
EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 2A of the Public Health (Control of Disease) Act 1984 enables the Welsh Ministers, by regulations, to make provision for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Wales.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales.

These Regulations amend regulations 5, 7 and 8 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 (the “principal Regulations”), insert new regulations 6A and 7A into the principal Regulations, and make further minor and consequential amendments to them.

Regulation 5 of the principal Regulations makes provision relating to providers of holiday accommodation which are subject to the requirement to cease carrying on their business under regulation 4(4) of the principal Regulations. **Regulation 2** amends paragraph (3) of, and adds a new paragraph (3A) to, regulation 5 to make it clear that all such businesses can continue to provide services online or by telephone or post, and can open premises at the request of the Welsh Ministers or a local authority.

Regulation 3 inserts new regulation 6A into the principal Regulations which requires the person responsible for work being carried out at any place (when such work is being carried out during the emergency period and so long as the premises are not the premises of a business or service listed in Schedule 1 to take all reasonable measures to ensure that a distance of 2 metres is maintained between persons on the premises (unless the persons are members of the same household or are a carer and the person being cared for).

Regulation 4 amends regulation 7 of the principal Regulations so that the requirement to take all reasonable measures to ensure that a distance of 2 metres is maintained between persons in a place of worship, crematorium or community centre does not apply to persons from the same household or to carers and persons they are caring for. It also inserts a new paragraph (4A) into regulation 7 with the effect that a person responsible for a cemetery must take all reasonable measures to ensure that a distance of 2 metres is maintained between persons from different households attending a burial at the cemetery. Finally, a new paragraph (6) is inserted defining “cemetery” and “burial” for the purposes of regulation 7.

Regulation 5 inserts new regulation 7A into the principal Regulations which requires any person who is subject to a requirement to take all reasonable measures to ensure that a distance of 2 metres is maintained between persons at a place to have regard to guidance from the Welsh Ministers about taking those measures.

Regulation 8(1) of the principal Regulations provides that, during the emergency period, no person may leave the place where they are living without reasonable excuse. Regulation 8(2) sets out a non-exhaustive list of activities that are to be regarded as reasonable excuses.

Sub-paragraph (g) of regulation 8(2) provides that attending a funeral is a reasonable excuse for a person if the funeral is that of a member of the person’s household (paragraph (i)); a close family member (paragraph (ii)); or a friend, where no member of the deceased’s household or close family member is attending (paragraph (iii)). **Regulation 6** amends regulation 8(2)(g) with the effect that attending the funeral is to be regarded as a reasonable excuse to leave the place where a person is living if the person is responsible for arranging the funeral or is invited (but note that there will be

Status: This is the original version (as it was originally made).

limits on the number of persons who may attend a funeral as a result of the restrictions imposed by regulation 7 of the principal Regulations).

Regulation 7 contains minor and consequential amendments including—

- inserting a definition of “premises” for the purposes of the principal Regulations, which makes it clear that any building or structure or any land (that is to say outdoor places) count as premises under the Regulations;
- permitting the Welsh Ministers to designate a person to receive payments of fixed penalties as an alternative to making payments to the local authority in whose area the offence is alleged to have occurred;
- adding aquacultural supplies shops and livestock markets and auctions to the list in Part 4 of Schedule 1 to the principal Regulations with the effect that they may remain open but must comply with the requirements of regulation 6(1) of the principal Regulations.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has not been prepared as to the likely cost and benefit of complying with these Regulations.