

## [<sup>F1</sup>SCHEDULE 3

Regulation 4(4)

### Alert Level 3 Restrictions

#### Textual Amendments

- F1** Sch. 3 substituted (26.4.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(14)**

## 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 unless all the persons participating in the gathering are members of the same household or extended household.

(2) But a person may participate in such a gathering outdoors if the gathering consists of no more than 6 persons.

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

- (a) any children under the age of 11, as long as the persons participating in the gathering (including any children under the age of 11) are from no more than 6 households, or
- (b) the carer of a person who is participating in the gathering.

(4) 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 (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) meeting a legal obligation;
- (c) 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;
- (d) 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;
- (e) moving home;
- (f) undertaking activities in connection with the purchase, sale, letting or rental of residential property;
- (g) accessing or receiving educational services.

(6) The circumstances referred to in sub-paragraph (4)(b) are that the person is—

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- (a) providing or receiving emergency assistance;
  - (b) avoiding illness, injury or other risk of harm;
  - (c) working or providing voluntary or charitable services, or obtaining services from a person working or providing voluntary or charitable services;
  - (d) 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.
- (7) This paragraph does not apply to a person who is homeless.

### **Restriction on gatherings in holiday or travel accommodation**

2.—(1) No person may, without 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 or extended household.

(2) But a person may participate in such a gathering outdoors if the gathering consists of no more than 6 persons.

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

- (a) any children under the age of 11, as long as the persons participating in the gathering (including any children under the age of 11) are from no more than 6 households, or
- (b) the carer of a person who is participating in the gathering.

(4) 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 (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) meeting a legal obligation;
- (c) 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;
- (d) 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.

(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) working or providing voluntary or charitable services;
- (d) 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;
  - (e) participating in an indoor gathering of no more than 15 people at holiday or travel accommodation, 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 took place on or after 26 March 2020;
    - (ii) celebrate the life of a deceased person whose funeral is held on or after 26 March 2020,  
at which no alcohol is consumed;
  - (f) participating in an outdoor gathering of no more than 30 people at holiday or travel accommodation, 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 took place on or after 26 March 2020;
    - (ii) celebrate the life of a deceased person whose funeral is held on or after 26 March 2020;
  - (g) participating in or facilitating [<sup>F2</sup>a regulated gathering that takes place [<sup>F3</sup>to any extent] indoors and] 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, [<sup>F4</sup>at the gathering], and
    - (ii) no alcohol is consumed;
  - (h) participating in or facilitating [<sup>F5</sup>a regulated gathering that takes place <sup>F6</sup>... outdoors and] 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, [<sup>F7</sup>at the gathering], and
    - (ii) no alcohol is consumed;
  - (i) attending or facilitating an event authorised by the Welsh Ministers in accordance with paragraph 6.
- (7) This paragraph does not apply to a person who is homeless.

#### Textual Amendments

- F2** Words in Sch. 3 para. 2(6)(g) 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(14)(a)(i)(aa)**
- F3** Words in Sch. 3 para. 2(6)(g) 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(8)(a)(i)**
- F4** Words in Sch. 3 para. 2(6)(g)(i) 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(14)(a)(i)(bb)**
- F5** Words in Sch. 3 para. 2(6)(h) 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(14)(a)(ii)(aa)**
- F6** Words in Sch. 3 para. 2(6)(h) omitted (7.6.2021 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 11\) Regulations 2021](#) (S.I. 2021/668), regs. 1(2), **2(8)(a)(ii)**

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**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, SCHEDULE 3. (See end of Document for details)

**F7** Words in Sch. 3 para. 2(6)(h)(i) 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(14)(a)(ii)(bb)**

### **Restriction on gatherings in public places**

**3.—(1)** No person may, without a reasonable excuse, participate in a gathering in premises to which neither paragraph 1 nor 2 applies unless all the persons participating in the gathering are members of the same household.

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

- (a) outdoors in regulated premises if the gathering consists of no more than 6 persons;
- (b) outdoors other than in regulated premises if—
  - (i) the gathering consists of no more than 6 persons, or
  - (ii) all the persons participating in the gathering are members of the same extended household.

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

- (a) any children under the age of 11, as long as the persons participating in the gathering (including any children under the age of 11) are from no more than 6 households, or
- (b) the carer of a person who is participating in the gathering.

(4) 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 (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;
- (j) visiting a person who is resident in a care home, with the permission of the service provider.

(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 an indoor 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 took place on or after 26 March 2020;
  - (ii) celebrate the life of a deceased person whose funeral is held on or after 26 March 2020,  
at which no alcohol is consumed;
- (f) participating in an outdoor gathering of no more than 30 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 took place on or after 26 March 2020;
  - (ii) celebrate the life of a deceased person whose funeral is held on or after 26 March 2020;
- (g) attending a place of worship;
- (h) an elite athlete and is training or competing;
- (i) providing coaching or other support to an elite athlete, or providing support at an elite sporting event;
- (j) participating in or facilitating [<sup>F8</sup>a regulated gathering that takes place [<sup>F9</sup>to any extent] indoors and] 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, [<sup>F10</sup>at the gathering], and
  - (ii) no alcohol is consumed;
- (k) participating in or facilitating [<sup>F11</sup>a regulated gathering that takes place <sup>F12</sup>... outdoors and] 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, [<sup>F13</sup>at the gathering, unless the gathering] is organised for the purposes of protest, or picketing carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, and
  - (ii) no alcohol is consumed;
- (l) participating in or facilitating [<sup>F14</sup>a regulated gathering] for the development or well-being of persons who were aged under 18 on 31 August 2020 (including sports, music and other

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recreational activities such as those provided for children outside of school hours and during school holidays);

(m) attending or facilitating an event authorised by the Welsh Ministers in accordance with paragraph 6.

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

#### Textual Amendments

- F8** Words in Sch. 3 para. 3(6)(j) 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(14)(b)(i)(aa)**
- F9** Words in Sch. 3 para. 3(6)(j) 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(8)(b)(i)**
- F10** Words in Sch. 3 para. 3(6)(j)(i) 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(14)(b)(i)(bb)**
- F11** Words in Sch. 3 para. 3(6)(k) 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(14)(b)(ii)(aa)**
- F12** Words in Sch. 3 para. 3(6)(k) omitted (7.6.2021 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 11\) Regulations 2021 \(S.I. 2021/668\)](#), regs. 1(2), **2(8)(b)(ii)**
- F13** Words in Sch. 3 para. 3(6)(k)(i) 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(14)(b)(ii)(bb)**
- F14** Words in Sch. 3 para. 3(6)(l) 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(14)(b)(ii)(cc)**

#### Extended households

4.—(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 well-being needs household may also agree to be treated as part of that extended household.

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

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

(5) Where a household has agreed to be treated as an extended household with any other households under paragraph 3 of Schedule 1 (“the previous extended household”), it may make an agreement under this paragraph only with those other households, unless a period of at least 10 days has expired since any member of the household last participated in a gathering with a member of those households in reliance on being treated as part of the previous extended household.

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

(a) paragraph 3 of Schedule 2,

(b) paragraph 4 of Schedule 3A [<sup>F15</sup>(despite its revocation by the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 9) Regulations 2021)], 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.

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

(8) Sub-paragraph (9) applies where—

- (a) a person who would be, or is, a member of an extended household is a child, and
- (b) a person who has parental responsibility for the child (“P”) is a member of the child’s household.

(9) Where this sub-paragraph applies—

- (a) the agreement required by sub-paragraph (3) is to be given by P (and not the child), and
- (b) a household ceases to be treated as part of an extended household in accordance with sub-paragraph (7) if P ceases to agree to be treated as part of the extended household (whether or not the child also ceases to agree).

(10) If a household ceases to be treated as part of an extended household, the household may not agree to be treated as part of an extended household with any other household unless a period of at least 10 days has expired since any member of the household last participated in a gathering with any member of another household in reliance on being treated as part of an extended household with that household.

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

(12) In this paragraph, “well-being needs household” means—

- (a) a single adult household;
- (b) a household comprising of 1 or more children and no adults.

#### **Textual Amendments**

**F15** Words in [Sch. 3 para. 4\(6\)\(b\)](#) inserted (3.5.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 9\) Regulations 2021 \(S.I. 2021/542\)](#), regs. 1(2), **2(5)(a)**

## **PART 2**

### **Restrictions on organising events**

#### **Prohibition on organising events**

**5.**—<sup>F16</sup>(1) No person may, without a reasonable excuse, be involved in organising an event unless—

- (a) the event is regulated (see regulation 57(7)),
- (b) the event is held outdoors, and
- (c) no more than 30 people attend at any time.

(1A) For the purposes of this paragraph, a person working, or providing voluntary services, in relation to the holding of an event is not to be treated as attending the event.]

<sup>F17</sup>(2) Sub-paragraph (1) does not apply to a person involved in organising—

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- (a) an event held at a private dwelling at which people do not participate in a gathering in contravention of paragraph 1;
  - (b) an event authorised by the Welsh Ministers under paragraph 6;
  - (c) a solemnisation of a marriage, formation of a civil partnership or an alternative wedding ceremony;
  - (d) a funeral;
  - (e) an indoor gathering of no more than 15 people at regulated premises, or an outdoor gathering of no more than 30 people at such premises, not counting (in either case) 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 took place on or after 26 March 2020;
    - (ii) celebrate the life of a deceased person whose funeral is held on or after 26 March 2020;
  - (f) a regulated gathering that takes place to any extent indoors and 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, at the gathering, and
    - (ii) no alcohol is consumed;
  - (g) a regulated gathering that takes place outdoors and 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, at the gathering, unless the gathering is organised for the purposes of protest, or picketing carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, and
    - (ii) no alcohol is consumed;
  - (h) a regulated gathering, in premises other than holiday or travel accommodation, 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).]
- (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 [<sup>F18</sup>30 people are present at the event at any time];
  - [<sup>F19</sup>(c) where—
    - (i) a market, or
    - (ii) a religious service,
 is held in premises ordinarily used for that purpose or outdoors, it is not to be treated as an event;
  - (d) 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) an elite sporting event at which the only people present are elite athletes and persons working or providing voluntary services at the event.]



**Textual Amendments**

- F16** Sch. 3 para. 5(1)(1A) substituted for Sch. 3 para. 5(1) (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(8)(c)(i)**
- F17** Sch. 3 para. 5(2) 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(8)(c)(ii)**
- F18** Words in Sch. 3 para. 5(3)(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(8)(c)(iii)**
- F19** Sch. 3 para. 5(3)(c)(d) substituted for Sch. 3 para. 5(3)(c) (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(14)(c)**

**Authorised events**

6.—<sup>F20</sup>(1) The Welsh Ministers may give authorisation in writing for an event to be held.]

<sup>F21</sup>(2) .....

(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.

<sup>F22</sup>(4A) A requirement, restriction or other condition specified by the Welsh Ministers in an authorisation given under sub-paragraph (1) may modify regulations 16, 17 and 17A (requirement to take all reasonable measures to minimise exposure to coronavirus) for a specified period in so far as it applies to the premises at which the event is held.]

(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.

**Textual Amendments**

- F20** Sch. 3 para. 6(1) 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(14)(d)(i)**

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| <p><b>F21</b> Sch. 3 para. 6(2) omitted (17.5.2021 at 6.00 a.m.) by virtue of <a href="#">The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 10) Regulations 2021 (S.I. 2021/583)</a>, regs. 1(2), <b>2(14)(d)(ii)</b></p> <p><b>F22</b> Sch. 3 para. 6(4A) inserted (17.5.2021 at 6.00 a.m.) by <a href="#">The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 10) Regulations 2021 (S.I. 2021/583)</a>, regs. 1(2), <b>2(14)(d)(iii)</b></p> |
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## PART 3

### Restrictions on certain businesses and services

#### CHAPTER 1

*Businesses or services whose premises are required to be closed but to which limited access may be allowed*

#### Closure of indoor premises of food and drink businesses

7.—(1) A person responsible for carrying on a business which is listed in paragraphs 11 to 13 (food and drink businesses) must close to members of the public any part of its premises which is indoors and used for the consumption of food or drink.

(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 use of premises for any purpose as may be requested or authorised by the Welsh Ministers or a local authority;
- (e) 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) Sub-paragraph (1) does not apply to—

- (a) cafés and canteens at a hospital, care home, school or within accommodation provided for students;
- (b) 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.

(4) 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.

(5) 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 that is not self-contained**

**8.—(1)** A person responsible for carrying on a business which is listed in paragraphs 14 to 17 (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 paragraph.

(2) But sub-paragraph (1) does not prevent the use of premises for the provision of accommodation—

- (a) in a camping site or holiday site, provided that the only shared facilities used by guests at the camping site or holiday site are water points and waste disposal points, or
- (b) in separate and self-contained premises.

(3) And 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.

(4) Premises are separate and self-contained for the purposes of this paragraph only if—

- (a) they are provided for persons who are members of the same household or extended household, and
- (b) none of the following are shared with the members of any other household—
  - (i) kitchens,
  - (ii) sleeping areas,
  - (iii) bathrooms, or
  - (iv) indoor communal areas.

(5) In this paragraph—

- (a) a reception area is not to be treated as a shared facility for the purposes of sub-paragraph (2) (a);
- (b) “communal areas” includes any area of the premises that is open to the public, but does not include a reception area or corridors, lifts and staircases used to access other parts of the premises.

(6) Where—

**Status:** Point in time view as at 07/06/2021.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, SCHEDULE 3. (See end of Document for details)

- (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

### *Businesses or services whose premises are required to be closed*

#### **Closure of businesses and services**

**9.—(1)** A person responsible for carrying on a business or providing a service which is listed in paragraphs 18 to 35 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) In its application to a business or service listed in paragraphs 27 (funfairs, amusement parks and theme parks), 28 (holiday, leisure activity or events businesses), 29 (museums and galleries), 32 (trampoline parks and centres), <sup>F23</sup>... 34 (venues for events or conferences (including venues for weddings)) and 35 (visitor attractions), sub-paragraph (1) does not apply to—

- (a) a public outdoor area of the premises, or
- (b) a public indoor area of the premises where it is necessary for the indoor area to be open—
  - (i) to allow access to a public outdoors area,
  - (ii) for health and safety reasons, or
  - (iii) to ensure that the requirements in Part 4 of these Regulations are complied with in relation to the premises.

(3) 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;
- (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.

<sup>F24</sup>(4) Despite sub-paragraph (1), a person responsible for carrying on a business or providing a service listed in paragraph 28 (holiday, leisure activity or events businesses) may open the indoor areas of its premises to the public, but only for the purposes of facilitating <sup>F25</sup>a regulated gathering]

for the development or well-being of persons who were aged under 18 on 31 August 2020 (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays).]

(5) 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.

#### Textual Amendments

- F23** Words in Sch. 3 para. 9(2) omitted (3.5.2021 immediately before the start of the day) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 9\) Regulations 2021 \(S.I. 2021/542\)](#), regs. 1(2), **2(5)(b)(i)**
- F24** Sch. 3 para. 9(4) substituted (3.5.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 9\) Regulations 2021 \(S.I. 2021/542\)](#), regs. 1(2), **2(5)(b)(ii)**
- F25** Words in Sch. 3 para. 9(4) 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(14)(e)**

### CHAPTER 3

#### *Businesses and services whose premises are exempt from the requirement to close*

#### **[<sup>F26</sup>Exemption from the requirement to be closed: venues for weddings and celebrations of life of deceased**

**10.** Despite the preceding provisions of this Part—

- (a) premises used as a venue for the solemnisation of a marriage, formation of civil partnership or alternative wedding ceremony, or the celebration of such an event, may open to the public—
  - (i) to the extent that this is required for the purposes of the solemnisation of a marriage, formation of civil partnership or alternative wedding ceremony at the premises, or the celebration of such an event at the premises;
  - (ii) for the purposes of enabling a person to visit the premises, by appointment, with a view to booking the premises for the solemnisation of a marriage, formation of civil partnership or alternative wedding ceremony, or for the celebration of such an event;
- (b) premises used as a venue for the celebration of the life of a deceased person may open to the public to the extent that this is required for such a celebration at the premises.]

#### Textual Amendments

- F26** Sch. 3 para. 10 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(14)(f)**

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## CHAPTER 4

### *List of closed or partially closed premises*

#### *Closed or partially closed premises*

##### *Food and drink businesses*

11. Bars (including bars in members' clubs).
12. Public houses.
13. Cafes, canteens and restaurants (including workplace canteens and dining rooms in members' clubs).

##### *Holiday or travel accommodation*

14. Camping sites.
15. Holiday sites.
16. Hotels and bed and breakfast accommodation.
17. Other holiday accommodation (including holiday apartments, hostels and boarding houses).

##### *Leisure and social etc.*

18. 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.

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

20. Cinemas, other than drive in cinemas.
21. Concert halls and theatres, other than drive in theatres.
22. Casinos.
23. Bingo halls.
24. Amusement arcades.
25. Bowling alleys.
26. Indoor play centres or areas.
27. Funfairs, amusement parks and theme parks.
28. Holiday, leisure activity or events businesses.
29. Museums and galleries.
30. Ice skating rinks.
31. Trampoline parks and centres.
32. Indoor skate parks and centres.

[<sup>F27</sup>33. Steam rooms.]

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**Textual Amendments**

**F27** Sch. 3 para. 33 substituted (3.5.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 9\) Regulations 2021 \(S.I. 2021/542\)](#), regs. 1(2), **2(5)(c)**

- 34.** Venues for events or conferences (including venues for weddings).
- 35.** Visitor attractions.]

**Status:**

Point in time view as at 07/06/2021.

**Changes to legislation:**

There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, SCHEDULE 3.