
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 the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 (the “principal Regulations”).

Regulation 2 replaces paragraph (4) of regulation 3 of the principal Regulations with a more flexible provision that enables a requirement or restriction imposed by the principal Regulations to be terminated in relation to specific businesses or services (or descriptions of businesses or services), specific categories of persons or particular areas of Wales. A new paragraph (4A) is also inserted into regulation 3 of the principal Regulations to make clear that the termination of a requirement or restriction does not affect things which happen before the termination takes effect.

Regulation 3 amends regulations 4, 5, 6 and 6A of the principal Regulations so as to require persons responsible for businesses or services carried on in premises of the types listed below 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), to ensure the number of persons allowed to enter is limited so as to enable those measures to have effect, and to ensure that a distance of 2 metres is maintained between persons waiting to enter. The premises are—

- (a) premises used as cafés or canteens at a hospital, care home, school, prison or military establishment or used to provide food and drink to homeless persons;
- (b) premises that, although generally required to be closed under regulation 4(4) of the principal Regulations, are open for the purposes of broadcasting, or on the request of the Welsh Ministers or a local authority, or to provide services online, by telephone or by post;
- (c) holiday accommodation that is permitted to remain open to provide accommodation to certain persons, or for a purpose requested by the Welsh Ministers or a local authority, or to provide services online, by telephone or by post;
- (d) any part of a shop that would otherwise be required to close under regulation 6(2) of the principal Regulations but is permitted to remain open to respond to orders and enquiries received online, by telephone or by post (for example to provide facilities for the uplift of orders placed online, generally known as a “click and collect” service).

Regulation 4 makes a number of amendments to regulation 8 of the principal Regulations concerning the requirement that a person not leave the place where they are living without a reasonable excuse, including—

- (a) amending paragraph (1) to clarify that the restriction on leaving the place where a person is living without reasonable excuse also includes remaining away from that place without reasonable excuse;

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

- (b) clarifying the drafting of paragraph (2)(a) to resolve the tautology of having a “need to obtain basic necessities” and making it clear that persons can visit banks and similar establishments to both withdraw and deposit money;
- (c) making clear that it is a reasonable excuse to exercise more than once a day if needed because of a particular health condition or disability;
- (d) to specify that visiting a burial ground or garden of remembrance to pay respects is a reasonable excuse.

Regulation 5 makes amendments to regulation 10 of the principal Regulations to clarify the application of enforcement provisions.

Regulation 6 contains further minor and consequential amendments to 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.