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WELSH STATUTORY INSTRUMENTS

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**2020 No. 725**

**The Health Protection (Coronavirus  
Restrictions) (No. 2) (Wales) Regulations 2020**

**PART 2**

**Closure of businesses and premises**

**Closure of indoor bars and restaurants etc.**

6.—(1) A person responsible for carrying on a business which is listed in Schedule 1 must close any part of its premises which is indoors and used for the consumption of food or drink.

(2) But paragraph (1) does not prevent the provision of room service at a hotel or other accommodation.

(3) And paragraph (1) applies subject to the need to carry out maintenance and repairs and other work to ensure premises are suitable for use when paragraph (1) no longer applies to the business.

(4) For the purposes of 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.

**Closure of other businesses and services**

7.—(1) A person responsible for carrying on a business or providing a service which is listed in Schedule 2 must cease to carry on that business or to provide that service.

(2) But paragraph (1) does not prevent the use of—

- (a) premises used for the businesses or services listed in paragraphs 1, 2, 4, 5, 6 or 12 of Schedule 2 to broadcast without an audience present at the premises (whether over the internet or as part of a radio or television broadcast);
- (b) premises for any purpose as may be requested by the Welsh Ministers or a local authority;
- (c) premises for training for elite athletes;
- (d) premises used as a museum or gallery, or for providing archive services, for the provision of information or other services—
  - (i) through a website, or otherwise by on-line communication,
  - (ii) by telephone, including by text message, or
  - (iii) by post.

(3) And paragraph (1) applies subject to the need to carry out maintenance and repairs and other work to ensure premises are suitable for use when paragraph (1) no longer applies to the business or service.

### Closure of holiday accommodation

8.—(1) A person responsible for carrying on a business which is listed in Schedule 3 must cease to carry on that business.

(2) But paragraph (1) does not prevent the use of premises—

- (a) for the provision of self-contained accommodation,
- (b) for the provision of pitches for self-contained caravans at holiday sites or camping sites,
- (c) for the purposes of a business listed in Schedule 1 (but see regulation 6), or
- (d) for any purpose as may be requested by the Welsh Ministers or a local authority.

(3) And paragraph (1) applies to a person responsible for carrying on a business subject to the need to—

- (a) provide accommodation for any persons staying in that accommodation when these Regulations come into force and who—
  - (i) are unable to return to their main residence, or
  - (ii) are using the accommodation as their main residence;
- (b) 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;
- (c) carry out maintenance and repairs and other work to ensure premises are suitable for use when paragraph (1) no longer applies to the business.

(4) For the purposes of paragraph (2)—

- (a) accommodation is self-contained if—
  - (i) it is provided to persons who are members of the same household,
  - (ii) toilets and washing facilities are provided in connection with the accommodation which are not shared with anyone who is a member of another household, and
  - (iii) if facilities for the preparation or consumption of food or drink are provided in connection with the accommodation, they are not shared with anyone who is a member of another household;
- (b) a caravan is self-contained if—
  - (i) the persons occupying the caravan are members of the same household,
  - (ii) the caravan contains its own toilet and washing facilities, and
  - (iii) the persons occupying the caravan do not share facilities for the preparation or consumption of food or drink at the holiday site or camping site with anyone who is a member of another household;
- (c) “caravan” has the same meaning as in Part 1 of the Caravan Sites and Control of Development Act 1960<sup>(1)</sup>.

(5) In this regulation and in Schedule 3, a “holiday site” means any land in Wales on which a mobile home or caravan is stationed for the purposes of human habitation (including any land in Wales used in conjunction with that land), in respect of which the relevant planning permission or the site licence for the land—

- (a) is expressed to be granted for holiday use only, or

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(1) 1960 c. 62. See section 29(1) (interpretation of Part 1).

- (b) requires that there are times of the year when no mobile home or caravan may be stationed on the site for human habitation.

(6) For the purpose of determining whether or not a site is a holiday site, any provision of the relevant planning permission or of the site licence which permits the stationing of a mobile home on the land for human habitation all year round is to be ignored if the mobile home is authorised to be occupied by—

- (a) the person who is the owner of the site, or
- (b) a person employed by that person but who does not occupy the mobile home under an agreement to which Part 4 of the Mobile Homes (Wales) Act 2013(2) applies.

### **Businesses forming part of a larger business**

9. Where—

- (a) a person responsible for carrying on a business (“business A”) is required, by virtue of regulation 6(1), 7(1) or 8(1) to cease carrying on business A, and
- (b) business A forms part of a larger business (“business B”),

the requirement in regulation 6(1), 7(1) or 8(1) is complied with if the person responsible for carrying on business B ceases to carry on business A.

### **Closure of crematoriums and community centres**

10.—(1) A person responsible for a crematorium must ensure that the crematorium is closed to members of the public, except for the use permitted by paragraph (2).

(2) The 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).

(3) Paragraph (2) does not apply to the grounds surrounding a crematorium, including any burial ground or garden of remembrance.

(4) A person responsible for a community centre must ensure that the community centre is closed except where it is used to provide—

- (a) essential voluntary services, or
- (b) public services upon the request of the Welsh Ministers or a local authority.

### **Closure of certain public paths and access land**

11.—(1) Where paragraph (2) applies to a public path or access land in the area of a relevant authority, the relevant authority must—

- (a) close the public path or access land, and
- (b) keep it closed until the time when the authority considers that closure is no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection with coronavirus in its area.

(2) This paragraph applies to the public paths and access land in its area a relevant authority considers—

- (a) to be liable to large numbers of people congregating or being in close proximity to each other, or
- (b) the use of which otherwise poses a high risk to the incidence or spread of infection with coronavirus in its area.

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(2) 2013 anaw 6, as amended by the Housing (Wales) Act 2014 (anaw 7).

- (3) Where a public path has been closed under—
- (a) regulation 4 of the Health Protection (Coronavirus: Closure of Leisure Businesses, Footpaths and Access Land) (Wales) Regulations 2020(3), or
  - (b) regulation 9 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020(4),

the path is to be treated as if it were closed under paragraph (1) of this regulation.

(4) No person may use a public path or access land closed by virtue of paragraph (1) unless authorised by the relevant authority.

- (5) The relevant authority must—
- (a) publish a list of public paths or access land closed in its area on a website;
  - (b) erect and maintain notices in prominent places informing the public of the closure of a public path or access land.

(6) For the purposes of this regulation references to a public path or access land include parts of a public path or access land.

- (7) In this regulation—
- (a) the “relevant authority” means—
    - (i) a local authority,
    - (ii) a National Park authority in Wales,
    - (iii) Natural Resources Wales, or
    - (iv) the National Trust;
  - (b) “public path” means a footpath, bridleway, byway, restricted byway or cycle track and—
    - (i) “footpath”, “bridleway” and “cycle track” have the same meaning as in section 329(1) of the Highways Act 1980(5);
    - (ii) “byway” means a byway open to all traffic within the meaning given by section 66(1) of the Wildlife and Countryside Act 1981(6);
    - (iii) “restricted byway” has the meaning given by section 48(4) of the Countryside and Rights of Way Act 2000(7);
  - (c) “access land” includes land to which the public has access by virtue of its ownership by the National Trust, but otherwise has the same meaning as in section 1(1) of the Countryside and Rights of Way Act 2000(8).

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(3) [S.I. 2020/334 \(W. 76\)](#).

(4) [S.I. 2020/353 \(W. 80\)](#).

(5) [1980 c.66](#). Section 329 was amended by section 1 of the Cycle Tracks Act [1984 \(c. 38\)](#) and paragraph 21 of Schedule 3 to the Road Traffic (Consequential Provisions) Act [1988 \(c. 54\)](#).

(6) [1981 c. 69](#).

(7) [2000 c. 37](#).

(8) [2000 c. 37](#). Section 1(1) was amended by section 302(2)(a) of the Marine and Coastal Access Act [2009 \(c. 23\)](#).