is notified by the proprietor of the school that the proprietor considers it appropriate for the pupil to attend due to exceptional circumstances related to the pupil’s vulnerability;
- (b) a pupil from attending the premises of a special school;
- (c) a pupil from attending the premises of a pupil referral unit;
- (d) a pupil from attending the premises of a unit in a school, where—
 - (i) the unit is recognised by a local authority as being reserved for pupils with special educational needs, and
 - (ii) the pupil is wholly or mainly educated at the unit;
- (e) a pupil who is a boarder from residing in accommodation at the school premises.

Restriction on attending further education premises

4.—(1) A proprietor of a further education institution in Wales may not permit a student to attend the premises of the further education institution during the period that starts at the beginning of the day on 14 December 2020 and ends at the end of the day on 22 December 2020.

(2) But paragraph (1) does not prevent a proprietor from permitting a student to attend the premises of—

- (a) a further education institution to undertake an examination or other assessment;
- (b) an institution within the further education sector where the student is notified by the institution that the institution considers it appropriate for the student to attend due to exceptional circumstances related to the student’s vulnerability.

Enforcement

5. Any failure by a proprietor to comply with regulation 3 or 4 is enforceable by an application for injunction by the Welsh Ministers to the High Court or County Court, without notice.

At 9.42 p.m. on 11 December 2020

Mark Drakeford
First Minister, one of the Welsh Ministers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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.

These Regulations come into force 14 December 2020 and expire at the end of the day on 22 December 2020.

Regulations 3 and 4 limit the circumstances in which a pupil or student may attend the premises of a school or a further education institution.

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.