
WELSH STATUTORY INSTRUMENTS

2020 No. 308

The Health Protection (Coronavirus) (Wales) Regulations 2020

Imposition of restrictions and requirements

5.—(1) Where Condition A or B (set out in regulation 4) is met in relation to a person (“P”), the Welsh Ministers or a registered public health consultant may—

- (a) (orally or in writing) impose on or in relation to P one or more screening requirements to inform an assessment, by the Welsh Ministers or a registered public health consultant, of whether P presents or could present a risk of infecting or contaminating others,
- (b) carry out such an assessment in relation to P, and
- (c) following such an assessment, (orally or in writing) impose on or in relation to P any other restriction or requirement which the Welsh Ministers or, as the case may be, a registered public health consultant considers necessary for the purposes of removing or reducing the risk referred to in sub-paragraph (a), including a special restriction or requirement⁽¹⁾.

(2) A decision to impose a restriction or requirement under paragraph (1) may only be taken if the Welsh Ministers or, as the case may be, registered public health consultant considers, when taking the decision, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.

(3) A restriction or requirement imposed under paragraph (1)—

- (a) by the Welsh Ministers may be varied (orally or in writing) by the Welsh Ministers;
- (b) by a registered public health consultant may be varied (orally or in writing) by the Welsh Ministers or a registered public health consultant.

(4) Where a restriction or requirement under paragraph (1)(c) is imposed on or in relation to a child, a person who is a responsible adult in relation to the child must secure that the child complies with the restriction or requirement, insofar as that person is reasonably able to do so.

(5) Where a restriction or requirement is imposed orally on a person under this regulation, or a restriction or requirement imposed under this regulation is orally varied, the person (or, in the case of a child, a person who is a responsible adult in relation to the child) must be provided with a written notification of the restriction or requirement that has been imposed or varied as soon as reasonably practicable.

(6) Where a special restriction or requirement is imposed under paragraph (1)(c), the person imposing the restriction or requirement must express it to be contingent on the incidence or transmission of Coronavirus constituting a serious and imminent threat to public health as referred to in regulation 3.

(7) Paragraph (1) does not affect the exercise of any powers by virtue of regulation 8.

(1) See sections 45C and 45T of the 1984 Act for the meaning of “special restriction or requirement”. This is a restriction or requirement which can be imposed by a justice of the peace by virtue of section 45G(2), 45H(2) or 45I(2) of the 1984 Act. Section 45G(2) includes references to detention and isolation.