
WELSH STATUTORY INSTRUMENTS

2020 No. 1149

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

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;

(1) 2020 c. 7.
 (2) 2006 c.42.

- (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
 - (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).