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WELSH STATUTORY INSTRUMENTS

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**2022 No. 83 (W. 29)**

**PUBLIC HEALTH, WALES**

**The Health Protection (Coronavirus Restrictions)  
(No. 5) (Wales) (Amendment) (No. 4) Regulations 2022**

<i>Made</i>	- - - -	<i>at 2.57 p.m. on 27 January 2022</i>
<i>Laid before Senedd Cymru</i>		<i>at 4.45 p.m. on 27 January 2022</i>
<i>Coming into force</i>	- -	<i>at 6.00 a.m. on 28 January 2022</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 45C(1) and (3)(c) and 45P(2) of the Public Health (Control of Disease) Act 1984<sup>(1)</sup>.

These Regulations are made in response to the 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 45Q(3) of that Act the Welsh Ministers are of the opinion that the instrument does not contain any provision made by virtue of section 45C(3)(c) of the Act which imposes or enables the imposition of a special restriction or requirement, or any other restriction or requirement which has or would have a significant effect on a person's rights.

**Title and coming into force**

**1.**—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 4) Regulations 2022.

(2) These Regulations come into force at 6.00 a.m. on 28 January 2022.

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<sup>(1)</sup> 1984 c. 22. Sections 45C 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 16—

(a) in paragraph (1)—

(i) under the “*Step 2*” heading, omit “and *Step 4*”;

(ii) omit—

“Take all reasonable measures to ensure—

(a) that a distance of 2 metres is maintained between any persons indoors on the premises, except between members of a permitted group;

(b) where persons are required to wait indoors to enter the premises, that a distance of 2 metres is maintained between them, except between members of a permitted group.

*Step 4*”;

(b) omit paragraph (1A);

(c) omit paragraph (3)(ba);

(d) omit paragraph (4A).

(3) Omit regulations 16ZA and 16ZB.

(4) In regulation 16A(1), after sub-paragraph (c) insert—

“(ca) that, for medical reasons, the person—

(i) cannot complete a course of doses of an authorised vaccine, and

(ii) cannot undertake a qualifying test.”

(5) Omit Part 4B.

(6) In regulation 20—

(a) in paragraph (1), after “permitted access” insert “, other than premises where food or drink is sold, or otherwise provided, for consumption on the premises”;

(b) omit paragraph (3)(h).

(7) In regulation 26, omit “, 16ZA(1), 16ZB”.

(8) In regulation 37, omit paragraph (2).

(9) Omit regulation 42A.

(10) In Schedule 5, in column 3 of the table in paragraph 1, for “Alert Level 2” substitute “No alert level”.

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(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), S.I. 2021/542 (W. 154), S.I. 2021/583 (W. 160), S.I. 2021/668 (W. 169), S.I. 2021/686 (W. 172), S.I. 2021/722 (W. 183), S.I. 2021/862 (W. 201), S.I. 2021/925 (W. 210), S.I. 2021/970 (W. 228), S.I. 2021/1119 (W. 271), S.I. 2021/1131 (W. 274), S.I. 2021/1212 (W. 303), S.I. 2021/1304 (W. 334), S.I. 2021/1363 (W. 358), S.I. 2021/1407 (W. 366), S.I. 2021/1468 (W. 376), S.I. 2021/1477 (W. 379), S.I. 2021/1485 (W. 386), S.I. 2021/1490 (W. 390), S.I. 2022/39 (W. 16), S.I. 2022/55 (W. 21) and S.I. 2022/75 (W. 27).

At 2.57 p.m. on 27 January 2022

*Mark Drakeford*  
First Minister, one of the Welsh Ministers

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## 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 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 Regulations amend the principal Regulations to provide that from 6.00 a.m. on 28 January 2022, no alert level applies to Wales. This means that none of the restrictions and requirements in Schedules 1 to 4 to the principal Regulations apply. The effect is that:

- there are no specific limits on the number of people who can gather together;
- there are no specific limits on the number of people that may attend events at any time;
- there are no requirements for any particular types of businesses or services to close.

The Regulations also revoke:

- regulation 18B of the principal Regulations, which provides that no person may leave the place where they are living for the purposes of work where it is reasonably practicable for the person to work from home;
- regulation 42A of the principal Regulations, which provides for the enforcement of regulation 18B;
- specific provisions in regulation 16 of the principal Regulations relating to allowing or requiring persons who ordinarily work at regulated premises to work from home, and provisions requiring the person responsible for regulated premises to ensure that a distance of 2 meters is maintained between persons indoors on the premises;
- regulations 16ZA and 16ZB, which make specific provision about the measures that must be taken to minimise the risk of exposure to coronavirus on licensed premises and retail premises.

The restrictions and requirements in other parts (aside from the provisions set out above and Schedules 1 to 4) of the principal Regulations continue to apply, including requirements on persons responsible for regulated premises to take reasonable measures to minimise the risk of exposure to coronavirus at the premises. The requirements to wear face coverings on public transport and in particular indoor public places also continue to apply, but these Regulations amend the principal Regulations to provide that a person is no longer required to wear a face covering in premises where food or drink is sold for consumption on the premises.

Despite the relaxation of the rules on people gathering and attending events, the reasonable measures (under regulation 16 of the principal Regulations) that continue to be required on regulated premises mean that those responsible for the premises may need to set limits on the numbers of people who can gather, and on the capacity of events.

The Regulations also change eligibility for being present in certain premises under regulation 16A (commonly known as a “COVID pass”) to include persons with evidence that, for medical reasons, they cannot be vaccinated or take a qualifying test for coronavirus.

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The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. In accordance with the Code, a regulatory impact assessment as to the likely cost and benefit of complying with these Regulations has not been carried out, due to the need to put them in place urgently to ensure that the principal Regulations' restrictions and requirements continue to be proportionate.