
WELSH STATUTORY INSTRUMENTS

2020 No. 1219 (W. 276)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus
Restrictions) (No. 4) (Wales) Regulations 2020**

Approved by Senedd Cymru

<i>Made</i>	- - - -	<i>at 1.14 p.m. on 5 November 2020</i>
<i>Laid before Senedd Cymru</i>		<i>at 4.45 p.m. on 5 November 2020</i>
<i>Coming into force</i>	- -	<i>9 November 2020</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 45B, 45C(1) and (3), 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 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, review and expiry

Title, application and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 9 November 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.

Review

2. The Welsh Ministers must review the need for the 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 19 November 2020;
- (b) at least once in the period from 20 November 2020 to 3 December 2020;
- (c) at least once in the period from 4 December 2020 to 17 December 2020;
- (d) at least once in the period of 21 days beginning with 18 December 2020;
- (e) at least once in each subsequent period of 21 days.

Expiry

3.—(1) These Regulations expire at the end of the day on 19 February 2021.

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

PART 2

Restrictions on gatherings and events

Restriction on gatherings in private dwellings

4.—(1) No person may, without a reasonable excuse, participate in a gathering in a private dwelling with any other person apart from members of their household or extended household.

(2) For the purposes of paragraph (1), a person has a reasonable excuse if—

- (a) the person is participating in the gathering for a purpose that is reasonably necessary and there is no reasonably practicable alternative, or
- (b) one of the circumstances in paragraph (4) applies.

(3) Examples of purposes for which it may be reasonably necessary for a person to participate in a gathering include—

- (a) obtaining or providing medical assistance, or accessing veterinary services;
- (b) working or providing voluntary or charitable services;
- (c) meeting a legal obligation;
- (d) providing, receiving or accessing care or assistance, including childcare or relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006(2), where the person receiving the care is a vulnerable person;
- (e) in relation to children who do not live in the same household as their parents, or one of their parents, continuing existing arrangements for access to, and contact between, parents and children, and for the purposes of this sub-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;
- (f) moving home;
- (g) undertaking activities in connection with the purchase, sale, letting, or rental of residential property;

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

- (h) accessing or receiving educational services.
- (4) The circumstances referred to in paragraph (2)(b) are that the person is—
 - (a) providing or receiving emergency assistance;
 - (b) avoiding illness, injury or other risk of harm;
 - (c) participating in a gathering of no more than 4 people where all the persons in the gathering—
 - (i) live in the same premises, and
 - (ii) share toilet, washing, dining or cooking facilities with each other.
- (5) This regulation does not apply to a person who is homeless.

Extended households

5.—(1) 2 households may agree to be treated as an extended household for the purposes of regulation 4 or 6(2)(b).

(2) To agree to be treated as an extended household, all of the adults of the 2 households must agree.

(3) A household may only agree to be treated as being in 1 extended household.

(4) A household ceases to be treated as being in an extended household if any adults in the household ceases to agree to be treated as being in the extended household.

(5) If a household ceases to be treated as being in an extended household, the household may not agree to be treated as being in an extended household with any other household.

Restriction on gatherings in public places

6.—(1) No person may, without a reasonable excuse, participate in a gathering which—

(a) takes place anywhere other than—

- (i) in a private dwelling, or
- (ii) in holiday or travel accommodation, and

(b) consists of more than 4 people, not including—

- (i) any children under the age of 11, or
- (ii) the carer of a person who is participating in the gathering.

(2) But a person may participate in such a gathering which—

(a) takes place indoors or in any part of regulated premises that is outdoors, if all the persons participating in the gathering are members of the same household, or

(b) takes place outdoors other than in regulated premises, if all the persons participating in the gathering are—

- (i) members of the same household, or
- (ii) members of the same extended household.

(3) No person may, without a reasonable excuse, participate in a gathering which takes place in holiday or travel accommodation unless all the persons participating in the gathering are members of the same household.

(4) For the purposes of paragraphs (1) and (3), a person has a reasonable excuse if—

(a) the person is participating in the gathering for a purpose that is reasonably necessary and there is no reasonably practicable alternative, or

- (b) one of the circumstances in paragraph (6) applies.
- (5) Examples of purposes for which it may be reasonably necessary for a person to participate in a gathering include—
- (a) obtaining or providing medical assistance, or accessing veterinary services;
 - (b) working or providing voluntary or charitable services;
 - (c) meeting a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
 - (d) providing, receiving or accessing care or assistance, including childcare or relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006, where the person receiving the care is a vulnerable person;
 - (e) in relation to children who do not live in the same household as their parents, or one of their parents, continuing existing arrangements for access to, and contact between, parents and children, and for the purposes of this sub-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;
 - (f) moving home;
 - (g) undertaking activities in connection with the purchase, sale, letting, or rental of residential property;
 - (h) accessing or receiving public services;
 - (i) accessing or receiving educational services.
- (6) The circumstances referred to in paragraph (4)(b) are that the person is—
- (a) providing or receiving emergency assistance;
 - (b) avoiding illness, injury or other risk of harm;
 - (c) attending a solemnisation 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;
 - (d) attending 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;
 - (e) participating in a gathering of no more than 15 people, not including persons under the age of 11, at regulated premises to—
 - (i) celebrate a solemnisation of a marriage or formation of a civil partnership that takes place on or after 22 August 2020;
 - (ii) celebrate the life of a deceased person whose funeral is held on or after 22 August 2020;
 - (f) attending a place of worship;
 - (g) an elite athlete and is training or competing;
 - (h) providing coaching or other support to an elite athlete, or providing support at a sporting event at which only elite athletes are competing;
 - (i) participating in or facilitating an indoor organised activity at which—
 - (i) no more than 15 people are in attendance, not including persons under the age of 11 or persons working, or providing voluntary services, at the event, and

- (ii) no alcohol is consumed;
 - (j) participating in or facilitating an outdoor organised activity at which—
 - (i) no more than 30 people are in attendance, not including persons under the age of 11 or persons working, or providing voluntary services, at the event, and
 - (ii) no alcohol is consumed;
 - (k) participating in or facilitating an organised activity for the development or well-being of children (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays).
- (7) This regulation does not apply to a person who is homeless.

Prohibition on organising events

- 7.—(1) No person may, without a reasonable excuse, be involved in organising—
- (a) an event held wholly or mainly indoors at which more than 15 people are in attendance, or
 - (b) an event held wholly or mainly outdoors at which more than 30 people are in attendance, not including persons under the age of 11 or persons working, or providing voluntary services, at the event.
- (2) For the purposes of paragraph (1)—
- (a) a person is not involved in organising an event if the person’s only involvement is attending it;
 - (b) a reasonable excuse includes where the person has taken all reasonable measures to ensure that no more than 15 or 30 people are in attendance, as the case may be;
 - (c) the following are not to be treated as events—
 - (i) the showing of a film;
 - (ii) a market;
 - (iii) a religious service;
 - (iv) a sporting event at which only elite athletes are competing.

Prohibition on organising certain unlicensed music events

- 8.—(1) No person may be involved in organising a relevant unlicensed music event.
- (2) For the purposes of this regulation “relevant unlicensed music event” means an event—
- (a) at which more than 30 people are in attendance,
 - (b) at which music is played or performed for the purpose, or for purposes which include the purpose, of entertainment, and
 - (c) where the playing or performance of the music is—
 - (i) a licensable activity (within the meaning of the Licensing Act 2003(3)), 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 attending it.

PART 3

Restrictions on travel

Restriction on travel to and from Wales

- 9.—(1) No person living outside Wales may enter or remain in Wales without a reasonable excuse.
- (2) No person living in Wales may leave Wales without a reasonable excuse.
- (3) For the purposes of paragraphs (1) and (2), a person has a reasonable excuse if—
- (a) the person leaves or enters Wales for a purpose that is reasonably necessary and there is no reasonably practicable alternative;
 - (b) one of the circumstances in paragraph (5) applies.
- (4) Examples of purposes for which it may be reasonably necessary for a person to enter or leave Wales include—
- (a) obtaining or providing medical assistance, or accessing veterinary services;
 - (b) working or providing voluntary or charitable services;
 - (c) meeting a legal obligation, including attending court or satisfying bail conditions, or participating in legal proceedings;
 - (d) providing, receiving or accessing care or assistance, including childcare or relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006, where the person receiving the care is a vulnerable person;
 - (e) in relation to children who do not live in the same household as their parents, or one of their parents, continuing existing arrangements for access to, and contact between, parents and children, and for the purposes of this sub-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;
 - (f) moving home;
 - (g) undertaking activities in connection with the purchase, sale, letting, or rental of residential property;
 - (h) accessing or receiving public services;
 - (i) accessing educational services;
 - (j) obtaining—
 - (i) food and medical supplies for those in the same household (including animals in the household) or for vulnerable persons;
 - (ii) supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person;
 - (k) obtaining money from or depositing money with any business or service listed in paragraph 3 or 4 of Part 1 of Schedule 2;
 - (l) participating in or facilitating an organised activity for the development or well-being of children (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays).
- (5) The circumstances referred to in paragraph (3)(b) are that the person is—
- (a) providing or receiving emergency assistance;
 - (b) avoiding illness, injury or other risk of harm;
 - (c) attending 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;
- (d) attending 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;
- (e) an elite athlete and is training and competing;
- (f) providing coaching or other support to an elite athlete, or providing support at a sporting event at which only elite athletes are competing;
- (g) travelling on public transport on a journey which begins and ends in Wales;
- (h) travelling to participate in a gathering with the person's extended household in accordance with regulation 4 or 6(2)(b).

PART 4

Requirement to isolate etc.

CHAPTER 1

Requirement to isolate etc. where person tests positive for coronavirus or has close contact with such person

Interpretation of Part

10.—(1) In this Part, “close contact” means contact that a contact tracer considers may lead to a risk of infection or contamination with coronavirus, including—

- (a) having face-to-face contact with a person at a distance of less than 1 metre;
- (b) spending more than 15 minutes within 2 metres of a person;
- (c) travelling in a car or other small vehicle with a person or in close proximity to a person on an aeroplane or in the same carriage of a train.

(2) In regulations 11 and 13, references to an “adult” (“A”) include references to a child aged 16 or 17.

(3) For the purposes of this Part, a person has responsibility for a child if the person has—

- (a) custody or charge of the child for the time being, or
- (b) parental responsibility for the child.

(4) For the purposes of these Regulations, notification by means of the NHS Covid 19 smartphone app developed and operated by the Secretary of State is not a notification.

Requirement to isolate: adult with coronavirus

11.—(1) This regulation applies where an adult (“A”) is notified by a contact tracer that A has tested positive for coronavirus on or after 9 November 2020.

(2) A may not leave or be outside the place where A is living before the end of the last day of A's isolation unless regulation 15 applies.

(3) If requested by a contact tracer, A must notify the contact tracer—

- (a) of the name of each person living at the place A is living, and

(b) of the address of that place.

(4) The last day of A's isolation is the last day of the period of 10 days beginning with the day of the test which led to the notification referred to in paragraph (1) being given.

(5) But where A reports to a contact tracer the day on which symptoms first developed, the last day of A's isolation is the last day of the period of 10 days beginning with the day which A reports as being the day on which the symptoms first developed.

Requirement to isolate: child with coronavirus

12.—(1) This regulation applies where an adult (“A”) is notified by a contact tracer that a child (“C”) for whom A is a responsible adult has tested positive for coronavirus on or after 9 November 2020.

(2) C may not leave or be outside the place where C is living before the end of the last day of C's isolation unless regulation 15 applies.

(3) If requested by a contact tracer, A must notify the contact tracer—

- (a) of the name of each person living at the place where C is living, and
- (b) of the address of that place.

(4) The last day of C's isolation is the last day of the period of 10 days beginning with the date of the test which led to the notification referred to in paragraph (1) being given.

(5) But in a case where A reports to a contact tracer the day on which C's symptoms first developed, the last day of C's isolation is the last day of the period of 10 days beginning with the day which A reports as being the day on which C's symptoms first developed.

Requirement to isolate after close contact: adult

13.—(1) This regulation applies where an adult (“A”) is notified by a contact tracer that A has had close contact on or after 9 November 2020 with a person who has tested positive for coronavirus (“P”).

(2) A may not leave or be outside the place where A is living before the end of the last day of A's isolation unless regulation 15 applies.

(3) A must notify a contact tracer, if requested, of the address of the place where A is living.

(4) The last day of A's isolation is the last day of the period of 14 days beginning with the day which a contact tracer records as being the last day on which A had close contact with P before A received the notification referred to in paragraph (1).

(5) But where A is living in the same place as P, the last day of A's isolation is—

- (a) where P, or, where P is a child, a responsible adult (“R”) on P's behalf, reports to a contact tracer the day on which P's symptoms first developed, the last day of the period of 14 days beginning with the day on which P, or R, reports as being the day on which P's symptoms first developed;
- (b) where no symptoms are reported, the last day of the period 14 days beginning with the day of the test which led to the notification being given to P, or R, that P had tested positive for coronavirus.

Requirement to isolate after close contact: child

14.—(1) This regulation applies where an adult (“A”) is notified by a contact tracer that a child (“C”) for whom A is responsible has had close contact on or after 9 November 2020 with a person who has tested positive for coronavirus (“P”).

(2) C may not leave or be outside the place where C is living before the end of the last day of C's isolation unless regulation 15 applies.

(3) A must notify a contact tracer, if requested, of the address of the place where C is living.

(4) The last day of C's isolation is the last day of the period of 14 days beginning with the day which a contact tracer records as being the last day on which C had close contact with P before A received the notification referred to in paragraph (1).

(5) But where C is living in the same place as P, the last day of C's isolation is—

- (a) where P, or, where P is a child, a responsible adult ("R") on P's behalf, reports to a contact tracer the day on which P's symptoms first developed, the last day of the period of 14 days beginning with the day on which P, or R, reports as being the day on which P's symptoms first developed, or
- (b) where no symptoms are reported, the last day of the period 14 days beginning with the day of the test which led to the notification being given to P, or R, that P had tested positive for coronavirus.

Isolation requirements: exceptions

15.—(1) Paragraph (2) applies where a person is required to not leave or be outside of the place where the person is living by virtue of regulation 11(2), 12(2), 13(2) or 14(2).

(2) The person may leave and be outside the place where the person is living for as long as is necessary—

- (a) to seek medical assistance, where this is required urgently or on the advice of a registered medical practitioner;
- (b) to access veterinary services where—
 - (i) they are urgently required, or
 - (ii) it is not possible for another person at the place that the person is living to access those services;
- (c) to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings, where it is not possible or practicable to so without leaving the place where the person is living;
- (d) to avoid illness, injury or other risk of harm;
- (e) for compassionate reasons, including to attend the funeral of—
 - (i) a family member;
 - (ii) a close friend;
- (f) to obtain basic necessities (including for other persons at the place where the person is living or any pets at that place) where it is not possible or practicable—
 - (i) for another person at the place where the person is living to obtain them, or
 - (ii) to obtain them by delivery to that place from a third party;
- (g) to access public services (including social services or victims' services) where—
 - (i) access to the service is critical to the person's well-being, and
 - (ii) the service cannot be provided if the person remains at the place where the person is living;
- (h) to move to a different place to live where it becomes impracticable to remain at the place where the person is living.

(3) Regulations 11(2), 12(2), 13(2) and 14(2) do not apply to a person who is homeless.

- (4) Regulation 11(2) does not apply to a person who—
- (a) has tested positive for coronavirus in the course of a research study (the “prior test”), and
 - (b) tests positive for coronavirus in the course of the same study within the period of 90 days beginning with the date of the prior test.

Requirement on persons with responsibility for children

16. Where a requirement is imposed under regulation 12(2) or 14(2) on a child, a person with responsibility for the child must take all reasonable measures to ensure that the child complies with the requirement.

Withdrawing a notice which requires isolation

- 17.—(1) This regulation applies where a contact tracer—
- (a) has given a notification under regulation 11(1), 12(1), 13(1) or 14(1) (“the original notification”), but
 - (b) subsequently notifies the recipient of the original notification that it is withdrawn.
- (2) The original notification is treated as if it had not been given.

CHAPTER 2

Information

Power to use and disclose information

18.—(1) A contact tracer may disclose only such relevant information to a person (“the information holder”) as is necessary for the information holder to have—

- (a) for the purposes of—
 - (i) carrying out a function under these Regulations,
 - (ii) preventing danger to the health of the public as a result of the spread of infection or contamination with coronavirus, or
 - (iii) monitoring the spread of infection or contamination with coronavirus, or
 - (b) for a purpose connected with, or otherwise incidental to, a purpose described in subparagraph (a).
- (2) Relevant information is—
- (a) where a person is required to isolate in accordance with regulation 11(2), 12(2), 13(2) or 14(2)—
 - (i) the person’s contact information and date of birth;
 - (ii) the date the person received a notification under regulation 11(1), 12(1), 13(1) or 14(1), or, where the person is a child, the adult with responsibility for the child;
 - (iii) the particular period in respect of which the person is required to not leave or be outside of the place where the person is living calculated in accordance with regulation 11, 12, 13 or 14;
 - (iv) details of any fixed penalty notices issued, or proceedings brought, in relation to an offence of contravening regulation 11, 12, 13 or 14 alleged to have been committed by the person;
 - (b) confirmation a person did not receive a positive coronavirus test (including the person’s name, contact information and date of birth).

(3) The information holder may use relevant information disclosed under paragraph (1) only to the extent that it is necessary—

- (a) for the purposes of—
 - (i) carrying out a function under these Regulations,
 - (ii) preventing danger to the health of the public as a result of the spread of infection or contamination with coronavirus, or
 - (iii) monitoring the spread of infection or contamination with coronavirus, or
- (b) for a purpose connected with, or otherwise incidental to, a purpose described in subparagraph (a).

(4) Subject to paragraph (6), the information holder may disclose only such relevant information to another person (the “recipient”) as is necessary for the recipient to have—

- (a) for the purposes of—
 - (i) carrying out a function of the recipient under these Regulations,
 - (ii) preventing danger to the health of the public as a result of the spread of infection or contamination with coronavirus, or
 - (iii) monitoring the spread of infection or contamination with coronavirus, or
- (b) for a purpose connected with, or otherwise incidental to, a purpose described in subparagraph (a).

(5) Subject to paragraph (7), disclosure which is authorised by this regulation does not breach—

- (a) an obligation of confidence owed by the person making the disclosure, or
- (b) any other restriction on the disclosure of information (however imposed).

(6) This regulation does not limit the circumstances in which information may otherwise lawfully be disclosed under any other enactment or rule of law.

(7) Nothing in this regulation authorises the use or disclosure of personal data where doing so contravenes the data protection legislation.

(8) For the purposes of this regulation, “data protection legislation” and “personal data” have the same meanings as in section 3 of the Data Protection Act 2018(4).

PART 5

Restrictions on certain businesses and services

Closure of premises used by certain businesses and services

19.—(1) A person responsible for carrying on a business or providing a service which is listed in Schedule 1 must—

- (a) close to members of the public any premises operated as part of the business or service, and
- (b) not carry on the business or service at such premises otherwise than in accordance with this regulation.

(2) Paragraph (1) does not prevent—

- (a) carrying out maintenance and repairs or other work to ensure premises are suitable for use when paragraph (1) no longer applies to the premises;

- (b) the use of premises for any purpose as may be requested or authorised by the Welsh Ministers or a local authority;
- (c) the use of premises to broadcast without an audience present at the premises (whether over the internet or as part of a radio or television broadcast) or to rehearse for such a broadcast;
- (d) the use of premises for the provision of services or information (including the sale, hire or delivery of goods or services)—
 - (i) through a website, or otherwise by on-line communication,
 - (ii) by telephone, including by text message, or
 - (iii) by post.
- (3) Where—
 - (a) a person responsible for carrying on a business (“business A”) is required by virtue of this regulation to cease carrying on business A at premises, and
 - (b) business A forms part of a larger business (“business B”),
 the requirement in this regulation is complied with if the person responsible for carrying on business B ceases to carry on business A at the premises.

Restrictions on licensed premises

- 20.**—(1) A person responsible for premises authorised for the sale or supply of alcohol may not sell or supply alcohol between 10.00 p.m. and 6.00 a.m.
- (2) Where the premises are authorised for the sale or supply of alcohol for consumption on the premises, the person responsible for the premises—
- (a) must close the premises (to customers) at or before 10.20 p.m. each day, and
 - (b) may not open the premises before 6.00 a.m. each day.
- (3) Despite paragraph (2), a cinema may close later than 10.20 p.m. only for the purpose of concluding the showing of a film which begins before 10.00 p.m.
- (4) Paragraph (2) does not apply to—
- (a) premises located in—
 - (i) a sea port;
 - (ii) an airport;
 - (iii) an educational establishment;
 - (b) workplace canteens.
- (5) In its application to the premises of holiday or travel accommodation, paragraph (2) applies only to those parts of the premises in which alcohol is sold or supplied for consumption on the premises.
- (6) Paragraphs (1) and (2) do not allow the premises to be open, or alcohol to be sold or supplied, in contravention of an authorisation granted or given in respect of the premises.
- (7) Where regulated premises not authorised for the sale or supply of alcohol for consumption on the premises allow customers to consume their own alcohol on the premises, paragraphs (2) to (4) apply to those premises as they apply to premises that are authorised for the sale or supply of alcohol for consumption on the premises.

PART 6

Minimising risk of exposure to coronavirus

Requirement to take preventative measures on regulated premises to minimise risk

21.—(1) For the purposes of paragraph (2)—

(a) “regulated premises” means—

- (i) premises of businesses or services listed in Part 1 of Schedule 2;
- (ii) a vehicle used to provide a public transport service;
- (iii) other premises where work is being carried out;

(b) the “responsible person” means—

- (i) in relation to regulated premises referred to in sub-paragraph (a)(i) or (ii), the person responsible for the premises,
- (ii) in relation to regulated premises of the kind referred to in sub-paragraph (a)(iii), the person responsible for the work being carried out on the premises.

(2) For the purposes of minimising the risk of exposure to coronavirus at regulated premises, or the spread of coronavirus by those who have been at regulated premises, the responsible 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 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 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;
- (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) Measures that may be taken under paragraph (2) also include—

(a) not carrying out certain activities;

(b) closing a part of the premises;

(c) allowing and enabling a person who ordinarily works at the premises to isolate for a specified period due to testing positive for coronavirus or having had close contact with somebody who has tested positive, where that person—

- (i) has been asked to do so by the Welsh Ministers;
- (ii) has been required to do so by a notification given by a contact tracer;

- (d) collecting contact information from each person at the premises and retaining it for 21 days for the purpose of providing it to any of the following, upon their request—
 - (i) the Welsh Ministers;
 - (ii) a contact tracer;
 - (e) taking reasonable measures to ensure that such contact information is correct.
- (4) Where paragraph (2) applies to a person responsible for premises authorised for the sale or supply of alcohol for consumption on the premises, the sale or supply of food or drink for consumption on the premises must be carried out in accordance with the reasonable measures specified in paragraph (5) (subject to paragraphs (6) and (7)).
- (5) The reasonable measures are that—
- (a) there must be a person controlling entry to the premises and allocating a limited time period during which customers may stay in the premises;
 - (b) customers must be seated in the premises anywhere other than at a bar—
 - (i) when ordering food or drink,
 - (ii) when being served with food or drink, and
 - (iii) when consuming food or drink.
- (6) But where food is provided at the premises on a buffet basis, customers may select food from the buffet and return to where they are seated provided a distance of 2 metres is maintained between any persons at the buffet (except between members of the same household or a carer and the person assisted by the carer).
- (7) Sub-paragraphs (a) and (b) of paragraph (5) do not apply to—
- (a) workplace canteens, or
 - (b) premises in an educational establishment.
- (8) For the purposes of paragraph (4)—
- (a) food or drink sold in holiday or travel accommodation as part of room service is not to be treated as being sold for consumption on the premises;
 - (b) food or drink sold for consumption in an area adjacent to the premises where seating is made available for customers is to be treated as being sold for consumption on the premises.
- (9) Where regulated premises not authorised for the sale or supply of alcohol for consumption on the premises allow customers to consume their own alcohol on the premises, paragraphs (4) to (7) apply to those premises as they apply to premises that are authorised for the sale or supply of alcohol for consumption on the premises.

Requirement to wear face covering on public transport

- 22.—(1) A person (“P”) who is travelling as a passenger on a vehicle used to provide a public transport service must wear a face covering.
- (2) But this is not required—
- (a) where an exemption applies under paragraph (3);
 - (b) where P has a reasonable excuse not to wear a face covering, as to which see paragraph (4).
- (3) An exemption to the requirement to wear a face covering applies—
- (a) where P is a child under the age of 11;
 - (b) on a vehicle providing a school transport service;
 - (c) on a ferry where—

- (i) the part of the ferry which is open to passengers is entirely outdoors, or
 - (ii) a distance of at least 2 metres can be maintained between persons on the part of the ferry which is open to passengers;
 - (d) on a cruise ship;
 - (e) where P is allocated a cabin, berth or other similar accommodation on the vehicle, at any time when P is in that accommodation—
 - (i) alone, or
 - (ii) only with members of P’s household or a member of the household’s carer;
 - (f) where—
 - (i) P is permitted, or ordinarily required, to board and to stay in a vehicle when using the public transport service,
 - (ii) the vehicle is not itself used for the provision of a public transport service, and
 - (iii) P stays in that vehicle;
 - (g) on an aircraft which neither took off from, nor is to land at, a place in Wales;
 - (h) on a vessel which does not dock at a port in Wales.
- (4) The circumstances in which P has a reasonable excuse to not wear a face covering include—
 - (a) where P is unable to put on, wear or remove a face covering because of a physical or mental illness or impairment, or a disability (within the meaning of section 6 of the Equality Act 2010(5));
 - (b) where P has to remove the face covering to communicate with a person who has difficulty communicating (in relation to speech, language or otherwise);
 - (c) where P has to remove the face covering in order to avoid harm or injury, or the risk of harm or injury, to themselves or others;
 - (d) where P is travelling to avoid injury, or to escape a risk of harm, and does not have a face covering;
 - (e) where P has to remove the face covering to—
 - (i) take medication;
 - (ii) eat or drink, if this is allowed on the vehicle and is reasonably necessary (for example due to the length of the journey);
 - (f) where P is asked to remove the face covering by—
 - (i) an enforcement officer, or
 - (ii) the operator of the public transport service, an employee of the operator or a person authorised by the operator.
- (5) An operator of a public transport service to which paragraph (1) applies must provide information to passengers about the requirement to wear face coverings on their vehicles.
- (6) For the purposes of this regulation a “school transport service” means any transport service provided solely for the purpose of—
 - (a) carrying a person to and from the school or other place at which the person receives education or training, or
 - (b) otherwise facilitating a person’s attendance at a school or other place at which the person receives education or training.

Requirement to wear face covering in certain indoor public places

23.—(1) A person (“P”) must wear a face covering in indoor public areas of premises to which the public have or are permitted access, whether on payment or otherwise.

(2) But this is not required—

- (a) where P is a child under the age of 11;
 - (b) where P has a reasonable excuse not to wear a face covering, as to which see paragraph (3).
- (3) The circumstances in which P has a reasonable excuse to not wear a face covering include—
- (a) where P is unable to put on, wear or remove a face covering because of a physical or mental illness or impairment, or a disability (within the meaning of section 6 of the Equality Act 2010);
 - (b) where P is undertaking an activity and wearing a face covering during that activity may reasonably be considered to be a risk to P’s health;
 - (c) where P has to remove the face covering to communicate with a person who has difficulty communicating (in relation to speech, language or otherwise);
 - (d) where P has to remove the face covering in order to avoid harm or injury, or the risk of harm or injury, to themselves or others;
 - (e) where P is at the premises to avoid injury, or to escape a risk of harm, and does not have a face covering;
 - (f) where P has to remove the face covering to—
 - (i) take medication;
 - (ii) eat or drink, where reasonably necessary;
 - (g) where P is asked to remove the face covering by an enforcement officer;
 - (h) where P is seated in premises where food or drink is sold, or otherwise provided, for consumption on the premises.

Guidance on minimising exposure

24.—(1) A person required to take reasonable measures under regulation 21(2) must have regard to guidance issued by the Welsh Ministers about those measures.

(2) An operator of a public transport service to which regulation 22 applies must have regard to guidance issued by the Welsh Ministers about—

- (a) the requirement to wear a face covering in accordance with paragraphs (1) to (4) of regulation 22 and the enforcement of that requirement under regulation 30;
- (b) providing information to passengers in accordance with paragraph (5) of regulation 22.

(3) The Welsh Ministers—

- (a) may revise guidance issued under paragraph (1) or (2), and
- (b) must publish the guidance (and any revisions).

(4) 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).

(5) Guidance issued by the Welsh Ministers under paragraph (1) or (2) of regulation 20 of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020(6) is to be treated as if it were guidance issued under paragraph (1) or (2) of this regulation, as the case may be.

(6) S.I. 2020/1149 (W. 261).

PART 7

Enforcement

Enforcement officers

25.—(1) For the purposes of regulation 26 and Schedule 3, an “enforcement officer” means a person designated by a local authority for the purposes of these Regulations.

(2) For the purposes of regulations 22, 23, 27 to 35, and 37, an “enforcement officer” means—

- (a) a constable,
- (b) a police community support officer,
- (c) a person designated by—

- (i) the Welsh Ministers, or
- (ii) a local authority,

for the purposes of these Regulations (but see paragraph (3)), or

(d) a person designated by the Welsh Ministers or a local authority under—

- (i) regulation 10(11)(c) of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020(7) as a relevant person (within the meaning given by that regulation),
- (ii) regulation 17(1) of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020(8) for the purposes of those Regulations, or
- (iii) regulation 21(2) of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020 for the purposes of those Regulations,

(but see paragraph (3)).

(3) 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 19(1), 20(1) or (2), or 21(2), or Schedule 3.

Enforcement of requirement to take preventative measures

26. Schedules 3 and 4 make provision for and in connection with conferring functions on enforcement officers for the purpose of enforcing regulation 21(2).

Compliance notices

27.—(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 19(1) or 22(5).

(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.

Powers of removal and dispersal

28.—(1) Where an enforcement officer has reasonable grounds for suspecting that a person is contravening regulation 4(1), the officer may—

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

(8) S.I. 2020/725 (W. 162). Amended by S.I. 2020/985 (W. 222).

- (a) direct the gathering to disperse;
 - (b) direct any person not living at the dwelling at which the suspected contravention is occurring to leave the dwelling;
 - (c) remove any such person from the dwelling.
- (2) Where an enforcement officer has reasonable grounds for suspecting that people are gathered together in contravention of regulation 6(1) or (3), 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.
- (3) Where an enforcement officer has reasonable grounds for suspecting that a person (“P”) is contravening regulation 9, the officer may direct P—
- (a) in the case of an alleged contravention of regulation 9(1), to leave Wales, or
 - (b) in the case of an alleged contravention of regulation 9(2), not to leave Wales or to return to Wales.
- (4) Where an enforcement officer has reasonable grounds for suspecting that a person (“P”) is away from the place where they are living in contravention of regulation 11(2), 12(2), 13(2) or 14(2), the officer may—
- (a) direct P to return to the place where P is living;
 - (b) remove P to that place.
- (5) When exercising a power in paragraphs (1) to (3), an enforcement officer may direct a person to follow such instructions as the officer considers necessary.

Powers relating to prohibited events

- 29.**—(1) Where an enforcement officer has reasonable grounds for suspecting that a person (“P”) is involved in organising an event in contravention of regulation 7(1) or 8(1), the officer may—
- (a) direct P to follow such instructions as the officer considers necessary in order to stop the event;
 - (b) remove P from the location of the event;
 - (c) direct any person to leave the event (or where the person is a child accompanied by an individual with responsibility for the child, direct the individual to remove the child from the event);
 - (d) remove any person from the event.
- (2) Where an enforcement officer has reasonable grounds for suspecting that a person (“P”) is involved in organising an event which the officer considers is likely to contravene regulation 7(1) or 8(1) if the event were to take place, the officer may—
- (a) direct P to follow such instructions as the officer considers necessary in order to stop the event from taking place;
 - (b) remove P from the proposed location of the event.

Enforcement of face covering requirements

- 30.**—(1) Where an enforcement officer has reasonable grounds for suspecting that a person (“P”) is contravening (or is about to contravene) regulation 22(1), the officer may—
- (a) direct P not to board the vehicle providing the public transport service in question;
 - (b) remove P from the vehicle.

- (2) Where—
- (a) the operator of a public transport service,
 - (b) an employee of the operator, or
 - (c) a person authorised by the operator,

has reasonable grounds to suspect that a person (“P”) is about to contravene regulation 22(1), the operator, employee or authorised person may direct P not to board the vehicle providing the public transport service in question.

(3) Where an enforcement officer has reasonable grounds to suspect that a person (“P”) is contravening (or is about to contravene) regulation 23(1), the officer may—

- (a) direct P not to enter the premises;
- (b) remove P from the premises.

Enforcement: children

31.—(1) Where an enforcement officer has reasonable grounds to suspect that a person (“P”) is contravening regulation 4(1), and is a child accompanied by an individual (“I”) who has responsibility for P—

- (a) if P does not live at the dwelling at which the alleged contravention is occurring, the officer may direct I to remove P from the dwelling, and
- (b) I must, so far as reasonably practicable, ensure that P complies with any direction or instruction given by the officer to P.

(2) Where an enforcement officer has reasonable grounds to suspect that a person (“P”) is in a gathering in contravention of regulation 6(1) or (3) 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.

(3) Where an enforcement officer has reasonable grounds to suspect that a person (“P”) is contravening regulation 9 and is a child accompanied by an individual (“I”) who has responsibility for P—

- (a) the officer may direct I—
 - (i) in the case of an alleged contravention of regulation 9(1), to take P to a place outside Wales,
 - (ii) in the case of an alleged contravention of regulation 9(2), to prevent P from leaving Wales or to return P to Wales, and
- (b) I must, so far as reasonably practicable, ensure that P complies with any direction or instruction given by the officer to P.

(4) Where an enforcement officer has reasonable grounds to suspect that a person (“P”) is away from the place they are living in contravention of regulation 12(2) or 14(2) 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.

(5) Where an enforcement officer has reasonable grounds to suspect that a child is failing to comply with the requirement in regulation 22(1) or 23(1), the officer may direct any individual (“I”)

who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with the requirement.

- (6) For the purposes of paragraphs (1) to (4), 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.

Power of entry

- 32.**—(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 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.

Power of police to conduct road checks

33.—(1) For the purposes of this regulation, a “road check” means the exercise in a locality of the power conferred by section 163 of the Road Traffic Act 1988⁽⁹⁾ in such a way as to stop, during the period for which the exercise of that power in that locality continues, all vehicles or vehicles selected by any criterion.

(2) A constable may conduct a road check for the purpose of ascertaining whether a vehicle is carrying a person who has committed, or a person who the constable reasonably believes intends to commit, an offence under these Regulations.

(3) A road check must be authorised by a constable of the rank of superintendent or above.

(4) But a road check may be authorised by a constable below that rank if the constable considers it necessary as a matter of urgency.

(5) A constable may authorise a road check if the constable has reasonable grounds to believe that persons are, or are about to be, in the locality in which vehicles would be stopped are committing, or intend to commit, an offence under these Regulations.

- (6) An authorisation must be in writing and must specify—
- (a) the locality in which vehicles are to be stopped;
 - (b) the period, not exceeding 7 days, during which the road check may take place;
 - (c) whether the road check is to be conducted—
 - (i) continuously throughout the period, or
 - (ii) at particular times during the period (in which case the authorisation must specify those times);
 - (d) the name of the constable giving the authorisation.

(9) 1988 c. 52, as amended by the Road Traffic Act 1991 (c. 40) and the Traffic Management Act 2004 (c. 18).

- (7) Where a road check is authorised under paragraph (4)—
- (a) the period specified in paragraph (6)(b) may not exceed 2 days;
 - (b) the constable giving the authorisation must, as soon as is reasonably practicable after giving it, inform a constable of the rank of superintendent or above that it has been given.
- (8) A constable of the rank of superintendent or above may give authorisation in writing for a road check to continue for a further period, not exceeding 7 days, beyond the period for which the road check was initially authorised.
- (9) Where a vehicle is stopped in a road check, the person in charge of the vehicle at the time when it is stopped is entitled to obtain a written statement of the purpose of the road check by applying in writing—
- (a) to the police force responsible for the locality where the road check is conducted, and
 - (b) no later than the end of the period of 12 months from the day on which the vehicle was stopped.

Enforcement: supplemental provision

- 34.**—(1) An enforcement officer may take other action to facilitate the exercise of a power conferred on the officer by this Part, including requiring any person to give any information or answer any question the officer considers to be relevant to the exercise of the power.
- (2) An enforcement officer may use reasonable force in the exercise of a power under—
- (a) regulation 28(1)(c), (2)(c) or (4)(b),
 - (b) regulation 29(1)(b) or (d) or (2)(b),
 - (c) regulation 30(1)(b) or (3)(b), or
 - (d) regulation 32(1).
- (3) An enforcement officer may only exercise a power under this Part if the officer considers that it is necessary and proportionate to do so.
- (4) In this Part references to a requirement include references to a restriction.

PART 8

Offences and penalties

Offences and penalties

- 35.**—(1) A person who—
- (a) contravenes a requirement in regulation 4(1), 6(1) or (3), 7(1), 9(1) or (2), 11(2), 12(2), 13(2), 14(2), 16, 22(1) or 23(1), or
 - (b) without reasonable excuse, contravenes a requirement in regulation 8(1), 11(3), 12(3), 13(3), 14(3), 19(1), 20(1) or (2), or 22(5),
- commits an offence.
- (2) It is an offence for a person (“P”) to give false or misleading information to a contact tracer—
- (a) under regulation 11(3), 12(3), 13(3) or 14(3), or
 - (b) about—
 - (i) P’s contact information, or
 - (ii) persons with whom P may have had close contact,

where P knows the information is false or misleading, or P is reckless as to whether the information is false or misleading.

- (3) A person who participates in a gathering—
- (a) which takes place in a private dwelling,
 - (b) which consists of more than 15 people, and
 - (c) at which people are gathered in contravention of regulation 4(1),

commits an offence.

(4) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.

- (5) A person who—
- (a) without reasonable excuse, contravenes paragraph 3(1) of Schedule 3,
 - (b) contravenes paragraph 3(2) of that Schedule, or
 - (c) without reasonable excuse, removes, obscures or damages a notice or sign required to be displayed under paragraph 7(2)(a) of that Schedule,

commits an offence.

- (6) A person who, without reasonable excuse—
- (a) contravenes a direction given—
 - (i) by an enforcement officer under Part 7, or
 - (ii) by the operator of a public transport service, an employee of the operator, or a person authorised by the operator, under regulation 30(2), or
 - (b) fails to comply with a compliance notice given by an enforcement officer under regulation 27(1),

commits an offence.

(7) An offence under these Regulations is punishable on summary conviction by a fine.

(8) Section 24 of the Police and Criminal Evidence Act 1984(10) 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.

(9) In this regulation, “close contact” has the same meaning as in Part 4.

Offences committed by bodies corporate etc.

36.—(1) If an offence under these Regulations 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.

(2) In paragraph (1), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

(3) 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.

(10) 1984 c. 60. Section 24 was substituted by section 110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).

(4) 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.

(5) Section 33 of the Criminal Justice Act 1925⁽¹¹⁾ and Schedule 3 to the Magistrates' Courts Act 1980⁽¹²⁾ 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.

(6) A fine imposed on a partnership on its conviction for an offence under these Regulations is to be paid out of the partnership assets.

(7) 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

37.—(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).

(4) A person designated by the Welsh Ministers for the purposes of receiving payment under—

- (a) regulation 13 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020,
- (b) regulation 21 of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020, or
- (c) regulation 31 of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020,

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.

Amount of fixed penalty: general

38.—(1) Unless regulation 39, 40, 41 or 42 applies, the amount of a fixed penalty is £60.

(11) 1925 c. 86.

(12) 1980 c. 43.

(2) But 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.

(3) And if the person to whom a fixed penalty notice is issued has already received a relevant fixed penalty notice—

- (a) paragraphs (1) and (2) do not apply, and
- (b) the amount specified as the fixed penalty is—
 - (i) in the case of the second relevant fixed penalty notice received, £120;
 - (ii) in the case of the third relevant fixed penalty notice received, £240;
 - (iii) in the case of the fourth relevant fixed penalty notice received, £480;
 - (iv) in the case of the fifth relevant fixed penalty notice received, £960;
 - (v) in the case of the sixth and any subsequent relevant fixed penalty notice received, £1,920.

(4) In paragraph (3), “relevant fixed penalty notice” means—

- (a) a fixed penalty notice where the amount of fixed penalty is determined under this regulation;
- (b) a fixed penalty notice under—
 - (i) the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020,
 - (ii) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020,
 - (iii) the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020, and
 - (iv) the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020(13).

(5) In calculating the number of fixed penalty notices issued to a person, no account is to be taken of a notice issued to the person in respect of an alleged offence of contravening—

- (a) regulation 14B(1) of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020, or
- (b) regulation 9 of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020.

Amount of fixed penalty: participating in a large gathering at a private dwelling

39. Where a fixed penalty notice issued in respect of an alleged offence under regulation 35(3), the amount of the fixed penalty is £60.

Amount of fixed penalty: organising an event

40.—(1) Where a fixed penalty notice is issued in respect of an alleged offence of contravening regulation 7(1), the amount of the fixed penalty is £200.

(2) But if the person to whom a fixed penalty notice is issued in respect of an alleged offence of contravening regulation 7(1) has already received a fixed penalty notice in respect of such an alleged offence—

- (a) paragraph (1) does not apply, and
- (b) the amount of the fixed penalty is—
 - (i) in the case of the second such fixed penalty notice received, £400;

- (ii) in the case of the third such fixed penalty notice received, £800;
- (iii) in the case of the fourth such fixed penalty notice received, £1,600;
- (iv) in the case of the fifth such fixed penalty notice received, £3,200;
- (v) in the case of the sixth and any subsequent such fixed penalty notice received, £6,400.

Amount of fixed penalty: organising an unlicensed music event

41. Where a fixed penalty notice is issued in respect of an alleged offence of contravening regulation 8(1), the amount of the fixed penalty is £10,000.

Amount of fixed penalty: business-related offences

42.—(1) This regulation applies to a fixed penalty notice issued in respect of an alleged offence of contravening—

- (a) regulation 19(1),
- (b) regulation 20(1) or (2), or
- (c) paragraph 3(1) of Schedule 3,

(referred to in this regulation as an “alleged business offence”).

(2) Where a fixed penalty notice is issued in respect of an alleged business offence, the amount of the fixed penalty is £1,000.

(3) But if the person to whom a fixed penalty notice is issued in respect of an alleged business offence has already received a fixed penalty notice in respect of such an alleged offence—

- (a) paragraph (2) does not apply, and
- (b) the amount of the fixed penalty is—
 - (i) in the case of the second such fixed penalty notice received, £2,000;
 - (ii) in the case of the third such fixed penalty notice received, £4,000;
 - (iii) in the case of the fourth and any subsequent such fixed penalty notice received, £10,000.

Fixed penalties: form and procedure

43.—(1) 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 regulation 37(6)(a)) proceedings will not be taken for the offence;
- (c) specify the amount of the fixed penalty determined under regulation 38, 39, 40, 41 or 42 (as the case may be);
- (d) state the name and address of the person to whom the fixed penalty may be paid;
- (e) specify permissible methods of payment.

(2) Whatever other method may be specified under paragraph (1)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (1)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(3) Where a letter is sent as mentioned in paragraph (2), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(4) 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
 - (ii) the person designated under regulation 37(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.

Fixed penalty notices: prohibition of double jeopardy

44.—(1) Where the same, or largely the same, act or omission by a person may give rise to a reasonable belief that the person has committed more than one offence under these Regulations, a fixed penalty may be issued to the person only in respect of one of the alleged offences.

- (2) But a fixed penalty notice may be issued in respect of both—
 - (a) an alleged offence of contravening regulation 4(1), and
 - (b) an offence under regulation 35(3),

where the same, or largely the same, act by a person gives rise to a reasonable belief that the person has committed both offences.

Self-incrimination

45.—(1) Relevant information may be used in evidence against the person to whom the information relates in criminal proceedings.

(2) Where the information is used in proceedings other than for an offence under these Regulations or section 5 of the Perjury Act 1911(14) (false statements made otherwise than on oath) —

- (a) no evidence relating to the information may be adduced by or on behalf of the prosecution, and
 - (b) no question relating to the information may be asked by or on behalf of the prosecution.
- (3) Paragraph (2) does not apply if, in the proceedings—
- (a) evidence relating to the information is adduced by or on behalf of the person who provided it, or
 - (b) a question relating to the information is asked by or on behalf of that person.

(4) In this regulation, “relevant information” means—

- (a) information which is relevant information for the purposes of regulation 18;
- (b) information, or the answer to a question, given in response to a requirement imposed under regulation 34(1);
- (c) anything contained in a document or electronic records produced in response to a requirement imposed under paragraph 8(1) of Schedule 3.

Prosecutions

- 46.—(1) No proceedings for an offence under these Regulations may be brought other than by—
 - (a) the Director of Public Prosecutions,

(14) 1911 c. 6. Section 5 was amended by section 1(2) of the Criminal Justice Act 1948 (c. 58).

- (b) any person designated by the Welsh Ministers, or
 - (c) in relation to proceedings for an offence—
 - (i) of contravening a requirement in regulation 19(1) or 20(1) or (2), or Schedule 3, or
 - (ii) under regulation 35(4) or (6),a local authority.
- (2) A person designated by the Welsh Ministers under—
- (a) regulation 14 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020,
 - (b) regulation 22 of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020, or
 - (c) regulation 32 of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020,
- is to be treated as if designated under this regulation.

PART 9

General

Interpretation

- 47.—(1) In these Regulations—
- (a) “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(15),
 - (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(16);
 - (b) “child” means a person who is aged under 18;
 - (c) “contact information”, in relation to a person, means the person’s name and information sufficient to enable the person to be contacted, (including a telephone number, and, in relation to a person at regulated premises, the date and time at which the person was at the premises);
 - (d) “contact tracer” means—
 - (i) a person employed or engaged for the purposes of the health service (within the meaning of section 206 of the National Health Service (Wales) Act 2006(17) or section 108 of the National Health Service (Scotland) Act 1978(18));
 - (ii) a person employed or engaged by a local authority, designated for the purposes of Part 4 by a Local Health Board, Public Health Wales National Health Service Trust(19) or a local authority.

(15) 2014 anaw 4.

(16) 2016 anaw 2.

(17) 2006 c. 42.

(18) 1978 c. 29.

(19) Established by S.I. 2009/2058 (W. 177).

- (e) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);
 - (f) “elite athlete” means an individual designated as such for the purposes of these Regulations by the Sports Council for Wales;
 - (g) “face covering” means a covering of any type which covers a person’s nose and mouth;
 - (h) “holiday or travel accommodation” means accommodation in premises of a kind listed in paragraphs 8 to 11 of Part 1 of Schedule 2;
 - (i) “local authority” means the council of a county or county borough in Wales;
 - (j) “parental responsibility” has the same meaning as in the Children Act 1989⁽²⁰⁾;
 - (k) a “person responsible for carrying on a business” includes the owner, proprietor, and manager of that business;
 - (l) “premises” includes any building or structure and any land;
 - (m) “public transport service” means a service provided for the carriage of passengers by road, railway, tramway, air or water;
 - (n) “regulated premises” has the meaning given by regulation 21(1);
 - (o) “vehicle” includes an aircraft, a cable car, a train, a tram and a vessel;
 - (p) “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⁽²¹⁾.
- (2) In these Regulations, references to a “private dwelling”—
- (a) include a houseboat and any garden, yard, passage, stair, outhouse or other appurtenance of the dwelling;
 - (b) do not include the following—
 - (i) holiday or travel accommodation;
 - (ii) accommodation in a care home service, secure accommodation service or residential family centre service, within the meaning given to those terms by Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016;
 - (iii) criminal justice accommodation.
- (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) an event is an occasion—
 - (i) which is planned or scheduled for a particular purpose, and
 - (ii) at which any number of people are in the same place for that purpose, whether or not they are participating in a gathering.
- (4) For the purposes of these Regulations—

⁽²⁰⁾ 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.

⁽²¹⁾ Section 60 was amended by section 65 of the Protection of Freedoms Act 2012 (c. 9).

- (a) 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⁽²²⁾;
 - (b) premises are authorised for the sale or supply of alcohol where the premises have been granted or given an authorisation under the Licensing Act 2003, and “authorisation” has the meaning given by section 136(5) of that Act.
- (5) For the purposes of these Regulations, an activity is “organised” if—
- (a) it is organised by—
 - (i) a business,
 - (ii) a public body or a charitable, benevolent, educational or philanthropic institution,
 - (iii) a club or political organisation, or
 - (iv) the national governing body of a sport or other activity, and
 - (b) 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⁽²³⁾, whether or not the person is subject to those Regulations, and
 - (ii) complied with the requirements of regulations 21(2) and 24(1).
- (6) For the purposes of paragraph (5)(b)—
- (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 21(2) of these Regulations applies as if—
 - (i) the place where the activity takes place were regulated premises for the purposes of that regulation, and
 - (ii) the person organising the activity were the responsible person in relation to those regulated premises.

Consequential amendment

48. In regulation 19(10) of the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020, after sub-paragraph (c) insert—

“(d) the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020.”

At 1.14 p.m. on 5 November 2020

Mark Drakeford
First Minister, one of the Welsh Ministers

⁽²²⁾ S.I. 2007/787 (W. 68).

⁽²³⁾ S.I. 1999/3242. Regulation 3 was amended by S.I. 2005/1541, S.I. 2015/21 and S.I. 2015/1637.

SCHEDULE 1

Regulation 19(1)

Businesses or services whose premises must be closed

1. Concert halls.
2. Sexual entertainment venues (within the meaning given by paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982(24)).
3. Theatres.
4. Venues authorised to be used for the supply of alcohol by a premises licence or club premises certificate (within the meaning given by the Licensing Act 2003) where live or recorded music is provided for members of the public or members of the venue to dance.

SCHEDULE 2

Regulation 21(1)

Regulated premises

PART 1

Businesses or services whose premises are regulated premises

1. Any business selling goods or services for sale or hire in a shop.
2. Shopping centres and shopping arcades.
3. 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.
4. Post offices.
5. Bars (including bars in members' clubs).
6. Cafes, canteens and restaurants (including workplace canteens and dining rooms in members' clubs).
7. Public houses.
8. Camping sites.
9. Holiday sites.
10. Hotels and bed and breakfast accommodation.
11. Other holiday accommodation (including holiday apartments, hostels and boarding houses).
12. Auction houses.
13. Bingo halls.
14. Bowling alleys, amusement arcades and indoor play areas.
15. Car dealerships.
16. Car repair and MOT services.

(24) 1982 c. 30. Paragraph 2A of Schedule 3 was inserted by section 27(3) of the Policing and Crime Act 2009 (c. 26).

17. Casinos.
18. Cinemas.
19. Community centres.
20. Crematoriums.
21. Dental services, opticians, audiology services, chiropody, chiropractors, osteopaths and other medical or health services, including services relating to mental health.
22. Establishments providing tanning services, massage services, body piercings, tattooing, electrolysis or acupuncture.
23. Estate or letting agents, developer sales offices and show homes.
24. Funeral directors.
25. Funfairs, amusement parks and theme parks.
26. Garden centres and plant nurseries.
27. Hair salons and barbers.
28. Laundrettes and dry cleaners.
29. Leisure centres and leisure facilities including indoor fitness studios, gyms and spas.
30. Libraries.
31. Livestock markets or auctions.
32. Markets.
33. Museums, galleries and archive services.
34. Nail and beauty salons.
35. Petrol stations.
36. Pharmacies (including non-dispensing pharmacies) and chemists.
37. Places of worship.
38. Skating rinks.
39. Sports courts, skate parks, bowling greens, golf courses and enclosed sports grounds or pitches (whether outdoors or indoors).
40. Storage and distribution facilities, including delivery drop off points.
41. Swimming pools.
42. Taxi or vehicle hire businesses.
43. Venues for events or conferences (including venues for weddings).
44. Veterinary surgeons.
45. Visitor attractions and holiday, leisure activity or events businesses.

PART 2

Interpretation

46.—(1) For the purposes of this Schedule, 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.

(2) 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(25) applies.

SCHEDULE 3

Regulation 26

Enforcement of requirement to take preventative measures on regulated premises

Premises improvement notice

1.—(1) An enforcement officer may issue a notice (a “premises improvement notice”) to a responsible person if the officer considers that—

- (a) the person is not complying with the obligations imposed on the person by regulation 21(2), and
- (b) the measures specified in the notice are necessary and proportionate in order to ensure that the person complies with those obligations.

(2) A premises improvement notice must—

- (a) specify the premises to which it relates;
- (b) specify the measures it requires to be taken in order to ensure that the person complies with the obligations imposed by regulation 21(2);
- (c) specify a time limit within which the measures must be taken (which must not be less than 48 hours beginning with the time the notice is issued);
- (d) give details of the right of appeal conferred by paragraph 5.

(3) In this Schedule, “responsible person” has the meaning given by regulation 21(1).

Premises closure notice

2.—(1) If either condition 1 or condition 2 is satisfied, an enforcement officer may issue a notice (a “premises closure notice”) to a responsible person requiring the premises, or part of the premises, to be closed.

(25) 2013 anaw 6, as amended by the Housing (Wales) Act 2014 (anaw 7).

- (2) Condition 1 is—
 - (a) a premises improvement notice has been issued to the person,
 - (b) the enforcement officer considers that the person has failed to take the measures specified in the premises improvement notice within the specified time limit, and
 - (c) the officer considers that the closure of the premises, or part of the premises, is necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus.
- (3) Condition 2 is that the enforcement officer considers that—
 - (a) the person is not complying with the obligations imposed on the person by regulation 21(2), and
 - (b) the closure of the premises, or part of the premises, (without a premises improvement notice having been issued) is necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus.
- (4) A premises closure notice must—
 - (a) contain a description of the premises to be closed,
 - (b) where a premises improvement notice has been issued, set out the measures that the enforcement officer considers—
 - (i) have not been taken, and
 - (ii) must be taken in order to ensure that the responsible person complies with the obligations imposed by regulation 21(2),
 - (c) where a premises improvement notice has not been issued, set out the reasons why the enforcement officer considers that the person is not complying with the obligations imposed by regulation 21(2),
 - (d) in either case, set out the reasons why the enforcement officer considers that closure of the premises is necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus,
 - (e) specify the period for which the notice has effect, and
 - (f) give details of the right of appeal conferred by paragraph 5.
- (5) The period specified under sub-paragraph (4)(e) may not be more than 336 hours (14 days) beginning with the time the notice is issued.
- (6) A premises closure notice has effect from the time at which it is issued or from a later time specified in the notice.
- (7) A premises closure notice may not be issued in relation to premises which form part of critical infrastructure (for example, premises used to generate electricity or supply water) or which are used to provide essential public services.

Effect of premises closure notice

- 3.—**(1) As soon as is reasonably practicable after a premises closure notice takes effect, the person to whom it is issued must ensure that—
- (a) the premises to which the notice relates are closed, and
 - (b) no business is carried on or service is provided on, or from, the premises.
- (2) No person may enter, or be on, premises closed under sub-paragraph (1) without a reasonable excuse.
- (3) For the purposes of sub-paragraph (2), the circumstances in which a person has a reasonable excuse include where—

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- (a) the person lives on the premises;
- (b) the person is carrying out essential maintenance or repairs;
- (c) the person is doing things necessary to ensure that regulation 21(2) can be complied with when the premises are allowed to be open;
- (d) the person is an enforcement officer or a person assisting an enforcement officer;
- (e) it is necessary for the person to be on the premises to avoid injury or illness or escape a risk of harm.

Termination of premises improvement or closure notice

4.—(1) An enforcement officer may issue a notice terminating a premises improvement notice or a premises closure notice if satisfied that—

- (a) the measures specified in the premises improvement notice (if one was issued) have been taken, or
- (b) other measures have been taken to ensure that regulation 21(2) can be complied with at the premises in question.

(2) A premises improvement notice or premises closure notice ceases to have effect at the time notice of the termination is issued.

Appeals

5.—(1) A person to whom a premises improvement notice or premises closure notice is issued may appeal to a magistrates' court against the notice.

(2) An appeal must be made—

- (a) by way of complaint for an order, and in accordance with the Magistrates' Courts Act 1980, and
- (b) within 7 days after the day the notice is issued.

(3) But a magistrates' court may allow an appeal to be made after the expiry of the period mentioned in sub-paragraph (2)(b) if satisfied that there is a good reason for the failure to appeal before the expiry of that period (and for any delay in applying for permission to appeal out of time).

(4) A magistrates' court may suspend the effect of a premises improvement notice or premises closure notice pending the determination of an appeal.

(5) On an appeal against a premises improvement notice or premises closure notice, a magistrates' court may—

- (a) confirm the decision to issue the notice;
- (b) direct that the notice is to cease to have effect;
- (c) modify the notice;
- (d) make such other order as the court considers appropriate.

(6) If the magistrates' court directs that a notice is to cease to have effect or modifies a notice, it may order the local authority for the area in which the premises in question are situated to pay compensation for loss suffered as the result of the issue of the notice.

(7) An appeal by either party against the decision of a magistrates' court on an appeal under this section may be brought to the Crown Court.

(8) On an appeal to the Crown Court, the Court may—

- (a) confirm, vary or reverse the decision of the magistrates court;

- (b) remit the case to the magistrates' court to dispose of in accordance with directions given by the Crown Court.

Issuing premises improvement and closure notices and terminations

6.—(1) A premises improvement notice, premises closure notice or a termination of either of those types of notice is issued to a person by giving a copy of it in writing to that person.

(2) But where the person responsible for the premises to which the notice or termination relates is not on the premises when it is to be issued, the notice is to be treated as having been issued to that person if—

- (a) a copy of it is given to any other person on the premises who appears to be responsible for any business or service being carried out on the premises, or
- (b) if there is no such person on the premises when the notice is to be issued, a copy of the notice is placed in a conspicuous position on the premises.

Publicising premises improvement and closure notices

7.—(1) This regulation applies where an enforcement officer has issued a premises improvement notice or a premises closure notice.

(2) As soon as reasonably practicable after issuing the notice, the enforcement officer must—

- (a) display a copy of the notice, and a sign in the form set out in Schedule 4, in a prominent place near every entrance to the premises;
- (b) arrange for the notice to be published on the website of the local authority for the area in which the premises are located.

(3) A notice or sign displayed under sub-paragraph (2)(a) must be at least A4 size.

(4) A notice required to be displayed and published under sub-paragraph (2) must continue to be displayed and published, and a sign required to be displayed under that sub-paragraph must continue to be displayed, for as long as the notice has effect.

Production of documents etc.

8.—(1) An enforcement officer may, to facilitate the exercise of a power conferred on the officer by this Schedule, require the production of, inspect and take copies of, any documents or electronic records.

(2) A person may not be required under sub-paragraph (1) to provide a document, record or other information in respect of which a claim for legal professional privilege could be maintained in legal proceedings.

SCHEDULE 4

Regulation 26

Form of sign to accompany premises improvement notice or premises closure notice

Sign to be displayed with premises improvement notice

1.—(1) A sign displayed with a premises improvement notice under paragraph 7(2)(a) of Schedule 3 must be in the form set out below.

(2) The colours used in the sign must be white, black and amber C0 M60 Y100 K0.

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**IECHYD Y CYHOEDD
Y CORONAFEIRWS**

Gofyniad i leihau'r risg
o ddod i gysylltiad â'r
coronafeirws mewn mangre:

**PUBLIC HEALTH
CORONAVIRUS**

Requirement to minimise
risk of exposure to
coronavirus on premises:

**ANGEN
GWELLA**

**IMPROVEMENT
NEEDED**

**Diogelu Cymru
gyda'n gilydd**

**Together we'll
keep Wales safe**

Sign to be displayed with premises closure notice

2.—(1) A sign displayed with a premises closure notice under paragraph 7(2)(a) of Schedule 3 must be in the form set out below.

(2) The colours used in the sign must be white, black and red C15 M100 Y100 K0.

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



**IECHYD Y CYHOEDD
Y CORONAFEIRWS**

Gofyniad i leihau'r risg
o ddod i gysylltiad â'r
coronafeirws mewn mangre:

**PUBLIC HEALTH
CORONAVIRUS**

Requirement to minimise
risk of exposure to
coronavirus on premises:

**CAEWYD Y
FANGRE HON**

**PREMISES
CLOSED**

**Diogelu Cymru
gyda'n gilydd**

**Together we'll
keep Wales safe**

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.

There are 9 Parts to the Regulations.

Part 1 provides that these Regulations come into force on **9 November 2020** and must be reviewed by 19 November, at least once in the period from 20 November to 3 December, at least once in the period from 4 December to 17 December, and at least every 21 days after that. It also provides that unless the Regulations are revoked or amended before then, they expire on 19 February 2021.

Part 2 imposes limits on meeting other people (referred to as participating in gatherings) and on events. Regulation 4 limits gatherings in people's homes (including their gardens) to those who form part of an extended household (or "bubble") only. Regulation 5 provides that an extended household may be formed by all of the adults in a maximum of 2 households agreeing to be treated as 1 household for the purpose of meeting in people's homes or for meeting outdoors (other than in regulated premises). Regulation 6 contains a restriction on meeting away from people's homes. In that case, gatherings are limited to 4 people, not including children under 11. However, this does not apply to holiday or travel accommodation where the gathering is limited to people who are members of the same household. The limitations in regulations 4 and 6 both apply subject to certain listed exceptions, and subject to situations where it may be reasonably necessary to gather and there is no reasonably practicable alternative. More than 4 people may gather if they are all part of the same household, or if they meet outdoors (other than in regulated premises) if they are all part of the same extended household. Exceptions include certain "organised" activities involving up to 15 people meeting indoors and 30 people outdoors. All reasonable measures must be taken to minimise the risk of the spread of coronavirus during organised activities and they must not take place in people's homes. Regulations 7 and 8 make further provision about events that encourage people to gather illegally.

Part 3 relates to travel. Regulation 9 prohibits people from entering or leaving Wales. This is again subject to certain listed exceptions, and subject to situations where it may be reasonably necessary to travel and there is no reasonably practicable alternative. There is no prohibition on travel within Wales.

Part 4 imposes requirements on people who have tested positive for coronavirus and their close contacts. Regulations 11 and 12 provide that adults and children who have tested positive for coronavirus must not leave the place they are living until the end of the last day of their isolation (except in the circumstances provided for by regulation 15). The last day of their isolation is calculated in accordance with regulations 11 and 12. Regulations 13 and 14 provide that people who have had "close contact" with someone who has tested positive for coronavirus must not leave the place they are living until the end of the last day of their isolation (except in the circumstances provided for by regulation 15). The last day of their isolation is calculated in accordance with regulations 13 and 14. Regulation 16 relates to obligations of adults in respect of children required

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to isolate, regulation 17 enables notices given under this Part by contact tracers to be withdrawn and regulation 18 makes provision about the use of information held by contact tracers.

Part 5 relates to business and services whose premises are ordinarily open to the public. Regulation 19 provides that the premises of businesses and services listed in Schedule 1 must be closed to the public (though this does not prevent certain activities from taking place on the premises). Regulation 20 imposes restrictions on businesses whose premises are licensed for the sale of alcohol. These prohibit alcohol from being sold after 10.00 p.m. and require the premises to be closed by no later than 10.20 p.m.

Part 6 makes provision for the purpose of minimising risk of exposure to coronavirus in places where people come together. Regulation 21 applies to “regulated premises” (any place which is open to the public or where work is carried out) and 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. It also specifies that stopping an activity, closing part of a premises, allowing staff to isolate and collecting contact information from those on the premises may be reasonable measures. Specific measures also apply to hospitality settings. Regulations 22 and 23 provide that face coverings must be worn on public transport, including taxis, and in certain indoor places, subject to listed exemptions and exceptions. Regulation 24 provides for guidance to be issued about the practical application of the requirements imposed by this Part, and those to whom the requirements apply must have regard to that guidance.

Part 7 relates to the enforcement of the restrictions and requirements. Regulation 25 makes provision about those who can take enforcement action, regulation 26 makes further provision (in Schedules 3 and 4) about enforcing the need to take preventative measures under regulation 21, regulation 27 relates to compliance notices, and regulation 28 to powers of removal and dispersal. Regulation 29 makes provision about enforcing the prohibition of certain events. Regulation 30 relates specifically to enforcing the requirement to wear a face covering and regulation 31 to children. Regulation 32 contains a power to enter premises, regulation 33 is about police road checks and regulation 34 makes additional provision about enforcement including allowing reasonable force to be used in certain circumstances.

Part 8 makes provision about offences and penalties. Regulation 35 provides that a person who, without a reasonable excuse, contravenes (listed) requirements in these Regulations commits an offence. It also provides that holding a larger gathering in a private home is an offence, as is providing false or misleading information to a contact tracer. Those offences are punishable by an unlimited fine. Regulation 36 relates to offences by bodies corporate. Regulation 37 allows for offences to be punished by way of fixed penalty notices, regulations 38 to 42 relate to the amount of the penalty and regulations 43 and 44 make further provision about administration of the penalties. Regulation 45 relates to self-incrimination and regulation 46 relates to prosecutions of offences under the Regulations.

Part 9 contains defined terms (regulation 47) and a consequential amendment (regulation 48).

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.