
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 9 Parts to the Regulations.

Part 1 provides that these Regulations come into force on 21 December 2020 (other than Part 6 which comes into force on 23 December 2020) and expire at the end of the day on 31 March 2021. It also provides that the Regulations must be reviewed regularly to ensure that the restrictions and requirements imposed remain proportionate.

Part 2 imposes restrictions on people gathering, on people travelling and on the use of premises of specified businesses or services that are ordinarily open to the public. Part 2 puts 4 different levels of restrictions in place that can apply depending on the circumstances. Which level applies is based on what the Welsh Ministers consider to be the appropriate and proportionate response to the incidence and spread of coronavirus.

Schedule 1 sets out the lowest level – **Alert Level 1** – restrictions; Schedule 2 sets out **Alert Level 2** restrictions; Schedule 3 sets out **Alert Level 3** restrictions and Schedule 4 the highest level – **Alert Level 4** – restrictions (under which there are strict limitations on people gathering and travelling, and most premises are required to close). Schedule 5 sets out which alert level applies to an area. At the time of making the Regulations the same alert level applies across the whole of Wales, but the Regulations can be amended to apply different alert levels on a regional or local basis (as well as amending the alert level for the whole of Wales).

A number of the restrictions refer to the concept of an “extended household”. This enables more than one household to agree to come together for the purposes of the rules by forming a larger, extended, household. In addition there are separate provisions that allow a single adult household (a person who lives alone or only with a child or adult they care for) to agree to come together for these purposes with another household. These arrangements are exclusive and must be agreed to by all of the adults in each household that forms an extended household.

A summary of the restrictions that apply at each alert level is provided below. All restrictions are subject to exceptions listed in the Regulations.

When **Alert Level 1** restrictions apply to an area:

gatherings indoors in people's homes are allowed only between up to 6 people, or more if all present are members of the same household or an extended household consisting of up to 3 households and a single adult household;

gatherings indoors (away from people's homes) are limited to 6 people (not including children under 11) or the members of 1 household if higher;

gatherings outdoors (including in people's gardens) are limited to 30 people (not including children under 11) or the members of 1 household or an extended household if higher;

different rules apply to gathering for activities that are formally organised, allowing more people (up to 50 indoors and up to 100 outdoors) to come together;

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Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

as an exception to the general prohibition on organising events, events involving up to 50 people in attendance at any one time indoors, or 100 people outdoors, are allowed;

larger scale events may also be allowed but only with the consent of the Welsh Ministers;

travelling is allowed within a Level 1 area and to and from another Level 1 area or any Level 2 areas, but travelling from a Level 1 area to any area of Wales which is at Level 3 or 4, or to any areas of high incidence of coronavirus elsewhere in the UK, is not allowed;

similarly travelling from a Level 3 or 4 area, or from any areas of high incidence of coronavirus elsewhere in the UK, to a Level 1 area is not allowed;

nearly all business premises that are ordinarily open to the public may continue to be open but premises licensed to sell alcohol may not do so after 10.00 p.m. and must close no later than 10.20 p.m.

When **Alert Level 2** restrictions apply to an area:

gatherings indoors in people's homes are allowed only between members of an extended household consisting of up to 2 households and a single adult household;

gatherings indoors (away from people's homes) are limited to 4 people (not including children under 11) or the members of 1 household if higher;

gatherings outdoors (including in people's gardens) are limited to 4 people (not including children under 11) or the members of 1 household or an extended household if higher;

different rules apply to gathering for activities that are formally organised, allowing more people (up to 15 indoors and up to 30 outdoors) to come together;

as an exception to the general prohibition on organising events, events involving up to 15 people in attendance at any one time indoors, or 30 people outdoors, are allowed;

larger scale events may also be allowed but only with the consent of the Welsh Ministers;

travelling is allowed within a Level 2 area and to and from another Level 2 area or any Level 1 areas, but travelling from a Level 2 area to any area of Wales which is at Level 3 or 4, or to any areas of high incidence of coronavirus elsewhere in the UK, is not allowed;

similarly travelling from a Level 3 or 4 area, or from any areas of high incidence of coronavirus elsewhere in the UK, to a Level 2 area is not allowed;

nearly all business premises that are ordinarily open to the public may continue to be open but premises licensed to sell alcohol may only serve alcohol with meals and may not serve alcohol after 10.00 p.m. (closing no later than 10.20 p.m.).

When **Alert Level 3** restrictions apply to an area:

gatherings in people's homes (indoors and outdoors) are allowed only between members of an extended household consisting of up to 2 households and a single adult household;

gatherings indoors (away from people's homes), or outdoors in regulated premises, are limited to 4 people (not including children under 11) or the members of 1 household if higher;

gatherings outdoors (away from people's homes or regulated premises) are limited to 4 people (not including children under 11) or the members of 1 household or an extended household if higher;

different rules apply to gathering for activities that are formally organised, allowing more people (up to 15 indoors and up to 30 outdoors) to come together;

as an exception to the general prohibition on organising events, events involving up to 15 people in attendance at any one time indoors, or 30 people outdoors, are allowed;

travelling is allowed within a Level 3 area but travelling from a Level 3 area to any other area of Wales, or to any areas of high incidence of coronavirus elsewhere in the UK, is not allowed;

similarly travelling from a Level 1, 2 or 4 area, or from any areas of high incidence of coronavirus elsewhere in the UK, to a Level 3 area is not allowed;

most premises that are ordinarily open to the public may continue to be open but premises used for entertainment or hospitality must either be closed or may open until 6.00 p.m. only – and premises licensed to sell alcohol may not sell alcohol for consumption on the premises.

When **Alert Level 4** restrictions apply to an area:

there is an overarching requirement to stay at home if you live in the area and not to travel to the area if you live outside;

most premises ordinarily open to the public are required to be closed.

The ability to come together for events and formally organised activities, and for premises to be open to the public, is subject to the need to take all “reasonable measures” to minimise the spread of, and exposure to, the coronavirus (see Part 5).

The restrictions on events are closely associated with the restrictions on gathering as people attending an event may also be gathering with others. An event is widely defined (in regulation 57(4)) as any occasion planned or scheduled for a particular purpose at which people are at the same place for that purpose (regardless of whether they are also gathering).

As an exception to this system, Schedule 6 makes specific provision modifying the restrictions relating to extended households (and travelling to meet members of an extended household) for the period between 23 and 27 December 2020 (with an additional day allowed before and after this period in the case of persons travelling from and to Northern Ireland).

Parts 3 to 6 impose further restrictions and requirements which generally apply in all circumstances.

Part 3 imposes requirements on people who have tested positive for coronavirus and their close contacts. Regulations 6 and 7 provide that adults and children who have tested positive for coronavirus must not leave the place they are living for 10 days (except in the circumstances provided for by regulation 10). Regulations 8 and 9 provide that people who have had “close contact” with someone who has tested positive for coronavirus must not leave the place they are living for 10 days (except in the circumstances provided for by regulation 10). The 10 day period of isolation begins either the day after a person tests positive, the day after the day which a person reports as the day they first experience symptoms or the day after a person has close contact. Regulation 11 provides an exception to the requirement to isolate if people test negative regularly in accordance with a formal scheme of testing. Regulation 12 relates to obligations of adults in respect of children required to isolate, regulation 13 enables notices given under this Part by contact tracers to be withdrawn and regulation 14 makes provision about the use of information held by contact tracers.

Part 4 makes provision for the purpose of minimising risk of exposure to coronavirus in premises open to the public and in workplaces. Regulation 16 applies to “regulated premises” 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) all 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 premises, allowing staff to isolate and collecting contact information from those on the premises may be reasonable measures.

Part 5 provides that face coverings must be worn on public transport, including taxis, and in certain indoor places, subject to listed exemptions and exceptions.

Part 6 provides for circumstances in which schools may be required to be open when they may otherwise be closed to allow children of critical workers or children who are vulnerable to attend.

Part 7 relates to the enforcement of the restrictions and requirements. Regulation 25 makes provision about those who can take enforcement action, regulation 26 makes further provision (in Schedules 8 and 9) about enforcing the need to take preventative measures under regulation 16, regulation 27 relates to compliance notices, and regulation 28 to powers of removal and dispersal. Regulations 29 to 32 relate specifically to enforcing the requirements in relation to travelling,

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isolation, events, and wearing a face covering; and regulation 33 relates to the requirements' application to children. Regulation 34 contains a power to enter premises, regulation 35 relates to police powers to conduct road checks and regulation 36 makes supplemental provision about the exercise of powers by enforcement powers.

Part 8 makes provision about offences and penalties. Regulations 37 to 43 in Chapter 1 provide that a person who, without a reasonable excuse, contravenes the restrictions or requirements referred to commits an offence. An offence is punishable by an unlimited fine (regulation 44). Chapter 2 allows for offences to be punished by way of fixed penalty notices and makes provision about how they are applied and Chapter 3 relates to proceedings for offences under the Regulations.

Part 9 contains defined terms (regulation 57), revokes previous Regulations and makes a consequential amendment.

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.

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