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WELSH STATUTORY INSTRUMENTS

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**2020 No. 725 (W. 162)**

**PUBLIC HEALTH, WALES**

**The Health Protection (Coronavirus  
Restrictions) (No. 2) (Wales) Regulations 2020**

*Approved by Senedd Cymru*

*Made* - - - - *at 3.40 p.m. on 10  
July 2020*  
*Laid before Senedd Cymru* *at 6.00 p.m. on 10  
July 2020*  
*Coming into force in accordance with regulation 1(3)  
and (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 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.

**PART 1**

**Introduction**

**Title, application and coming into force**

1.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020.

(2) These Regulations apply in relation to Wales.

(3) The following provisions of these Regulations come into force on 11 July 2020—

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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.

- (a) regulation 2;
  - (b) regulation 8;
  - (c) regulation 9 so far as it applies to a requirement under regulation 8(1);
  - (d) regulations 12 and 13 so far as they apply to a person responsible for premises of a business listed in Schedule 3;
  - (e) regulations 17 to 22 so far as they apply to a contravention (or alleged contravention) of regulation 8(1);
  - (f) regulation 3 so far as it relates to the following provisions of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020(2)—
    - (i) paragraphs (4) to (6) of regulation 4 so far as they apply to a person responsible for carrying on a business listed in Part 3 of Schedule 1;
    - (ii) regulation 5;
    - (iii) regulation 7A so far as it applies in relation to a requirement or restriction imposed by regulation 4(5B) or 5(3C) on a person responsible for carrying on a business listed in Part 3 of Schedule 1;
    - (iv) regulations 10 to 14 so far as they apply to a contravention (or alleged contravention) of regulation 4(4) or 5(3C) by a person responsible for carrying on a business listed in Part 3 of Schedule 1.
- (4) These Regulations come into force for all other purposes on 13 July 2020.

## Interpretation

- 2.—(1) In these Regulations—
- (a) “burial” includes the interment of a dead person’s ashes;
  - (b) “carer” means a person who provides care for the person assisted where—
    - (i) the carer is entitled to an assessment under section 24 of the Social Services and Well-being (Wales) Act 2014(3),
    - (ii) the care is part of the provision of community care services under Part 4 of the Social Services and Well-being (Wales) Act 2014, or
    - (iii) the care is provided by a care provider registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016(4);
  - (c) “cemetery” includes a burial ground and any other place for the interment of the dead;
  - (d) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);
  - (e) “elite athlete” means an individual designated as such for the purposes of these Regulations by the Sports Council for Wales;
  - (f) “local authority” means the council of a county or county borough in Wales;
  - (g) “open premises” has the meaning given by regulation 12(3);
  - (h) “parental responsibility” has the same meaning as in the Children Act 1989(5);
  - (i) a “person responsible for carrying on a business” includes the owner, proprietor, and manager of that business;

(2) S.I. 2020/353 (W. 80) as amended by S.I. 2020/399 (W. 88), S.I. 2020/452 (W. 102), S.I. 2020/497 (W. 118), S.I. 2020/529 (W. 124), S.I. 2020/557 (W. 129), S.I. 2020/619 (W. 141) and S.I. 2020/686 (W. 153).

(3) 2014 anaw 4.

(4) 2016 anaw 2.

(5) 1989 c. 41. See Part 1 of the Act, to which there have been various amendments, including by the Human Fertilisation and Embryology Act 2008 (c. 22) and S.I. 2019/1458.

- (j) “premises” includes any building or structure and any land;
- (k) “vulnerable person” includes—
  - (i) any person aged 70 or older;
  - (ii) any person under 70 who has an underlying health condition;
  - (iii) any person who is pregnant;
  - (iv) any child;
  - (v) any person who is a vulnerable adult within the meaning given by section 60(1) of the Safeguarding Vulnerable Groups Act 2006<sup>(6)</sup>.
- (2) For the purposes of the definition of “elite athlete” in paragraph (1)—
  - (a) an individual is designated by the Sports Council for Wales only if the individual has been nominated for designation by a relevant sporting body and the Council has accepted the nomination, and
  - (b) “relevant sporting body” means the national governing body of a sport which may nominate athletes to represent—
    - (i) Great Britain and Northern Ireland at the Olympic or Paralympic Games, or
    - (ii) Wales at the Commonwealth Games.
- (3) For the purposes of these Regulations—
  - (a) there is a gathering when two or more people are in the same place in order to do something together;
  - (b) premises are indoors if they are enclosed or substantially enclosed within the meaning given by regulation 2 of the Smoke-free Premises etc. (Wales) Regulations 2007<sup>(7)</sup>.
- (4) If two households agree to be treated as a single (extended) household for the purposes of these Regulations, any reference in these Regulations (other than in paragraphs (5) to (7)) to a “household” is to be read as including both households.
- (5) To agree to be treated as a single household all of the adults of the two households must agree.
- (6) But—
  - (a) a household may only agree to be treated as a single household with one other household, and
  - (b) if two households cease to agree to be treated as a single household, neither household may agree to be treated as a single household under paragraph (4) with any other household.
- (7) If two households have agreed to be treated as a single (extended) household for the purposes of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 they are to be treated as also having agreed for the purposes of these Regulations.

## Revocation

- 3.—(1) The following Regulations are revoked—
- (a) the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020<sup>(8)</sup>;
  - (b) the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020<sup>(9)</sup>;

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<sup>(6)</sup> 2006 c. 47, as amended by section 65 of the Protection of Freedoms Act 2012 (c. 9).

<sup>(7)</sup> S.I. 2007/787 (W. 68)

<sup>(8)</sup> S.I. 2020/353 (W. 80)

<sup>(9)</sup> S.I. 2020/399 (W. 88).

- (c) the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020<sup>(10)</sup>;
- (d) the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 3) Regulations 2020<sup>(11)</sup>;
- (e) the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 4) Regulations 2020<sup>(12)</sup>;
- (f) the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 5) Regulations 2020<sup>(13)</sup>;
- (g) the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 6) Regulations 2020<sup>(14)</sup>;
- (h) the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 7) Regulations 2020<sup>(15)</sup>.

(2) Despite the revocation of those Regulations, they continue in force in relation to any offence committed under the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 before these Regulations came into force.

### **Review**

4. The Welsh Ministers must review the need for restrictions and requirements imposed by these Regulations, and whether those restrictions and requirements are proportionate to what the Welsh Ministers seek to achieve by them—

- (a) by 30 July 2020;
- (b) at least once in the period of 21 days beginning with 31 July 2020;
- (c) at least once in each subsequent period of 21 days.

### **Expiry**

5.—(1) These Regulations expire at the end of the day on 8 January 2021.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they expire.

## **PART 2**

### **Closure of businesses and premises**

#### **Closure of indoor bars and restaurants etc.**

6.—(1) A person responsible for carrying on a business which is listed in Schedule 1 must close any part of its premises which is indoors and used for the consumption of food or drink.

(2) But paragraph (1) does not prevent the provision of room service at a hotel or other accommodation.

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<sup>(10)</sup> S.I. 2020/452 (W. 102).

<sup>(11)</sup> S.I. 2020/497 (W. 118).

<sup>(12)</sup> S.I. 2020/529 (W. 124).

<sup>(13)</sup> S.I. 2020/557 (W. 129).

<sup>(14)</sup> S.I. 2020/619 (W. 141).

<sup>(15)</sup> S.I. 2020/686 (W. 153).

(3) And paragraph (1) applies subject to the need to carry out maintenance and repairs and other work to ensure premises are suitable for use when paragraph (1) no longer applies to the business.

(4) For the purposes of 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.

#### **Closure of other businesses and services**

7.—(1) A person responsible for carrying on a business or providing a service which is listed in Schedule 2 must cease to carry on that business or to provide that service.

(2) But paragraph (1) does not prevent the use of—

- (a) premises used for the businesses or services listed in paragraphs 1, 2, 4, 5, 6 or 12 of Schedule 2 to broadcast without an audience present at the premises (whether over the internet or as part of a radio or television broadcast);
- (b) premises for any purpose as may be requested by the Welsh Ministers or a local authority;
- (c) premises for training for elite athletes;
- (d) premises used as a museum or gallery, or for providing archive services, for the provision of information or other services—
  - (i) through a website, or otherwise by on-line communication,
  - (ii) by telephone, including by text message, or
  - (iii) by post.

(3) And paragraph (1) applies subject to the need to carry out maintenance and repairs and other work to ensure premises are suitable for use when paragraph (1) no longer applies to the business or service.

#### **Closure of holiday accommodation**

8.—(1) A person responsible for carrying on a business which is listed in Schedule 3 must cease to carry on that business.

(2) But paragraph (1) does not prevent the use of premises—

- (a) for the provision of self-contained accommodation,
- (b) for the provision of pitches for self-contained caravans at holiday sites or camping sites,
- (c) for the purposes of a business listed in Schedule 1 (but see regulation 6), or
- (d) for any purpose as may be requested by the Welsh Ministers or a local authority.

(3) And paragraph (1) applies to a person responsible for carrying on a business subject to the need to—

- (a) provide accommodation for any persons staying in that accommodation when these Regulations come into force and who—
  - (i) are unable to return to their main residence, or
  - (ii) are using the accommodation as their main residence;
- (b) 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;

- (c) carry out maintenance and repairs and other work to ensure premises are suitable for use when paragraph (1) no longer applies to the business.
- (4) For the purposes of paragraph (2)—
- (a) accommodation is self-contained if—
- (i) it is provided to persons who are members of the same household,
  - (ii) toilets and washing facilities are provided in connection with the accommodation which are not shared with anyone who is a member of another household, and
  - (iii) if facilities for the preparation or consumption of food or drink are provided in connection with the accommodation, they are not shared with anyone who is a member of another household;
- (b) a caravan is self-contained if—
- (i) the persons occupying the caravan are members of the same household,
  - (ii) the caravan contains its own toilet and washing facilities, and
  - (iii) the persons occupying the caravan do not share facilities for the preparation or consumption of food or drink at the holiday site or camping site with anyone who is a member of another household;
- (c) “caravan” has the same meaning as in Part 1 of the Caravan Sites and Control of Development Act 1960<sup>(16)</sup>.
- (5) In this regulation and in Schedule 3, a “holiday site” means any land in Wales on which a mobile home or caravan is stationed for the purposes of human habitation (including any land in Wales used in conjunction with that land), in respect of which the relevant planning permission or the site licence for the land—
- (a) is expressed to be granted for holiday use only, or
  - (b) requires that there are times of the year when no mobile home or caravan may be stationed on the site for human habitation.
- (6) For the purpose of determining whether or not a site is a holiday site, any provision of the relevant planning permission or of the site licence which permits the stationing of a mobile home on the land for human habitation all year round is to be ignored if the mobile home is authorised to be occupied by—
- (a) the person who is the owner of the site, or
  - (b) a person employed by that person but who does not occupy the mobile home under an agreement to which Part 4 of the Mobile Homes (Wales) Act 2013<sup>(17)</sup> applies.

### **Businesses forming part of a larger business**

#### **9. Where—**

- (a) a person responsible for carrying on a business (“business A”) is required, by virtue of regulation 6(1), 7(1) or 8(1) to cease carrying on business A, and
- (b) business A forms part of a larger business (“business B”),

the requirement in regulation 6(1), 7(1) or 8(1) is complied with if the person responsible for carrying on business B ceases to carry on business A.

<sup>(16)</sup> 1960 c. 62. See section 29(1) (interpretation of Part 1).

<sup>(17)</sup> 2013 anaw 6, as amended by the Housing (Wales) Act 2014 (anaw 7).

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

**10.**—(1) A person responsible for a crematorium must ensure that the crematorium is closed to members of the public, except for the use permitted by paragraph (2).

(2) The 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).

(3) Paragraph (2) does not apply to the grounds surrounding a crematorium, including any burial ground or garden of remembrance.

(4) A person responsible for a community centre must ensure that the community centre is closed except where it is used to provide—

- (a) essential voluntary services, or
- (b) public services upon the request of the Welsh Ministers or a local authority.

### **Closure of certain public paths and access land**

**11.**—(1) Where paragraph (2) applies to a public path or access land in the area of a relevant authority, the relevant authority must—

- (a) close the public path or access land, and
- (b) keep it closed until the time when the authority considers that closure is no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection with coronavirus in its area.

(2) This paragraph applies to the public paths and access land in its area a relevant authority considers—

- (a) to be liable to large numbers of people congregating or being in close proximity to each other, or
- (b) the use of which otherwise poses a high risk to the incidence or spread of infection with coronavirus in its area.

(3) Where a public path has been closed under—

- (a) regulation 4 of the Health Protection (Coronavirus: Closure of Leisure Businesses, Footpaths and Access Land) (Wales) Regulations 2020<sup>(18)</sup>, or
- (b) regulation 9 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020<sup>(19)</sup>,

the path is to be treated as if it were closed under paragraph (1) of this regulation.

(4) No person may use a public path or access land closed by virtue of paragraph (1) unless authorised by the relevant authority.

(5) The relevant authority must—

- (a) publish a list of public paths or access land closed in its area on a website;
- (b) erect and maintain notices in prominent places informing the public of the closure of a public path or access land.

(6) For the purposes of this regulation references to a public path or access land include parts of a public path or access land.

(7) In this regulation—

- (a) the “relevant authority” means—

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<sup>(18)</sup> S.I. 2020/334 (W. 76).

<sup>(19)</sup> S.I. 2020/353 (W. 80).

- (i) a local authority,
  - (ii) a National Park authority in Wales,
  - (iii) Natural Resources Wales, or
  - (iv) the National Trust;
- (b) “public path” means a footpath, bridleway, byway, restricted byway or cycle track and—
- (i) “footpath”, “bridleway” and “cycle track” have the same meaning as in section 329(1) of the Highways Act 1980<sup>(20)</sup>;
  - (ii) “byway” means a byway open to all traffic within the meaning given by section 66(1) of the Wildlife and Countryside Act 1981<sup>(21)</sup>;
  - (iii) “restricted byway” has the meaning given by section 48(4) of the Countryside and Rights of Way Act 2000<sup>(22)</sup>;
- (c) “access land” includes land to which the public has access by virtue of its ownership by the National Trust, but otherwise has the same meaning as in section 1(1) of the Countryside and Rights of Way Act 2000<sup>(23)</sup>.

### PART 3

#### Minimising risk of exposure to coronavirus at open premises and while working

##### Reasonable measures to minimise risk of exposure to coronavirus

- 12.—(1) Paragraph (2) applies to a person responsible for—
- (a) open premises, or
  - (b) work carried out at any other premises where a person is working.
- (2) For the purposes of minimising the risk of exposure to coronavirus at the premises, the person must—
- (a) take all reasonable measures to ensure—
    - (i) that a distance of 2 metres is maintained between any persons on the premises (except between two members of the same household, or a carer and the person assisted by the carer);
    - (ii) where persons are required to wait to enter the premises, that a distance of 2 metres is maintained between them (except between two members of the same household, or a carer and the person assisted by the carer),
  - (b) take any other reasonable measures for that purpose, for example measures which limit close face to face interaction and maintain hygiene such as—
    - (i) changing the layout of premises including the location of furniture and workstations;
    - (ii) controlling use of entrances, passageways, stairs and lifts;
    - (iii) controlling use of shared facilities such as toilets and kitchens;
    - (iv) otherwise controlling the use of, or access to, any other part of the premises;
    - (v) installing barriers or screens;

<sup>(20)</sup> 1980 c.66. Section 329 was amended by section 1 of the Cycle Tracks Act 1984 (c. 38) and paragraph 21 of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c. 54).

<sup>(21)</sup> 1981 c. 69.

<sup>(22)</sup> 2000 c. 37.

<sup>(23)</sup> 2000 c. 37. Section 1(1) was amended by section 302(2)(a) of the Marine and Coastal Access Act 2009 (c. 23).



- (vi) providing or requiring use of personal protective equipment, and
  - (c) provide information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus.
- (3) In these Regulations “open premises” means—
- (a) premises of a business or service listed in Schedule 4;
  - (b) places of worship;
  - (c) cemeteries;
  - (d) premises of a business listed in Schedule 1 which are not required to be closed by virtue of regulation 6;
  - (e) premises of a business listed in Schedule 2 which are permitted to be open by virtue of regulation 7(2);
  - (f) premises of a business listed in Schedule 3 which are permitted to be open by virtue of regulation 8(2) or (3);
  - (g) crematoriums permitted to open by virtue of regulation 10(2);
  - (h) community centres permitted to open by virtue of regulation 10(4).
- (4) For the purposes of this regulation “premises” also includes a vehicle used to provide a service for the carriage of passengers by road, rail, tramway, air or sea.

#### **Guidance on minimising exposure**

- 13.—(1) A person required to take reasonable measures under regulation 12 must have regard to guidance issued by the Welsh Ministers about those measures.
- (2) The Welsh Ministers—
- (a) may revise guidance issued under paragraph (1), and
  - (b) must publish the guidance (and any revisions).
- (3) Guidance under this regulation may incorporate (by reference or transposition) guidance, codes of practice or other documents published by another person (for example, a trade association, body representing members of an industry or a trade union).

## **PART 4**

### **Gathering with other people**

#### **Restrictions on gatherings**

- 14.—(1) No person may, without a reasonable excuse—
- (a) gather outdoors with any other person apart from—
    - (i) members of their household or of no more than one other household,
    - (ii) their carer, or
    - (iii) a person they are providing care to;
  - (b) gather in premises indoors with any other person apart from—
    - (i) the members of their household,
    - (ii) their carer, or
    - (iii) a person they are providing care to.

- (2) A reasonable excuse includes the need to do the following—
- (a) obtain medical assistance, including accessing any of the services referred to in paragraph 10 of Schedule 4 or accessing veterinary services;
  - (b) provide or receive care or assistance, including relevant personal care, within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006(24), where the person receiving the care is a vulnerable person;
  - (c) provide or receive emergency assistance;
  - (d) donate blood;
  - (e) work or provide voluntary or charitable services;
  - (f) where the person is an elite athlete, train or compete;
  - (g) attend a solemnization of a marriage or formation of a civil partnership—
    - (i) as a party to the marriage or civil partnership,
    - (ii) if invited to attend, or
    - (iii) as the carer of a person attending.
  - (h) attend 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;
  - (i) meet a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
  - (j) access or receive critical public services, including—
    - (i) childcare or educational services;
    - (ii) social services;
    - (iii) services provided by the Department for Work and Pensions;
    - (iv) services provided to victims (such as victims of crime or domestic violence);
  - (k) in relation to children who do not live in the same household as their parents, or one of their parents, continue 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;
  - (l) move home;
  - (m) prepare a residential property for persons to move in;
  - (n) undertake the following activities in connection with the purchase, sale, letting or rental of unoccupied residential property—
    - (i) visiting estate or letting agents, developer sales offices or show homes;
    - (ii) viewing such a property;
  - (o) avoid injury or illness or escape a risk of harm.
- (3) Paragraph (1) does not apply to a person who is homeless.
- (4) For the purposes of paragraph (2)(n), a property is unoccupied if no person occupies the property as a residence.

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(24) 2006 c. 47. Paragraph 7(3B) was inserted by section 66(2) of the Protection of Freedoms Act 2012 (c. 9).

### **Exception for organised outdoor activities**

15.—(1) Despite the meaning of “gathering” given by regulation 2(3)(a), regulation 14(1) does not apply to any organised outdoor activity consisting of no more than 30 persons.

- (2) For the purposes of paragraph (1), an activity is an “organised outdoor activity” if—
- (a) it takes place outdoors,
  - (b) it is organised by—
    - (i) a business,
    - (ii) a public body or a charitable, benevolent or philanthropic institution,
    - (iii) a club or political organisation, or
    - (iv) the national governing body of a sport or other activity, and
  - (c) the person organising it has—
    - (i) carried out a risk assessment which would satisfy the requirements of regulation 3 of the Management of Health and Safety at Work Regulations 1999(25), whether or not the person is subject to those Regulations, and
    - (ii) complied with the requirements of regulations 12(2) and 13(1).
- (3) For the purposes of paragraph (2)(c)—
- (a) regulation 3 of the Management of Health and Safety at Work Regulations 1999 applies as if the activity were an undertaking conducted by the person organising it;
  - (b) regulation 12(2) of these Regulations applies as if the place where the activity takes place were open premises for which the person organising the activity is responsible.

### **Requirement to continue to work from home where practicable**

16.—(1) In the circumstances referred to in paragraph (2), no person may leave the place where they are living, or remain away from that place, for the purposes of work or to provide voluntary or charitable services.

(2) The circumstances are that it is reasonably practicable for the person to work or to provide voluntary or charitable services from the place where they are living.

(3) For the purposes of this regulation, the place where a person is living includes the premises where they live together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.

## **PART 5**

### **Enforcement**

#### **Enforcement officers**

- 17.—(1) For the purposes of regulations 18 to 21, an “enforcement officer” means—
- (a) a constable,
  - (b) a police community support officer,
  - (c) a person designated by—
    - (i) the Welsh Ministers,

- (ii) a local authority,
  - (iii) a National Park authority in Wales, or
  - (iv) Natural Resources Wales,
- for the purposes of regulations 18 to 21 (but see paragraphs (2) and (3)), or
- (d) a person designated under regulation 10(11)(c) of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020(26) as a relevant person (within the meaning given by that regulation) by—
- (i) the Welsh Ministers,
  - (ii) a local authority,
  - (iii) a National Park authority in Wales, or
  - (iv) Natural Resources Wales,
- (but see paragraphs (2) and (3)).

(2) A person designated by a local authority may exercise an enforcement officer's functions only in relation to a contravention (or alleged contravention) of a requirement in regulation 6(1), 7(1), 8(1), 10(1) or (4), 11(4) or 12(2).

(3) A person designated by a National Park authority or Natural Resources Wales may exercise an enforcement officer's functions only in relation to a contravention (or alleged contravention) of the requirement in regulation 11(4).

### **Enforcement actions**

**18.**—(1) An enforcement officer may give a compliance notice to a person if the officer has reasonable grounds for suspecting that the person is contravening a requirement in regulation 6(1), 7(1), 8(1), 10(1) or (4) or 12(2).

(2) A compliance notice may specify measures that the person to whom it is given must take as soon as is reasonably practicable so as to prevent that person from continuing to contravene the requirement.

(3) If an enforcement officer has reasonable grounds to suspect that a person ("P") is contravening (or is about to contravene) regulation 11(4), the officer may remove P from a public path or access land (within the meaning given by regulation 11(7)) which is closed (or is being closed) by virtue of regulation 11(1), and may use reasonable force, if necessary, to do so.

(4) Where an enforcement officer has reasonable grounds for suspecting that people are gathered together in contravention of regulation 14(1), the officer may—

- (a) direct the gathering to disperse;
- (b) direct any person in the gathering to return to the place where they are living;
- (c) remove any person in the gathering to the place where they are living.

(5) An enforcement officer may—

- (a) when exercising the power in paragraph (4), direct a person to follow such instructions as the officer considers necessary;
- (b) use reasonable force in the exercise of the power in paragraph (4)(a) or (c).

(6) Where an enforcement officer has reasonable grounds to suspect that a person ("P") is in a gathering in contravention of regulation 14(1) and is a child accompanied by an individual ("I") who has responsibility for P—

- (a) the officer may direct I to take P to the place where P is living, and
  - (b) I must, so far as reasonably practicable, ensure that P complies with any direction or instruction given by the officer to P.
- (7) For the purposes of paragraph (6), I has responsibility for a child if I—
- (a) has custody or charge of the child for the time being, or
  - (b) has parental responsibility for the child.
- (8) An enforcement officer may take other action to facilitate the exercise of a power conferred on the officer by this regulation or regulation 19.
- (9) An enforcement officer may only exercise a power under this regulation or regulation 19 if the officer considers that it is necessary and proportionate to do so.
- (10) In this regulation and regulations 19 and 20 references to a requirement include references to a restriction.

### **Power of entry**

- 19.—(1) An enforcement officer may enter premises, if the officer—
- (a) has reasonable grounds for suspecting that a requirement imposed by these Regulations is being, has been or is about to be contravened on the premises, and
  - (b) considers it necessary to enter the premises for the purpose of ascertaining whether the requirement is being, has been or is about to be contravened.
- (2) An enforcement officer entering premises in accordance with paragraph (1) may—
- (a) use reasonable force to enter the premises if necessary;
  - (b) take such other persons, equipment and materials onto the premises as appears to the officer to be appropriate.
- (3) An enforcement officer entering premises in accordance with paragraph (1)—
- (a) if asked by a person on the premises, must show evidence of the officer’s identity and outline the purpose for which the power is exercised;
  - (b) if the premises are unoccupied or the occupier is temporarily absent, must leave the premises as effectively secured against unauthorised entry as when the officer found them.

### **Offences and penalties**

- 20.—(1) A person who—
- (a) without reasonable excuse, contravenes a requirement in regulation 6(1), 7(1), 8(1), 10(1) or (4), 11(4), 12(2) or 16(1), or
  - (b) contravenes a requirement in regulation 14(1),
- commits an offence.
- (2) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.
- (3) A person who, without reasonable excuse—
- (a) contravenes a direction given by an enforcement officer under regulation 18(4), 18(5)(a) or 18(6), or
  - (b) fails to comply with a compliance notice given by an enforcement officer under regulation 18(1),
- commits an offence.

- (4) An offence under these Regulations is punishable on summary conviction by a fine.
- (5) Section 24 of the Police and Criminal Evidence Act 1984<sup>(27)</sup> applies in relation to an offence under this regulation as if the reasons in subsection (5) included—
- (a) to maintain public health;
  - (b) to maintain public order.
- (6) If an offence under paragraph (1) committed by a body corporate is proved—
- (a) to have been committed with the consent or connivance of an officer of the body, or
  - (b) to be attributable to any neglect on the part of such an officer,
- the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.
- (7) In paragraph (6), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.
- (8) Proceedings for an offence under these Regulations alleged to have been committed by a partnership may be brought in the name of the partnership instead of in the name of any of the partners.
- (9) Proceedings for an offence under these Regulations alleged to have been committed by an unincorporated body other than a partnership may be brought in the name of the body instead of in the name of any of its members and, for the purposes of any such proceedings, any rules of court relating to the service of documents have effect as if that body were a body corporate.
- (10) Section 33 of the Criminal Justice Act 1925<sup>(28)</sup> and Schedule 3 to the Magistrates’ Courts Act 1980<sup>(29)</sup> apply in proceedings for an offence brought against a partnership or an unincorporated association other than a partnership as they apply in relation to a body corporate.
- (11) A fine imposed on a partnership on its conviction for an offence under these Regulations is to be paid out of the partnership assets.
- (12) A fine imposed on an unincorporated association other than a partnership on its conviction for an offence under these Regulations is to be paid out of the funds of the association.

### **Fixed penalty notices**

- 21.**—(1) An enforcement officer may issue a fixed penalty notice to anyone that the officer reasonably believes—
- (a) has committed an offence under these Regulations, and
  - (b) is aged 18 or over.
- (2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to—
- (a) a local authority, or
  - (b) a person designated by the Welsh Ministers for the purposes of receiving payment under this regulation,
- as the notice may specify.
- (3) The Welsh Ministers may designate themselves under paragraph (2)(b).

<sup>(27)</sup> 1984 c. 60. Section 24 was substituted by section 110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).

<sup>(28)</sup> 1925 c. 86.

<sup>(29)</sup> 1980 c. 43.

(4) A person designated by the Welsh Ministers for the purposes of receiving payment under regulation 13 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020(30) is to be treated as if designated for the purposes of receiving payment under this regulation.

(5) Where a local authority is specified in the notice it must be the authority (or as the case may be, any of the authorities) in whose area the offence is alleged to have been committed.

(6) Where a person is issued with a notice under this regulation in respect of an offence—

- (a) no proceedings may be taken for the offence before the end of the period of 28 days following the date the notice is issued;
- (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

(7) A fixed penalty notice must—

- (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;
- (b) state the period during which (because of paragraph (6)(a)) proceedings will not be taken for the offence;
- (c) specify the amount of the fixed penalty;
- (d) state the name and address of the person to whom the fixed penalty may be paid;
- (e) specify permissible methods of payment.

(8) The amount specified under paragraph (7)(c) must be £60 (subject to paragraphs (9) and (10)).

(9) A fixed penalty notice may specify that if £30 is paid before the end of the period of 14 days following the date of the notice, that is the amount of the fixed penalty.

(10) If the person to whom a fixed penalty notice is given has already received a fixed penalty notice under these Regulations—

- (a) paragraph (9) does not apply, and
- (b) the amount specified as the fixed penalty is to be—
  - (i) in the case of the second fixed penalty notice received, £120;
  - (ii) in the case of the third fixed penalty notice received, £240;
  - (iii) in the case of the fourth fixed penalty notice received, £480;
  - (iv) in the case of the fifth fixed penalty notice received, £960;
  - (v) in the case of the sixth and any subsequent fixed penalty notice received, £1920.

(11) In calculating how many fixed penalty notices a person has received, fixed penalty notices issued to that person under the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020(31) are to be taken into account.

(12) Whatever other method may be specified under paragraph (7)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (7)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(13) Where a letter is sent as mentioned in paragraph (12), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(14) In any proceedings, a certificate—

- (a) that purports to be signed by or on behalf of the person with responsibility for the financial affairs of—
  - (i) the local authority, or

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(30) S.I. 2020/353 (W. 80). Regulation 13 was amended by S.I. 2020/399 (W. 88) and S.I. 2020/529 (W. 124).

(31) S.I. 2020/353 (W. 80).

- (ii) the person designated under paragraph (2)(b),  
specified in the fixed penalty notice to which the proceedings relate, and
- (b) which states that the payment of a fixed penalty was, or was not, received by the date  
specified in the certificate,

is evidence of the facts stated.

(15) Where a fixed penalty is issued in respect of the alleged offence of contravening the requirement in regulation 11(4), references in this regulation to a “local authority” are to be read as including references to a National Park authority in Wales.

### **Prosecutions**

**22.**—(1) No proceedings for an offence under these Regulations may be brought other than by the Director of Public Prosecutions or any person designated by the Welsh Ministers.

(2) A person designated by the Welsh Ministers under regulation 14 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020(32) is to be treated as if designated under this regulation.

At 3.40 p.m. on 10 July 2020

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



## SCHEDULE 1

Regulation 6

### Premises selling food and drink for consumption on the premises

1. Restaurants, including restaurants and dining rooms in members' clubs and on the premises of businesses listed in Schedule 3.
- 2.—(1) Cafés, including workplace canteens (subject to sub-paragraph (2)) and cafés on the premises of businesses listed in Schedule 3, but not including—
  - (a) cafés or canteens at a hospital, care home or school;
  - (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;
  - (c) services providing food or drink to the homeless.
- (2) Workplace canteens may remain open where—
  - (a) there is no practical alternative for staff at that workplace to obtain food, and
  - (b) all reasonable measures are taken to ensure that a distance of 2 metres is maintained between any person using the canteen.
3. Bars, including bars in members' clubs and on the premises of businesses listed in Schedule 3.
4. Public houses.

## SCHEDULE 2

Regulation 7

### Businesses and services required to be closed

1. Indoor cinemas.
2. Theatres.
3. Nightclubs.
4. Bingo halls.
5. Concert halls.
6. Casinos.
7. Massage parlours.
8. Nail and beauty salons.
9. Establishments providing tanning services, body piercings, tattooing, electrolysis or acupuncture.
10. Skating rinks.
11. Swimming pools.
12. Indoor fitness studios, gyms, spas or other indoor leisure centres or facilities.
13. Bowling alleys, amusement arcades and indoor play areas.
14. Museums, galleries and archive services.

**Status:** This is the original version (as it was originally made).

15. Any part of a visitor attraction which is underground (but not including any part of an attraction which is underground only by virtue of it being a basement or other part of a building which is below ground level).

16. Funfairs (whether outdoors or indoors).

17. Playgrounds and outdoor gyms.

18. Auction houses (except for livestock auctions).

### SCHEDULE 3

Regulation 8

#### Holiday accommodation

1. Holiday sites.

2. Camping sites.

3. Hotels and bed and breakfast accommodation.

4. Other holiday accommodation (including holiday apartments, hostels and boarding houses).

### SCHEDULE 4

Regulation 12

#### Businesses and services which may open subject to protective measures

1. Any business selling goods or services for sale or hire in a shop.

2. Pharmacies (including non-dispensing pharmacies) and chemists.

3. Petrol stations.

4. Car repair and MOT services.

5. Taxi or vehicle hire businesses.

6. Banks, building societies, credit unions, short term loan providers, savings clubs, cash points and undertakings which by way of business operate currency exchange offices, transmit money (or any representation of money) by any means or cash cheques which are made payable to customers.

7. Post offices.

8. Funeral directors.

9. Laundrettes and dry cleaners.

10. Dental services, opticians, audiology services, chiropody, chiropractors, osteopaths and other medical or health services, including services relating to mental health.

11. Veterinary surgeons and pet shops.

12. Livestock markets or auctions.

13. Storage and distribution facilities, including delivery drop off points.

14. Car parks.

15. Public toilets.

16. Libraries.

17. Estate or letting agents, developer sales offices and show homes.
  18. Car dealerships.
  19. Outdoor markets.
  20. Betting shops.
  21. Indoor shopping centres and indoor shopping arcades.
  22. Outdoor cinemas.
  23. Hair salons and barbers.
  24. Visitor attractions (but only to the extent that paragraph 15 of Schedule 2 does not apply).
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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. The Regulations impose requirements and restrictions on individuals, businesses and others.

The Regulations replace the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 (S.I. 2020/353 (W. 80)) as they were amended by S.I. 2020/399 (W. 88), S.I. 2020/452 (W. 102), S.I. 2020/497 (W. 118), S.I. 2020/529 (W. 124), S.I. 2020/557 (W. 129), S.I. 2020/619 (W. 141) and S.I. 2020/686 (W. 153).

There are 5 Parts to the Regulations.

**Part 1** contains defined terms (regulation 2); requires the Welsh Ministers to review the proportionality of, and the need for, the restrictions and requirements at least once every 21 days (regulation 4); and provides that these Regulations expire on 8 January 2021 (regulation 5). This Part also makes provision which modifies the numerous restrictions on individuals in the Regulations which limit interaction with anyone who is not a member of their household. This allows members of two households to agree to form a single (extended) household, which means that members of those households can interact with each other as if they were members of one household.

**Part 2** requires certain business and premises to close. These are listed in Schedule 1 (premises selling food and drink), Schedule 2 (generally indoor leisure or cultural facilities and beauty services) and Schedule 3 (holiday accommodation). The requirements to close are, however, subject to numerous exceptions. These include providing food and drink to take away and consuming food and drink on premises that are outdoors (regulation 6); allowing premises to be used for certain listed purposes (regulation 7); allowing self-contained accommodation at hotels and holiday sites to be open, and allowing other forms of such accommodation to open at the request of the Welsh Ministers or a local authority (regulation 8). Regulation 10 makes specific provision about crematoriums and community centres which must close subject to certain exceptions, and regulation 11 requires

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local authorities, National Park authorities, Natural Resources Wales and the National Trust to close certain public paths and land accessible by the public.

**Part 3** imposes obligations on persons responsible for premises open to the public, or for work being carried out at any premises, for the purpose of minimising risk of exposure to coronavirus at the premises. Regulation 12 requires: (1) all reasonable measures to be taken to ensure that a distance of 2 metres is maintained between persons on the premises; (2) any other reasonable measures to be taken - for example to limit close face to face interaction and maintain hygiene; and (3) information to be provided to those entering or working at premises about how to minimise risk of exposure to coronavirus. Regulation 13 provides for guidance to be issued about the practical application of the requirements imposed by regulation 12, and those subject to the requirements must have regard to that guidance. For these purposes premises includes vehicles used as taxis and for public transport.

**Part 4** imposes limits on gathering with other people. These provide (at regulation 14) that a person may only gather indoors with someone other than a member of their household or their carer, or the person they care for, if they have a reasonable excuse for doing so (examples of which are listed). The same rule applies to gathering outdoors except that gathering with members of one other household is also allowed. Regulation 15 provides an exception to the rule in regulation 14 for organised outdoor activities involving no more than 30 people. Regulation 16 provides that a person who is working or providing voluntary or charitable services must do so from their home, if it is reasonably practicable for them to do so.

**Part 5** relates to the enforcement of the restrictions and requirements. Regulation 17 makes provision about those who can take enforcement action, while regulation 18 relates to the actions themselves. Regulation 19 contains a power to enter premises. Regulation 20 provides that a person who, without a reasonable excuse, contravenes (listed) requirements in these Regulations commits an offence. That offence is punishable by an unlimited fine. Regulation 21 allows for offences to be punished by way of a fixed penalty notice (the amount of which doubles on each of a person's second and subsequent penalty notices, up to a maximum of £1920) and regulation 22 relates to prosecutions of offences under the regulations.

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.