
WELSH STATUTORY INSTRUMENTS

2020 No. 1609

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

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⁽¹⁾.

⁽¹⁾ 2018 c. 12.