

WELSH STATUTORY INSTRUMENTS

2020 No. 1219 (W. 276)

PUBLIC HEALTH, WALES

^{F1}The Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020

Approved by Senedd Cymru

<i>Made</i>	- - - -	<i>at 1.14 p.m. on 5 November 2020</i>
<i>Laid before Senedd Cymru</i>		<i>at 4.45 p.m. on 5 November 2020</i>
<i>Coming into force</i>	- -	<i>9 November 2020</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 45B, 45C(1) and (3), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984 .

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.

Textual Amendments

F1 Regulations revoked (except reg. 48) (20.12.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) Regulations 2020 \(S.I. 2020/1609\)](#), **reg. 58(a)** (as amended by S.I. 2020/1610, regs. 1(2), 2(2))

^{F1}PART 1 E+W

Introduction, review and expiry

Title, application and coming into force E+W

1.

Status: Point in time view as at 20/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020. (See end of Document for details)

Review **E+W**

2.

Expiry **E+W**

3.

^{F1}PART 2 **E+W**

Restrictions on gatherings and events

Restriction on gatherings in private dwellings **E+W**

4.

Extended households **E+W**

5.

Restriction on gatherings in public places **E+W**

6.

Prohibition on organising events **E+W**

7.

Prohibition on organising certain unlicensed music events **E+W**

8.

^{F1}PART 3 **E+W**

Restrictions on travel

Restriction on travel to and from Wales **E+W**

9.

^{F1}PART 4 **E+W**

Requirement to isolate etc.

CHAPTER 1 **E+W**

Requirement to isolate etc. where person tests positive for coronavirus or has close contact with such person

Interpretation of Part **E+W**

10.

Requirement to isolate: adult with coronavirus E+W

11.

Requirement to isolate: child with coronavirus E+W

12.

Requirement to isolate after close contact: adult E+W

13.

Requirement to isolate after close contact: child E+W

14.

Isolation requirements: exceptions E+W

15.

Requirement on persons with responsibility for children E+W

16.

Withdrawing a notice which requires isolation E+W

17.

CHAPTER 2 E+W

Information

Power to use and disclose information E+W

18.

CHAPTER 3 E+W

Special provision relating to persons who have recently been in Denmark

Restrictions relating to persons who have recently been in Denmark E+W

18A.

^{F1}PART 5 E+W

Restrictions on certain businesses and services

Closure of premises used by certain businesses and services E+W

19.

Restrictions on food and drink businesses E+W

19A.

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Restrictions on food and drink businesses: exceptions **E+W**

19B.

Restrictions on licensed premises **E+W**

20.

^{F1}PART 6 **E+W**

Minimising risk of exposure to coronavirus

Requirement to take preventative measures on regulated premises to minimise risk **E+W**

21.

Requirement to wear face covering on public transport **E+W**

22.

Requirement to wear face covering in certain indoor public places **E+W**

23.

Guidance on minimising exposure **E+W**

24.

^{F1}PART 7 **E+W**

Enforcement

Enforcement officers **E+W**

25.

Enforcement of requirement to take preventative measures **E+W**

26.

Compliance notices **E+W**

27.

Powers of removal and dispersal **E+W**

28.

Powers relating to prohibited events **E+W**

29.

Enforcement of face covering requirements E+W

30.

Enforcement: children E+W

31.

Power of entry E+W

32.

Power of police to conduct road checks E+W

33.

Enforcement: supplemental provision E+W

34.

^{F1}PART 8 E+W

Offences and penalties

Offences and penalties E+W

35.

Offences committed by bodies corporate etc. E+W

36.

Fixed penalty notices E+W

37.

Amount of fixed penalty: general E+W

38.

Amount of fixed penalty: participating in a large gathering at a private dwelling E+W

39.

Amount of fixed penalty: organising an event E+W

40.

Amount of fixed penalty: organising an unlicensed music event E+W

41.

Status: Point in time view as at 20/12/2020.

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Amount of fixed penalty: business-related offences **E+W**

42.

Fixed penalties: form and procedure **E+W**

43.

Fixed penalty notices: prohibition of double jeopardy **E+W**

44.

Self-incrimination **E+W**

45.

Prosecutions **E+W**

46.

PART 9 **E+W**

General

Interpretation **E+W**

^{F1}47.

Textual Amendments
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Consequential amendment **E+W**

48. In regulation 19(10) of the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020, after sub-paragraph (c) insert—

“(d) the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020.”

Commencement Information
II Reg. 48 in force at 9.11.2020, see **reg. 1(3)**

Mark Drakeford
First Minister, one of the Welsh Ministers

^{F1}SCHEDULE 1 **E+W**

Regulation 19(1)

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^{F1}SCHEDULE 2 **E+W**

Regulation 21(1)

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^{F1}SCHEDULE 3 **E+W**

Regulation 26

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^{F1}SCHEDULE 4 **E+W**

Regulation 26

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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 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 Regulations impose requirements and restrictions on individuals, businesses and others.

There are 9 Parts to the Regulations.

Part 1 provides that these Regulations come into force on **9 November 2020** and must be reviewed by 19 November, at least once in the period from 20 November to 3 December, at least once in the period from 4 December to 17 December, and at least every 21 days after that. It also provides that unless the Regulations are revoked or amended before then, they expire on 19 February 2021.

Part 2 imposes limits on meeting other people (referred to as participating in gatherings) and on events. Regulation 4 limits gatherings in people's homes (including their gardens) to those who form part of an extended household (or "bubble") only. Regulation 5 provides that an extended household may be formed by all of the adults in a maximum of 2 households agreeing to be treated as 1 household for the purpose of meeting in people's homes or for meeting outdoors (other than in regulated premises). Regulation 6 contains a restriction on meeting away from people's homes. In that case, gatherings are limited to 4 people, not including children under 11. However,

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this does not apply to holiday or travel accommodation where the gathering is limited to people who are members of the same household. The limitations in regulations 4 and 6 both apply subject to certain listed exceptions, and subject to situations where it may be reasonably necessary to gather and there is no reasonably practicable alternative. More than 4 people may gather if they are all part of the same household, or if they meet outdoors (other than in regulated premises) if they are all part of the same extended household. Exceptions include certain “organised” activities involving up to 15 people meeting indoors and 30 people outdoors. All reasonable measures must be taken to minimise the risk of the spread of coronavirus during organised activities and they must not take place in people's homes. Regulations 7 and 8 make further provision about events that encourage people to gather illegally.

Part 3 relates to travel. Regulation 9 prohibits people from entering or leaving Wales. This is again subject to certain listed exceptions, and subject to situations where it may be reasonably necessary to travel and there is no reasonably practicable alternative. There is no prohibition on travel within Wales.

Part 4 imposes requirements on people who have tested positive for coronavirus and their close contacts. Regulations 11 and 12 provide that adults and children who have tested positive for coronavirus must not leave the place they are living until the end of the last day of their isolation (except in the circumstances provided for by regulation 15). The last day of their isolation is calculated in accordance with regulations 11 and 12. Regulations 13 and 14 provide that people who have had “close contact” with someone who has tested positive for coronavirus must not leave the place they are living until the end of the last day of their isolation (except in the circumstances provided for by regulation 15). The last day of their isolation is calculated in accordance with regulations 13 and 14. Regulation 16 relates to obligations of adults in respect of children required to isolate, regulation 17 enables notices given under this Part by contact tracers to be withdrawn and regulation 18 makes provision about the use of information held by contact tracers.

Part 5 relates to business and services whose premises are ordinarily open to the public. Regulation 19 provides that the premises of businesses and services listed in Schedule 1 must be closed to the public (though this does not prevent certain activities from taking place on the premises). Regulation 20 imposes restrictions on businesses whose premises are licensed for the sale of alcohol. These prohibit alcohol from being sold after 10.00 p.m. and require the premises to be closed by no later than 10.20 p.m.

Part 6 makes provision for the purpose of minimising risk of exposure to coronavirus in places where people come together. Regulation 21 applies to “regulated premises” (any place which is open to the public or where work is carried out) and requires: (1) all reasonable measures to be taken to ensure that a distance of 2 metres is maintained between persons on the premises; (2) any other reasonable measures to be taken, for example to limit close face-to-face interaction and maintain hygiene; and (3) information to be provided to those entering or working at premises about how to minimise risk of exposure to coronavirus. It also specifies that stopping an activity, closing part of a premises, allowing staff to isolate and collecting contact information from those on the premises may be reasonable measures. Specific measures also apply to hospitality settings. Regulations 22 and 23 provide that face coverings must be worn on public transport, including taxis, and in certain indoor places, subject to listed exemptions and exceptions. Regulation 24 provides for guidance to be issued about the practical application of the requirements imposed by this Part, and those to whom the requirements apply must have regard to that guidance.

Part 7 relates to the enforcement of the restrictions and requirements. Regulation 25 makes provision about those who can take enforcement action, regulation 26 makes further provision (in Schedules 3 and 4) about enforcing the need to take preventative measures under regulation 21, regulation 27 relates to compliance notices, and regulation 28 to powers of removal and dispersal. Regulation 29 makes provision about enforcing the prohibition of certain events. Regulation 30 relates specifically to enforcing the requirement to wear a face covering and regulation 31 to children. Regulation 32 contains a power to enter premises, regulation 33 is about police road

checks and regulation 34 makes additional provision about enforcement including allowing reasonable force to be used in certain circumstances.

Part 8 makes provision about offences and penalties. Regulation 35 provides that a person who, without a reasonable excuse, contravenes (listed) requirements in these Regulations commits an offence. It also provides that holding a larger gathering in a private home is an offence, as is providing false or misleading information to a contact tracer. Those offences are punishable by an unlimited fine. Regulation 36 relates to offences by bodies corporate. Regulation 37 allows for offences to be punished by way of fixed penalty notices, regulations 38 to 42 relate to the amount of the penalty and regulations 43 and 44 make further provision about administration of the penalties. Regulation 45 relates to self-incrimination and regulation 46 relates to prosecutions of offences under the Regulations.

Part 9 contains defined terms (regulation 47) and a consequential amendment (regulation 48). 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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Changes to legislation:

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