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WELSH STATUTORY INSTRUMENTS

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**2020 No. 984**

**The Health Protection (Coronavirus Restrictions)  
(Functions of Local Authorities) (Wales) Regulations 2020**

**PART 2**

Local authority directions in relation to premises, events and public places

**CHAPTER 1**

Giving and revoking directions

**Public health conditions for giving directions**

- 4.—(1) If it considers that the public health conditions are met, a local authority may give—
- (a) a premises direction under regulation 5;
  - (b) an event direction under regulation 6;
  - (c) a public place direction under regulation 7.
- (2) For the purposes of these Regulations, the “public health conditions” are that—
- (a) the direction is a response to a serious and imminent threat to public health,
  - (b) the direction is necessary for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus in the local authority’s area, and
  - (c) the prohibitions, requirements or restrictions imposed by the direction are a proportionate means of achieving that purpose.

**Premises directions**

- 5.—(1) A local authority may give a premises direction in respect of any premises in its area.
- (2) A premises direction may—
- (a) require the premises to be closed;
  - (b) impose restrictions or requirements in relation to entering or leaving the premises;
  - (c) impose restrictions or requirements in relation to the use of the premises;
  - (d) impose restrictions in relation to the number or description of persons permitted on the premises.
- (3) But a premises direction may not be given in relation to premises which form part of critical infrastructure.
- (4) Before giving a premises direction, a local authority must have regard to the need to ensure that members of the public have access to essential goods and public services.
- (5) Where a local authority gives a premises direction, it must take reasonable steps to give prior notice of the direction to—

- (a) a person carrying on a business from the premises to which the direction relates, and
  - (b) (if different) any person who owns or occupies the premises.
- (6) A person responsible for premises to which a premises direction relates must take the steps necessary to comply with the direction as soon as is reasonably practicable after the direction takes effect.
- (7) No person may, without reasonable excuse, act in contravention of a premises direction.

### Event directions

6.—(1) A local authority may give an event direction in respect of any event held, or proposed to be held, in its area.

(2) In considering whether the public health conditions are met, a local authority must, in particular, have regard to whether people are gathering, or are likely to gather, at the event in contravention of regulation 14 or 14A of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020(1).

(3) An event direction may—

- (a) require the event to stop or not to be held;
- (b) impose restrictions or requirements in relation to entering or leaving the event;
- (c) impose restrictions or requirements in relation to the number of persons who may attend the event;
- (d) impose any other restrictions or requirements in relation to the holding of the event (including, for example, requirements relating to the attendance of medical or emergency services at the event).

(4) Where a local authority gives an event direction it must take reasonable steps to give prior notice of the direction to—

- (a) a person involved in the organisation of the event, and
- (b) (if different) any person who owns or occupies the premises at which the event takes place or is proposed to take place.

(5) A person involved in organising an event to which an event direction relates must take the steps necessary to comply with the direction as soon as is reasonably practicable after the direction takes effect.

(6) No person may, without reasonable excuse, act in contravention of an event direction.

(7) For the purposes of this Part, a person is not involved in organising an event if the person's only involvement is, or would be, attending it.

### Public place directions

7.—(1) A local authority may give a public place direction in respect of any public place in the authority's area.

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(1) [S.I. 2020/725 \(W. 162\)](#), as amended by the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) Regulations 2020 ([S.I. 2020/752 \(W. 169\)](#)), the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 2) Regulations 2020 ([S.I. 2020/803 \(W. 176\)](#)), the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 3) Regulations 2020 ([S.I. 2020/820 \(W. 180\)](#)), the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 4) Regulations 2020 ([S.I. 2020/843 \(W. 186\)](#)), the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 5) Regulations 2020 ([S.I. 2020/867 \(W. 189\)](#)), the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 6) Regulations 2020 ([S.I. 2020/884 \(W. 195\)](#)), the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 7) Regulations 2020 ([S.I. 2020/912 \(W. 204\)](#)), the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 8) (Caerphilly) Regulations 2020 ([S.I. 2020/961 \(W. 215\)](#)) and the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 9) Regulations 2020 ([S.I. 2020/978 \(W. 219\)](#)).

(2) For the purposes of these Regulations, “public place” means an outdoor place to which the public have or are permitted access, whether on payment or otherwise, including—

- (a) land laid out as a public garden or used for the purpose of recreation by members of the public;
- (b) land which is “open country” as defined in section 59(2) of the National Parks and Access to the Countryside Act 1949(2), as read with section 16 of the Countryside Act 1968(3);
- (c) any highway to which the public has access.

(3) But a public place does not include—

- (a) “access land” within the meaning given in regulation 14(7)(c);
- (b) a “public path” within the meaning given in regulation 14(7)(b).

(4) A public place direction may impose prohibitions, requirements or restrictions in relation to access to the public place (including, in particular, prohibiting access at specified times).

(5) A public place direction must describe the public place in sufficient detail to enable its boundaries to be determined.

(6) Where a local authority gives a public place direction it must take such steps as are reasonably practicable to—

- (a) prevent or restrict public access to the public place to which the direction relates in accordance with the direction (including erecting and maintaining notices in prominent places informing the public of the direction);
- (b) give prior notice of the direction to persons carrying on a business from premises within the public place;
- (c) ensure that the direction is brought to the attention of any person who owns, occupies or is responsible for any premises in the public place.

(7) Any person, other than a local authority, who owns, occupies or is responsible for premises in a public place to which a public place direction relates must take such steps as are reasonably practicable to prevent or restrict public access to the premises in accordance with the direction.

(8) No person may, without reasonable excuse, enter or remain in a public place to which a public place direction relates in contravention of a prohibition, requirement or restriction imposed by the direction.

(9) A local authority may not give a public place direction in respect of a public place which includes property to which section 73 of the Public Health (Control of Disease) Act 1984(4) (Crown property) applies.

(10) But a local authority may give a public place direction in respect of such a place if the authority has entered into an agreement under subsection (2) of section 73 with the appropriate authority (within the meaning given by that section) that—

- (a) section 45C of that Act, and
- (b) these Regulations,

apply to the property (subject to such terms as may be included in the agreement).

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(2) 1949 c. 97.

(3) 1968 c. 41. Section 16 has been amended by section 111 of the Transport Act 1968 (c. 73), Schedule 27 to the Water Act 1989 (c. 15) and S.I. 2012/1659. There are other amendments to section 16 which are not relevant to these Regulations.

(4) Section 73 has been amended by Schedule 11 to the Health and Social Care Act 2008 (c. 14).

**Review and revocation**

8.—(1) Where a local authority gives a direction under this Part, the authority must review whether the public health conditions continue to be met in relation to the direction—

- (a) at least once in the period of 7 days beginning on the day after the day direction is given, and
- (b) at least once in every subsequent period of 7 days.

(2) If, on a review under paragraph (1), the local authority considers that the public health conditions are no longer met, the local authority must revoke the direction.

(3) Paragraph (2) does not prevent a local authority from revoking a direction at any time if the authority considers that the public health conditions are no longer met in relation to the direction.

(4) A direction is revoked by giving notice in writing to each person to whom the direction was given.

(5) Paragraphs (2) and (3) of regulation 11 apply to a revocation as they apply to a direction.

(6) A direction ceases to have effect at the time notice of revocation is given.

**Requirement to have regard to advice or guidance and to consult**

9. In determining whether to give or revoke a direction under this Part a local authority must—

- (a) have regard to—
  - (i) any advice given to it the authority’s Director of Public Protection;
  - (ii) any guidance issued by the Welsh Ministers about directions under this Part, and
- (b) consult the Welsh Ministers if it is reasonably practicable to do so.

**CHAPTER 2****Form and procedure****Form and content of directions**

10. A direction given under this Part must—

- (a) be in writing;
- (b) contain a description of the premises, event or public place to which the direction relates (and in the case of a public place direction see regulation 7(5));
- (c) state the date and time from which each prohibition, requirement or restriction imposed by the direction takes effect (which must not be earlier than when the direction is given);
- (d) state the date and time at which each such prohibition, requirement or restriction ceases to have effect (which must be no later than 21 days after it takes effect);
- (e) set out the reasons why the local authority considers the public health conditions to be met in relation to the direction;
- (f) give details of the right of appeal, and the right to make representations, conferred by regulation 12.

**Giving a direction**

11.—(1) A local authority gives a direction under this Part by giving the direction in writing—

- (a) in the case of a premises direction, to—
  - (i) a person carrying on a business from the premises to which the direction relates, and

- (ii) (if different) a person who owns, occupies or is otherwise responsible for the premises;
  - (b) in the case of an event direction, to—
    - (i) a person involved in organising the event to which the direction relates, and
    - (ii) (if different) a person who owns, occupies or is otherwise responsible for the premises at which the event takes place or is proposed to take place;
  - (c) in the case of a public place direction, to—
    - (i) a person carrying on a business from premises within the public place to which the direction relates, and
    - (ii) each person who owns, occupies or is otherwise responsible for any premises in the public place.
- (2) If it is not reasonably practicable for a local authority to give a direction in accordance with paragraph (1), the direction is to be treated as given in accordance with that paragraph when it is published in such manner as the local authority considers appropriate to bring it to the attention of persons who may be affected by it.
- (3) As soon as reasonably practicable after a local authority gives a direction under this Part the local authority must—
- (a) give a copy of the direction to any other person named in the direction,
  - (b) send a copy of the direction to—
    - (i) the Welsh Ministers,
    - (ii) every other local authority whose area is adjacent to the authority's area,
    - (iii) where the local authority's area is adjacent to the area of a county or district council in England, that council, and
  - (c) publish the direction in such manner as the local authority considers appropriate to bring it to the attention of persons who may be affected by it.

### **Appeals and representations**

- 12.—**(1) In this regulation, “interested person” means—
- (a) in the case of a premises direction—
    - (i) a person carrying on a business from the premises to which the direction relates;
    - (ii) (if different) a person who owns or occupies the premises;
  - (b) in the case of an event direction—
    - (i) a person involved in organising the event to which the direction relates;
    - (ii) (if different) a person who owns or occupies the premises at which the event takes place or is proposed to take place;
  - (c) in the case of a public place direction—
    - (i) a person carrying on a business from premises within the public place to which the direction relates;
    - (ii) a person who owns, occupies or is responsible for any premises in the public place.
- (2) An interested person may—

- (a) appeal against the direction to a magistrates' court by way of complaint for an order, and the Magistrates' Courts Act 1980(5) applies to the proceedings;
  - (b) make representations to the Welsh Ministers about the direction.
- (3) Where an interested person makes representations to the Welsh Ministers under this regulation the Welsh Ministers must—
- (a) consider the representations as soon as is reasonably practicable, and
  - (b) decide whether it would be appropriate to exercise the power in regulation 13(1).
- (4) The Welsh Ministers must provide written reasons for the decision in paragraph (3)(b) to—
- (a) the interested person, and
  - (b) the local authority which gave the direction.
- (5) Making representations under paragraph (2)(b) does not affect an interested person's right of appeal under paragraph (2)(a).

### CHAPTER 3

#### Welsh Ministers' power to require revocation

##### **Power of Welsh Ministers to require a local authority to revoke a direction**

**13.**—(1) If the Welsh Ministers consider that the public health conditions are no longer met in relation to a direction given by a local authority under this Part, the Welsh Ministers must require the authority to revoke the direction.

(2) Where the Welsh Ministers require a local authority to revoke a direction under this regulation—

- (a) the local authority is not required to consider whether the public health conditions continue to be met in relation to the direction, and
- (b) regulation 9 does not apply.

(3) Before requiring a local authority to revoke a direction under this regulation, the Welsh Ministers must consult the Chief Medical Officer for Wales.