

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

2020 No. 912 (W. 204)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus Restrictions)
(No. 2) (Wales) (Amendment) (No. 7) Regulations 2020**

<i>Made</i>	- - - -	<i>27 August 2020</i>
		<i>at 11.00 a.m. on 28</i>
<i>Laid before Senedd Cymru</i>		<i>August 2020</i>
		<i>at 12.01 a.m. on 28</i>
<i>Coming into force</i>	- -	<i>August 2020</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 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 the amendments made 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. The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 7) Regulations 2020 and they come into force at 12.01 a.m. on 28 August 2020.

⁽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.

Amendment of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020

2.—(1) The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020(2) are amended as follows.

- (2) In regulation 2(1), after sub-paragraph (n) insert—
- “(o) “care home” means premises at which a “care home service” within the meaning given by paragraph 1 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016(3) is provided;
 - (p) “hospice” means premises wholly or mainly used for the provision of palliative care to persons who are suffering from a progressive disease in its final stages, by or behalf of an establishment the primary function of which is the provision of such care;
 - (q) “secure accommodation” means premises at which a “secure accommodation service” within the meaning given by paragraph 2 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 is provided.”
- (3) In regulation 7(2)(a), for “2, 5 or 6” substitute “2 or 5”.
- (4) In regulation 12(2A)—
- (a) for the words before sub-paragraph (a) substitute “Measures that may be taken under paragraph (2) also include—”,
 - (b) in sub-paragraph (c), for “the Welsh Ministers or to a public health officer upon either’s request” substitute—
 - “any of the following, upon their request—
 - (i) the Welsh Ministers,
 - (ii) a public health officer,
 - (iii) a person designated by the local authority in whose area the premises are located to process information for the purposes of contacting persons who may have been exposed to coronavirus”.
- (5) In regulation 14(2)—
- (a) after sub-paragraph (ja), insert—
 - “(jb) access educational services;”,
 - (b) after sub-paragraph (p) insert—
 - “(q) visit a person who is resident in a care home, hospice, or in secure accommodation.”
- (6) In regulation 14A(2), after sub-paragraph (e) insert—
- “(f) access educational services.”
- (7) After regulation 14A insert—

(2) [S.I. 2020/725 \(W. 162\)](#), as amended by the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) Regulations 2020 ([S.I. 2020/752 \(W. 169\)](#)), the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 2) Regulations 2020 ([S.I. 2020/803 \(W. 176\)](#)), the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 3) Regulations 2020 ([S.I. 2020/820 \(W. 180\)](#)), the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 4) Regulations 2020 ([S.I. 2020/843 \(W. 186\)](#)), the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 5) Regulations 2020 ([S.I. 2020/867 \(W. 189\)](#)) and the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 6) Regulations 2020 ([S.I. 2020/884 \(W. 195\)](#)).

(3) 2016 anaw. 2, as amended by [S.I. 2017/1326 \(W. 299\)](#) and [S.I. 2018/195 \(W. 44\)](#).

“Restriction on organising certain unlicensed music events

14B.—(1) No person may, without a reasonable excuse, be involved in organising a relevant unlicensed music event.

(2) For the purposes of this regulation “relevant unlicensed music event” means an event—

- (a) which consists of more than 30 people,
- (b) at which people are gathered in contravention of regulation 14(1) or 14A(1),
- (c) at which music is played or performed for the purpose, or for purposes which include the purpose, of entertainment, and
- (d) where the playing or performance of the music is—
 - (i) a licensable activity (within the meaning of the Licensing Act 2003(4)), and
 - (ii) not carried on under and in accordance with an authorisation (within the meaning given by section 136(5) of that Act).

(3) For the purposes of this regulation, a person is not involved in organising a relevant unlicensed music event if the person’s only involvement is, or would be, attending it.

(4) For the purposes of paragraph (1), a reasonable excuse includes where the person has taken all reasonable measures to ensure that people were not gathered at the event in contravention of regulation 14(1) or 14A(1).”

(8) In regulation 18, after paragraph (5) insert—

“(5A) Where an enforcement officer has reasonable grounds for suspecting that a person is contravening, or is about to contravene, regulation 14B(1), the officer may—

- (a) direct the person to follow such instructions as the officer considers necessary in order to stop or prevent the contravention;
- (b) remove the person from the location or proposed location of the event which the officer suspects is being, or is about to be, organised in contravention of regulation 14B(1) (and the officer may use reasonable force to do so).”

(9) In regulation 20—

- (a) in paragraph (1)(b), for “14(1) or 14A(1)” substitute “14(1), 14A(1) or 14B(1)”,
- (b) in paragraph (6), for “paragraph (1)” substitute “these Regulations”.

(10) In regulation 21—

(a) after paragraph (7) insert—

“(7A) Where the notice is issued in respect of an alleged offence of contravening regulation 14B(1), the amount specified under paragraph (7)(c) must be £10,000 (and paragraphs (9) and (10) do not apply).”;

- (b) in paragraph (8), for “The” substitute “In any other case, the”;
- (c) in paragraph (11), after “account” insert “, but no account is to be taken of any fixed penalty notice issued to that person in respect of an alleged offence of contravening regulation 14B(1)”.

(11) In Schedule 2, omit paragraph 6.

(12) In Schedule 4, after paragraph 44 insert—

“45. Casinos”

Savings for offences and penalties in relation to prior acts

3. Regulations 20 and 21 of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 continue to have effect in relation to any offence committed, or reasonably believed to have been committed, before the amendments made by these Regulations came into force as if those amendments had not been made.

27 August 2020

Vaughan Gething
Minister for Health and Social Services, 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. 2) (Wales) Regulations 2020 (the “principal Regulations”). The amendments—

- (a) provide that no person may, without a reasonable excuse, be involved in organising certain unlicensed music events (within the meaning given in regulation 14B of the principal Regulations as to be inserted by regulation 2(7) of these Regulations). A person who fails to comply with the restriction commits an offence under regulation 20(1)(b) of the principal Regulations, and an enforcement officer may issue a fixed penalty notice under regulation 21 to anyone that the officer reasonably believes to have committed the offence,
- (b) provide that people have a reasonable excuse (under regulation 14 of the principal Regulations) to gather indoors to visit a resident in a care home, hospice, or secure accommodation for children,
- (c) clarify that people also have a reasonable excuse to gather to access educational services (both indoors as a reasonable excuse under regulation 14 of the principal Regulations, and outdoors as a reasonable excuse under regulation 14A of those Regulations),
- (d) permit casinos to open, but measures must be taken to minimise the risk of exposure to coronavirus on the premises,
- (e) make other technical changes, most of which are consequential on the other amendments made by these 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.