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WELSH STATUTORY INSTRUMENTS

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**2020 No. 1609**

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

**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**

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

**[<sup>F1</sup>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.

*Step 3*

Take all reasonable measures to ensure—

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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, PART 4. (See end of Document for details)

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

#### *Step 4*

Take reasonable measures to mitigate the risk of exposure to coronavirus that arises where persons gather in close proximity, such as—

- (a) (a) seeking to prevent the following persons from being present at the premises—
  - (i) any person who has tested positive for coronavirus in the previous 10 days,
  - (ii) any person who has had close contact in the previous 10 days with a person who has tested positive for coronavirus,
  - (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 face-to-face interaction between persons on the premises, 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.

(2) 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.

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

- (a) not carrying out certain activities;
- (b) closing a part of the premises;
- (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.
- (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 regulations 16, 17 and 17A 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.
- (6) 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.]

#### Textual Amendments

- F1** 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)**

#### Specific measures applicable to licensed premises

17.—<sup>[F2]</sup>(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 <sup>[F3]</sup>under Step 4 of that regulation] include (but are not limited to)—

- (a) having a person controlling entry to the premises <sup>[F4]</sup>, apart from in cinemas, sports grounds and theatres] <sup>[F5]</sup>...;
- (b) requiring customers to be seated in the premises in any place other than at a bar—
  - (i) when ordering food or drink,
  - (ii) when being served with food or drink, and
  - (iii) when consuming food or drink.]

(3) 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.

*Status: Point in time view as at 21/06/2021.*

*Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, PART 4. (See end of Document for details)*

(4) Paragraph [F6(1)] does not apply to—

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

[F7(4A) Sub-paragraphs (b)(i) and (ii) of paragraph (1) do not apply in relation to—

- (a) customers at—
  - (i) cinemas,
  - (ii) sports grounds, or
  - (iii) 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, a live sporting event or a live theatrical performance, or

- (b) persons attending a regulated gathering or event that is held outdoors.

(4B) For the purpose of paragraph (4A), a “live” sporting event or theatrical performance is one the customer is witnessing other than by means of a broadcast.]

(5) 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.

(6) 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 (4) 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

- F2** Reg. 17(1) substituted for reg. 17(1)(2) (20.1.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) Regulations 2021 \(S.I. 2021/57\)](#), regs. 1(2), **2(3)(a)**
- F3** Words in reg. 17(1) 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(3)**
- F4** Words in reg. 17(1)(a) 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(2)(a)**
- F5** Words in reg. 17(1)(a) 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(3)**
- F6** Word in reg. 17(4) substituted (20.1.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) Regulations 2021 \(S.I. 2021/57\)](#), regs. 1(2), **2(3)(b)**
- F7** Reg. 17(4A)(4B) substituted for reg. 17(4A) (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(2)(b)**

#### Commencement Information

- I2** Reg. 17 in force at 20.12.2020, see reg. 1(3)

### [<sup>F8</sup>Specific measures applicable to retail premises

**17A.** 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 [<sup>F9</sup>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.]

#### Textual Amendments

- F8** Reg. 17A inserted (20.1.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) Regulations 2021 \(S.I. 2021/57\)](#), regs. 1(2), **2(4)**
- F9** Words in reg. 17A 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(4)**

### Guidance about taking reasonable measures

**18.—(1)** A person required to take reasonable measures under regulation 16(1) [<sup>F10</sup>, 17(1) or 17A] 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 <sup>M1</sup>, or
  - (b) paragraph (1) of regulation 24 of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 <sup>M2</sup>,

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

#### Textual Amendments

- F10** Words in reg. 18(1) substituted (20.1.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) Regulations 2021 \(S.I. 2021/57\)](#), regs. 1(2), **2(5)**

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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, PART 4. (See end of Document for details)

**Commencement Information**

**I3** 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).

**Status:**

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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, PART 4.