

WELSH STATUTORY INSTRUMENTS

2020 No. 1409 (W. 311)

PUBLIC HEALTH, WALES

The Health Protection (Coronavirus Restrictions and Functions of Local Authorities) (Amendment) (Wales) Regulations 2020

Approved by Senedd Cymru

<i>Made</i>	- - - -	<i>2 December 2020</i>
<i>Laid before Senedd Cymru</i>		<i>3 December 2020</i>
		<i>at 6.00 p.m. on 4</i>
<i>Coming into force</i>	- -	<i>December 2020</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 45B, 45C(1) and (3)(c), 45F(2) and 45P(2) of the Public Health (Control of Disease) Act 1984 ^{M1}.

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.

Marginal Citations

M1 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.

Title and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions and Functions of Local Authorities) (Amendment) (Wales) Regulations 2020.

(2) These Regulations come into force at 6.00 p.m. on 4 December 2020.

Commencement Information

II Reg. 1 in force at 4.12.2020 at 6.00 p.m., see reg. 1(2)

Amendment of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020

^{F1}2.

Textual Amendments

F1 Reg. 2 revoked (20.1.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) Regulations 2021 \(S.I. 2021/57\)](#), regs. 1(2), **4(c)**

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

3.—(1) The Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020 ^{M2} are amended as follows.

(2) In regulation 3(1), for “8 January” substitute “ 19 February ”.

(3) In regulation 6—

(a) for paragraph (2) substitute—

“(2) In considering whether the public health conditions are met, a local authority must, in particular, have regard to—

(a) whether people are gathering, or are likely to gather, at the event in contravention of regulation 6 of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020;

(b) where the event is held wholly or mainly indoors, whether more than 15 people are, or are likely to be, in attendance;

(c) where the event is held wholly or mainly outdoors, whether more than 30 people are, or are likely to be, in attendance.”;

(b) after paragraph (7), insert—

“(8) For the purposes of paragraph (2), an event is to be treated as being held indoors if it is held in premises which are enclosed or substantially enclosed within the meaning given by regulation 2 of the Smoke-free Premises etc. (Wales) Regulations 2007 ^{M3}.”

(4) In regulation 17, at the end insert—

“(4) An enforcement officer may enter premises used wholly or mainly as a private dwelling only if the enforcement officer is a constable.”

(5) In regulation 19(10), after sub-paragraph (b) insert—

“(c) the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020 ^{M4},”

(6) In regulation 20, after “Prosecutions” insert “ , a local authority ”.

Commencement Information

I2 Reg. 3 in force at 4.12.2020 at 6.00 p.m., see reg. 1(2)

Marginal Citations

M2 [S.I. 2020/1011](#) (W. 225) as amended by [S.I. 2020/1100](#) (W. 250), [S.I. 2020/1149](#) (W. 261) and [S.I. 2020/1219](#) (W. 276).

M3 [S.I. 2007/787](#) (W. 68).

M4 [S.I. 2020/1149](#) (W. 261).

Mark Drakeford
First Minister, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 (S.I. 2020/1219 (W. 276)) (the “principal Regulations”) and the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020 (S.I. 2020/1011 (W. 225)) (the “functions of local authorities Regulations”).

The amendments to the principal Regulations—

- (a) require, at new regulation 19A(1) of the principal Regulations, bars, cafes, canteens, restaurants and pubs to be closed to customers between 6.00 p.m. and 6.00 a.m. (though this restriction is subject to specific exceptions in new regulation 19B, including in relation to holiday or travel accommodation and for wedding or civil partnership receptions booked before these Regulations come into force);
- (b) prevent, at new regulation 19A(2), any alcohol being sold for consumption, or being consumed, in bars, cafes, canteens, restaurants and public houses (though this does not prevent alcohol being sold to residents in holiday or travel accommodation as part of room service (subject to requirements in regulation 20), or prevent residents from drinking alcohol in their private rooms);
- (c) require indoor premises of entertainment venues and visitor attractions to close;
- (d) make consequential, minor or technical amendments, including revoking redundant provisions and amending various enforcement provisions (including to provide that it is an offence to fail, without reasonable excuse, to take measures specified in a premises improvement notice issued under Schedule 3 to the principal Regulations).

The amendments to the functions of local authorities Regulations—

- (a) provide for the Regulations to expire on 19 February 2020 instead of 8 January 2020, to align with the expiry date of the principal Regulations;
- (b) require a local authority, when deciding whether to give an event direction, to have regard to whether the event may result in people gathering in contravention of regulation 6 of the principal Regulations and to whether there may be more than 15 people (where the event is indoors) or 30 people (where it is outdoors) attending the event at any one time;
- (c) put beyond doubt that, despite the expiry of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020, penalty notices issued under those Regulations must be taken into account in determining the amount of a fixed penalty notice to be issued under regulation 19 of the functions of local authorities Regulations;
- (d) permit local authorities to bring proceedings for offences under the Regulations.

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.

Changes to legislation:

There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions and Functions of Local Authorities) (Amendment) (Wales) Regulations 2020.