

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.

WELSH STATUTORY INSTRUMENTS

2020 No. 985 (W. 222)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus Restrictions)
(No. 2) (Wales) (Amendment) (No. 9) Regulations 2020**

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| <i>Made</i> | - - - - | <i>at 4.35 p.m. on 11 September 2020</i> |
| <i>Laid before Senedd Cymru</i> | | <i>at 7.30 p.m. on 11 September 2020</i> |
| <i>Coming into force</i> | - - | <i>14 September 2020</i> |

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 45C(1) and (3)(c), 45F(2) and 45P 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 the amendments made by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 45R of that Act the Welsh Ministers are of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, Senedd Cymru.

Title and coming into force

1. The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 9) Regulations 2020 and they come into force on 14 September 2020.

⁽¹⁾ 1984 c. 22. Sections 45C, 45F and 45P were inserted by section 129 of the Health and Social Care Act 2008 (c. 14). The functions under these sections are conferred on “the appropriate Minister”. Under section 45T(6) of the 1984 Act the appropriate Minister, as respects Wales, is the Welsh Ministers.

Amendment of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020

2.—(1) The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020(2) are amended as follows.

(2) In regulation 2A, for paragraph (3) substitute—

“(3) Where households agree to be treated as an extended household—

- (a) any reference in these Regulations (other than in this regulation and regulation 14(1)(b)(i)) to a “household” is to be read as including the households that have so agreed, and
- (b) regulation 14 applies to a gathering consisting of persons from more than one household in an extended household as if, for paragraph (1), there were substituted—

“(1) A gathering in premises indoors may not, without reasonable excuse, consist of—

- (a) more than 6 members of an extended household, not including any children under the age of 11;
- (b) a person who is not a member of the extended household apart from—
 - (i) the carer of a member of the extended household, or
 - (ii) a person to whom a member of the extended household is providing care.”.

(3) Omit regulation 11.

(4) After regulation 12A insert—

“Requirement to wear face covering in certain indoor public places

12B.—(1) A person (“P”) must wear a face covering in relevant indoor premises.

(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) where P is in premises where food or drink is sold, or otherwise provided, for consumption on those premises.

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

(2) [S.I. 2020/725 \(W. 162\)](#), as amended by the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) Regulations 2020 ([S.I. 2020/752 \(W. 169\)](#)), the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 2) Regulations 2020 ([S.I. 2020/803 \(W. 176\)](#)), the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 3) Regulations 2020 ([S.I. 2020/820 \(W. 180\)](#)), the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 4) Regulations 2020 ([S.I. 2020/843 \(W. 186\)](#)), the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 5) Regulations 2020 ([S.I. 2020/867 \(W. 189\)](#)), the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 6) Regulations 2020 ([S.I. 2020/884 \(W. 195\)](#)), the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 7) Regulations 2020 ([S.I. 2020/912 \(W. 204\)](#)) and the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 8) (Caerphilly) Regulations 2020 ([S.I. 2020/961 \(W. 215\)](#)).

- (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(3));
 - (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.
- (5) For the purposes of paragraph (3)(b), where food or drink is sold or otherwise provided for consumption in a part of premises, the exemption only applies where P is in that part.
- (6) For the purposes of this regulation, “relevant indoor premises” means the indoor public areas of—
- (a) open premises;
 - (b) bus stations;
 - (c) railway stations;
 - (d) airports;
 - (e) sea ports.”
- (5) In regulation 17—
- (a) in paragraph (1)(c)—
 - (i) after paragraph (i) insert “or”;
 - (ii) omit paragraphs (iii) and (iv);
 - (b) in paragraph (1)(d)—
 - (i) after paragraph (i) insert “or”;
 - (ii) omit paragraphs (iii) and (iv);
 - (c) in paragraph (2), omit “, 11(4)”;
 - (d) omit paragraph (3).
- (6) In regulation 18—
- (a) omit paragraph (3);
 - (b) in paragraph (3C), in the words before sub-paragraph (a), for “paragraph 6(1) of Schedule 4A” substitute “regulation 12B(1)”;
 - (c) in paragraph (6A), for “paragraph 6(1) of Schedule 4A” substitute “regulation 12B(1)”.
- (7) In regulation 20, in paragraph (1)—
- (a) in sub-paragraph (a), omit “, 11(4) or 12A(1),”;
 - (b) in sub-paragraph (b)—

- (i) after “regulation” insert “12A(1), 12B(1),”;
 - (ii) for “, 4(1) or 6(1)” substitute “or 4(1)”.
- (8) In regulation 21—
- (a) in paragraph (10), after “Regulations” insert “or Regulations mentioned in paragraph (11)”;
 - (b) in paragraph (11), after “2020” insert “and the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities) (Wales) Regulations 2020(4)”;
 - (c) omit paragraph (15).
- (9) In Schedule 4A—
- (a) in paragraph 4(2)(e) after “services” insert “where it is not reasonably practicable to carry out the work or provide the service from a place outside the area”;
 - (b) omit paragraph 6.

Savings for offences and penalties in relation to prior acts

3. Regulations 20 and 21 of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 continue to have effect in relation to any offence committed, or reasonably believed to have been committed, before the amendments made by these Regulations came into force as if those amendments had not been made.

at 4.35 p.m. on 11 September 2020

Mark Drakeford
First Minister, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 2A of the Public Health (Control of Disease) Act 1984 enables the Welsh Ministers, by regulations, to make provision for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Wales.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales.

These Regulations amend the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 (the “principal Regulations”). The amendments—

- (a) restrict gatherings indoors of members of an extended household to 6 persons not including any children aged under 11 (this does not affect the general rule that no person may gather indoors with anyone from outside their household);
- (b) require face coverings to be worn in the indoor public areas of “open premises” (that is premises open to the public and required to take all reasonable measures to minimise the risk of exposure to, and spread of, coronavirus under regulation 12 of the principal Regulations) and transport hubs, unless an exemption applies or the person has a reasonable excuse for not wearing the face covering;
- (c) make it clear that under paragraph 4 of Schedule 4A to the principal Regulations, it is not a reasonable excuse to enter a local health protection area for work, or to provide voluntary or charitable services, if it is reasonably practicable to do the work or provide the service outside the area;
- (d) make minor amendments including amendments consequential on the changes mentioned above and on the making of the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities) (Wales) Regulations 2020.

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.