
WELSH STATUTORY INSTRUMENTS

2020 No. 1011

The Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020

PART 2

Local authority directions in relation to premises, events and public places

CHAPTER 1

Giving and revoking directions

Public place directions

7.—(1) A local authority may give a public place direction in respect of any public place in the authority's area.

(2) For the purposes of these Regulations, “public place” means an outdoor place to which the public have or are permitted access, whether on payment or otherwise, including—

- (a) land laid out as a public garden or used for the purpose of recreation by members of the public;
- (b) land which is “open country” as defined in section 59(2) of the National Parks and Access to the Countryside Act 1949(1), as read with section 16 of the Countryside Act 1968(2);
- (c) any highway to which the public has access.

(3) But a public place does not include—

- (a) “access land” within the meaning given in regulation 14(7)(c);
- (b) a “public path” within the meaning given in regulation 14(7)(b).

(4) A public place direction may impose prohibitions, requirements or restrictions in relation to access to the public place (including, in particular, prohibiting access at specified times).

(5) A public place direction must describe the public place in sufficient detail to enable its boundaries to be determined.

(6) Where a local authority gives a public place direction it must take such steps as are reasonably practicable to—

- (a) prevent or restrict public access to the public place to which the direction relates in accordance with the direction (including erecting and maintaining notices in prominent places informing the public of the direction);
- (b) give prior notice of the direction to persons carrying on a business from premises within the public place;

(1) 1949 c. 97.

(2) 1968 c. 41. Section 16 has been amended by section 111 of the Transport Act 1968 (c. 73), Schedule 27 to the Water Act 1989 (c. 15) and S.I. 2012/1659. There are other amendments to section 16 which are not relevant to these Regulations.

(c) ensure that the direction is brought to the attention of any person who owns, occupies or is responsible for any premises in the public place.

(7) Any person, other than a local authority, who owns, occupies or is responsible for premises in a public place to which a public place direction relates must take such steps as are reasonably practicable to prevent or restrict public access to the premises in accordance with the direction.

(8) No person may, without reasonable excuse, enter or remain in a public place to which a public place direction relates in contravention of a prohibition, requirement or restriction imposed by the direction.

(9) A local authority may not give a public place direction in respect of a public place which includes property to which section 73 of the Public Health (Control of Disease) Act 1984(3) (Crown property) applies.

(10) But a local authority may give a public place direction in respect of such a place if the authority has entered into an agreement under subsection (2) of section 73 with the appropriate authority (within the meaning given by that section) that—

(a) section 45C of that Act, and

(b) these Regulations,

apply to the property (subject to such terms as may be included in the agreement).

(3) Section 73 has been amended by Schedule 11 to the Health and Social Care Act 2008 (c. 14).