
WELSH STATUTORY INSTRUMENTS

2021 No. 103 (W. 28)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus Restrictions)
(No. 5) (Wales) (Amendment) (No. 2) Regulations 2021**

Approved by Senedd Cymru

<i>Made</i>	- - - -	<i>at 2.19 p.m. on 29 January 2021</i>
<i>Laid before Senedd Cymru</i>		<i>at 5.30 p.m. on 29 January 2021</i>
<i>Coming into force</i>	- -	<i>30 January 2021</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 45C(1) and (3)(c), 45F(2) and 45P(2) of the Public Health (Control of Disease) Act 1984⁽¹⁾.

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.

The Welsh Ministers consider that restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 45R of that Act the Welsh Ministers are of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, Senedd Cymru.

Title and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 2) Regulations 2021.

(2) These Regulations come into force on 30 January 2021.

Amendment of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020

2.—(1) The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020⁽²⁾ are amended as follows.

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- (1) [1984 c. 22](#). Sections 45C, 45F and 45P were inserted by section 129 of the Health and Social Care Act [2008 \(c. 14\)](#). The functions under these sections are conferred on “the appropriate Minister”. Under section 45T(6) of the 1984 Act the appropriate Minister, as respects Wales, is the Welsh Ministers.
- (2) [S.I. 2020/1609 \(W. 335\)](#) as amended by [S.I. 2020/1610 \(W. 336\)](#), [S.I. 2020/1623 \(W. 340\)](#), [S.I. 2020/1645 \(W. 345\)](#), [S.I. 2021/20 \(W. 7\)](#), [S.I. 2021/46 \(W. 10\)](#), [S.I. 2021/57 \(W. 13\)](#), [S.I. 2021/66 \(W. 15\)](#) and [S.I. 2021/95 \(W. 26\)](#).

(2) In regulation 16(4)(a), omit “and by Part II of the Fire Precautions (Workplace) Regulations 1997”.

(3) In paragraph 3 of Schedule 1—

- (a) in sub-paragraph (4), after “1 extended household” insert “at any one time”;
- (b) in sub-paragraph (6), in the English language text, for “being in” substitute “part of” in both places it occurs;
- (c) in sub-paragraph (7)—
 - (i) in the English language text, for “being in” substitute “part of” in both places it occurs;
 - (ii) after “any other household” insert “unless a period of at least 10 days has expired since any member of the household last participated in a gathering with any member of another household in reliance on being treated as part of an extended household with that household”.

(4) In paragraph 3 of Schedule 2—

- (a) in sub-paragraph (4), after “1 extended household” insert “at any one time”;
- (b) for sub-paragraph (5) substitute—

“(5) Where a household has agreed to be treated as an extended household with other households under paragraph 3 of Schedule 1 (“the previous extended household”), it may make an agreement under this paragraph only with those other households, unless a period of at least 10 days has expired since any member of the household last participated in a gathering with a member of those households in reliance on being treated as part of the previous extended household.”;
- (c) in sub-paragraph (7), in the English language text, for “being in” substitute “part of” in both places it occurs;
- (d) in sub-paragraph (8)—
 - (i) in the English language text, for “being in” substitute “part of” in both places it occurs;
 - (ii) after “any other household” insert “unless a period of at least 10 days has expired since any member of the household last participated in a gathering with any member of another household in reliance on being treated as part of an extended household with that household”.

(5) In paragraph 3 of Schedule 3—

- (a) in sub-paragraph (4), after “1 extended household” insert “at any one time”;
- (b) for sub-paragraph (5) substitute—

“(5) Where a household has agreed to be treated as an extended household with other households under paragraph 3 of Schedule 1 (“the previous extended household”), it may make an agreement under this paragraph only with those other households, unless a period of at least 10 days has expired since any member of the household last participated in a gathering with a member of those households in reliance on being treated as part of the previous extended household.”;
- (c) in sub-paragraph (7), in the English language text, for “being in” substitute “part of” in both places it occurs;
- (d) in sub-paragraph (8)—
 - (i) in the English language text, for “being in” substitute “part of” in both places it occurs;

- (ii) after “any other household” insert “unless a period of at least 10 days has expired since any member of the household last participated in a gathering with any member of another household in reliance on being treated as part of an extended household with that household”.
- (6) In Schedule 4—
 - (a) in paragraph 1(4)(f)—
 - (i) in paragraph (ii), omit “or” in the second place it occurs;
 - (ii) in paragraph (iii), for “;” substitute “, or”;
 - (iii) after paragraph (iii) insert—
 - “(iv) with 1 other person who is not a member of the person’s household or extended household or the person’s carer, and any children under the age of 11 who are members of either person’s household;”;
 - (b) in paragraph 2(4), at the end insert—
 - “(i) exercising outdoors, except in a private dwelling, with—
 - (i) members of the person’s extended household, or
 - (ii) 1 other person and any children under the age of 11 who are members of either person’s household,
 - together with any carer of a person participating who is present.”;
 - (c) in paragraph 3—
 - (i) in sub-paragraph (3), after “1 extended household” insert “at any one time”;
 - (ii) in sub-paragraph (4), in the words after paragraph (b)(ii)—
 - (aa) before “an agreement” insert “(“the previous extended household”), ”;
 - (bb) after “other households” insert “unless a period of at least 10 days has expired since any member of the single adult household last participated in a gathering with a member of those households in reliance on being treated as part of the previous extended household”;
 - (iii) in sub-paragraph (5), in the English language text, for “being in” substitute “part of” in both places it occurs;
 - (iv) in sub-paragraph (6)—
 - (aa) in the English language text, for “being in” substitute “part of” in both places it occurs;
 - (bb) after “any other household” insert “unless a period of at least 10 days has expired since any member of the household last participated in a gathering with any member of another household in reliance on being treated as part of an extended household with that household”;
 - (d) after paragraph 62 insert—
 - “**62A.** Automatic car washes.”

At 2.19 p.m. on 29 January 2021

Mark Drakeford
First Minister, one of the Welsh Ministers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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) (No. 5) (Wales) Regulations 2020 ([S.I. 2020/1609 \(W. 335\)](#)) (“the Restrictions Regulations”) to—

- (a) permit a person living in an Alert Level 4 area (which currently includes the whole of Wales) to leave the place where they are living to exercise with 1 other person (this is in addition to the existing provision which permits a person to leave their home to exercise with a member of the person’s household or extended household or the person’s carer);
- (b) provide that automatic car washes may continue to be open in an Alert Level 4 area;
- (c) in all Alert Levels, permit a household that has ceased to be treated as part of an extended household to form a new extended household, provided that at least 10 days have passed since any member of the household last participated in a gathering with a member of any other household in the previous extended household;
- (d) make consequential and other minor changes to ensure consistency with the new provisions.

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.