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WELSH STATUTORY INSTRUMENTS

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**2021 No. 413 (W. 133)**

**PUBLIC HEALTH, WALES**

**The Health Protection (Coronavirus Restrictions)  
(No. 5) (Wales) (Amendment) (No. 6) Regulations 2021**

*Approved by Senedd Cymru*

<i>Made</i>	- - - -	<i>at 1.36 p.m. on 26 March 2021</i>
<i>Laid before Senedd Cymru</i>		<i>at 6.00 p.m. on 26 March 2021</i>
<i>Coming into force</i>	- -	<i>27 March 2021</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 45C(1) and (3)(c), 45F(2) and 45P(2) 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.

**Title and coming into force**

**1.**—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 6) Regulations 2021.

(2) These Regulations come into force immediately before the start of the day on 27 March 2021.

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<sup>(1)</sup> 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.

## **Amendment of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020**

2.—(1) The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020(2) are amended as follows.

(2) In regulation 4, for paragraph (6A) substitute—

“(6A) But, in relation to an Alert Level 3 area, for the period ending at the end of the day on 11 April 2021, Schedule 3 is to be treated as if it were replaced by Schedule 3A.

(6B) And Schedule 5 sets out consequential temporary modifications that apply in relation to an Alert Level 3 area for the period specified in paragraph (6A).”

(3) In Schedule 3, omit paragraph 4(2).

(4) After Schedule 3 insert—

“SCHEDULE 3A

Regulation 4(6A)

Temporary Alert Level 3 Restrictions

### **PART 1**

#### **Restriction 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 from no more than 2 households.

(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, 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;
- (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

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(2) S.I. 2020/1609 (W. 335) as amended by S.I. 2020/1610 (W. 336), S.I. 2020/1623 (W. 340), S.I. 2020/1645 (W. 345), S.I. 2021/20 (W. 7), S.I. 2021/46 (W. 10), S.I. 2021/57 (W. 13), S.I. 2021/66 (W. 15), S.I. 2021/95 (W. 26), S.I. 2021/103 (W. 28), S.I. 2021/172 (W. 40), S.I. 2021/210 (W. 52) and S.I. 2021/307 (W. 79).

- of Vulnerable Groups Act 2006(3), 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.
- (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) 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) Despite sub-paragraphs (2) and (5)(b), no person may participate in a gathering in a private dwelling for the purposes of persuading or dissuading a person to vote in a particular manner in an election.
- (8) 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) 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 (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;
  - (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.
- (4) The circumstances referred to in sub-paragraph (2)(b) are that the person is—

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

- (a) providing or receiving emergency assistance;
  - (b) avoiding illness, injury or other risk of harm.
- (5) 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 outdoors if—
- (a) all the persons participating in the gathering are members of the same extended household, or
  - (b) the gathering consists of no more than 6 persons from no more than 2 households.
- (3) In determining, for the purposes of sub-paragraph (2)(b), the number of persons participating in a gathering no account is to be taken of—
- (a) any children under the age of 11, 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) attending a place of worship;
- (f) an elite athlete and is training or competing;
- (g) providing coaching or other support to an elite athlete, or providing support at an elite sporting event;
- (h) participating in or facilitating an outdoor organised 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).

(7) Despite sub-paragraphs (2)(b) and (5)(b), no person may participate in a gathering for the purposes of persuading or dissuading a person to vote in a particular manner in an election unless the person is participating in a broadcast without an audience (whether over the internet or as part of a radio or television broadcast).

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

#### **Extended households**

4.—(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 households have agreed to be treated as an extended household under paragraph 3 of Schedule 4, those households are to be treated as having agreed to be treated as an extended household under this paragraph.

(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.

(6) Sub-paragraph (7) 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.

(7) 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).

(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;
- (c) a household comprising of—
  - (i) 2 or more adults,
  - (ii) 1 or more children under the age of 1, and
  - (iii) any number of other children.

## PART 2

### Restrictions on organising events

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

5.—(1) No person may, without a reasonable excuse, be involved in organising—

- (a) an event held wholly or mainly indoors at which more than 15 people are in attendance, or
- (b) an event held wholly or mainly outdoors at which more than 30 people are in attendance,

not counting persons under the age of 11 or persons working, or providing voluntary services, at the event.

(2) 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 15 or 30 people are in attendance, as the case may be;
- (c) 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) a market;
  - (iv) a religious service;
  - (v) an elite sporting event at which the only people present are elite athletes and persons working or providing voluntary services at the event.

## PART 3

### Restrictions on travelling

#### **Restriction on travel to and from Alert Level 3 area**

6.—(1) No person living outside an Alert Level 3 area may, without a reasonable excuse, enter or remain in an Alert Level 3 Area.

(2) No person living in an Alert Level 3 area may, without a reasonable excuse, leave the area for the purposes of entering or remaining in a place that is not in an Alert Level 3 area.

(3) For the purposes of sub-paragraphs (1) and (2), a person has a reasonable excuse if—

(a) the person enters or leaves the area for a purpose that is reasonably necessary and there is no reasonably practicable alternative;

(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 enter or leave the area include—

(a) obtaining or providing medical assistance, or accessing veterinary services;

(b) avoiding illness, injury or other risk of harm;

(c) working or providing voluntary or charitable services;

(d) meeting a legal obligation, including attending court or satisfying bail conditions, or participating in legal proceedings;

(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) 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) obtaining—

(i) food and medical supplies for those in the same household (including animals in the household) or for vulnerable persons;

(ii) supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person;

(l) obtaining money from or depositing money with any business or service listed in paragraph 39(g) of Schedule 7;

(m) participating in or facilitating an outdoor organised 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) The circumstances referred to in sub-paragraph (3)(b) are that the person is—

(a) providing or receiving emergency assistance;

- (b) attending a solemnization of a marriage, formation of a civil partnership or alternative wedding ceremony—
  - (i) as a party to the marriage, civil partnership or 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) an elite athlete and is travelling for the purposes of training or competition;
- (e) 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;
- (f) travelling to vote in an election;
- (g) travelling on a journey which—
  - (i) in relation to the restriction in sub-paragraph (1), begins and ends outside the area, or
  - (ii) in relation to the restriction in sub-paragraph (2), ends in an area which the person is not prohibited from entering or remaining in under that sub-paragraph,
 provided that the person takes all reasonably practicable measures to minimise any stops during the journey;
- (h) travelling to participate in a gathering with the person's extended household in accordance with any restrictions on gatherings applicable where the gathering takes place.

## PART 4

### 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 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 that is not self-contained**

**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 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.

#### **Closure of community centres and crematoriums**

- 9.**—(1) A person responsible for premises that are of a kind listed in paragraphs 19 and 20 must ensure that the premises are closed to members of the public, except for the uses permitted by sub-paragraphs (2) and (3).
- (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.
- (3) A crematorium may open to members of the public for funerals or burials (and to broadcast a funeral or burial whether over the internet or otherwise).
- (4) Sub-paragraph (1) does not apply to the grounds surrounding—
- (a) a community centre;
  - (b) a crematorium, including any burial ground or garden of remembrance.
- (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 47 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;
  - (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) Despite sub-paragraph (1), a person responsible for carrying on a business or providing a service—
- (a) listed in paragraph 21 (hair salons and barbers) may open its premises to the public, but only for the purposes of cutting, styling or colouring hair, by appointment;
  - (b) listed in paragraph 34 (holiday, leisure activity or events businesses) may open its premises to the public, but only for the purposes of facilitating an outdoor organised 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).
- (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.

### CHAPTER 3

#### *Businesses 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—
- (a) premises operated by businesses or services listed in paragraphs 48 to 66 may continue to be open;
  - (b) approved premises may be open to the public to the extent that this is required for the purposes of the solemnisation or a marriage, formation of civil partnership or alternative wedding ceremony at the premises;
  - (c) 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 48 to 66.
- (2) 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.
- (3) Sub-paragraph (2) 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.

(4) In this paragraph, “approved premises” means premises approved in accordance with Marriages and Civil Partnerships (Approved Premises) Regulations 2005(4)—

- (a) as premises on which marriages may be solemnised in pursuance of section 26(1)(bb) of the Marriage Act 1949(5), or
- (b) for the purposes of section 6(3A)(a) of the Civil Partnership Act 2004(6).

## 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.
- 20. Crematoriums.

##### ***Personal services etc.***

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

##### ***Leisure and social etc.***

- 24. 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.
- 25. Sexual entertainment venues (within the meaning given by paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982).
- 26. Cinemas.

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(4) S.I. 2005/3168, as amended by S.I. 2011/2661, S.I. 2013/2294 and S.I. 2019/1458.

(5) 1949 c. 76; section 26 was substituted by section 3 of the Marriage (Same Sex Couples) Act 2013 (c. 30).

(6) 2004 c. 33; section 6(3A) was substituted by paragraph 2(2) of Schedule 1 to S.I. 2005/2000.

27. Concert halls and theatres.
28. Casinos.
29. Bingo halls.
30. Amusement arcades.
31. Bowling alleys.
32. Indoor play centres or areas.
33. Funfairs, amusement parks and theme parks.
34. Holiday, leisure activity or events businesses.
35. Museums and galleries.
36. Skating rinks.
37. Trampoline parks and centres.
38. Indoor skate parks and centres.
39. Spas.
40. Venues for events or conferences (including venues for weddings).
41. Visitor attractions other than—
  - (a) public outdoor areas of premises on which a scheduled monument (within the meaning given by section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979<sup>(7)</sup>) is situated;
  - (b) public outdoor areas of a park or garden registered in the register of parks and gardens of special historic interest in Wales maintained by the Welsh Ministers and published by them from time to time<sup>(8)</sup>;
  - (c) public indoor areas of a place referred to in paragraph (a) or (b) where it is necessary for the indoor area to be open—
    - (i) to allow access to the public outdoors areas,
    - (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.

***Sports and exercise.***

42. Indoor sports or exercise facilities, including indoor fitness studios and gyms.
43. Swimming pools.
44. Indoor sports courts, indoor bowling greens and other indoor sports grounds or pitches.

***Retail etc.***

45. Any business offering goods or services for sale or hire in retail premises.
46. Shopping centres and shopping arcades.
47. Estate or letting agents and developer sales offices.

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(7) 1979 c. 46.

(8) Registered parks and gardens may be searched on the historic environment records of Wales' 'Archwilio' website, available at <https://archwilio.org.uk/arch/index.html>

### ***Exempt premises***

#### ***Public services etc.***

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

**49.** Funeral directors.

**50.** Veterinary surgeons.

#### ***Food and drink businesses***

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

**52.** 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.***

**53.** 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.

**54.** Food markets, convenience stores, corner shops, pet shops, off licences, petrol stations, garden centres and plant nurseries.

**55.** Supermarkets and other shops selling multiple types of goods—

- (a) which were open to the public on 11 March 2021, and
- (b) which use their premises, in the ordinary course of their business, mainly to sell—
  - (i) goods listed in paragraph 53, or
  - (ii) goods of a type ordinarily sold by any of the businesses listed in paragraph 54.

**56.** Shops selling multiple types of goods that do not fall within paragraph 55, but only for the purposes of—

- (a) selling the goods listed in paragraph 53;
- (b) selling goods of a type ordinarily sold by any of the businesses listed in paragraph 54;
- (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.

57. Shops offering maintenance or repair services for telecommunications or information technology devices.

58. Building supplies and hardware stores.

59. Banks, building societies and other financial services providers.

60. Post offices.

61. Car repair and MOT services.

62. 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.”

(5) In Schedule 5—

(a) in paragraph 1, in Column 3 of the table, for the text after “Alert Level of Area” substitute “3”;

(b) for paragraph 2 substitute—

**“Temporary modifications**

2. In relation to an Alert Level 3 area, for the period ending at the end of the day on 11 April 2021—

(a) regulation 25 is to be read as if for paragraph (3)(a)(iv) there were substituted—  
“(iv) paragraph 7(1), 8(1), 9(1), 10(1) or 11(2) of Schedule 3A, or”;

(b) regulation 27 is to be read as if for paragraph (1)(d) there were substituted—  
“(d) paragraph 7(1), 8(1), 9(1), 10(1) or 11(2) of Schedule 3A, or”;

(c) regulation 28 is to be read as if—

(i) in paragraph (1)(c), for “Schedule 3” there were substituted  
“Schedule 3A”;

(ii) in paragraph (3)(c) there were substituted—

“(c) paragraph 2(1) or 3(1) of Schedule 3A, or”;

(d) regulation 29 is to be read as if—

(i) in paragraph (1)(c), for “Schedule 3” there were substituted  
“Schedule 3A”;

(ii) in paragraph (3)(c), for “Schedule 3” there were substituted  
“Schedule 3A”;

(iii) in paragraph (5)(c), for “Schedule 3” there were substituted  
“Schedule 3A”;

(iv) in paragraph (7)(c), for “Schedule 3” there were substituted  
“Schedule 3A”;

(e) regulation 31(1)(b) is to be read as if for “paragraph 4 of Schedule 3” there were substituted “paragraph 5 of Schedule 3A”;

- (f) regulation 37 is to be read as if—
  - (i) for paragraph (1)(c) there were substituted—
    - “(c) paragraph 1(1), 2(1) or 3(1) of Schedule 3A, or”;
  - (ii) in paragraph (2)(c)(iii) for “Schedule 3” there were substituted “Schedule 3A”;
- (g) regulation 38(c) is to be read as if for “Schedule 3” there were substituted “Schedule 3A”;
- (h) regulation 39 is to be read as if for paragraph (1)(c) there were substituted—
  - “(c) paragraph 5 of Schedule 3A, or”;
- (i) regulation 42 is to be read as if for paragraph (1)(c) there were substituted—
  - “(c) paragraph 7(1), 8(1), 9(1), 10(1) or 11(2) of Schedule 3A, or”.

**Revocation of regulation 3(2) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 5) Regulations 2021**

**3.** Regulation 3(2) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 5) Regulations 2021<sup>(9)</sup> is revoked.

At 1.36 p.m. 26 March 2021

*Mark Drakeford*  
First Minister, one of the Welsh Ministers



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## 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.

These Regulations amend the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 (S.I. 2020/1609 (W. 335)) (“the principal Regulations”).

The amendments provide that the whole of Wales is an Alert Level 3 area from the beginning of the day on 27 March 2021. This means that the previous requirements to stay at home, or more recently, to stay local, no longer apply; though restrictions on travelling to or from Wales continue.

Despite formally moving to Alert Level 3, the amendments provide that for a limited period (currently, until the end of the day on 11 April 2021), the restrictions and requirements applying in Wales are those set out in Schedule 3A to the principal Regulations, not those in Schedule 3 (which would otherwise have applied to an Alert Level 3 area). Schedule 3A is inserted into the principal Regulations by these Regulations.

The temporary Alert Level 3 restrictions under Schedule 3A are different in a number of respects from those in Schedule 3. The main differences are that under the temporary restrictions in Schedule 3A—

- (a) up to 6 people (not including children under 11 or carers) from no more than 2 households may gather outdoors, including in private gardens, for any purpose, regardless of whether the people gathering are members of the same extended household;
- (b) only those households that were permitted to form extended households under the Alert Level 4 restrictions that applied in Wales immediately before these Regulations came into force may form extended households under Schedule 3A (i.e. a well-being needs household, including a household in which a person aged under 18 lives alone, and another household);
- (c) gathering outdoors in groups of more than 6 (and with persons from more than 2 households) for an organised activity is only allowed in relation to an outdoor organised activity for the development or well-being of children (for example, in clubs provided for children during school holidays);
- (d) no person living outside Wales may, without reasonable excuse, enter or remain in Wales (regardless of exactly where outside Wales a person is living), and no person living in Wales may, without reasonable excuse, leave Wales;
- (e) nearly all premises that were required to be closed to the public immediately before these Regulations came into force must remain closed, the exceptions being—
  - (i) libraries and archive services;
  - (ii) the public outdoor areas of premises on which a scheduled monument is situated, and the public outdoor areas of a park or garden that is registered in the register of parks and gardens of special historic interest in Wales;

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

- (iii) self-contained holiday or travel accommodation: this means that camping sites and holiday sites may open if the only shared facilities are water points and waste disposal points, and other accommodation (including holiday apartments and hotels) may open provided that guests do not share facilities and indoor communal areas with anyone outside their household or the limited form of extended household described in paragraph (b).

The Regulations also—

- (f) amend Schedule 5 to the principal Regulations to make temporary modifications to enable the enforcement of the restrictions in Schedule 3A;
- (g) make other minor amendments and consequential amendments, including to the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 5) Regulations 2021.

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.