

WELSH STATUTORY INSTRUMENTS

2020 No. 1609

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

PART 9

General

Interpretation

57.—(1) In these Regulations—

- (a) “alcohol” has the meaning given by section 191 of the Licensing Act 2003 ^{M1};
- (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 ^{M2},
 - (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 ^{M3};
- (d) “child” means a person who is aged under 18;
- [^{F1}(da) “close contact service” means a service which is ordinarily provided by any of the following—
 - (i) hair salons and barbers;
 - (ii) nail and beauty salons including tanning and electrolysis services;
 - (iii) body piercings and tattooing services;]
- ^{F2}(e)
- ^{F3}(f)
- (g) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);
- [^{F4}(ga) “COVID-19” is the official designation of the disease which can be caused by coronavirus;]
- [^{F5}(h) “elite athlete” means an individual who—
 - (i) derives a living from competing in a sport,

- (ii) is designated as an elite athlete by the Sports Council for Wales for the purposes of—
 - (aa) these Regulations,
 - (bb) the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020,
 - (cc) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020,
 - (dd) the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020, or
 - (ee) the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020,
- [^{F6}(iii) is a “domestic elite sportsperson” or an “international elite sportsperson” within the meaning given by—
 - (aa) paragraph 44(2) of Schedule 4 to the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021;
 - (bb) paragraph 42(2) of Schedule 4 to the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021;
 - (cc) paragraphs 58 and 59 of Schedule 4 to the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021;]]
- (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 ^{M4};
- (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);
- ^{F7}(t)
- (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 ^{M5}.

(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 ^{M6} 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 ^{M7};
 - (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 [F8 at the event].

[F9(4A) For the purposes of these Regulations, where an event includes the playing of a team sport, members of a team playing in the event and any person providing coaching or other assistance to the team, are to be treated as if working at the event.]

(5) For the purposes of these Regulations—

- (a) premises are indoors if they are enclosed or substantially enclosed within the meaning given by [F10 regulation 3 of the Smoke-free Premises and Vehicles (Wales) Regulations 2020];

[F11(aa) a vehicle, or a part of a vehicle, is indoors if it is enclosed within the meaning given by that regulation;]

- (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, [F12 a gathering [F13 or event] is “regulated”] 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 ^{M8}, whether or not the person is subject to those Regulations, and
 (ii) complied with the requirements of [F14 Part 4].

(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 [F15 gathering][F16 or event] were an undertaking conducted by the person organising it;
 (b) [F17 Part 4] of these Regulations applies as if—
 (i) the place where the [F15 gathering][F16 or event] takes place were regulated premises [F18 within the meaning given by regulation 15], and
 (ii) the person organising the [F15 gathering][F16 or event] were the responsible person in relation to those regulated premises.

[F19(9) For the purposes of these Regulations, a ^{F20}... gathering or event is not to be treated as being otherwise than “outdoors” by reason only of—

- (a) the provision of indoor facilities for the sale [^{F21}or consumption of food and drink];
- (b) the provision of other indoor facilities necessary for the holding of the gathering or event.]

Textual Amendments

- F1** Reg. 57(1)(da) inserted (12.4.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 7\) Regulations 2021 \(S.I. 2021/457\)](#), regs. 1(2), **2(12)(a)**
- F2** Reg. 57(1)(e) omitted (18.4.2022) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 9\) Regulations 2022 \(S.I. 2022/450\)](#), regs. 1(2), **2(9)**
- F3** Reg. 57(1)(f) omitted (18.4.2022) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 9\) Regulations 2022 \(S.I. 2022/450\)](#), regs. 1(2), **2(9)**
- F4** Reg. 57(1)(ga) inserted (21.6.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 13\) Regulations 2021 \(S.I. 2021/722\)](#), regs. 1(2), **2(5)(a)**
- F5** Reg. 57(1)(h) substituted (20.2.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/172\)](#), regs. 1(2), **2(3)**
- F6** Reg. 57(1)(h)(iii) substituted for reg. 57(1)(h)(iii)(iv)(v) (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(9)(a)**
- F7** Reg. 57(1)(t) omitted (12.4.2021) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 7\) Regulations 2021 \(S.I. 2021/457\)](#), regs. 1(2), **2(12)(b)**
- F8** Words in reg. 57(4)(b)(ii) inserted (17.5.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 10\) Regulations 2021 \(S.I. 2021/583\)](#), regs. 1(2), **2(11)(a)**
- F9** Reg. 57(4A) inserted (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(9)(b)**
- F10** Words in reg. 57(5)(a) substituted (1.3.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2021 \(S.I. 2021/210\)](#), regs. 1(3), **2(8)**
- F11** Reg. 57(5)(aa) inserted (7.8.2021 at the beginning of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 15\) Regulations 2021 \(S.I. 2021/925\)](#), regs. 1(2), **2(21)**
- F12** Words in reg. 57(7) substituted (17.5.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 10\) Regulations 2021 \(S.I. 2021/583\)](#), regs. 1(2), **2(11)(b)**
- F13** Words in reg. 57(7) inserted (7.6.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 11\) Regulations 2021 \(S.I. 2021/668\)](#), regs. 1(2), **2(5)(a)(i)**
- F14** Words in reg. 57(7)(b)(ii) substituted (7.6.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 11\) Regulations 2021 \(S.I. 2021/668\)](#), regs. 1(2), **2(5)(a)(ii)**
- F15** Word in reg. 57(8) substituted (17.5.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 10\) Regulations 2021 \(S.I. 2021/583\)](#), regs. 1(2), **2(11)(c)**
- F16** Words in reg. 57(8) inserted (7.6.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 11\) Regulations 2021 \(S.I. 2021/668\)](#), regs. 1(2), **2(5)(b)(i)**
- F17** Words in reg. 57(8)(b) substituted (7.6.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 11\) Regulations 2021 \(S.I. 2021/668\)](#), regs. 1(2), **2(5)(b)(ii)(aa)**
- F18** Words in reg. 57(8)(b)(i) substituted (7.6.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 11\) Regulations 2021 \(S.I. 2021/668\)](#), regs. 1(2), **2(5)(b)(ii)(bb)**

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, PART 9. (See end of Document for details)

- F19** Reg. 57(9) inserted (7.6.2021 at 6.00 a.m.) by The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 11) Regulations 2021 (S.I. 2021/668), regs. 1(2), **2(5)(c)**
- F20** Word in reg. 57(9) omitted (9.10.2021) by The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 18) Regulations 2021 (S.I. 2021/1131), regs. 1(2), **2(5)**
- F21** Words in reg. 57(9)(a) substituted (21.6.2021) by The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 13) Regulations 2021 (S.I. 2021/722), regs. 1(2), **2(5)(b)**

Commencement Information

- I1** Reg. 57 in force at 20.12.2020, see reg. 1(3)

Marginal Citations

- M1** Section 191 has been amended by the Policing and Crime Act 2017 (c. 3) and S.I. 2006/2407.
- M2** 2014 anaw 4.
- M3** 2016 anaw 2.
- M4** 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.
- M5** Section 60 was amended by section 65 of the Protection of Freedoms Act 2012 (c. 9).
- M6** 2013 anaw 6, as amended by the Housing (Wales) Act 2014 (anaw 7).
- M7** 2016 anaw 2.
- M8** S.I. 1999/3242. Regulation 3 was amended by S.I. 2005/1541, S.I. 2015/21 and S.I. 2015/1637.

Revocation

- 58.** The following Regulations are revoked—
- the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020, other than regulation 48;
 - regulation 4 of the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (Wales) Regulations 2020 ^{M9};
 - regulation 6 of the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 2) (Wales) Regulations 2020 ^{M10}.

Commencement Information

- I2** Reg. 58 in force at 20.12.2020, see reg. 1(3)

Marginal Citations

- M9** S.I. 2020/1237 (W. 279) as amended by S.I. 2020/1288 (W. 286).
- M10** 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.”

Commencement Information

- I3** Reg. 59 in force at 20.12.2020, see reg. 1(3)

Changes to legislation:

There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, PART 9.