
WELSH STATUTORY INSTRUMENTS

2021 No. 668 (W. 169)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus Restrictions) (No. 5)
(Wales) (Amendment) (No. 11) Regulations 2021**

Approved by Senedd Cymru

<i>Made</i>	- - - -	<i>at 3.46 p.m. on 4 June 2021</i>
<i>Laid before Senedd Cymru</i>		<i>at 6.30 p.m. on 4 June 2021</i>
<i>Coming into force-</i>	- - -	<i>at 6.00 a.m. on 7 June 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. 11) Regulations 2021.

(2) These Regulations come into force at 6.00 a.m. on 7 June 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 to 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) In regulation 17—

(a) in paragraph (1)(a), after “premises” insert “, apart from in cinemas, sports grounds and theatres”;

(b) for paragraph (4A) substitute—

“(4A) Sub-paragraphs (b)(i) and (ii) of paragraph (1) do not apply in relation to—

(a) customers at—

(i) cinemas,

(ii) sports grounds, or

(iii) theatres,

where those customers are normally seated at the premises (other than when ordering food or drink or being served with food or drink) for the showing of a film, a live sporting event or a live theatrical performance, or

(b) persons attending a regulated gathering or event that is held outdoors.

(4B) For the purpose of paragraph (4A), a “live” sporting event or theatrical performance is one the customer is witnessing other than by means of a broadcast.”

(3) In regulation 28(3)(a), after “2(1)” insert “or (1A)”.

(4) In regulation 37(1)(a), after “2(1)” insert “or (1A)”.

(5) In regulation 57—

(a) in paragraph (7)—

(i) in the words before sub-paragraph (a), after “gathering” insert “or event”;

(ii) in sub-paragraph (b)(ii), for “regulations 16 and 18(1)” substitute “Part 4”;

(b) in paragraph (8)—

(i) in each place it occurs, after “gathering” insert “or event”;

(ii) in sub-paragraph (b)—

(aa) in the words before paragraph (i), for “regulation 16” substitute “Part 4”;

(bb) in paragraph (i), for “for the purposes of that regulation” substitute “within the meaning given by regulation 15”;

(c) after paragraph (8) insert—

“(9) For the purposes of these Regulations, a regulated gathering or event is not to be treated as being otherwise than “outdoors” by reason only of—

(a) the provision of indoor facilities for the sale of food and drink to be consumed outdoors;

(b) the provision of other indoor facilities necessary for the holding of the gathering or event.”

(6) In Schedule 1—

(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), 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) and S.I. 2021/583 (W. 160).

- (a) in paragraph 1—
 - (i) in sub-paragraph (1), omit “which consists of more than 6 people”;
 - (ii) after sub-paragraph (1) insert—

“(1A) But a person may participate in such a gathering outdoors if the gathering consists of no more than 30 persons.”;
 - (iii) in sub-paragraph (2)—
 - (aa) in the words before paragraph (a), for “(1)” substitute “(1A)”;
 - (bb) in paragraph (a), for “6” substitute “30”;
 - (iv) in sub-paragraph (5), after paragraph (c) insert—

“(d) participating in a gathering of no more than 4 people where all the persons in the gathering—

 - (i) live in the same premises, and
 - (ii) share toilet, washing, dining or cooking facilities with each other.”;
- (b) in paragraph 2—
 - (i) in sub-paragraph (1)—
 - (aa) in the words before paragraph (a), after “private dwelling” insert “or in holiday or travel accommodation”;
 - (bb) in paragraph (a), omit “or outdoors in regulated premises,”;
 - (cc) after paragraph (a) insert—

“(aa) outdoors in regulated premises, which consists of more than 30 people unless all the persons participating in the gathering are members of the same household,”;
 - (ii) after sub-paragraph (1) insert—

“(1A) No person may, without a reasonable excuse, participate in a gathering which takes place in holiday or travel accommodation unless all the persons participating in the gathering are members of the same household or extended household.

(1B) But a person may participate in such a gathering outdoors if the gathering consists of no more than 30 persons.”;
 - (iii) in sub-paragraph (2)—
 - (aa) in the words before paragraph (a), for “sub-paragraph (1)” substitute “sub-paragraphs (1) and (1B)”;
 - (bb) in paragraph (a)(i), omit “, or outdoors in regulated premises”;
 - (cc) in paragraph (a)(ii), omit “in premises that are not regulated premises”;
 - (iv) in sub-paragraph (5)—
 - (aa) in paragraph (e)—
 - (i) for “50” substitute “30”;
 - (ii) omit “or an outdoor gathering of no more than 100 people at such premises,”;
 - (iii) omit “(in either case)”;
 - (bb) in paragraph (i)—

- (i) in the words before subparagraph (i), for “wholly or mainly” substitute “to any extent”;
 - (ii) in sub-paragraph (i), for “50” substitute “30”;
 - (cc) for paragraph (j) substitute—
 - “(j) participating in, attending or facilitating a regulated gathering or event that takes place outdoors;”;
 - (dd) in paragraph (k), for “an regulated gathering” substitute “a regulated gathering, in premises other than holiday or travel accommodation.”;
- (c) in paragraph 4—
- (i) for sub-paragraph (1) substitute—

“(1) No person may, without a reasonable excuse, be involved in organising an event unless—

 - (a) the event is regulated (see regulation 57(7)),
 - (b) the event is held outdoors, and
 - (c) no more than the permitted number of people attend at any time.

(1A) The permitted number of people is—

 - (a) where every person attending is normally seated during the event, 10000;
 - (b) otherwise, 4000.

(1B) For the purposes of this paragraph, a person working, or providing voluntary services, in relation to the holding of an event is not to be treated as attending the event.”;
 - (ii) for sub-paragraph (2) substitute—

“(2) Sub-paragraph (1) does not apply to a person involved in organising—

 - (a) an event held at a private dwelling at which people do not participate in a gathering in contravention of paragraph 1;
 - (b) an event authorised by the Welsh Ministers under paragraph 5;
 - (c) a solemnisation of a marriage, formation of a civil partnership or an alternative wedding ceremony;
 - (d) a funeral;
 - (e) an indoor gathering of no more than 30 people at regulated premises not counting persons under the age of 11 or persons working at the premises, to—
 - (i) celebrate a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony that took place on or after 26 March 2020;
 - (ii) celebrate the life of a deceased person whose funeral is held on or after 26 March 2020;
 - (f) a regulated gathering that takes place to any extent indoors and at which—
 - (i) no more than 30 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, at the gathering, and
 - (ii) no alcohol is consumed;

- (g) a regulated gathering, in premises other than holiday or travel accommodation, for the development or well-being of children (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays).”;
- (iii) in sub-paragraph (3)(b), for “50 or 100 people are in attendance, as the case may be” substitute “the permitted number of people are present at the event at any time”;
- (d) in paragraph 7(1), for “or 10” substitute “, 10 or 11”;
- (e) after paragraph 10 insert—
 - “11. Ice skating rinks.”
- (7) In Schedule 2—
 - (a) in paragraph 2(6)—
 - (i) in paragraph (i), in the words before sub-paragraph (i), for “wholly or mainly” substitute “to any extent”;
 - (ii) in paragraph (j), in the words before sub-paragraph (i), omit “wholly or mainly”;
 - (b) in paragraph 4—
 - (i) for sub-paragraph (1) substitute—
 - “(1) No person may, without a reasonable excuse, be involved in organising an event unless—
 - (a) the event is regulated (see regulation 57(7)),
 - (b) the event is held outdoors, and
 - (c) no more than 50 people attend at any time.
 - (1A) For the purposes of this paragraph, a person working, or providing voluntary services, in relation to the holding of an event is not to be treated as attending the event.”;
 - (ii) for sub-paragraph (2) substitute—
 - “(2) Sub-paragraph (1) does not apply to a person involved in organising—
 - (a) an event held at a private dwelling at which people do not participate in a gathering in contravention of paragraph 1;
 - (b) an event authorised by the Welsh Ministers under paragraph 5;
 - (c) a solemnisation of a marriage, formation of a civil partnership or an alternative wedding ceremony;
 - (d) a funeral;
 - (e) an indoor gathering of no more than 30 people at regulated premises, or an outdoor gathering of no more than 50 people at such premises, not counting (in either case) persons under the age of 11 or persons working at the premises, to—
 - (i) celebrate a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony that took place on or after 26 March 2020;
 - (ii) celebrate the life of a deceased person whose funeral is held on or after 26 March 2020;
 - (f) a regulated gathering that takes place to any extent indoors and at which—

- (i) no more than 30 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, at the gathering, and
 - (ii) no alcohol is consumed;
 - (g) a regulated gathering that takes place outdoors and at which—
 - (i) no more than 50 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, at the gathering, unless the gathering is organised for the purposes of protest, or picketing carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992(3), and
 - (ii) no alcohol is consumed;
 - (h) a regulated gathering, in premises other than holiday or travel accommodation, for the development or well-being of children (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays).”;
 - (iii) in sub-paragraph (3)(b), for “30 or 50 people are in attendance, as the case may be” substitute “50 people are present at the event at any time”.
- (8) In Schedule 3—
- (a) in paragraph 2(6)—
 - (i) in paragraph (g), in the words before sub-paragraph (i), for “wholly or mainly” substitute “to any extent”;
 - (ii) in paragraph (h), in the words before sub-paragraph (i), omit “wholly or mainly”;
 - (b) in paragraph 3(6)—
 - (i) in paragraph (j), in the words before sub-paragraph (i), for “wholly or mainly” substitute “to any extent”;
 - (ii) in paragraph (k), in the words before sub-paragraph (i), omit “wholly or mainly”;
 - (c) in paragraph 5—
 - (i) for sub-paragraph (1) substitute—
 - “(1) No person may, without a reasonable excuse, be involved in organising an event unless—
 - (a) the event is regulated (see regulation 57(7)),
 - (b) the event is held outdoors, and
 - (c) no more than 30 people attend at any time.

(1A) For the purposes of this paragraph, a person working, or providing voluntary services, in relation to the holding of an event is not to be treated as attending the event.”;
 - (ii) for sub-paragraph (2) substitute—
 - “(2) Sub-paragraph (1) does not apply to a person involved in organising—
 - (a) an event held at a private dwelling at which people do not participate in a gathering in contravention of paragraph 1;
 - (b) an event authorised by the Welsh Ministers under paragraph 6;

- (c) a solemnisation of a marriage, formation of a civil partnership or an alternative wedding ceremony;
 - (d) a funeral;
 - (e) an indoor gathering of no more than 15 people at regulated premises, or an outdoor gathering of no more than 30 people at such premises, not counting (in either case) persons under the age of 11 or persons working at the premises, to—
 - (i) celebrate a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony that took place on or after 26 March 2020;
 - (ii) celebrate the life of a deceased person whose funeral is held on or after 26 March 2020;
 - (f) a regulated gathering that takes place to any extent indoors and at which—
 - (i) no more than 15 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, at the gathering, and
 - (ii) no alcohol is consumed;
 - (g) a regulated gathering that takes place outdoors and at which—
 - (i) no more than 30 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, at the gathering, unless the gathering is organised for the purposes of protest, or picketing carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, and
 - (ii) no alcohol is consumed;
 - (h) a regulated gathering, in premises other than holiday or travel accommodation, for the development or well-being of children (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays).”;
 - (iii) in sub-paragraph (3)(b), for “15 or 30 people are in attendance, as the case may be” substitute “30 people are present at the event at any time”.
- (9) In Schedule 4, paragraph 4—
- (a) for sub-paragraph (1) substitute—

“(1) No person may, without a reasonable excuse, be involved in organising an event unless—

 - (a) the event is regulated (see regulation 57(7)),
 - (b) the event is held outdoors, and
 - (c) no more than 30 people attend at any time.

(1A) For the purposes of this paragraph, a person working, or providing voluntary services, in relation to the holding of an event is not to be treated as attending the event.”;
 - (b) for sub-paragraph (2) substitute—

“(2) Sub-paragraph (1) does not apply to a person involved in organising—

 - (a) an event held at a private dwelling at which people do not participate in a gathering in contravention of paragraph 2;
 - (b) an elite sporting event authorised by the Welsh Ministers under paragraph 5;

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- (c) a solemnisation of a marriage, formation of a civil partnership or an alternative wedding ceremony;
- (d) a funeral.”;
- (c) in sub-paragraph (3)(b), for “15 or 30 people are in attendance, as the case may be” substitute “30 people are present at the event at any time”.
- (10) In Schedule 5, paragraph 1, in Column 3 of the table, for “2” substitute “1”.

At 3.46 p.m. on 4th June 2021

Mark Drakeford
First Minister, one of the Welsh Ministers

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 Regulations provide that the whole of Wales moves from Alert Level 2 to Alert Level 1 from 6.00 a.m. on 7 June 2021. This means that the restrictions and requirements in Schedule 1 to the principal Regulations take effect.

The Regulations also amend Schedule 1 to the principal Regulations to—

- limit gatherings indoors in private dwellings to only members of one household or extended household. Extended households can comprise of up to three households and one well-being needs household;
- provide that up to 30 people can gather at any outdoor premises, including outdoors in private gardens and regulated premises;
- provide that no more than 30 people can attend an indoor celebration of a marriage, formation of a civil partnership or alternative wedding ceremony, or an indoor celebration of the life of a deceased person;
- provide that no more than 30 people can attend an indoor regulated gathering;
- provide that a person at a regulated event held outdoors can participate in a gathering consisting of more than 30 people;
- provide that no person may, without a reasonable excuse, organise an event unless it is regulated, held outdoors, and at which no more than 10,000 (where every person attending is normally seated) or 4,000 (for other events) people attend at any time. There are limited exceptions which continue to allow, for example, weddings, funerals, celebrations of marriages etc., small regulated gatherings, and events in private dwellings (in each case, whether or not they take place indoors). Equivalent changes are also made to the relevant paragraphs of Schedules 2 to 4, but with lower numbers of permitted attendees;
- require ice skating rinks to remain closed.

The Regulations also clarify the effect of an amendment made by [S.I. 2021/583 \(W. 160\)](#) to the rules on service of food and drink in licensed cinemas, sports grounds and theatres and make other minor and consequential amendments.

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.