
WELSH STATUTORY INSTRUMENTS

2021 No. 862 (W. 201)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus Restrictions) (No. 5)
(Wales) (Amendment) (No. 14) Regulations 2021**

Approved by Senedd Cymru

<i>Made</i>	- - - -	<i>at 3.51 p.m. on 16 July 2021</i>
<i>Laid before Senedd Cymru</i>		<i>at 5.30 p.m. on 16 July 2021</i>
<i>Coming into force</i>	- -	<i>17 July 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⁽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. 14) Regulations 2021.

(2) These Regulations come into force on 17 July 2021.

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.

(1) 1984 c. 22. Sections 45C, 45F and 45P were inserted by section 129 of the Health and Social Care Act 2008 (c. 14). The functions under these sections are conferred on “the appropriate Minister”. Under section 45T(6) of the 1984 Act the appropriate Minister, as respects Wales, is the Welsh Ministers.

(2) 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. 27).

- (2) In regulation 16(1)—
- (a) under the “*Step 2*” heading, after “coronavirus” insert “, including information to those working at the premises about the risk of exposure to coronavirus identified under the assessment undertaken under Step 1, and the measures to be taken under Step 3 and Step 4 to minimise the risk”;
 - (b) under the “*Step 3*” heading—
 - (i) in sub-paragraph (a), after “persons” insert “indoors”;
 - (ii) in sub-paragraph (b), after “wait” insert “indoors”;
 - (c) under the “*Step 4*” heading—
 - (i) in the words before sub-paragraph (a), for “in close proximity” substitute “on the premises”;
 - (ii) in sub-paragraph (c), in the words before paragraph (i)—
 - (aa) for “face-to-face” substitute “physical”;
 - (bb) after “premises” insert “, in particular face-to-face interaction”.
- (3) In regulation 17(4A)—
- (a) in the words before sub-paragraph (a), for “Sub-paragraphs (b)(i) and (ii) of paragraph (1) do” substitute “Paragraph (1)(b) does”;
 - (b) in sub-paragraph (b), omit “that is held outdoors”.
- (4) In Schedule 1—
- (a) in paragraph 1—
 - (i) for sub-paragraph (1) substitute—

“(1) No person may, without a reasonable excuse, participate in a gathering indoors in a private dwelling which consists of more than 6 people unless—

 - (a) all the persons participating in the gathering are members of the same household or extended household, or
 - (b) where all the persons participating in the gathering are not members of the same household or extended household, all the persons participating in the gathering are members of no more than 2 households.”;
 - (ii) omit sub-paragraph (1A);
 - (iii) in sub-paragraph (2)—
 - (aa) in the words before paragraph (a), for “(1A)” substitute “(1)”;
 - (bb) in paragraph (a), for “30” substitute “6”;
 - (iv) omit sub-paragraph (5)(d);
 - (b) in paragraph 2—
 - (i) for sub-paragraph (1) substitute—

“(1) No person may, without a reasonable excuse, participate in a gathering which takes place indoors other than in a private dwelling or in holiday or travel accommodation which consists of more than 6 people unless all the persons participating in the gathering are members of the same household.”;
 - (ii) for sub-paragraph (1A) substitute—

- “(1A) No person may, without a reasonable excuse, participate in a gathering which takes place indoors in holiday or travel accommodation which consists of more than 6 people unless—
- (a) all the persons participating in the gathering are members of the same household or extended household, or
 - (b) where all the persons participating in the gathering are not members of the same household or extended household, all the persons participating in the gathering are members of no more than 2 households.”;
- (iii) omit sub-paragraph (1B);
- (iv) in sub-paragraph (2)—
- (aa) in the words before paragraph (a), for “(1B)” substitute “(1A)”;
 - (bb) for paragraph (a) substitute—
 - “(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”;
- (v) in sub-paragraph (5)—
- (aa) for paragraph (i) substitute—
 - “(i) participating in, attending or facilitating a regulated gathering or event that takes place to any extent indoors other than at holiday or travel accommodation;”;
 - (bb) omit paragraphs (j) and (k);
 - (cc) in paragraph (ka)—
 - (i) in the words before sub-paragraph (i), for “primary school children” substitute “no more than 30 children”;
 - (ii) for paragraph (i) substitute—
 - “(i) a regulated gathering for the development or well-being of children (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays);”;
- (vi) omit sub-paragraph (6);
- (c) in paragraph 4—
- (i) in sub-paragraph (1)—
 - (aa) in paragraph (a), at the end insert “and”;
 - (bb) omit paragraph (b), including the “and” at the end;
 - (cc) in paragraph (c), at the beginning insert “where the event is held to any extent indoors,”;
 - (ii) in sub-paragraph (1A)—
 - (aa) in paragraph (a), for “10000” substitute “1000”;
 - (bb) in paragraph (b), for “4000” substitute “200”;
 - (iii) in sub-paragraph (2)—
 - (aa) omit paragraphs (f) and (ga);

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(bb) in paragraph (k), for “all of the people in attendance are members of the same household or extended household.” substitute

“—

(i) no more than 6 people are in attendance,

(ii) all of the people in attendance are members of the same household or extended household, or

(iii) where all the people in attendance are not members of the same household or extended household, all of the people in attendance are members of no more than 2 households.”;

(d) in paragraph 7(1), in the words before paragraph (a), for “, 10 or 11” substitute “or 10”;

(e) omit paragraph 11.

At 3.51 p.m. on 16 July 2021

Mark Drakeford
First Minister, one of the Welsh Ministers

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 Regulations amend Schedule 1 to the principal Regulations (which sets out the restrictions and requirements that currently have effect in Wales as an Alert Level 1 area) to—

- allow any 6 persons, or the members of no more than 2 households, to gather indoors in private dwellings and holiday or travel accommodation, even if those persons aren’t members of the same extended household (and in determining the number of persons gathering, no account is to be taken of children under 11 and the carers of persons gathering);
- remove the previous limit of 30 on the number of people that are allowed to gather outdoors (but persons responsible for regulated premises outdoors must still comply with regulation 16 of the principal Regulations by taking all reasonable measures, based on a risk assessment, to minimise the risk of exposure to coronavirus at the premises);
- allow indoor regulated events to be organised, provided that no more than 1,000 (where every person attending is normally seated) or 200 (for other events) people attend at any time;
- removing the restriction on people gathering at a regulated gathering or event held indoors (but again, the person responsible for the premises must comply with the maximum number that can attend and regulation 16 of the principal Regulations, including taking all reasonable measures, based on a risk assessment, to ensure that a distance of 2 metres is maintained between people on the premises, apart from between members of groups of up to 6 people that are gathering together at the event or members of the same household);
- allow up to 30 children (of any age) to gather at holiday or travel accommodation (for example, for overnight stays) where the gathering is related to a regulated gathering for the development or well-being of children, such as those provided for children outside of school hours and during school holidays at places such as outdoor education centres, or is related to a gathering at which the children are participating for the purpose of accessing or receiving education;
- remove the previous limit (of 4,000 or 10,000 people) on the number of people that may attend outdoor regulated events at any time (but event capacities will need to continue to be set in light of the reasonable measures to be taken, based on a risk assessment, under regulation 16 of the principal Regulations);
- allow ice skating rinks to open.

The Regulations also amend regulations 16 and 17 of the principal Regulations.

The amendments to regulation 16 provide that a person responsible for regulated premises must provide information to persons working at the premises about the assessment of the risk of exposure to coronavirus and the measures to be taken to minimise the risk. They also provide that the specific requirement to take all reasonable measures to ensure that a distance of 2 metres is maintained

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between people on premises now only applies to indoor premises (but there is still a duty to take reasonable measures to mitigate risks at outdoor premises, which can include limiting close physical interaction between people on the premises).

The amendments to regulation 17 provide that persons attending regulated gatherings or events at licensed premises are not required to be seated when consuming food or drink.

The Regulations also make other minor amendments, including amendments that are consequential on the amendments set out above.

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.