

Regulations made by the Welsh Ministers, laid before Senedd Cymru under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of Senedd Cymru 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

2021 No. 502 (W. 150)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus Restrictions)
(No. 5) (Wales) (Amendment) (No. 8) Regulations 2021**

Approved by Senedd Cymru

Made - - - - *at 3.16 p.m. on 23
April 2021*
Laid before Senedd Cymru *at 5.45 p.m. on 23
April 2021*
*Coming into force in accordance with regulation 1(2)
to (4)*

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(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 and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 8) Regulations 2021.

(2) These Regulations, apart from this regulation and paragraphs (1), (15)(a)(i) and (ii), (15)(b)(i) and (15)(f) of regulation 2, come into force immediately before the start of the day on 26 April 2021.

(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.

Status: Point in time view as at 03/05/2021.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 8) Regulations 2021. (See end of Document for details)

(3) This regulation and paragraphs (1), (15)(a)(i) and (ii), and (15)(b)(i) of regulation 2 come into force on 24 April 2021.

(4) Paragraph (15)(f) of regulation 2 comes into force at 6.00 a.m. on 26 April 2021.

Commencement Information

II Reg. 1 in force at 24.4.2021, see [reg. 1\(3\)](#)

Amendment to 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—

- (a) in paragraph (1), omit sub-paragraph (c);
- (b) in paragraph (6A), for “25 April” substitute “2 May”.

(3) In regulation 17(1)(a), omit “and allocating a limited time period to customers for which they may stay in the premises”.

(4) In regulation 25(3)(a)—

- (a) in paragraph (ii), omit “or 8(1) or (2)”;
- (b) in paragraph (iii), omit “or 8(1) or (2)”;
- (c) in paragraph (iv), for “(2) or 10(1)” substitute “9(1)”.

(5) In regulation 27(1)—

- (a) in sub-paragraph (b), omit “or 8(1) or (2)”;
- (b) in sub-paragraph (c), omit “or 8(1) or (2)”;
- (c) in sub-paragraph (d), for “(2) or 10(1)” substitute “9(1)”.

(6) In regulation 28(3)(c), for “(3)” substitute “3(1)”.

(7) In regulation 31—

- (a) in paragraph (1)(b), for “paragraph 4 of Schedule 3” substitute “paragraph 5 of Schedule 3”;
- (b) in paragraph (3), after “Schedule 2” insert “, paragraph 6 of Schedule 3”.

(8) In regulation 37(1)(c), for “or 2(1) or (3)” substitute “2(1) or 3(1)”.

(9) In regulation 39(1)(c), for “paragraph 4” substitute “paragraph 5”.

(10) In regulation 42(1)—

- (a) in sub-paragraph (a), for “paragraphs 7(1) or 8(1) or (2)” substitute “paragraph 7(1)”;
- (b) in sub-paragraph (b), for “paragraphs 7(1) or 8(1) or (2)” substitute “paragraph 7(1)”;
- (c) in sub-paragraph (c), for “(2) or 10(1)” substitute “9(1)”.

(11) In regulation 56—

- (a) in paragraph (1)(c) for “an offence under regulation 42” substitute “an offence mentioned in paragraph (1A)”;

(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), S.I. 2021/307 (W. 79) and S.I. 2021/413 (W. 133).

- (b) after paragraph (1) insert—
- “(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.”
- (12) In Schedule 1—
- (a) in paragraph 1—
- (i) in sub-paragraph (4), omit paragraph (b);
 - (ii) in sub-paragraph (5), after paragraph (b) insert—
“(c) working or providing voluntary or charitable services, or is receiving services from a person working or providing voluntary or charitable services;”;
- (b) in paragraph 2—
- (i) for sub-paragraph (5)(e) substitute—
“(e) participating in an indoor gathering of no more than 50 people at regulated premises, or an outdoor gathering of no more than 100 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;”;
 - (ii) in sub-paragraph (5)(j)(i), after “as part of the activity,” insert “unless the activity is organised for the purposes of protest, or picketing carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992(3)”;
- (c) in paragraph 3(5), after paragraph (b) insert—
“(ba) paragraph 4 of Schedule 3A,”;
- (d) in paragraph 4(1), omit “persons under the age of 11 or”;
- (e) in paragraph 5(2), omit “persons under the age of 11 or”;
- (f) omit paragraph 8.
- (13) In Schedule 2—
- (a) in paragraph 1—
- (i) for sub-paragraph (1) substitute—
“(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.”;
 - (ii) after sub-paragraph (1) insert—

- “(1A) But a person may participate in such a gathering outdoors if the gathering consists of no more than 6 persons.”;
- (iii) in sub-paragraph (2)—
- (aa) in the words before paragraph (a), for “sub-paragraph (1)(b)” substitute “sub-paragraph (1A)”;
- (bb) in paragraph (a), after “age of 11” insert “, as long as the persons participating in the gathering (including any children under the age of 11) are from no more than 6 households”;
- (iv) in sub-paragraph (4), omit paragraph (b);
- (v) in sub-paragraph (5), after paragraph (b) insert—
- “(ba) working or providing voluntary or charitable services, or is receiving services from a person working or providing voluntary or charitable services.”;
- (b) in paragraph 2—
- (i) in sub-paragraph (2)(a), omit “or in any part of regulated premises that is outdoors”;
- (ii) after sub-paragraph (2)(a) insert—
- “(aa) takes place outdoors 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 household, or”;
- (iii) for sub-paragraph (2)(b) substitute—
- “(b) takes place 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 household or extended household.”;
- (iv) in sub-paragraph (3), after “the same household” insert “or extended household”;
- (v) after sub-paragraph (3) insert—
- “(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-paragraphs (2)(aa)(i), (2)(b)(ii) and (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.”;
- (vi) in sub-paragraph (5), after paragraph (i) insert—
- “(j) visiting a person who is resident in a care home, with the permission of the service provider.”;
- (vii) in sub-paragraph (6)—
- (aa) for paragraph (e) substitute—
- “(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;”;

(bb) in paragraph (i)(i), for “15” substitute “30”;

(cc) for paragraph (j)(i) substitute—

“(i) no more than 50 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, as part of the activity, unless the activity is organised for the purposes of protest, or picketing carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, and”;

^{F1}(dd)

(c) in paragraph 3(6), after paragraph (a) insert—

“(aa) paragraph 4 of Schedule 3A,”;

(d) in paragraph 4—

(i) in sub-paragraph (1)—

(aa) in paragraph (a), for “15” substitute “30”;

(bb) in paragraph (b), for “30” substitute “50”;

(cc) in the words after paragraph (b), omit “persons under the age of 11 or”;

(ii) in sub-paragraph (3)(b), for “15 or 30” substitute “30 or 50”;

(e) in paragraph 5—

(i) in sub-paragraph (1)—

(aa) in paragraph (a), for “15” substitute “30”;

(bb) in paragraph (b), for “30” substitute “50”;

(ii) in sub-paragraph (2), omit “person under the age of 11 or”;

(f) omit paragraph 8;

(g) after paragraph 10 insert—

“11. Ice skating rinks.”

(14) For Schedule 3 substitute—

“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⁽⁴⁾, 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.
- (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;

(4) 2006 c. 47. Paragraph 7(3B) was inserted by section 66(2) of the Protection of Freedoms Act 2012 (c. 9).

- (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 an indoor organised activity 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, as part of the activity, and
 - (ii) no alcohol is consumed;
 - (h) participating in or facilitating an outdoor organised activity 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, as part of the activity, 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 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—

Status: Point in time view as at 03/05/2021.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 8) Regulations 2021. (See end of Document for details)

- (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 an indoor organised activity 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, as part of the activity, and
 - (ii) no alcohol is consumed;
 - (k) participating in or facilitating an outdoor organised activity 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, as part of the activity, unless the activity 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 an 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);
 - (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, 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—

- (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 working, or providing voluntary services, at the event.

(2) Sub-paragraph (1) does not apply to a person involved in organising an event authorised by the Welsh Ministers under paragraph 6.

(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 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;

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- (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.

Authorised events

- 6.—(1) The Welsh Ministers may give authorisation in writing for an event to be held—
- (a) at which more than 15 people are in attendance where the event takes place wholly or mainly indoors, or
 - (b) at which more than 30 people are in attendance where the event takes place wholly or mainly outdoors.
- (2) References in sub-paragraph (1) to numbers of people do not include persons working, or providing voluntary services, at the event.
- (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.
- (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 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), 33 (spas), 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—

- (a) 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 an 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);
- (b) listed in paragraph 33 (spas) may open the indoor areas of its premises to the public, but only for the purposes of providing, by appointment, close contact services or services

Status: Point in time view as at 03/05/2021.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 8) Regulations 2021. (See end of Document for details)

provided by dentists, opticians, optometrists, audiologists, chiropodists, chiropractors, osteopaths, physiotherapists and acupuncturists.

(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

10.—(1) Despite the preceding provisions of this Part—

- (a) 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;
- (b) 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 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.

(2) In this paragraph, “approved premises” means premises approved in accordance with Marriages and Civil Partnerships (Approved Premises) Regulations 2005⁽⁵⁾—

- (a) as premises on which marriages may be solemnised in pursuance of section 26(1)(bb) of the Marriage Act 1949⁽⁶⁾, or
- (b) for the purposes of section 6(3A)(a) of the Civil Partnership Act 2004⁽⁷⁾.

CHAPTER 4

List of closed or partially closed premises

Closed or partially 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.

⁽⁵⁾ S.I. 2005/3168, as amended by S.I. 2011/2661, S.I. 2013/2294 and S.I. 2019/1458.

⁽⁶⁾ 1949 c. 76; section 26 was substituted by section 3 of the Marriage (Same Sex Couples) Act 2013 (c. 30).

⁽⁷⁾ 2004 c. 33; section 6(3A) was substituted by paragraph 2(2) of Schedule 1 to S.I. 2005/2000.

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. 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.”

(15) In Schedule 3A—

(a) in paragraph 1—

- (i) in sub-paragraph (2), omit “from no more than 2 households”;
- (ii) in sub-paragraph (3)(a), after “age of 11” insert “, as long as the persons participating in the gathering (including any children under the age of 11) are from no more than 6 households”;
- (iii) in sub-paragraph (5), omit paragraph (b);
- (iv) in sub-paragraph (6), for paragraph (ba) substitute—

“(ba) working or providing voluntary or charitable services, or receiving services from a person working or providing voluntary or charitable services;”;

(b) in paragraph 2—

- (i) after sub-paragraph (1) insert—

“(1A) But a person may participate in such a gathering outdoors if the gathering consists of no more than 6 persons.

(1B) 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;
- (b) the carer of a person who is participating in the gathering.”;
- (ii) in sub-paragraph (3), omit paragraph (b);
- (iii) in sub-paragraph (4), after paragraph (b) insert—
 - “(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 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;
 - (f) participating in or facilitating an outdoor organised activity 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, as part of the activity, and
 - (ii) no alcohol is consumed;
 - (g) attending or facilitating an event authorised by the Welsh Ministers in accordance with paragraph 5A.”;
- (c) in paragraph 3—
 - (i) in sub-paragraph (2)(b), omit “from no more than 2 households”;
 - (ii) in sub-paragraph (3)(a), after “age of 11” insert “, as long as the persons participating in the gathering (including any children under the age of 11) are from no more than 6 households”;
 - (iii) in sub-paragraph (6)—
 - (aa) after paragraph (d) insert—
 - “(da) 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;”;
- (bb) after paragraph (g) insert—
 - “(ga) participating in or facilitating an outdoor organised activity 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, as part of the activity, unless the activity 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.”;
- (cc) after paragraph (h) insert—
 - “(i) attending or facilitating an event authorised by the Welsh Ministers in accordance with paragraph 5A.”;
- (d) in paragraph 5—
 - (i) in sub-paragraph (1) omit “persons under the age of 11 or”;
 - (ii) after sub-paragraph (1) insert—
 - “(1A) Sub-paragraph (1) does not apply to a person involved in organising an event authorised by the Welsh Ministers under paragraph 5A.”;
- (e) after paragraph 5 insert—

“Authorised events

- 5A.—**(1) The Welsh Ministers may give authorisation in writing for an event to be held—
- (a) at which more than 15 people are in attendance where the event takes place wholly or mainly indoors, or
 - (b) at which more than 30 people are in attendance where the event takes place wholly or mainly outdoors.
- (2) References in sub-paragraph (1) to numbers of people do not include persons working, or providing voluntary services, at the event.
- (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.
- (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.”;
- (f) in paragraph 7—
- (i) in the heading, after “Closure of” insert “indoor premises of”;
 - (ii) in sub-paragraph (1)—
 - (aa) in paragraph (a), for “premises operated as part of the business” substitute “part of its premises which is indoors and used for the consumption of food or drink”;
 - (bb) omit paragraph (b);
- (g) in paragraph 10—
- (i) after sub-paragraph (1) insert—

“(1A) In its application to a business or service listed in paragraphs 33, 34, 35, 37, 39, 40 and 41, 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.”;
 - (ii) omit sub-paragraph (3)(b);
- (h) in paragraph 11, omit sub-paragraphs (2) and (3);
- (i) for paragraph 26 substitute—
- “**26.** Cinemas, other than drive in cinemas.”;
- (j) for paragraph 27 substitute—
- “**27.** Concert halls and theatres, other than drive in theatres.”;
- (k) in paragraph 36, for “Skating” substitute “Ice skating”;
- (l) for paragraph 41 substitute—
- “**41.** Visitor attractions.”;
- (m) for paragraph 43 substitute—
- “**43.** Indoor swimming pools.”
- (16) In Schedule 4, paragraph 37, for “Skating” substitute “Ice skating”.
- (17) In Schedule 5, paragraph 2—
- (a) in the words before paragraph (a), for “25 April” substitute “2 May”;
 - (b) after paragraph (e) insert—

- “(ea) regulation 31(3) is to be read as if for “paragraph 6 of Schedule 3” there were substituted “paragraph 5A of Schedule 3A”.”.
- (18) In Schedule 7, paragraph 30, for “Skating” substitute “Ice skating”.
- (19) In Schedule 8, paragraph 7—
- (a) for sub-paragraph (2) substitute—
- “(2) As soon as reasonably practicable after issuing the notice, the enforcement officer must—
- (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.”;
- (b) in sub-paragraph (3), omit “notice or”;
- (c) for sub-paragraph (4) substitute—
- “(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.”
- (20) In Schedule 9—
- (a) for paragraph 1(1) substitute—
- “(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.”;
- (b) for paragraph 2(1) substitute—
- “(1) A sign to be displayed under paragraph 7(2)(a)(ii) in conjunction with the issue of a premises closure notice must be in the form set out below.”

F1 Reg. 2(13)(b)(vii)(dd) revoked (3.5.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 9\) Regulations 2021 \(S.I. 2021/542\)](#), regs. 1(2), 3

Commencement Information

- I2** Reg. 2(1)(15)(a)(i)(ii)(b)(i) in force at 24.4.2021, see reg. 1(3)
- I3** Reg. 2(15)(f) in force at 26.4.2021 at 6.00 a.m., see reg. 1(4)
- I4** Reg. 2(2)-(14)(15)(a)(iii)(iv)(b)(ii)(iii)(c)-(e)(g)-(m)(16)-(20) in force at 26.4.2021 immediately before the start of the day on 26 April 2021, see reg. 1(2)

Mark Drakeford
First Minister, one of the Welsh Ministers

Status: Point in time view as at 03/05/2021.

Changes to legislation: There are currently no known outstanding effects for the *The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 8) Regulations 2021*. (See end of Document for details)

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”) as follows.

- The period during which the temporary provisions in Schedule 3A apply (in transition from Alert Level 4 to Alert Level 3) is extended to the end of the day on 2 May 2021.
- The restriction on people gathering when work is carried out in people’s homes, for example by tradespeople, is clarified by providing that at Alert Levels 1, 2 and 3 (and in the transitional period that applies at present) this is allowed without it needing to be “reasonably necessary” and without there needing to be “no reasonable alternative”.
- The general restrictions on gathering with others outdoors are relaxed by removing the requirement that those gathering can only come from two different households. This means that any 6 people can now gather outdoors, not including children under 11 (so long as they don’t come from more than 6 households) or carers. This change takes effect on 24 April 2021 and will apply also at Alert Level 3.
- In addition people may gather outdoors for the purposes of participating in formally organised activities involving up to 30 people (this involves a designated person being responsible for the activity, all reasonable measures being taken to minimise the spread of coronavirus while undertaking the activity and no consumption of alcohol). This change has effect from 26 April 2021.
- Formally organised activities can include protesting and picketing, which can take place without a limit on the number of people present at all Alert Levels apart from Alert Level 4.
- Specific provision is made to allow gatherings outdoors, of up to 30 people, to celebrate a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony that took place on or after 26 March 2020. And, similarly, outdoor gatherings of up to 30 people are allowed to celebrate the life of a deceased person whose funeral is held on or after 26 March 2020. This change has effect from 26 April 2021.
- Certain businesses will be allowed to reopen their premises for outdoor activities. This includes food and drink businesses, visitor attractions and swimming pools. This change has effect from the start of the day on 26 April 2021, except for food and drink businesses which may open from 6 a.m. onwards that day.
- Organising “pilot” events is allowed with the permission of the Welsh Ministers. This is also to apply at Alert Level 3 (and was already allowed at Alert Levels 2 and 1).
- Amendments are also made to Schedules 1, 2 and 3 (the Schedules that apply at Alert Levels 1, 2 and 3). These are to reflect the content of the Coronavirus Control Plan published by the Welsh Government in March 2021 and other minor changes made to the restrictions during the period of transition from Alert Level 4 to Alert Level 3 that are intended to continue to

have effect at the other Alert Levels. In consequence of this and other amendments referred to above, Schedule 3 is reproduced in full.

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.

Status:

Point in time view as at 03/05/2021.

Changes to legislation:

There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 8) Regulations 2021.