
WELSH STATUTORY INSTRUMENTS

2021 No. 1363

**The Health Protection (Coronavirus Restrictions) (No. 5)
(Wales) (Amendment) (No. 21) Regulations 2021**

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

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

(2) In regulation 5—

(a) after paragraph (1) insert—

“(1A) In this Part—

(a) a “person who has coronavirus which is or may be the Omicron variant” means—

(i) a person who has tested positive for coronavirus and molecular testing (including PCR tests, genotyping or sequencing) has identified that the person has the Omicron variant, or

(ii) a person who has tested positive for coronavirus and one of the following applies—

(aa) molecular testing (including PCR tests, genotyping or sequencing) has identified that the person is likely to have the Omicron variant, or

(bb) the circumstances are such that it is reasonable for a contact tracer to suspect that the person has the Omicron variant;

(b) “Omicron variant” means the SARS-CoV-2 variant designated as B.1.1.529 by the World Health Organisation.”

(b) after paragraph (4) insert—

“(5) For the purposes of regulations 6 and 7, “a contact tracer” includes—

(a) Public Health Wales National Health Service Trust;

(b) the Secretary of State.”

(3) Before regulation 10 insert—

(1) 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), S.I. 2021/95 (W. 26), S.I. 2021/103 (W. 28), S.I. 2021/172 (W. 40), S.I. 2021/210 (W. 52), S.I. 2021/307 (W. 79), S.I. 2021/413 (W. 133), S.I. 2021/502 (W. 150), S.I. 2021/542 (W. 154), S.I. 2021/583 (W. 160), S.I. 2021/668 (W. 169), S.I. 2021/686 (W. 172), S.I. 2021/722 (W. 183), S.I. 2021/862 (W. 201), S.I. 2021/925 (W. 210), S.I. 2021/970 (W. 228), S.I. 2021/1119 (W. 271), S.I. 2021/1131 (W. 274), S.I. 2021/1212 (W. 303) and S.I. 2021/1304 (W. 334).

“Requirement to isolate after close contact with person with Omicron variant: child

9A.—(1) This regulation applies where an adult (“A”) is notified by a contact tracer that a child (“C”) for whom A is responsible has had close contact with a person (“P”) who has coronavirus which is or may be the Omicron variant.

(2) C may not leave or be outside the place where C is living before the end of the last day of C’s isolation unless regulation 10 applies.

(3) If requested by a contact tracer, A must notify the contact tracer of the address of the place where C is living.

(4) The last day of C’s isolation is the last day of the period of 10 days beginning with the day after the day which a contact tracer records as being the last day on which C had close contact with P before A received the notification referred to in paragraph (1).

(5) But where C is living in the same place as P, the last day of C’s isolation is—

(a) where P, or, where P is a child, a responsible adult (“R”) on P’s behalf, reports to a contact tracer the day on which P’s symptoms first developed, the last day of the period of 10 days beginning with the day after the day on which P, or R, reports as being the day on which P’s symptoms first developed, or

(b) where no symptoms are reported, the last day of the period of 10 days beginning with the day after the day of the test which led to the notification being given to P, or R, that P had tested positive for coronavirus.”

(4) In regulation 10—

(a) in paragraph (1), for “or 8(2)” substitute “, 8(2) or 9A(2)”;

(b) in paragraph (3), for “and 8(2)” substitute “, 8(2) and 9A(2)”;

(c) after paragraph (6) insert—

“(6ZA) But paragraphs (5) and (6) do not apply where the contact tracer who gives the notification described in regulation 8(1) also notifies the person that the close contact was with a person who has coronavirus which is or may be the Omicron variant.”

(5) In regulation 11, after paragraph (1) insert—

“(1A) But this regulation does not apply where the contact tracer who gives the notification described in regulation 8(1) also notifies the person that the close contact was with a person who has coronavirus which is or may be the Omicron variant.”

(6) In regulation 12, after “regulation 7(2)” insert “or 9A(2)”.

(7) In regulation 13(1)(a), for “or 8(1)” substitute “, 8(1) or 9A(1)”.

(8) After regulation 13 insert—

“Withdrawing a notification that close contact was with person with Omicron variant

13A.—(1) This regulation applies where a contact tracer—

(a) has given a notification under regulation 10(6ZA) or 11(1A) that a person’s close contact was with a person who has coronavirus which is or may be the Omicron variant (“the original notification”), but

(b) subsequently notifies the recipient of the original notification that it is withdrawn.

(2) The original notification is treated as if it had not been given (and the exemptions in regulations 10(5) and (6) and 11 may apply).”

(9) In regulation 14(2)(a)—

(a) in the words before paragraph (i), for “or 8(2)” substitute “, 8(2) or 9A(2)”;

- (b) in paragraph (ii), for “or 8(1)” substitute “, 8(1) or 9A(1)”;
 - (c) in paragraph (iii), for “or 8” substitute “, 8 or 9A”.
- (10) In regulation 30, in the words before sub-paragraph (a), for “or 8(2)” substitute “, 8(2) or 9A(2)”.
- (11) In regulation 40—
- (a) in paragraph (1)—
 - (i) in sub-paragraph (a), after “8(2)” insert “, 9A(2)”;
 - (ii) in sub-paragraph (b), for “or 8(3)” substitute “, 8(3) or 9A(3)”;
 - (b) in paragraph (2)(a), for “or 8(3)” substitute “, 8(3) or 9A(3)”.