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. 334 (W. 76)

PUBLIC HEALTH, WALES

The Health Protection (Coronavirus: Closure of Leisure Businesses, Footpaths and Access Land) (Wales) Regulations 2020

Made - - - -	*at 10.00 p.m. on 23 March 2020*
Laid before the National Assembly for Wales - -	*24 March 2020*
Coming into force - -	*at 12.00 p.m. on 24 March 2020*

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 45C(1), 45C(3)(c), 45C(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, coming into force, application and interpretation

1.—(1) The title of these Regulations is the Health Protection (Coronavirus: Closure of Leisure Businesses, Footpaths and Access Land) (Wales) Regulations 2020 and they come into force at 12.00 p.m. on 24 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.

(3) In these Regulations "coronavirus" ("*coronaveirws*") means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

Requirement to close leisure businesses 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, during the relevant period, close its premises and cease to carry on its business.

(2) 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.

(3) 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.

(4) 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.

(5) A direction published under paragraph (4) may terminate the relevant period in relation to some of the businesses listed the Schedule, or all businesses listed in the Schedule.

(6) For the purposes of this regulation—

(a) a "person responsible for carrying on a business" includes the owner, proprietor, and manager of that business;

(b) 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 (4).

Further provision relating to the closure of holiday sites

3.—(1) In so far as Regulation 2(1) applies to a holiday site, the obligation on the person responsible for carrying on the business ("P") includes an obligation on P to use P's best endeavours to require any person using a mobile home or caravan on the site when the premises is closed to vacate the premises.

(2) But the obligation in paragraph (1) does not apply in relation to any person using a mobile home on the holiday site for human habitation under an agreement made under Part 4 of the Mobile Homes (Wales) Act 2013.

Requirement to close certain public footpaths and land during the emergency

4.—(1) Where paragraph (1) applies to a footpath or access land in the area of a relevant authority, the relevant authority must—

(a) close the footpath or access land by 12.00pm on 25 March 2020, and

(b) keep it closed until it considers that closure is no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in its area with the coronavirus.

(2) This paragraph applies to the footpaths and access land in its area a relevant authority considers—

(a) to be liable to large numbers of people congregating or being in close proximity to each other, or

(b) the use of which otherwise poses a high risk to the incidence or spread of infection in its area with the coronavirus.

(3) The relevant authority must publish a list of footpaths or access land closed in its area on a website.

(4) For the purposes of this regulation—

(a) a footpath includes a bridleway, and

(b) references to a footpath or access land include parts of a footpath or access land.

(5) In this regulation—

(a) the "relevant authority" means—

(i) a county council or county borough council in Wales,

(ii) a National Park authority in Wales,

(iii) Natural Resources Wales, or

(iv) The National Trust.

(b) "footpath" and "bridleway" have the same meaning as in section 329(1) of the Highways Act 1980.

(c) "access land" includes land to which the public has access by virtue of its ownership by the National Trust, but otherwise has the same meaning as in section 1(1) of the Countryside and Rights of Way Act 2000.

Offences and penalties

5.—(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

6.—(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 5 may be brought any person designated by the Welsh Ministers.

Expiry

7.—(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.

Mark Drakeford
First Minister, one of the Welsh Ministers

At 10.00 p.m. on 23 March 2020

SCHEDULE Regulation 2

Businesses which must close

PART 1

TYPE OF BUSINESS

1. Holiday sites.

2. Camping sites.

3. Amusement arcades.

4. Indoor play centres.

PART 2

INTERPRETATION

5.—(1) In this Schedule a "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—

(a) is expressed to be granted for holiday use only, or

(b) requires that there are times of the year when no mobile home or caravan may be stationed on the site for human habitation.

(2) For the purpose of determining whether or not a site is a holiday site, 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 but who does not occupy the mobile home under an agreement to which Part 4 of the Mobile Homes (Wales) Act 2013 applies.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require the closure of holiday caravan sites, camping sites, amusement arcades and indoor play centres to protect against the risks to public health arising from coronavirus. Closures last 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 Regulations also imposes a duty, for the same purpose, on local authorities, National Park authorities, National Resources Wales and the National Trust to close certain public footpaths and land.

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.