
WELSH STATUTORY INSTRUMENTS

2020 No. 1079 (W. 242)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus Restrictions) (No. 2)
(Wales) (Amendment) (No. 17) Regulations 2020**

Approved by Senedd Cymru

<i>Made</i>	- - - -	<i>at 1.25 p.m. on 2</i>
		<i>October 2020</i>
<i>Laid before before Senedd</i>		<i>at 3.50 p.m. on 2</i>
<i>Cymru</i>	- - - -	<i>October 2020</i>
<i>Coming into force</i>	- -	<i>3 October 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. 17) Regulations 2020 and they come into force on 3 October 2020.

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.

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- (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.
- (2) S.I. 2020/725 (W. 162), as amended by S.I. 2020/752 (W. 169), S.I. 2020/803 (W. 176), S.I. 2020/820 (W. 180), S.I. 2020/843 (W. 186), S.I. 2020/867 (W. 189), S.I. 2020/884 (W. 195), S.I. 2020/912 (W. 204), S.I. 2020/961 (W. 215), S.I. 2020/985 (W. 222), S.I. 2020/1007 (W. 224), S.I. 2020/1011 (W. 225), S.I. 2020/1022 (W. 227), S.I. 2020/1035 (W. 229), S.I. 2020/1040 (W. 230), S.I. 2020/1043 (W. 232), S.I. 2020/1049 (W. 235) and S.I. 2020/1066 (W. 240).

(2) In regulation 2A, in paragraph (3)(a), for “and regulation 14(1)(b)(i)” substitute “, regulation 14(1)(b)(i) and paragraph 2 of Schedule 4A”.

(3) In regulation 12B, omit paragraph (5).

(4) In Schedule 2, omit paragraph 10.

(5) In Schedule 4, after paragraph 45 insert—

“46. Skating rinks.”

(6) In Schedule 4A, for paragraph 2 substitute—

“Restriction on extended households

2.—(1) Where, before the area in which a household lives became a local health protection area, the household agreed to be treated as being in an extended household with other households in accordance with regulation 2A—

- (a) that household is not to be treated as being in the extended household from the time at which the area became a local health protection area, and
- (b) the other households continue to be treated as an extended household (provided they are not living in a local health protection area) and regulation 2A applies to those households accordingly.

(2) Despite regulation 2A(1), no household living in a local health protection area may agree to be treated as an extended household with other households.

(3) But a household comprising of no more than one adult (and any number of children) living in a local health protection area and another household also living in that area, may agree to be treated as a temporary extended household.

(4) A household ceases to be treated as being in a temporary extended household if—

- (a) the household ceases to live in the local health protection area, or
- (b) the area ceases to be a local health protection area.

(5) Paragraphs (2) to (6) of regulation 2A apply to (two) households treated as a temporary extended household under sub-paragraph (3) as they apply to (up to four) households treated as an extended household under regulation 2A(1).

(6) But regulation 2A(4) does not prevent—

- (a) two households being treated as a temporary extended household under sub-paragraph (3) where either household—
 - (i) was treated as being in an extended household in accordance with regulation 2A, and
 - (ii) is no longer treated as being in an extended household by virtue of sub-paragraph (1)(a);
- (b) up to four households being treated as an extended household under regulation 2A(1) where at least one of the households—
 - (i) was treated as being in a temporary extended household in accordance with sub-paragraph (3), and
 - (ii) is no longer treated as being in a temporary extended household by virtue of sub-paragraph (4).”

At 1.25 p.m. on 2 October 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) allow a household made up of no more than one adult (whether or not children also live in the household) living in a local health protection area and another household that also lives in the area, to form an extended household temporarily;
- (b) permit skating rinks to open, but measures must be taken to minimise the risk of exposure to coronavirus on the premises (in accordance with regulation 12 of the principal Regulations);
- (c) make minor consequential amendments.

A household may form a temporary extended household in accordance with the amendment made by these Regulations whether or not it had previously formed an extended household (with up to three other households) before its area became a local health protection area.

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.