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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

**[<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 [<sup>F2</sup>, 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 <sup>F3</sup>... to minimise the risk].

*[<sup>F4</sup>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.]

*[<sup>F5</sup>Step 4]*

<sup>F6</sup>  
...

Take reasonable measures to mitigate the risk of exposure to coronavirus that arises where persons gather [<sup>F7</sup>on the premises], such as—

- (a) (a) seeking to prevent the following persons from being present at the premises—
  - (i) any person who [<sup>F8</sup>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 [<sup>F9</sup>is required to not leave or be outside of the place where the person is living by virtue of regulation 8(2)],

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- (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 [<sup>F10</sup>physical] interaction between persons on the premises [<sup>F11</sup>, 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.

[<sup>F12</sup>(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.]

<sup>F13</sup>(2) .....

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

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

[<sup>F14</sup>(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.

[<sup>F15</sup>(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 [<sup>F16</sup>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.
- <sup>F17</sup>(6) .....]

#### 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)**
- F2** 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)**
- F3** 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)(ii)**
- F4** 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)**
- F5** 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)**
- F6** 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)**
- F7** 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)**
- F8** 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)**
- F9** 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)**
- F10** 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)**
- F11** 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)**

*Status: Point in time view as at 31/12/2021. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, Section 16. (See end of Document for details)*

- F12** 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)**
- F13** 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)**
- F14** 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)**
- F15** 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)**
- F16** 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)**
- F17** 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)**

**Status:**

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**Changes to legislation:**

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