
EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 2A of the Public Health (Control of Disease) Act 1984 enables the Welsh Ministers, by regulations, to make provision for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Wales.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales.

The Regulations replace the Health Protection (Coronavirus, Business Closure) (Wales) Regulations 2020 and the Health Protection (Coronavirus: Closure of Leisure Businesses, Footpaths and Access Land) (Wales) Regulations 2020, which are revoked by **regulation 2**, and make further provision.

The Regulations impose restrictions on individuals, businesses and others. In accordance with **regulation 3**, these restrictions apply for an “emergency period”. This period lasts until a direction is given by the Welsh Ministers specifying that the restrictions, or any one restriction (or part of a restriction), is terminated. The Welsh Ministers are required to keep the need for the restrictions under review every 21 days.

Regulation 4 requires the closure of premises, listed in **Part 1 of Schedule 1** to the Regulations, in which food and drink are sold on the premises. Selling food and drink for consumption off the premises is allowed to continue (but this must be done in accordance with regulation 6(1)). Regulation 4 also prohibits, subject to certain limited exceptions, the carrying on of a business or the provision of a service which is listed in **Part 2 or Part 3 of Schedule 1**. One exception allows certain business premises to be open, at the request of the Welsh Ministers or a local authority, in order to provide urgent public services.

Regulation 5 makes specific provision about holiday accommodation (including hotels and boarding houses). This provides that the requirement (in regulation 4) to close holiday sites (mobile homes sites for holiday use only or which cannot be occupied all year round) and camping sites, includes an obligation on the owners of these sites to use their best endeavours to vacate the premises. Regulation 5 also sets out exceptions to the requirement (in regulation 4) to close hotels and similar forms of accommodation.

Regulation 6 applies to certain businesses and services listed in **Part 4 of Schedule 1** that are allowed to continue but must do so subject to the conditions specified.

Regulation 7 makes specific provision about places of worship, crematoriums and community centres which must close subject to certain exceptions. Exceptions include providing essential voluntary services to homeless or vulnerable people and, upon the request of the Welsh Ministers or a local authority, providing urgent public services.

Regulation 8 imposes restrictions on movement and gatherings. This provides that no person may leave the place they live without a reasonable excuse (examples of which are listed). It also provides that no person may participate in a gathering in a public place of more than two people except in certain circumstances.

Regulation 9 imposes a requirement on local authorities, National Park authorities, Natural Resources Wales and the National Trust to close certain public paths and land accessible by the public. There is no requirement on the Welsh Ministers to review these provisions but the bodies

Status: This is the original version (as it was originally made).

on whom the duty to close footpaths and land is imposed must keep the need for any closure under consideration.

Regulation 10 relates to the enforcement of the restrictions imposed by the Regulations, which include a power of entry provided for in **regulation 11**. **Regulation 12** provides that a person who, without a reasonable excuse, contravenes (listed) requirements in these Regulations commits an offence. That offence is punishable by an unlimited fine. **Regulation 13** allows for offences to be punished by way of a fixed penalty notice and **regulation 14** relates to prosecutions of offences under the regulations.

Regulation 15 provides that these regulations expire on 26 September 2020, however the expiry of the Regulations does not affect the validity of actions taken under the Regulations before they expire.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has not been prepared as to the likely cost and benefit of complying with these Regulations.