
WELSH STATUTORY INSTRUMENTS

2020 No. 1219

**The Health Protection (Coronavirus
Restrictions) (No. 4) (Wales) Regulations 2020**

PART 9

General

Interpretation

47.—(1) In these Regulations—

- (a) “carer” means a person who provides care for the person assisted where—
 - (i) the carer is entitled to an assessment under section 24 of the Social Services and Well-being (Wales) Act 2014⁽¹⁾,
 - (ii) the care is part of the provision of community care services under Part 4 of the Social Services and Well-being (Wales) Act 2014, or
 - (iii) the care is provided by a care provider registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016⁽²⁾;
- (b) “child” means a person who is aged under 18;
- (c) “contact information”, in relation to a person, means the person’s name and information sufficient to enable the person to be contacted, (including a telephone number, and, in relation to a person at regulated premises, the date and time at which the person was at the premises);
- (d) “contact tracer” means—
 - (i) a person employed or engaged for the purposes of the health service (within the meaning of section 206 of the National Health Service (Wales) Act 2006⁽³⁾ or section 108 of the National Health Service (Scotland) Act 1978⁽⁴⁾);
 - (ii) a person employed or engaged by a local authority, designated for the purposes of Part 4 by a Local Health Board, Public Health Wales National Health Service Trust⁽⁵⁾ or a local authority.
- (e) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);
- (f) “elite athlete” means an individual designated as such for the purposes of these Regulations by the Sports Council for Wales;
- (g) “face covering” means a covering of any type which covers a person’s nose and mouth;

(1) 2014 anaw 4.

(2) 2016 anaw 2.

(3) 2006 c. 42.

(4) 1978 c. 29.

(5) Established by S.I. 2009/2058 (W. 177).

- (h) “holiday or travel accommodation” means accommodation in premises of a kind listed in paragraphs 8 to 11 of Part 1 of Schedule 2;
 - (i) “local authority” means the council of a county or county borough in Wales;
 - (j) “parental responsibility” has the same meaning as in the Children Act 1989⁽⁶⁾;
 - (k) a “person responsible for carrying on a business” includes the owner, proprietor, and manager of that business;
 - (l) “premises” includes any building or structure and any land;
 - (m) “public transport service” means a service provided for the carriage of passengers by road, railway, tramway, air or water;
 - (n) “regulated premises” has the meaning given by regulation 21(1);
 - (o) “vehicle” includes an aircraft, a cable car, a train, a tram and a vessel;
 - (p) “vulnerable person” includes—
 - (i) any person aged 70 or older;
 - (ii) any person under 70 who has an underlying health condition;
 - (iii) any person who is pregnant;
 - (iv) any child;
 - (v) any person who is a vulnerable adult within the meaning given by section 60(1) of the Safeguarding Vulnerable Groups Act 2006⁽⁷⁾.
- (2) In these Regulations, references to a “private dwelling”—
- (a) include a houseboat and any garden, yard, passage, stair, outhouse or other appurtenance of the dwelling;
 - (b) do not include the following—
 - (i) holiday or travel accommodation;
 - (ii) accommodation in a care home service, secure accommodation service or residential family centre service, within the meaning given to those terms by Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016;
 - (iii) criminal justice accommodation.
- (3) For the purposes of these Regulations—
- (a) there is a gathering when two or more people are in the same place in order to do something together;
 - (b) an event is an occasion—
 - (i) which is planned or scheduled for a particular purpose, and
 - (ii) at which any number of people are in the same place for that purpose, whether or not they are participating in a gathering.
- (4) For the purposes of these Regulations—
- (a) premises are indoors if they are enclosed or substantially enclosed within the meaning given by regulation 2 of the Smoke-free Premises etc. (Wales) Regulations 2007⁽⁸⁾;
 - (b) premises are authorised for the sale or supply of alcohol where the premises have been granted or given an authorisation under the Licensing Act 2003, and “authorisation” has the meaning given by section 136(5) of that Act.

⁽⁶⁾ 1989 c. 41. See Part 1 of the Act, to which there have been various amendments, including by the Human Fertilisation and Embryology Act 2008 (c. 22) and S.I. 2019/1458.

⁽⁷⁾ Section 60 was amended by section 65 of the Protection of Freedoms Act 2012 (c. 9).

⁽⁸⁾ S.I. 2007/787 (W. 68).

- (5) For the purposes of these Regulations, an activity is “organised” if—
- (a) it is organised by—
 - (i) a business,
 - (ii) a public body or a charitable, benevolent, educational or philanthropic institution,
 - (iii) a club or political organisation, or
 - (iv) the national governing body of a sport or other activity, and
 - (b) the person organising it has—
 - (i) carried out a risk assessment which would satisfy the requirements of regulation 3 of the Management of Health and Safety at Work Regulations 1999(9), whether or not the person is subject to those Regulations, and
 - (ii) complied with the requirements of regulations 21(2) and 24(1).
- (6) For the purposes of paragraph (5)(b)—
- (a) regulation 3 of the Management of Health and Safety at Work Regulations 1999 applies as if the activity were an undertaking conducted by the person organising it;
 - (b) regulation 21(2) of these Regulations applies as if—
 - (i) the place where the activity takes place were regulated premises for the purposes of that regulation, and
 - (ii) the person organising the activity were the responsible person in relation to those regulated premises.

Consequential amendment

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.”