
WELSH STATUTORY INSTRUMENTS

2021 No. 210 (W. 52)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus Restrictions)
(No. 5) (Wales) (Amendment) (No. 4) Regulations 2021**

Approved by Senedd Cymru

<i>Made</i>	- - - -	<i>at 4.51 p.m. on 26 February 2021</i>
<i>Laid before Senedd Cymru</i>		<i>at 8.00 p.m. on 26 February 2021</i>
<i>Coming into force in accordance with regulation 1(2) and (3)</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. 4) Regulations 2021.

(2) These Regulations, apart from paragraphs (8) and (11)(b) of regulation 2, come into force on 27 February 2021.

(3) Paragraphs (8) and (11)(b) of regulation 2 come into force on 1 March 2021.

⁽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.

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.

- (2) Omit regulations 11A, 11AA and 11B.
- (3) In regulation 12, for “, 9(2), 11A(2) or 11AA(2)” substitute “or 9(2)”.
- (4) In regulation 14(2), omit sub-paragraph (aa).
- (5) In regulation 22(4)(a), for “, 9(2), 11A(2) or 11AA(2)” substitute “or 9(2)”.
- (6) In regulation 30, for “, 9(2), 11A(2) or 11AA(2)” substitute “or 9(2)”.
- (7) In regulation 40—
 - (a) in paragraph (1)—
 - (i) in sub-paragraph (a), omit “, 11A(2), 11AA(2)”;
 - (ii) in sub-paragraph (b), for “, 9(3), 11A(3) or 11AA(3)” substitute “or 9(3)”;
 - (b) in paragraph (2)(a), for “, 9(3), 11A(3) or 11AA(3)” substitute “or 9(3)”.
- (8) In regulation 57(5)(a), for “regulation 2 of the Smoke-free Premises etc. (Wales) Regulations 2007” substitute “regulation 3 of the Smoke-free Premises and Vehicles (Wales) Regulations 2020(3)”.
- (9) In paragraph 3 of Schedule 4—
 - (a) in sub-paragraphs (1) and (4), in each place it occurs, for “single adult” substitute “well-being needs”;
 - (b) after sub-paragraph (7) insert—

“(8) In this paragraph, “well-being needs household” means—

 - (a) a single adult household;
 - (b) a household comprising of 1 or more children and no adults.”
- (10) For the heading to Schedule 5 substitute “Areas and temporary modifications”.
- (11) In paragraph 2 of Schedule 5—
 - (a) after paragraph (b) insert—

“(c) paragraph 3(8) of Schedule 4 is to be read as if after paragraph (b) there were inserted—

“(c) a household comprising of—

 - (i) 2 or more adults,
 - (ii) 1 or more children under the age of 1, and
 - (iii) any number of other children.””
 - (b) after paragraph (c) (as inserted above) insert—

“(d) paragraph 11 of Schedule 4 is to be read as if—

 - (i) after sub-paragraph (1) there were inserted—

“(1A) And approved premises may be open to the public to the extent that this is required for the purposes of the solemnisation of a marriage,

(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), S.I. 2021/95 (W. 26), S.I. 2021/103 (W. 28) and S.I. 2021/172 (W. 40).

(3) S.I. 2020/1211 (W. 273).

formation of civil partnership or alternative wedding ceremony at the premises.”

(ii) after sub-paragraph (4) there were inserted—

“(5) In this paragraph, “approved premises” means premises approved in accordance with the Marriages and Civil Partnerships (Approved Premises) Regulations 2005(4)—

- (a) as premises on which marriages may be solemnised in pursuance of section 26(1)(bb) of the Marriage Act 1949(5), or
- (b) for the purposes of section 6(3A)(a) of the Civil Partnership Act 2004(6).”

4.51 p.m. on 26th February 2021

Mark Drakeford
First Minister, one of the Welsh Ministers

(4) S.I. 2005/3168, as amended by S.I. 2011/2661, S.I. 2013/2294 and S.I. 2019/1458.

(5) 1949 c. 76; section 26 was substituted by section 3 of the Marriage (Same Sex Couples) Act 2013 (c. 30).

(6) 2004 c. 33; section 6(3A) was substituted by paragraph 2(2) of Schedule 1 to S.I. 2005/2000.

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 principal Regulations”). The amendments—

- (a) permit a household in an Alert Level 4 area that comprises of 1 or more children and no adults (for example, a 17 year old living alone) to form an extended household with another household;
- (b) make temporary modifications to the restrictions and requirements applying to an Alert Level 4 area under Schedule 4 to the principal Regulations, which—
 - (i) permit a household that has 1 or more children under the age of 1 to form an extended household with another household;
 - (ii) permit premises in which civil marriage ceremonies and the formation of civil partnerships may take place to open to the public to the extent that this is required for the purposes of the solemnisation of a marriage, formation of civil partnership or alternative wedding ceremony at the premises;
- (c) make minor and consequential changes, including revoking spent provisions and updating a cross-reference to regulations that are to be revoked.

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.