

SCHEDULE 5

[<sup>F1</sup>Areas and temporary modifications]

Textual Amendments

F1 Sch. 5 heading substituted (27.2.2021) by The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 4) Regulations 2021 (S.I. 2021/210), regs. 1(2), 2(10)

[<sup>F1</sup>Temporary modifications

Textual Amendments

F1 Sch. 5 para. 2 and cross-heading inserted (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(9)

2. In relation to an Alert Level 4 area, for the period [<sup>F2</sup>ending at the end of the day on 26 March 2021]—

[ regulation 28 is to be read as if—

- <sup>F3</sup>(za) (i) in paragraph (3)(d), for “2(1)” there were substituted “2A(1)”;
- (ii) in paragraph (5), after “from the” there were inserted “area local to the”;
- (iii) in paragraph (5)(a), after “return to the” there were inserted “area local to the”;
- (iv) in paragraph (5)(b), for “place” there were substituted “area”;
- (zb) regulation 31(3) is to be read as if for “, paragraph 5 of Schedule 2 or paragraph 5 of Schedule 4” there were substituted “or paragraph 5 of Schedule 2”;
- (zc) regulation 37(1)(d) is to be read as if for “or 2(1)” there were substituted “, 2(1) or 2A(1)”;

<sup>F4</sup>(a) .....

<sup>F4</sup>(b) .....

[ paragraph 1 of Schedule 4 is to be read as if—

- <sup>F5</sup>(ba) (i) for the heading there were substituted “Requirement to stay local”;
- (ii) in sub-paragraph (1), for “place where they are living or remain away from that place” there were substituted “area local to the place where they are living or remain away from that area”;
- (ii) in sub-paragraph (2)(a), after “from the” there were inserted “area local to the”;
- (iii) in sub-paragraph (3)—
  - (aa) in the words before paragraph (a), after “from the” there were inserted “area local to the”;
  - (bb) after paragraph (1) there were inserted—
    - “(m) visiting a person who is resident in a care home, with the permission of the service provider.”;
- (iv) sub-paragraph (4)(b) were omitted;
- (v) for sub-paragraph (4)(f) there were substituted—

*Status: Point in time view as at 13/03/2021.*

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- “(f) exercising, where the exercise starts and finishes at the place where the person is living or where a member of the person’s extended household is living;”;
  - (vi) sub-paragraph (5) were omitted;
  - (vii) at the end there were inserted—
    - “(6) In this paragraph and in paragraph 2A—
      - (a) “care home” means premises at which a “care home service” within the meaning given by paragraph 1 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 is provided;
      - (b) “service provider” has the meaning given by section 3(1)(c) of the Regulation and Inspection of Social Care (Wales) Act 2016.”;
- (bb) paragraph 2 of Schedule 4 is to be treated as if it were replaced by the following—

**“Restriction on gatherings in private dwellings**

2.—(1) No person may, without a reasonable excuse, participate in a gathering in a private dwelling unless all the persons participating in the gathering are members of the same household or extended household.

(2) But a person may participate in such a gathering outdoors if the gathering consists of no more than 4 persons from no more than 2 households.

(3) In determining, for the purposes of sub-paragraph (2), 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.

(4) 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 (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;
- (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.
- (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) participating in a gathering of no more than 4 people where all the persons in the gathering—
    - (i) live in the same premises, and
    - (ii) share toilet, washing, dining or cooking facilities with each other.
- (7) Despite sub-paragraphs (2) and (5)(b), no person may participate in a gathering in a private dwelling for the purposes of persuading or dissuading a person to vote in a particular manner in an election.
- (8) This paragraph does not apply to a person who is homeless.

#### **Restriction on gatherings in public places**

- 2A.**—(1) No person may, without a reasonable excuse, participate in a gathering which takes place anywhere other than in a private dwelling unless all the persons participating in the gathering are members of the same household.
- (2) But a person may participate in such a gathering outdoors if—
    - (a) all the persons participating in the gathering are members of the same extended household, or
    - (b) the gathering consists of no more than 4 persons from no more than 2 households.
  - (3) In determining, for the purposes of sub-paragraph (2)(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.
  - (4) 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 (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,

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“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) visiting a person who is resident in a care home, with the permission of the service provider.
- (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) attending a place of worship;
  - (f) an elite athlete and is training or competing;
  - (g) providing coaching or other support to an elite athlete, or providing support at an elite sporting event.

(7) Despite sub-paragraphs (2)(b) and (5)(b), no person may participate in a gathering for the purposes of persuading or dissuading a person to vote in a particular manner in an election unless the person is participating in a broadcast without an audience (whether over the internet or as part of a radio or television broadcast).

(8) This paragraph does not apply to a person who is homeless.”;]

[ a household comprising of—

- <sup>F6</sup>(c) (i) 2 or more adults,
- (ii) 1 or more children under the age of 1, and
- (iii) any number of other children.]

[ paragraph 4 of Schedule 4 is to be read as if, after sub-paragraph (3)(c)(ii), there were inserted—

“(iii) an elite sporting event at which the only people present are elite athletes and persons working or providing voluntary services at the event.”;

- (cb) paragraph 5 of Schedule 4 is to be treated as if it were omitted;
- (cc) paragraph 10 of Schedule 4 is to be read as if in sub-paragraph (2)(c), the words “for such a broadcast” were omitted;]

[ paragraph 11 of Schedule 4 is to be read as if—

<sup>F8</sup>(d)

(i) after sub-paragraph (1) there were inserted—

“(1A) And approved premises may be open to the public to the extent that this is required for the purposes of the solemnisation of a marriage, formation of civil partnership or alternative wedding ceremony at the premises.”

(ii) after sub-paragraph (4) there were inserted—

“(5) In this paragraph, “approved premises” means premises approved in accordance with the Marriages and Civil Partnerships (Approved Premises) Regulations 2005—

(a) as premises on which marriages may be solemnised in pursuance of section 26(1)(bb) of the Marriage Act 1949, or

(b) for the purposes of section 6(3A)(a) of the Civil Partnership Act 2004.”]]

[<sup>F9</sup>(e) paragraph 39 of Schedule 4 is to be read as if for “Enclosed or indoor” there were substituted “Indoor”;

(f) paragraph 43 of Schedule 4 is to be read as if for “Sports” there were substituted “Indoor sports”;

(g) paragraph 45 of Schedule 4 is to be treated as if it were replaced by the following—

“45. Indoor sports courts, indoor bowling greens and other indoor sports grounds or pitches.”]

#### Textual Amendments

- F2** Words in Sch. 5 para. 2 substituted (13.3.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 5\) Regulations 2021 \(S.I. 2021/307\)](#), regs. 1(2), **2(8)(a)**
- F3** Sch. 5 para. 2(za)-(zc) inserted (13.3.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 5\) Regulations 2021 \(S.I. 2021/307\)](#), regs. 1(2), **2(8)(b)**
- F4** Sch. 5 para. 2(a)(b) 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(8)(c)**
- F5** Sch. 5 para. 2(ba)(bb) inserted (13.3.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 5\) Regulations 2021 \(S.I. 2021/307\)](#), regs. 1(2), **2(8)(d)**
- F6** Sch. 5 para. 2(c) inserted (27.2.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2021 \(S.I. 2021/210\)](#), regs. 1(2), **2(11)(a)**
- F7** Sch. 5 para. 2(ca)-(cc) inserted (13.3.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 5\) Regulations 2021 \(S.I. 2021/307\)](#), regs. 1(2), **2(8)(e)**
- F8** Sch. 5 para. 2(d) inserted (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(11)(b)**
- F9** Sch. 5 para. 2(e)-(g) inserted (13.3.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 5\) Regulations 2021 \(S.I. 2021/307\)](#), regs. 1(2), **2(8)(g)**

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