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WELSH STATUTORY INSTRUMENTS

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**2021 No. 172**

**The Health Protection (Coronavirus Restrictions)  
(No. 5) (Wales) (Amendment) (No. 3) Regulations 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<sup>(1)</sup> are amended as follows.

(2) After regulation 4(6) insert—

“(6A) The restrictions and requirements set out in one of Schedules 1 to 4 apply to an area subject to the temporary modifications specified in relation to that area in Schedule 5.”

(3) In regulation 57(1), for sub-paragraph (h) substitute—

“(h) “elite athlete” means an individual who—

(i) derives a living from competing in a sport,

(ii) is designated as an elite athlete by the Sports Council for Wales for the purposes of—

(aa) these Regulations,

(bb) the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020,

(cc) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020,

(dd) the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020, or

(ee) the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020,

(iii) is an “elite sportsperson” within the meaning given by regulation 2(1) of the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020<sup>(2)</sup>,

(iv) is a “professional sportsperson” within the meaning given by regulation 2(1) of the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020<sup>(3)</sup>, or

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(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) and S.I. 2021/103 (W. 28).

(2) S.I. 2020/1374, as amended by S.I. 2020/1518, S.I. 2020/1533, S.I. 2020/1572, S.I. 2020/1611, S.I. 2020/1646, S.I. 2020/1654, S.I. 2021/8, S.I. 2021/53 and S.I. 2021/97.

(3) S.S.I. 2020/344, as amended by S.S.I. 2020/347, S.S.I. 2020/374, S.S.I. 2020/389, S.S.I. 2020/392, S.S.I. 2020/400, S.S.I. 2020/415, S.S.I. 2020/427, S.S.I. 2020/439, S.S.I. 2020/452, S.S.I. 2020/471, S.S.I. 2021/1, S.S.I. 2021/3, S.S.I. 2021/17, S.S.I. 2021/25, S.S.I. 2021/35, S.S.I. 2021/49, S.S.I. 2021/54 and S.S.I. 2021/86.

- (v) is an “elite athlete” within the meaning given by paragraph 39(2) of Schedule 2 to the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2020(4);”;
- (4) In paragraph 1 of Schedule 4, in sub-paragraph (4)(f)—
- (a) after sub-paragraph (ii), insert “or”;
  - (b) omit sub-paragraph (iv) and the “or” immediately preceding it.
- (5) In paragraph 2 of Schedule 4, in sub-paragraph (4)(i), omit sub-paragraph (ii) and the “or” immediately preceding it.
- (6) In paragraph 6A of Schedule 4—
- (a) in sub-paragraph (1), before “pupil” insert “designated”;
  - (b) after sub-paragraph (1) insert—
    - “(1A) In this paragraph, “designated pupil” means a pupil in year 3 or above.”;
  - (c) in sub-paragraph (2)—
    - (i) in paragraph (a), before “pupil”, where it first occurs, insert “designated”;
    - (ii) in paragraph (b), before “pupil” insert “designated”;
    - (iii) in paragraph (c), before “pupil” insert “designated”;
    - (iv) in paragraph (d), before “pupil”, where it first occurs, insert “designated”;
    - (v) in paragraph (e), before “pupil” insert “designated”.
- (7) In paragraph 6B of Schedule 4, for sub-paragraph (2)(a) substitute—
- “(a) a further education institution to undertake—
    - (i) an examination or other assessment, or
    - (ii) a course in engineering, construction, hospitality, catering, or agriculture, where attendance at the institution is necessary to enable the student to complete a required element of the course;”.
- (8) In paragraph 6D of Schedule 4, at the end insert—
- “(m) “school year” has the same meaning as in section 579(1) of the 1996 Act;
  - (n) “year 3” means a year group in which the majority of children will, in the school year, attain the age of 8;
  - (o) “year group” means a group of children at a school the majority of whom will, in a particular school year, attain the same age.”
- (9) In Schedule 5, after the table insert—

*“Temporary modifications*

2. In relation to an Alert Level 4 area, for the period from the start of the day on 20 February 2021 to the end of the day on 12 March 2021—

- (a) paragraph 1(4)(f) of Schedule 4 is to be read as if—
  - (i) the “or” after sub-paragraph (ii) were omitted, and
  - (ii) after sub-paragraph (iii) there were inserted
    - “or

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(4) S.R. 2020 No. 90, as amended by S.R. 2020 Nos. 138, 140, 154, 155, 163, 168, 179, 185, 189, 193, 194, 200, 203, 212, 216, 223, 228, 234, 241, 243, 244, 254, 275, 278, 289, 326, 344, and 355 and S.R. 2021 Nos. 4, 5, 6, 9, 10, 13, 17 and 32.

- (iv) in a group of no more than 4 persons from no more than 2 households, but the group may also include any carer of a person in the group and any children from either household under the age of 11.”;
- (b) paragraph 2(4)(i) of Schedule 4 is to be read as if after sub-paragraph (i) there were inserted
  - “or
  - (ii) in a group of no more than 4 persons from no more than 2 households, but the group may also include any children from either household under the age of 11.””