
WELSH STATUTORY INSTRUMENTS

2020 No. 1609 (W. 335)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus
Restrictions) (No. 5) (Wales) Regulations 2020**

Approved in Senedd Cymru

<i>Made</i>	- - - -	<i>at 5.45 p.m. on 18 December 2020</i>
<i>Laid before Senedd Cymru</i>		<i>at 10.00 p.m. on 18 December 2020</i>
<i>Coming into force in accordance with regulation 1(3) and (4)</i>		

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 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. 5) (Wales) Regulations 2020.

(2) These Regulations apply in relation to Wales.

(3) These Regulations, other than Part 6, come into force on 21 December 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.

(4) Part 6 comes into force on 23 December 2020.

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 7 January 2021;
- (b) at least once in the period from 8 January 2021 to 28 January 2021;
- (c) at least once in each subsequent period of 21 days.

Expiry

3. These Regulations expire at the end of the day on 31 March 2021.

PART 2

Levels of restrictions on gathering, travelling, and on use of premises of businesses and services

Levels of restrictions

4.—(1) Schedules 1 to 4 set out restrictions and requirements that may apply in an area in relation to—

- (a) gatherings;
- (b) organising events;
- (c) travelling to and from other areas;
- (d) the use of premises of specified businesses or services that are ordinarily open to the public.

(2) The restrictions and requirements set out in Schedule 1 apply in relation to an Alert Level 1 area.

(3) The restrictions and requirements set out in Schedule 2 apply in relation to an Alert Level 2 area.

(4) The restrictions and requirements set out in Schedule 3 apply in relation to an Alert Level 3 area.

(5) The restrictions and requirements set out in Schedule 4 apply in relation to an Alert Level 4 area.

(6) Schedule 5 sets out which one of Schedules 1 to 4 apply to an area by specifying a level for that area.

(7) Schedule 6 makes temporary provision modifying the restrictions and requirements relating to persons gathering and travelling over the Christmas period.

(8) In these Regulations—

- (a) an “Alert Level 1 area” is an area specified in the table in Schedule 5, where the table indicates it is an Alert Level 1 area;
- (b) an “Alert Level 2 area” is an area specified in the table in Schedule 5, where the table indicates it is an Alert Level 2 area;

- (c) an “Alert Level 3 area” is an area specified in the table in Schedule 5, where the table indicates it is an Alert Level 3 area;
- (d) an “Alert Level 4 area” is an area specified in the table in Schedule 5, where the table indicates it is an Alert Level 4 area.

PART 3

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

5.—(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 6 and 8, 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

6.—(1) This regulation applies where an adult (“A”) is notified by a contact tracer that A has tested positive for coronavirus.

(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 10 or 11 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 after 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 after the day which A reports as being the day on which the symptoms first developed.

Requirement to isolate: child with coronavirus

7.—(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.

(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 10 or 11 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 day after the day 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 after the day which A reports as being the day on which C’s symptoms first developed.

Requirement to isolate after close contact: adult

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

(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 10 or 11 applies.

(3) If requested by a contact tracer, A must notify the contact tracer 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 10 days beginning with the day after 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 10 days beginning with the day after 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 of 10 days beginning with the day after 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

9.—(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 with a person (“P”) who has tested positive for coronavirus.

(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 10 or 11 applies.

(3) If requested by a contact tracer, A must notify the contact tracer 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 10 days beginning with the day after 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 10 days beginning with the day after 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 of 10 days beginning with the day after 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: general exceptions

10.—(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 6(2), 7(2), 8(2) or 9(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, and
 - (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 do 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;
 - (i) where the person is a child who does not live in the same household as the child’s parents, or one of the child’s parents, to continue existing arrangements for access to, and contact between, the child and the child’s parents, and for the purposes of this subparagraph, “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.
- (3) Regulations 6(2), 7(2), 8(2) and 9(2) do not apply to a person who is homeless.
- (4) Regulation 6(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.

Isolation requirements: exception for participants in a testing scheme

- 11.**—(1) This regulation applies where—
- (a) a person (“P”) is required to not leave or be outside of the place where P is living by virtue of regulation 8(2) or 9(2) (“the isolation requirement”), and
 - (b) P agrees to participate in a testing scheme.
- (2) If P’s first test under the testing scheme is negative for coronavirus, the isolation requirement ceases to apply to P from the time P receives the result of the test, subject to paragraphs (3) and (4).
- (3) If the result of a test taken by P under the testing scheme is positive for coronavirus, the isolation requirement applies to P from the time P receives the result of the test as if it had not ceased to apply by virtue of paragraph (2).
- (4) Despite paragraph (2) the isolation requirement applies to P on—
- (a) non-test days;
 - (b) any day on which P is required to take a test under the scheme but fails to do so.
- (5) If P’s last test under the testing scheme is negative for coronavirus, the isolation requirement ceases to apply to P from the earlier of—
- (a) the time P receives the result of the test, or
 - (b) P’s last day of isolation calculated in accordance with regulation 8 or 9 as the case may be.
- (6) Where P is a child—
- (a) a person with responsibility for P must agree on P’s behalf that P is to participate in a testing scheme;
 - (b) the references in paragraphs (2) and (5)(a) to P receiving the result of a test include references to a person with responsibility for P receiving the result.
- (7) In this regulation—
- (a) “testing scheme” means a scheme designated by the Welsh Ministers under which P is required to take a number of tests for coronavirus specified in the scheme, on dates and in a manner so specified;
 - (b) “non-test day” means a day between the day on which P takes the first and last test under the scheme on which P is not required to take a test under the scheme.

Requirement on persons with responsibility for children

12. Where a requirement is imposed under regulation 7(2) or 9(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

- 13.**—(1) This regulation applies where a contact tracer—
- (a) has given a notification under regulation 6(1), 7(1), 8(1) or 9(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

14.—(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 6(2), 7(2), 8(2) or 9(2)—
 - (i) the person’s contact information and date of birth, or, where the person is a child, the contact details of the adult who is notified that the child is required to isolate and the child’s date of birth;
 - (ii) the date the notification was given under regulation 6(1), 7(1), 8(1) or 9(1);
 - (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 6, 7, 8 or 9;
- (b) confirmation a person did not receive a positive coronavirus test and the person’s name, contact information and date of birth, or, where the person is a child, the name and contact details of an adult with responsibility for the child in addition to the child’s name 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 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) In this regulation, “data protection legislation” and “personal data” have the same meanings as in section 3 of the Data Protection Act 2018(2).

PART 4

Taking preventative measures in regulated premises

Regulated premises and responsible persons

- 15.**—(1) For the purposes of these Regulations, the following are “regulated premises”—
- (a) premises of businesses or services listed in Schedule 7, to the extent that that the public have or are permitted access to the premises;
 - (b) a vehicle used to provide a public transport service;
 - (c) other premises where work is being carried out.
- (2) In this Part, “responsible person”, in relation to regulated premises, means—
- (a) in relation to premises referred to in paragraph (1)(a) and (b), the person responsible for the premises,
 - (b) in relation to premises referred to in paragraph (1)(c), the person responsible for the work being carried out on the premises.

Requirement to take all reasonable measures to minimise the risk of exposure to coronavirus

- 16.**—(1) 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 all 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.
- (2) Measures that may be taken under paragraph (1) 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 due to testing positive for coronavirus or having had close contact with somebody who has tested positive, for a period—
 - (i) recommended in guidance published by the Welsh Ministers;
 - (ii) specified in a notification given to the person 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.

Specific measures applicable to licensed premises

17.—(1) Where regulation 16(1) 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 (2) (subject to paragraphs (3) and (4)).

- (2) 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.
- (3) 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.
- (4) Paragraph (2) does not apply to—
 - (a) workplace canteens, or
 - (b) premises in an educational establishment.
- (5) For the purposes of paragraph (1)—
 - (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.

(6) 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 (1) 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.

Guidance about taking reasonable measures

18.—(1) A person required to take reasonable measures under regulation 16(1) or 17(1) must have regard to guidance issued by the Welsh Ministers about those measures.

(2) The Welsh Ministers—

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

(3) Guidance under this regulation may incorporate (by reference or transposition) guidance, codes of practice or other documents published by another person (for example, a trade association, body representing members of an industry or a trade union).

(4) Guidance issued by the Welsh Ministers under—

- (a) paragraph (1) of regulation 20 of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020(3), or
- (b) paragraph (1) of regulation 24 of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020(4),

is to be treated as if it were guidance issued under paragraph (1) of this regulation.

PART 5

Face coverings

Requirement to wear face covering on public transport

19.—(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;

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

(4) S.I. 2020/1219 (W. 276), as amended by S.I. 2020/1237 (W. 279), S.I. 2020/1288 (W. 286), S.I. 2020/1409 (W. 311), S.I. 2020/1477 (W. 316) and S.I. 2020/1522 (W. 326).

- (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 P 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

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

(2) But this is not required—

(5) 2010 c. 15.

- (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 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 P 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 about requirements to wear face coverings

21.—(1) An operator of a public transport service to which regulation 19 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 19 and the enforcement of that requirement under regulation 32;
- (b) providing information to passengers in accordance with paragraph (5) of regulation 19.
- (2) The Welsh Ministers—
 - (a) may revise guidance issued under paragraph (1), and
 - (b) must publish the guidance (and any revisions).

(3) Guidance under this regulation may incorporate (by reference or transposition) guidance, codes of practice or other documents published by another person (for example, a trade association, body representing members of an industry or a trade union).

- (4) Guidance issued by the Welsh Ministers under—
 - (a) paragraph (2) of regulation 20 of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020, or
 - (b) paragraph (2) of regulation 24 of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020,

is to be treated as if it were guidance issued under paragraph (1) of this regulation.

PART 6

Provision of education in school

Provision of education in school to certain pupils when school premises are closed

22.—(1) Paragraph (3) applies in relation to a relevant pupil if—

- (a) the premises of the school at which the pupil is registered are closed to that pupil for a period of at least 3 consecutive school days, and
- (b) the closure is a response to a threat to public health posed by the incidence and spread of coronavirus.

(2) For the purposes of paragraph (1), “relevant pupil” means a registered pupil—

- (a) who the local authority which maintains the school at which the pupil is registered considers is the child of a critical worker, or
- (b) who the proprietor of the school at which the pupil is registered considers should attend school by reason of the pupil’s vulnerability.

(3) The proprietor of the school at which the pupil is registered must make arrangements for the pupil to attend the premises of a school for the purpose of the provision of education on the third and each subsequent school day of the period during which the premises of the school at which the pupil is registered are closed.

(4) But paragraph (3) does not apply if, on the school day in question—

- (a) the pupil is required to not leave or be outside of the place where the pupil is living by virtue of regulation 6(2), 7(2), 8(2) or 9(2), or
- (b) the pupil is otherwise isolating having been—
 - (i) notified by means of the NHS Covid 19 smartphone app developed and operated by the Secretary of State, or
 - (ii) advised to do so by the proprietor of the school at which the pupil is registered or by a childcare provider.

(5) In determining, for the purposes of paragraph (1)(a), whether the premises of a school are closed to a pupil, the fact that those premises may be open by virtue of paragraph (3) is to be disregarded.

(6) In deciding whether a pupil is the child of a critical worker, the local authority must have regard to any guidance published by the Welsh Ministers about identifying children of critical workers.

Failure to comply with regulation 22

23. Any failure by a proprietor to comply with regulation 22 is enforceable by an application for an injunction by the Welsh Ministers or the local authority which maintains the school to the High Court or County Court, without notice.

Interpretation of this Part

24. In this Part—

- (a) “maintained nursery school” has the meaning given by section 22(9) of the School Standards and Framework Act 1998(6);

(6) 1998 c. 31.

- (b) “maintained school” has the meaning given by section 20(7) of the School Standards and Framework Act 1998;
- (c) “proprietor” has the meaning given by section 579(1) of the Education Act 1996(7);
- (d) “pupil” has the same meaning as in section 3 of the Education Act 1996;
- (e) “pupil referral unit” has the meaning given by section 19(2) of the Education Act 1996;
- (f) “registered pupil” has the meaning given by section 434(5) of the Education Act 1996;
- (g) “school” means a maintained school, a maintained nursery school or a pupil referral unit;
- (h) “school day” has the meaning given by section 579(1) of the Education Act 1996.

PART 7

Enforcement

Enforcement officers

25.—(1) For the purposes of regulation 26 and Schedule 8, an “enforcement officer” means a person designated by a local authority —

- (a) for the purposes of these Regulations,
- (b) under regulation 17(A1) of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020(8),
- (c) under regulation 21(1) of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020, or
- (d) under regulation 25(1) of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020.

(2) For the purposes of regulations 19, 20, 27 to 34, 36 and 47, 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(9) 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 for the purposes of those Regulations,
 - (iii) regulation 21(2) of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020 for the purposes of those Regulations, or
 - (iv) under regulation 25(2) of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020,

(7) 1996 c. 56.

(8) S.I. 2020/725 (W. 162).

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

(but see paragraph (3)).

(3) A person designated by a local authority may exercise an enforcement officer's functions only—

- (a) in relation to a contravention (or alleged contravention) of a requirement in—
 - (i) regulation 16(1) or 17(1),
 - (ii) paragraph 7(1) or 8(1) or (2) of Schedule 1,
 - (iii) paragraph 7(1) or 8(1) or (2) of Schedule 2,
 - (iv) paragraph 7(1), 8(1) or (2) or 10(1) of Schedule 3, or
 - (v) paragraph 7(1), 8(1), 9(1) or 10(1) of Schedule 4, or
- (b) under and by virtue of Schedule 8.

Enforcement of requirement to take preventative measures

26. Schedules 8 and 9 make provision for and in connection with conferring functions on enforcement officers for the purpose of enforcing regulations 16(1) and 17(1).

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—

- (a) regulation 19(5),
- (b) paragraph 7(1) or 8(1) or (2) of Schedule 1,
- (c) paragraph 7(1) or 8(1) or (2) of Schedule 2,
- (d) paragraph 7(1), 8(1) or (2) or 10(1) of Schedule 3, or
- (e) paragraph 7(1), 8(1), 9(1) or 10(1) of Schedule 4.

(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: gatherings and being away from home

28.—(1) Paragraph (2) applies where an enforcement officer has reasonable grounds for suspecting that a person is participating in a gathering in a private dwelling in contravention of—

- (a) paragraph 1(1) of Schedule 1,
- (b) paragraph 1(1) of Schedule 2,
- (c) paragraph 1(1) of Schedule 3, or
- (d) paragraph 2(1) of Schedule 4.

(2) The enforcement officer may—

- (a) direct the gathering to disperse;
- (b) if the officer has reasonable grounds to suspect that the person does not live at the dwelling—
 - (i) direct the person to leave the dwelling;
 - (ii) remove the person from the dwelling.

(3) Paragraph (4) applies where an enforcement officer has reasonable grounds for suspecting that a person is participating in a gathering in a place other than a private dwelling in contravention of—

- (a) paragraph 2(1) of Schedule 1,
 - (b) paragraph 2(1) or (3) of Schedule 2,
 - (c) paragraph 2(1) or (3) of Schedule 3, or
 - (d) paragraph 2(1) of Schedule 4.
- (4) The enforcement officer may—
- (a) direct the gathering to disperse;
 - (b) direct the person to leave the place where the gathering is taking place;
 - (c) remove the person from that place.
- (5) Where an enforcement officer has reasonable grounds for suspecting that a person is away from the place where the person is living in contravention of paragraph 1(1) of Schedule 4, the officer may—
- (a) direct the person to return to the place where the person is living;
 - (b) remove the person to that place.

Powers relating to travel restrictions

29.—(1) Paragraph (2) applies where an enforcement officer has reasonable grounds for suspecting that a person is about to enter an area in contravention of—

- (a) paragraph 6(1) of Schedule 1,
- (b) paragraph 6(1) of Schedule 2,
- (c) paragraph 6(1) of Schedule 3, or
- (d) paragraph 6(1) of Schedule 4.

(2) The enforcement officer may direct the person not to enter the area.

(3) Paragraph (4) applies where an enforcement officer has reasonable grounds for suspecting that a person is in an area in contravention of—

- (a) paragraph 6(1) of Schedule 1,
- (b) paragraph 6(1) of Schedule 2,
- (c) paragraph 6(1) of Schedule 3, or
- (d) paragraph 6(1) of Schedule 4.

(4) The enforcement officer may—

- (a) direct the person to leave the area;
- (b) remove the person from the area.

(5) Paragraph (6) applies where an enforcement officer has reasonable grounds for suspecting that a person is about to leave an area in contravention of—

- (a) paragraph 6(2) of Schedule 1,
- (b) paragraph 6(2) of Schedule 2, or
- (c) paragraph 6(2) of Schedule 3.

(6) The enforcement officer may direct the person not to leave the area.

(7) Paragraph (8) applies where an enforcement officer has reasonable grounds for suspecting that a person has left an area in contravention of—

- (a) paragraph 6(2) of Schedule 1,
- (b) paragraph 6(2) of Schedule 2, or

- (c) paragraph 6(2) of Schedule 3.
- (8) The enforcement officer may—
 - (a) direct the person to return to the area;
 - (b) return the person to the area.

Powers relating to contravention of isolation requirement

30. Where an enforcement officer has reasonable grounds for suspecting that a person is away from the place where they are living in contravention of regulation 6(2), 7(2), 8(2) or 9(2), the officer may—

- (a) direct the person to return to the place where the person is living;
- (b) remove the person to that place.

Powers relating to events

31.—(1) Paragraph (2) applies where an enforcement officer has reasonable grounds for suspecting that a person (“P”) is—

- (a) committing an offence under regulation 39(2);
- (b) involved in organising an event in contravention of (or which the officer considers likely to be in contravention of) paragraph 4 of Schedule 1, paragraph 4 of Schedule 2, paragraph 4 of Schedule 3 or paragraph 4 of Schedule 4.

(2) The enforcement 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;
- (d) remove any person from the event;
- (e) where the event has not started—
 - (i) direct P to follow such instructions as the officer considers necessary in order to stop the event from taking place;
 - (ii) remove P from the proposed location of the event.

(3) Where an enforcement officer has reasonable grounds for suspecting that a person (“P”) is involved in organising an event authorised under paragraph 5 of Schedule 1, paragraph 5 of Schedule 2, paragraph 5 of Schedule 3 or paragraph 5 of Schedule 4 which the officer considers is being held in contravention of a requirement, restriction or other condition specified in relation to the authorisation, the officer may—

- (a) direct P to follow such instructions as the officer considers necessary in order to secure compliance with the requirement, restriction or other condition;
- (b) direct P to follow such instructions as the officer considers necessary in order to stop the event;
- (c) remove P from the location of the event;
- (d) direct any person to leave the event;
- (e) remove any person from the event.

Enforcement of face covering requirements

32.—(1) Where an enforcement officer has reasonable grounds for suspecting that a person is contravening (or is about to contravene) regulation 19(1), the officer may—

- (a) direct the person not to board the vehicle providing the public transport service in question;
- (b) remove the person 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 is about to contravene regulation 19(1), the operator, employee or authorised person may direct the person 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 is contravening (or is about to contravene) regulation 20(1), the officer may—

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

Enforcement: children

33.—(1) Where an enforcement officer has reasonable grounds to suspect that a person (“P”) in respect of whom the officer may exercise a power under this Part is a child accompanied by an individual (“I”) who has responsibility for P—

- (a) the officer may direct I to take such action in respect of P as the officer considers appropriate, 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) For the purposes of paragraph (1), 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

34.—(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.

(4) An enforcement officer may enter premises which are wholly or mainly used as a private dwelling only if the enforcement officer is a constable.

Power of police to conduct road checks

35.—(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(**10**) 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 the constable reasonably believes—

- (a) has committed, or
- (b) 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 a person referred to in paragraph (2) is, or is about to be, in the locality in which vehicles would be stopped.

(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.

(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.

(10) 1988 c. 52, as amended by the Road Traffic Act 1991 (c. 40) and the Traffic Management Act 2004 (c. 18).

Enforcement: supplemental provision

36.—(1) An enforcement officer may take other action to facilitate the exercise of a power conferred on the officer by this Part.

(2) Action taken under paragraph (1) may include—

- (a) requiring a person to give any information or answer any question the officer considers—
 - (i) necessary to enable the officer to determine whether to exercise a power conferred on the officer by this Part, or
 - (ii) is otherwise relevant to the exercise of such a power;
- (b) directing a person to follow such instructions as the officer considers necessary.

(3) A constable may use reasonable force in the exercise of a power under—

- (a) regulation 28(2)(b)(ii), (4)(c) or (5)(b);
- (b) regulation 29(4)(b) or (8)(b);
- (c) regulation 30(b);
- (d) regulation 31(2)(b)(d) or (e)(ii), or (3)(c) or (e);
- (e) regulation 32(1)(b) or (3)(b);
- (f) regulation 34(1).

(4) An enforcement officer may only exercise a power under this Part if the officer considers that it is necessary and proportionate to do so.

(5) In this Part and Part 8 references to a requirement include references to a restriction.

PART 8**Offences and penalties****CHAPTER 1****Offences****Offences relating to gatherings and being away from home**

37.—(1) A person who contravenes a requirement in—

- (a) paragraph 1(1) or 2(1) of Schedule 1,
- (b) paragraph 1(1) or 2(1) or (3) of Schedule 2,
- (c) paragraph 1(1) or 2(1) or (3) of Schedule 3, or
- (d) paragraph 1(1) or 2(1) of Schedule 4,

commits an offence.

(2) 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—
 - (i) paragraph 1(1) of Schedule 1,
 - (ii) paragraph 1(1) of Schedule 2,
 - (iii) paragraph 1(1) of Schedule 3, or

(iv) paragraph 2(1) of Schedule 4,
commits an offence.

Travel restriction offences

38. A person who contravenes a requirement in—
(a) paragraph 6(1) or (2) of Schedule 1,
(b) paragraph 6(1) or (2) of Schedule 2,
(c) paragraph 6(1) or (2) Schedule 3, or
(d) paragraph 6(1) of Schedule 4,
commits an offence.

Offences relating to organising events

39.—(1) A person who contravenes a requirement in—
(a) paragraph 4 of Schedule 1,
(b) paragraph 4 of Schedule 2,
(c) paragraph 4 of Schedule 3, or
(d) paragraph 4 of Schedule 4,
commits an offence.

(2) A person who, without reasonable excuse, is involved in organising a large unlicensed music event commits an offence.

(3) For the purposes of paragraph (2)—
(a) “large unlicensed music event” means an event—
(i) at which more than 30 people are in attendance,
(ii) at which music is played or performed for the purpose, or for purposes which include the purpose, of entertainment, and
(iii) where the playing or performance of the music is—
(aa) a licensable activity (within the meaning of the Licensing Act 2003(11)),
and
(bb) not carried on under and in accordance with an authorisation (within the meaning given by section 136(5) of that Act);
(b) a person is not involved in organising a large unlicensed music event if the person’s only involvement is attending it.

Offences relating to isolation requirements and contact tracing

40.—(1) A person who—
(a) contravenes a requirement in regulation 6(2), 7(2), 8(2), 9(2) or 12, or
(b) without reasonable excuse, contravenes a requirement in regulation 6(3), 7(3), 8(3) or 9(3),
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 6(3), 7(3), 8(3) or 9(3), or

(11) 2003 c. 17.

- (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) In paragraph (2), “close contact” has the same meaning as in Part 3.

Offence of failing to wear a face covering

- 41. A person who contravenes the requirement in regulation 19(1) or 20(1) commits an offence.

Offences relating to businesses and services

- 42.—(1) A person who, without reasonable excuse, contravenes a requirement in—

- (a) paragraphs 7(1) or 8(1) or (2) of Schedule 1,
- (b) paragraphs 7(1) or 8(1) or (2) of Schedule 2,
- (c) paragraphs 7(1), 8(1) or (2) or 10(1) of Schedule 3, or
- (d) paragraphs 7(1), 8(1), 9(1) or 10(1) of Schedule 4,

commits an offence.

(2) An operator of a public transport service who, without reasonable excuse, contravenes the requirement in regulation 19(5) commits an offence.

(3) A person who, without reasonable excuse, fails to take the measures specified in a premises improvement notice issued under paragraph 1(1) of Schedule 8 within the time limit specified in the notice commits an offence.

(4) A person who, without reasonable excuse, contravenes paragraph 3(1) of Schedule 8 commits an offence.

- (5) A person who—

- (a) contravenes paragraph 3(2) of Schedule 8, or
- (b) 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.

Obstruction and contravention of directions and compliance notices

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

- (2) 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 32(2), or
- (b) fails to comply with a compliance notice given by an enforcement officer under regulation 27(1),

commits an offence.

Penalty

44. An offence under these Regulations is punishable on summary conviction by a fine.

Arrest without warrant

45. Section 24 of the Police and Criminal Evidence Act 1984⁽¹²⁾ applies in relation to an offence under these Regulations as if the reasons in subsection (5) included—

- (a) to maintain public health;
- (b) to maintain public order.

Offences committed by bodies corporate etc.

46.—(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.

(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⁽¹³⁾ and Schedule 3 to the Magistrates’ Courts Act 1980⁽¹⁴⁾ apply in proceedings for an offence brought against a partnership or an unincorporated body 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 body other than a partnership on its conviction for an offence under these Regulations is to be paid out of the funds of the body.

CHAPTER 2

Fixed penalties

Fixed penalty notices

47.—(1) An enforcement officer may issue a fixed penalty notice to a person 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—

⁽¹²⁾ 1984 c. 60. Section 24 was substituted by section 110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).

⁽¹³⁾ 1925 c. 86.

⁽¹⁴⁾ 1980 c. 43.

- (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,
 - (c) regulation 31 of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020, or
 - (d) regulation 37 of the Health Protection (Coronavirus Restrictions) (No. 4) (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, one 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

48.—(1) Unless regulation 49, 50, 51 or 52 applies, the amount of a fixed penalty is—

- (a) £60, or
- (b) if £30 is paid before the end of the period of 14 days following the date of the notice, £30.

(2) But if the person to whom such a fixed penalty notice is issued has already received a relevant fixed penalty notice—

- (a) paragraph (1) does 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.

(3) In paragraph (2), “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 other than a notice to which regulation 21(7A) of those Regulations applies,
- (iii) the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020 other than a notice to which regulation 31(8) of those Regulations applies,
- (iv) the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 other than a notice to which regulation 39, 40, 41 or 42 of those Regulations applies,
- (v) the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020(15).

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

49. Where a fixed penalty notice is issued in respect of an alleged offence under regulation 37(2), the amount of the fixed penalty is £60.

Amount of fixed penalty: organising an event

50.—(1) Where a fixed penalty notice is issued in respect of an alleged offence under regulation 39(1), the amount of the fixed penalty is £500.

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

- (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, £1,000;
 - (ii) in the case of the third such fixed penalty notice received, £2,000;
 - (iii) in the case of the fourth and any subsequent such fixed penalty notice received, £4,000.

(3) In paragraph (2), “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 the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 to which regulation 40 of those Regulations applies.

Amount of fixed penalty: organising an unlicensed music event

51. Where a fixed penalty notice is issued in respect of an alleged offence under regulation 39(2), the amount of the fixed penalty is £10,000.

Amount of fixed penalty: business-related offences

52.—(1) This regulation applies to a fixed penalty notice issued in respect of an alleged offence under regulation 42(1), (2), (3) or (4) (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 relevant fixed penalty notice—

- (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.
- (4) In paragraph (3), “relevant fixed penalty notice” means—
 - (a) a fixed penalty notice issued in respect of an alleged business offence;
 - (b) a fixed penalty notice under the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 to which regulation 42 of those Regulations applies.

Fixed penalties: form and procedure

- 53.**—(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 47(6)(a)) proceedings will not be taken for the offence;
 - (c) specify the amount of the fixed penalty determined under regulation 48, 49, 50, 51 or 52 (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 47(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

- 54.**—(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 notice 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 an alleged offence under regulation 37(1) and under regulation 37(2) where the same, or largely the same, act by a person gives rise to a reasonable belief that the person has committed both offences.

CHAPTER 3

Proceedings

Self-incrimination

55.—(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(16) (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 14;
 - (b) information, or the answer to a question, given in response to a requirement imposed under regulation 36(1);
 - (c) anything contained in a document or electronic records produced in response to a requirement imposed under paragraph 8(1) of Schedule 8.

Prosecutions

56.—(1) No proceedings for an offence under these Regulations may be brought other than by—

- (a) the Director of Public Prosecutions,
- (b) any person designated by the Welsh Ministers, or
- (c) in relation to proceedings for an offence under regulation 42, 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,
 - (c) regulation 32 of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020, or
 - (d) regulation 46 of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020,

is to be treated as if designated under this regulation.

(16) 1911 c. 6. Section 5 was amended by section 1(2) of the Criminal Justice Act 1948 (c. 58).

PART 9

General

Interpretation

57.—(1) In these Regulations—

- (a) “alcohol” has the meaning given by section 191 of the Licensing Act 2003⁽¹⁷⁾;
- (b) “alternative wedding ceremony” means a ceremony—
 - (i) based on a person’s faith or belief or lack of belief, to mark the union of two people, other than a ceremony for the purposes of solemnising a marriage or forming a civil partnership,
 - (ii) held in regulated premises, and
 - (iii) organised by a charitable, benevolent or philanthropic institution;
- (c) “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⁽¹⁸⁾,
 - (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⁽¹⁹⁾;
- (d) “child” means a person who is aged under 18;
- (e) “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);
- (f) “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⁽²⁰⁾ or section 108 of the National Health Service (Scotland) Act 1978⁽²¹⁾);
 - (ii) a person employed or engaged by a local authority, designated for the purposes of Part 3 by a Local Health Board, Public Health Wales National Health Service Trust⁽²²⁾ or a local authority;
- (g) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);
- (h) “elite athlete” means an individual designated as such by the Sports Council for Wales for the purposes of—
 - (i) these Regulations,
 - (ii) the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020,
 - (iii) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020,

⁽¹⁷⁾ Section 191 has been amended by the Policing and Crime Act 2017 (c. 3) and S.I. 2006/2407.

⁽¹⁸⁾ 2014 anaw 4.

⁽¹⁹⁾ 2016 anaw 2.

⁽²⁰⁾ 2006 c. 42.

⁽²¹⁾ 1978 c. 29.

⁽²²⁾ Established by S.I. 2009/2058 (W. 177).

- (iv) the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020,
or
- (v) the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020;
- (i) “elite sporting event” means a sporting event at which only elite athletes are competing;
- (j) “face covering” means a covering of any type which covers a person’s nose and mouth;
- (k) “food and drink business” means—
 - (i) bars (including bars in members’ clubs);
 - (ii) public houses;
 - (iii) cafes, canteens and restaurants (including workplace canteens and dining rooms in members’ clubs);
- (l) “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—
 - (i) is expressed to be granted for holiday use only, or
 - (ii) requires that there are times of the year when no mobile home or caravan may be stationed on the site for human habitation;
- (m) “holiday or travel accommodation” means accommodation in—
 - (i) camping sites;
 - (ii) holiday sites;
 - (iii) hotels and bed and breakfast accommodation;
 - (iv) other holiday accommodation (including holiday apartments, hostels and boarding houses);
- (n) “local authority” means the council of a county or county borough in Wales;
- (o) “parental responsibility” has the same meaning as in the Children Act 1989(23);
- (p) a “person responsible for carrying on a business” includes the owner, proprietor, and manager of that business;
- (q) “premises” includes any building or structure and any land;
- (r) “public transport service” means a service provided to the general public for the carriage of passengers by road, railway, tramway, air or water;
- (s) “regulated premises” has the meaning given by regulation 15(1);
- (t) “restricted UK area” means—
 - (i) an area of England for the time being specified or described in Part 2 of Schedule 4 to the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020(24) as being within the Tier 3 area;
 - (ii) an area of Scotland for the time being specified in the table in Schedule 6 to the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020(25), where the table indicates it is a Level 3 or Level 4 area;

(23) 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.

(24) S.I. 2020/1374, as amended by S.I. 2020/1533 and S.I. 2020/1572.

(25) S.S.I. 2020/344, as amended by S.S.I. 2020/347, S.S.I. 2020/374, S.S.I. 2020/389, S.S.I. 2020/392, S.S.I. 2020/400, S.S.I. 2020/415 and S.S.I. 2020/427.

- (iii) Northern Ireland;
- (u) “single adult household” means—
 - (i) a household comprising of 1 adult (and any number of children), or
 - (ii) a household comprising of—
 - (aa) 1 adult who has caring responsibilities for 1 or more other adults in the household,
 - (bb) the adult or adults being cared for,
 - (cc) no other adults, and
 - (dd) any number of children;
- (v) “vehicle” includes an aircraft, a cable car, a train, a tram and a vessel;
- (w) “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⁽²⁶⁾.

(2) For the purposes of determining whether or not a site is a holiday site in accordance with paragraph (1)(l), 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 who does not occupy the mobile home under an agreement to which Part 4 of the Mobile Homes (Wales) Act 2013⁽²⁷⁾ applies.

(3) 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⁽²⁸⁾;
 - (iii) criminal justice accommodation.

(4) 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.

⁽²⁶⁾ Section 60 was amended by section 65 of the Protection of Freedoms Act 2012 (c. 9).

⁽²⁷⁾ 2013 anaw 6, as amended by the Housing (Wales) Act 2014 (anaw 7).

⁽²⁸⁾ 2016 anaw 2.

- (5) For the purposes of these Regulations—
- (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⁽²⁹⁾;
 - (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.
- (6) For the purposes of these Regulations, the premises of a cinema or theatre is a drive-in cinema or theatre if—
- (a) the premises are outdoors, and
 - (b) persons attending the showing of a film or performance at the premises—
 - (i) may only do so in an enclosed vehicle, and
 - (ii) may not, in so far as is reasonably practicable, leave the vehicle while at the premises.
- (7) 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⁽³⁰⁾, whether or not the person is subject to those Regulations, and
 - (ii) complied with the requirements of regulations 16 and 18⁽¹⁾.
- (8) For the purposes of paragraph (7)(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 16 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.

Revocation

- 58.** The following Regulations are revoked—
- (a) the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020, other than regulation 48;
 - (b) regulation 4 of the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (Wales) Regulations 2020⁽³¹⁾;
 - (c) regulation 6 of the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 2) (Wales) Regulations 2020⁽³²⁾.

⁽²⁹⁾ S.I. 2007/787 (W. 68).

⁽³⁰⁾ S.I. 1999/3242. Regulation 3 was amended by S.I. 2005/1541, S.I. 2015/21 and S.I. 2015/1637.

⁽³¹⁾ S.I. 2020/1237 (W. 279) as amended by S.I. 2020/1288 (W. 286).

⁽³²⁾ S.I. 2020/1288 (W. 286).

Consequential amendment

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

“(e) the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 if regulation 48 of those Regulations applies to the notice.”

At 5.45 p.m. on 18 December 2020

Mark Drakeford
First Minister, one of the Welsh Ministers

SCHEDULE 1

Regulation 4(2)

Alert Level 1 Restrictions

PART 1

Restrictions on gathering

Restriction on gatherings in private dwellings

1.—(1) No person may, without a reasonable excuse, participate in a gathering in a private dwelling which consists of more than 6 people unless all the persons participating in the gathering are members of the same household or extended household.

(2) In determining, for the purposes of sub-paragraph (1), the number of persons participating in a gathering no account is to be taken of—

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

(3) For the purposes of sub-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 sub-paragraph (5) applies.

(4) 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, 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 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 educational services.

(5) The circumstances referred to in sub-paragraph (3)(b) are that the person is—

- (a) providing or receiving emergency assistance;
- (b) avoiding illness, injury or other risk of harm.

(6) This paragraph does not apply to a person who is homeless.

Restriction on gatherings in public places

2.—(1) No person may, without a reasonable excuse, participate in a gathering which takes place other than in a private dwelling—

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

- (a) indoors, or outdoors in regulated premises, which consists of more than 6 people unless all the persons participating in the gathering are members of the same household;
 - (b) outdoors in premises that are not regulated premises, which consists of more than 30 people unless all the persons participating in the gathering are members of the same household or extended household.
- (2) In determining, for the purposes of sub-paragraph (1), the number of persons participating in a gathering no account is to be taken of—
- (a) any children under the age of 11, or
 - (b) the carer of a person who is participating in the gathering.
- (3) For the purposes of sub-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 sub-paragraph (5) applies.
- (4) 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 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.
- (5) The circumstances referred to in sub-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 solemnisation of a marriage, formation of a civil partnership or an alternative wedding ceremony—
 - (i) as a party to the marriage, civil partnership or alternative wedding,
 - (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 50 people at regulated premises, not counting persons under the age of 11 or persons working at the premises, to—
 - (i) celebrate a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony 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 an elite sporting event;
- (i) participating in or facilitating an indoor organised activity at which—
 - (i) no more than 50 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, as part of the activity, and
 - (ii) no alcohol is consumed;
- (j) participating in or facilitating an outdoor organised activity at which—
 - (i) no more than 100 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, as part of the activity, 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);
- (l) attending or facilitating an event authorised by the Welsh Ministers in accordance with paragraph 5.

Extended households

3.—(1) Up to 3 households may agree to be treated as an extended household.

(2) In addition to the up to 3 households who may agree to be treated as an extended household under sub-paragraph (1), 1 single adult household may also agree to be treated as part of that extended household.

(3) To agree to be treated as an extended household, all of the adult members of the households must agree.

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

(5) Where households have agreed to be treated as an extended household under—

- (a) paragraph 3 of Schedule 2,
- (b) paragraph 3 of Schedule 3, or
- (c) paragraph 3 of Schedule 4,

those households are to be treated as having agreed to be treated as an extended household under this paragraph.

(6) A household ceases to be treated as being in an extended household if any adult member of the household ceases to agree to be treated as being in the extended household.

(7) 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.

(8) In this Schedule, references to an extended household are references to an extended household formed under or by virtue of this paragraph.

PART 2

Restrictions on organising events

Prohibition on organising events

- 4.—(1) No person may, without a reasonable excuse, be involved in organising—
- (a) an event held wholly or mainly indoors at which more than 50 people are in attendance, or
 - (b) an event held wholly or mainly outdoors at which more than 100 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, at the event.
- (2) Sub-paragraph (1) does not apply to a person involved in organising an event authorised by the Welsh Ministers under paragraph 5.
- (3) For the purposes of sub-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 50 or 100 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 performance at a theatre;
 - (iii) a market;
 - (iv) a religious service;
 - (v) an elite sporting event at which the only people present are elite athletes and persons working or providing voluntary services at the event.

Authorised events

- 5.—(1) The Welsh Ministers may give authorisation in writing for an event to be held—
- (a) at which more than 50 people are in attendance where the event takes place wholly or mainly indoors, or
 - (b) at which more than 100 people are in attendance where the event takes place wholly or mainly outdoors;
- (2) References in sub-paragraph (1) to numbers of people do not include persons under the age of 11 or persons working, or providing voluntary services, at the event.
- (3) An authorisation may be given under sub-paragraph (1) in relation to a particular event or a particular description of events.
- (4) An authorisation under sub-paragraph (1)—
- (a) must be given to a person the Welsh Ministers consider is responsible for organising the event, and
 - (b) may require the event to be held in accordance with any requirements, restrictions or other conditions as may be specified by the Welsh Ministers.
- (5) The Welsh Ministers must publish—
- (a) an authorisation given under sub-paragraph (1), and

- (b) details of any requirements, restrictions or other conditions specified by the Welsh Ministers in relation to an event to be held under the authorisation.
- (6) The Welsh Ministers may withdraw an authorisation at any time by giving notice in writing to the person to whom the authorisation was given.
- (7) An authorisation may be withdrawn under sub-paragraph (6) only if the Welsh Ministers —
 - (a) have reasonable grounds to believe that the event will not be held, or is not being held, in accordance with a requirement, restriction or other condition specified by them, or
 - (b) consider that it is necessary and proportionate to withdraw the authorisation for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus.

PART 3

Restrictions on travelling

Restriction on travel to and from Alert Level 1 area

- 6.—(1) No person living in—
- (a) a restricted UK area, or
 - (b) an Alert Level 3 or Alert Level 4 area,
- may enter or remain in an Alert Level 1 area without a reasonable excuse.
- (2) No person living in an Alert Level 1 area may, without a reasonable excuse, leave the area for the purposes of entering or remaining in—
- (a) a restricted UK area;
 - (b) an Alert Level 3 or Alert Level 4 area.
- (3) For the purposes of sub-paragraphs (1) and (2), a person has a reasonable excuse if—
- (a) the person enters or leaves the area for a purpose that is reasonably necessary and there is no reasonably practicable alternative;
 - (b) one of the circumstances in sub-paragraph (5) applies.
- (4) Examples of purposes for which it may be reasonably necessary for a person to enter or leave the area 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 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;

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

- (h) accessing or receiving public services;
 - (i) accessing or receiving 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 39(g) of Schedule 7;
 - (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 sub-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, formation of a civil partnership or alternative wedding ceremony—
 - (i) as a party to the marriage, civil partnership or alternative wedding,
 - (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 and is travelling for the purposes of training or competition;
 - (f) providing coaching or other support to an elite athlete, or providing support at—
 - (i) an elite sporting event, or
 - (ii) a sporting event taking place outside Wales;
 - (g) travelling to vote in an election;
 - (h) travelling on a journey which—
 - (i) in relation to the restriction in sub-paragraph (1), begins and ends outside the area, or
 - (ii) in relation to the restriction in sub-paragraph (2), ends in an area which the person is not prohibited from entering or remaining in under that sub-paragraph, provided that the person takes all reasonably practicable measures to minimise any stops during the journey;
 - (i) travelling to participate in a gathering with the person's extended household in accordance with any restrictions on gatherings applicable where the gathering takes place.

PART 4

Restrictions on certain businesses and services

Closure of premises used by certain businesses and services

7.—(1) A person responsible for carrying on or providing a business or service listed in paragraph 9 or 10 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) Sub-paragraph (1) does not prevent—

- (a) carrying out maintenance and repairs or other work to ensure premises are suitable for use when sub-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 paragraph to cease carrying on business A at premises, and
- (b) business A forms part of a larger business (“business B”),

the requirement in this paragraph 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

8.—(1) A person responsible for premises which are 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 sub-paragraph (2), a cinema or theatre may close later than 10.20 p.m. but only for the purpose of concluding—

- (a) the showing of a film, or
- (b) a performance,

which begins before 10.00 p.m.

(4) Sub-paragraph (2) does not apply to—

- (a) premises located in—

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

- (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, sub-paragraph (2) applies only to those parts of the premises in which alcohol is sold or supplied for consumption on the premises.

(6) Sub-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, sub-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.

Businesses or services whose premises must be closed

9. Nightclubs, discotheques, dance halls or other venues authorised for the sale or supply of alcohol where live or recorded music is provided for members of the public or members of the venue to dance.

10. Sexual entertainment venues (within the meaning given by paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982⁽³³⁾).

SCHEDULE 2

Regulation 4(3)

Alert Level 2 Restrictions

PART 1

Restrictions on gathering

Restriction on gatherings in private dwellings

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

- (a) indoors, with any other person apart from members of their household or extended household
- (b) outdoors, which consists of more than 4 people unless all the persons participating in the gathering are members of the same household or extended household.

(2) In determining, for the purposes of sub-paragraph (1)(b), the number of persons participating in a gathering no account is to be taken of—

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

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

⁽³³⁾ 1982 c. 30. Paragraph 2A of Schedule 3 was inserted by section 27(3) of the Policing and Crime Act 2009 (c. 26).

- (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 sub-paragraph (5) applies.
- (4) 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, 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 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 educational services.
- (5) The circumstances referred to in sub-paragraph (3)(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.
- (6) This paragraph does not apply to a person who is homeless.

Restriction on gatherings in public places

- 2.—(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.

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

(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 sub-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 sub-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 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 sub-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, formation of a civil partnership or alternative wedding ceremony—
 - (i) as a party to the marriage, civil partnership or alternative wedding,
 - (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 at regulated premises, not counting persons under the age of 11 or persons working at the premises, to—
 - (i) celebrate a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony 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 an elite sporting event;
 - (i) participating in or facilitating an indoor organised activity at which—
 - (i) no more than 15 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, as part of the activity, 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 counting persons under the age of 11 or persons working, or providing voluntary services, as part of the activity, 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);
 - (l) attending or facilitating an event authorised by the Welsh Ministers in accordance with paragraph 5.
- (7) This paragraph does not apply to a person who is homeless.

Extended households

3.—(1) 2 households may agree to be treated as an extended household.

(2) In addition to the 2 households who may agree to be treated as an extended household under sub-paragraph (1), 1 single adult household may also agree to be treated as part of that extended household.

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

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

(5) Where households have agreed to be treated as an extended household under paragraph 3 of Schedule 1 an agreement under this paragraph may be made only between those households.

(6) Where households have agreed to be treated as an extended household under—

- (a) paragraph 3 of Schedule 3, or
- (b) paragraph 3 of Schedule 4,

those households are to be treated as having agreed to be treated as an extended household under this paragraph.

(7) A household ceases to be treated as being in an extended household if any adult member of the household ceases to agree to be treated as being in the extended household.

(8) 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.

(9) In this Schedule, references to an extended household are references to an extended household formed under or by virtue of this paragraph.

PART 2

Restrictions on organising events

Prohibition on organising events

- 4.—(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 counting persons under the age of 11 or persons working, or providing voluntary services, at the event.
- (2) Sub-paragraph (1) does not apply to a person involved in organising an event authorised by the Welsh Ministers under paragraph 5.
- (3) For the purposes of sub-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 performance at a theatre;
 - (iii) a market;
 - (iv) a religious service;
 - (v) an elite sporting event at which the only people present are elite athletes and persons working or providing voluntary services at the event.

Authorised events

- 5.—(1) The Welsh Ministers may give authorisation in writing for an event to be held—
- (a) at which more than 15 people are in attendance where the event takes place wholly or mainly indoors, or
 - (b) at which more than 30 people are in attendance where the event takes place wholly or mainly outdoors;
- (2) References in sub-paragraph (1) to numbers of people do not include persons under the age of 11 or persons working, or providing voluntary services, at the event.
- (3) An authorisation may be given under sub-paragraph (1) in relation to a particular event or a particular description of events.
- (4) An authorisation under sub-paragraph (1)—
- (a) must be given to a person the Welsh Ministers consider is responsible for organising the event, and
 - (b) may require the event to be held in accordance with any requirements, restrictions or other conditions as may be specified by the Welsh Ministers.
- (5) The Welsh Ministers must publish—
- (a) an authorisation given under sub-paragraph (1), and

- (b) details of any requirements, restrictions or other conditions specified by the Welsh Ministers in relation to an event to be held under the authorisation.
- (6) The Welsh Ministers may withdraw an authorisation at any time by giving notice in writing to the person to whom the authorisation was given.
- (7) An authorisation may be withdrawn under sub-paragraph (6) only if the Welsh Ministers —
 - (a) have reasonable grounds to believe that the event will not be held, or is not being held, in accordance with a requirement, restriction or other condition specified by them, or
 - (b) consider that it is necessary and proportionate to withdraw the authorisation for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus.

PART 3

Restrictions on travelling

Restriction on travel to and from Alert Level 2 area

- 6.—(1) No person living in—
- (a) a restricted UK area, or
 - (b) an Alert Level 3 or Alert Level 4 area,
- may enter or remain in an Alert Level 2 area without a reasonable excuse.
- (2) No person living in an Alert Level 2 area may, without a reasonable excuse, leave the area for the purposes of entering or remaining in—
- (a) a restricted UK area;
 - (b) an Alert Level 3 or Alert Level 4 area.
- (3) For the purposes of sub-paragraphs (1) and (2), a person has a reasonable excuse if—
- (a) the person enters or leaves the area for a purpose that is reasonably necessary and there is no reasonably practicable alternative;
 - (b) one of the circumstances in sub-paragraph (5) applies.
- (4) Examples of purposes for which it may be reasonably necessary for a person to enter or leave the area 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 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;

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

- (h) accessing or receiving public services;
 - (i) accessing or receiving 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 39(g) of Schedule 7;
 - (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 sub-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, formation of a civil partnership or alternative wedding ceremony —
 - (i) as a party to the marriage, civil partnership or wedding,
 - (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 and is travelling for the purposes of training or competition;
 - (f) providing coaching or other support to an elite athlete, or providing support at—
 - (i) an elite sporting event, or
 - (ii) a sporting event taking place outside Wales;
 - (g) travelling to vote in an election;
 - (h) travelling on a journey which—
 - (i) in relation to the restriction in sub-paragraph (1), begins and ends outside the area, or
 - (ii) in relation to the restriction in sub-paragraph (2), ends in an area which the person is not prohibited from entering or remaining in under that sub-paragraph, provided that the person takes all reasonably practicable measures to minimise any stops during the journey;
 - (i) travelling to participate in a gathering with the person’s extended household in accordance with any restrictions on gatherings applicable where the gathering takes place.

PART 4

Restrictions on certain businesses and services

Closure of premises used by certain businesses and services

7.—(1) A person responsible for carrying on or providing a business or service listed in paragraph 9 or 10 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) Sub-paragraph (1) does not prevent—

- (a) carrying out maintenance and repairs or other work to ensure premises are suitable for use when sub-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 paragraph to cease carrying on business A at premises, and
- (b) business A forms part of a larger business (“business B”),

the requirement in this paragraph 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

8.—(1) A person responsible for premises which are 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) may only sell or supply alcohol for consumption on the premises as part of a table meal such as might be expected to be served as breakfast, the main midday or main evening meal, or served as a main course at such a meal,
- (b) must close the premises (to customers) at or before 10.20 p.m. each day, and
- (c) may not open the premises before 6.00 a.m. each day.

(3) Despite sub-paragraph (2), a cinema or theatre may close later than 10.20 p.m. but only for the purpose of concluding—

- (a) the showing of a film, or
- (b) a performance,

which begins before 10.00 p.m.

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

(4) Sub-paragraph (2)(b) and (c) 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, sub-paragraph (2) applies only to those parts of the premises in which alcohol is sold or supplied for consumption on the premises.

(6) Sub-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, sub-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.

Businesses or services whose premises must be closed

9. Nightclubs, discotheques, dance halls or other venues authorised for the sale or supply of alcohol where live or recorded music is provided for members of the public or members of the venue to dance.

10. Sexual entertainment venues (within the meaning given by paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982).

SCHEDULE 3

Regulation 4(4)

Alert Level 3 Restrictions

PART 1

Restrictions on gathering

Restriction on gatherings in private dwellings

1.—(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 sub-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 sub-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, 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 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 educational services.
- (4) The circumstances referred to in sub-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 paragraph does not apply to a person who is homeless.

Restriction on gatherings in public places

- 2.—(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 sub-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 sub-paragraph (6) applies.

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

- (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 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 sub-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, formation of a civil partnership or alternative wedding ceremony—
 - (i) as a party to the marriage, civil partnership or alternative wedding,
 - (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 at regulated premises, not counting persons under the age of 11 or persons working at the premises, to—
 - (i) celebrate a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony 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 an elite sporting event;
 - (i) participating in or facilitating an indoor organised activity at which—
 - (i) no more than 15 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, as part of the activity, 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 counting persons under the age of 11 or persons working, or providing voluntary services, as part of the activity, 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 paragraph does not apply to a person who is homeless.

Extended households

- 3.—(1) 2 households may agree to be treated as an extended household.
- (2) In addition to the 2 households who may agree to be treated as an extended household under sub-paragraph (1), 1 single adult household may also agree to be treated as part of that extended household.
- (3) To agree to be treated as an extended household, all of the adult members of the 2 households must agree.
- (4) A household may only agree to be treated as being in 1 extended household.
- (5) Where households have agreed to be treated as an extended household under paragraph 3 of Schedule 1 an agreement under this paragraph may be made only between those households.
- (6) Where households have agreed to be treated as an extended household under—
 - (a) paragraph 3 of Schedule 2, or
 - (b) paragraph 3 of Schedule 4,those households are to be treated as having agreed to be treated as an extended household under this paragraph.
- (7) A household ceases to be treated as being in an extended household if any adult member of the household ceases to agree to be treated as being in the extended household.
- (8) 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.
- (9) In this Schedule, references to an extended household are references to an extended household formed under or by virtue of this paragraph.

PART 2

Restrictions on organising events

Prohibition on organising events

- 4.—(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 counting persons under the age of 11 or persons working, or providing voluntary services, at the event.

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

(2) Sub-paragraph (1) does not apply to a person involved in organising an elite sporting event authorised by the Welsh Ministers under paragraph 5.

(3) For the purposes of sub-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 at a drive-in cinema;
 - (ii) a performance at a drive-in theatre;
 - (iii) a market;
 - (iv) a religious service.

Authorised elite sporting events

5.—(1) The Welsh Ministers may give authorisation in writing for an elite sporting event to be held.

(2) An authorisation under sub-paragraph (1)—

- (a) must be given to a person the Welsh Ministers consider is responsible for organising the event, and
- (b) may require the event to be held in accordance with any requirements, restrictions or other conditions as may be specified by the Welsh Ministers.

(3) The Welsh Ministers must publish—

- (a) an authorisation given under sub-paragraph (1), and
- (b) details of any requirements, restrictions or other conditions specified by the Welsh Ministers in relation to the event.

(4) The Welsh Ministers may withdraw an authorisation at any time by giving notice in writing to the person to whom the authorisation was given.

(5) An authorisation may be withdrawn under sub-paragraph (4) only if the Welsh Ministers —

- (a) have reasonable grounds to believe that the event will not be held, or is not being held, in accordance with a requirement, restriction or other condition specified by them, or
- (b) consider that it is necessary and proportionate to withdraw the authorisation for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus.

PART 3

Restrictions on travelling

Restriction on travel to and from Alert Level 3 area

6.—(1) No person living in—

- (a) a restricted UK area, or
- (b) another area of Wales,

may enter or remain in an Alert Level 3 area without a reasonable excuse.

- (2) No person living in an Alert Level 3 area may, without a reasonable excuse, leave the area for the purposes of entering or remaining in—
- (a) a restricted UK area, or
 - (b) another area of Wales.
- (3) For the purposes of sub-paragraphs (1) and (2), a person has a reasonable excuse if—
- (a) the person enters or leaves the area for a purpose that is reasonably necessary and there is no reasonably practicable alternative;
 - (b) one of the circumstances in sub-paragraph (5) applies.
- (4) Examples of purposes for which it may be reasonably necessary for a person to enter or leave the area 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 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;
 - (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 39(g) of Schedule 7;
 - (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 sub-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, formation of a civil partnership or alternative wedding ceremony —
 - (i) as a party to the marriage, civil partnership or wedding,
 - (ii) if invited to attend, or
 - (iii) as the carer of a person attending;

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- (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 and is travelling for the purposes of training or competition;
- (f) providing coaching or other support to an elite athlete, or providing support at—
 - (i) an elite sporting event, or
 - (ii) a sporting event taking place outside Wales;
- (g) travelling to vote in an election;
- (h) travelling on a journey which—
 - (i) in relation to the restriction in sub-paragraph (1), begins and ends outside the area, or
 - (ii) in relation to the restriction in sub-paragraph (2), ends in an area which the person is not prohibited from entering or remaining in under that sub-paragraph,provided that the person takes all reasonably practicable measures to minimise any stops during the journey;
- (i) travelling to participate in a gathering with the person's extended household in accordance with any restrictions on gatherings applicable where the gathering takes place.

PART 4

Restrictions on certain businesses and services

CHAPTER 1

Businesses or services whose premises are required to be closed

Closure of businesses and services

7.—(1) A person responsible for carrying on a business or providing a service which is listed in paragraphs 11 to 26 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) Sub-paragraph (1) does not prevent—
- (a) carrying out maintenance and repairs or other work to ensure premises are suitable for use when sub-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 goods or services (including their sale, hire, collection or delivery) in response to an order or enquiry made—
 - (i) through a website, or otherwise by on-line communication,
 - (ii) by telephone, including by text message, or
 - (iii) by post;

- (e) the use of premises for the provision of information—
 - (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 paragraph to cease carrying on business A at premises, and
 - (b) business A forms part of a larger business (“business B”),the requirement in this paragraph is complied with if the person responsible for carrying on business B ceases to carry on business A at the premises.

CHAPTER 2

Restrictions on food and drink businesses and licensed premises

Restrictions on food and drink businesses

- 8.—**(1) A person responsible for carrying on a food and drink business—
- (a) may not open its premises to customers before 6.00 a.m. each day;
 - (b) must close the premises to customers at or before 6.00 p.m. each day.
- (2) The person responsible for carrying on a food and drink business or any other business or service whose premises are authorised for the sale or supply of alcohol may not—
- (a) sell or supply alcohol for consumption on its premises;
 - (b) permit the consumption of alcohol on the premises.
- (3) For the purposes of this paragraph, an area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business) is to be treated as part of the premises of that business.
- (4) Where—
- (a) a person responsible for carrying on a food and drink business (“business A”) is subject to a requirement or restriction under this paragraph, and
 - (b) business A forms part of a larger business (“business B”),
- the requirement or restriction is complied with if the person responsible for carrying on business B complies with the requirement or restriction.

Restrictions on food and drink businesses: exceptions

- 9.—**(1) Paragraph 8(1) does not apply to—
- (a) premises located in—
 - (i) a sea port;
 - (ii) an airport;
 - (iii) an educational establishment;
 - (iv) a hospital or care home;
 - (b) workplace canteens, where there is no practical alternative for people at that workplace to obtain food or drink between 6.00 p.m. and 6.00 a.m.;
 - (c) premises used for the provision of food or drink to homeless people.

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(2) Paragraph 8(1) does not prevent premises being used to sell or supply food or drink for consumption off the premises.

(3) If—

- (a) the celebration of a marriage, formation of a civil partnership or alternative wedding is being held on premises to which paragraph 8 applies, and
- (b) the celebration was booked more than a week before this paragraph most recently began to apply to the area in which the premises are located,

the premises may, despite paragraph 8(1)(b), remain open until 10.00 p.m. for the purposes of holding the celebration.

(4) Sub-paragraphs (5) and (6) apply where premises of a food and drink business (“the restricted premises”) form part of the premises of holiday or travel accommodation.

(5) Paragraph 8(1) does not—

- (a) require the restricted premises to be closed to the residents of the holiday or travel accommodation;
- (b) prevent the sale of food or drink to residents—
 - (i) as part of room service, or
 - (ii) between 6.00 a.m. and 10.00 p.m. in any part of the premises of the holiday or travel accommodation.

(6) Neither paragraph 8(1) nor (2)—

- (a) prevents residents from consuming food or drink (including alcohol) at any time in their private room;
- (b) prevents the sale of alcohol to residents as part of room service (but see paragraph 10).

Restrictions on licensed premises

10.—(1) A person responsible for premises which are 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) Sub-paragraph (1) does not allow alcohol to be sold or supplied in contravention of an authorisation granted or given in respect of the premises.

CHAPTER 3

List of closed premises

Businesses or services whose premises must be closed

11. Nightclubs, discotheques, dance halls or other venues authorised for the sale or supply of alcohol where live or recorded music is provided for members of the public or members of the venue to dance.

12. Sexual entertainment venues (within the meaning given by paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982).

13. Cinemas, other than drive in cinemas.

14. Concert halls and theatres, other than drive-in theatres.

15. Casinos.

16. Bingo halls.

17. Amusement arcades.

18. Bowling alleys.
19. Indoor play centres or areas.
20. Funfairs, amusement parks and theme parks.
21. Museums and galleries.
22. Skating rinks.
23. Trampoline parks and centres.
24. Indoor skate parks and centres
25. Spas.
26. Visitor attractions.

SCHEDULE 4

Regulation 4(5)

Alert Level 4 Restrictions

PART 1

Restrictions on movement and gathering with others

Requirement to stay at home

1.—(1) No person may, without a reasonable excuse, leave the place where they are living or remain away from that place.

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

- (a) the person leaves or remains away from the place where they are living for a purpose that is reasonably necessary and there is no reasonably practicable alternative, or
- (b) one of the circumstances in sub-paragraph (4) applies.

(3) Examples of purposes for which it may be reasonably necessary for a person to leave or remain away from the place where they are living include—

- (a) obtaining supplies from a business or service listed in paragraphs 55 to 66, including—
 - (i) food and medical supplies for those in the same household or extended household (including animals in the household or extended household) or for vulnerable persons;
 - (ii) supplies for the essential upkeep, maintenance and functioning of the household or extended household, or the household of a vulnerable person;
- (b) obtaining or providing medical assistance, or accessing veterinary services;
- (c) working or providing voluntary or charitable services;
- (d) meeting a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
- (e) 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;

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- (f) 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 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;
 - (g) moving home;
 - (h) obtaining money from or depositing money with any business or service listed in paragraph 39(g) of Schedule 7;
 - (i) viewing a property in connection with the purchase, sale, letting or rental of the property;
 - (j) undertaking activities in connection with the purchase, sale, letting or rental of residential property;
 - (k) accessing or receiving public services;
 - (l) accessing or receiving educational services.
- (4) The circumstances referred to in sub-paragraph (2)(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, formation of a civil partnership or alternative wedding ceremony —
 - (i) as a party to the marriage, civil partnership or alternative wedding,
 - (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) attending a place of worship;
 - (f) exercising, either—
 - (i) alone,
 - (ii) with other members of the person’s household or extended household, or
 - (iii) with the person’s carer;
 - (g) an elite athlete and is training or competing;
 - (h) providing coaching or other support to an elite athlete, or providing support at—
 - (i) an elite sporting event, or
 - (ii) a sporting event taking place outside Wales;
 - (i) travelling to vote in an election;
 - (j) travelling to or from, or is present at, a place where a member of their extended household is living.
- (5) In sub-paragraph (4)(f)—
- (a) exercise must start and finish at the place where the person is living or where a member of the person’s extended household is living, or
 - (b) where, for reasons of physical or mental illness or impairment, or a disability (within the meaning of section 6 of the Equality Act 2010), the person needs to exercise in another place, exercise must take place in an area local to the place where the person is living.

- (6) This paragraph does not apply to a person who is homeless.

Requirement not to gather with other people

- 2.—(1) No person may, without a reasonable excuse, gather with any other person apart from—
- (a) members of their household,
 - (b) their carer, or
 - (c) a person they are providing care to.
- (2) For the purposes of sub-paragraph (1), a person has a reasonable excuse if—
- (a) the person is gathering with other people for a purpose that is reasonably necessary and there is no reasonably practicable alternative, or
 - (b) one of the circumstances in sub-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, 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) viewing a property in connection with the purchase, sale, letting or rental of the property;
 - (h) undertaking activities in connection with the purchase, sale, letting or rental of residential property;
 - (i) accessing or receiving public services;
 - (j) accessing or receiving educational services;
 - (k) avoiding illness, injury or other risk of harm.
- (4) The circumstances referred to in sub-paragraph (2)(b) are that the person is—
- (a) providing or receiving emergency assistance;
 - (b) attending a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony—
 - (i) as a party to the marriage, civil partnership or wedding,
 - (ii) if invited to attend, or
 - (iii) as the carer of a person attending;
 - (c) 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;

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- (d) attending a place of worship;
- (e) an elite athlete and is training or competing;
- (f) providing coaching or other support to an elite athlete, or providing support at an elite sporting event;
- (g) participating in a gathering with members of their extended household at a place where members of the extended household are living;
- (h) 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 paragraph does not apply to a person who is homeless.

Extended households

3.—(1) A single adult household and another household may agree to be treated as an extended household.

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

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

(4) Where a single adult household has agreed to be treated as an extended household with up to—

(a) 3 other households under paragraph 3 of Schedule 1, or

(b) 2 other households under—

(i) paragraph 3 of Schedule 2, or

(ii) paragraph 3 of Schedule 3,

an agreement under this paragraph may be made only between the single adult household and 1 of those other households.

(5) A household ceases to be treated as being in an extended household if any adult member of the household ceases to agree to be treated as being in the extended household.

(6) 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.

(7) In this Schedule, references to an extended household are references to an extended household formed under or by virtue of this paragraph.

PART 2

Restrictions on organising events

Prohibition on organising events

4.—(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 counting persons under the age of 11 or persons working, or providing voluntary services, at the event.

(2) Sub-paragraph (1) does not apply to a person involved in organising an elite sporting event authorised by the Welsh Ministers under paragraph 5.

(3) For the purposes of sub-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) a market;
 - (ii) a religious service.

Authorised elite sporting events

5.—(1) The Welsh Ministers may give authorisation in writing for an elite sporting event to be held.

(2) An authorisation under sub-paragraph (1)—

- (a) must be given to a person the Welsh Ministers consider is responsible for organising the event, and
- (b) may require the event to be held in accordance with any requirements, restrictions or other conditions as may be specified by the Welsh Ministers.

(3) The Welsh Ministers must publish—

- (a) an authorisation given under sub-paragraph (1), and
- (b) details of any requirements, restrictions or other conditions specified by the Welsh Ministers in relation to the event.

(4) The Welsh Ministers may withdraw an authorisation at any time by giving notice in writing to the person to whom the authorisation was given.

(5) An authorisation may be withdrawn under sub-paragraph (4) only if the Welsh Ministers —

- (a) have reasonable grounds to believe that the event will not be held, or is not being held, in accordance with a requirement, restriction or other condition specified by them, or
- (b) consider that it is necessary and proportionate to withdraw the authorisation for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus.

PART 3

Restrictions on travel

Restriction on travel to Alert Level 4 area

6.—(1) No person living in—

- (a) a restricted UK area, or
- (b) another area of Wales,

may enter or remain in an Alert Level 4 area without a reasonable excuse.

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

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- (a) the person enters the area for a purpose that is reasonably necessary and there is no reasonably practicable alternative;
 - (b) one of the circumstances in sub-paragraph (4) applies.
- (3) Examples of purposes for which it may be reasonably necessary for a person to enter the area include—
- (a) obtaining supplies from a business or service listed in paragraphs 55 to 66, including—
 - (i) food and medical supplies for those in the same household or extended household (including animals in the household or extended household) or for vulnerable persons;
 - (ii) supplies for the essential upkeep, maintenance and functioning of the household or extended household, or the household of a vulnerable person;
 - (b) obtaining or providing medical assistance, or accessing veterinary services;
 - (c) working or providing voluntary or charitable services;
 - (d) meeting a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
 - (e) 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;
 - (f) 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 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;
 - (g) viewing a property in connection with the purchase, sale, letting or rental of the property;
 - (h) moving home;
 - (i) obtaining money from or depositing money with any business or service listed in paragraph 39(g) of Schedule 7;
 - (j) accessing or receiving public services;
 - (k) accessing or receiving educational services.
- (4) The circumstances referred to in sub-paragraph (2)(b) are that the person is—
- (a) providing or receiving emergency assistance;
 - (b) attending a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony—
 - (i) as a party to the marriage, civil partnership or wedding,
 - (ii) if invited to attend, or
 - (iii) as the carer of a person attending;
 - (c) 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;
 - (d) an elite athlete and is travelling for the purposes of training or competition;
 - (e) providing coaching or other support to an elite athlete, or providing support at—
 - (i) an elite sporting event, or
 - (ii) a sporting event taking place outside Wales;

- (f) travelling to vote in an election;
- (g) travelling on a journey which ends outside the area, provided that the person takes all reasonably practicable measures to minimise any stops during the journey;
- (h) travelling to participate in a gathering with the person's extended household in accordance with any restrictions on gatherings applicable where the gathering takes place.

PART 4

Restrictions on certain businesses and services

CHAPTER 1

Business and services whose premises must be closed but to which limited access may be allowed

Closure of food and drink businesses

7.—(1) A person responsible for carrying on a business which is listed in paragraphs 12 to 14 (food and drink businesses) must—

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

(2) Sub-paragraph (1) does not prevent—

- (a) the use of premises for—
 - (i) the sale of food and drink for consumption off the premises, or
 - (ii) services providing food or drink to homeless people;
- (b) the provision of room service at a hotel or other accommodation (where the hotel or other accommodation continues to operate in accordance with the exceptions allowed by paragraph 8);
- (c) a workplace canteen from being open where there is no practical alternative for staff at that workplace to obtain food or drink;
- (d) the carrying out of maintenance and repairs or other work to ensure premises are suitable for use when sub-paragraph (1) no longer applies to the premises.

(3) For the purposes of sub-paragraph (1), an indoor area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business) is to be treated as part of the premises of that business.

(4) Where—

- (a) a person responsible for carrying on a business (“business A”) is required by virtue of this paragraph to cease carrying on business A at premises, and
- (b) business A forms part of a larger business (“business B”),

the requirement in this paragraph is complied with if the person responsible for carrying on business B ceases to carry on business A at the premises.

Closure of holiday or travel accommodation

8.—(1) A person responsible for carrying on a business which is listed in paragraphs 15 to 18 (holiday or travel accommodation) must—

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

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- (2) Sub-paragraph (1) does not prevent—
- (a) carrying out maintenance and repairs or other work to ensure premises are suitable for use when sub-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 provision of accommodation for any persons staying in that accommodation when this paragraph most recently began to apply to the area in which the accommodation is situated and who—
 - (i) are unable to return to their main residence, or
 - (ii) are using the accommodation as their main residence;
 - (d) the use of premises to carry on the business by providing information or other services—
 - (i) through a website, or otherwise by on-line communication,
 - (ii) by telephone, including enquiries by text message, or
 - (iii) by post.
- (3) Where—
- (a) a person responsible for carrying on a business (“business A”) is required by virtue of this paragraph to cease carrying on business A at premises, and
 - (b) business A forms part of a larger business (“business B”),

the requirement in this paragraph is complied with if the person responsible for carrying on business B ceases to carry on business A at the premises.

Closure of community centres and crematoriums

9.—(1) A person responsible for premises that are of a kind listed in paragraphs 19 and 20 must ensure that the premises are closed to members of the public, except for the uses permitted by sub-paragraphs (2) and (3).

- (2) A community centre may be open—
- (a) to provide essential voluntary services, or
 - (b) to provide public services upon the request of the Welsh Ministers or a local authority.
- (3) A crematorium may open to members of the public for funerals or burials (and to broadcast a funeral or burial whether over the internet or otherwise).
- (4) Sub-paragraph (1) does not apply to the grounds surrounding a crematorium, including any burial ground or garden of remembrance.
- (5) In this paragraph, “public services” includes the provision of food banks or other support for homeless or vulnerable people, childcare, blood donation sessions or support in an emergency.

CHAPTER 2

Businesses or services whose premises are required to be closed

Closure of businesses and services

10.—(1) A person responsible for carrying on a business or providing a service which is listed in paragraphs 21 to 48 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 paragraph.

- (2) Sub-paragraph (1) does not prevent—
- (a) carrying out maintenance and repairs or other work to ensure premises are suitable for use when sub-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 goods or services (including their sale, hire, collection or delivery) in response to an order or enquiry made—
 - (i) through a website, or otherwise by on-line communication,
 - (ii) by telephone, including by text message, or
 - (iii) by post;
 - (e) the use of premises for the provision of information—
 - (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 paragraph to cease carrying on business A at premises, and
 - (b) business A forms part of a larger business (“business B”),

the requirement in this paragraph is complied with if the person responsible for carrying on business B ceases to carry on business A at the premises.

CHAPTER 3

Business and services whose premises are exempt from the requirement to close

Exemption from the requirement to be closed

11.—(1) Despite the preceding provisions of this Part, premises operated by businesses or services listed in paragraphs 49 to 66 may continue to be open.

(2) And shopping centres, shopping arcades and markets may be open to the public to the extent that this is required for access to a business or service listed in paragraphs 49 to 66.

(3) A person responsible for premises authorised for the sale or supply of alcohol for consumption off the premises may not sell or supply alcohol between 10.00 p.m. and 6.00 a.m.

(4) Sub-paragraph (3) does not allow the person responsible for the premises to sell or supply alcohol in contravention of an authorisation granted or given in respect of the premises.

CHAPTER 4

List of closed premises

Closed premises

Food and drink businesses

- 12.** Bars (including bars in members’ clubs).
- 13.** Public houses.

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14. Cafes, canteens and restaurants (including workplace canteens and dining rooms in members' clubs).

Holiday or travel accommodation

15. Camping sites.

16. Holiday sites.

17. Hotels and bed and breakfast accommodation;

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

Public services etc.

19. Community centres.

20. Crematoriums.

21. Libraries and archive services.

Personal services etc.

22. Hair salons and barbers.

23. Nail and beauty salons including tanning and electrolysis services.

24. Body piercings and tattooing services.

Leisure and social etc.

25. Nightclubs, discotheques, dance halls or other venues authorised for the sale or supply of alcohol where live or recorded music is provided for members of the public or members of the venue to dance.

26. Sexual entertainment venues (within the meaning given by paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982).

27. Cinemas.

28. Concert halls and theatres.

29. Casinos.

30. Bingo halls.

31. Amusement arcades.

32. Bowling alleys.

33. Indoor play centres or areas.

34. Funfairs, amusement parks and theme parks.

35. Holiday, leisure activity or events businesses.

36. Museums and galleries.

37. Skating rinks.

38. Trampoline parks and centres.

39. Enclosed or indoor skate parks and centres.

40. Spas.

41. Venues for events or conferences (including venues for weddings).

42. Visitor attractions.

Sports and exercise.

- 43. Sports or exercise facilities, including indoor fitness studios and gyms.
- 44. Swimming pools.
- 45. Sports courts, bowling greens, golf courses and enclosed sports grounds or pitches (whether outdoors or indoors).

Retail etc.

- 46. Any business offering goods or services for sale or hire in retail premises.
- 47. Shopping centres and shopping arcades.
- 48. Estate or letting agents, developer sales offices and show homes.

Exempt premises

Public services etc.

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

- 50. Hospital libraries and libraries at educational establishments.
- 51. Funeral directors.
- 52. Veterinary surgeons.

Food and drink businesses

53. Cafés and canteens at a hospital, care home, school or within accommodation provided for students.

54. Canteens at a prison or an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence.

Retail etc.

- 55. Businesses offering the following goods for sale or hire in a shop—
 - (a) food or drink for consumption off the premises (including food for pets and other domestic animals);
 - (b) products essential for the storage, preparation or consumption of food or drink;
 - (c) products for the essential upkeep, maintenance or functioning of the home or a workplace;
 - (d) pharmaceutical products, health and personal care products, baby products (including clothing), toiletries and cosmetics;
 - (e) newspapers and magazines;
 - (f) bicycles and products essential for the use and maintenance of bicycles,

but only for the purposes of selling or hiring those goods.

- 56. Food markets, convenience stores, corner shops, pet shops, off licences and petrol stations.
- 57. Supermarkets and other shops that sell multiple types of goods but only for the purposes of—
 - (a) selling the goods listed in paragraph 55;
 - (b) selling goods of a type ordinarily sold by any of the businesses listed in paragraph 56;
 - (c) selling other goods—

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- (i) where it is not reasonably practicable to separate or demarcate those areas of a shop that ordinarily displays such goods from those areas that display the goods mentioned in paragraphs (a) and (b);
- (ii) on an exceptional basis where the goods are required in an emergency or on compassionate grounds.

58. Shops offering maintenance or repair services for telecommunications or information technology devices.

59. Building supplies and hardware stores.

60. Banks, building societies and other financial services providers.

61. Post offices.

62. Car repair and MOT services.

63. Livestock markets or auctions.

64. Laundrettes and dry cleaners.

65. Taxi or vehicle hire businesses.

66. Agricultural or aquacultural supplies shops.

SCHEDULE 5

Regulation 4(8)

Areas

1. This is the table referred to in regulation 4(8)—

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
	<i>Area</i>	<i>Alert Level of Area</i>
1	The whole of Wales	3
		until 6.00 p.m. on 25 December 2020
		4
		from 6.00 p.m. on 25 December 2020

SCHEDULE 6

Regulation 4(7)

Temporary modifications for Christmas: extended households and travel

Christmas: temporary modifications to restrictions on gatherings in private dwellings and restrictions on travelling

1. During the period beginning with 22 December 2020 and ending with 28 December 2020 these Regulations apply subject to the modifications in this Schedule.

Definition of “Christmas period”

2. In regulation 57(1) after paragraph (d) insert—

“(da) “Christmas period” means the period beginning with 23 December 2020 and ending with 27 December 2020 (but see paragraph 3A of Schedule 3 and paragraph 3A of Schedule 4).”

Extended households during Christmas period

3.—(1) Schedule 3 is modified as follows.

(2) For paragraph 3 substitute—

“Christmas: extended household

3.—(1) A household may agree to be treated as an extended household with another household during the Christmas period.

(2) In addition to the 2 households who have agreed to be treated as an extended household under sub-paragraph (1), 1 single adult household may also agree to be treated as part of that extended household.

(3) To agree to be treated as an extended household, all of the adult members of the households must agree (but see sub-paragraph (4)).

(4) An adult member of a household (an “original household”) may agree to be treated as being part of an extended household that another adult member of the original household has not agreed to be part of.

(5) Where sub-paragraph (4) applies—

(a) the original household is to be treated for the purposes of this paragraph and paragraphs 1, 2 and 3A as 2 (or more) separate households,

(b) the adult members of the original household must determine which of those separate households includes any member of the original household who is—

(i) a child, or

(ii) an adult for whom another adult in the household has caring responsibilities, and

(c) the adult members of the original household are to revert be treated as a single household when they are no longer part of an extended household.

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

(7) A household ceases to be treated as being in an extended household if any adult member of the household ceases to agree to be treated as being in the extended household.

(8) 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.

(9) In this Schedule, references to an extended household are references to an extended household formed under or by virtue of this paragraph.

Modification of “Christmas period”: households living in Northern Ireland

3A.—(1) This paragraph applies where a household which forms part of an extended household is a household living in Northern Ireland.

(2) The reference in paragraph 3(1) to the “Christmas period” is to be read as a reference to the period beginning with 22 December 2020 and ending with 28 December 2020.”

- 4.—(1) Schedule 4 is modified as follows.
- (2) For paragraph 3 (extended households) substitute—

“Christmas: extended household

3.—(1) A household may agree to be treated as an extended household with another household during the Christmas period.

(2) In addition to the 2 households who have agreed to be treated as an extended household under sub-paragraph (1), 1 single adult household may also agree to be treated as part of that extended household.

(3) To agree to be treated as an extended household, all of the adult members of the households must agree (but see sub-paragraph (4)).

(4) An adult member of a household (an “original household”) may agree to be treated as being part of an extended household that another adult member of the original household has not agreed to be part of.

(5) Where sub-paragraph (4) applies—

- (a) the original household is to be treated for the purposes of this paragraph and paragraphs 1, 2 and 3A as 2 (or more) separate households,
- (b) the adult members of the original household must determine which of those separate households includes any member of the original household who is—
 - (i) a child, or
 - (ii) an adult for whom another adult in the household has caring responsibilities, and
- (c) the adult members of the original household are to revert to be treated as a single household when they are no longer part of an extended household.

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

(7) A household ceases to be treated as being in an extended household if any adult member of the household ceases to agree to be treated as being in the extended household.

(8) 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.

(9) In this Schedule, references to an extended household are references to an extended household formed under or by virtue of this paragraph.

Modification of “Christmas period”: households living in Northern Ireland

3A.—(1) This paragraph applies where a household which forms part of an extended household is a household living in Northern Ireland.

(2) The reference in paragraph 3(1) to the “Christmas period” is to be read as a reference to the period beginning with 22 December 2020 and ending with 28 December 2020.”

(3) In paragraph 7—

- (a) in sub-paragraph (2)(b), omit “(where the hotel or other accommodation continues to operate in accordance with the exceptions allowed by paragraph 8)”;
- (b) after sub-paragraph (4) insert—
 - “(5) Sub-paragraphs (6) and (7) apply where premises of a food and drink business (“the restricted premises”) form part of the premises of holiday or travel accommodation.
 - (6) Sub-paragraph (1) does not—

- (a) require the restricted premises to be closed to the residents of the holiday or travel accommodation;
 - (b) prevent the sale of food or drink to residents—
 - (i) as part of room service (but see paragraph 11(3)), or
 - (ii) between 6.00 a.m. and 10.00 p.m. in any part of the premises of the holiday or travel accommodation.”
- (4) For paragraph 8 substitute—

“Hotels and travel accommodation: requirements relating to residents

8.—(1) A person responsible for carrying on a business which is listed in paragraph 15 to 18 (holiday or travel accommodation) must, by the end of the day on 27 December 2020—

- (a) close to members of the public any premises operated as part of the business, and
 - (b) not carry on business at such premises otherwise than in accordance with this paragraph.
- (2) Sub-paragraph (1) does not prevent—
- (a) carrying out maintenance and repairs or other work to ensure premises are suitable for use when sub-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 provision of accommodation for any persons staying in that accommodation when these Regulations come into force and who—
 - (i) are unable to return to their main residence, or
 - (ii) are using the accommodation as their main residence;
 - (d) the provision of accommodation for any persons staying in that accommodation who are travelling to Northern Ireland on 28 December 2020;
 - (e) the use of premises to carry on the business by providing information or other services—
 - (i) through a website, or otherwise by on-line communication,
 - (ii) by telephone, including enquiries by text message, or
 - (iii) by post.
- (3) Where—
- (a) a person responsible for carrying on a business (“business A”) is required by virtue of this paragraph to cease carrying on business A at premises, and
 - (b) business A forms part of a larger business (“business B”),
- the requirement in this paragraph is complied with if the person responsible for carrying on business B ceases to carry on business A at the premises.”

Transitional provision about extended households

- 5.—**(1) This paragraph applies where a household—
- (a) is part of an extended household during the Christmas period by virtue of the modifications made in paragraph 3 or 4 of this Schedule (a “Christmas extended household”), and

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- (b) immediately before the Christmas period, was part of an extended household formed under or by virtue of paragraph 3 of Schedule 3 (a “pre-Christmas extended household”) as it applies without the modifications made in paragraph 3.
- (2) For the purposes of these Regulations as modified by this Schedule—
 - (a) the pre-Christmas extended household is to be treated as if it no longer exists, and
 - (b) the household is to be treated as if it had not agreed to be treated as an extended household prior to agreeing to form part of the Christmas extended household.
- (3) Immediately upon the end of the Christmas period, the household is to be treated, for the purposes of these Regulations, as if it had made no previous agreement to be treated as part of an extended household.
- (4) In this paragraph “Christmas period” in relation to a household means—
 - (a) the period beginning with 23 December 2020 and ending with 27 December 2020, or
 - (b) where the household—
 - (i) is living in Northern Ireland, or
 - (ii) is part of a Christmas extended household with a household living in Northern Ireland,
 the period beginning with 22 December 2020 and ending with 28 December 2020.

SCHEDULE 7

Regulation 15

Regulated premises

Food and drink businesses

1. Bars (including bars in members’ clubs).
2. Public houses.
3. Cafes, canteens and restaurants (including workplace canteens and dining rooms in members’ clubs).

Holiday and travel accommodation

4. Camping sites.
5. Holiday sites.
6. Hotels and bed and breakfast accommodation.
7. Other holiday accommodation (including holiday apartments, hostels and boarding houses).

Public services etc.

8. Medical or health services.
9. Recycling and waste centres.
10. Community centres.
11. Libraries and archive services.
12. Places of worship.
13. Funeral directors.
14. Crematoriums.

15. Veterinary surgeons.

Personal services etc.

16. Hair salons and barbers.

17. Nail and beauty salons including tanning and electrolysis services.

18. Body piercings and tattooing services.

Leisure and social etc.

19. Cinemas.

20. Concert halls and theatres.

21. Casinos.

22. Bingo halls.

23. Amusement arcades.

24. Bowling alleys.

25. Indoor play centres or areas.

26. Playgrounds.

27. Funfairs, amusement parks and theme parks.

28. Holiday, leisure activity or events businesses.

29. Museums and galleries.

30. Skating rinks.

31. Trampoline parks and centres.

32. Indoor skate parks and centres.

33. Spas.

34. Venues for events or conferences (including venues for weddings).

35. Visitor attractions.

Sports and exercise

36. Sports or exercise facilities, including indoor fitness studios and gyms.

37. Swimming pools.

38. Sports courts, bowling greens, golf courses and enclosed sports grounds or pitches (whether outdoors or indoors).

Retail etc.

39. Any business offering goods or services for sale or hire in retail premises, including—

(a) auction houses;

(b) car dealerships;

(c) markets;

(d) betting shops;

(e) garden centres and plant nurseries;

(f) pharmacies (including non-dispensing pharmacies) and chemists;

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- (g) banks, building societies and other financial services providers;
 - (h) post offices;
 - (i) car repair and MOT services;
 - (j) livestock markets or auctions;
 - (k) laundrettes and dry cleaners;
 - (l) petrol stations;
 - (m) taxi or vehicle hire businesses.
40. Shopping centres and shopping arcades.
41. Storage and distribution facilities, including delivery drop off points.
42. Estate or letting agents, developer sales offices and show homes.

SCHEDULE 8

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 16 or 17, 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 16 or 17;
 - (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 15(2).

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.

- (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 16 or 17, 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 16 or 17,
 - (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 16 or 17,
 - (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 672 hours (28 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.
- (8) Where—
 - (a) an enforcement officer considers that a responsible person has failed to take the measures specified in a premises improvement notice within the specified time limit, and
 - (b) either—
 - (i) a fixed penalty notice has been issued, or
 - (ii) proceedings have been brought for an offence,in relation to that failure,the enforcement officer may nevertheless issue a premises closure notice under sub-paragraph (1).

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.

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(3) For the purposes of sub-paragraph (2), the circumstances in which a person has a reasonable excuse include where—

- (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 16 and, where relevant, regulation 17 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 16 and, where relevant, regulation 17 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 9, 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 9

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 8 must be in the form set out below.

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



**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 8 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:

**CAEWDYD 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 21 December 2020 (other than Part 6 which comes into force on 23 December 2020) and expire at the end of the day on 31 March 2021. It also provides that the Regulations must be reviewed regularly to ensure that the restrictions and requirements imposed remain proportionate.

Part 2 imposes restrictions on people gathering, on people travelling and on the use of premises of specified businesses or services that are ordinarily open to the public. Part 2 puts 4 different levels of restrictions in place that can apply depending on the circumstances. Which level applies is based on what the Welsh Ministers consider to be the appropriate and proportionate response to the incidence and spread of coronavirus.

Schedule 1 sets out the lowest level – **Alert Level 1** – restrictions; Schedule 2 sets out **Alert Level 2** restrictions; Schedule 3 sets out **Alert Level 3** restrictions and Schedule 4 the highest level – **Alert Level 4** – restrictions (under which there are strict limitations on people gathering and travelling, and most premises are required to close). Schedule 5 sets out which alert level applies to an area. At the time of making the Regulations the same alert level applies across the whole of Wales, but the Regulations can be amended to apply different alert levels on a regional or local basis (as well as amending the alert level for the whole of Wales).

A number of the restrictions refer to the concept of an “extended household”. This enables more than one household to agree to come together for the purposes of the rules by forming a larger, extended, household. In addition there are separate provisions that allow a single adult household (a person who lives alone or only with a child or adult they care for) to agree to come together for these purposes with another household. These arrangements are exclusive and must be agreed to by all of the adults in each household that forms an extended household.

A summary of the restrictions that apply at each alert level is provided below. All restrictions are subject to exceptions listed in the Regulations.

When **Alert Level 1** restrictions apply to an area:

- gatherings indoors in people’s homes are allowed only between up to 6 people, or more if all present are members of the same household or an extended household consisting of up to 3 households and a single adult household;
- gatherings indoors (away from people’s homes) are limited to 6 people (not including children under 11) or the members of 1 household if higher;
- gatherings outdoors (including in people’s gardens) are limited to 30 people (not including children under 11) or the members of 1 household or an extended household if higher;

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- different rules apply to gathering for activities that are formally organised, allowing more people (up to 50 indoors and up to 100 outdoors) to come together;
- as an exception to the general prohibition on organising events, events involving up to 50 people in attendance at any one time indoors, or 100 people outdoors, are allowed;
- larger scale events may also be allowed but only with the consent of the Welsh Ministers;
- travelling is allowed within a Level 1 area and to and from another Level 1 area or any Level 2 areas, but travelling from a Level 1 area to any area of Wales which is at Level 3 or 4, or to any areas of high incidence of coronavirus elsewhere in the UK, is not allowed;
- similarly travelling from a Level 3 or 4 area, or from any areas of high incidence of coronavirus elsewhere in the UK, to a Level 1 area is not allowed;
- nearly all business premises that are ordinarily open to the public may continue to be open but premises licensed to sell alcohol may not do so after 10.00 p.m. and must close no later than 10.20 p.m.

When **Alert Level 2** restrictions apply to an area:

- gatherings indoors in people's homes are allowed only between members of an extended household consisting of up to 2 households and a single adult household;
- gatherings indoors (away from people's homes) are limited to 4 people (not including children under 11) or the members of 1 household if higher;
- gatherings outdoors (including in people's gardens) are limited to 4 people (not including children under 11) or the members of 1 household or an extended household if higher;
- different rules apply to gathering for activities that are formally organised, allowing more people (up to 15 indoors and up to 30 outdoors) to come together;
- as an exception to the general prohibition on organising events, events involving up to 15 people in attendance at any one time indoors, or 30 people outdoors, are allowed;
- larger scale events may also be allowed but only with the consent of the Welsh Ministers;
- travelling is allowed within a Level 2 area and to and from another Level 2 area or any Level 1 areas, but travelling from a Level 2 area to any area of Wales which is at Level 3 or 4, or to any areas of high incidence of coronavirus elsewhere in the UK, is not allowed;
- similarly travelling from a Level 3 or 4 area, or from any areas of high incidence of coronavirus elsewhere in the UK, to a Level 2 area is not allowed;
- nearly all business premises that are ordinarily open to the public may continue to be open but premises licensed to sell alcohol may only serve alcohol with meals and may not serve alcohol after 10.00 p.m. (closing no later than 10.20 p.m.).

When **Alert Level 3** restrictions apply to an area:

- gatherings in people's homes (indoors and outdoors) are allowed only between members of an extended household consisting of up to 2 households and a single adult household;
- gatherings indoors (away from people's homes), or outdoors in regulated premises, are limited to 4 people (not including children under 11) or the members of 1 household if higher;
- gatherings outdoors (away from people's homes or regulated premises) are limited to 4 people (not including children under 11) or the members of 1 household or an extended household if higher;
- different rules apply to gathering for activities that are formally organised, allowing more people (up to 15 indoors and up to 30 outdoors) to come together;
- as an exception to the general prohibition on organising events, events involving up to 15 people in attendance at any one time indoors, or 30 people outdoors, are allowed;

- travelling is allowed within a Level 3 area but travelling from a Level 3 area to any other area of Wales, or to any areas of high incidence of coronavirus elsewhere in the UK, is not allowed;
- similarly travelling from a Level 1, 2 or 4 area, or from any areas of high incidence of coronavirus elsewhere in the UK, to a Level 3 area is not allowed;
- most premises that are ordinarily open to the public may continue to be open but premises used for entertainment or hospitality must either be closed or may open until 6.00 p.m. only – and premises licensed to sell alcohol may not sell alcohol for consumption on the premises.

When **Alert Level 4** restrictions apply to an area:

- there is an overarching requirement to stay at home if you live in the area and not to travel to the area if you live outside;
- most premises ordinarily open to the public are required to be closed.

The ability to come together for events and formally organised activities, and for premises to be open to the public, is subject to the need to take all “reasonable measures” to minimise the spread of, and exposure to, the coronavirus (see Part 5).

The restrictions on events are closely associated with the restrictions on gathering as people attending an event may also be gathering with others. An event is widely defined (in regulation 57(4)) as any occasion planned or scheduled for a particular purpose at which people are at the same place for that purpose (regardless of whether they are also gathering).

As an exception to this system, Schedule 6 makes specific provision modifying the restrictions relating to extended households (and travelling to meet members of an extended household) for the period between 23 and 27 December 2020 (with an additional day allowed before and after this period in the case of persons travelling from and to Northern Ireland).

Parts 3 to 6 impose further restrictions and requirements which generally apply in all circumstances.

Part 3 imposes requirements on people who have tested positive for coronavirus and their close contacts. Regulations 6 and 7 provide that adults and children who have tested positive for coronavirus must not leave the place they are living for 10 days (except in the circumstances provided for by regulation 10). Regulations 8 and 9 provide that people who have had “close contact” with someone who has tested positive for coronavirus must not leave the place they are living for 10 days (except in the circumstances provided for by regulation 10). The 10 day period of isolation begins either the day after a person tests positive, the day after the day which a person reports as the day they first experience symptoms or the day after a person has close contact. Regulation 11 provides an exception to the requirement to isolate if people test negative regularly in accordance with a formal scheme of testing. Regulation 12 relates to obligations of adults in respect of children required to isolate, regulation 13 enables notices given under this Part by contact tracers to be withdrawn and regulation 14 makes provision about the use of information held by contact tracers.

Part 4 makes provision for the purpose of minimising risk of exposure to coronavirus in premises open to the public and in workplaces. Regulation 16 applies to “regulated premises” 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) all 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 not carrying out an activity, closing part of premises, allowing staff to isolate and collecting contact information from those on the premises may be reasonable measures.

Part 5 provides that face coverings must be worn on public transport, including taxis, and in certain indoor places, subject to listed exemptions and exceptions.

Part 6 provides for circumstances in which schools may be required to be open when they may otherwise be closed to allow children of critical workers or children who are vulnerable to attend.

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

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 8 and 9) about enforcing the need to take preventative measures under regulation 16, regulation 27 relates to compliance notices, and regulation 28 to powers of removal and dispersal. Regulations 29 to 32 relate specifically to enforcing the requirements in relation to travelling, isolation, events, and wearing a face covering; and regulation 33 relates to the requirements' application to children. Regulation 34 contains a power to enter premises, regulation 35 relates to police powers to conduct road checks and regulation 36 makes supplemental provision about the exercise of powers by enforcement powers.

Part 8 makes provision about offences and penalties. Regulations 37 to 43 in Chapter 1 provide that a person who, without a reasonable excuse, contravenes the restrictions or requirements referred to commits an offence. An offence is punishable by an unlimited fine (regulation 44). Chapter 2 allows for offences to be punished by way of fixed penalty notices and makes provision about how they are applied and Chapter 3 relates to proceedings for offences under the Regulations.

Part 9 contains defined terms (regulation 57), revokes previous Regulations and makes a consequential amendment.

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.