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WELSH STATUTORY INSTRUMENTS

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**2020 No. 1011**

The Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020

**PART 2**

Local authority directions in relation to premises, events and public places

CHAPTER 2

Form and procedure

**Form and content of directions**

- 10.** A direction given under this Part must—
- (a) be in writing;
  - (b) contain a description of the premises, event or public place to which the direction relates (and in the case of a public place direction see [F1regulation 7(6)]);
  - (c) state the date and time from which each prohibition, requirement or restriction imposed by the direction takes effect (which must not be earlier than when the direction is given);
  - (d) state the date and time at which each such prohibition, requirement or restriction ceases to have effect (which must be no later than 21 days after it takes effect);
  - (e) set out the reasons why the local authority considers the public health conditions to be met in relation to the direction;
  - (f) give details of the right of appeal, and the right to make representations, conferred by regulation 12.

**F1** Words in reg. 10(b) substituted (12.10.2020) by [The Health Protection \(Coronavirus Restrictions\) \(Functions of Local Authorities etc.\) \(Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/1100\)](#), regs. 1, 2(3)

**Commencement Information**

**II** Reg. 10 in force at 18.9.2020 at 12.01 a.m., see reg. 1(3)

**Giving a direction**

- 11.—**(1) A local authority gives a direction under this Part by giving the direction in writing—
- (a) in the case of a premises direction, to—
    - (i) a person carrying on a business from the premises to which the direction relates, and
    - (ii) (if different) a person who owns, occupies or is otherwise responsible for the premises;

- (b) in the case of an event direction, to—
  - (i) a person involved in organising the event to which the direction relates, and
  - (ii) (if different) a person who owns, occupies or is otherwise responsible for the premises at which the event takes place or is proposed to take place;
- (c) in the case of a public place direction, to—
  - (i) a person carrying on a business from premises within the public place to which the direction relates, and
  - (ii) each person who owns, occupies or is otherwise responsible for any premises in the public place.

(2) If it is not reasonably practicable for a local authority to give a direction in accordance with paragraph (1), the direction is to be treated as given in accordance with that paragraph when it is published in such manner as the local authority considers appropriate to bring it to the attention of persons who may be affected by it.

(3) As soon as reasonably practicable after a local authority gives a direction under this Part the local authority must—

- (a) give a copy of the direction to any other person named in the direction,
- (b) send a copy of the direction to—
  - (i) the Welsh Ministers,
  - (ii) every other local authority whose area is adjacent to the authority's area,
  - (iii) where the local authority's area is adjacent to the area of a county or district council in England, that council, and
- (c) publish the direction in such manner as the local authority considers appropriate to bring it to the attention of persons who may be affected by it.

#### **Commencement Information**

**I2** Reg. 11 in force at 18.9.2020 at 12.01 a.m., see reg. 1(3)

#### **Appeals and representations**

**12.**—(1) In this regulation, “interested person” means—

- (a) in the case of a premises direction—
  - (i) a person carrying on a business from the premises to which the direction relates;
  - (ii) (if different) a person who owns or occupies the premises;
- (b) in the case of an event direction—
  - (i) a person involved in organising the event to which the direction relates;
  - (ii) (if different) a person who owns or occupies the premises at which the event takes place or is proposed to take place;
- (c) in the case of a public place direction—
  - (i) a person carrying on a business from premises within the public place to which the direction relates;
  - (ii) a person who owns, occupies or is responsible for any premises in the public place.

(2) An interested person may—

- (a) appeal against the direction to a magistrates' court by way of complaint for an order, and the Magistrates' Courts Act 1980 <sup>M1</sup> applies to the proceedings;
  - (b) make representations to the Welsh Ministers about the direction.
- (3) Where an interested person makes representations to the Welsh Ministers under this regulation the Welsh Ministers must—
- (a) consider the representations as soon as is reasonably practicable, and
  - (b) decide whether it would be appropriate to exercise the power in regulation 13(1).
- (4) The Welsh Ministers must provide written reasons for the decision in paragraph (3)(b) to—
- (a) the interested person, and
  - (b) the local authority which gave the direction.
- (5) Making representations under paragraph (2)(b) does not affect an interested person's right of appeal under paragraph (2)(a).

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**Commencement Information**

**I3** Reg. 12 in force at 18.9.2020 at 12.01 a.m., see reg. 1(3)

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**Marginal Citations**

**M1** 1980 c. 43.

**Changes to legislation:**

There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020, CHAPTER 2.