
WELSH STATUTORY INSTRUMENTS

2021 No. 970 (W. 228)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus Restrictions) (No. 5)
(Wales) (Amendment) (No. 16) Regulations 2021**

Approved by Senedd Cymru

<i>Made</i>	- - - -	<i>at 2.40 p.m. on 27 August 2021</i>
<i>Laid before Senedd Cymru</i>		<i>at 5.30 p.m. on 27 August 2021</i>
<i>Coming into force</i>	- -	<i>28 August 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. 16) Regulations 2021.

(2) These Regulations come into force on 28 August 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), under the “*Step 3*” heading, in sub-paragraph (a)(ii), for “has had close contact in the previous 10 days with a person who has tested positive for coronavirus” substitute “is required to not leave or be outside of the place where the person is living by virtue of regulation 8(2)”.
- (3) In regulation 18A(2)—
- (a) omit sub-paragraph (a);
 - (b) in sub-paragraph (b), in the words before paragraph (i), for “other measures which limit close face-to-face interaction and” substitute “measures which limit close physical interaction between persons participating in the gathering, in particular face-to-face interaction, and measures to”.
- (4) In regulation 20(2), after sub-paragraph (a) insert—
- “(aa) where P is attending a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony;”.
- (5) Omit Part 6.

At 2.40 p.m. on 27 August 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”) to—

- clarify that in the reasonable measure listed at sub-paragraph (a)(ii) under Step 3 of regulation 16(1) of the principal Regulations, the reference to preventing “any person who has had close contact in the previous 10 days with a person who has tested positive for coronavirus” is a reference to only those close contacts who are required to isolate in accordance with regulation 8(2) of the principal Regulations;
- amend the requirement on those responsible for election campaigning to take reasonable measures to minimise the risk of exposure to, or spread of, coronavirus, so that it more closely reflects similar requirements placed on persons responsible for premises;
- remove the requirement to wear a face covering when attending a marriage, civil partnership or alternative wedding ceremony;
- omit Part 6 of the principal Regulations, which provides for circumstances in which schools may be required to be open when they may otherwise be closed to allow children of critical workers or children who are vulnerable to attend.

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.