

Regulations made by the Welsh Ministers, laid before Senedd Cymru under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of Senedd Cymru within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution or recess for more than four days.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2020 No. 1149 (W. 261)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus
Restrictions) (No. 3) (Wales)
Regulations 2020**

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. The Regulations impose requirements and restrictions on individuals, businesses and others.

There are 7 Parts to the Regulations.

Part 1 provides that these Regulations come into force at 6 p.m. on **23 October 2020** and expire at the end of the day on **8 November 2020**.

Part 2 imposes limits on movement and travel. Regulation 3 requires people living in Wales to stay at home, unless they have a reasonable excuse not to. In addition, in the limited circumstances where people can leave home, there is a restriction in regulation 4 on people gathering with anyone who is not part of their household. The overall effect of these provisions is to restrict movement of people within Wales. Consistent

with that, regulation 5 provides that people who live outside Wales need a reasonable excuse to travel into Wales. Regulations 6 and 7 limit the circumstances in which a pupil or student has a reasonable excuse to attend the premises of a school or further education institution. Regulation 9 makes further provision making it an offence (punished by a higher penalty) for organising large scale music events that encourage people to gather illegally.

Part 3 relates to business and services whose premises are ordinarily open to the public, requiring many to close. Part 1 of Schedule 1 lists those businesses and services whose premises must be closed to the public (though regulation 11 makes clear that this does not prevent certain activities from taking place on the premises). Part 2 of Schedule 1 lists businesses and premises whose premises must be closed but to which access may be allowed on a limited basis. These are categorised as premises selling food and drink (which are listed in Chapter 1 and to which limited access is allowed in accordance with regulation 12); premises offering hotel or holiday accommodation (which are listed in Chapter 2 and to which limited access is allowed in accordance with regulation 13); and others (which are listed in Chapter 3 and to which limited access is allowed in accordance with regulation 14). Regulation 15 provides for an exception to the requirement to close which applies to the premises of businesses or services listed in Part 3 of Schedule 1. Regulation 16 makes clear that where more than one type of business or service is provided at the same premises, those prohibited by regulation 11 (and listed in Part 1 of Schedule 1) may not continue.

Part 4 makes provisions for the purpose of minimising risk of exposure to coronavirus. Regulation 17 applies to “regulated premises” (any place which is open to the public or where work is carried out) and requires: (1) all reasonable measures to be taken to ensure that a distance of 2 metres is maintained between persons on the premises; (2) any other reasonable measures to be taken, for example to limit close face to face interaction and maintain hygiene; and (3) information to be provided to those entering or working at premises about how to minimise risk of exposure to coronavirus. It also specifies that not carrying out an activity, closing part of a premises, allowing staff to isolate and collecting contact information from those on the premises may be reasonable measures. Regulations 18 and 19 provide that face coverings must be worn on public transport, including taxis, and in certain indoor places, subject to listed exemptions and exceptions. Regulation 20 provides for guidance to be issued about the practical application of the requirements imposed by this Part, and those to whom the requirements apply must have regard to that guidance.

Part 5 relates to the enforcement of the restrictions and requirements. Regulation 21 makes provision about those who can take enforcement action, regulation 22 makes further provision (in Schedules 2 and 3) about enforcing the need to take preventative measures under regulation 17, regulation 23 relates to compliance notices, and regulation 24 to powers of removal and dispersal. Regulation 25 relates specifically to enforcing the requirement to wear a face covering and regulation 26 to children. Regulation 27 contains a power to enter premises and regulation 28 allows reasonable force to be used in certain circumstances.

Part 6 makes provision about offences and penalties. Regulation 29 provides that a person who, without a reasonable excuse, contravenes (listed) requirements in these Regulations commits an offence. That offence is punishable by an unlimited fine. Regulation 30 relates to offences by bodies corporate. Regulation 31 allows for offences to be punished by way of fixed penalty notices and regulation 32 relates to prosecutions of offences under the regulations.

Part 7 contains defined terms (regulation 33) and revokes the Health Protection (Coronavirus Restrictions) (Wales) (No.2) Regulations 2020 (S.I. 2020/725 (W. 162)) as they were amended (regulation 34). Regulation 33 also makes provision which modifies the numerous restrictions on individuals in the Regulations which limit interaction with anyone who is not a member of their household. This allows a person who lives alone or only with children to agree to form an extended household with another household, which means that members of both households can interact with each other as if they were members of one household.

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.

Regulations made by the Welsh Ministers, laid before Senedd Cymru under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of Senedd Cymru within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution or recess for more than four days.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2020 No. 1149 (W. 261)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus
Restrictions) (No. 3) (Wales)
Regulations 2020**

Made 21 October 2020

Laid before Senedd Cymru 22 October 2020

*Coming into
force* at 6.00 p.m. on 23 October 2020

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 45C(1) and (3)(c), 45F(2) and 45P 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,

(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.

it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, Senedd Cymru.

PART 1

Introduction

Title, application and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force at 6.00 p.m. on 23 October 2020.

Expiry

2.—(1) These Regulations expire at the end of the day on 8 November 2020.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they expire.

PART 2

Restrictions on movement and gathering with others

Requirement to stay at home

3.—(1) No person in Wales may, without a reasonable excuse, leave the place where they are living or remain away from that place.

(2) A reasonable excuse includes the need to do the following—

- (a) obtain supplies from any business or service listed in Part 3 of Schedule 1 including—
 - (i) food and medical supplies for those in the same household (including animals in the household) or for vulnerable persons;
 - (ii) supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person;
- (b) obtain or provide medical assistance, including accessing any of the services referred to in paragraph 47 of Part 3 of Schedule 1 or accessing veterinary services;
- (c) provide, receive or access care or assistance, including childcare or relevant personal care

within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006⁽¹⁾, where the person receiving the care is a vulnerable person;

- (d) work or provide voluntary or charitable services, where it is not reasonably practicable to do so from home;
- (e) where the person is an elite athlete, train and prepare for, and compete in, a specified sporting event;
- (f) provide coaching and other support to an elite athlete in connection with a specified sporting event;
- (g) officiate at or otherwise be involved in running a specified sporting event;
- (h) exercise, either—
 - (i) alone,
 - (ii) with other members of the person's household, or
 - (iii) with the person's carer;
- (i) provide or receive emergency assistance;
- (j) attend a solemnization of a marriage or formation of a civil partnership—
 - (i) as a party to the marriage or civil partnership,
 - (ii) if invited to attend, or
 - (iii) as the carer of a person attending;
- (k) attend a funeral—
 - (i) as a person responsible for arranging the funeral,
 - (ii) if invited by a person responsible for arranging the funeral, or
 - (iii) as the carer of a person attending;
- (l) meet a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
- (m) access or receive public services;
- (n) access or receive educational services, subject to regulations 6 and 7;
- (o) in relation to children who do not live in the same household as their parents, or one of their parents, continue existing arrangements for access to, and contact between, parents and children, and for the purposes of this paragraph, "parent" includes a person who is not a parent of the child, but who has parental

(1) 2006 c. 47. Paragraph 7(3B) was inserted by section 66(2) of the Protection of Freedoms Act 2012 (c. 9).

responsibility for, or who has care of, the child;

- (p) obtain money from or deposit money with any business or service listed in paragraph 44 or 45 of Part 3 of Schedule 1;
- (q) move home;
- (r) prepare a residential property for persons to move in;
- (s) avoid injury or illness or escape a risk of harm.

(3) A person also has a reasonable excuse to leave the place where they are living to attend an event to commemorate Remembrance Sunday that—

- (a) is held on 7 or 8 November 2020;
- (b) is held outdoors;
- (c) has no more than 30 people attending.

(4) In paragraph (2)(h)—

- (a) exercise must start and finish at the place where the person is living, or
- (b) where, for reasons of physical or mental illness or impairment, or a disability (within the meaning of section 6 of the Equality Act 2010⁽¹⁾), the person needs to exercise in another place, exercise must take place in an area local to the place where the person is living.

(5) Paragraph (1) does not apply to a person who is homeless.

Requirement not to gather with other people

4.—(1) Where a person is not at the place where they are living (by virtue of having a reasonable excuse under regulation 3), that person may not, without a reasonable excuse, gather with any other person apart from—

- (a) members of their household,
- (b) their carer, or
- (c) a person they are providing care to.

(2) A reasonable excuse includes the need to do the following—

- (a) work or provide voluntary or charitable services, where it is not reasonably practicable to do so without gathering with others;
- (b) meet a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
- (c) access or receive public services;

(1) 2010 c.15.

- (d) access or receive educational services, subject to regulations 6 and 7;
- (e) provide, receive or access care or assistance, including childcare or relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006, where the person receiving the care is a vulnerable person;
- (f) where the person is an elite athlete, train and prepare for, and compete in, a specified sporting event;
- (g) provide coaching and other support to an elite athlete in connection with a specified sporting event;
- (h) officiate at or otherwise be involved in running a specified sporting event;
- (i) provide or receive emergency assistance;
- (j) attend a solemnization of a marriage or formation of a civil partnership—
 - (i) as a party to the marriage or civil partnership,
 - (ii) if invited to attend, or
 - (iii) as the carer of a person attending;
- (k) attend a funeral—
 - (i) as a person responsible for arranging the funeral,
 - (ii) if invited by a person responsible for arranging the funeral, or
 - (iii) as the carer of a person attending.

(3) A person also has a reasonable excuse to gather with another person to attend an event to commemorate Remembrance Sunday that—

- (a) is held on 7 or 8 November 2020;
- (b) is held outdoors;
- (c) has no more than 30 people attending.

Restriction on travelling into Wales

5.—(1) No person living outside Wales may, without a reasonable excuse, enter or remain in Wales.

(2) A reasonable excuse includes the need to do the following in Wales—

- (a) obtain—
 - (i) food and medical supplies for those in the same household (including animals in the household) or for vulnerable persons;
 - (ii) supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person;

- (b) obtain money from or deposit money with any business or service listed in paragraph 44 or 45 of Part 3 of Schedule 1;
- (c) obtain or provide medical assistance, including accessing any of the services referred to in paragraph 47 of Part 3 of Schedule 1 or accessing veterinary services;
- (d) provide, receive or access care or assistance, including childcare or relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006, where the person receiving the care is a vulnerable person;
- (e) work or provide voluntary or charitable services where it is not reasonably practicable to carry out the work or provide the service from outside Wales;
- (f) where the person is an elite athlete, train and prepare for, and compete in, a specified sporting event;
- (g) provide coaching and other support to an elite athlete in connection with a specified sporting event;
- (h) officiate at or otherwise be involved in running a specified sporting event;
- (i) provide or receive emergency assistance;
- (j) attend a solemnization of a marriage or formation of a civil partnership—
 - (i) as a party to the marriage or civil partnership,
 - (ii) if invited to attend, or
 - (iii) as the carer of a person attending;
- (k) attend a funeral—
 - (i) as a person responsible for arranging the funeral,
 - (ii) if invited by a person responsible for arranging the funeral, or
 - (iii) as the carer of a person attending;
- (l) meet a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
- (m) access or receive public services;
- (n) access or receive educational services, subject to regulations 6 and 7;
- (o) in relation to children who do not live in the same household as their parents, or one of their parents, continue existing arrangements for access to, and contact between, parents and children, and for the purposes of this paragraph, “parent” includes a person who is not a parent of the child, but who has parental

responsibility for, or who has care of, the child;

- (p) move home;
- (q) avoid injury or illness or escape a risk of harm;
- (r) travel to reach a place outside Wales.

(3) For the purposes of paragraph (1), it is not a reasonable excuse for a person to enter, or remain in, Wales to do anything if it would be reasonably practicable for the person to do that thing outside Wales.

Restriction on attending school

6.—(1) A pupil in year 9 or above may not attend a school's premises in Wales.

(2) But paragraph (1) does not prevent—

- (a) a pupil from attending a school's premises—
 - (i) to undertake an examination or other assessment;
 - (ii) where the pupil's parent is notified by the proprietor of the school that the proprietor considers it appropriate for the pupil to attend due to exceptional circumstances related to the pupil's vulnerability;
- (b) a pupil from attending the premises of a special school;
- (c) a pupil from attending the premises of a pupil referral unit;
- (d) a pupil from attending the premises of a unit in a school, where—
 - (i) the unit is recognised by a local authority as being reserved for pupils with special educational needs, and
 - (ii) the pupil is wholly or mainly educated at the unit;
- (e) a pupil who is a boarder—
 - (i) from residing in accommodation at the school premises;
 - (ii) from being provided education at that accommodation.

Restriction on attending further education

7.—(1) A student may not attend the premises of a further education institution in Wales.

(2) But paragraph (1) does not prevent a student from attending the premises of—

- (a) a further education institution to undertake an examination or other assessment;

- (b) an institution within the further education sector where the student is notified by the institution that the institution considers it appropriate for the student to attend due to exceptional circumstances related to the student's vulnerability.

Interpretation of regulations 6 and 7

8. For the purposes of regulations 6 and 7—

- (a) the “1996 Act” means the Education Act 1996⁽¹⁾;
- (b) “boarder” has the meaning given by section 579 of the 1996 Act;
- (c) “further education institution” means—
 - (i) an institution within the further education sector;
 - (ii) a provider of education or training within the meaning of section 31(1)(a) or (b) or 32(1)(a) or (b) of the Learning and Skills Act 2000⁽²⁾ that—
 - (aa) is not an institution within the meaning of paragraph (i),
 - (bb) is not an institution within the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992⁽³⁾, and
 - (cc) is in receipt of funding for provision of that education or training from the Welsh Ministers or a local authority,

but does not include an employer who is a provider by reason only of the employer providing such education or training to its employees;
- (d) “independent school” has the meaning given by section 463 of the 1996 Act;
- (e) “institution within the further education sector” has the meaning given by section 91(3) of the Further and Higher Education Act 1992;
- (f) “parent” has the meaning given by section 576 of the 1996 Act;
- (g) “proprietor” has the meaning given by section 579 of the 1996 Act;
- (h) “pupil” has the meaning given by section 4 of the 1996 Act;

(1) 1996 c. 56.
(2) 2000 c. 21.
(3) 1992 c. 13.

- (i) “pupil referral unit” has the meaning given by section 19 of the 1996 Act;
- (j) “special educational needs” has the meaning given by section 312 of the 1996 Act;
- (k) “special school” means—
 - (i) a special school within the meaning given by section 337 of the 1996 Act;
 - (ii) an independent school which wholly or mainly provides education for pupils with special educational needs;
- (l) “school” has the meaning given by section 4 of the 1996 Act;
- (m) “school year” means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July;
- (n) “year 9” means a year group in which the majority of children will, in the school year, attain the age of 14;
- (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.

Prohibition on organising certain unlicensed music events

9.—(1) No person may be involved in organising a relevant unlicensed music event.

(2) For the purposes of this regulation “relevant unlicensed music event” means an event—

- (a) which consists of more than 30 people,
- (b) at which people are gathered in contravention of regulation 4(1),
- (c) at which music is played or performed for the purpose, or for purposes which include the purpose, of entertainment, and
- (d) where the playing or performance of the music is—
 - (i) a licensable activity (within the meaning of the Licensing Act 2003⁽¹⁾), and
 - (ii) not carried on under and in accordance with an authorisation (within the meaning given by section 136(5) of that Act).

(3) For the purposes of this regulation, a person is not involved in organising a relevant unlicensed music event if the person’s only involvement is, or would be, attending it.

(1) 2003 c. 17.

PART 3

Restrictions on businesses and services whose premises are ordinarily open to the public

CHAPTER 1

Overview

References to “premises” and overview

10.—(1) In this Part, references to “premises” are references to premises of a business or service—

- (a) which are in Wales, and
- (b) to which the public have or are permitted access, whether on payment or otherwise.

(2) Chapter 2 makes provision about businesses or services whose premises must close.

(3) Chapter 3 makes provision about businesses or services whose premises must close but to which limited access may be allowed.

(4) Chapter 4 makes provision about businesses or services whose premises may continue to be open.

(5) See regulation 17 for further provision about premises that may continue to be open or are closed but to which limited access may be permitted in accordance with this Part.

CHAPTER 2

Businesses and services whose premises must be closed

Closure of premises used by certain businesses and services

11.—(1) A person responsible for carrying on a business or providing a service which is listed in Part 1 of Schedule 1 must—

- (a) close to members of the public any premises operated as part of the business or service, and
- (b) not carry on the business or service at such premises otherwise than in accordance with this regulation.

(2) Paragraph (1) does not prevent—

- (a) carrying out maintenance and repairs or other work to ensure premises are suitable for use when paragraph (1) no longer applies to the premises;
- (b) the use of premises for any purpose as may be requested or authorised by the Welsh Ministers or a local authority;
- (c) the use of premises to broadcast without an audience present at the premises (whether

over the internet or as part of a radio or television broadcast);

- (d) the use of premises for the provision of services or information (including the sale, hire or delivery of goods or services)—
 - (i) through a website, or otherwise by on-line communication,
 - (ii) by telephone, including by text message, or
 - (iii) by post.

CHAPTER 3

Business and services whose premises must be closed but to which limited access may be allowed

Closure of bars and restaurants etc.

12.—(1) A person responsible for carrying on a business which is listed in paragraphs 22 to 25 of Schedule 1 must—

- (a) close to members of the public any premises operated as part of the business, and
- (b) not carry on business at such premises otherwise than in accordance with this regulation.

(2) Paragraph (1) does not prevent—

- (a) the use of premises for—
 - (i) the sale of food and drink for consumption off the premises, or
 - (ii) services providing food or drink to the homeless;
- (b) the provision of room service at a hotel or other accommodation (where the hotel or other accommodation continues to operate in accordance with the limited exceptions allowed by regulation 13);
- (c) a workplace canteen from being open where there is no practical alternative for staff at that workplace to obtain food;
- (d) the carrying out of maintenance and repairs or other work to ensure premises are suitable for use when paragraph (1) no longer applies to the premises.

(3) For the purposes of paragraph (1), an indoor area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business) is to be treated as part of the premises of that business.

Closure of holiday accommodation

13.—(1) A person responsible for carrying on a business which is listed in paragraphs 26 to 29 of Schedule 1 must—

- (a) close to members of the public any premises operated as part of the business, and
- (b) not carry on business at such premises otherwise than in accordance with this regulation.

(2) Paragraph (1) does not prevent—

- (a) the use of premises for any purpose as may be requested or authorised by the Welsh Ministers or a local authority;
- (b) the provision of accommodation for any persons staying in that accommodation when these Regulations come into force and who—
 - (i) are unable to return to their main residence, or
 - (ii) are using the accommodation as their main residence;
- (c) the use of premises to carry on the business by providing information or other services—
 - (i) through a website, or otherwise by on-line communication,
 - (ii) by telephone, including enquiries by text message, or
 - (iii) by post;
- (d) the carrying out of maintenance and repairs or other work to ensure premises are suitable for use when paragraph (1) no longer applies to the premises.

Closure of places of worship, community centres and crematoriums

14.—(1) A person responsible for premises of a kind listed in paragraphs 30 to 32 of Schedule 1 must ensure that the premises are closed to members of the public, except for the uses permitted by paragraphs (2), (3) and (4).

(2) A place of worship may be open—

- (a) for funerals;
- (b) for the solemnization of a marriage or formation of a civil partnership;
- (c) to broadcast (without a congregation) an act of worship, funeral or the solemnization of a marriage or formation of a civil partnership (whether over the internet or as part of a radio or television broadcast);
- (d) to provide essential voluntary services;

(e) to provide public services upon the request of the Welsh Ministers or a local authority.

(3) A community centre may be open—

(a) to provide essential voluntary services, or

(b) to provide public services upon the request of the Welsh Ministers or a local authority.

(4) A crematorium may open to members of the public for funerals or burials (and to broadcast a funeral or burial whether over the internet or otherwise).

(5) But paragraph (1) does not apply to the grounds surrounding a crematorium, including any burial ground or garden of remembrance.

(6) In this regulation, “public services” includes the provision of food banks or other support for homeless or vulnerable people, childcare, blood donation sessions or support in an emergency.

CHAPTER 4

Business and services whose premises may be open

Open premises

15.—(1) Despite the preceding provisions of this Part, premises operated by businesses or services listed in Part 3 of Schedule 1 may continue to be open.

(2) And shopping centres, shopping arcades and markets may be open to the public to the extent that this is required for access to a business or service listed in Part 3 of Schedule 1.

(3) But a person responsible for premises authorised for the sale or supply of alcohol for consumption off the premises may not sell or supply alcohol between 10.00 p.m. and 6.00 a.m.

(4) Paragraph (3) does not allow the person responsible for the premises to sell or supply alcohol in contravention of an authorisation granted or given in respect of the premises.

CHAPTER 5

Mixed businesses

Mixed businesses

16.—(1) Where—

(a) a person responsible for carrying on a business (“business A”) is required, by virtue of regulation 11(1), 12(1) or 13(1), to cease carrying on business A at premises, and

(b) business A forms part of a larger business (“business B”),

the requirement in regulation 11(1), 12(1) or 13(1) is complied with if the person responsible for carrying on

business B ceases to carry on business A at the premises.

(2) So for the avoidance of doubt, where—

- (a) premises operated by a business or service may continue to be open by virtue of regulation 15(1), and
- (b) that business or service forms part of a larger undertaking which includes the carrying on of another business or service on the same premises,

the person responsible for that other business or service must cease to carry it on if required to do so by virtue of regulation 11(1), 12(1) or 13(1).

PART 4

Minimising risk of exposure to coronavirus

Requirement to take preventative measures on regulated premises to minimise risk

17.—(1) For the purposes of paragraph (2)—

- (a) “regulated premises” means—
 - (i) premises which may be accessed by the public by virtue of regulation 11(2), 12(2), 13(2) or 14(2), (3) or (4)
 - (ii) premises of a business or service which may continue to be open by virtue of regulation 15;
 - (iii) a vehicle used to provide a public transport service;
 - (iv) other premises where work is being carried out, and
- (b) the “responsible person” means—
 - (i) in relation to regulated premises referred to in sub-paragraph (a)(i), (ii) or (iii), the person responsible for the premises,
 - (ii) in relation to regulated premises of the kind referred to in sub-paragraph (a)(iv), the person responsible for the work being carried out on the premises.

(2) For the purposes of minimising the risk of exposure to coronavirus at regulated premises, or the spread of coronavirus by those who have been at regulated premises, the responsible person must—

- (a) take all reasonable measures to ensure—
 - (i) that a distance of 2 metres is maintained between any persons on the premises (except between two members of the same household, or a carer and the person assisted by the carer);

- (ii) where persons are required to wait to enter the premises, that a distance of 2 metres is maintained between them (except between two members of the same household, or a carer and the person assisted by the carer),
 - (b) take any other reasonable measures for that purpose, for example measures which limit close face to face interaction and maintain hygiene such as—
 - (i) changing the layout of premises including the location of furniture and workstations;
 - (ii) controlling use of entrances, passageways, stairs and lifts;
 - (iii) controlling use of shared facilities such as toilets and kitchens;
 - (iv) otherwise controlling the use of, or access to, any other part of the premises;
 - (v) installing barriers or screens;
 - (vi) providing or requiring use of personal protective equipment, and
 - (c) provide information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus.
- (3) Measures that may be taken under paragraph (2) also include—
- (a) not carrying out certain activities;
 - (b) closing a part of the premises;
 - (c) allowing and enabling a person who ordinarily works at the premises to isolate for a specified period due to testing positive for coronavirus or having had close contact with somebody who has tested positive, where that person has been asked to do so by—
 - (i) the Welsh Ministers;
 - (ii) a public health officer;
 - (iii) an officer of a Local Health Board;
 - (iv) a person designated by a local authority for the purposes of contacting persons who may have been exposed to coronavirus;
 - (d) collecting contact information from each person at the premises or, in relation to persons from the same household, from one of them, and retaining it for 21 days for the purpose of providing it to any of the following, upon their request—
 - (i) the Welsh Ministers,
 - (ii) a public health officer,

- (iii) a person designated by a local authority to process information for the purposes of contacting persons who may have been exposed to coronavirus.

(4) In this regulation—

- (a) “contact information”, in relation to a person at the premises, means the person’s name and information sufficient to enable the person to be contacted, to inform them that they may have been exposed to coronavirus at the premises (including a telephone number and the date and time at which the person was at the premises);
- (b) “public health officer” has the same meaning as in paragraph 3(2)(c) of Schedule 21 to the Coronavirus Act 2020⁽¹⁾;
- (c) “Local Health Board” has the meaning given by section 11 of the National Health Service (Wales) Act 2006⁽²⁾.

Requirement to wear face covering on public transport

18.—(1) A person (“P”) who is travelling as a passenger on a vehicle used to provide a public transport service must wear a face covering.

(2) But this is not required—

- (a) where an exemption applies under paragraph (3);
- (b) where P has a reasonable excuse not to wear a face covering, as to which see paragraph (4).

(3) An exemption to the requirement to wear a face covering applies—

- (a) where P is a child under the age of 11;
- (b) on a vehicle providing a school transport service;
- (c) on a ferry where—
 - (i) the part of the ferry which is open to passengers is entirely outdoors, or
 - (ii) a distance of at least 2 metres can be maintained between persons on the part of the ferry which is open to passengers;
- (d) on a cruise ship;
- (e) where P is allocated a cabin, berth or other similar accommodation on the vehicle, at any time when P is in that accommodation—
 - (i) alone, or

(1) 2020 c. 7.

(2) 2006 c.42.

- (ii) only with members of P’s household or a member of the household’s carer;
- (f) where—
 - (i) P is permitted, or ordinarily required, to board and to stay in a vehicle when using the public transport service,
 - (ii) the vehicle is not itself used for the provision of a public transport service, and
 - (iii) P stays in that vehicle;
- (g) on an aircraft which neither took off from, nor is to land at, a place in Wales;
- (h) on a vessel which does not dock at a port in Wales.

(4) The circumstances in which P has a reasonable excuse to not wear a face covering include—

- (a) where P is unable to put on, wear or remove a face covering because of a physical or mental illness or impairment, or a disability (within the meaning of section 6 of the Equality Act 2010);
- (b) where P has to remove the face covering to communicate with another person who has difficulty communicating (in relation to speech, language or otherwise);
- (c) where P has to remove the face covering in order to avoid harm or injury, or the risk of harm or injury, to themselves or others;
- (d) where P is travelling to avoid injury, or to escape a risk of harm, and does not have a face covering;
- (e) where P has to remove the face covering to—
 - (i) take medication;
 - (ii) eat or drink, if this is allowed on the vehicle and is reasonably necessary (for example due to the length of the journey);
- (f) where P is asked to remove the face covering by—
 - (i) an enforcement officer, or
 - (ii) the operator of the public transport service, an employee of the operator or a person authorised by the operator.

(5) An operator of a public transport service to which paragraph (1) applies must provide information to passengers about the requirement to wear face coverings on their vehicles.

(6) For the purposes of this regulation a “school transport service” means any transport service provided solely for the purpose of—

- (a) carrying a person to and from the school or other place at which the person receives education or training, or
- (b) otherwise facilitating a person's attendance at a school or other place at which the person receives education or training.

Requirement to wear face covering in certain indoor public places

19.—(1) A person (“P”) must wear a face covering in indoor public areas of premises to which the public have or are permitted access, whether on payment or otherwise.

(2) But this is not required—

- (a) where P is a child under the age of 11;
- (b) where P has a reasonable excuse not to wear a face covering, as to which see paragraph (3).

(3) The circumstances in which P has a reasonable excuse to not wear a face covering include—

- (a) where P is unable to put on, wear or remove a face covering because of a physical or mental illness or impairment, or a disability (within the meaning of section 6 of the Equality Act 2010);
- (b) where P is undertaking an activity and wearing a face covering during that activity may reasonably be considered to be a risk to P's health;
- (c) where P has to remove the face covering to communicate with another person who has difficulty communicating (in relation to speech, language or otherwise);
- (d) where P has to remove the face covering in order to avoid harm or injury, or the risk of harm or injury, to themselves or others;
- (e) where P is at the premises to avoid injury, or to escape a risk of harm, and does not have a face covering;
- (f) where P has to remove the face covering to—
 - (i) take medication;
 - (ii) eat or drink, where reasonably necessary;
- (g) where P is asked to remove the face covering by an enforcement officer.

Guidance on minimising exposure

20.—(1) A person required to take reasonable measures under regulation 17(2) must have regard to guidance issued by the Welsh Ministers about those measures.

(2) An operator of a public transport service to which regulation 18 applies must have regard to guidance issued by the Welsh Ministers about—

- (a) the requirement to wear a face covering in accordance with paragraphs (1) to (4) of regulation 18 and the enforcement of that requirement under regulation 25;
- (b) providing information to passengers in accordance with paragraph (5) of regulation 18.

(3) The Welsh Ministers—

- (a) may revise guidance issued under paragraph (1) or (2), and
- (b) must publish the guidance (and any revisions).

(4) Guidance under this regulation may incorporate (by reference or transposition) guidance, codes of practice or other documents published by another person (for example, a trade association, body representing members of an industry or a trade union).

PART 5

Enforcement

Enforcement officers

21.—(1) For the purposes of regulation 22 and Schedule 2, an “enforcement officer” means a person designated by a local authority for the purposes of these Regulations.

(2) For the purposes of regulations 23 to 31, an “enforcement officer” means—

- (a) a constable,
- (b) a police community support officer,
- (c) a person designated by—
 - (i) the Welsh Ministers, or
 - (ii) a local authority,for the purposes of these Regulations (but see paragraph (3)), or
- (d) a person designated by the Welsh Ministers or a local authority under—
 - (i) regulation 17(1) of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020⁽¹⁾ for the purposes of those Regulations, or

(1) S.I. 2020/725 (W. 162). Amended by S.I. 2020/985 (W. 222).

- (ii) regulation 10(11)(c) of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020⁽¹⁾ as a relevant person (within the meaning given by that regulation),

(but see paragraph (3)).

(3) A person designated by a local authority may exercise an enforcement officer's functions only in relation to a contravention (or alleged contravention) of a requirement in regulation 11(1), 12(1), 13(1), 14(1), 15(3), 17(2) or Schedule 2.

Enforcement of requirement to take preventative measures

22. Schedules 2 and 3 make provision for and in connection with conferring functions on enforcement officers for the purpose of enforcing regulation 17(2).

Compliance notices

23.—(1) An enforcement officer may give a compliance notice to a person if the officer has reasonable grounds for suspecting that the person is contravening a requirement in regulation 11(1), 12(1), 13(1), 14(1) or 18(5).

(2) A compliance notice may specify measures that the person to whom it is given must take as soon as is reasonably practicable so as to prevent that person from continuing to contravene the requirement.

Powers of removal and dispersal

24.—(1) Where an enforcement officer has reasonable grounds for suspecting that a person ("P") is contravening regulation 3(1), the officer may—

- (a) direct P to return to the place where P is living;
- (b) remove P to that place.

(2) Where an enforcement officer has reasonable grounds for suspecting that people are gathered together in contravention of regulation 4(1), the officer may—

- (a) direct the gathering to disperse;
- (b) direct any person in the gathering to return to the place where they are living;
- (c) remove any person in the gathering to the place where they are living.

(3) Where an enforcement officer has reasonable grounds for suspecting that a person ("P") is

(1) S.I. 2020/353 (W. 80).

contravening regulation 5(1), the officer may direct P to leave Wales.

(4) When exercising the power in paragraph (1), (2) or (3), an enforcement officer may direct a person to follow such instructions as the officer considers necessary.

(5) Where an enforcement officer has reasonable grounds for suspecting that a person (“P”) is contravening, or is about to contravene, regulation 9(1), the officer may—

- (a) direct P to follow such instructions as the officer considers necessary in order to stop or prevent the contravention;
- (b) remove P from the location or proposed location of the event which the officer suspects is being, or is about to be, organised in contravention of regulation 9(1).

Enforcement of face covering requirements

25.—(1) Where an enforcement officer has reasonable grounds for suspecting that a person (“P”) is contravening (or is about to contravene) regulation 18(1), the officer may—

- (a) direct P not to board the vehicle providing the public transport service in question;
- (b) remove P from the vehicle.

(2) Where—

- (a) the operator of a public transport service,
- (b) an employee of the operator, or
- (c) a person authorised by the operator,

has reasonable grounds to suspect that a person (“P”) is about to contravene regulation 18(1), the operator, employee or authorised person may direct P not to board the vehicle providing the public transport service in question.

(3) Where an enforcement officer has reasonable grounds to suspect that a person (“P”) is contravening (or is about to contravene) regulation 19(1), the officer may—

- (a) direct P not to enter the premises;
- (b) remove P from the premises.

Enforcement: children

26.—(1) Where an enforcement officer has reasonable grounds to suspect that a person (“P”) is contravening regulation 3(1) or is in a gathering in contravention of regulation 4(1) and is a child accompanied by an individual (“I”) who has responsibility for P—

- (a) the officer may direct I to take P to the place where P is living, and
- (b) I must, so far as reasonably practicable, ensure that P complies with any direction or instruction given by the officer to P.

(2) Where an enforcement officer has reasonable grounds to suspect that a person (“P”) is contravening regulation 5(1) and is a child accompanied by an individual (“I”) who has responsibility for P—

- (a) the officer may direct I to take P to a place outside Wales, and
- (b) I must, so far as reasonably practicable, ensure that P complies with any direction or instruction given by the officer to P.

(3) Where an enforcement officer has reasonable grounds to suspect that a child is failing to comply with the requirement in regulation 18(1) or 19(1), the officer may direct any individual (“I”) who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with the requirement.

(4) For the purposes of paragraphs (1), (2) and (3), I has responsibility for a child if I—

- (a) has custody or charge of the child for the time being, or
- (b) has parental responsibility for the child.

Power of entry

27.—(1) An enforcement officer may enter premises, if the officer—

- (a) has reasonable grounds for suspecting that a requirement imposed by these Regulations is being, has been or is about to be contravened on the premises, and
- (b) considers it necessary to enter the premises for the purpose of ascertaining whether the requirement is being, has been or is about to be contravened.

(2) An enforcement officer entering premises in accordance with paragraph (1) may take such other persons, equipment and materials onto the premises as appears to the officer to be appropriate.

(3) An enforcement officer entering premises in accordance with paragraph (1)—

- (a) if asked by a person on the premises, must show evidence of the officer’s identity and outline the purpose for which the power is exercised;
- (b) if the premises are unoccupied or the occupier is temporarily absent, must leave the premises as effectively secured against unauthorised entry as when the officer found them.

Enforcement: supplemental provision

28.—(1) An enforcement officer may take other action to facilitate the exercise of a power conferred on the officer by this Part.

(2) An enforcement officer may use reasonable force in the exercise of a power under—

- (a) regulation 24(1)(b), (2)(c) or (5)(b),
- (b) regulation 25(1)(b) or (3)(b), or
- (c) regulation 27(1).

(3) An enforcement officer may only exercise a power under this Part if the officer considers that it is necessary and proportionate to do so.

(4) In this Part references to a requirement include references to a restriction.

PART 6

Offences and penalties

Offences and penalties

29.—(1) A person who—

- (a) without reasonable excuse, contravenes a requirement in regulation 9(1), 11(1), 12(1), 13(1), 14(1) or 15(3), or
- (b) contravenes a requirement in regulation 3(1), 4(1), 5(1), 18(1) or 19(1)

commits an offence.

(2) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.

(3) A person who—

- (a) without reasonable excuse, contravenes paragraph 3(1) of Schedule 2,
- (b) contravenes paragraph 3(2) of that Schedule, or
- (c) without reasonable excuse, removes, obscures or damages a notice or sign required to be displayed under paragraph 7(2) of that Schedule,

commits an offence.

(4) A person who, without reasonable excuse—

- (a) contravenes a direction given—
 - (i) by an enforcement officer under Part 5, or
 - (ii) by the operator of a public transport service, an employee of the operator, or a person authorised by the operator, under regulation 25(2), or

- (b) fails to comply with a compliance notice given by an enforcement officer under regulation 23(1),

commits an offence.

(5) An offence under these Regulations is punishable on summary conviction by a fine.

(6) Section 24 of the Police and Criminal Evidence Act 1984(1) applies in relation to an offence under this regulation as if the reasons in subsection (5) included—

- (a) to maintain public health;
- (b) to maintain public order.

Offences committed by bodies corporate etc.

30.—(1) If an offence under these Regulations committed by a body corporate is proved—

- (a) to have been committed with the consent or connivance of an officer of the body, or
- (b) to be attributable to any neglect on the part of such an officer,

the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.

(2) In paragraph (1), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

(3) Proceedings for an offence under these Regulations alleged to have been committed by a partnership may be brought in the name of the partnership instead of in the name of any of the partners.

(4) Proceedings for an offence under these Regulations alleged to have been committed by an unincorporated body other than a partnership may be brought in the name of the body instead of in the name of any of its members and, for the purposes of any such proceedings, any rules of court relating to the service of documents have effect as if that body were a body corporate.

(5) Section 33 of the Criminal Justice Act 1925(2) and Schedule 3 to the Magistrates’ Courts Act 1980(3) apply in proceedings for an offence brought against a partnership or an unincorporated association other than a partnership as they apply in relation to a body corporate.

(1) 1984 c. 60. Section 24 was substituted by section 110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).
(2) 1925 c. 86.
(3) 1980 c. 43.

(6) A fine imposed on a partnership on its conviction for an offence under these Regulations is to be paid out of the partnership assets.

(7) A fine imposed on an unincorporated association other than a partnership on its conviction for an offence under these Regulations is to be paid out of the funds of the association.

Fixed penalty notices

31.—(1) An enforcement officer may issue a fixed penalty notice to anyone that the officer reasonably believes—

- (a) has committed an offence under these Regulations (except an offence under regulation 29(3)(a)), and
- (b) is aged 18 or over.

(2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to—

- (a) a local authority, or
- (b) a person designated by the Welsh Ministers for the purposes of receiving payment under this regulation,

as the notice may specify.

(3) The Welsh Ministers may designate themselves under paragraph (2)(b).

(4) A person designated by the Welsh Ministers for the purposes of receiving payment under regulation 13 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 or regulation 21 of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 is to be treated as if designated for the purposes of receiving payment under this regulation.

(5) Where a local authority is specified in the notice it must be the authority (or as the case may be, any of the authorities) in whose area the offence is alleged to have been committed.

(6) Where a person is issued with a notice under this regulation in respect of an offence—

- (a) no proceedings may be taken for the offence before the end of the period of 28 days following the date the notice is issued;
- (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

(7) A fixed penalty notice must—

- (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;

- (b) state the period during which (because of paragraph (6)(a)) proceedings will not be taken for the offence;
- (c) specify the amount of the fixed penalty;
- (d) state the name and address of the person to whom the fixed penalty may be paid;
- (e) specify permissible methods of payment.

(8) Where the notice is issued in respect of an alleged offence of contravening regulation 9(1), the amount specified under paragraph (7)(c) must be £10,000 (and paragraphs (10) and (11) do not apply).

(9) In any other case, the amount specified under paragraph (7)(c) must be £60 (subject to paragraphs (10) and (11)).

(10) A fixed penalty notice may specify that if £30 is paid before the end of the period of 14 days following the date of the notice, that is the amount of the fixed penalty.

(11) If the person to whom a fixed penalty notice is given has already received a fixed penalty notice under these Regulations or Regulations mentioned in paragraph (12)—

- (a) paragraph (10) does not apply, and
- (b) the amount specified as the fixed penalty is to be—
 - (i) in the case of the second fixed penalty notice received, £120;
 - (ii) in the case of the third fixed penalty notice received, £240;
 - (iii) in the case of the fourth fixed penalty notice received, £480;
 - (iv) in the case of the fifth fixed penalty notice received, £960;
 - (v) in the case of the sixth and any subsequent fixed penalty notice received, £1920.

(12) In calculating how many fixed penalty notices a person has received, fixed penalty notices issued to that person under—

- (a) the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020,
- (b) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020, and
- (c) the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020⁽¹⁾.

(1) S.I. 2020/1011 (W. 225).

are to be taken into account, but no account is to be taken of any fixed penalty notice issued to that person in respect of an alleged offence of contravening regulation 14B(1) of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 or regulation 9(1) of these Regulations.

(13) Whatever other method may be specified under paragraph (7)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (7)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(14) Where a letter is sent as mentioned in paragraph (13), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(15) In any proceedings, a certificate—

- (a) that purports to be signed by or on behalf of the person with responsibility for the financial affairs of—
 - (i) the local authority, or
 - (ii) the person designated under paragraph (2)(b),specified in the fixed penalty notice to which the proceedings relate, and
- (b) which states that the payment of a fixed penalty was, or was not, received by the date specified in the certificate,

is evidence of the facts stated.

Prosecutions

32.—(1) No proceedings for an offence under these Regulations may be brought other than by—

- (a) the Director of Public Prosecutions,
- (b) any person designated by the Welsh Ministers, or
- (c) in relation to proceedings for an offence of contravening a requirement in regulation 11(1), 12(1), 13(1), 14(1), 15(3), 17(2) or Schedule 2, a local authority.

(2) A person designated by the Welsh Ministers under regulation 14 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 or regulation 22 of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 is to be treated as if designated under this regulation.

PART 7

General

Interpretation

33.—(1) In these Regulations—

- (a) “burial” includes the interment of a dead person’s ashes;
- (b) “care home” means premises at which a “care home service” within the meaning given by paragraph 1 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016⁽¹⁾ is provided;
- (c) “carer” means a person who provides care for the person assisted where—
 - (i) the carer is entitled to an assessment under section 24 of the Social Services and Well-being (Wales) Act 2014⁽²⁾,
 - (ii) the care is part of the provision of community care services under Part 4 of the Social Services and Well-being (Wales) Act 2014, or
 - (iii) the care is provided by a care provider registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016;
- (d) “child” means a person who is aged under 18;
- (e) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);
- (f) “elite athlete” means an individual designated as such for the purposes of these Regulations by the Sports Council for Wales;
- (g) “face covering” means a covering of any type which covers a person’s nose and mouth;
- (h) “local authority” means the council of a county or county borough in Wales;
- (i) “Local Health Board” has the meaning given by regulation 17(4)(c);
- (j) “parental responsibility” has the same meaning as in the Children Act 1989⁽³⁾;
- (k) a “person responsible for carrying on a business” includes the owner, proprietor, and manager of that business;
- (l) “premises” includes any building or structure and any land;

(1) 2016 anaw 2, as amended by S.I. 2017/1326 (W. 299) and S.I. 2018/195 (W. 44).

(2) 2014 anaw 4.

(3) 1989 c. 41. See Part 1 of the Act, to which there have been various amendments, including by the Human Fertilisation and Embryology Act 2008 (c. 22) and S.I. 2019/1458.

- (m) “public transport service” means a service provided for the carriage of passengers by road, railway, tramway, air or water;
- (n) “regulated premises” has the meaning given by regulation 17(1);
- (o) “specified sporting events” are the following—
 - (i) Wales v Norway football match, women’s UEFA European Championships qualifying on 27 October 2020;
 - (ii) Wales v Scotland rugby match, women’s 6 Nations Tournament on 1 November 2020;
 - (iii) the UEFA Champions League match involving Swansea City AFC Ladies to be held on 3 or 4 November 2020;
- (p) “vehicle” includes an aircraft, a cable car, a train, a tram and a vessel;
- (q) “vulnerable person” includes—
 - (i) any person aged 70 or older;
 - (ii) any person under 70 who has an underlying health condition;
 - (iii) any person who is pregnant;
 - (iv) any child;
 - (v) any person who is a vulnerable adult within the meaning given by section 60(1) of the Safeguarding Vulnerable Groups Act 2006⁽¹⁾.

(2) For the purposes of these Regulations—

- (a) there is a gathering when two or more people are in the same place in order to do something together;
- (b) premises are indoors if they are enclosed or substantially enclosed within the meaning given by regulation 2 of the Smoke-free Premises etc. (Wales) Regulations 2007⁽²⁾.

(3) If a household comprising of no more than one adult (and any number of children) and another household agree to be treated as a single (extended) household for the purposes of these Regulations, any reference in these Regulations (other than in paragraphs (4) to (6)) to a “household” is to be read as including both households.

(4) To agree to be treated as a single household all of the adults of the two households must agree.

(5) But—

(1) 2006 c. 47, as amended by section 65 of the Protection of Freedoms Act 2012 (c. 9).

(2) S.I. 2007/787 (W. 68).

- (a) a household may only agree to be treated as a single household with one other household, and
- (b) if two households cease to agree to be treated as a single household, neither household may agree to be treated as a single household under paragraph (3) with any other household.

(6) If two households have agreed to be treated as a temporary extended household in accordance with paragraph 2 of Schedule 4A to the Health Protection (Coronavirus Restrictions) (No.2) (Wales) Regulations 2020⁽¹⁾ they are to be treated as also having agreed to be treated as a single (extended) household for the purposes of these Regulations.

(7) For the purposes of these Regulations, premises are authorised for the sale or supply of alcohol where the premises have been granted or given an authorisation under the Licensing Act 2003, and “authorisation” has the meaning given by section 136(5) of that Act.

Revocation

34.—(1) The following Regulations are revoked—

- (a) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020;
- (b) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) Regulations 2020⁽²⁾;
- (c) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 2) Regulations 2020⁽³⁾;
- (d) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 3) Regulations 2020⁽⁴⁾;
- (e) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 4) Regulations 2020⁽⁵⁾;
- (f) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 5) Regulations 2020⁽⁶⁾;
- (g) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 6) Regulations 2020⁽⁷⁾;

(1) S.I. 2020/725 (W. 162). Paragraph 2 of Schedule 4A was amended by S.I. 2020/1079 (W. 242).
 (2) S.I. 2020/752 (W. 169).
 (3) S.I. 2020/803 (W. 176).
 (4) S.I. 2020/820 (W. 180).
 (5) S.I. 2020/843 (W. 186).
 (6) S.I. 2020/867 (W. 189).
 (7) S.I. 2020/884 (W. 195).

- (h) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 7) Regulations 2020**(1)**;
- (i) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 8) (Caerphilly) Regulations 2020**(2)**;
- (j) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 9) Regulations 2020**(3)**;
- (k) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 10) (Rhondda Cynon Taf) Regulations 2020**(4)**;
- (l) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 11) (Blaenau Gwent, Bridgend, Merthyr Tydfil and Newport etc.) Regulations 2020**(5)**;
- (m) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 12) Regulations 2020**(6)**;
- (n) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 13) (Llanelli etc.) Regulations 2020**(7)**;
- (o) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 14) (Cardiff and Swansea) Regulations 2020**(8)**;
- (p) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 15) (Neath Port Talbot, Torfaen and Vale of Glamorgan) Regulations 2020**(9)**;
- (q) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 16) (Conwy, Denbighshire, Flintshire and Wrexham) Regulations 2020**(10)**;
- (r) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 17) Regulations 2020**(11)**;
- (s) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 18) (Bangor) Regulations 2020**(12)**;

(1)	S.I. 2020/912 (W. 204).
(2)	S.I. 2020/961 (W. 215).
(3)	S.I. 2020/985 (W. 222).
(4)	S.I. 2020/1007 (W. 224).
(5)	S.I. 2020/1022 (W. 227).
(6)	S.I. 2020/1035 (W.229).
(7)	S.I. 2020/1040 (W. 230).
(8)	S.I. 2020/1043 (W. 232).
(9)	S.I. 2020/1049 (W. 235).
(10)	S.I. 2020/1066 (W. 240).
(11)	S.I. 2020/1079 (W. 242).
(12)	S.I. 2020/1102 (W. 251).

(t) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 19) Regulations 2020⁽¹⁾.

(2) Despite the revocation of those Regulations, they continue in force in relation to any offence committed, or any notice given or issued, under the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 before these Regulations came into force.

Consequential amendment

35.—(1) In regulation 19(10) of the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020, after sub-paragraph (b) insert—

“(c) the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020.”

Mark Drakeford

First Minister, one of the Welsh Ministers

21 October 2020

⁽¹⁾ S.I. 2020/1130 (W. 257).

SCHEDULE 1

Regulations 11 to 15

Businesses and services whose premises are subject to restrictions or closure

PART 1

Businesses or services whose premises must be closed

1. Any business selling goods or services for sale or hire in a shop, including—

- (a) homeware stores;
- (b) nail and beauty salons;
- (c) establishments providing tanning services, massage services, body piercings, tattooing, electrolysis or acupuncture;
- (d) auction houses;
- (e) car dealerships;
- (f) markets;
- (g) betting shops;
- (h) hair salons and barbers;
- (i) garden centres and plant nurseries.

2. Shopping centres and shopping arcades.

3. Cinemas.

4. Theatres.

5. Nightclubs, discotheques, dance halls or other venues where live or recorded music is provided for members of the public or members of the venue to dance.

6. Sexual entertainment venues (within the meaning given by paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982⁽¹⁾).

7. Bingo halls.

8. Concert halls.

9. Casinos.

10. Skating rinks.

11. Swimming pools.

12. Leisure centres and leisure facilities including indoor fitness studios, gyms and spas.

⁽¹⁾ 1982 c. 30. Paragraph 2A of Schedule 3 was inserted by section 27(3) of the Policing and Crime Act 2009 (c. 26).

13. Sports courts, skate parks, bowling greens, golf courses and enclosed sports grounds or pitches (whether outdoors or indoors).

14. Bowling alleys, amusement arcades and indoor play areas.

15. Museums, galleries and archive services.

16. Funfairs, amusements parks and theme parks.

17. Visitor attractions and holiday, leisure activity or events businesses.

18. Recycling centres.

19. Libraries.

20. Estate or letting agents, developer sales offices and show homes.

21. Venues for events or conferences (including venues for weddings other than places of worship and registry offices).

PART 2

Business or services whose premises must be closed but to which limited access is allowed

CHAPTER 1

Premises selling food and drink for consumption on the premises

22. Restaurants, including restaurants and dining rooms in members' clubs and on the premises of businesses listed in Chapter 2 of this Part.

23. Cafés, including workplace canteens and cafés on the premises of businesses listed in Chapter 2 of this Part.

24. Bars, including bars in members' clubs and on the premises of businesses listed in Chapter 2 of this Part.

25. Public houses.

CHAPTER 2

Hotels and holiday accommodation

26. Holiday sites.

27. Camping sites.

28. Hotels and bed and breakfast accommodation.

29. Other holiday accommodation (including holiday apartments, hostels and boarding houses).

CHAPTER 3

Others

30. Places of worship.

31. Community centres.

32. Crematoriums.

PART 3

Businesses and services whose premises may be open

33. Food retailers, including food markets, supermarkets, convenience stores, corner shops and establishments selling food or drink for consumption off the premises (including premises authorised for the sale or supply of alcohol for consumption off the premises).

34. Cafés and canteens at a hospital, care home, school or within accommodation provided for students.

35. Canteens at a prison or an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence.

36. Hospital libraries and libraries at educational establishments.

37. Newsagents.

38. Building supplies and hardware stores.

39. Pharmacies (including non-dispensing pharmacies) and chemists.

40. Bicycle shops.

41. Petrol stations.

42. Car repair and MOT services.

43. Taxi or vehicle hire businesses.

44. Banks, building societies, credit unions, short term loan providers, savings clubs, cash points and undertakings which by way of business operate currency exchange offices, transmit money (or any representation of money) by any means or cash cheques which are made payable to customers.

45. Post offices.

46. Laundrettes and dry cleaners.

47. Dental services, opticians, audiology services, chiropody, chiropractors, osteopaths and other medical

or health services, including services relating to mental health.

48. Veterinary surgeons and pet shops.

49. Agricultural or aquacultural supplies shops.

50. Livestock markets or auctions.

51. Funeral directors.

PART 4

Interpretation

52.—(1) For the purposes of this Schedule, a “holiday site” means any land in Wales on which a mobile home or caravan is stationed for the purposes of human habitation (including any land in Wales used in conjunction with that land), in respect of which the relevant planning permission or the site licence for the land—

- (a) is expressed to be granted for holiday use only, or
- (b) requires that there are times of the year when no mobile home or caravan may be stationed on the site for human habitation.

(2) For the purpose of determining whether or not a site is a holiday site, any provision of the relevant planning permission or of the site licence which permits the stationing of a mobile home on the land for human habitation all year round is to be ignored if the mobile home is authorised to be occupied by—

- (a) the person who is the owner of the site, or
- (b) a person employed by that person but who does not occupy the mobile home under an agreement to which Part 4 of the Mobile Homes (Wales) Act 2013(1) applies.

(1) 2013 anaw 6, as amended by the Housing (Wales) Act 2014 (anaw 7).

Enforcement of requirement to take preventative measures on regulated premises

Premises improvement notice

1.—(1) An enforcement officer may issue a notice (a “premises improvement notice”) to a responsible person if the officer considers that—

- (a) the person is not complying with the obligations imposed on the person by regulation 17(2), and
- (b) the measures specified in the notice are necessary and proportionate in order to ensure that the person complies with those obligations.

(2) A premises improvement notice must—

- (a) specify the premises to which it relates;
- (b) specify the measures it requires to be taken in order to ensure that the person complies with the obligations imposed by regulation 17(2);
- (c) specify a time limit within which the measures must be taken (which must not be less than 48 hours beginning with the time the notice is issued);
- (d) give details of the right of appeal conferred by paragraph 5.

(3) In this Schedule, “responsible person” has the meaning given by regulation 17(1)(b).

Premises closure notice

2.—(1) If either condition 1 or condition 2 is satisfied, an enforcement officer may issue a notice (a “premises closure notice”) to a responsible person requiring the premises, or part of the premises, to be closed.

(2) Condition 1 is—

- (a) a premises improvement notice has been issued to the person,
- (b) the enforcement officer considers that the person has failed to take the measures specified in the premises improvement notice within the specified time limit, and
- (c) the officer considers that the closure of the premises, or part of the premises, is necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus.

(3) Condition 2 is that the enforcement officer considers that—

- (a) the person is not complying with the obligations imposed on the person by regulation 17(2), and
- (b) the closure of the premises, or part of the premises, (without a premises improvement notice having been issued) is necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus.

(4) A premises closure notice must—

- (a) contain a description of the premises to be closed,
- (b) where a premises improvement notice has been issued, set out the measures that the enforcement officer considers—
 - (i) have not been taken, and
 - (ii) must be taken in order to ensure that the responsible person complies with the obligations imposed by regulation 17(2),
- (c) where a premises improvement notice has not been issued, set out the reasons why the enforcement officer considers that the person is not complying with the obligations imposed by regulation 17(2),
- (d) in either case, set out the reasons why the enforcement officer considers that closure of the premises is necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus,
- (e) specify the period for which the notice has effect, and
- (f) give details of the right of appeal conferred by paragraph 5.

(5) The period specified under sub-paragraph (4)(e) may not be more than 336 hours (14 days) beginning with the time the notice is issued.

(6) A premises closure notice has effect from the time at which it is issued or from a later time specified in the notice.

(7) A premises closure notice may not be issued in relation to premises which form part of critical infrastructure (for example, premises used to generate electricity or supply water) or which are used to provide essential public services.

Effect of premises closure notice

3.—(1) As soon as is reasonably practicable after a premises closure notice takes effect, the person to whom it is issued must ensure that—

- (a) the premises to which the notice relates are closed, and
- (b) no business is carried on or service is provided on, or from, the premises.

(2) No person may enter, or be on, premises closed under sub-paragraph (1) without a reasonable excuse.

(3) For the purposes of sub-paragraph (2), the circumstances in which a person has a reasonable excuse include where—

- (a) the person lives on the premises;
- (b) the person is carrying out essential maintenance or repairs;
- (c) the person is doing things necessary to ensure that regulation 17(2) can be complied with when the premises are allowed to be open;
- (d) the person is an enforcement officer or a person assisting an enforcement officer;
- (e) it is necessary for the person to be on the premises to avoid injury or illness or escape a risk of harm.

Termination of premises improvement or closure notice

4.—(1) An enforcement officer may issue a notice terminating a premises improvement notice or a premises closure notice if satisfied that—

- (a) the measures specified in the premises improvement notice (if one was issued) have been taken, or
- (b) other measures have been taken to ensure that regulation 17(2) can be complied with at the premises in question.

(2) A premises improvement notice or premises closure notice ceases to have effect at the time notice of the termination is issued.

Appeals

5.—(1) A person to whom a premises improvement notice or premises closure notice is issued may appeal to a magistrates' court against the notice.

(2) An appeal must be made—

- (a) by way of complaint for an order, and in accordance with the Magistrates' Courts Act 1980, and
- (b) within 7 days after the day the notice is issued.

(3) But a magistrates' court may allow an appeal to be made after the expiry of the period mentioned in sub-paragraph (2)(b) if satisfied that there is a good reason for the failure to appeal before the expiry of

that period (and for any delay in applying for permission to appeal out of time).

(4) A magistrates' court may suspend the effect of a premises improvement notice or premises closure notice pending the determination of an appeal.

(5) On an appeal against a premises improvement notice or premises closure notice, a magistrates' court may—

- (a) confirm the decision to issue the notice;
- (b) direct that the notice is to cease to have effect;
- (c) modify the notice;
- (d) make such other order as the court considers appropriate.

(6) If the magistrates' court directs that a notice is to cease to have effect or modifies a notice, it may order the local authority for the area in which the premises in question are situated to pay compensation for loss suffered as the result of the issue of the notice.

(7) An appeal by either party against the decision of a magistrates' court on an appeal under this section may be brought to the Crown Court.

(8) On an appeal to the Crown Court, the Court may—

- (a) confirm, vary or reverse the decision of the magistrates court;
- (b) remit the case to the magistrates' court to dispose of in accordance with directions given by the Crown Court.

Issuing premises improvement and closure notices and terminations

6.—(1) A premises improvement notice, premises closure notice or a termination of either of those types of notice is issued to a person by giving a copy of it in writing to that person.

(2) But where the person responsible for the premises to which the notice or termination relates is not on the premises when it is to be issued, the notice is to be treated as having been issued to that person if—

- (a) a copy of it is given to any other person on the premises who appears to be responsible for any business or service being carried out on the premises, or
- (b) if there is no such person on the premises when the notice is to be issued, a copy of the notice is placed in a conspicuous position on the premises.

Publicising premises improvement and closure notices

7.—(1) This regulation applies where an enforcement officer has issued a premises improvement notice or a premises closure notice.

(2) As soon as reasonably practicable after issuing the notice, the enforcement officer must—

- (a) display a copy of the notice, and a sign in the form set out in Schedule 3, in a prominent place near every entrance to the premises;
- (b) arrange for the notice to be published on the website of the local authority for the area in which the premises are located.

(3) A notice or sign displayed under sub-paragraph (2)(a) must be at least A4 size.

(4) A notice required to be displayed and published under sub-paragraph (2) must continue to be displayed and published, and a sign required to be displayed under that sub-paragraph must continue to be displayed, for as long as the notice has effect.

Provision of information etc.

8.—(1) An enforcement officer may, to facilitate the exercise of a power conferred on the officer by this Schedule—

- (a) require any person to give any information or answer any question the officer considers to be relevant to the exercise of the power;
- (b) require the production of, inspect and take copies of, any documents or electronic records.

(2) A person may not be required under sub-paragraph (1) to provide a document, record or other information in respect of which a claim for legal professional privilege could be maintained in legal proceedings.

(3) No information or answer given by a person in response to a requirement imposed under sub-paragraph (1)(a) is admissible in evidence against that person, or the person's spouse or civil partner, in any proceedings other than proceedings under these Regulations.

SCHEDULE 3




Regulation 22

Form of sign to accompany premises improvement notice or premises closure notice

Sign to be displayed with premises improvement notice

1.—(1) A sign displayed with a premises improvement notice under paragraph 7(2)(a) of Schedule 2 must be in the form set out below.




(2) The colours used in the sign must be white, black and amber C0 M60 Y100 K0.

 <p>GIG CYMRU NHS WALES</p>	<p>Iechyd Cyhoeddus Cymru Public Health Wales</p>	 <p>DIOGELU CYMRU KEEP WALES SAFE</p>	 <p>Llywodraeth Cymru Welsh Government</p>
<p>IECHYD Y CYHOEDD Y CORONAFEIRWS</p> <p>Gofyniad i leihau'r risg o ddod i gysylltiad â'r coronafeirws mewn mangre:</p>	<p>PUBLIC HEALTH CORONAVIRUS</p> <p>Requirement to minimise risk of exposure to coronavirus on premises:</p>		
<p>ANGEN GWELLA</p>			
<p>IMPROVEMENT NEEDED</p>			
<p>Diogelu Cymru gyda'n gilydd</p>	<p>Together we'll keep Wales safe</p>		
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Sign to be displayed with premises closure notice

2.—(1) A sign displayed with a premises closure notice under paragraph 7(2)(a) of Schedule 2 must be in the form set out below.

(2) The colours used in the sign must be white, black and red C15 M100 Y100 K0.

 <p>GIG CYMRU NHS WALES</p>	<p>Iechyd Cyhoeddus Cymru Public Health Wales</p>	 <p>DIOGELU CYMRU KEEP WALES SAFE</p>	 <p>Llywodraeth Cymru Welsh Government</p>
<p>IECHYD Y CYHOEDD Y CORONAFeIRWS</p> <p>Gofyniad i leihau'r risg o ddod i gysylltiad â'r coronafeirws mewn mangre:</p>		<p>PUBLIC HEALTH CORONAVIRUS</p> <p>Requirement to minimise risk of exposure to coronavirus on premises:</p>	
<p>CAEWDYD Y FANGRE HON</p>			
<p>PREMISES CLOSED</p>			
<p>Diogelu Cymru gyda'n gilydd</p>		<p>Together we'll keep Wales safe</p>	
<p><small>© Crown Copyright 2020, Llywodraeth Cymru WG41123 / Crown copyright 2020, Welsh Government WG41123</small></p>			