
WELSH STATUTORY INSTRUMENTS

2021 No. 583 (W. 160)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus Restrictions) (No. 5)
(Wales) (Amendment) (No. 10) Regulations 2021**

Approved by Senedd Cymru

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| <i>Made</i> | - - - - | <i>at 1.55 p.m. on 14 May 2021</i> |
| <i>Laid before Senedd Cymru</i> | | <i>at 6.00 p.m. on 14 May 2021</i> |
| <i>Coming into force</i> | - - | <i>at 6.00 a.m. on 17 May 2021</i> |

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 45B, 45C(1) and (3)(c), 45F(2) and 45P(2) 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, 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.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 10) Regulations 2021.

(2) These Regulations come into force at 6.00 a.m. on 17 May 2021.

⁽¹⁾ 1984 c. 22. Sections 45B, 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 to the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020

2.—(1) The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020(2) are amended as follows.

- (2) In regulation 3, for “28 May” substitute “27 August”.
- (3) Omit Part 3A.
- (4) After regulation 17(4) insert—
 - “(4A) Sub-paragraphs (a) and (b)(i) and (ii) of paragraph (1) do not apply to—
 - (a) cinemas;
 - (b) sports grounds;
 - (c) theatres.”
- (5) In regulation 25(2), in the words before sub-paragraph (a), omit “14B,”.
- (6) Omit regulation 29.
- (7) Omit regulation 38.
- (8) In regulation 48(1), omit “49A,”.
- (9) Omit regulation 49A.
- (10) In regulation 53(1)(c), omit “49A,”.
- (11) In regulation 57—
 - (a) in paragraph (4)(b)(ii), after “gathering” insert “at the event”;
 - (b) in paragraph (7), in the words before sub-paragraph (a), for “an activity is “organised”” substitute “a gathering is “regulated””;
 - (c) in paragraph (8), in each place it occurs, for “activity” substitute “gathering”.
- (12) In Schedule 1—
 - (a) in paragraph 1(2)(a), after “11” insert “, as long as the persons participating in the gathering (including any children under the age of 11) are from no more than 6 households”;
 - (b) in paragraph 2—
 - (i) in sub-paragraph (2)(a), after “11” insert

“, as long as the persons participating in the gathering (including any children under the age of 11) are from no more than—

 - (i) 6 households in the case of a gathering indoors, or outdoors in regulated premises, or
 - (ii) 30 households, in the case of a gathering outdoors in premises that are not regulated premises”;
 - (ii) in sub-paragraph (5)—
 - (aa) in paragraph (i)—
 - (i) in the words before subparagraph (i), for “an indoor organised activity” substitute “a regulated gathering that takes place wholly or mainly indoors and”;

(2) S.I. 2020/1609 (W. 335) as amended by S.I. 2020/1610 (W. 336), S.I. 2020/1623 (W. 340), S.I. 2020/1645 (W. 345), S.I. 2021/20 (W. 7), S.I. 2021/46 (W. 10), S.I. 2021/57 (W. 13), S.I. 2021/66 (W. 15), S.I. 2021/95 (W. 26), S.I. 2021/103 (W. 28), S.I. 2021/172 (W. 40), S.I. 2021/210 (W. 52), S.I. 2021/307 (W. 79), S.I. 2021/413 (W. 133), S.I. 2021/502 (W. 150) and S.I. 2021/542 (W. 154).

- (ii) in sub-paragraph (i), for “as part of the activity” substitute “at the gathering”;
 - (bb) in paragraph (j)—
 - (i) in the words before subparagraph (i), for “an outdoor organised activity” substitute “a regulated gathering that takes place wholly or mainly outdoors and”;
 - (ii) in sub-paragraph (i), for “as part of the activity, unless the activity” substitute “at the gathering, unless the gathering”;
 - (cc) in paragraph (k), for “organised activity” substitute “regulated gathering”;
- (c) in paragraph 4(3), for paragraph (c) substitute—
- “(c) where—
 - (i) the showing of a film,
 - (ii) a theatrical performance,
 - (iii) a market, or
 - (iv) a religious service,is held in premises ordinarily used for that purpose or outdoors, it is not to be treated as an event;
 - (d) an elite sporting event at which the only people present are elite athletes and persons working or providing voluntary services at the event is not to be treated as an event.”;
- (d) in paragraph 5—
- (i) for sub-paragraph (1) substitute—

“(1) The Welsh Ministers may give authorisation in writing for an event to be held.”;
 - (ii) omit sub-paragraph (2);
 - (iii) after sub-paragraph (4) insert—

“(4A) A requirement, restriction or other condition specified by the Welsh Ministers in an authorisation given under sub-paragraph (1) may modify regulations 16, 17 and 17A (requirement to take all reasonable measures to minimise exposure to coronavirus) for a specified period in so far as it applies to the premises at which the event is held.”
- (13) In Schedule 2—
- (a) in paragraph 2—
 - (i) in sub-paragraph (1)(b)—
 - (aa) in the words before sub-paragraph (i), for “4” substitute “6”;
 - (bb) in sub-paragraph (i), after “11” insert “, as long as the persons participating in the gathering (including any children under the age of 11) are from no more than 6 households”;
 - (ii) in sub-paragraph (2)—
 - (aa) in paragraph (a), after “indoors” insert “or outdoors in regulated premises”;
 - (bb) omit paragraph (aa);

- (cc) for paragraph (b) substitute—
 - “(b) takes place outdoors other than in regulated premises if all the persons participating in the gathering are members of the same household or extended household.”;
- (iii) in sub-paragraph (3B), for “sub-paragraphs (2)(aa)(i), (2)(b)(ii) and (3A)” substitute “sub-paragraph (3A)”;
- (iv) in sub-paragraph (6)(i)—
 - (aa) in the words before sub-paragraph (i), for “an indoor organised activity” substitute “a regulated gathering that takes place wholly or mainly indoors and”;
 - (bb) in sub-paragraph (i), for “as part of the activity” substitute “at the gathering”;
- (v) in sub-paragraph (6)(j)—
 - (aa) in the words before sub-paragraph (i), for “an outdoor organised activity” substitute “a regulated gathering that takes place wholly or mainly outdoors and”;
 - (bb) in sub-paragraph (i), for “as part of the activity, unless the activity” substitute “at the gathering, unless the gathering”;
- (vi) in sub-paragraph (6)(k), for “organised activity” substitute “regulated gathering”;
- (b) in paragraph 4(3), for paragraph (c) substitute—
 - “(c) where—
 - (i) the showing of a film,
 - (ii) a theatrical performance,
 - (iii) a market, or
 - (iv) a religious service,
 is held in premises ordinarily used for that purpose or outdoors, it is not to be treated as an event;
 - (d) an elite sporting event at which the only people present are elite athletes and persons working or providing voluntary services at the event is not to be treated as an event.”;
- (c) in paragraph 5—
 - (i) for sub-paragraph (1) substitute—
 - “(1) The Welsh Ministers may give authorisation in writing for an event to be held.”;
 - (ii) omit sub-paragraph (2);
 - (iii) after sub-paragraph (4) insert—
 - “(4A) A requirement, restriction or other condition specified by the Welsh Ministers in an authorisation given under sub-paragraph (1) may modify regulations 16, 17 and 17A (requirement to take all reasonable measures to minimise exposure to coronavirus) for a specified period in so far as it applies to the premises at which the event is held.”
- (14) In Schedule 3—
 - (a) in paragraph 2(6)—
 - (i) in paragraph (g)—

- (aa) in the words before sub-paragraph (i), for “an indoor organised activity” substitute “a regulated gathering that takes place wholly or mainly indoors and”;
 - (bb) in sub-paragraph (i), for “as part of the activity” substitute “at the gathering”;
- (ii) in paragraph (h)—
 - (aa) in the words before sub-paragraph (i), for “an outdoor organised activity” substitute “a regulated gathering that takes place wholly or mainly outdoors and”;
 - (bb) in sub-paragraph (i), for “as part of the activity” substitute “at the gathering”;
- (b) in paragraph 3(6)—
 - (i) in paragraph (j)—
 - (aa) in the words before sub-paragraph (i), for “an indoor organised activity” substitute “a regulated gathering that takes place wholly or mainly indoors and”;
 - (bb) in sub-paragraph (i), for “as part of the activity” substitute “at the gathering”;
 - (ii) in paragraph (k)—
 - (aa) in the words before sub-paragraph (i), for “an outdoor organised activity” substitute “a regulated gathering that takes place wholly or mainly outdoors and”;
 - (bb) in sub-paragraph (i), for “as part of the activity, unless the activity” substitute “at the gathering, unless the gathering”;
 - (cc) in paragraph (l), for “an organised activity” substitute “a regulated gathering”;
- (c) in paragraph 5(3), for paragraph (c) substitute—
 - “(c) where—
 - (i) a market, or
 - (ii) a religious service,is held in premises ordinarily used for that purpose or outdoors, it is not to be treated as an event;
 - (d) the following are not to be treated as events—
 - (i) the showing of a film at a drive-in cinema;
 - (ii) a performance at a drive-in theatre;
 - (iii) an elite sporting event at which the only people present are elite athletes and persons working or providing voluntary services at the event.”;
- (d) in paragraph 6—
 - (i) for sub-paragraph (1) substitute—
 - “(1) The Welsh Ministers may give authorisation in writing for an event to be held.”;
 - (ii) omit sub-paragraph (2);
 - (iii) after sub-paragraph (4) insert—

“(4A) A requirement, restriction or other condition specified by the Welsh Ministers in an authorisation given under sub-paragraph (1) may modify regulations 16, 17 and 17A (requirement to take all reasonable measures to minimise exposure to coronavirus) for a specified period in so far as it applies to the premises at which the event is held.”;

- (e) in paragraph 9(4), for “an organised activity” substitute “a regulated gathering”;
- (f) for paragraph 10 substitute—

“Exemption from the requirement to be closed: venues for weddings and celebrations of life of deceased

10. Despite the preceding provisions of this Part—

- (a) premises used as a venue for the solemnisation of a marriage, formation of civil partnership or alternative wedding ceremony, or the celebration of such an event, may open to the public—
 - (i) to the extent that this is required for the purposes of the solemnisation of a marriage, formation of civil partnership or alternative wedding ceremony at the premises, or the celebration of such an event at the premises;
 - (ii) for the purposes of enabling a person to visit the premises, by appointment, with a view to booking the premises for the solemnisation of a marriage, formation of civil partnership or alternative wedding ceremony, or for the celebration of such an event;
- (b) premises used as a venue for the celebration of the life of a deceased person may open to the public to the extent that this is required for such a celebration at the premises.”

(15) In Schedule 4—

- (a) in paragraph 1(4)(f)—
 - (i) in paragraph (ii), omit “or” at the end;
 - (ii) in paragraph (iii), for “;” substitute “, or”;
 - (iii) after paragraph (iii) insert—
 - “(iv) with 1 other person who is not a member of the person’s household or extended household or the person’s carer, and any children under the age of 11 who are members of either person’s household;”;
- (b) in paragraph 2(4)(i)—
 - (i) in paragraph (i), insert “or” at the end;
 - (ii) after paragraph (i) insert—
 - “(ii) 1 other person and any children under the age of 11 who are members of either person’s household;”;
- (c) in paragraph 4(3), for paragraph (c) substitute—
 - “(c) where—
 - (i) a market, or
 - (ii) a religious service,
 is held in premises ordinarily used for that purpose or outdoors, it is not to be treated as an event.”

(16) In Schedule 5, paragraph 1, in Column 3 of the table, for “3” substitute “2”.

(17) Omit Schedule 5A.

Amendment to the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020

3. In regulation 3(1) of the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020(3), for “28 May” substitute “27 August”.

At 1.55 p.m. on 14 May 2021

Mark Drakeford
First Minister, one of the Welsh Ministers

(3) S.I. 2020/1011 (W. 225) as amended by S.I. 2020/1100 (W. 250), S.I. 2020/1149 (W. 261), S.I. 2020/1219 (W. 276), S.I. 2020/1409 (W. 311), S.I. 2020/1609 (W. 335), S.I. 2021/57 (W. 13), S.I. 2021/307 (W. 79) and S.I. 2021/542 (W. 154).

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. 5) (Wales) Regulations 2020 (S.I. 2020/1609 (W. 335)) (“the principal Regulations”).

The amendments—

- provide that the whole of Wales moves from Alert Level 3 to Alert Level 2, meaning that the restrictions and requirements in Schedule 2 to the principal Regulations take effect;
- amend Schedule 2 to change the rule on gathering with others anywhere other than in people’s homes or in holiday or travel accommodation, so that 6 people from different households can meet (rather than 4);
- provide that the principal Regulations expire at the end of the day on 27 August 2021 (rather than 28 May 2021);
- disapply the restriction on leaving Wales to go to a destination outside the common travel area without a reasonable excuse and on presenting an international travel declaration form if doing so;
- relax the rules on service in cinemas, sports grounds and theatres so that customers only have to be seated when consuming food or drink (and not when ordering or being served);
- clarify that, for the purposes of the principal Regulations, an “organised activity” is a “gathering” by renaming it as a “regulated gathering”;
- amend the provision that enables the Welsh Ministers to authorise specific events so that they can authorise events at which any number of people can attend (including a number that is already permitted) and can modify the requirements to take reasonable measures to minimise the spread of coronavirus that would otherwise apply in accordance with regulations 16, 17 and 17A;
- clarify that the exception to the prohibition on large scale events that applies to the showing of a film, a theatrical performance, a market and a religious service only has effect where it takes place in premises ordinarily used for those purposes or outdoors (though at Alert Levels 3 and 4 this change only applies to markets and religious services).

The Regulations also amend the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020 (S.I. 2020/1011 (W. 235)) to change their expiry date to 27 August 2021.

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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