
WELSH STATUTORY INSTRUMENTS

2022 No. 55 (W. 21)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus Restrictions)
(No. 5) (Wales) (Amendment) (No. 2) Regulations 2022**

<i>Made</i>	- - - -	<i>at 3.12 p.m. on 20 January 2022</i>
<i>Laid before Senedd Cymru</i>		<i>at 4.45 p.m. on 20 January 2022</i>
<i>Coming into force</i>	- -	<i>at 6.00 a.m. on 21 January 2022</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 45C(1) and (3)(c) and 45P(2) of the Public Health (Control of Disease) Act 1984⁽¹⁾.

These Regulations are made in response to the 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 45Q(3) of that Act the Welsh Ministers are of the opinion that the instrument does not contain any provision made by virtue of section 45C(3)(c) of the Act which imposes or enables the imposition of a special restriction or requirement, or any other restriction or requirement which has or would have a significant effect on a person's rights.

Title and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 2) Regulations 2022.

(2) These Regulations come into force at 6.00 a.m. on 21 January 2022.

⁽¹⁾ 1984 c. 22. Sections 45C 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 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 16ZA(1)—
 - (a) in sub-paragraph (a), after “entry to” insert “indoor parts of”;
 - (b) in sub-paragraph (b)—
 - (i) in paragraph (i), after “food or drink” insert “indoors”;
 - (ii) in paragraph (ii), after “food or drink” insert “indoors”;
 - (iii) in paragraph (iii), after “food or drink” insert “indoors”.
- (3) In regulation 28(3)(b), omit “or (2A)”;
- (4) In regulation 37—
 - (a) in paragraph (1)(b), omit “, (2A)”;
 - (b) in paragraph (2)(b)—
 - (i) in paragraph (i), omit “or” at the end;
 - (ii) omit paragraph (ii).
- (5) In Schedule 2—
 - (a) in paragraph 2—
 - (i) in sub-paragraph (1)(a), omit “or outdoors in regulated premises.”;
 - (ii) omit sub-paragraph (2A);
 - (iii) in sub-paragraph (4), in the words before paragraph (a) omit “, (2A)”;
 - (iv) omit sub-paragraph (6)(j).
 - (b) in paragraph 4—
 - (i) in sub-paragraph (1), for the words from “unless—” to the end of paragraph (c) substitute “held to any extent indoors.”;
 - (ii) in sub-paragraph (2)—
 - (aa) omit paragraph (g);
 - (bb) in paragraph (j)(ii), omit “or where it is held outdoors”;
 - (iii) omit sub-paragraph (3)(b).

At 3.12 p.m. on 20 January 2022

Mark Drakeford
First Minister, one of 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. 28), S.I. 2021/172 (W. 40), S.I. 2021/210 (W. 52), S.I. 2021/307 (W. 79), S.I. 2021/413 (W. 133), S.I. 2021/502 (W. 150), S.I. 2021/542 (W. 154), S.I. 2021/583 (W. 160), S.I. 2021/668 (W. 169), S.I. 2021/686 (W. 172), S.I. 2021/722 (W. 183), S.I. 2021/862 (W. 201), S.I. 2021/925 (W. 210), S.I. 2021/970 (W. 228), S.I. 2021/1119 (W. 271), S.I. 2021/1131 (W. 274), S.I. 2021/1212 (W. 303), S.I. 2021/1304 (W. 334), S.I. 2021/1363 (W. 358), S.I. 2021/1407 (W. 366), S.I. 2021/1468 (W. 376), S.I. 2021/1477 (W. 379), S.I. 2021/1485 (W. 386), S.I. 2021/1490 (W. 390) and S.I. 2022/39 (W. 16).

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—

- amend Schedule 2 (Alert Level 2 Restrictions) to the principal Regulations to remove all restrictions on outdoor gatherings and events;
- make amendments that are related to these changes, including amendments to regulation 37(2) of the principal Regulations (which relates to an offence of participating in a large gathering outdoors in a private dwelling);
- amend regulation 16ZA of the principal Regulations (specific measures applicable to licensed premises) so that the requirement to control entry to premises and for customers to be seated when ordering food or drink only applies to indoors parts of the premises.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. In accordance with the Code, a regulatory impact assessment as to the likely cost and benefit of complying with these Regulations has not been carried out, due to the need to put them in place urgently to ensure that the principal Regulations’ restrictions and requirements continue to be proportionate.