

## 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;
- (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;

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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 4. (See end of Document for details)

- (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, [<sup>F1</sup>or]
    - (iii) with the person's carer; <sup>F2</sup>...
    - <sup>F2</sup>(iv) .....
  - (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.

**Textual Amendments**

**F1** Word in Sch. 4 para. 1(4)(f) inserted (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(4)(a)**

**F2** Sch. 4 para. 1(4)(f)(iv) and word omitted (20.2.2021) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/172\)](#), regs. 1(2), **2(4)(b)**

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**Commencement Information**

**II** Sch. 4 para. 1 in force at 20.12.2020, see [reg. 1\(3\)](#)

**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;
  - (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;

**Status:** Point in time view as at 20/02/2021.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, SCHEDULE 4. (See end of Document for details)

- (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;
- [<sup>F3</sup>(i) exercising outdoors, except in a private dwelling, with—
  - (i) members of the person’s extended household, <sup>F4</sup>...
  - <sup>F4</sup>(ii) . . . . .
 together with any carer of a person participating who is present.]
- (5) This paragraph does not apply to a person who is homeless.

**Textual Amendments**

**F3** Sch. 4 para. 2(4)(i) inserted (30.1.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/103\)](#), regs. 1(2), **2(6)(b)**

**F4** Sch. 4 para. 2(4)(i)(ii) and word omitted (20.2.2021) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/172\)](#), regs. 1(2), **2(5)**

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**Commencement Information**

**I2** Sch. 4 para. 2 in force at 20.12.2020, see [reg. 1\(3\)](#)

**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 [<sup>F5</sup>at any one time].

(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,

[<sup>F6</sup>(“the previous extended household”), ] an agreement under this paragraph may be made only between the single adult household and 1 of those other households [<sup>F7</sup>unless a period of at least 10 days has expired since any member of the single adult household last participated in a gathering with a member of those households in reliance on being treated as part of the previous extended household].

(5) A household ceases to be treated as [<sup>F8</sup>part of] an extended household if any adult member of the household ceases to agree to be treated as [<sup>F8</sup>part of] the extended household.

(6) If a household ceases to be treated as [<sup>F9</sup>part of] an extended household, the household may not agree to be treated as [<sup>F9</sup>part of] an extended household with any other household [<sup>F10</sup>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].

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

#### Textual Amendments

- F5** Words in Sch. 4 para. 3(3) inserted (30.1.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/103\)](#), regs. 1(2), **2(6)(c)(i)**
- F6** Words in Sch. 4 para. 3(4) inserted (30.1.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/103\)](#), regs. 1(2), **2(6)(c)(ii)(aa)**
- F7** Words in Sch. 4 para. 3(4) inserted (30.1.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/103\)](#), regs. 1(2), **2(6)(c)(ii)(bb)**
- F8** Words in Sch. 4 para. 3(5) substituted (30.1.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/103\)](#), regs. 1(2), **2(6)(c)(iii)**
- F9** Words in Sch. 4 para. 3(6) substituted (30.1.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/103\)](#), regs. 1(2), **2(6)(c)(iv)(aa)**
- F10** Words in Sch. 4 para. 3(6) inserted (30.1.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/103\)](#), regs. 1(2), **2(6)(c)(iv)(bb)**

#### Commencement Information

- I3** Sch. 4 para. 3 in force at 20.12.2020, see [reg. 1\(3\)](#)

## 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.

**Status:** Point in time view as at 20/02/2021.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, SCHEDULE 4. (See end of Document for details)

**Commencement Information**

**I4** Sch. 4 para. 4 in force at 20.12.2020, see [reg. 1\(3\)](#)

**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.

**Commencement Information**

**I5** Sch. 4 para. 5 in force at 20.12.2020, see [reg. 1\(3\)](#)

## **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—

- (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;

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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 4.* (See end of Document for details)

- (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.

#### Commencement Information

**I6** Sch. 4 para. 6 in force at 20.12.2020, see reg. 1(3)

## [<sup>F11</sup>PART 3A

### Restrictions on attending schools and further education institutions

#### Textual Amendments

**F11** Sch. 4 Pt. 3A inserted (20.1.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) Regulations 2021 \(S.I. 2021/57\)](#), regs. 1(2), **2(11)**

#### Restriction on attending school premises

**6A.**—(1) The proprietor of a school in Wales may not permit a [<sup>F12</sup>designated] pupil to attend the premises of the school.

[<sup>F13</sup>(1A) In this paragraph, “designated pupil” means a pupil in year 3 or above.]

- (2) But sub-paragraph (1) does not prevent a proprietor from permitting —
- (a) a [<sup>F14</sup>designated] pupil to attend a school’s premises—
    - (i) to undertake an examination or other assessment;
    - (ii) where the pupil’s parent is notified by the proprietor of the school at which the pupil is registered that the proprietor considers it appropriate for the pupil to attend by reason of the pupil’s vulnerability;
    - (iii) where—
      - (aa) the local authority that maintains the school at which the pupil is registered, or
      - (bb) the proprietor of the independent school at which the pupil is registered, decides the pupil is the child of a critical worker;
  - (b) a [<sup>F15</sup>designated] pupil from attending the premises of a special school;
  - (c) a [<sup>F16</sup>designated] pupil from attending the premises of a pupil referral unit;
  - (d) a [<sup>F17</sup>designated] pupil from attending the premises of a unit in a school, where—
    - (i) the unit is recognised by a local authority as being reserved for pupils with special educational needs, and
    - (ii) the pupil is wholly or mainly educated at the unit;
  - (e) a [<sup>F18</sup>designated] pupil who is a boarder from residing in accommodation at the school premises.

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



#### Textual Amendments

- F12** Word in Sch. 4 para. 6A(1) inserted (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(6)(a)**
- F13** Sch. 4 para. 6A(1A) inserted (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(6)(b)**
- F14** Word in Sch. 4 para. 6A(2)(a) inserted (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(6)(c)(i)**
- F15** Word in Sch. 4 para. 6A(2)(b) inserted (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(6)(c)(ii)**
- F16** Word in Sch. 4 para. 6A(2)(c) inserted (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(6)(c)(iii)**
- F17** Word in Sch. 4 para. 6A(2)(d) inserted (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(6)(c)(iv)**
- F18** Word in Sch. 4 para. 6A(2)(e) inserted (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(6)(c)(v)**

#### Restriction on attending further education premises

**6B.**—(1) A proprietor of a further education institution in Wales may not permit a student to attend the premises of the further education institution.

(2) But sub-paragraph (1) does not prevent a proprietor from permitting a student to attend the premises of—

- [<sup>F19</sup>(a) a further education institution to undertake—
- (i) an examination or other assessment, or
  - (ii) a course in engineering, construction, hospitality, catering, or agriculture, where attendance at the institution is necessary to enable the student to complete a required element of the course;]
- (b) an institution within the further education sector where the student is notified by the institution that the institution considers it appropriate for the student to attend due to the student’s vulnerability.

#### Textual Amendments

- F19** Sch. 4 para. 6B(2)(a) 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(7)**

#### Enforcement

**6C.** Any failure by a proprietor to comply with paragraph 6A or 6B is enforceable by an application for injunction by the Welsh Ministers or the local authority in whose area the alleged failure occurred to the High Court or County Court, without notice.

#### Interpretation of Part 3A

- 6D.** In this Part—
- (a) the “1996 Act” means the Education Act 1996;
  - (b) “boarder” has the meaning given by section 579 of the 1996 Act;
  - (c) “further education institution” means—

**Status:** Point in time view as at 20/02/2021.

**Changes to legislation:** There are currently no known outstanding effects for the *The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, SCHEDULE 4.* (See end of Document for details)

- (i) an institution within the further education sector;
- (ii) a provider of education or training within the meaning of section 31(1)(a) or (b) or 32(1)(a) or (b) of the Learning and Skills Act 2000 that—
  - (aa) is not an institution within the meaning of paragraph (i),
  - (bb) is not an institution within the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992, and
  - (cc) is in receipt of funding for provision of that education or training from the Welsh Ministers or a local authority,
 but does not include an employer who is a provider by reason only of the employer providing such education or training to its employees;
- (d) “independent school” has the meaning given by section 463 of the 1996 Act;
- (e) “institution within the further education sector” has the meaning given by section 91(3) of the Further and Higher Education Act 1992;
- (f) “parent” has the meaning given by section 576 of the 1996 Act;
- (g) “proprietor” has the meaning given by section 579 of the 1996 Act in relation to a school and, in relation to an institution that is not a school, means the person or body of persons responsible for the management of the institution;
- (h) “pupil” has the meaning given by section 3 of the 1996 Act;
- (i) “pupil referral unit” has the meaning given by section 19 of the 1996 Act;
- (j) “special educational needs” has the meaning given by section 312 of the 1996 Act;
- (k) “special school” means—
  - (i) a special school within the meaning given by section 337 of the 1996 Act;
  - (ii) an independent school which wholly or mainly provides education for pupils with special educational needs;
- (l) “school” has the meaning given by section 4 of the 1996 Act;
- [ “school year” has the same meaning as in section 579(1) of the 1996 Act;
- <sup>F20</sup>(m) “year 3” means a year group in which the majority of children will, in the school year, attain the age of 8;
- (o) “year group” means a group of children at a school the majority of whom will, in a particular school year, attain the same age.]]

#### Textual Amendments

**F20** Sch. 4 para. 6D(m)-(o) inserted (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(8)**

## 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.

##### Commencement Information

I7 Sch. 4 para. 7 in force at 20.12.2020, see [reg. 1\(3\)](#)

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

**Status:** Point in time view as at 20/02/2021.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, SCHEDULE 4. (See end of Document for details)

- (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.

#### Commencement Information

**I8** Sch. 4 para. 8 in force at 20.12.2020, see [reg. 1\(3\)](#)

### 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.

#### Commencement Information

**I9** Sch. 4 para. 9 in force at 20.12.2020, see [reg. 1\(3\)](#)

## 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.

#### Commencement Information

**I10** Sch. 4 para. 10 in force at 20.12.2020, see [reg. 1\(3\)](#)

## 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.

**Status:** Point in time view as at 20/02/2021.

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(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.

**Commencement Information**

**I11** Sch. 4 para. 11 in force at 20.12.2020, see [reg. 1\(3\)](#)

CHAPTER 4

List of closed premises

**Closed premises**

*Food and drink businesses*

**12.** Bars (including bars in members' clubs).

**Commencement Information**

**I12** Sch. 4 para. 12 in force at 20.12.2020, see [reg. 1\(3\)](#)

**13.** Public houses.

**Commencement Information**

**I13** Sch. 4 para. 13 in force at 20.12.2020, see [reg. 1\(3\)](#)

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

*Holiday or travel accommodation*

**Commencement Information**

**I14** Sch. 4 para. 14 in force at 20.12.2020, see [reg. 1\(3\)](#)

**15.** Camping sites.

**Commencement Information**

**I15** Sch. 4 para. 15 in force at 20.12.2020, see [reg. 1\(3\)](#)

**16.** Holiday sites.

**Commencement Information**

**I16** Sch. 4 para. 16 in force at 20.12.2020, see [reg. 1\(3\)](#)

17. Hotels and bed and breakfast accommodation;

**Commencement Information**

I17 Sch. 4 para. 17 in force at 20.12.2020, see [reg. 1\(3\)](#)

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

*Public services etc.*

**Commencement Information**

I18 Sch. 4 para. 18 in force at 20.12.2020, see [reg. 1\(3\)](#)

19. Community centres.

**Commencement Information**

I19 Sch. 4 para. 19 in force at 20.12.2020, see [reg. 1\(3\)](#)

20. Crematoriums.

**Commencement Information**

I20 Sch. 4 para. 20 in force at 20.12.2020, see [reg. 1\(3\)](#)

21. Libraries and archive services.

*Personal services etc.*

**Commencement Information**

I21 Sch. 4 para. 21 in force at 20.12.2020, see [reg. 1\(3\)](#)

22. Hair salons and barbers.

**Commencement Information**

I22 Sch. 4 para. 22 in force at 20.12.2020, see [reg. 1\(3\)](#)

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

**Commencement Information**

I23 Sch. 4 para. 23 in force at 20.12.2020, see [reg. 1\(3\)](#)

24. Body piercings and tattooing services.

*Leisure and social etc.*

**Status:** Point in time view as at 20/02/2021.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, SCHEDULE 4. (See end of Document for details)

**Commencement Information**

**I24** Sch. 4 para. 24 in force at 20.12.2020, see [reg. 1\(3\)](#)

**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.

**Commencement Information**

**I25** Sch. 4 para. 25 in force at 20.12.2020, see [reg. 1\(3\)](#)

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

**Commencement Information**

**I26** Sch. 4 para. 26 in force at 20.12.2020, see [reg. 1\(3\)](#)

**27.** Cinemas.

**Commencement Information**

**I27** Sch. 4 para. 27 in force at 20.12.2020, see [reg. 1\(3\)](#)

**28.** Concert halls and theatres.

**Commencement Information**

**I28** Sch. 4 para. 28 in force at 20.12.2020, see [reg. 1\(3\)](#)

**29.** Casinos.

**Commencement Information**

**I29** Sch. 4 para. 29 in force at 20.12.2020, see [reg. 1\(3\)](#)

**30.** Bingo halls.

**Commencement Information**

**I30** Sch. 4 para. 30 in force at 20.12.2020, see [reg. 1\(3\)](#)

**31.** Amusement arcades.

**Commencement Information**

**I31** Sch. 4 para. 31 in force at 20.12.2020, see [reg. 1\(3\)](#)

**32.** Bowling alleys.



**Commencement Information**

**I32** Sch. 4 para. 32 in force at 20.12.2020, see [reg. 1\(3\)](#)

**33.** Indoor play centres or areas.

**Commencement Information**

**I33** Sch. 4 para. 33 in force at 20.12.2020, see [reg. 1\(3\)](#)

**34.** Funfairs, amusement parks and theme parks.

**Commencement Information**

**I34** Sch. 4 para. 34 in force at 20.12.2020, see [reg. 1\(3\)](#)

**35.** Holiday, leisure activity or events businesses.

**Commencement Information**

**I35** Sch. 4 para. 35 in force at 20.12.2020, see [reg. 1\(3\)](#)

**36.** Museums and galleries.

**Commencement Information**

**I36** Sch. 4 para. 36 in force at 20.12.2020, see [reg. 1\(3\)](#)

**37.** Skating rinks.

**Commencement Information**

**I37** Sch. 4 para. 37 in force at 20.12.2020, see [reg. 1\(3\)](#)

**38.** Trampoline parks and centres.

**Commencement Information**

**I38** Sch. 4 para. 38 in force at 20.12.2020, see [reg. 1\(3\)](#)

**39.** Enclosed or indoor skate parks and centres.

**Commencement Information**

**I39** Sch. 4 para. 39 in force at 20.12.2020, see [reg. 1\(3\)](#)

**40.** Spas.

**Status:** Point in time view as at 20/02/2021.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, SCHEDULE 4. (See end of Document for details)

**Commencement Information**

**I40** Sch. 4 para. 40 in force at 20.12.2020, see [reg. 1\(3\)](#)

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

**Commencement Information**

**I41** Sch. 4 para. 41 in force at 20.12.2020, see [reg. 1\(3\)](#)

**42.** Visitor attractions.

*Sports and exercise.*

**Commencement Information**

**I42** Sch. 4 para. 42 in force at 20.12.2020, see [reg. 1\(3\)](#)

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

**Commencement Information**

**I43** Sch. 4 para. 43 in force at 20.12.2020, see [reg. 1\(3\)](#)

**44.** Swimming pools.

**Commencement Information**

**I44** Sch. 4 para. 44 in force at 20.12.2020, see [reg. 1\(3\)](#)

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

*Retail etc.*

**Commencement Information**

**I45** Sch. 4 para. 45 in force at 20.12.2020, see [reg. 1\(3\)](#)

**46.** Any business offering goods or services for sale or hire in retail premises.

**Commencement Information**

**I46** Sch. 4 para. 46 in force at 20.12.2020, see [reg. 1\(3\)](#)

**47.** Shopping centres and shopping arcades.

**Commencement Information**

**I47** Sch. 4 para. 47 in force at 20.12.2020, see [reg. 1\(3\)](#)

48. Estate or letting agents [<sup>F21</sup>and developer sales offices].

**Textual Amendments**

**F21** Words in Sch. 4 para. 48 substituted (9.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel and Restrictions\) \(Amendment\) \(Wales\) Regulations 2021 \(S.I. 2021/20\)](#), regs. 1(2), 8(7)

**Commencement Information**

**I48** Sch. 4 para. 48 in force at 20.12.2020, see [reg. 1\(3\)](#)

**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.

**Commencement Information**

**I49** Sch. 4 para. 49 in force at 20.12.2020, see [reg. 1\(3\)](#)

50. Hospital libraries and libraries at educational establishments.

**Commencement Information**

**I50** Sch. 4 para. 50 in force at 20.12.2020, see [reg. 1\(3\)](#)

51. Funeral directors.

**Commencement Information**

**I51** Sch. 4 para. 51 in force at 20.12.2020, see [reg. 1\(3\)](#)

52. Veterinary surgeons.

*Food and drink businesses*

**Commencement Information**

**I52** Sch. 4 para. 52 in force at 20.12.2020, see [reg. 1\(3\)](#)

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

**Commencement Information**

**I53** Sch. 4 para. 53 in force at 20.12.2020, see [reg. 1\(3\)](#)

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**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.*

**Commencement Information**

**I54** Sch. 4 para. 54 in force at 20.12.2020, see [reg. 1\(3\)](#)

**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.

**Commencement Information**

**I55** Sch. 4 para. 55 in force at 20.12.2020, see [reg. 1\(3\)](#)

**56.** Food markets, convenience stores, corner shops, pet shops, off licences and petrol stations.

**Commencement Information**

**I56** Sch. 4 para. 56 in force at 20.12.2020, see [reg. 1\(3\)](#)

**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—
  - (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.

**Commencement Information**

**I57** Sch. 4 para. 57 in force at 20.12.2020, see [reg. 1\(3\)](#)

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

**Commencement Information**

**I58** Sch. 4 para. 58 in force at 20.12.2020, see [reg. 1\(3\)](#)

**59.** Building supplies and hardware stores.

**Commencement Information**

**I59** Sch. 4 para. 59 in force at 20.12.2020, see [reg. 1\(3\)](#)

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

**Commencement Information**

**I60** Sch. 4 para. 60 in force at 20.12.2020, see [reg. 1\(3\)](#)

**61.** Post offices.

**Commencement Information**

**I61** Sch. 4 para. 61 in force at 20.12.2020, see [reg. 1\(3\)](#)

**62.** Car repair and MOT services.

**Commencement Information**

**I62** Sch. 4 para. 62 in force at 20.12.2020, see [reg. 1\(3\)](#)

[<sup>F22</sup>**62A.** Automatic car washes.]

**Textual Amendments**

**F22** Sch. 4 para. 62A inserted (30.1.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2021 \(S.I. 2021/103\)](#), regs. 1(2), **2(6)(d)**

**63.** Livestock markets or auctions.

**Commencement Information**

**I63** Sch. 4 para. 63 in force at 20.12.2020, see [reg. 1\(3\)](#)

**64.** Laundrettes and dry cleaners.

**Commencement Information**

**I64** Sch. 4 para. 64 in force at 20.12.2020, see [reg. 1\(3\)](#)

**65.** Taxi or vehicle hire businesses.

**Status:** Point in time view as at 20/02/2021.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, SCHEDULE 4. (See end of Document for details)

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**Commencement Information**

**I65** Sch. 4 para. 65 in force at 20.12.2020, see [reg. 1\(3\)](#)

**66.** Agricultural or aquacultural supplies shops.

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**Commencement Information**

**I66** Sch. 4 para. 66 in force at 20.12.2020, see [reg. 1\(3\)](#)

**Status:**

Point in time view as at 20/02/2021.

**Changes to legislation:**

There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, SCHEDULE 4.