
WELSH STATUTORY INSTRUMENTS

2021 No. 1490 (W. 390)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus Restrictions) (No. 5)
(Wales) (Amendment) (No. 26) Regulations 2021**

<i>Made</i>	- - - -	<i>at 2.56 p.m. on 30 December 2021</i>
<i>Laid before Senedd Cymru</i>		<i>at 5.00 p.m. on 30 December 2021</i>
<i>Coming into force</i>	- -	<i>31 December 2021</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 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 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. 26) Regulations 2021.

(2) These Regulations come into force on 31 December 2021.

⁽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 6—

- (a) in paragraph (4), for “10 days” substitute “7 days”;
- (b) in paragraph (5), for “10 days” substitute “7 days”.

(3) In regulation 7—

- (a) in paragraph (4), for “10 days” substitute “7 days”;
- (b) in paragraph (5), for “10 days” substitute “7 days”.

(4) In regulation 10B, before paragraph (1) insert—

“(A1) Where an adult is required to not leave or be outside of the place where the adult is living in accordance with regulation 6(2) immediately before the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 26) Regulations 2021 come into force, the last day of the adult’s isolation is to be determined in accordance with regulation 6(4) or (5) as amended by those Regulations.

(A2) Where a child is required to not leave or be outside of the place where the child is living in accordance with regulation 7(2) immediately before the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 26) Regulations 2021 come into force, the last day of the child’s isolation is to be determined in accordance with regulation 7(4) or (5) as amended by those Regulations.”

(5) In regulation 16(1), under the “Step 4” sub-heading, in sub-paragraph (a)(i), for “has tested positive for coronavirus in the previous 10 days” substitute “is required to not leave or be outside of the place where the person is living by virtue of regulation 6(2) or 7(2)”.

(6) In Schedule 2, in paragraph 4(2)(i)(ii), omit “or extended household”.

At 2.56 p.m. on 30 December 2021

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) and S.I. 2021/1485 (W. 386).

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 regulations 6 and 7 of the principal Regulations to provide that persons testing positive for coronavirus are now required to self-isolate for a 7-day period (rather than a 10-day period);
- provide that where a person was under a requirement to isolate immediately before these Regulations come into force, the end of the isolation period is to be determined in accordance with regulation 6 or 7 as amended by these Regulations;
- make a minor amendment in consequence of the changes made by the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 25) Regulations 2021 (S.I. 2021/1485 (W. 386)).

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 deal with a serious and imminent threat to public health.