

SCHEDULE 2

Regulation 4(3)

Alert Level 2 Restrictions

PART 1

Restrictions on gathering

Restriction on gatherings in private dwellings

1.—(1) No person may, without a reasonable excuse, participate in a gathering in a private dwelling—

- (a) indoors, with any other person apart from members of their household or extended household
- (b) outdoors, which consists of more than 4 people unless all the persons participating in the gathering are members of the same household or extended household.

(2) In determining, for the purposes of sub-paragraph (1)(b), the number of persons participating in a gathering no account is to be taken of—

- (a) any children under the age of 11, or
- (b) the carer of a person who is participating in the gathering.

(3) For the purposes of sub-paragraph (1), a person has a reasonable excuse if—

- (a) the person is participating in the gathering for a purpose that is reasonably necessary and there is no reasonably practicable alternative, or
- (b) one of the circumstances in sub-paragraph (5) applies.

(4) Examples of purposes for which it may be reasonably necessary for a person to participate in a gathering include—

- (a) obtaining or providing medical assistance, or accessing veterinary services;
- (b) working or providing voluntary or charitable services;
- (c) meeting a legal obligation;
- (d) providing, receiving or accessing care or assistance, including childcare or relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006, where the person receiving the care is a vulnerable person;
- (e) in relation to children who do not live in the same household as their parents, or one of their parents, continuing existing arrangements for access to, and contact between, parents and children, and for the purposes of this 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;
- (f) moving home;
- (g) undertaking activities in connection with the purchase, sale, letting, or rental of residential property;
- (h) accessing or receiving educational services.

(5) The circumstances referred to in sub-paragraph (3)(b) are that the person is—

- (a) providing or receiving emergency assistance;
- (b) avoiding illness, injury or other risk of harm;
- (c) participating in a gathering of no more than 4 people where all the persons in the gathering—

Status: Point in time view as at 20/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, SCHEDULE 2. (See end of Document for details)

- (i) live in the same premises, and
 - (ii) share toilet, washing, dining or cooking facilities with each other.
- (6) This paragraph does not apply to a person who is homeless.

Commencement Information

II Sch. 2 para. 1 in force at 20.12.2020, see reg. 1(3)

Restriction on gatherings in public places

- 2.—(1) No person may, without a reasonable excuse, participate in a gathering which—
- (a) takes place anywhere other than—
 - (i) in a private dwelling, or
 - (ii) in holiday or travel accommodation, and
 - (b) consists of more than 4 people, not including—
 - (i) any children under the age of 11, or
 - (ii) the carer of a person who is participating in the gathering.
- (2) But a person may participate in such a gathering which—
- (a) takes place indoors or in any part of regulated premises that is outdoors, if all the persons participating in the gathering are members of the same household, or
 - (b) takes place outdoors other than in regulated premises, if all the persons participating in the gathering are—
 - (i) members of the same household, or
 - (ii) members of the same extended household.
- (3) No person may, without a reasonable excuse, participate in a gathering which takes place in holiday or travel accommodation unless all the persons participating in the gathering are members of the same household.
- (4) For the purposes of sub-paragraphs (1) and (3), a person has a reasonable excuse if—
- (a) the person is participating in the gathering for a purpose that is reasonably necessary and there is no reasonably practicable alternative, or
 - (b) one of the circumstances in sub-paragraph (6) applies.
- (5) Examples of purposes for which it may be reasonably necessary for a person to participate in a gathering include—
- (a) obtaining or providing medical assistance, or accessing veterinary services;
 - (b) working or providing voluntary or charitable services;
 - (c) meeting a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
 - (d) providing, receiving or accessing care or assistance, including childcare or relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006, where the person receiving the care is a vulnerable person;
 - (e) in relation to children who do not live in the same household as their parents, or one of their parents, continuing existing arrangements for access to, and contact between, parents and children, and for the purposes of this 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;

- (f) moving home;
 - (g) undertaking activities in connection with the purchase, sale, letting, or rental of residential property;
 - (h) accessing or receiving public services;
 - (i) accessing or receiving educational services.
- (6) The circumstances referred to in sub-paragraph (4)(b) are that the person is—
- (a) providing or receiving emergency assistance;
 - (b) avoiding illness, injury or other risk of harm;
 - (c) attending a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony—
 - (i) as a party to the marriage, civil partnership or alternative wedding,
 - (ii) if invited to attend, or
 - (iii) as the carer of a person attending;
 - (d) attending a funeral—
 - (i) as a person responsible for arranging the funeral,
 - (ii) if invited by a person responsible for arranging the funeral, or
 - (iii) as the carer of a person attending;
 - (e) participating in a gathering of no more than 15 people at regulated premises, not counting persons under the age of 11 or persons working at the premises, to—
 - (i) celebrate a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony that takes place on or after 22 August 2020;
 - (ii) celebrate the life of a deceased person whose funeral is held on or after 22 August 2020;
 - (f) attending a place of worship;
 - (g) an elite athlete and is training or competing;
 - (h) providing coaching or other support to an elite athlete, or providing support at an elite sporting event;
 - (i) participating in or facilitating an indoor organised activity at which—
 - (i) no more than 15 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, as part of the activity, and
 - (ii) no alcohol is consumed;
 - (j) participating in or facilitating an outdoor organised activity at which—
 - (i) no more than 30 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, as part of the activity, and
 - (ii) no alcohol is consumed;
 - (k) participating in or facilitating an organised activity for the development or well-being of children (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays);
 - (l) attending or facilitating an event authorised by the Welsh Ministers in accordance with paragraph 5.
- (7) This paragraph does not apply to a person who is homeless.

Status: Point in time view as at 20/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, SCHEDULE 2. (See end of Document for details)

Commencement Information

I2 Sch. 2 para. 2 in force at 20.12.2020, see reg. 1(3)

Extended households

3.—(1) 2 households may agree to be treated as an extended household.

(2) In addition to the 2 households who may agree to be treated as an extended household under sub-paragraph (1), 1 single adult household may also agree to be treated as part of that extended household.

(3) To agree to be treated as an extended household, all of the adult members of the 2 households must agree.

(4) A household may only agree to be treated as being in 1 extended household.

(5) Where households have agreed to be treated as an extended household under paragraph 3 of Schedule 1 an agreement under this paragraph may be made only between those households.

(6) Where households have agreed to be treated as an extended household under—

- (a) paragraph 3 of Schedule 3, or
- (b) paragraph 3 of Schedule 4,

those households are to be treated as having agreed to be treated as an extended household under this paragraph.

(7) A household ceases to be treated as being in an extended household if any adult member of the household ceases to agree to be treated as being in the extended household.

(8) If a household ceases to be treated as being in an extended household, the household may not agree to be treated as being in an extended household with any other household.

(9) In this Schedule, references to an extended household are references to an extended household formed under or by virtue of this paragraph.

Commencement Information

I3 Sch. 2 para. 3 in force at 20.12.2020, see reg. 1(3)

PART 2

Restrictions on organising events

Prohibition on organising events

4.—(1) No person may, without a reasonable excuse, be involved in organising—

- (a) an event held wholly or mainly indoors at which more than 15 people are in attendance, or
- (b) an event held wholly or mainly outdoors at which more than 30 people are in attendance,

not counting persons under the age of 11 or persons working, or providing voluntary services, at the event.

(2) Sub-paragraph (1) does not apply to a person involved in organising an event authorised by the Welsh Ministers under paragraph 5.

(3) For the purposes of sub-paragraph (1)—

- (a) a person is not involved in organising an event if the person's only involvement is attending it;
- (b) a reasonable excuse includes where the person has taken all reasonable measures to ensure that no more than 15 or 30 people are in attendance, as the case may be;
- (c) the following are not to be treated as events—
 - (i) the showing of a film;
 - (ii) a performance at a theatre;
 - (iii) a market;
 - (iv) a religious service;
 - (v) an elite sporting event at which the only people present are elite athletes and persons working or providing voluntary services at the event.

Commencement Information

I4 Sch. 2 para. 4 in force at 20.12.2020, see reg. 1(3)

Authorised events

- 5.—**(1) The Welsh Ministers may give authorisation in writing for an event to be held—
- (a) at which more than 15 people are in attendance where the event takes place wholly or mainly indoors, or
 - (b) at which more than 30 people are in attendance where the event takes place wholly or mainly outdoors;
- (2) References in sub-paragraph (1) to numbers of people do not include persons under the age of 11 or persons working, or providing voluntary services, at the event.
- (3) An authorisation may be given under sub-paragraph (1) in relation to a particular event or a particular description of events.
- (4) An authorisation under sub-paragraph (1)—
- (a) must be given to a person the Welsh Ministers consider is responsible for organising the event, and
 - (b) may require the event to be held in accordance with any requirements, restrictions or other conditions as may be specified by the Welsh Ministers.
- (5) The Welsh Ministers must publish—
- (a) an authorisation given under sub-paragraph (1), and
 - (b) details of any requirements, restrictions or other conditions specified by the Welsh Ministers in relation to an event to be held under the authorisation.
- (6) The Welsh Ministers may withdraw an authorisation at any time by giving notice in writing to the person to whom the authorisation was given.
- (7) An authorisation may be withdrawn under sub-paragraph (6) only if the Welsh Ministers —
- (a) have reasonable grounds to believe that the event will not be held, or is not being held, in accordance with a requirement, restriction or other condition specified by them, or
 - (b) consider that it is necessary and proportionate to withdraw the authorisation for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus.

Status: Point in time view as at 20/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, SCHEDULE 2. (See end of Document for details)

Commencement Information

I5 Sch. 2 para. 5 in force at 20.12.2020, see [reg. 1\(3\)](#)

PART 3

Restrictions on travelling

Restriction on travel to and from Alert Level 2 area

6.—(1) No person living in—

- (a) a restricted UK area, or
- (b) an Alert Level 3 or Alert Level 4 area,

may enter or remain in an Alert Level 2 area without a reasonable excuse.

(2) No person living in an Alert Level 2 area may, without a reasonable excuse, leave the area for the purposes of entering or remaining in—

- (a) a restricted UK area;
- (b) an Alert Level 3 or Alert Level 4 area.

(3) For the purposes of sub-paragraphs (1) and (2), a person has a reasonable excuse if—

- (a) the person enters or leaves the area for a purpose that is reasonably necessary and there is no reasonably practicable alternative;
- (b) one of the circumstances in sub-paragraph (5) applies.

(4) Examples of purposes for which it may be reasonably necessary for a person to enter or leave the area include—

- (a) obtaining or providing medical assistance, or accessing veterinary services;
- (b) working or providing voluntary or charitable services;
- (c) meeting a legal obligation, including attending court or satisfying bail conditions, or participating in legal proceedings;
- (d) providing, receiving or accessing care or assistance, including childcare or relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006, where the person receiving the care is a vulnerable person;
- (e) in relation to children who do not live in the same household as their parents, or one of their parents, continuing existing arrangements for access to, and contact between, parents and children, and for the purposes of this 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;
- (f) moving home;
- (g) undertaking activities in connection with the purchase, sale, letting, or rental of residential property;
- (h) accessing or receiving public services;
- (i) accessing or receiving educational services;
- (j) obtaining—
 - (i) food and medical supplies for those in the same household (including animals in the household) or for vulnerable persons;

- (ii) supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person;
 - (k) obtaining money from or depositing money with any business or service listed in paragraph 39(g) of Schedule 7;
 - (l) participating in or facilitating an organised activity for the development or well-being of children (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays).
- (5) The circumstances referred to in sub-paragraph (3)(b) are that the person is—
- (a) providing or receiving emergency assistance;
 - (b) avoiding illness, injury or other risk of harm;
 - (c) attending a solemnization of a marriage, formation of a civil partnership or alternative wedding ceremony —
 - (i) as a party to the marriage, civil partnership or wedding,
 - (ii) if invited to attend, or
 - (iii) as the carer of a person attending;
 - (d) attending a funeral—
 - (i) as a person responsible for arranging the funeral,
 - (ii) if invited by a person responsible for arranging the funeral, or
 - (iii) as the carer of a person attending;
 - (e) an elite athlete and is and is travelling for the purposes of training or competition;
 - (f) providing coaching or other support to an elite athlete, or providing support at—
 - (i) an elite sporting event, or
 - (ii) a sporting event taking place outside Wales;
 - (g) travelling to vote in an election;
 - (h) travelling on a journey which—
 - (i) in relation to the restriction in sub-paragraph (1), begins and ends outside the area, or
 - (ii) in relation to the restriction in sub-paragraph (2), ends in an area which the person is not prohibited from entering or remaining in under that sub-paragraph, provided that the person takes all reasonably practicable measures to minimise any stops during the journey;
 - (i) travelling to participate in a gathering with the person's extended household in accordance with any restrictions on gatherings applicable where the gathering takes place.

Commencement Information

I6 Sch. 2 para. 6 in force at 20.12.2020, see reg. 1(3)

Status: Point in time view as at 20/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, SCHEDULE 2. (See end of Document for details)

PART 4

Restrictions on certain businesses and services

Closure of premises used by certain businesses and services

7.—(1) A person responsible for carrying on or providing a business or service listed in paragraph 9 or 10 must—

- (a) close to members of the public any premises operated as part of the business or service, and
- (b) not carry on the business or service at such premises otherwise than in accordance with this regulation.

(2) Sub-paragraph (1) does not prevent—

- (a) carrying out maintenance and repairs or other work to ensure premises are suitable for use when sub-paragraph (1) no longer applies to the premises;
- (b) the use of premises for any purpose as may be requested or authorised by the Welsh Ministers or a local authority;
- (c) the use of premises to broadcast without an audience present at the premises (whether over the internet or as part of a radio or television broadcast) or to rehearse for such a broadcast;
- (d) the use of premises for the provision of services or information (including the sale, hire or delivery of goods or services)—
 - (i) through a website, or otherwise by on-line communication,
 - (ii) by telephone, including by text message, or
 - (iii) by post.

(3) Where—

- (a) a person responsible for carrying on a business (“business A”) is required by virtue of this paragraph to cease carrying on business A at premises, and
- (b) business A forms part of a larger business (“business B”),

the requirement in this paragraph is complied with if the person responsible for carrying on business B ceases to carry on business A at the premises.

Commencement Information

I7 Sch. 2 para. 7 in force at 20.12.2020, see [reg. 1\(3\)](#)

Restrictions on licensed premises

8.—(1) A person responsible for premises which are authorised for the sale or supply of alcohol may not sell or supply alcohol between 10.00 p.m. and 6.00 a.m.

(2) Where the premises are authorised for the sale or supply of alcohol for consumption on the premises, the person responsible for the premises—

- (a) may only sell or supply alcohol for consumption on the premises as part of a table meal such as might be expected to be served as breakfast, the main midday or main evening meal, or served as a main course at such a meal,
- (b) must close the premises (to customers) at or before 10.20 p.m. each day, and
- (c) may not open the premises before 6.00 a.m. each day.

(3) Despite sub-paragraph (2), a cinema or theatre may close later than 10.20 p.m. but only for the purpose of concluding—

- (a) the showing of a film, or
- (b) a performance,

which begins before 10.00 p.m.

(4) Sub-paragraph (2)(b) and (c) does not apply to—

- (a) premises located in—
 - (i) a sea port;
 - (ii) an airport;
 - (iii) an educational establishment;
- (b) workplace canteens.

(5) In its application to the premises of holiday or travel accommodation, sub-paragraph (2) applies only to those parts of the premises in which alcohol is sold or supplied for consumption on the premises.

(6) Sub-paragraphs (1) and (2) do not allow the premises to be open, or alcohol to be sold or supplied, in contravention of an authorisation granted or given in respect of 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, sub-paragraphs (2) 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.

Commencement Information

I8 Sch. 2 para. 8 in force at 20.12.2020, see reg. 1(3)

Businesses or services whose premises must be closed

9. Nightclubs, discotheques, dance halls or other venues authorised for the sale or supply of alcohol where live or recorded music is provided for members of the public or members of the venue to dance.

Commencement Information

I9 Sch. 2 para. 9 in force at 20.12.2020, see [reg. 1\(3\)](#)

10. Sexual entertainment venues (within the meaning given by paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982).

Commencement Information

I10 Sch. 2 para. 10 in force at 20.12.2020, see reg. 1(3)

Status:

Point in time view as at 20/12/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, SCHEDULE 2.