
WELSH STATUTORY INSTRUMENTS

2020 No. 497 (W. 118)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus Restrictions)
(Wales) (Amendment) (No. 3) Regulations 2020**

Approved by Senedd Cymru

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| <i>Made</i> | - - - - | <i>at 2.00 p.m. on 11 May 2020</i> |
| <i>Laid before Senedd Cymru</i> | | <i>at 3.00 p.m. on 11 May 2020</i> |
| <i>Coming into force</i> | - - | <i>at 4.00 p.m. on 11 May 2020</i> |

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 45C(1) and (3)(c), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984(1).

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 Welsh Ministers consider that the amendments made by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 45R of that Act the Welsh Ministers are of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, Senedd Cymru.

Title and coming into force

1. The title of these Regulations is the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 3) Regulations 2020 and they come into force at 4.00 p.m. on 11 May 2020.

Amendment of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020

2.—(1) The Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020(2) are amended as follows.

(2) In regulation 3—

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- (1) 1984 c. 22. Sections 45C, 45F and 45P were inserted by section 129 of the Health and Social Care Act 2008 (c. 14). The functions under these sections are conferred on “the appropriate Minister”. Under section 45T(6) of the 1984 Act the appropriate Minister, as respects Wales, is the Welsh Ministers.
- (2) S.I. 2020/353 (W. 80) as amended by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020 (S.I. 2020/399 (W. 88)) and the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/452 (W. 102)).

- (a) in paragraph (2), after “Regulations” insert “, and whether those restrictions and requirements are proportionate to what the Welsh Ministers seek to achieve by them,”;
- (b) omit paragraphs (3), (4), (4A) and (5).
- (3) In regulation 4, in paragraph (5)(c), for “, gallery or library” substitute “or gallery”.
- (4) In regulation 8, in paragraph (2)—
 - (a) after sub-paragraph (aa) insert—
 - “(ab) to collect goods which have been purchased from a person providing a service in response to orders or enquiries by virtue of the exception to the requirement to cease carrying on a business in regulation 6(2)(a);”
 - (b) in sub-paragraph (b), for “no more than once a day (or more frequently if this is needed because of a particular health condition or disability)” substitute “within an area local to the place where the person is living”;
 - (c) after sub-paragraph (i)—
 - “(ia) to access recycling or waste disposal services;
 - (ib) to visit a library;”.
- (5) In Schedule 1—
 - (a) in paragraph 10, omit “, libraries”;
 - (b) after paragraph 33 insert—
 - “**33A.** Garden centres and plant nurseries.”;
 - (c) after paragraph 47 insert—
 - “**48.** Libraries.”

Consequential amendment to the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020

3. Omit regulation 2 of the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020(3).

Saving for offences and penalties in relation to prior acts

4. Regulations 12 and 13 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 continue to have effect in relation to any offence committed, or reasonably believed to have been committed, before these Regulations came into force as if the amendments set out in regulation 2 had not been made.

At 2.00 p.m. on 11 May 2020

Mark Drakeford
First Minister, one of the Welsh Ministers

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.

Regulation 2 of these Regulations amends the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 (the “principal Regulations”).

These consist of—

- (a) amending regulation 3 of the principal Regulations to add the proportionality of requirements and restrictions as a consideration when the Welsh Ministers review the principal regulations, and to remove provisions relating to the termination of requirements or restrictions by ministerial direction (which means they must be terminated by amending the principal Regulations);
- (b) amending regulation 4 of, and Schedule 1 to, the principal Regulations to permit libraries to open subject to requirements to take all reasonable measures to ensure a distance of 2 metres is maintained by persons on the premises and persons waiting to enter the premises;
- (c) amending regulation 8 of the principal Regulations—
 - (i) to specify that leaving the place where you live to collect goods ordered from a shop operating on an “order and collect” basis constitutes a reasonable excuse for the purposes of regulation 8(1);
 - (ii) to remove the limitation in paragraph (2)(b) on exercising no more than once a day (as it relates to exercise being a reasonable excuse for the purposes of regulation 8(1));
 - (iii) to specify that making use of a recycling or waste disposal facility, or visiting a library, constitutes a reasonable excuse for the purposes of regulation 8(1) (note however that this change does not require these facilities to open as that is a matter for local authorities);
- (d) adding garden centres and plant nurseries to Part 4 of Schedule 1, which means that they may open subject to requirements to take all reasonable measures to ensure a distance of 2 metres is maintained by persons on the premises and persons waiting to enter the premises.

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.