
WELSH STATUTORY INSTRUMENTS

2021 No. 668

**The Health Protection (Coronavirus Restrictions) (No. 5)
(Wales) (Amendment) (No. 11) 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 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”;

⁽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) and S.I. 2021/583 (W. 160).

- (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—
 - (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(2), 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;
 - (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”.