

WELSH STATUTORY INSTRUMENTS

2020 No. 1609

The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020

PART 1

Introduction, review and expiry

Title, application and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020.

(2) These Regulations apply in relation to Wales.

(3) These Regulations, other than Part 6, come into force on [^{F1}20 December 2020].

(4) Part 6 comes into force on 23 December 2020.

Textual Amendments

F1 Words in reg. 1(3) substituted (19.12.2020 at 11.59 p.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/1610\)](#), regs. 1(2), **2(2)**

Commencement Information

I1 Reg. 1 in force at 20.12.2020, see [reg. 1\(3\)](#)

Review

2. The Welsh Ministers must review the need for the restrictions and requirements imposed by these Regulations, and whether those restrictions and requirements are proportionate to what the Welsh Ministers seek to achieve by them—

(a) by 7 January 2021;

(b) at least once in the period from 8 January 2021 to 28 January 2021;

(c) at least once in each subsequent period of 21 days.

Commencement Information

I2 Reg. 2 in force at 20.12.2020, see [reg. 1\(3\)](#)

Expiry

3. These Regulations expire at the end of the day on [^{F2}25 February 2022].

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

Textual Amendments

F2 Words in [reg. 3](#) substituted (25.11.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 20\) Regulations 2021 \(S.I. 2021/1304\)](#), regs. 1(2), 2

Commencement Information

I3 Reg. 3 in force at 20.12.2020, see [reg. 1\(3\)](#)

PART 2

Levels of restrictions on gathering, travelling,
and on use of premises of businesses and services

Levels of restrictions

4.—(1) Schedules 1 to 4 set out restrictions and requirements that may apply in an area in relation to—

- (a) gatherings;
- (b) organising events;

^{F3}(c)

(d) the use of premises of specified businesses or services that are ordinarily open to the public.

(2) The restrictions and requirements set out in Schedule 1 apply in relation to an Alert Level 1 area.

(3) The restrictions and requirements set out in Schedule 2 apply in relation to an Alert Level 2 area.

(4) The restrictions and requirements set out in Schedule 3 apply in relation to an Alert Level 3 area.

(5) The restrictions and requirements set out in Schedule 4 apply in relation to an Alert Level 4 area.

(6) Schedule 5 sets out which one of Schedules 1 to 4 apply to an area by specifying a level for that area.

[^{F4}(6ZA) But Schedule 5 may provide that none of Schedules 1 to 4 apply to an area by specifying that no alert level applies to the area.]

^{F5}(6A)

^{F6}(6B)

^{F7}(7)

(8) In these Regulations—

(a) an “Alert Level 1 area” is an area specified in the table in Schedule 5, where the table indicates it is an Alert Level 1 area;

(b) an “Alert Level 2 area” is an area specified in the table in Schedule 5, where the table indicates it is an Alert Level 2 area;

(c) an “Alert Level 3 area” is an area specified in the table in Schedule 5, where the table indicates it is an Alert Level 3 area;

- (d) an “Alert Level 4 area” is an area specified in the table in Schedule 5, where the table indicates it is an Alert Level 4 area.

Textual Amendments

- F3** Reg. 4(1)(c) omitted (26.4.2021 immediately before the start of the day) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(2)(a)**
- F4** Reg. 4(6ZA) inserted (7.8.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 15\) Regulations 2021 \(S.I. 2021/925\)](#), regs. 1(3), **2(3)**
- F5** Reg. 4(6A) omitted (3.5.2021 immediately before the start of the day) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 9\) Regulations 2021 \(S.I. 2021/542\)](#), regs. 1(2), **2(2)**
- F6** Reg. 4(6B) omitted (3.5.2021 immediately before the start of the day) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 9\) Regulations 2021 \(S.I. 2021/542\)](#), regs. 1(2), **2(2)**
- F7** Reg. 4(7) omitted (9.1.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus, International Travel and Restrictions\) \(Amendment\) \(Wales\) Regulations 2021 \(S.I. 2021/20\)](#), regs. 1(2), **8(2)**

Commencement Information

- I4** Reg. 4 in force at 20.12.2020, see [reg. 1\(3\)](#)

PART 3

Requirement to isolate etc.

CHAPTER 1

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

Interpretation of Part

5.—(1) In this Part, “close contact” means contact that a contact tracer considers may lead to a risk of infection or contamination with coronavirus, including—

- (a) having face-to-face contact with a person at a distance of less than 1 metre;
- (b) spending more than 15 minutes within 2 metres of a person;
- (c) travelling in a car or other small vehicle with a person or in close proximity to a person on an aeroplane or in the same carriage of a train.

^{F8}(1A)

(2) In [^{F9}regulation 6], references to an “adult” (“A”) include references to a child aged 16 or 17.

(3) For the purposes of this Part, a person has responsibility for a child if the person has—

- (a) custody or charge of the child for the time being, or
- (b) parental responsibility for the child.

(4) For the purposes of these Regulations, notification by means of the NHS Covid 19 smartphone app developed and operated by the Secretary of State is not a notification.

[^{F10}(5) For the purposes of regulations 6 and 7, “a contact tracer” includes—

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

- (a) Public Health Wales National Health Service Trust;
- (b) the Secretary of State.]

Textual Amendments

- F8** Reg. 5(1A) omitted (22.12.2021 at 12.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 24\) Regulations 2021 \(S.I. 2021/1477\)](#), regs. 1(2), **2(2)**
- F9** Words in reg. 5(2) substituted (7.8.2021 at the beginning of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 15\) Regulations 2021 \(S.I. 2021/925\)](#), regs. 1(2), **2(4)**
- F10** Reg. 5(5) inserted (3.12.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 21\) Regulations 2021 \(S.I. 2021/1363\)](#), regs. 1(2), **2(2)(b)**

Commencement Information

- I5** Reg. 5 in force at 20.12.2020, see [reg. 1\(3\)](#)

Requirement to isolate: adult with coronavirus

^{F11}**6.**—(1) This regulation applies where an adult (“A”) is notified by a contact tracer that A has tested positive for coronavirus.

(2) A may not leave or be outside the place where A is living before the end of the last day of A's isolation unless regulation 10 or 11 applies.

(3) If requested by a contact tracer, A must notify the contact tracer—

- (a) of the name of each person living at the place A is living, and
- (b) of the address of that place.

(4) The last day of A's isolation is the last day of the period of [^{F12}7 days] beginning with the day after the day of the test which led to the notification referred to in paragraph (1) being given.

(5) But where A reports to a contact tracer the day on which symptoms first developed, the last day of A's isolation is the last day of the period of [^{F13}7 days] beginning with the day after the day which A reports as being the day on which the symptoms first developed.

Textual Amendments

- F11** Reg. 6 excluded by virtue of [The Health Protection \(Coronavirus, International Travel\) \(Wales\) Regulations 2020 \(S.I. 2020/574\)](#), [reg. 6E\(a\)\(ii\)](#) (as substituted (31.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, Restrictions, International Travel, Notification and Public Health Information to Travellers\) \(Wales\) \(Miscellaneous Amendments\) Regulations 2021 \(S.I. 2021/1212\)](#), regs. 1(2), **6**)
- F12** Words in [reg. 6\(4\)](#) substituted (31.12.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 26\) Regulations 2021 \(S.I. 2021/1490\)](#), regs. 1(2), **2(2)(a)**
- F13** Words in [reg. 6\(5\)](#) substituted (31.12.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 26\) Regulations 2021 \(S.I. 2021/1490\)](#), regs. 1(2), **2(2)(b)**

Commencement Information

- I6** Reg. 6 in force at 20.12.2020, see [reg. 1\(3\)](#)

Requirement to isolate: child with coronavirus

^{F147}—(1) This regulation applies where an adult (“A”) is notified by a contact tracer that a child (“C”) for whom A is a responsible adult has tested positive for coronavirus.

(2) C may not leave or be outside the place where C is living before the end of the last day of C's isolation unless regulation 10 or 11 applies.

(3) If requested by a contact tracer, A must notify the contact tracer—

- (a) of the name of each person living at the place where C is living, and
- (b) of the address of that place.

(4) The last day of C's isolation is the last day of the period of [^{F157} days] beginning with the day after the day of the test which led to the notification referred to in paragraph (1) being given.

(5) But in a case where A reports to a contact tracer the day on which C's symptoms first developed, the last day of C's isolation is the last day of the period of [^{F167} days] beginning with the day after the day which A reports as being the day on which C's symptoms first developed.

Textual Amendments

- F14** Reg. 7 excluded by virtue of [The Health Protection \(Coronavirus, International Travel\) \(Wales\) Regulations 2020 \(S.I. 2020/574\)](#), [reg. 6E\(a\)\(ii\)](#) (as substituted (31.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, Restrictions, International Travel, Notification and Public Health Information to Travellers\) \(Wales\) \(Miscellaneous Amendments\) Regulations 2021 \(S.I. 2021/1212\)](#), regs. 1(2), **6**)
- F15** Words in [reg. 7\(4\)](#) substituted (31.12.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 26\) Regulations 2021 \(S.I. 2021/1490\)](#), regs. 1(2), **2(3)(a)**
- F16** Words in [reg. 7\(5\)](#) substituted (31.12.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 26\) Regulations 2021 \(S.I. 2021/1490\)](#), regs. 1(2), **2(3)(b)**

Commencement Information

- I7** Reg. 7 in force at 20.12.2020, see [reg. 1\(3\)](#)

Requirement to isolate after close contact: adult

8.—(1) This regulation applies where an adult (“A”) is notified by a contact tracer that A has had close contact with a person (“P”) who has tested positive for coronavirus.

(2) A may not leave or be outside the place where A is living before the end of the last day of A's isolation unless regulation 10 or 11 applies.

(3) If requested by a contact tracer, A must notify the contact tracer of the address of the place where A is living.

(4) The last day of A's isolation is the last day of the period of 10 days beginning with the day after the day which a contact tracer records as being the last day on which A had close contact with P before A received the notification referred to in paragraph (1).

(5) But where A is living in the same place as P, the last day of A's isolation is—

- (a) where P, or, where P is a child, a responsible adult (“R”) on P's behalf, reports to a contact tracer the day on which P's symptoms first developed, the last day of the period of 10 days beginning with the day after the day on which P, or R, reports as being the day on which P's symptoms first developed;

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

- (b) where no symptoms are reported, the last day of the period of 10 days beginning with the day after the day of the test which led to the notification being given to P, or R, that P had tested positive for coronavirus.

Commencement Information
I8 Reg. 8 in force at 20.12.2020, see [reg. 1\(3\)](#)

Requirement to isolate after close contact: child

^{F17}9.

Textual Amendments
F17 Reg. 9 omitted (7.8.2021 at the beginning of the day) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 15\) Regulations 2021 \(S.I. 2021/925\)](#), regs. 1(2), **2(5)**

Requirement to isolate after close contact with person with Omicron variant: child

^{F18}9A.

Textual Amendments
F18 Reg. 9A omitted (22.12.2021 at 12.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 24\) Regulations 2021 \(S.I. 2021/1477\)](#), regs. 1(2), **2(3)**

Isolation requirements: general exceptions

10.—(1) Paragraph (2) applies where a person is required to not leave or be outside of the place where the person is living by virtue of regulation 6(2), 7(2) [^{F19} or 8(2)].

(2) The person may leave and be outside the place where the person is living for as long as is necessary—

- (a) to seek medical assistance, where this is required urgently or on the advice of a registered medical practitioner;
- (b) to access veterinary services where—
 - (i) they are urgently required, and
 - (ii) it is not possible for another person at the place that the person is living to access those services;
- (c) to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings, where it is not possible or practicable to do so without leaving the place where the person is living;
- (d) to avoid illness, injury or other risk of harm;

[^{F20}(da) to enable the person to seek to prevent illness, injury or other risk of harm to another person (“A”) where—

- (i) it is not possible or not practicable for somebody else to assist A,

- (ii) the person is not assisting A as part of the person's work or through providing voluntary services, and
 - (iii) the risk of harm to A from being in the same place as the person is less than the risk of harm to A that the person is seeking to prevent;]
- (e) for compassionate reasons, including to attend the funeral of—
 - (i) a family member;
 - (ii) a close friend;
- (f) to obtain basic necessities (including for other persons at the place where the person is living or any pets at that place) where it is not possible or practicable—
 - (i) for another person at the place where the person is living to obtain them, or
 - (ii) to obtain them by delivery to that place from a third party;
- (g) to access public services (including social services or victims' services) where—
 - (i) access to the service is critical to the person's well-being, and
 - (ii) the service cannot be provided if the person remains at the place where the person is living;
- [^{F21}(h) to move to a different place to live—
 - (i) where it becomes impracticable to remain at the place where the person is living, or
 - (ii) to prevent illness to another person who lives in the place where the person is living;]
 - (i) where the person is a child who does not live in the same household as the child's parents, or one of the child's parents, to continue existing arrangements for access to, and contact between, the child and the child's parents, and for the purposes of this sub-paragraph, "parent" includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of, the child.
- (3) Regulations 6(2), 7(2) [^{F22}and 8(2)] do not apply to a person who is homeless.
- (4) Regulation 6(2) does not apply to a person who—
 - (a) has tested positive for coronavirus in the course of a research study (the "prior test"), and
 - (b) tests positive for coronavirus in the course of the same study within the period of 90 days beginning with the date of the prior test.
- [^{F23}(5) Regulation 8(2) does not apply to a person who—
 - (a) has completed a course of doses of an authorised vaccine, and—
 - (i) that course of doses was administered to the person in the United Kingdom,
 - (ii) the day on which the person had the close contact which resulted in the notification described in regulation 8(1) is more than 14 days after the day on which the person completed that course of doses, and
 - (b) if requested to do so by the contact tracer who gave the notification described in regulation 8(1), provides evidence that they have completed the course of doses of an authorised vaccine in accordance with sub-paragraph (a).
- (6) Regulation 8(2) does not apply to a person who—
 - (a) has participated in, or is participating in, a clinical trial of a vaccine for vaccination against coronavirus carried out in the United Kingdom in accordance with the requirements of the Medicines for Human Use (Clinical Trials) Regulations 2004, and
 - (b) if requested to do so by the contact tracer who gave the notification described in regulation 8(1), provides evidence that they have participated in, or are participating in, a clinical trial in accordance with sub-paragraph (a).

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

^{F24}(6ZA)

^{F25}(6A) A contact tracer may, for the purposes of determining whether to request evidence from a person in accordance with paragraph (5)(b) or (6)(b), obtain and use information about whether a person—

- (a) has completed a course of doses of an authorised vaccine;
- (b) has participated in, or is participating in, a clinical trial of a vaccine for vaccination against coronavirus carried out in the United Kingdom in accordance with the requirements of the Medicines for Human Use (Clinical Trials) Regulations 2004.]

(7) For the purposes of paragraph (5), a person has completed a course of doses if that person has received the complete course of doses specified—

- (a) in the summary of product characteristics approved as part of the marketing authorisation for the authorised vaccine, or
- (b) in the instructions for usage approved as part of the authorisation by the licensing authority on a temporary basis under regulation 174 of the Human Medicines Regulations 2012 for the authorised vaccine.

(8) In this regulation—

- (a) “authorised vaccine” means a medicinal product—
 - (i) authorised for supply in the United Kingdom in accordance with a marketing authorisation, or
 - (ii) authorised by the licensing authority on a temporary basis under regulation 174 of the Human Medicines Regulations 2012, for vaccination against coronavirus;
- (b) “clinical trial” has the meaning given in regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004;
- (c) “the licensing authority” has the meaning given in regulation 6(2) of the Human Medicines Regulations 2012;
- (d) “marketing authorisation” has the meaning given in regulation 8(1) of the Human Medicines Regulations 2012;
- (e) “medicinal product” has the meaning given in regulation 2 of the Human Medicines Regulations 2012.]

Textual Amendments

- F19** Words in reg. 10(1) substituted (22.12.2021 at 12.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 24\) Regulations 2021 \(S.I. 2021/1477\)](#), regs. 1(2), **2(4)(a)**
- F20** Reg. 10(2)(da) inserted (9.10.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 18\) Regulations 2021 \(S.I. 2021/1131\)](#), regs. 1(2), **2(2)(a)(i)**
- F21** Reg. 10(2)(h) substituted (9.10.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 18\) Regulations 2021 \(S.I. 2021/1131\)](#), regs. 1(2), **2(2)(a)(ii)**
- F22** Words in reg. 10(3) substituted (22.12.2021 at 12.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 24\) Regulations 2021 \(S.I. 2021/1477\)](#), regs. 1(2), **2(4)(b)**
- F23** Reg. 10(5)-(8) inserted (7.8.2021 at the beginning of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 15\) Regulations 2021 \(S.I. 2021/925\)](#), regs. 1(2), **2(6)(c)**

- F24** Reg. 10(6ZA) omitted (22.12.2021 at 12.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 24\) Regulations 2021 \(S.I. 2021/1477\)](#), regs. 1(2), **2(4)(c)**
- F25** Reg. 10(6A) inserted (9.10.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 18\) Regulations 2021 \(S.I. 2021/1131\)](#), regs. 1(2), **2(2)(b)**

Commencement Information

- I9** Reg. 10 in force at 20.12.2020, see [reg. 1\(3\)](#)

Transitional provision: isolation requirements

^{F26}**10A.**

Textual Amendments

- F26** Reg. 10A omitted (9.10.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 18\) Regulations 2021 \(S.I. 2021/1131\)](#), regs. 1(2), **2(3)**

[^{F27}Transitional provision: isolation requirements

10B.—[

^{F28}(A1) Where an adult is required to not leave or be outside of the place where the adult is living in accordance with regulation 6(2) immediately before the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 26) Regulations 2021 come into force, the last day of the adult’s isolation is to be determined in accordance with regulation 6(4) or (5) as amended by those Regulations.

(A2) Where a child is required to not leave or be outside of the place where the child is living in accordance with regulation 7(2) immediately before the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 26) Regulations 2021 come into force, the last day of the child’s isolation is to be determined in accordance with regulation 7(4) or (5) as amended by those Regulations.]

(1) Where—

- (a) an adult is required to not leave or be outside of the place where the adult is living in accordance with regulation 8(2) (“the isolation requirement”) immediately before 22 December 2021,
- (b) the isolation requirement applies to the adult because of the application of regulation 10(6ZA) or regulation 11(1A), and
- (c) the last day of the adult’s isolation (as determined in accordance with regulation 8(4) or (5)) is 22 December 2021 or later,

the isolation requirement ceases to apply to the adult at the beginning of 22 December 2021.

(2) Where—

- (a) a child is required to not leave or be outside of the place where the child is living in accordance with regulation 9A(2) (“the isolation requirement”) immediately before 22 December 2021, and
- (b) the last day of the child’s isolation (as determined in accordance with regulation 9A(4) or (5)) is 22 December 2021 or later,

the isolation requirement ceases to apply to the child at the beginning of 22 December 2021.

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

(3) In this regulation, references to regulations 9A, 10(6ZA) and 11(1A) are references to those provisions as they were in force immediately before 22 December 2021.]

Textual Amendments

- F27** Reg. 10B inserted (22.12.2021 at 12.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 24\) Regulations 2021 \(S.I. 2021/1477\)](#), regs. 1(2), **2(5)**
- F28** Reg. 10B(A1)(A2) inserted (31.12.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 26\) Regulations 2021 \(S.I. 2021/1490\)](#), regs. 1(2), **2(4)**

Isolation requirements: exception for participants in a testing scheme

11.—(1) This regulation applies where—

- (a) a person (“P”) is required to not leave or be outside of the place where P is living by virtue of regulation 8(2) ^{F29}... (“the isolation requirement”), and
- (b) P agrees to participate in a testing scheme.

^{F30}(1A)

(2) If P's first test under the testing scheme is negative for coronavirus, the isolation requirement ceases to apply to P from the time P receives the result of the test, subject to paragraphs (3) and (4).

(3) If the result of a test taken by P under the testing scheme is positive for coronavirus, the isolation requirement applies to P from the time P receives the result of the test as if it had not ceased to apply by virtue of paragraph (2).

(4) Despite paragraph (2) the isolation requirement applies to P on—

- (a) non-test days;
- (b) any day on which P is required to take a test under the scheme but fails to do so.

(5) If P's last test under the testing scheme is negative for coronavirus, the isolation requirement ceases to apply to P from the earlier of—

- (a) the time P receives the result of the test, or
- (b) P's last day of isolation calculated in accordance with regulation 8 ^{F31}....

^{F32}(6)

(7) In this regulation—

- (a) “testing scheme” means a scheme designated by the Welsh Ministers under which P is required to take a number of tests for coronavirus specified in the scheme, on dates and in a manner so specified;
- (b) “non-test day” means a day between the day on which P takes the first and last test under the scheme on which P is not required to take a test under the scheme.

Textual Amendments

- F29** Words in reg. 11(1)(a) omitted (7.8.2021 at the beginning of the day) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 15\) Regulations 2021 \(S.I. 2021/925\)](#), regs. 1(2), **2(8)(a)**
- F30** Reg. 11(1A) omitted (22.12.2021 at 12.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 24\) Regulations 2021 \(S.I. 2021/1477\)](#), regs. 1(2), **2(6)**

- F31** Words in reg. 11(5)(b) omitted (7.8.2021 at the beginning of the day) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 15\) Regulations 2021 \(S.I. 2021/925\)](#), regs. 1(2), **2(8)(b)**
- F32** Reg. 11(6) omitted (7.8.2021 at the beginning of the day) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 15\) Regulations 2021 \(S.I. 2021/925\)](#), regs. 1(2), **2(8)(c)**

Commencement Information

- I10** Reg. 11 in force at 20.12.2020, see [reg. 1\(3\)](#)

Requirement to isolate: specific provision for people who are in Wales on 22 January 2021 and who have been in the Democratic Republic of the Congo or the United Republic of Tanzania in the previous 10 days

^{F33}**11A.**

Textual Amendments

- F33** Reg. 11A omitted (27.2.2021) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2021 \(S.I. 2021/210\)](#), regs. 1(2), **2(2)**

Requirement to isolate: specific provision for people who are in Wales on 29 January 2021 and who have been in certain countries in the previous 10 days

^{F34}**11AA.**

Textual Amendments

- F34** Reg. 11AA omitted (27.2.2021) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2021 \(S.I. 2021/210\)](#), regs. 1(2), **2(2)**

Isolation requirements: specific exception for people who have been in certain countries

^{F35}**11B.**

Textual Amendments

- F35** Reg. 11B omitted (27.2.2021) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2021 \(S.I. 2021/210\)](#), regs. 1(2), **2(2)**

Requirement on persons with responsibility for children

12. Where a requirement is imposed under regulation 7(2) ^{F36}... ^{F37}... on a child, a person with responsibility for the child must take all reasonable measures to ensure that the child complies with the requirement.

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

Textual Amendments

- F36** Words in reg. 12 omitted (22.12.2021 at 12.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 24\) Regulations 2021 \(S.I. 2021/1477\)](#), regs. 1(2), **2(7)**
- F37** Words in reg. 12 omitted (7.8.2021 at the beginning of the day) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 15\) Regulations 2021 \(S.I. 2021/925\)](#), regs. 1(2), **2(9)**

Commencement Information

- I11** Reg. 12 in force at 20.12.2020, see [reg. 1\(3\)](#)

Withdrawing a notice which requires isolation

- 13.—(1)** This regulation applies where a contact tracer—
- (a) has given a notification under regulation 6(1), 7(1), [^{F38}or 8(1)] (“the original notification”), but
 - (b) subsequently notifies the recipient of the original notification that it is withdrawn.
- (2) The original notification is treated as if it had not been given.

Textual Amendments

- F38** Words in reg. 13(1)(a) substituted (22.12.2021 at 12.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 24\) Regulations 2021 \(S.I. 2021/1477\)](#), regs. 1(2), **2(8)**

Commencement Information

- I12** Reg. 13 in force at 20.12.2020, see [reg. 1\(3\)](#)

Withdrawing a notification that close contact was with person with Omicron variant

^{F39}**13A.**

Textual Amendments

- F39** Reg. 13A omitted (22.12.2021 at 12.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 24\) Regulations 2021 \(S.I. 2021/1477\)](#), regs. 1(2), **2(9)**

CHAPTER 2

Information

Power to use and disclose information

14.—(1) A contact tracer may disclose only such relevant information to a person (“the information holder”) as is necessary for the information holder to have—

- (a) for the purposes of—
 - (i) carrying out a function under these Regulations,

- (ii) preventing danger to the health of the public as a result of the spread of infection or contamination with coronavirus, or
 - (iii) monitoring the spread of infection or contamination with coronavirus, or
 - (b) for a purpose connected with, or otherwise incidental to, a purpose described in subparagraph (a).
- (2) Relevant information is—
 - (a) where a person is required to isolate in accordance with regulation 6(2), 7(2) [^{F40}or 8(2)]—
 - (i) the person's contact information and date of birth, or, where the person is a child, the contact details of the adult who is notified that the child is required to isolate and the child's date of birth;
 - (ii) the date the notification was given under regulation 6(1), 7(1) [^{F41}or 8(1)];
 - (iii) the particular period in respect of which the person is required to not leave or be outside of the place where the person is living calculated in accordance with regulation 6, 7 [^{F42}or 8];
 - ^{F43}(aa)
 - ^{F44}(ab) information about whether a person—
 - (i) has completed a course of doses of an authorised vaccine;
 - (ii) has participated in, or is participating in, a clinical trial of a vaccine for vaccination against coronavirus carried out in the United Kingdom in accordance with the requirements of the Medicines for Human Use (Clinical Trials) Regulations 2004;
 - (b) confirmation a person did not receive a positive coronavirus test and the person's name, contact information and date of birth, or, where the person is a child, the name and contact details of an adult with responsibility for the child in addition to the child's name and date of birth.
- (3) The information holder may use relevant information disclosed under paragraph (1) only to the extent that it is necessary—
 - (a) for the purposes of—
 - (i) carrying out a function under these Regulations,
 - (ii) preventing danger to the health of the public as a result of the spread of infection or contamination with coronavirus, or
 - (iii) monitoring the spread of infection or contamination with coronavirus, or
 - (b) for a purpose connected with, or otherwise incidental to, a purpose described in subparagraph (a).
- (4) Subject to paragraph (6), the information holder may disclose only such relevant information to another person (the “recipient”) as is necessary for the recipient to have—
 - (a) for the purposes of—
 - (i) carrying out a function of the recipient under these Regulations,
 - (ii) preventing danger to the health of the public as a result of the spread of infection or contamination with coronavirus, or
 - (iii) monitoring the spread of infection or contamination with coronavirus, or
 - (b) for a purpose connected with, or otherwise incidental to, a purpose described in subparagraph (a).
- (5) Subject to paragraph (7), disclosure which is authorised by this regulation does not breach—

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

- (a) an obligation of confidence owed by the person making the disclosure, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (6) This regulation does not limit the circumstances in which information may otherwise be disclosed under any other enactment or rule of law.
- (7) Nothing in this regulation authorises the use or disclosure of personal data where doing so contravenes the data protection legislation.
- [^{F45}(8) In this regulation—
- (a) “authorised vaccine” and “clinical trial” have the same meanings as in regulation 10;
 - (b) “data protection legislation” and “personal data” have the same meanings as in section 3 of the Data Protection Act 2018.]

Textual Amendments

- F40** Words in reg. 14(2)(a) substituted (22.12.2021 at 12.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 24\) Regulations 2021 \(S.I. 2021/1477\)](#), regs. 1(2), **2(10)(a)**
- F41** Words in reg. 14(2)(a)(ii) substituted (22.12.2021 at 12.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 24\) Regulations 2021 \(S.I. 2021/1477\)](#), regs. 1(2), **2(10)(b)**
- F42** Words in reg. 14(2)(a)(iii) substituted (22.12.2021 at 12.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 24\) Regulations 2021 \(S.I. 2021/1477\)](#), regs. 1(2), **2(10)(c)**
- F43** Reg. 14(2)(aa) omitted (27.2.2021) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2021 \(S.I. 2021/210\)](#), regs. 1(2), **2(4)**
- F44** Reg. 14(2)(ab) inserted (9.10.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 18\) Regulations 2021 \(S.I. 2021/1131\)](#), regs. 1(2), **2(4)(a)**
- F45** Reg. 14(8) substituted (9.10.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 18\) Regulations 2021 \(S.I. 2021/1131\)](#), regs. 1(2), **2(4)(b)**

Commencement Information

- I13** Reg. 14 in force at 20.12.2020, see reg. 1(3)

^{F46}PART 3A

Travel restrictions etc.

Textual Amendments

- F46** Pt. 3A omitted (17.5.2021 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 10\) Regulations 2021 \(S.I. 2021/583\)](#), regs. 1(2), **2(3)**

PART 4

Taking preventative measures in regulated premises

Regulated premises and responsible persons

- 15.—(1) For the purposes of these Regulations, the following are “regulated premises”—
- (a) premises of businesses or services listed in Schedule 7, to the extent that that the public have or are permitted access to the premises;
 - (b) a vehicle used to provide a public transport service;
 - (c) other premises where work is being carried out.
- (2) In this Part, “responsible person”, in relation to regulated premises, means—
- (a) in relation to premises referred to in paragraph (1)(a) and (b), the person responsible for the premises,
 - (b) in relation to premises referred to in paragraph (1)(c), the person responsible for the work being carried out on the premises.

Commencement Information

I14 Reg. 15 in force at 20.12.2020, see [reg. 1\(3\)](#)

^{F47} Requirement to take all reasonable measures to minimise the risk of exposure to coronavirus

16.—(1) For the purposes of minimising the risk of exposure to coronavirus at regulated premises, or the spread of coronavirus by those who have been at regulated premises, the responsible person must take the following steps—

Step 1

Undertake a specific assessment of the risk of exposure to coronavirus at the premises, and in doing so consult persons working on the premises or representatives of those persons.

Step 2

Provide information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus ^{F48}, including information to those working at the premises about the risk of exposure to coronavirus identified under the assessment undertaken under Step 1, and the measures to be taken under Step 3 ^{F49} and Step 4] to minimise the risk].

^{F50} Step 3

Take all reasonable measures to ensure—

- (a) (a) that a distance of 2 metres is maintained between any persons indoors on the premises, except between members of a permitted group;
- (b) (b) where persons are required to wait indoors to enter the premises, that a distance of 2 metres is maintained between them, except between members of a permitted group.]

^{F51} Step 4]

^{F52} ...

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

Take reasonable measures to mitigate the risk of exposure to coronavirus that arises where persons gather [^{F53}on the premises], such as—

- (a) (a) seeking to prevent the following persons from being present at the premises—
 - (i) any person who [^{F54}is required to not leave or be outside of the place where the person is living by virtue of regulation 6(2) or 7(2)],
 - (ii) any person who [^{F55}is required to not leave or be outside of the place where the person is living by virtue of regulation 8(2)],
 - (iii) any person experiencing symptoms associated with COVID-19;
- (b) (b) ensuring that persons gathering at the premises gather outdoors where this is practicable;
- (c) (c) limiting close [^{F56}physical] interaction between persons on the premises [^{F57}, in particular face-to-face interaction], for example by—
 - (i) changing the layout of premises including the location of furniture and workstations;
 - (ii) controlling the use of entrances, passageways, stairs and lifts;
 - (iii) controlling the use of shared facilities such as toilets and kitchens;
 - (iv) otherwise controlling the use of, or access to, any other part of the premises;
 - (v) installing barriers or screens;
- (d) (d) limiting the duration of time for which persons may be present on the premises;
- (e) (e) seeking to ensure that the premises are well ventilated;
- (f) (f) maintaining good hygiene on the premises;
- (g) (g) providing or requiring use of personal protective equipment.

[^{F58}(1A) In determining the extent to which it is reasonable to take a particular measure under Step 3, regard may be had to measures taken under Step 4 to mitigate the risk of exposure to coronavirus that arises when any person is within a distance of 2 metres of another person.]

[^{F59}(2)

(3) Measures that may be taken under paragraph (1) include—

- (a) not carrying out certain activities;
- (b) closing a part of the premises;

[^{F60}(ba) allowing or requiring persons who ordinarily work at the premises to work from home;]

- (c) allowing and enabling a person who ordinarily works at the premises to isolate due to testing positive for coronavirus or having had close contact with somebody who has tested positive, for a period—
 - (i) recommended in guidance published by the Welsh Ministers;
 - (ii) specified in a notification given to the person by a contact tracer;
- (d) collecting contact information from each person at the premises and retaining it for 21 days for the purpose of providing it to any of the following, upon their request—
 - (i) the Welsh Ministers;
 - (ii) a contact tracer;
- (e) taking reasonable measures to ensure that such contact information is correct.

(4) An assessment under Step 1—

- (a) must satisfy the requirements of regulation 3 of the Management of Health and Safety at Work Regulations 1999 (the “1999 Regulations”), and

- (b) must be undertaken—
 - (i) whether or not the responsible person has already undertaken an assessment under that regulation, and
 - (ii) whether or not that regulation applies to the responsible person.

[^{F61}(4A) For the purposes of Step 3, “permitted group” means—

- (a) where the premises are in an Alert Level 1 area or an Alert Level 2 area, a group which—
 - (i) consists of no more than 6 people, not counting any persons under the age of 11 or any carer of a person in the group, or
 - (ii) consists of members of the same household and any carer of a member of the household;
- (b) where the premises are in an Alert Level 3 area or an Alert Level 4 area, a group which consists of members of the same household and any carer of a member of the household.]

(5) For the purposes of paragraph (4)—

- (a) regulation 3 of the 1999 Regulations is to be read as if the words “by or under the relevant statutory provisions”, in both places it occurs, were substituted by the words “by [^{F62}regulation 16] of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020”, and
- (b) if regulation 3 of the 1999 Regulations would not, but for paragraph (4)(b)(ii), apply to a responsible person—
 - (i) that regulation is to be treated as applying to the person as if the person were an employer, and
 - (ii) persons working at the premises are, for the purposes of that regulation as it applies by virtue of paragraph (4)(b)(ii), treated as being employed by the responsible person.

^{F63}(6)]

Textual Amendments

- F47** Reg. 16 substituted (21.6.2021) by The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 13) Regulations 2021 (S.I. 2021/722), regs. 1(2), **2(2)**
- F48** Words in reg. 16(1) inserted (17.7.2021) by The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 14) Regulations 2021 (S.I. 2021/862), regs. 1(2), **2(2)(a)**
- F49** Words in reg. 16(1) inserted (15.1.2022) by The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) Regulations 2022 (S.I. 2022/39), regs. 1(2), **2(2)**
- F50** Words in reg. 16(1) inserted (26.12.2021 at 6.00 a.m.) by The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 25) Regulations 2021 (S.I. 2021/1485), regs. 1(2), **2(2)(a)(i)**
- F51** Words in reg. 16(1) substituted (26.12.2021 at 6.00 a.m.) by virtue of The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 25) Regulations 2021 (S.I. 2021/1485), regs. 1(2), **2(2)(a)(ii)**
- F52** Words in reg. 16(1) omitted (7.8.2021 at 6.00 a.m.) by virtue of The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 15) Regulations 2021 (S.I. 2021/925), regs. 1(3), **2(12)(a)(i)**
- F53** Words in reg. 16(1) substituted (17.7.2021) by The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 14) Regulations 2021 (S.I. 2021/862), regs. 1(2), **2(2)(c)(i)**
- F54** Words in reg. 16(1) substituted (31.12.2021) by The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 26) Regulations 2021 (S.I. 2021/1490), regs. 1(2), **2(5)**

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

- F55** Words in reg. 16(1) substituted (28.8.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 16\) Regulations 2021 \(S.I. 2021/970\)](#), regs. 1(2), **2(2)**
- F56** Word in reg. 16(1) substituted (17.7.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 14\) Regulations 2021 \(S.I. 2021/862\)](#), regs. 1(2), **2(2)(c)(ii)(aa)**
- F57** Words in reg. 16(1) inserted (17.7.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 14\) Regulations 2021 \(S.I. 2021/862\)](#), regs. 1(2), **2(2)(c)(ii)(bb)**
- F58** Reg. 16(1A) inserted (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(2)(b)**
- F59** Reg. 16(2) omitted (7.8.2021 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 15\) Regulations 2021 \(S.I. 2021/925\)](#), regs. 1(3), **2(12)(b)**
- F60** Reg. 16(3)(ba) inserted (20.12.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 23\) Regulations 2021 \(S.I. 2021/1468\)](#), regs. 1(2), **2(2)**
- F61** Reg. 16(4A) inserted (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(2)(c)**
- F62** Words in reg. 16(5)(a) substituted (7.8.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 15\) Regulations 2021 \(S.I. 2021/925\)](#), regs. 1(3), **2(12)(c)**
- F63** Reg. 16(6) omitted (7.8.2021 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 15\) Regulations 2021 \(S.I. 2021/925\)](#), regs. 1(3), **2(12)(d)**

[^{F64}Specific measures applicable to licensed premises

16ZA.—(1) Where regulation 16(1) applies to a person responsible for premises authorised for the sale or supply of alcohol for consumption on the premises, the measures to be taken by the responsible person under Step 4 of that regulation must include (but are not limited to)—

- (a) having a person controlling entry to [^{F65}indoor parts of] the premises, apart from in cinemas and theatres;
- (b) requiring customers to be seated in the premises in any place other than at a bar—
 - (i) when ordering food or drink [^{F66}indoors];
 - (ii) when being served with food or drink [^{F67}indoors], and
 - (iii) when consuming food or drink [^{F68}indoors].

(2) But where food is provided at the premises on a buffet basis, customers may select food from the buffet and return to where they are seated.

(3) Paragraph (1) does not apply to—

- (a) workplace canteens, or
- (b) premises in an educational establishment.

(4) Paragraph (1)(b) does not apply in relation to—

- (a) customers at—
 - (i) cinemas, or
 - (ii) theatres,

where those customers are normally seated at the premises (other than when ordering food or drink or being served with food or drink) for the showing of a film or a live theatrical performance, or

- (b) persons attending a regulated gathering or event.

(5) For the purpose of paragraph (4), a “live” theatrical performance is one the customer is witnessing other than by means of a broadcast.

(6) For the purposes of paragraph (1)—

- (a) food or drink sold in holiday or travel accommodation as part of room service is not to be treated as being sold for consumption on the premises;
- (b) food or drink sold for consumption in an area adjacent to the premises where seating is made available for customers is to be treated as being sold for consumption on the premises.

(7) Where regulated premises not authorised for the sale or supply of alcohol for consumption on the premises allow customers to consume their own alcohol on the premises, paragraphs (1) to (3) apply to those premises as they apply to premises that are authorised for the sale or supply of alcohol for consumption on the premises.

Textual Amendments

- F64** Regs. 16ZA, 16ZB inserted (26.12.2021 at 6.00 a.m.) by The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 25) Regulations 2021 (S.I. 2021/1485), regs. 1(2), **2(3)**
- F65** Words in reg. 16ZA(1)(a) inserted (21.1.2022 at 6.00 a.m.) by The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/55), regs. 1(2), **2(2)(a)**
- F66** Word in reg. 16ZA(1)(b)(i) inserted (21.1.2022 at 6.00 a.m.) by The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/55), regs. 1(2), **2(2)(b)(i)**
- F67** Word in reg. 16ZA(1)(b)(ii) inserted (21.1.2022 at 6.00 a.m.) by The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/55), regs. 1(2), **2(2)(b)(ii)**
- F68** Word in reg. 16ZA(1)(b)(iii) inserted (21.1.2022 at 6.00 a.m.) by The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/55), regs. 1(2), **2(2)(b)(iii)**

Specific measures applicable to retail premises

16ZB. Where regulation 16(1) applies to a person responsible for retail premises of a business offering goods or services for sale or hire in those premises (including businesses selling food or drink for consumption off the premises), the measures to be taken by the responsible person under Step 4 of that regulation must include (but are not limited to)—

- (a) measures for controlling entry to the premises and limiting the number of customers who are on the premises at any one time;
- (b) provision of hand sanitisation products or hand washing facilities for use by customers when they enter and exit the premises;
- (c) measures to sanitise any baskets, trolleys or similar containers provided for use by customers on the premises;
- (d) in order to remind customers to maintain a distance of 2 metres between each other and to wear a face covering—
 - (i) displaying signs and other visual aids;
 - (ii) making announcements on a regular basis.]

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

Textual Amendments

F64 Regs. 16ZA, 16ZB inserted (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), 2(3)

[^{F69}Specific measures applicable to [^{F70}specified hospitality and entertainment venues and premises] at which specified events are held

16A.—(1) Where regulation 16(1) applies to a person responsible for premises described in paragraph (2), the reasonable measures to be taken by the responsible person under Step 3 of that regulation must include measures to ensure that a person aged 18 or over is only permitted to be present on the premises if the person possesses evidence—

- (a) complying with the requirements in paragraph (6), that the person has completed a course of doses of an authorised vaccine,
- (b) that the person has participated in, or is participating in, a clinical trial, within the meaning of regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004, of a vaccine for vaccination against coronavirus carried out in the United Kingdom in accordance with the requirements of those Regulations, [^{F71}or]
- (c) of a negative result from a qualifying test taken by the person no more than 48 hours before the person enters the premises, ^{F72} ...

^{F73}(d)

(2) The premises referred to in paragraph (1) are—

- (a) premises that meet all of the following conditions—
 - (i) the premises are authorised for the sale or supply of alcohol,
 - (ii) the premises provide live or recorded music for members of the public or members of the venue to dance, including nightclubs, discotheques and dance halls, and
 - (iii) the premises are open at any time between midnight and 5.00 a.m. (however where this condition is met, the requirement in paragraph (1) applies to the premises at any time they are open, subject to paragraph (3)(a) or (e));
- (b) premises at which an event is taking place and more than 10,000 people are in attendance at any time;
- (c) premises at which an event is taking place to any extent indoors, where—
 - (i) more than 500 people are in attendance at any time, and
 - (ii) not all the persons attending the event are normally seated during the event;
- (d) premises at which an event is taking place outdoors, where—
 - (i) more than 4,000 people are in attendance at any time, and
 - (ii) not all the persons attending the event are normally seated during the event.

[a cinema, other than a drive-in cinema;

^{F74}(e)

(f) a concert hall or theatre, other than a drive-in theatre.]

(3) But paragraph (1) does not apply to premises—

- (a) of a kind described in paragraph (2)(a) at any time when music is not being provided for members of the public or members of the venue to dance;

- (b) at which an event is held outdoors, where—
 - (i) a person is not required to obtain a ticket or pay a fee in order to gain entry to the event, and
 - (ii) there are two or more points of entry for persons attending the event;
- (c) at which a protest, or picketing carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, is being held;
- (d) at which a mass participation sporting event is being held outdoors, such as a marathon, cycling race or triathlon;
- (e) used for the celebration of—
 - (i) a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony, or
 - (ii) the life of a deceased person,at any time when they are used for any of those purposes.

(4) In paragraph (1) the reference to a person aged 18 or over does not include a person working or providing voluntary services at the premises.

(5) For the purposes of paragraph (2)(b) to (d), a person working, or providing voluntary services at the event, is not to be treated as being in attendance at the event.

(5A) For the purposes of paragraph (2)(c), a person participating in a religious service in premises ordinarily used as a place of worship is to be treated as being normally seated.

(6) For the purposes of paragraph (1)(a), the evidence that a person has completed a course of doses of an authorised vaccine must—

- (a) show that—
 - ^{F75}(i)
 - (ii) the day on which the person enters the premises is more than 14 days after the day on which the person completed that course of doses;
- (b) in relation to a course of doses of vaccines administered in the United Kingdom, be provided to the person by or on behalf of the Government of the United Kingdom, the Scottish Ministers, the Welsh Ministers or a Northern Ireland department (including by means of letter, text message, e-mail, the NHS COVID Pass website or the NHS smartphone app developed and operated by the Secretary of State);
- (c) in relation to a course of doses of vaccines administered [^{F76}otherwise than in the United Kingdom], be the EU digital COVID certificate, [^{F77}a certificate of COVID-19 records issued by an approved third country or territory,] the Centers for Disease Control and Prevention vaccination card, [^{F78}a North American Certificate] or a vaccine certificate relating to the person.

^{F79}(7)

[^{F80}(8) For the purposes of this regulation, where a person has received a course of doses that consists of one dose of an authorised vaccine under the United Kingdom vaccine roll-out overseas and one dose of an authorised vaccine otherwise than under the United Kingdom vaccine roll-out overseas, the person is deemed to have completed a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas.]

- (9) For the purposes of this regulation—
 - (a) a test is a qualifying test if it is capable of detecting the presence of coronavirus, and is—
 - (i) a polymerase chain reaction test provided or administered under the National Health Service Act 2006, the National Health Service (Wales) Act 2006, the National Health

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- Service (Scotland) Act 1978, or the Health and Personal Social Services (Northern Ireland) Order 1972, or
- (ii) a lateral flow test, the results of which may be submitted through the NHS public reporting system
- ^{F81}(b) a person has completed a course of doses if—
- (i) the person has received the complete course of doses specified—
- (aa) in the summary of product characteristics approved as part of the marketing authorisation for the authorised vaccine, or
- (bb) in the instructions for usage approved as part of the authorisation by the licensing authority on a temporary basis under regulation 174 of the Human Medicines Regulations 2012 for the authorised vaccine ^{F82}...
- (ii) the person has received a dose of one authorised vaccine and a dose of a different authorised vaccine ^{F83}, or]
- [the person has received at least two doses of any vaccine referred to in paragraph (iv) ^{F84}(iii) of the definition of authorised vaccine in paragraph (10)(a)];
- (c) in relation to a course of doses administered under the United Kingdom vaccine roll-out overseas, a person has completed the course of doses if—
- (i) the person has received the complete course of doses of the vaccine as specified in the manufacturer’s guidance for that vaccine, or
- (ii) the person has received a dose of one vaccine and a dose of a different vaccine.
- (10) In this regulation—
- (a) “authorised vaccine” means a medicinal product for vaccination against coronavirus ^{F85}... —
- (i) in relation to doses received in the United Kingdom ^{F86}, authorised]—
- (aa) for supply in the United Kingdom in accordance with a marketing authorisation, or
- (bb) by the licensing authority on a temporary basis under regulation 174 of the Human Medicines Regulations 2012;
- (ii) in relation to doses received in a relevant country listed in the first column of the table in paragraph (11), ^{F87}authorised] for supply in that country following evaluation by the relevant regulator for the country;
- [in relation to doses received in any other country or territory (including a relevant ^{F88}(iii) country listed in paragraph (12)), which would be authorised as provided for in paragraph (i)(aa) or (bb) if the doses were received in the United Kingdom;
- (iv) in relation to doses received in any country in the world, those vaccines which are—
- (aa) listed in lines 10, 11 or 13 of the Guidance Document “Status of COVID-19 Vaccines within WHO EUL/PQ evaluation process” published by the World Health Organisation on 11 November 2021, and
- (bb) authorised or certified in a regulated country listed in paragraph (12);]
- [“EU Digital COVID Certificate” means a certificate of COVID-19 records issued by an ^{F89}(aa) EEA state, a member State of the European Free Trade Association, Andorra, Monaco, San Marino or the Vatican City State;]
- (b) “the licensing authority” has the meaning given in regulation 6(2) of the Human Medicines Regulations 2012;

- (c) “marketing authorisation” means—
- (i) in relation to a vaccine authorised for supply in the United Kingdom or in a member State, has the meaning given in regulation 8(1) of the Human Medicines Regulations 2012;
 - (ii) in relation to a vaccine authorised for supply in a relevant country listed in the first column of the table in paragraph (11) other than a member State, means a marketing authorisation granted by the relevant regulator for the country;
- [“North American Certificate” means—
- ^{F90}(ca) (i) Excelsior Pass Plus (New York);
- (ii) Digital COVID-19 Vaccine Record (California);
- (iii) WA Verify (Washington state);]
- (d) “relevant country” means a country listed in the first column of the table in paragraph (11) or a country or territory listed in paragraph (12);
- (e) “relevant regulator” in relation to a relevant country, means the regulator identified in the corresponding row of the second column of the table in paragraph (11), and a reference to a regulator in that table is a reference to the regulatory authority of that name designated as a Stringent Regulatory Authority by the World Health Organization pursuant to the operation of the COVAX Facility;
- (f) “United Kingdom vaccine roll-out overseas” means the administration of vaccine against coronavirus to—
- (i) Crown servants (within the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989), government contractors (within the meaning given in section 12(2) of the Official Secrets Act 1989) or other personnel posted or based overseas and their dependants under the scheme known as the Foreign, Commonwealth and Development Office staff COVID-19 vaccination programme,
 - (ii) residents of the British overseas territories, the Channel Islands and the Isle of Man, as part of a programme agreed in the overseas territory with the United Kingdom government, or
 - (iii) military or civilian personnel, government contractors and their dependants at a military posting overseas, including the British overseas territories, the Channel Islands and the Isle of Man, under the vaccination scheme provided or approved by the UK Defence Medical Services.
- (g) “vaccine certificate” means a certificate in English, French or Spanish issued by the competent health authority of Australia, Canada or a relevant country listed in paragraph (12) which contains—
- (i) the person’s full name;
 - (ii) the person’s date of birth;
 - (iii) the name and manufacturer of the vaccine that the person has received;
 - (iv) the date that the person received each dose of the vaccine;
 - (v) details of either the identity of the issuer of the certificate or the country of vaccination, or both.
- (11) The table referred to in the definitions of “relevant country” and “relevant regulator” follows—

Relevant country

a member State

Relevant regulator

European Medicines Agency

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Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

Andorra	European Medicines Agency
Australia	The Therapeutic Goods Administration
Canada	Health Canada
Iceland	European Medicines Agency
Liechtenstein	European Medicines Agency
Monaco	European Medicines Agency
Norway	European Medicines Agency
San Marino	European Medicines Agency
Switzerland	Swissmedic
the United States of America	United States Food and Drug Administration
Vatican City State	European Medicines Agency

(12) The countries and territories referred to in the definition of “relevant country” are—

Albania
 [F91 Angola]
 [F91 Anguilla]
 Antigua and Barbuda
 [F91 Argentina]
 [F91 Armenia]
 [F91 Azerbaijan]
 The Bahamas
 Bahrain
 Bangladesh
 Barbados
 [F92 Belarus]
 [F91 Belize]
 [F91 Bermuda]
 [F92 Bolivia]
 Bosnia and Herzegovina
 [F91 Botswana]
 Brazil
 [F91 British Antarctic Territory]
 [F91 British Indian Ocean Territory]
 [F91 British Virgin Islands]
 Brunei
 [F91 Cambodia]
 [F91 Cayman Islands]

Chile
Colombia
[^{F91}Costa Rica]
[^{F92}Democratic Republic of the Congo]
[^{F91}Djibouti]
Dominica
[^{F92}Dominican Republic]
[^{F92}Ecuador]
Egypt
[^{F91}Eswatini]
[^{F91}Falkland Islands]
Georgia
Ghana
[^{F91}Gibraltar]
Grenada
[^{F91}Guernsey]
[^{F91}Guyana]
[^{F91}Honduras]
Hong Kong
India
Indonesia
[^{F91}Isle of Man]
Israel
Jamaica
Japan
[^{F91}Jersey]
Jordan
Kenya
Kosovo
Kuwait
[^{F92}Laos]
[^{F91}Lebanon]
[^{F91}Lesotho]
[^{F92}Libya]
[^{F91}Madagascar]
[^{F92}Malawi]
Malaysia
Maldives

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

[^{F91}Mauritius]
Moldova
[^{F91}Mongolia]
Montenegro
[^{F91}Montserrat]
Morocco
[^{F92}Mozambique]
Namibia
[^{F91}Nepal]
New Zealand
Nigeria
North Macedonia
[^{F91}Occupied Palestinian Territories]
Oman
Pakistan
[^{F91}Panama]
[^{F91}Peru]
The Philippines
[^{F91}Pitcairn, Henderson, Ducie and Oeno Islands]
Qatar
[^{F91}Rwanda]
[^{F91}Saint Helena, Ascension and Tristan da Cunha]
[^{F92}Samoa]
Saudi Arabia
[^{F92}Senegal]
Serbia
[^{F91}Seychelles]
[^{F91}Sierra Leone]
Singapore
South Africa
[^{F91}South Georgia and the South Sandwich Islands]
South Korea
[^{F91}The Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus]
[^{F91}Sri Lanka]
St Kitts and Nevis
St Lucia
St Vincent and the Grenadines
[^{F91}Suriname]

Taiwan

[^{F91}Tanzania]

Thailand

[^{F91}Trinidad and Tobago]

[^{F91}Tunisia]

Turkey

[^{F91}Turks and Caicos Islands]

[^{F91}Uganda]

Ukraine

United Arab Emirates

[^{F91}Uruguay]

[^{F92}Vanuatu]

Vietnam]

[^{F92}Zambia]

[^{F92}Zimbabwe]

[^{F93}(13) The following countries and territories are approved third countries or territories for the purposes of this regulation—

Albania

Armenia

Faroe Islands

Israel

Morocco

North Macedonia

Panama

Turkey

Ukraine.]

Textual Amendments

- F69** Reg. 16A inserted (11.10.2021 at 7.00 a.m.) by The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 17) Regulations 2021 (S.I. 2021/1119), regs. 1(2), **2(2)** (as amended by S.I. 2021/1131, regs. 1(2), **3**)
- F70** Words in reg. 16A heading substituted (15.11.2021 at 7.00 a.m.) by The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 19) Regulations 2021 (S.I. 2021/1248), regs. 1(2), **2(a)**
- F71** Word in reg. 16A(1) inserted (15.12.2021) by The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 22) Regulations 2021 (S.I. 2021/1407), regs. 1(2), **2(2)(a)(i)**
- F72** Word in reg. 16A(1) omitted (15.12.2021) by virtue of The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 22) Regulations 2021 (S.I. 2021/1407), regs. 1(2), **2(2)(a)(ii)**
- F73** Reg. 16A(1)(d) omitted (15.12.2021) by virtue of The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 22) Regulations 2021 (S.I. 2021/1407), regs. 1(2), **2(2)(a)(iii)**

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

- F74** Reg. 16A(2)(e)(f) inserted (15.11.2021 at 7.00 a.m.) by The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 19) Regulations 2021 (S.I. 2021/1248), regs. 1(2), **2(b)**
- F75** Reg. 16A(6)(a)(i) omitted (22.11.2021 at 4.00 a.m.) by virtue of The Health Protection (Coronavirus, International Travel and Restrictions) (Wales) (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1291), regs. 1(2), **9(2)(a)**
- F76** Words in reg. 16A(6)(c) substituted (22.11.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Restrictions) (Wales) (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1291), regs. 1(2), **9(2)(b)(i)**
- F77** Words in reg. 16A(6)(c) inserted (22.11.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Restrictions) (Wales) (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1291), regs. 1(2), **9(2)(b)(ii)**
- F78** Words in reg. 16A(6)(c) inserted (22.11.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Restrictions) (Wales) (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1291), regs. 1(2), **9(2)(b)(iii)**
- F79** Reg. 16A(7) omitted (15.12.2021) by virtue of The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 22) Regulations 2021 (S.I. 2021/1407), regs. 1(2), **2(2)(b)**
- F80** Reg. 16A(8) substituted (22.11.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Restrictions) (Wales) (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1291), regs. 1(2), **9(3)**
- F81** Words in reg. 16A(9)(b) substituted (22.11.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Restrictions) (Wales) (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1291), regs. 1(2), **9(4)(a)**
- F82** Word in reg. 16A(9)(b)(i)(bb) omitted (22.11.2021 at 4.00 a.m.) by virtue of The Health Protection (Coronavirus, International Travel and Restrictions) (Wales) (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1291), regs. 1(2), **9(4)(b)**
- F83** Word in reg. 16A(9)(b)(ii) inserted (22.11.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Restrictions) (Wales) (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1291), regs. 1(2), **9(4)(c)**
- F84** Reg. 16A(9)(b)(iii) inserted (22.11.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Restrictions) (Wales) (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1291), regs. 1(2), **9(4)(d)**
- F85** Word in reg. 16A(10)(a) omitted (22.11.2021 at 4.00 a.m.) by virtue of The Health Protection (Coronavirus, International Travel and Restrictions) (Wales) (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1291), regs. 1(2), **9(5)(a)(i)**
- F86** Word in reg. 16A(10)(a)(i) substituted (22.11.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Restrictions) (Wales) (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1291), regs. 1(2), **9(5)(a)(ii)**
- F87** Word in reg. 16A(10)(a)(ii) inserted (22.11.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Restrictions) (Wales) (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1291), regs. 1(2), **9(5)(a)(iii)**
- F88** Reg. 16A(10)(a)(iii)(iv) inserted (22.11.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Restrictions) (Wales) (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1291), regs. 1(2), **9(5)(a)(iv)**
- F89** Reg. 16A(10)(aa) inserted (22.11.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Restrictions) (Wales) (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1291), regs. 1(2), **9(5)(b)**
- F90** Reg. 16A(10)(ca) inserted (22.11.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Restrictions) (Wales) (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1291), regs. 1(2), **9(5)(c)**
- F91** Words in reg. 16A(12) inserted (1.11.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, Restrictions, International Travel, Notification and Public Health Information to Travellers) (Wales) (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1212), regs. 1(3), **18**

- F92** Words in reg. 16A(12) inserted (22.11.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Restrictions) (Wales) (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1291), regs. 1(2), **9(6)**
- F93** Reg. 16A(13) inserted (22.11.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel and Restrictions) (Wales) (Miscellaneous Amendments) Regulations 2021 (S.I. 2021/1291), regs. 1(2), **9(7)**

Specific measures applicable to licensed premises

^{F94}17.

Textual Amendments

- F94** Reg. 17 omitted (7.8.2021 at 6.00 a.m.) by virtue of The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 15) Regulations 2021 (S.I. 2021/925), regs. 1(3), **2(13)**

Specific measures applicable to retail premises

^{F95}17A.

Textual Amendments

- F95** Reg. 17A omitted (7.8.2021 at 6.00 a.m.) by virtue of The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 15) Regulations 2021 (S.I. 2021/925), regs. 1(3), **2(13)**

Guidance about taking reasonable measures

18.—(1) A person required to take reasonable measures under regulation 16(1) [^{F96}or 16A(1)]^{F97} ... must have regard to guidance issued by the Welsh Ministers about those measures.

(2) The Welsh Ministers—

- (a) may revise guidance issued under paragraph (1), and
- (b) must publish the guidance (and any revisions).

(3) Guidance under this regulation may incorporate (by reference or transposition) guidance, codes of practice or other documents published by another person (for example, a trade association, body representing members of an industry or a trade union).

(4) Guidance issued by the Welsh Ministers under—

- (a) paragraph (1) of regulation 20 of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020 ^{M1}, or
- (b) paragraph (1) of regulation 24 of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 ^{M2},

is to be treated as if it were guidance issued under paragraph (1) of this regulation.

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

Textual Amendments

- F96** Words in [reg. 18\(1\)](#) inserted (11.10.2021 at 7.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 17\) Regulations 2021 \(S.I. 2021/1119\)](#), regs. 1(2), **2(3)**
- F97** Words in [reg. 18\(1\)](#) omitted (7.8.2021 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 15\) Regulations 2021 \(S.I. 2021/925\)](#), regs. 1(3), **2(14)**

Commencement Information

- I15** Reg. 18 in force at 20.12.2020, see [reg. 1\(3\)](#)

Marginal Citations

- M1** [S.I. 2020/1149 \(W. 261\)](#).
- M2** [S.I. 2020/1219 \(W. 276\)](#), as amended by [S.I. 2020/1237 \(W. 279\)](#), [S.I. 2020/1288 \(W. 286\)](#), [S.I. 2020/1409 \(W. 311\)](#), [S.I. 2020/1477 \(W. 316\)](#) and [S.I. 2020/1522 \(W. 326\)](#).

[^{F98}PART 4A

Taking preventative measures when election campaigning

Textual Amendments

- F98** Pt. 4A inserted (12.4.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 7\) Regulations 2021 \(S.I. 2021/457\)](#), regs. 1(2), **2(4)**

Requirement to take all reasonable measures to minimise the risk of exposure to coronavirus when election campaigning

18A.—(1) A person responsible for carrying out or facilitating an activity which involves participating in a gathering for the purposes of persuading or dissuading any person to vote in a particular manner in an election must—

- (a) take all reasonable measures to minimise the risk of—
 - (i) any person involved in the activity being exposed to coronavirus, and
 - (ii) the spread of coronavirus by any such person, and
- (b) in taking those measures, have regard to any guidance about them issued by the Welsh Ministers.

(2) The measures to be taken under paragraph (1)(a)—

- ^{F99}(a)
- (b) may include taking [^{F100}measures which limit close physical interaction between persons participating in the gathering, in particular face-to-face interaction, and measures to] maintain hygiene such as—
 - (i) limiting the number of persons participating in the gathering;
 - (ii) wearing face coverings;
 - (iii) limiting the number of persons handling leaflets or other materials.

(3) The Welsh Ministers—

- (a) may revise guidance issued under paragraph (1)(b), and
- (b) must publish the guidance (and any revisions).]

Textual Amendments

- F99** Reg. 18A(2)(a) omitted (28.8.2021) by virtue of The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 16) Regulations 2021 (S.I. 2021/970), regs. 1(2), **2(3)(a)**
- F100** Words in reg. 18A(2)(b) substituted (28.8.2021) by The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 16) Regulations 2021 (S.I. 2021/970), regs. 1(2), **2(3)(b)**

[^{F101}PART 4B

Requirement to work from home where practicable

Textual Amendments

- F101** Pt. 4B inserted (20.12.2021) by The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 23) Regulations 2021 (S.I. 2021/1468), regs. 1(2), **2(3)**

Requirement to work from home where practicable

18B.—(1) In the circumstances referred to in paragraph (2), no person may leave the place where they are living, or remain away from that place, for the purposes of work or to provide voluntary or charitable services.

(2) The circumstances are that it is reasonably practicable for the person to work or to provide voluntary or charitable services from the place where they are living.

(3) For the purposes of this regulation, the place where a person is living includes the premises where they live together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.]

PART 5

Face coverings

Requirement to wear face covering on public transport

19.—(1) A person (“P”) who is travelling as a passenger [^{F102}in an indoor part of] a vehicle used to provide a public transport service must wear a face covering.

(2) But this is not required—

- (a) where an exemption applies under paragraph (3);
- (b) where P has a reasonable excuse not to wear a face covering, as to which see paragraph (4).

(3) An exemption to the requirement to wear a face covering applies—

- (a) where P is a child under the age of 11;
- (b) on a vehicle providing a school transport service;
- (c) on a ferry where—

- F103 (i)
- (ii) a distance of at least 2 metres can be maintained between persons on the part of the ferry which is open to passengers;
- (d) on a cruise ship;
 - (e) where P is allocated a cabin, berth or other similar accommodation on the vehicle, at any time when P is in that accommodation—
 - (i) alone, or
 - (ii) only with members of P's household or a member of the household's carer;
 - (f) where—
 - (i) P is permitted, or ordinarily required, to board and to stay in a vehicle when using the public transport service,
 - (ii) the vehicle is not itself used for the provision of a public transport service, and
 - (iii) P stays in that vehicle;
 - (g) on an aircraft which neither took off from, nor is to land at, a place in Wales;
 - (h) on a vessel which does not dock at a port in Wales.
- (4) The circumstances in which P has a reasonable excuse to not wear a face covering include—
- (a) where P is unable to put on, wear or remove a face covering because of a physical or mental illness or impairment, or a disability (within the meaning of section 6 of the Equality Act 2010 ^{M3});
 - (b) where P has to remove the face covering to communicate with a person who has difficulty communicating (in relation to speech, language or otherwise);
 - (c) where P has to remove the face covering in order to avoid harm or injury, or the risk of harm or injury, to P or others;
 - (d) where P is travelling to avoid injury, or to escape a risk of harm, and does not have a face covering;
 - (e) where P has to remove the face covering to—
 - (i) take medication;
 - (ii) eat or drink, if this is allowed on the vehicle and is reasonably necessary (for example due to the length of the journey);
 - (f) where P is asked to remove the face covering by—
 - (i) an enforcement officer, or
 - (ii) the operator of the public transport service, an employee of the operator or a person authorised by the operator.
- (5) An operator of a public transport service to which paragraph (1) applies must provide information to passengers about the requirement to wear face coverings on their vehicles.
- (6) For the purposes of this regulation a “school transport service” means any transport service provided solely for the purpose of—
- (a) carrying a person to and from the school or other place at which the person receives education or training, or
 - (b) otherwise facilitating a person's attendance at a school or other place at which the person receives education or training.

Textual Amendments

F102 Words in [reg. 19\(1\)](#) substituted (7.8.2021 at the beginning of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 15\) Regulations 2021 \(S.I. 2021/925\)](#), regs. 1(2), **2(15)(a)**

F103 [Reg. 19\(3\)\(c\)\(i\)](#) omitted (7.8.2021 at the beginning of the day) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 15\) Regulations 2021 \(S.I. 2021/925\)](#), regs. 1(2), **2(15)(b)**

Commencement Information

I16 [Reg. 19](#) in force at 20.12.2020, see [reg. 1\(3\)](#)

Marginal Citations

M3 [2010 c. 15](#).

Requirement to wear face covering in certain indoor public places

20.—(1) A person (“P”) must wear a face covering in indoor public areas of premises to which the public have or are permitted access ^{F104}....

(2) But this is not required—

(a) where P is a child under the age of 11;

[^{F105}(aa) where P is attending a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony;]

(b) where P has a reasonable excuse not to wear a face covering, as to which see paragraph (3).

(3) The circumstances in which P has a reasonable excuse to not wear a face covering include—

(a) where P is unable to put on, wear or remove a face covering because of a physical or mental illness or impairment, or a disability (within the meaning of section 6 of the Equality Act 2010);

(b) where P is undertaking an activity and wearing a face covering during that activity may be considered to be a risk to P's health;

(c) where P has to remove the face covering to communicate with a person who has difficulty communicating (in relation to speech, language or otherwise);

(d) where P has to remove the face covering in order to avoid harm or injury, or the risk of harm or injury, to P or others;

(e) where P is at the premises to avoid injury, or to escape a risk of harm, and does not have a face covering;

(f) where P has to remove the face covering to—

(i) take medication;

(ii) eat or drink, where reasonably necessary;

(g) where P is asked to remove the face covering by an enforcement officer;

^{F106}(h)

[^{F107}(h) where P is seated in premises where food or drink is sold, or otherwise provided, for consumption on the premises.]

[^{F108}(4) For the purposes of paragraph (1), where—

Status: Point in time view as at 21/01/2022.

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- (a) a business (“business A”) sells, or otherwise provides, food or drink for consumption on the business premises,
- (b) business A forms part of a larger business (“business B”), and
- (c) business B also carries on its business on the premises, but does not sell, or otherwise provide, food or drink for consumption on those premises,

P is to be treated as being in premises where food or drink is sold, or otherwise provided, for consumption on the premises only where P is in the part of the premises at which business A carries on its business.]

[^{F109}(5) For the purposes of paragraph (1)—

- (a) the auditorium of a theatre, cinema or concert hall, or
- (b) the viewing area of an indoor arena or stadium,

is not to be treated as premises where food or drink is sold, or otherwise provided, for consumption on the premises.

(6) For the purposes of paragraph (1), a vehicle is to be treated as an indoor public area of premises when being used for—

- (a) paid instruction in the driving of a motor car in accordance with section 123 of the Road Traffic Act 1988, or
- (b) a test of competence to drive such as is described in section 89(1)(a)(i) of that Act.]

Textual Amendments

- F104** Words in [reg. 20\(1\)](#) omitted (26.12.2021 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(4)(a)**
- F105** [Reg. 20\(2\)\(aa\)](#) inserted (28.8.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 16\) Regulations 2021 \(S.I. 2021/970\)](#), regs. 1(2), **2(4)**
- F106** [Reg. 20\(3\)\(h\)](#) omitted (7.8.2021 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 15\) Regulations 2021 \(S.I. 2021/925\)](#), regs. 1(3), **2(16)(b)**
- F107** [Reg. 20\(3\)\(h\)](#) inserted (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(4)(b)**
- F108** [Reg. 20\(4\)](#) inserted (7.8.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 15\) Regulations 2021 \(S.I. 2021/925\)](#), regs. 1(3), **2(16)(c)**
- F109** [Reg. 20\(5\)\(6\)](#) inserted (11.12.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 22\) Regulations 2021 \(S.I. 2021/1407\)](#), regs. 1(3), **2(3)**

Commencement Information

- I17** [Reg. 20](#) in force at 20.12.2020, see [reg. 1\(3\)](#)

Guidance about requirements to wear face coverings

21.—(1) An operator of a public transport service to which regulation 19 applies must have regard to guidance issued by the Welsh Ministers about—

- (a) the requirement to wear a face covering in accordance with paragraphs (1) to (4) of regulation 19 and the enforcement of that requirement under regulation 32;
 - (b) providing information to passengers in accordance with paragraph (5) of regulation 19.
- (2) The Welsh Ministers—

- (a) may revise guidance issued under paragraph (1), and
 - (b) must publish the guidance (and any revisions).
- (3) Guidance under this regulation may incorporate (by reference or transposition) guidance, codes of practice or other documents published by another person (for example, a trade association, body representing members of an industry or a trade union).
- (4) Guidance issued by the Welsh Ministers under—
- (a) paragraph (2) of regulation 20 of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020, or
 - (b) paragraph (2) of regulation 24 of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020,
- is to be treated as if it were guidance issued under paragraph (1) of this regulation.

Commencement Information

I18 Reg. 21 in force at 20.12.2020, see [reg. 1\(3\)](#)

^{F110}PART 6

Provision of education in school

.....

Textual Amendments

F110 Pt. 6 omitted (28.8.2021) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 16\) Regulations 2021 \(S.I. 2021/970\)](#), regs. 1(2), **2(5)**

PART 7

Enforcement

Enforcement officers

25.—(1) For the purposes of regulation 26 and Schedule 8, an “enforcement officer” means a person designated by a local authority —

- (a) for the purposes of these Regulations,
- (b) under regulation 17(A1) of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020^{M4},
- (c) under regulation 21(1) of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020, or
- (d) under regulation 25(1) of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020.

(2) For the purposes of regulations ^{F111}[^{F112}... 18A,] 19, 20, 27 to 34, 36 and 47, an “enforcement officer” means—

- (a) a constable,

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

- (b) a police community support officer,
 - (c) a person designated by—
 - (i) the Welsh Ministers, or
 - (ii) a local authority,
 for the purposes of these Regulations (but see paragraph (3)), or
 - (d) a person designated by the Welsh Ministers or a local authority under—
 - (i) regulation 10(11)(c) of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 ^{M5} as a relevant person (within the meaning given by that regulation),
 - (ii) regulation 17(1) of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 for the purposes of those Regulations,
 - (iii) regulation 21(2) of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020 for the purposes of those Regulations, or
 - (iv) under regulation 25(2) of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020,
 (but see paragraph (3)).
- (3) A person designated by a local authority may exercise an enforcement officer's functions only—
- (a) in relation to a contravention (or alleged contravention) of a requirement in—
 - (i) regulation 16(1) [^{F113}or 16A(1)]^{F114} ...,
 - (ii) paragraph 7(1) ^{F115}... of Schedule 1,
 - (iii) paragraph 7(1) ^{F116}... of Schedule 2,
 - (iv) paragraph 7(1), 8(1) or [^{F117}9(1)] of Schedule 3, or
 - (v) paragraph 7(1), 8(1), 9(1) [^{F118}, 10(1) or 11(3)] of Schedule 4, or
 - (b) under and by virtue of Schedule 8.

Textual Amendments

- F111** Word in reg. 25(2) omitted (17.5.2021 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 10\) Regulations 2021 \(S.I. 2021/583\)](#), regs. 1(2), **2(5)**
- F112** Words in reg. 25(2) inserted (12.4.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 7\) Regulations 2021 \(S.I. 2021/457\)](#), regs. 1(2), **2(5)**
- F113** Words in reg. 25(3)(a)(i) inserted (11.10.2021 at 7.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 17\) Regulations 2021 \(S.I. 2021/1119\)](#), regs. 1(2), **2(4)**
- F114** Words in reg. 25(3)(a)(i) omitted (7.8.2021 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 15\) Regulations 2021 \(S.I. 2021/925\)](#), regs. 1(3), **2(17)**
- F115** Words in reg. 25(3)(a)(ii) omitted (26.4.2021 immediately before the start of the day) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(4)(a)**
- F116** Words in reg. 25(3)(a)(iii) omitted (26.4.2021 immediately before the start of the day) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(4)(b)**

F117 Word in reg. 25(3)(a)(iv) substituted (26.4.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(4)(c)**

F118 Words in reg. 25(3)(a)(v) substituted (22.12.2020 at 12.01 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/1623\)](#), regs. 1(2), **2(2)**

Commencement Information

I19 Reg. 25 in force at 20.12.2020, see [reg. 1\(3\)](#)

Marginal Citations

M4 [S.I. 2020/725](#) (W. 162).

M5 [S.I. 2020/353](#) (W. 80).

Enforcement of requirement to take preventative measures

26. Schedules 8 and 9 make provision for and in connection with conferring functions on enforcement officers for the purpose of enforcing regulations 16(1) [^{F119}, 16ZA(1), 16ZB][^{F120} and 16A(1)]^{F121}....

Textual Amendments

F119 Words in [reg. 26](#) inserted (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(5)**

F120 Words in [reg. 26](#) inserted (11.10.2021 at 7.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 17\) Regulations 2021 \(S.I. 2021/1119\)](#), regs. 1(2), **2(5)**

F121 Words in [reg. 26](#) omitted (7.8.2021 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 15\) Regulations 2021 \(S.I. 2021/925\)](#), regs. 1(3), **2(18)**

Commencement Information

I20 Reg. 26 in force at 20.12.2020, see [reg. 1\(3\)](#)

Compliance notices

27.—(1) An enforcement officer may give a compliance notice to a person if the officer has reasonable grounds for suspecting that the person is contravening a requirement in—

[^{F122}(za) regulation 18A(1),]

- (a) regulation 19(5),
- (b) paragraph 7(1) [^{F123} ... of Schedule 1,
- (c) paragraph 7(1) [^{F124} ... of Schedule 2,
- (d) paragraph 7(1), 8(1) or [^{F125}9(1)] of Schedule 3, or
- (e) paragraph 7(1), 8(1), 9(1) [^{F126}, 10(1) or 11(3)] of Schedule 4.

(2) A compliance notice may specify measures that the person to whom it is given must take as soon as is reasonably practicable so as to prevent that person from continuing to contravene the requirement.

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

Textual Amendments

- F122** Reg. 27(1)(za) inserted (12.4.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 7\) Regulations 2021 \(S.I. 2021/457\)](#), regs. 1(2), **2(6)**
- F123** Words in reg. 27(1)(b) omitted (26.4.2021 immediately before the start of the day) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(5)(a)**
- F124** Words in reg. 27(1)(c) omitted (26.4.2021 immediately before the start of the day) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(5)(b)**
- F125** Word in reg. 27(1)(d) substituted (26.4.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(5)(c)**
- F126** Words in reg. 27(1)(e) substituted (22.12.2020 at 12.01 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/1623\)](#), regs. 1(2), **2(3)**

Commencement Information

- I21** Reg. 27 in force at 20.12.2020, see [reg. 1\(3\)](#)

Powers of removal and dispersal: gatherings and being away from home

28.—(1) Paragraph (2) applies where an enforcement officer has reasonable grounds for suspecting that a person is participating in a gathering in a private dwelling in contravention of—

^{F127}(a)

^{F127}(b)

- (c) paragraph 1(1) of Schedule 3, or
- (d) paragraph 2(1) of Schedule 4.

(2) The enforcement officer may—

- (a) direct the gathering to disperse;
- (b) if the officer has reasonable grounds to suspect that the person does not live at the dwelling—
 - (i) direct the person to leave the dwelling;
 - (ii) remove the person from the dwelling.

(3) Paragraph (4) applies where an enforcement officer has reasonable grounds for suspecting that a person is participating in a gathering in a place other than a private dwelling in contravention of—

- (a) paragraph 2(1) ^{F128} ... of Schedule 1,
- (b) paragraph 2(1) ^{F129} ... of Schedule 2,
- (c) paragraph 2(1) or [^{F130}3(1)] of Schedule 3, or
- (d) paragraph 2(1) of Schedule 4.

(4) The enforcement officer may—

- (a) direct the gathering to disperse;
- (b) direct the person to leave the place where the gathering is taking place;
- (c) remove the person from that place.

(5) Where an enforcement officer has reasonable grounds for suspecting that a person is away from the place where the person is living in contravention of paragraph 1(1) of Schedule 4, the officer may—

- (a) direct the person to return to the place where the person is living;
- (b) remove the person to that place.

Textual Amendments

- F127** Reg. 28(1)(a)(b) omitted (26.12.2021 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(6)(a)**
- F128** Words in reg. 28(3)(a) omitted (26.12.2021 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(6)(b)(i)**
- F129** Words in reg. 28(3)(b) omitted (21.1.2022 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/55\)](#), regs. 1(2), **2(3)**
- F130** Word in reg. 28(3)(c) substituted (26.4.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(6)**

Commencement Information

- I22** Reg. 28 in force at 20.12.2020, see [reg. 1\(3\)](#)

Powers relating to travel restrictions

^{F131}**29.**

Textual Amendments

- F131** Reg. 29 omitted (17.5.2021 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 10\) Regulations 2021 \(S.I. 2021/583\)](#), regs. 1(2), **2(6)**

Powers relating to contravention of isolation requirement

30. Where an enforcement officer has reasonable grounds for suspecting that a person is away from the place where they are living in contravention of regulation 6(2), 7(2) [^{F132}or 8(2)], the officer may—

- (a) direct the person to return to the place where the person is living;
- (b) remove the person to that place.

Textual Amendments

- F132** Words in reg. 30 substituted (22.12.2021 at 12.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 24\) Regulations 2021 \(S.I. 2021/1477\)](#), regs. 1(2), **2(11)**

Commencement Information

- I23** Reg. 30 in force at 20.12.2020, see [reg. 1\(3\)](#)

[^{F133}Powers relating to offence of possessing false or misleading evidence relating to vaccination or coronavirus test results

30A. Where an enforcement officer has reasonable grounds for suspecting that a person is committing an offence under regulation 40A, the officer may require the person to produce any evidence of a kind described in regulation 16A(1) which the officer suspects is in the person's possession.]

Textual Amendments

F133 Reg. 30A inserted (11.10.2021 at 7.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 17\) Regulations 2021 \(S.I. 2021/1119\)](#), regs. 1(2), **2(6)**

Powers relating to events

31.—(1) Paragraph (2) applies where an enforcement officer has reasonable grounds for suspecting that a person (“P”) is—

- (a) committing an offence under regulation 39(2);
- (b) involved in organising an event in contravention of (or which the officer considers likely to be in contravention of) paragraph 4 of Schedule 1, paragraph 4 of Schedule 2, [^{F134}paragraph 5 of Schedule 3] or paragraph 4 of Schedule 4.

(2) The enforcement officer may—

- (a) direct P to follow such instructions as the officer considers necessary in order to stop the event;
- (b) remove P from the location of the event;
- (c) direct any person to leave the event;
- (d) remove any person from the event;
- (e) where the event has not started—
 - (i) direct P to follow such instructions as the officer considers necessary in order to stop the event from taking place;
 - (ii) remove P from the proposed location of the event.

(3) Where an enforcement officer has reasonable grounds for suspecting that a person (“P”) is involved in organising an event authorised under paragraph 5 of Schedule 1, paragraph 5 of Schedule 2 [^{F135}, paragraph 6 of Schedule 3]^{F136}... or paragraph 5 of Schedule 4 which the officer considers is being held in contravention of a requirement, restriction or other condition specified in relation to the authorisation, the officer may—

- (a) direct P to follow such instructions as the officer considers necessary in order to secure compliance with the requirement, restriction or other condition;
- (b) direct P to follow such instructions as the officer considers necessary in order to stop the event;
- (c) remove P from the location of the event;
- (d) direct any person to leave the event;
- (e) remove any person from the event.

Textual Amendments

- F134** Words in reg. 31(1)(b) substituted (26.4.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(7)(a)**
- F135** Words in reg. 31(3) inserted (26.4.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(7)(b)**
- F136** Words in reg. 31(3) omitted (13.3.2021 immediately before the start of the day) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 5\) Regulations 2021 \(S.I. 2021/307\)](#), regs. 1(2), **2(3)**

Commencement Information

- I24** Reg. 31 in force at 20.12.2020, see [reg. 1\(3\)](#)

Enforcement of face covering requirements

32.—(1) Where an enforcement officer has reasonable grounds for suspecting that a person is contravening (or is about to contravene) regulation 19(1), the officer may—

- (a) direct the person not to board the vehicle providing the public transport service in question;
 - (b) remove the person from the vehicle.
- (2) Where—
- (a) the operator of a public transport service,
 - (b) an employee of the operator, or
 - (c) a person authorised by the operator,

has reasonable grounds to suspect that a person is about to contravene regulation 19(1), the operator, employee or authorised person may direct the person not to board the vehicle providing the public transport service in question.

(3) Where an enforcement officer has reasonable grounds to suspect that a person is contravening (or is about to contravene) regulation 20(1), the officer may—

- (a) direct the person not to enter the premises;
- (b) remove the person from the premises.

Commencement Information

- I25** Reg. 32 in force at 20.12.2020, see [reg. 1\(3\)](#)

Enforcement: children

33.—(1) Where an enforcement officer has reasonable grounds to suspect that a person (“P”) in respect of whom the officer may exercise a power under this Part is a child accompanied by an individual (“I”) who has responsibility for P—

- (a) the officer may direct I to take such action in respect of P as the officer considers appropriate, and
- (b) I must, so far as reasonably practicable, ensure that P complies with any direction or instruction given by the officer to P.

(2) For the purposes of paragraph (1), I has responsibility for a child if I—

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

- (a) has custody or charge of the child for the time being, or
- (b) has parental responsibility for the child.

Commencement Information

I26 Reg. 33 in force at 20.12.2020, see [reg. 1\(3\)](#)

Power of entry

- 34.**—(1) An enforcement officer may enter premises, if the officer—
- (a) has reasonable grounds for suspecting that a requirement imposed by these Regulations is being, has been or is about to be contravened on the premises, and
 - (b) considers it necessary to enter the premises for the purpose of ascertaining whether the requirement is being, has been or is about to be contravened.
- (2) An enforcement officer entering premises in accordance with paragraph (1) may take such other persons, equipment and materials onto the premises as appears to the officer to be appropriate.
- (3) An enforcement officer entering premises in accordance with paragraph (1)—
- (a) if asked by a person on the premises, must show evidence of the officer's identity and outline the purpose for which the power is exercised;
 - (b) if the premises are unoccupied or the occupier is temporarily absent, must leave the premises as effectively secured against unauthorised entry as when the officer found them.
- (4) An enforcement officer may enter premises which are wholly or mainly used as a private dwelling only if the enforcement officer is a constable.

Commencement Information

I27 Reg. 34 in force at 20.12.2020, see [reg. 1\(3\)](#)

Power of police to conduct road checks

- 35.**—(1) For the purposes of this regulation, a “road check” means the exercise in a locality of the power conferred by section 163 of the Road Traffic Act 1988 ^{M6} in such a way as to stop, during the period for which the exercise of that power in that locality continues, all vehicles or vehicles selected by any criterion.
- (2) A constable may conduct a road check for the purpose of ascertaining whether a vehicle is carrying a person who the constable reasonably believes—
- (a) has committed, or
 - (b) intends to commit,
- an offence under these Regulations.
- (3) A road check must be authorised by a constable of the rank of superintendent or above.
- (4) But a road check may be authorised by a constable below that rank if the constable considers it necessary as a matter of urgency.
- (5) A constable may authorise a road check if the constable has reasonable grounds to believe that a person referred to in paragraph (2) is, or is about to be, in the locality in which vehicles would be stopped.
- (6) An authorisation must be in writing and must specify—

- (a) the locality in which vehicles are to be stopped;
 - (b) the period, not exceeding 7 days, during which the road check may take place;
 - (c) whether the road check is to be conducted—
 - (i) continuously throughout the period, or
 - (ii) at particular times during the period (in which case the authorisation must specify those times);
 - (d) the name of the constable giving the authorisation.
- (7) Where a road check is authorised under paragraph (4)—
- (a) the period specified in paragraph (6)(b) may not exceed 2 days;
 - (b) the constable giving the authorisation must, as soon as is reasonably practicable after giving it, inform a constable of the rank of superintendent or above that it has been given.
- (8) A constable of the rank of superintendent or above may give authorisation in writing for a road check to continue for a further period, not exceeding 7 days, beyond the period for which the road check was initially authorised.
- (9) Where a vehicle is stopped in a road check, the person in charge of the vehicle at the time when it is stopped is entitled to obtain a written statement of the purpose of the road check by applying in writing—
- (a) to the police force responsible for the locality where the road check is conducted, and
 - (b) no later than the end of the period of 12 months from the day on which the vehicle was stopped.

Commencement Information

I28 Reg. 35 in force at 20.12.2020, see [reg. 1\(3\)](#)

Marginal Citations

M6 1988 c. 52, as amended by the [Road Traffic Act 1991 \(c. 40\)](#) and the [Traffic Management Act 2004 \(c. 18\)](#).

Enforcement: supplemental provision

36.—(1) An enforcement officer may take other action to facilitate the exercise of a power conferred on the officer by this Part.

- (2) Action taken under paragraph (1) may include—
 - (a) requiring a person to give any information or answer any question the officer considers—
 - (i) necessary to enable the officer to determine whether to exercise a power conferred on the officer by this Part, or
 - (ii) is otherwise relevant to the exercise of such a power;
 - (b) directing a person to follow such instructions as the officer considers necessary.
- (3) A constable may use reasonable force in the exercise of a power under—
 - (a) regulation 28(2)(b)(ii), (4)(c) or (5)(b);
 - (b) regulation 29(4)(b) or (8)(b);
 - (c) regulation 30(b);
 - (d) regulation 31(2)(b) (d) or (e)(ii), or (3)(c) or (e);

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

- (e) regulation 32(1)(b) or (3)(b);
- (f) regulation 34(1).

(4) An enforcement officer may only exercise a power under this Part if the officer considers that it is necessary and proportionate to do so.

(5) In this Part and Part 8 references to a requirement include references to a restriction.

Commencement Information

I29 Reg. 36 in force at 20.12.2020, see [reg. 1\(3\)](#)

PART 8

Offences and penalties

CHAPTER 1

Offences

Offences relating to gatherings and being away from home

37.—(1) A person who contravenes a requirement in—

- (a) paragraph [^{F137}2(1)] of Schedule 1,
- (b) paragraph [^{F138}2(1) ^{F139}...] or (3) of Schedule 2,
- (c) paragraph 1(1) [^{F140}2(1) or 3(1)] of Schedule 3, or
- (d) paragraph 1(1) or 2(1) of Schedule 4,

commits an offence.

(2) A person who [^{F141}, without reasonable excuse,] participates in a gathering—

- (a) which takes place in a private dwelling [^{F142}or in holiday or travel accommodation][^{F143}, and]

[^{F144}(b) which consists of—

- (i) more than 30 people, where the gathering is held to any extent indoors, ^{F145}...

^{F146}(ii)]

commits an offence.

Textual Amendments

F137 Words in [reg. 37\(1\)\(a\)](#) substituted (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), [2\(7\)\(a\)\(i\)](#)

F138 Words in [reg. 37\(1\)\(b\)](#) substituted (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), [2\(7\)\(a\)\(ii\)](#)

F139 Word in [reg. 37\(1\)\(b\)](#) omitted (21.1.2022 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/55\)](#), regs. 1(2), [2\(4\)\(a\)](#)

- F140** Words in reg. 37(1)(c) substituted (26.4.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(8)**
- F141** Words in reg. 37(2) inserted (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(7)(b)(i)**
- F142** Words in reg. 37(2)(a) inserted (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(7)(b)(ii)**
- F143** Word in reg. 37(2) inserted (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(7)(b)(iii)**
- F144** Reg. 37(2)(b) substituted for reg. 37(2)(b)(c) (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(7)(b)(iv)**
- F145** Word in reg. 37(2)(b)(i) omitted (21.1.2022 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/55\)](#), regs. 1(2), **2(4)(b)(i)**
- F146** Reg. 37(2)(b)(ii) omitted (21.1.2022 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/55\)](#), regs. 1(2), **2(4)(b)(ii)**

Commencement Information

- I30** Reg. 37 in force at 20.12.2020, see reg. 1(3)

Travel restriction offences

^{F147}**38.**

Textual Amendments

- F147** Reg. 38 omitted (17.5.2021 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 10\) Regulations 2021 \(S.I. 2021/583\)](#), regs. 1(2), **2(7)**

Offences relating to organising events

39.—(1) A person who contravenes a requirement in—

- (a) paragraph 4 of Schedule 1,
- (b) paragraph 4 of Schedule 2,
- (c) [^{F148}paragraph 5] of Schedule 3, or
- (d) paragraph 4 of Schedule 4,

commits an offence.

(2) A person who, without reasonable excuse, is involved in organising a large unlicensed music event commits an offence.

(3) For the purposes of paragraph (2)—

- (a) “large unlicensed music event” means an event—
 - (i) at which more than [^{F149}50] people are in attendance,

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

- (ii) at which music is played or performed for the purpose, or for purposes which include the purpose, of entertainment, and
- (iii) where the playing or performance of the music is—
 - (aa) a licensable activity (within the meaning of the Licensing Act 2003^{M7}), and
 - (bb) not carried on under and in accordance with an authorisation (within the meaning given by section 136(5) of that Act);
- (b) a person is not involved in organising a large unlicensed music event if the person's only involvement is attending it.

Textual Amendments

F148 Words in reg. 39(1)(c) substituted (26.4.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(9)**

F149 Word in reg. 39(3)(a)(i) substituted (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(8)**

Commencement Information

I31 Reg. 39 in force at 20.12.2020, see [reg. 1\(3\)](#)

Marginal Citations

M7 2003 c. 17.

Offences relating to isolation requirements and contact tracing

- 40.**—(1) A person who—
- (a) contravenes a requirement in regulation 6(2), 7(2), 8(2)^{F150} ...^{F151} ...^{F152} ... or 12, or
 - (b) without reasonable excuse, contravenes a requirement in regulation 6(3), 7(3) [^{F153} or 8(3)],
- commits an offence.
- (2) It is an offence for a person (“P”) to give false or misleading information to a contact tracer—
- (a) under regulation 6(3), 7(3) [^{F154} or 8(3)], or
 - (b) about—
 - (i) P's contact information, or
 - (ii) persons with whom P may have had close contact,
- where P knows the information is false or misleading, or P is reckless as to whether the information is false or misleading.
- (3) In paragraph (2), “close contact” has the same meaning as in Part 3.

Textual Amendments

F150 Word in reg. 40(1)(a) omitted (22.12.2021 at 12.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 24\) Regulations 2021 \(S.I. 2021/1477\)](#), regs. 1(2), **2(12)(a)(i)**

- F151** Word in reg. 40(1)(a) omitted (7.8.2021 at the beginning of the day) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 15\) Regulations 2021 \(S.I. 2021/925\)](#), regs. 1(2), **2(20)(a)(i)**
- F152** Words in reg. 40(1)(a) omitted (27.2.2021) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2021 \(S.I. 2021/210\)](#), regs. 1(2), **2(7)(a)(i)**
- F153** Words in reg. 40(1)(b) substituted (22.12.2021 at 12.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 24\) Regulations 2021 \(S.I. 2021/1477\)](#), regs. 1(2), **2(12)(a)(ii)**
- F154** Words in reg. 40(2)(a) substituted (22.12.2021 at 12.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 24\) Regulations 2021 \(S.I. 2021/1477\)](#), regs. 1(2), **2(12)(b)**

Commencement Information

- I32** Reg. 40 in force at 20.12.2020, see [reg. 1\(3\)](#)

[^{F155}Offence of possessing false or misleading evidence relating to vaccination or coronavirus test results

40A. It is an offence for a person (“P”) to possess evidence of a kind described in regulation 16A(1) which P knows is false or misleading.]

Textual Amendments

- F155** [Reg. 40A](#) inserted (11.10.2021 at 7.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 17\) Regulations 2021 \(S.I. 2021/1119\)](#), regs. 1(2), **2(7)**

Offence of failing to wear a face covering

41. A person who contravenes the requirement in regulation 19(1) or 20(1) commits an offence.

Commencement Information

- I33** Reg. 41 in force at 20.12.2020, see [reg. 1\(3\)](#)

Offences relating to businesses and services

42.—(1) A person who, without reasonable excuse, contravenes a requirement in—

- (a) [^{F156}paragraph 7(1)] of Schedule 1,
- (b) [^{F157}paragraph 7(1)] of Schedule 2,
- (c) paragraphs 7(1), 8(1) or [^{F158}9(1)] of Schedule 3, or
- (d) paragraphs 7(1), 8(1), 9(1) [^{F159}, 10(1) or 11(3)] of Schedule 4,

commits an offence.

(2) An operator of a public transport service who, without reasonable excuse, contravenes the requirement in regulation 19(5) commits an offence.

(3) A person who, without reasonable excuse, fails to take the measures specified in a premises improvement notice issued under paragraph 1(1) of Schedule 8 within the time limit specified in the notice commits an offence.

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

(4) A person who, without reasonable excuse, contravenes paragraph 3(1) of Schedule 8 commits an offence.

(5) A person who—

(a) contravenes paragraph 3(2) of Schedule 8, or

(b) without reasonable excuse, removes, obscures or damages a notice or sign required to be displayed under paragraph 7(2)(a) of that Schedule,

commits an offence.

Textual Amendments

F156 Words in reg. 42(1)(a) substituted (26.4.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(10)(a)**

F157 Words in reg. 42(1)(b) substituted (26.4.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(10)(b)**

F158 Word in reg. 42(1)(c) substituted (26.4.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(10)(c)**

F159 Words in reg. 42(1)(d) substituted (22.12.2020 at 12.01 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/1623\)](#), regs. 1(2), **2(4)**

Commencement Information

I34 Reg. 42 in force at 20.12.2020, see [reg. 1\(3\)](#)

[^{F160} Offence of failing to work from home where reasonably practicable to do so

42A. A person who, without reasonable excuse, contravenes the requirement in regulation 18B commits an offence.]

Textual Amendments

F160 Reg. 42A inserted (20.12.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 23\) Regulations 2021 \(S.I. 2021/1468\)](#), regs. 1(2), **2(4)**

Obstruction and contravention of directions and compliance notices

43.—(1) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.

(2) A person who, without reasonable excuse—

(a) contravenes a direction given—

(i) by an enforcement officer under Part 7, or

(ii) by the operator of a public transport service, an employee of the operator, or a person authorised by the operator, under regulation 32(2), or

(b) fails to comply with a compliance notice given by an enforcement officer under regulation 27(1),

commits an offence.

Commencement Information

I35 Reg. 43 in force at 20.12.2020, see [reg. 1\(3\)](#)

Penalty

44. An offence under these Regulations is punishable on summary conviction by a fine.

Commencement Information

I36 Reg. 44 in force at 20.12.2020, see [reg. 1\(3\)](#)

Arrest without warrant

45. Section 24 of the Police and Criminal Evidence Act 1984 ^{M8} applies in relation to an offence under these Regulations as if the reasons in subsection (5) included—

- (a) to maintain public health;
- (b) to maintain public order.

Commencement Information

I37 Reg. 45 in force at 20.12.2020, see [reg. 1\(3\)](#)

Marginal Citations

M8 1984 c. 60. Section 24 was substituted by section 110(1) of the [Serious Organised Crime and Police Act 2005 \(c. 15\)](#).

Offences committed by bodies corporate etc.

46.—(1) If an offence under these Regulations committed by a body corporate is proved—

- (a) to have been committed with the consent or connivance of an officer of the body, or
- (b) to be attributable to any neglect on the part of such an officer,

the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.

(2) In paragraph (1), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

(3) Proceedings for an offence under these Regulations alleged to have been committed by a partnership may be brought in the name of the partnership instead of in the name of any of the partners.

(4) Proceedings for an offence under these Regulations alleged to have been committed by an unincorporated body other than a partnership may be brought in the name of the body instead of in the name of any of its members and, for the purposes of any such proceedings, any rules of court relating to the service of documents have effect as if that body were a body corporate.

(5) Section 33 of the Criminal Justice Act 1925 ^{M9} and Schedule 3 to the Magistrates' Courts Act 1980 ^{M10} apply in proceedings for an offence brought against a partnership or an unincorporated body other than a partnership as they apply in relation to a body corporate.

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

(6) A fine imposed on a partnership on its conviction for an offence under these Regulations is to be paid out of the partnership assets.

(7) A fine imposed on an unincorporated body other than a partnership on its conviction for an offence under these Regulations is to be paid out of the funds of the body.

Commencement Information

I38 Reg. 46 in force at 20.12.2020, see [reg. 1\(3\)](#)

Marginal Citations

M9 1925 c. 86.

M10 1980 c. 43.

CHAPTER 2

Fixed penalties

Fixed penalty notices

47.—(1) An enforcement officer may issue a fixed penalty notice to a person the officer reasonably believes—

- (a) has committed an offence under these Regulations, and
- (b) is aged 18 or over.

(2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to—

- (a) a local authority, or
- (b) a person designated by the Welsh Ministers for the purposes of receiving payment under this regulation,

as the notice may specify.

(3) The Welsh Ministers may designate themselves under paragraph (2)(b).

(4) A person designated by the Welsh Ministers for the purposes of receiving payment under—

- (a) regulation 13 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020,
- (b) regulation 21 of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020,
- (c) regulation 31 of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020, or
- (d) regulation 37 of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020

is to be treated as if designated for the purposes of receiving payment under this regulation.

(5) Where a local authority is specified in the notice it must be the authority (or as the case may be, one of the authorities) in whose area the offence is alleged to have been committed.

(6) Where a person is issued with a notice under this regulation in respect of an offence—

- (a) no proceedings may be taken for the offence before the end of the period of 28 days following the date the notice is issued;
- (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

Commencement Information

I39 Reg. 47 in force at 20.12.2020, see [reg. 1\(3\)](#)

Amount of fixed penalty: general

- 48.**—(1) Unless regulation 49, ^{F161}... 50, 51 or 52 applies, the amount of a fixed penalty is—
- (a) £60, or
 - (b) if £30 is paid before the end of the period of 14 days following the date of the notice, £30.
- (2) But if the person to whom such a fixed penalty notice is issued has already received a relevant fixed penalty notice—
- (a) paragraph (1) does not apply, and
 - (b) the amount specified as the fixed penalty is—
 - (i) in the case of the second relevant fixed penalty notice received, £120;
 - (ii) in the case of the third relevant fixed penalty notice received, £240;
 - (iii) in the case of the fourth relevant fixed penalty notice received, £480;
 - (iv) in the case of the fifth relevant fixed penalty notice received, £960;
 - (v) in the case of the sixth and any subsequent relevant fixed penalty notice received, £1,920.
- (3) In paragraph (2), “relevant fixed penalty notice” means—
- (a) a fixed penalty notice where the amount of fixed penalty is determined under this regulation;
 - (b) a fixed penalty notice under—
 - (i) the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020,
 - (ii) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 other than a notice to which regulation 21(7A) of those Regulations applies,
 - (iii) the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020 other than a notice to which regulation 31(8) of those Regulations applies,
 - (iv) the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 other than a notice to which regulation 39, 40, 41 or 42 of those Regulations applies,
 - (v) the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020 ^{M11}.

Textual Amendments

F161 Word in [reg. 48\(1\)](#) omitted (17.5.2021 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 10\) Regulations 2021 \(S.I. 2021/583\)](#), [regs. 1\(2\)](#), **2(8)**

Commencement Information

I40 Reg. 48 in force at 20.12.2020, see [reg. 1\(3\)](#)

Marginal Citations

M11 [S.I. 2020/1011](#) (W. 225).

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

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

49. Where a fixed penalty notice is issued in respect of an alleged offence under regulation 37(2), the amount of the fixed penalty is £60.

Commencement Information

I41 Reg. 49 in force at 20.12.2020, see [reg. 1\(3\)](#)

Amount of fixed penalty: international travel requirements

^{F162}**49A.**

Textual Amendments

F162 [Reg. 49A](#) omitted (17.5.2021 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 10\) Regulations 2021 \(S.I. 2021/583\)](#), [regs. 1\(2\), 2\(9\)](#)

Amount of fixed penalty: organising an event

50.—(1) Where a fixed penalty notice is issued in respect of an alleged offence under regulation 39(1), the amount of the fixed penalty is £500.

(2) But if the person to whom a fixed penalty notice is issued in respect of such an alleged offence has already received a relevant fixed penalty notice—

- (a) paragraph (1) does not apply, and
- (b) the amount of the fixed penalty is—
 - (i) in the case of the second such fixed penalty notice received, £1,000;
 - (ii) in the case of the third such fixed penalty notice received, £2,000;
 - (iii) in the case of the fourth and any subsequent such fixed penalty notice received, £4,000.

(3) In paragraph (2), “relevant fixed penalty notice” means—

- (a) a fixed penalty notice where the amount of fixed penalty is determined under this regulation;
- (b) a fixed penalty notice under the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 to which regulation 40 of those Regulations applies.

Commencement Information

I42 Reg. 50 in force at 20.12.2020, see [reg. 1\(3\)](#)

Amount of fixed penalty: organising an unlicensed music event

51. Where a fixed penalty notice is issued in respect of an alleged offence under regulation 39(2), the amount of the fixed penalty is £10,000.

Commencement Information

I43 Reg. 51 in force at 20.12.2020, see [reg. 1\(3\)](#)

Amount of fixed penalty: business-related offences

52.—(1) This regulation applies to a fixed penalty notice issued in respect of an alleged offence under regulation 42(1), (2), (3) or (4) (an “alleged business offence”).

(2) Where a fixed penalty notice is issued in respect of an alleged business offence, the amount of the fixed penalty is £1,000.

(3) But if the person to whom a fixed penalty notice is issued in respect of an alleged business offence has already received a relevant fixed penalty notice—

- (a) paragraph (2) does not apply, and
- (b) the amount of the fixed penalty is—
 - (i) in the case of the second such fixed penalty notice received, £2,000;
 - (ii) in the case of the third such fixed penalty notice received, £4,000;
 - (iii) in the case of the fourth and any subsequent such fixed penalty notice received, £10,000.

(4) In paragraph (3), “relevant fixed penalty notice” means—

- (a) a fixed penalty notice issued in respect of an alleged business offence;
- (b) a fixed penalty notice under the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 to which regulation 42 of those Regulations applies.

Commencement Information

I44 Reg. 52 in force at 20.12.2020, see [reg. 1\(3\)](#)

Fixed penalties: form and procedure

53.—(1) A fixed penalty notice must—

- (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;
- (b) state the period during which (because of regulation 47(6)(a)) proceedings will not be taken for the offence;
- (c) specify the amount of the fixed penalty determined under regulation 48, 49, ^{F163}... 50, 51 or 52 (as the case may be);
- (d) state the name and address of the person to whom the fixed penalty may be paid;
- (e) specify permissible methods of payment.

(2) Whatever other method may be specified under paragraph (1)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (1)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(3) Where a letter is sent as mentioned in paragraph (2), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(4) In any proceedings, a certificate—

- (a) that purports to be signed by or on behalf of the person with responsibility for the financial affairs of—

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

- (i) the local authority, or
 - (ii) the person designated under regulation 47(2)(b),
- specified in the fixed penalty notice to which the proceedings relate, and
- (b) which states that the payment of a fixed penalty was, or was not, received by the date specified in the certificate,
- is evidence of the facts stated.

Textual Amendments

F163 Word in [reg. 53\(1\)\(c\)](#) omitted (17.5.2021 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 10\) Regulations 2021 \(S.I. 2021/583\)](#), regs. 1(2), **2(10)**

Commencement Information

I45 Reg. 53 in force at 20.12.2020, see [reg. 1\(3\)](#)

Fixed penalty notices: prohibition of double jeopardy

54.—(1) Where the same, or largely the same, act or omission by a person may give rise to a reasonable belief that the person has committed more than one offence under these Regulations, a fixed penalty notice may be issued to the person only in respect of one of the alleged offences.

(2) But a fixed penalty notice may be issued in respect of both an alleged offence under regulation 37(1) and under regulation 37(2) where the same, or largely the same, act by a person gives rise to a reasonable belief that the person has committed both offences.

Commencement Information

I46 Reg. 54 in force at 20.12.2020, see [reg. 1\(3\)](#)

CHAPTER 3

Proceedings

Self-incrimination

55.—(1) Relevant information may be used in evidence against the person to whom the information relates in criminal proceedings.

(2) Where the information is used in proceedings other than for an offence under these Regulations or section 5 of the Perjury Act 1911^{M12} (false statements made otherwise than on oath)—

- (a) no evidence relating to the information may be adduced by or on behalf of the prosecution, and
 - (b) no question relating to the information may be asked by or on behalf of the prosecution.
- (3) Paragraph (2) does not apply if, in the proceedings—
- (a) evidence relating to the information is adduced by or on behalf of the person who provided it, or
 - (b) a question relating to the information is asked by or on behalf of that person.
- (4) In this regulation, “relevant information” means—

- (a) information which is relevant information for the purposes of regulation 14;
- (b) information, or the answer to a question, given in response to a requirement imposed under regulation 36(1);
- (c) anything contained in a document or electronic records produced in response to a requirement imposed under paragraph 8(1) of Schedule 8.

Commencement Information

I47 Reg. 55 in force at 20.12.2020, see [reg. 1\(3\)](#)

Marginal Citations

M12 1911 c. 6. Section 5 was amended by section 1(2) of the [Criminal Justice Act 1948 \(c. 58\)](#).

Prosecutions

56.—(1) No proceedings for an offence under these Regulations may be brought other than by—

- (a) the Director of Public Prosecutions,
- (b) any person designated by the Welsh Ministers, or
- (c) in relation to proceedings for [^{F164}an offence mentioned in paragraph (1A)], a local authority.

[^{F165}(1A) The offences referred to in paragraph (1)(c) are—

- (a) an offence under regulation 42 other than an offence under paragraph (2) of that regulation;
- (b) an offence under regulation 43(1) where the person carrying out a function under these Regulations is an enforcement officer designated by a local authority;
- (c) an offence under regulation 43(2)(a)(i) or (b) where the enforcement officer giving the direction or compliance notice is a person designated by a local authority.]

(2) A person designated by the Welsh Ministers under—

- (a) regulation 14 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020,
- (b) regulation 22 of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020,
- (c) regulation 32 of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020, or
- (d) regulation 46 of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020,

is to be treated as if designated under this regulation.

Textual Amendments

F164 Words in reg. 56(1)(c) substituted (26.4.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), [regs. 1\(2\)](#), [2\(11\)\(a\)](#)

F165 Reg. 56(1A) inserted (26.4.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), [regs. 1\(2\)](#), [2\(11\)\(b\)](#)

Commencement Information**I48** Reg. 56 in force at 20.12.2020, see [reg. 1\(3\)](#)**PART 9**

General

Interpretation**57.**—(1) In these Regulations—

- (a) “alcohol” has the meaning given by section 191 of the Licensing Act 2003 ^{M13};
- (b) “alternative wedding ceremony” means a ceremony—
 - (i) based on a person's faith or belief or lack of belief, to mark the union of two people, other than a ceremony for the purposes of solemnising a marriage or forming a civil partnership,
 - (ii) held in regulated premises, and
 - (iii) organised by a charitable, benevolent or philanthropic institution;
- (c) “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 ^{M14},
 - (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 ^{M15};
- (d) “child” means a person who is aged under 18;
- [^{F166}(da) “close contact service” means a service which is ordinarily provided by any of the following—
 - (i) hair salons and barbers;
 - (ii) nail and beauty salons including tanning and electrolysis services;
 - (iii) body piercings and tattooing services;]
- (e) “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);
- (f) “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 ^{M16} or section 108 of the National Health Service (Scotland) Act 1978 ^{M17});
 - (ii) a person employed or engaged by a local authority, designated for the purposes of Part 3 by a Local Health Board, Public Health Wales National Health Service Trust ^{M18} or a local authority;
- (g) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

- [^{F167}(ga) “COVID-19” is the official designation of the disease which can be caused by coronavirus;]
- [^{F168}(h) “elite athlete” means an individual who—
- (i) derives a living from competing in a sport,
 - (ii) is designated as an elite athlete by the Sports Council for Wales for the purposes of—
 - (aa) these Regulations,
 - (bb) the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020,
 - (cc) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020,
 - (dd) the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020, or
 - (ee) the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020,
- [^{F169}(iii) is a “domestic elite sportsperson” or an “international elite sportsperson” within the meaning given by—
- (aa) paragraph 44(2) of Schedule 4 to the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021;
 - (bb) paragraph 42(2) of Schedule 4 to the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021;
 - (cc) paragraphs 58 and 59 of Schedule 4 to the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2021;]]
- (i) “elite sporting event” means a sporting event at which only elite athletes are competing;
- (j) “face covering” means a covering of any type which covers a person's nose and mouth;
- (k) “food and drink business” means—
- (i) bars (including bars in members' clubs);
 - (ii) public houses;
 - (iii) cafes, canteens and restaurants (including workplace canteens and dining rooms in members' clubs);
- (l) “holiday site” means any land in Wales on which a mobile home or caravan is stationed for the purposes of human habitation (including any land in Wales used in conjunction with that land), in respect of which the relevant planning permission or the site licence for the land—
- (i) is expressed to be granted for holiday use only, or
 - (ii) requires that there are times of the year when no mobile home or caravan may be stationed on the site for human habitation;
- (m) “holiday or travel accommodation” means accommodation in—
- (i) camping sites;
 - (ii) holiday sites;
 - (iii) hotels and bed and breakfast accommodation;
 - (iv) other holiday accommodation (including holiday apartments, hostels and boarding houses);
- (n) “local authority” means the council of a county or county borough in Wales;
- (o) “parental responsibility” has the same meaning as in the Children Act 1989 ^{M19};

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

- (p) a “person responsible for carrying on a business” includes the owner, proprietor, and manager of that business;
 - (q) “premises” includes any building or structure and any land;
 - (r) “public transport service” means a service provided to the general public for the carriage of passengers by road, railway, tramway, air or water;
 - (s) “regulated premises” has the meaning given by regulation 15(1);
 - ^{F170}(t)
 - (u) “single adult household” means—
 - (i) a household comprising of 1 adult (and any number of children), or
 - (ii) a household comprising of—
 - (aa) 1 adult who has caring responsibilities for 1 or more other adults in the household,
 - (bb) the adult or adults being cared for,
 - (cc) no other adults, and
 - (dd) any number of children;
 - (v) “vehicle” includes an aircraft, a cable car, a train, a tram and a vessel;
 - (w) “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 ^{M20}.
- (2) For the purposes of determining whether or not a site is a holiday site in accordance with paragraph (1)(l), any provision of the relevant planning permission or of the site licence which permits the stationing of a mobile home on the land for human habitation all year round is to be ignored if the mobile home is authorised to be occupied by—
- (a) the person who is the owner of the site, or
 - (b) a person employed by that person who does not occupy the mobile home under an agreement to which Part 4 of the Mobile Homes (Wales) Act 2013 ^{M21} applies.
- (3) 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 ^{M22};
 - (iii) criminal justice accommodation.
- (4) 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 [F171 at the event].
- [F172(4A) For the purposes of these Regulations, where an event includes the playing of a team sport, members of a team playing in the event and any person providing coaching or other assistance to the team, are to be treated as if working at the event.]
- (5) For the purposes of these Regulations—
 - (a) premises are indoors if they are enclosed or substantially enclosed within the meaning given by [F173 regulation 3 of the Smoke-free Premises and Vehicles (Wales) Regulations 2020];
 - [F174(aa) a vehicle, or a part of a vehicle, is indoors if it is enclosed within the meaning given by that regulation;]
 - (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) For the purposes of these Regulations, the premises of a cinema or theatre is a drive-in cinema or theatre if—
 - (a) the premises are outdoors, and
 - (b) persons attending the showing of a film or performance at the premises—
 - (i) may only do so in an enclosed vehicle, and
 - (ii) may not, in so far as is reasonably practicable, leave the vehicle while at the premises.
 - (7) For the purposes of these Regulations, [F175 a gathering [F176 or event] is “regulated”] 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 ^{M23}, whether or not the person is subject to those Regulations, and
 - (ii) complied with the requirements of [F177 Part 4].
 - (8) For the purposes of paragraph (7)(b)—
 - (a) regulation 3 of the Management of Health and Safety at Work Regulations 1999 applies as if the [F178 gathering][F179 or event] were an undertaking conducted by the person organising it;
 - (b) [F180 Part 4] of these Regulations applies as if—
 - (i) the place where the [F178 gathering][F179 or event] takes place were regulated premises [F181 within the meaning given by regulation 15], and
 - (ii) the person organising the [F178 gathering][F179 or event] were the responsible person in relation to those regulated premises.

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

[^{F182}(9) For the purposes of these Regulations, a ^{F183}... gathering or event is not to be treated as being otherwise than “outdoors” by reason only of—

- (a) the provision of indoor facilities for the sale [^{F184}or consumption of food and drink];
- (b) the provision of other indoor facilities necessary for the holding of the gathering or event.]

Textual Amendments

- F166** Reg. 57(1)(da) inserted (12.4.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 7\) Regulations 2021 \(S.I. 2021/457\)](#), regs. 1(2), **2(12)(a)**
- F167** Reg. 57(1)(ga) inserted (21.6.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 13\) Regulations 2021 \(S.I. 2021/722\)](#), regs. 1(2), **2(5)(a)**
- F168** Reg. 57(1)(h) substituted (20.2.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/172\)](#), regs. 1(2), **2(3)**
- F169** Reg. 57(1)(h)(iii) substituted for reg. 57(1)(h)(iii)(iv)(v) (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(9)(a)**
- F170** Reg. 57(1)(t) omitted (12.4.2021) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 7\) Regulations 2021 \(S.I. 2021/457\)](#), regs. 1(2), **2(12)(b)**
- F171** Words in reg. 57(4)(b)(ii) inserted (17.5.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 10\) Regulations 2021 \(S.I. 2021/583\)](#), regs. 1(2), **2(11)(a)**
- F172** Reg. 57(4A) inserted (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(9)(b)**
- F173** Words in reg. 57(5)(a) substituted (1.3.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2021 \(S.I. 2021/210\)](#), regs. 1(3), **2(8)**
- F174** Reg. 57(5)(aa) inserted (7.8.2021 at the beginning of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 15\) Regulations 2021 \(S.I. 2021/925\)](#), regs. 1(2), **2(21)**
- F175** Words in reg. 57(7) substituted (17.5.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 10\) Regulations 2021 \(S.I. 2021/583\)](#), regs. 1(2), **2(11)(b)**
- F176** Words in reg. 57(7) inserted (7.6.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 11\) Regulations 2021 \(S.I. 2021/668\)](#), regs. 1(2), **2(5)(a)(i)**
- F177** Words in reg. 57(7)(b)(ii) substituted (7.6.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 11\) Regulations 2021 \(S.I. 2021/668\)](#), regs. 1(2), **2(5)(a)(ii)**
- F178** Word in reg. 57(8) substituted (17.5.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 10\) Regulations 2021 \(S.I. 2021/583\)](#), regs. 1(2), **2(11)(c)**
- F179** Words in reg. 57(8) inserted (7.6.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 11\) Regulations 2021 \(S.I. 2021/668\)](#), regs. 1(2), **2(5)(b)(i)**
- F180** Words in reg. 57(8)(b) substituted (7.6.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 11\) Regulations 2021 \(S.I. 2021/668\)](#), regs. 1(2), **2(5)(b)(ii)(aa)**
- F181** Words in reg. 57(8)(b)(i) substituted (7.6.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 11\) Regulations 2021 \(S.I. 2021/668\)](#), regs. 1(2), **2(5)(b)(ii)(bb)**
- F182** Reg. 57(9) inserted (7.6.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 11\) Regulations 2021 \(S.I. 2021/668\)](#), regs. 1(2), **2(5)(c)**

F183 Word in reg. 57(9) omitted (9.10.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 18\) Regulations 2021 \(S.I. 2021/1131\)](#), regs. 1(2), **2(5)**

F184 Words in reg. 57(9)(a) substituted (21.6.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 13\) Regulations 2021 \(S.I. 2021/722\)](#), regs. 1(2), **2(5)(b)**

Commencement Information

I49 Reg. 57 in force at 20.12.2020, see [reg. 1\(3\)](#)

Marginal Citations

M13 Section 191 has been amended by the [Policing and Crime Act 2017 \(c. 3\)](#) and [S.I. 2006/2407](#).

M14 [2014 anaw 4](#).

M15 [2016 anaw 2](#).

M16 [2006 c. 42](#).

M17 [1978 c. 29](#).

M18 Established by [S.I. 2009/2058 \(W. 177\)](#).

M19 [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](#).

M20 Section 60 was amended by section 65 of the [Protection of Freedoms Act 2012 \(c. 9\)](#).

M21 [2013 anaw 6](#), as amended by the [Housing \(Wales\) Act 2014 \(anaw 7\)](#).

M22 [2016 anaw 2](#).

M23 [S.I. 1999/3242](#). Regulation 3 was amended by [S.I. 2005/1541](#), [S.I. 2015/21](#) and [S.I. 2015/1637](#).

Revocation

58. The following Regulations are revoked—

- (a) the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020, other than regulation 48;
- (b) regulation 4 of the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (Wales) Regulations 2020 ^{M24};
- (c) regulation 6 of the Health Protection (Coronavirus, International Travel and Restrictions) (Amendment) (No. 2) (Wales) Regulations 2020 ^{M25}.

Commencement Information

I50 Reg. 58 in force at 20.12.2020, see [reg. 1\(3\)](#)

Marginal Citations

M24 [S.I. 2020/1237 \(W. 279\)](#) as amended by [S.I. 2020/1288 \(W. 286\)](#).

M25 [S.I. 2020/1288 \(W. 286\)](#).

Consequential amendment

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

- “(e) the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 if regulation 48 of those Regulations applies to the notice.”

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020. (See end of Document for details)

Commencement Information

I51 Reg. 59 in force at 20.12.2020, see [reg. 1\(3\)](#)

Mark Drakeford
First Minister, one of the Welsh Ministers

Status:

Point in time view as at 21/01/2022.

Changes to legislation:

There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020.