
WELSH STATUTORY INSTRUMENTS

2020 No. 725

The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 (revoked)

PART 1

Introduction

Title, application and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020.

(2) These Regulations apply in relation to Wales [^{F1}(which, for the purposes of Part 3, includes the airspace above Wales)].

(3) The following provisions of these Regulations come into force on 11 July 2020—

- (a) regulation 2;
- (b) regulation 8;
- (c) regulation 9 so far as it applies to a requirement under regulation 8(1);
- (d) regulations 12 and 13 so far as they apply to a person responsible for premises of a business listed in Schedule 3;
- (e) regulations 17 to 22 so far as they apply to a contravention (or alleged contravention) of regulation 8(1);
- (f) regulation 3 so far as it relates to the following provisions of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 ^{M1}—
 - (i) paragraphs (4) to (6) of regulation 4 so far as they apply to a person responsible for carrying on a business listed in Part 3 of Schedule 1;
 - (ii) regulation 5;
 - (iii) regulation 7A so far as it applies in relation to a requirement or restriction imposed by regulation 4(5B) or 5(3C) on a person responsible for carrying on a business listed in Part 3 of Schedule 1;
 - (iv) regulations 10 to 14 so far as they apply to a contravention (or alleged contravention) of regulation 4(4) or 5(3C) by a person responsible for carrying on a business listed in Part 3 of Schedule 1.

(4) These Regulations come into force for all other purposes on 13 July 2020.

Textual Amendments

- F1** Words in reg. 1(2) inserted (27.7.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/803\)](#), regs. 1(4), **3(2)** (with reg. 4)

Status: Point in time view as at 17/09/2020.

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

Commencement Information

II Reg. 1 in force at 11.7.2020, see reg. 1(3)

Marginal Citations

M1 [S.I. 2020/353](#) (W. 80) as amended by [S.I. 2020/399](#) (W. 88), [S.I. 2020/452](#) (W. 102), [S.I. 2020/497](#) (W. 118), [S.I. 2020/529](#) (W. 124), [S.I. 2020/557](#) (W. 129), [S.I. 2020/619](#) (W. 141) and [S.I. 2020/686](#) (W. 153).

Interpretation

2.—(1) In these Regulations—

- (a) “burial” includes the interment of a dead person's ashes;
- (b) “carer” means a person who provides care for the person assisted where—
 - (i) the carer is entitled to an assessment under section 24 of the Social Services and Well-being (Wales) Act 2014 ^{M2},
 - (ii) the care is part of the provision of community care services under Part 4 of the Social Services and Well-being (Wales) Act 2014, or
 - (iii) the care is provided by a care provider registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 ^{M3};
- (c) “cemetery” includes a burial ground and any other place for the interment of the dead;
- (d) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);
- (e) “elite athlete” means an individual designated as such for the purposes of these Regulations by the Sports Council for Wales;
- (f) “local authority” means the council of a county or county borough in Wales;
- (g) “open premises” has the meaning given by regulation 12(3);
- (h) “parental responsibility” has the same meaning as in the Children Act 1989 ^{M4};
- (i) a “person responsible for carrying on a business” includes the owner, proprietor, and manager of that business;
- (j) “premises” includes any building or structure and any land;
- (k) “vulnerable person” includes—
 - (i) any person aged 70 or older;
 - (ii) any person under 70 who has an underlying health condition;
 - (iii) any person who is pregnant;
 - (iv) any child;
 - (v) any person who is a vulnerable adult within the meaning given by section 60(1) of the Safeguarding Vulnerable Groups Act 2006 ^{M5}.
- [^{F2}(l) “face covering” means a covering of any type which covers a person’s nose and mouth;
- (m) “public transport service” means a service provided for the carriage of passengers by road, railway, tramway, air or water;
- (n) “vehicle” includes an aircraft, a cable car, a train, a tram and a vessel.]
- [^{F3}(o) “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;

- (p) “hospice” means premises wholly or mainly used for the provision of palliative care to persons who are suffering from a progressive disease in its final stages, by or behalf of an establishment the primary function of which is the provision of such care;
- (q) “secure accommodation” means premises at which a “secure accommodation service” within the meaning given by paragraph 2 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 is provided.]
- [^{F4}(r) “local health protection area” has the meaning given by Schedule 4A.]
- (2) For the purposes of the definition of “elite athlete” in paragraph (1)—
 - (a) an individual is designated by the Sports Council for Wales only if the individual has been nominated for designation by a relevant sporting body and the Council has accepted the nomination, and
 - (b) “relevant sporting body” means the national governing body of a sport which may nominate athletes to represent—
 - (i) Great Britain and Northern Ireland at the Olympic or Paralympic Games, or
 - (ii) Wales at the Commonwealth Games.
- (3) For the purposes of these Regulations—
 - (a) there is a gathering when two or more people are in the same place in order to do something together;
 - (b) premises are indoors if they are enclosed or substantially enclosed within the meaning given by regulation 2 of the Smoke-free Premises etc. (Wales) Regulations 2007 ^{M6}.
- ^{F5}(4)
- ^{F5}(5)
- ^{F5}(6)
- ^{F5}(7)

Textual Amendments

- F2** Reg. 2(1)(l)-(n) inserted (27.7.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/803\)](#), regs. 1(4), **3(3)** (with reg. 4)
- F3** Reg. 2(1)(o)-(q) inserted (28.8.2020 at 12.01 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 7\) Regulations 2020 \(S.I. 2020/912\)](#), regs. 1, **2(2)** (with reg. 3)
- F4** Reg. 2(1)(r) inserted (8.9.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 8\) \(Caerphilly\) Regulations 2020 \(S.I. 2020/961\)](#), regs. 1, **2(2)**
- F5** Reg. 2(4)-(7) omitted (22.8.2020) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 6\) Regulations 2020 \(S.I. 2020/884\)](#), regs. 1, **2(2)** (with reg. 3)

Commencement Information

- I2** Reg. 2 in force at 11.7.2020, see reg. 1(3)(a)

Marginal Citations

- M2** 2014 anaw 4.
- M3** 2016 anaw 2.
- M4** 1989 c. 41. See Part 1 of the Act, to which there have been various amendments, including by the [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#) and [S.I. 2019/1458](#).
- M5** 2006 c. 47, as amended by section 65 of the [Protection of Freedoms Act 2012 \(c. 9\)](#).

Status: Point in time view as at 17/09/2020.

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

M6 [S.I. 2007/787](#) (W. 68)

[^{F6}Extended households

2A.—(1) Up to four households may agree to be treated as an extended household for the purposes of these Regulations.

(2) To agree to be treated as an extended household, all of the adults of the households in question must agree.

[^{F7}(3) Where households agree to be treated as an extended household—

- (a) any reference in these Regulations (other than in this regulation and regulation 14(1)(b)(i)) to a “household” is to be read as including the households that have so agreed, and
- (b) regulation 14 applies to a gathering consisting of persons from more than one household in an extended household as if, for paragraph (1), there were substituted—

“(1) A gathering in premises indoors may not, without reasonable excuse, consist of—

- (a) more than 6 members of an extended household, not including any children under the age of 11;
- (b) a person who is not a member of the extended household apart from—
 - (i) the carer of a member of the extended household, or
 - (ii) a person to whom a member of the extended household is providing care.”.]

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

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

(6) 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.

(7) Paragraph (8) applies where two households—

- (a) agreed to be treated as a single (extended) household for the purposes of these Regulations before 22 August 2020, or
- (b) were treated as having done so in accordance with regulation 2(7) of these Regulations before that date.

(8) Where this paragraph applies, the households—

- (a) are to be treated as having agreed to be treated as an extended household in accordance with this regulation, and
- (b) may agree to be treated as an extended household with up to two more households in accordance with this regulation.]

Textual Amendments

F6 Reg. 2A inserted (22.8.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 6\) Regulations 2020 \(S.I. 2020/884\)](#), regs. 1, **2(3)** (with reg. 3)

F7 Reg. 2A(3) substituted (14.9.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 9\) Regulations 2020 \(S.I. 2020/985\)](#), regs. 1, **2(2)** (with reg. 3)

Revocation

3.—(1) The following Regulations are revoked—

- (a) the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 ^{M7};
- (b) the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020 ^{M8};
- (c) the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020 ^{M9};
- (d) the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 3) Regulations 2020 ^{M10};
- (e) the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 4) Regulations 2020 ^{M11};
- (f) the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 5) Regulations 2020 ^{M12};
- (g) the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 6) Regulations 2020 ^{M13};
- (h) the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 7) Regulations 2020 ^{M14}.

(2) Despite the revocation of those Regulations, they continue in force in relation to any offence committed under the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 before these Regulations came into force.

Commencement Information

- I3** Reg. 3 in force at 11.7.2020 for specified purposes, see reg. 1(3)(f)
- I4** Reg. 3 in force at 13.7.2020 in so far as not already in force, see reg. 1(4)

Marginal Citations

- M7** S.I. 2020/353 (W. 80)
- M8** S.I. 2020/399 (W. 88).
- M9** S.I. 2020/452 (W. 102).
- M10** S.I. 2020/497 (W. 118).
- M11** S.I. 2020/529 (W. 124).
- M12** S.I. 2020/557 (W. 129).
- M13** S.I. 2020/619 (W. 141).
- M14** S.I. 2020/686 (W. 153).

[F8]Review

4.—(1) The Welsh Ministers must review the need for restrictions and requirements imposed by these Regulations (other than the restrictions and requirements imposed by Schedule 4A), and whether those restrictions and requirements are proportionate to what the Welsh Ministers seek to achieve by them—

- (a) by 10 September 2020;
- (b) at least once in the period of 21 days beginning on 11 September 2020;
- (c) at least once in each subsequent period of 21 days.

Status: Point in time view as at 17/09/2020.

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

(2) The Welsh Ministers must review the need for restrictions and requirements imposed by Schedule 4A, and whether those restrictions and requirements are proportionate to what the Welsh Ministers seek to achieve by them—

- (a) by 24 September 2020;
- (b) at least once in the period of 7 days beginning on 25 September 2020;
- (c) at least once in each subsequent period of 7 days.]

Textual Amendments

F8 Reg. 4 substituted (8.9.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 8\) \(Caerphilly\) Regulations 2020 \(S.I. 2020/961\)](#), regs. 1, **2(3)**

Expiry

5.—(1) These Regulations expire at the end of the day on 8 January 2021.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they expire.

Commencement Information

I5 Reg. 5 in force at 13.7.2020, see reg. 1(4)

PART 2

Closure of businesses and premises

Closure of indoor bars and restaurants etc.

^{F9}6.

Textual Amendments

F9 Reg. 6 omitted (3.8.2020) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/820\)](#), regs. 1, **2(2)** (with reg. 3)

Closure of [^{F10}certain] businesses and services

7.—(1) A person responsible for carrying on a business or providing a service which is listed in Schedule 2 must cease to carry on that business or to provide that service.

(2) But paragraph (1) does not prevent the use of—

- (a) premises used for the businesses or services listed in paragraphs ^{F11}... [^{F12}2 or 5] of Schedule 2 to broadcast without an audience present at the premises (whether over the internet or as part of a radio or television broadcast);
- (b) premises for any purpose as may be requested by the Welsh Ministers or a local authority;
- (c) premises for training for elite athletes;

^{F13}(d)

(3) And paragraph (1) applies subject to the need to carry out maintenance and repairs and other work to ensure premises are suitable for use when paragraph (1) no longer applies to the business or service.

Textual Amendments

- F10** Word in reg. 7 heading substituted (3.8.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/820\)](#), regs. 1, **2(3)(a)** (with reg. 3)
- F11** Word in reg. 7(2)(a) omitted (27.7.2020) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/803\)](#), regs. 1(4), **3(4)(a)** (with reg. 4)
- F12** Words in reg. 7(2)(a) substituted (28.8.2020 at 12.01 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 7\) Regulations 2020 \(S.I. 2020/912\)](#), regs. 1, **2(3)** (with reg. 3)
- F13** Reg. 7(2)(d) omitted (27.7.2020) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/803\)](#), regs. 1(4), **3(4)(b)** (with reg. 4)

Commencement Information

- I6** Reg. 7 in force at 13.7.2020, see reg. 1(4)

Closure of holiday accommodation

^{F148}.....

Textual Amendments

- F14** Reg. 8 omitted (25.7.2020) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/803\)](#), regs. 1(3), **2(2)** (with reg. 4)

Businesses forming part of a larger business

9. Where—

- (a) a person responsible for carrying on a business (“business A”) is required, by virtue of regulation ^{F15}... [^{F16}7(1)] to cease carrying on business A, and
- (b) business A forms part of a larger business (“business B”),

the requirement in regulation ^{F15}... [^{F16}7(1)] is complied with if the person responsible for carrying on business B ceases to carry on business A.

Textual Amendments

- F15** Words in reg. 9 omitted (3.8.2020) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/820\)](#), regs. 1, **2(4)** (with reg. 3)
- F16** Words in reg. 9 substituted (25.7.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/803\)](#), regs. 1(3), **2(3)** (with reg. 4)

Commencement Information

- I7** Reg. 9 in force at 11.7.2020 for specified purposes, see reg. 1(3)(c)
- I8** Reg. 9 in force at 13.7.2020 in so far as not already in force, see reg. 1(4)

Status: Point in time view as at 17/09/2020.

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

Closure of ^{F17}... community centres

^{F18}10.

Textual Amendments

- F17** Words in reg. 10 heading omitted (27.7.2020) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/803\)](#), regs. 1(4), **3(5)(b)** (with reg. 4)
- F18** Reg. 10 omitted (10.8.2020) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2020 \(S.I. 2020/843\)](#), regs. 1, **2(3)** (with reg. 3)

Closure of certain public paths and access land

^{F19}11.

Textual Amendments

- F19** Reg. 11 omitted (14.9.2020) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 9\) Regulations 2020 \(S.I. 2020/985\)](#), regs. 1, **2(3)** (with reg. 3)

PART 3

Minimising risk of exposure to coronavirus at open premises and while working

Reasonable measures to minimise risk of exposure to coronavirus

- 12.**—(1) Paragraph (2) applies to a person responsible for—
- (a) open premises, or
 - (b) work carried out at any other premises where a person is working.
- (2) For the purposes of minimising the risk of exposure to coronavirus at the premises, [^{F20}or the spread of coronavirus by those who have been at the premises] the person must—
- (a) take all reasonable measures to ensure—
 - (i) that a distance of 2 metres is maintained between any persons on the premises (except between two members of the same household, or a carer and the person assisted by the carer);
 - (ii) where persons are required to wait to enter the premises, that a distance of 2 metres is maintained between them (except between two members of the same household, or a carer and the person assisted by the carer),
 - (b) take any other reasonable measures for that purpose, for example measures which limit close face to face interaction and maintain hygiene such as—
 - (i) changing the layout of premises including the location of furniture and workstations;
 - (ii) controlling use of entrances, passageways, stairs and lifts;
 - (iii) controlling 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;

- (vi) providing or requiring use of personal protective equipment, and
 - (c) provide information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus.
- [^{F21}(2A) [^{F22}Measures that may be taken under paragraph (2) also include—]
- (a) ceasing to carry out certain activities;
 - (b) closing a part of the premises.
- [collecting contact information from each person at the premises or, in relation to persons
- ^{F23}(c) from the same household, from one of them, and retaining it for 21 days for the purpose of providing it to [^{F24}any of the following, upon their request—
- (i) the Welsh Ministers,
 - (ii) a public health officer,
 - (iii) a person designated by the local authority in whose area the premises are located to process information for the purposes of contacting persons who may have been exposed to coronavirus].]

(3) In these Regulations “open premises” means—

 - (a) premises of a business or service listed in Schedule 4;
 - (b) places of worship;
 - (c) cemeteries;
 - ^{F25}(d)
 - (e) premises of a business listed in Schedule 2 which are permitted to be open by virtue of regulation 7(2);
 - ^{F26}(f)
 - (g) crematoriums ^{F27}....;
 - (h) community centres ^{F28}....

(4) For the purposes of this regulation “premises” also includes a vehicle used to provide a [^{F29}public transport service].

[^{F30}(5) In this regulation—

 - (a) “contact information”, in relation to a person at the premises, means the person’s name and information sufficient to enable the person to be contacted, to inform them that they may have been exposed to coronavirus at the premises (including a telephone number and the date and time at which the person was at the premises);
 - (b) “public health officer” has the same meaning as in paragraph 3(2)(c) of Schedule 21 to the Coronavirus Act 2020.]

Textual Amendments

- F20** Words in reg. 12(2) inserted (17.8.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 5\) Regulations 2020 \(S.I. 2020/867\)](#), regs. 1, **2(2)(a)** (with reg. 3)
- F21** Reg. 12(2A) inserted (10.8.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2020 \(S.I. 2020/843\)](#), regs. 1, **2(4)(a)** (with reg. 3)
- F22** Words in reg. 12(2A) substituted (28.8.2020 at 12.01 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 7\) Regulations 2020 \(S.I. 2020/912\)](#), regs. 1, **2(4)(a)** (with reg. 3)

Status: Point in time view as at 17/09/2020.

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

- F23** Reg. 12(2A)(c) inserted (17.8.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 5) Regulations 2020 (S.I. 2020/867), regs. 1, **2(2)(b)** (with reg. 3)
- F24** Words in reg. 12(2A)(c) substituted (28.8.2020 at 12.01 a.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 7) Regulations 2020 (S.I. 2020/912), regs. 1, **2(4)(b)** (with reg. 3)
- F25** Reg. 12(3)(d) omitted (3.8.2020) by virtue of The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/820), regs. 1, **2(5)(b)** (with reg. 3)
- F26** Reg. 12(3)(f) omitted (25.7.2020) by virtue of The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/803), regs. 1(3), **2(4)** (with reg. 4)
- F27** Words in reg. 12(3)(g) omitted (27.7.2020) by virtue of The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/803), regs. 1(4), **3(6)(a)** (with reg. 4)
- F28** Words in reg. 12(3)(h) omitted (10.8.2020) by virtue of The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 4) Regulations 2020 (S.I. 2020/843), regs. 1, **2(4)(b)** (with reg. 3)
- F29** Words in reg. 12(4) substituted (27.7.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/803), regs. 1(4), **3(6)(b)** (with reg. 4)
- F30** Reg. 12(5) inserted (17.8.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 5) Regulations 2020 (S.I. 2020/867), regs. 1, **2(2)(c)** (with reg. 3)

Commencement Information

- I9** Reg. 12 in force at 11.7.2020 for specified purposes, see reg. 1(3)(d)
- I10** Reg. 12 in force at 13.7.2020 in so far as not already in force, see reg. 1(4)

[^{F31}Requirement to wear face covering on public transport

12A.—(1) A person (“P”) who is travelling as a passenger on a vehicle used to provide a public transport service must wear a face covering.

- (2) But this is not required—
- (a) where an exemption applies under paragraph (3);
 - (b) where P has a reasonable excuse not to wear a face covering, as to which see paragraph (4).
- (3) An exemption to the requirement to wear a face covering applies—
- (a) where P is a child under the age of 11;
 - (b) on a vehicle providing a school transport service;
 - (c) on a ferry where—
 - (i) the part of the ferry which is open to passengers is entirely outdoors, or
 - (ii) a distance of at least 2 metres can be maintained between persons on the part of the ferry which is open to passengers;
 - (d) on a cruise ship;
 - (e) where P is allocated a cabin, berth or other similar accommodation on the vehicle, at any time when P is in that accommodation—
 - (i) alone, or
 - (ii) only with members of P’s household or a member of the household’s carer;
 - (f) where—
 - (i) P is permitted, or ordinarily required, to board and to stay in a vehicle when using the public transport service,

- (ii) the vehicle is not itself used for the provision of a public transport service, and
 - (iii) P stays in that vehicle;
 - (g) on an aircraft which neither took off from, nor is to land at, a place in Wales;
 - (h) on a vessel which does not dock at a port in Wales.
- (4) The circumstances in which P has a reasonable excuse to not wear a face covering include—
- (a) where P is unable to put on, wear or remove a face covering because of a physical or mental illness or impairment, or a disability (within the meaning of section 6 of the Equality Act 2010);
 - (b) where P has to remove the face covering to communicate with another person who has difficulty communicating (in relation to speech, language or otherwise);
 - (c) where P has to remove the face covering in order to avoid harm or injury, or the risk of harm or injury, to themselves or others;
 - (d) where P is travelling to avoid injury, or to escape a risk of harm, and does not have a face covering;
 - (e) where P has to remove the face covering to—
 - (i) take medication;
 - (ii) eat or drink, if this is allowed on the vehicle and is reasonably necessary (for example due to the length of the journey);
 - (f) where P is asked to remove the face covering by—
 - (i) an enforcement officer, or
 - (ii) the operator of the public transport service, an employee of the operator or a person authorised by the operator.
- (5) An operator of a public transport service to which paragraph (1) applies must provide information to passengers about the requirement to wear face coverings on their vehicles.
- (6) For the purposes of this regulation a “school transport service” means any transport service provided solely for the purpose of—
- (a) carrying a person to and from the school or other place at which the person receives education or training, or
 - (b) otherwise facilitating a person’s attendance at a school or other place at which the person receives education or training.]

Textual Amendments

F31 Reg. 12A inserted (27.7.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/803\)](#), regs. 1(4), **3(7)** (with reg. 4)

[^{F32}Requirement to wear face covering in certain indoor public places

- 12B.**—(1) A person (“P”) must wear a face covering in relevant indoor premises.
- (2) But this is not required—
- (a) where an exemption applies under paragraph (3);
 - (b) where P has a reasonable excuse not to wear a face covering, as to which see paragraph (4).
- (3) An exemption to the requirement to wear a face covering applies—
- (a) where P is a child under the age of 11;

Status: Point in time view as at 17/09/2020.

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

- (b) where P is in premises where food or drink is sold, or otherwise provided, for consumption on those premises.
- (4) The circumstances in which P has a reasonable excuse to not wear a face covering include—
 - (a) where P is unable to put on, wear or remove a face covering because of a physical or mental illness or impairment, or a disability (within the meaning of section 6 of the Equality Act 2010);
 - (b) where P is undertaking an activity and wearing a face covering during that activity may reasonably be considered to be a risk to P’s health;
 - (c) where P has to remove the face covering to communicate with another person who has difficulty communicating (in relation to speech, language or otherwise);
 - (d) where P has to remove the face covering in order to avoid harm or injury, or the risk of harm or injury, to themselves or others;
 - (e) where P is at the premises to avoid injury, or to escape a risk of harm, and does not have a face covering;
 - (f) where P has to remove the face covering to—
 - (i) take medication;
 - (ii) eat or drink, where reasonably necessary;
 - (g) where P is asked to remove the face covering by an enforcement officer.
- (5) For the purposes of paragraph (3)(b), where food or drink is sold or otherwise provided for consumption in a part of premises, the exemption only applies where P is in that part.
- (6) For the purposes of this regulation, “relevant indoor premises” means the indoor public areas of—
 - (a) open premises;
 - (b) bus stations;
 - (c) railway stations;
 - (d) airports;
 - (e) sea ports.]

Textual Amendments

F32 Reg. 12B inserted (14.9.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 9\) Regulations 2020 \(S.I. 2020/985\)](#), regs. 1, **2(4)** (with reg. 3)

Guidance on minimising exposure

13.—(1) A person required to take reasonable measures under regulation 12 must have regard to guidance issued by the Welsh Ministers about those measures.

[^{F33}(1A) An operator of a public transport service to which regulation 12A applies must have regard to guidance issued by the Welsh Ministers about—

- (a) the requirement to wear a face covering in accordance with paragraphs (1) to (4) of regulation 12A and the enforcement of that requirement under regulation 18;
- (b) providing information to passengers in accordance with paragraph (5) of regulation 12A.]

(2) The Welsh Ministers—

- (a) may revise guidance issued under paragraph (1) [^{F34}or (1A)], and

(b) must publish the guidance (and any revisions).

(3) Guidance under this regulation may incorporate (by reference or transposition) guidance, codes of practice or other documents published by another person (for example, a trade association, body representing members of an industry or a trade union).

Textual Amendments

F33 Reg. 13(1A) inserted (27.7.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/803), regs. 1(4), **3(8)(a)** (with reg. 4)

F34 Words in reg. 13(2)(a) inserted (27.7.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/803), regs. 1(4), **3(8)(b)** (with reg. 4)

Commencement Information

I11 Reg. 13 in force at 11.7.2020 for specified purposes, see reg. 1(3)(d)

I12 Reg. 13 in force at 13.7.2020 in so far as not already in force, see reg. 1(4)

PART 4

Gathering with other people

[^{F35}Restriction on indoor gatherings]

14.—(1) No person may, without a reasonable excuse—

^{F36}(a)

(b) gather in premises indoors with any other person apart from—

- (i) the members of their household,
- (ii) their carer, or
- (iii) a person they are providing care to.

(2) A reasonable excuse includes the need to do the following—

- (a) obtain [^{F37}or provide] medical assistance, including accessing any of the services referred to in paragraph 10 of Schedule 4 or accessing veterinary services;
- (b) provide or receive care or assistance, including relevant personal care, within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006 ^{M15}, where the person receiving the care is a vulnerable person;
- (c) provide or receive emergency assistance;

^{F38}(d)

- (e) work or provide voluntary or charitable services;
- (f) where the person is an elite athlete, train or compete;
- (g) attend a solemnization of a marriage or formation of a civil partnership—
 - (i) as a party to the marriage or civil partnership,
 - (ii) if invited to attend, or
 - (iii) as the carer of a person attending.
- (h) attend a funeral—

Status: Point in time view as at 17/09/2020.

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

- (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;

[^{F39}(hza) participate in a gathering of no more than 30 people at open premises to—

- (i) celebrate a solemnization of a marriage or formation of a civil partnership 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;]

[^{F40}(ha) attend a place of worship;]

- (i) meet a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
- (j) access or receive ^{F41}... public services ^{F41}...;

[^{F42}(ja) access childcare or participate in supervised activities for children;]

[^{F43}(jb) access educational services;]

- (k) in relation to children who do not live in the same household as their parents, or one of their parents, continue 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;
- (l) move home;

[^{F44}(m) undertake activities in connection with the purchase, sale, letting, or rental of residential property;]

- (o) avoid injury or illness or escape a risk of harm.

[^{F45}(p) exercise with others, in a gathering of no more than 30 people, at a fitness studio, gym, swimming pool, other indoor leisure centre or facility or any other open premises.]

[^{F46}(q) visit a person who is resident in a care home, hospice, or in secure accommodation.]

(3) Paragraph (1) does not apply to a person who is homeless.

^{F47}(4)

Textual Amendments

- F35** Reg. 14 heading substituted (3.8.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/820\)](#), regs. 1, **2(6)(b)** (with reg. 3)
- F36** Reg. 14(1)(a) omitted (3.8.2020) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/820\)](#), regs. 1, **2(6)(a)** (with reg. 3)
- F37** Words in reg. 14(2)(a) inserted (17.9.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 10\) \(Rhondda Cynon Taf\) Regulations 2020 \(S.I. 2020/1007\)](#), regs. 1, **2(2)(a)**
- F38** Reg. 14(2)(d) omitted (17.9.2020 at 6.00 p.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 10\) \(Rhondda Cynon Taf\) Regulations 2020 \(S.I. 2020/1007\)](#), regs. 1, **2(2)(b)**
- F39** Reg. 14(2)(hza) inserted (22.8.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 6\) Regulations 2020 \(S.I. 2020/884\)](#), regs. 1, **2(4)** (with reg. 3)
- F40** Reg. 14(2)(ha) inserted (20.7.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/752\)](#), regs. 1, **2(2)** (with reg. 3)

- F41** Words in reg. 14(2)(j) omitted (25.7.2020) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/803\)](#), regs. 1(3), **2(5)(a)** (with reg. 4)
- F42** Reg. 14(2)(ja) inserted (25.7.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/803\)](#), regs. 1(3), **2(5)(b)** (with reg. 4)
- F43** Reg. 14(2)(jb) inserted (28.8.2020 at 12.01 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 7\) Regulations 2020 \(S.I. 2020/912\)](#), regs. 1, **2(5)(a)** (with reg. 3)
- F44** Reg. 14(2)(m) substituted for reg. 14(2)(m)(n) (27.7.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/803\)](#), regs. 1(4), **3(9)(a)** (with reg. 4)
- F45** Reg. 14(2)(p) inserted (10.8.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2020 \(S.I. 2020/843\)](#), regs. 1, **2(5)** (with reg. 3)
- F46** Reg. 14(2)(q) inserted (28.8.2020 at 12.01 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 7\) Regulations 2020 \(S.I. 2020/912\)](#), regs. 1, **2(5)(b)** (with reg. 3)
- F47** Reg. 14(4) omitted (27.7.2020) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/803\)](#), regs. 1(4), **3(9)(b)** (with reg. 4)

Commencement Information

- I13** Reg. 14 in force at 13.7.2020, see reg. 1(4)

Marginal Citations

- M15** [2006 c. 47](#). Paragraph 7(3B) was inserted by section 66(2) of the [Protection of Freedoms Act 2012 \(c. 9\)](#).

[^{F48}Restriction on outdoor gatherings

14A.—(1) No person may, without a reasonable excuse, participate in a gathering outdoors that consists of more than 30 people.

- (2) A reasonable excuse includes the need to do the following—
- work or provide voluntary or charitable services;
 - where the person is an elite athlete, train or compete;
 - meet a legal obligation;
 - access or receive public services;
 - access childcare or participate in supervised activities for children.

[access educational services.]

^{F49}(f)

[^{F50}(3) But the restriction in paragraph (1) does not apply to an organised outdoor event—

- authorised in writing by the Welsh Ministers,
- at which no more than 100 people are in attendance (not including persons working, or providing voluntary services, at the event), and
- which is held in accordance with any conditions specified in writing by the Welsh Ministers.

(4) For the purposes of paragraph (3)(a), an event is an “organised outdoor event” if—

- it takes place outdoors,
- it is organised by—
 - a business,

Status: Point in time view as at 17/09/2020.

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

- (ii) a public body or a charitable, benevolent or philanthropic institution,
- (iii) a club or political organisation, or
- (iv) the national governing body of a sport or other activity, and
- (c) the person organising it has—
 - (i) carried out a risk assessment which would satisfy the requirements of regulation 3 of the Management of Health and Safety at Work Regulations 1999, whether or not the person is subject to those Regulations, and
 - (ii) complied with the requirements of regulations 12(2) and 13(1).
- (5) For the purposes of paragraph (4)(c)—
 - (a) regulation 3 of the Management of Health and Safety at Work Regulations 1999 applies as if the event were an undertaking conducted by the person organising it;
 - (b) regulation 12(2) of these Regulations applies as if the place where the event takes place were open premises for which the person organising the event is responsible.]]

Textual Amendments

- F48** Reg. 14A inserted (3.8.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/820\)](#), regs. 1, **2(7)** (with reg. 3)
- F49** Reg. 14A(2)(f) inserted (28.8.2020 at 12.01 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 7\) Regulations 2020 \(S.I. 2020/912\)](#), regs. 1, **2(6)** (with reg. 3)
- F50** Reg. 14A(3)-(5) inserted (22.8.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 6\) Regulations 2020 \(S.I. 2020/884\)](#), regs. 1, **2(5)** (with reg. 3)

[^{F51}Restriction on organising certain unlicensed music events

14B.—(1) No person may, without a reasonable excuse, be involved in organising a relevant unlicensed music event.

- (2) For the purposes of this regulation “relevant unlicensed music event” means an event—
 - (a) which consists of more than 30 people,
 - (b) at which people are gathered in contravention of regulation 14(1) or 14A(1),
 - (c) at which music is played or performed for the purpose, or for purposes which include the purpose, of entertainment, and
 - (d) where the playing or performance of the music is—
 - (i) a licensable activity (within the meaning of the Licensing Act 2003), and
 - (ii) not carried on under and in accordance with an authorisation (within the meaning given by section 136(5) of that Act).

(3) For the purposes of this regulation, a person is not involved in organising a relevant unlicensed music event if the person’s only involvement is, or would be, attending it.

(4) For the purposes of paragraph (1), a reasonable excuse includes where the person has taken all reasonable measures to ensure that people were not gathered at the event in contravention of regulation 14(1) or 14A(1).]

Textual Amendments

- F51** Reg. 14B inserted (28.8.2020 at 12.01 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 7\) Regulations 2020 \(S.I. 2020/912\)](#), regs. 1, **2(7)** (with reg. 3)

[^{F52}PART 4A

Local restrictions

Textual Amendments

- F52** Pt. 4A inserted (8.9.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 8\) \(Caerphilly\) Regulations 2020 \(S.I. 2020/961\)](#), regs. 1, **2(4)**

Local health protection [^{F53}areas]

14C. Schedule 4A contains provision about restrictions and requirements applying in relation to [^{F54}local health protection areas] (including provisions modifying the effect of other provisions of these Regulations as they apply in relation to [^{F55}those areas]).]

Textual Amendments

- F53** Word in reg. 14C heading substituted (17.9.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 10\) \(Rhondda Cynon Taf\) Regulations 2020 \(S.I. 2020/1007\)](#), regs. 1, **2(3)(a)**
- F54** Words in reg. 14C substituted (17.9.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 10\) \(Rhondda Cynon Taf\) Regulations 2020 \(S.I. 2020/1007\)](#), regs. 1, **2(3)(b)(i)**
- F55** Words in reg. 14C substituted (17.9.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 10\) \(Rhondda Cynon Taf\) Regulations 2020 \(S.I. 2020/1007\)](#), regs. 1, **2(3)(b)(ii)**

Exception for organised outdoor activities

^{F56}**15.**

Textual Amendments

- F56** Reg. 15 omitted (3.8.2020) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/820\)](#), regs. 1, **2(8)** (with reg. 3)

Requirement to continue to work from home where practicable

^{F57}**16.**

Status: Point in time view as at 17/09/2020.

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

Textual Amendments

F57 Reg. 16 omitted (25.7.2020) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/803\)](#), regs. 1(3), **2(6)** (with reg. 4)

PART 5

Enforcement

Enforcement officers

17.—^{F58}(A1) In regulation 17A and Schedule 5, an “enforcement officer” means a person designated by a local authority for the purposes of these Regulations.]

(1) For the purposes of regulations 18 to 21, an “enforcement officer” means—

- (a) a constable,
- (b) a police community support officer,
- (c) a person designated by—
 - (i) the Welsh Ministers, ^{F59}or]
 - (ii) a local authority,

^{F60}(iii)

^{F60}(iv)

for the purposes of [^{F61}these Regulations] (but see [^{F62}paragraph (2)]), or

(d) a person designated under regulation 10(11)(c) of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 ^{M16}as a relevant person (within the meaning given by that regulation) by—

- (i) the Welsh Ministers, [^{F63}or]
- (ii) a local authority,

^{F64}(iii)

^{F64}(iv)

(but see [^{F65}paragraph (2)]).

(2) A person designated by a local authority may exercise an enforcement officer's functions only in relation to a contravention (or alleged contravention) of a requirement in regulation ^{F66}... 7(1) ^{F67}... ^{F68}[^{F69}... or 12(2) [^{F70}, or paragraph 7 of Schedule 4A,] or Schedule 5].

^{F71}(3)

Textual Amendments

F58 Reg. 17(A1) inserted (10.8.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2020 \(S.I. 2020/843\)](#), regs. 1, **2(6)(a)** (with reg. 3)

F59 Word in reg. 17(1)(c)(i) inserted (14.9.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 9\) Regulations 2020 \(S.I. 2020/985\)](#), regs. 1, **2(5)(a)(i)** (with reg. 3)

- F60** Reg. 17(1)(c)(iii)(iv) omitted (14.9.2020) by virtue of The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 9) Regulations 2020 (S.I. 2020/985), regs. 1, **2(5)(a)(ii)** (with reg. 3)
- F61** Words in reg. 17(1)(c) substituted (10.8.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 4) Regulations 2020 (S.I. 2020/843), regs. 1, **2(6)(b)** (with reg. 3)
- F62** Words in reg. 17(1)(c) substituted (17.9.2020 at 6.00 p.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 10) (Rhondda Cynon Taf) Regulations 2020 (S.I. 2020/1007), regs. 1, **2(4)(a)(i)**
- F63** Word in reg. 17(1)(d)(i) inserted (14.9.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 9) Regulations 2020 (S.I. 2020/985), regs. 1, **2(5)(b)(i)** (with reg. 3)
- F64** Reg. 17(1)(d)(iii)(iv) omitted (14.9.2020) by virtue of The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 9) Regulations 2020 (S.I. 2020/985), regs. 1, **2(5)(b)(ii)** (with reg. 3)
- F65** Words in reg. 17(1)(d) substituted (17.9.2020 at 6.00 p.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 10) (Rhondda Cynon Taf) Regulations 2020 (S.I. 2020/1007), regs. 1, **2(4)(a)(ii)**
- F66** Word in reg. 17(2) omitted (3.8.2020) by virtue of The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/820), regs. 1, **2(9)** (with reg. 3)
- F67** Word in reg. 17(2) omitted (25.7.2020) by virtue of The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/803), regs. 1(3), **2(7)** (with reg. 4)
- F68** Word in reg. 17(2) omitted (14.9.2020) by virtue of The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 9) Regulations 2020 (S.I. 2020/985), regs. 1, **2(5)(c)** (with reg. 3)
- F69** Words in reg. 17(2) substituted (10.8.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 4) Regulations 2020 (S.I. 2020/843), regs. 1, **2(6)(c)** (with reg. 3)
- F70** Words in reg. 17(2) inserted (17.9.2020 at 6.00 p.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 10) (Rhondda Cynon Taf) Regulations 2020 (S.I. 2020/1007), regs. 1, **2(4)(b)**
- F71** Reg. 17(3) omitted (14.9.2020) by virtue of The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 9) Regulations 2020 (S.I. 2020/985), regs. 1, **2(5)(d)** (with reg. 3)

Commencement Information

- I14** Reg. 17 in force at 11.7.2020 for specified purposes, see reg. 1(3)(e)
- I15** Reg. 17 in force at 13.7.2020 in so far as not already in force, see reg. 1(4)

Marginal Citations

- M16** S.I. 2020/353 (W. 80).

[^{F72}Enforcement of regulation 12(2)]

17A. Schedules 5 and 6 make provision for and in connection with conferring functions on enforcement officers for the purpose of enforcing regulation 12(2).]

Textual Amendments

- F72** Reg. 17A inserted (10.8.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 4) Regulations 2020 (S.I. 2020/843), regs. 1, **2(7)** (with reg. 3)

Enforcement actions

18.—(1) An enforcement officer may give a compliance notice to a person if the officer has reasonable grounds for suspecting that the person is contravening a requirement in regulation ^{F73}... 7(1) ^{F74} ... ^{F75} [^{F76} ... or 12A(5)].

(2) A compliance notice may specify measures that the person to whom it is given must take as soon as is reasonably practicable so as to prevent that person from continuing to contravene the requirement.

^{F77}(3)

[^{F78}(3A) If an enforcement officer has reasonable grounds to suspect that a person (“P”) is contravening (or is about to contravene) regulation 12A(1), the officer may—

- (a) direct P not to board the vehicle providing the public transport service in question;
- (b) remove P from the vehicle, and may use reasonable force, if necessary, to do so.

(3B) If the operator of a public transport service, an employee of the operator or a person authorised by the operator, has reasonable grounds to suspect that a person (“P”) is about to contravene regulation 12A(1), the operator, employee or authorised person may direct P not to board the vehicle providing the public transport service in question.]

[^{F79}(3C) If an enforcement officer has reasonable grounds to suspect that a person (“P”) is contravening (or is about to contravene) [^{F80}regulation 12B(1)], the officer may—

- (a) direct P not to enter the premises;
- (b) remove P from the premises, and may use reasonable force, if necessary, to do so.]

(4) Where an enforcement officer has reasonable grounds for suspecting that people are gathered together in contravention of regulation 14(1) [^{F81}or 14A(1)], the officer may—

- (a) direct the gathering to disperse;
- (b) direct any person in the gathering to return to the place where they are living;
- (c) remove any person in the gathering to the place where they are living.

[^{F82}(4A) Where an enforcement officer has reasonable grounds for suspecting that a person (“P”) is contravening (or is about to contravene) paragraph 3(1) or 4(1) of Schedule 4A, the officer may—

- (a) direct P to return to the place where P is living;
- (b) remove P to that place.]

(5) An enforcement officer may—

- (a) when exercising the power in paragraph (4) [^{F83}or (4A)], direct a person to follow such instructions as the officer considers necessary;
- (b) use reasonable force in the exercise of the power in paragraph (4)(a) or (c) [^{F84}or (4A)(b)].

[^{F85}(5A) Where an enforcement officer has reasonable grounds for suspecting that a person is contravening, or is about to contravene, regulation 14B(1), the officer may—

- (a) direct the person to follow such instructions as the officer considers necessary in order to stop or prevent the contravention;
- (b) remove the person from the location or proposed location of the event which the officer suspects is being, or is about to be, organised in contravention of regulation 14B(1) (and the officer may use reasonable force to do so).]

(6) Where an enforcement officer has reasonable grounds to suspect that a person (“P”) is in a gathering in contravention of regulation 14(1) [^{F86}or 14A(1)] and is a child accompanied by an individual (“I”) who has responsibility for P—

- (a) the officer may direct I to take P to the place where P is living, and
- (b) I must, so far as reasonably practicable, ensure that P complies with any direction or instruction given by the officer to P.

[^{F87}(6ZA) Where an enforcement officer has reasonable grounds to suspect that a person (“P”) is contravening, or is about to contravene, paragraph 3(1) or 4(1) of Schedule 4A and is a child accompanied by an individual (“I”) who has responsibility for P—

- (a) the officer may direct I to take P to the place where P is living, and
- (b) I must, so far as reasonably practicable, ensure that P complies with any direction or instruction given by the officer to P.]

[^{F88}(6A) Where an enforcement officer has reasonable grounds to believe that a child is failing to comply with the requirement in regulation 12A(1) [^{F89}or [^{F90}regulation 12B(1)]]], the officer may direct any individual who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with the requirement.]

(7) For the purposes of paragraph (6) [^{F91}, (6ZA)] [^{F92}and (6A)], I has responsibility for a child if I—

- (a) has custody or charge of the child for the time being, or
- (b) has parental responsibility for the child.

[^{F93}(7A) An enforcement officer may, to facilitate the exercise of a power conferred on the officer by Schedule 5—

- (a) require any person to give any information or answer any question the officer considers to be relevant to the exercise of the power;
- (b) require the production of, inspect and take copies of, any documents or electronic records.]

(8) An enforcement officer may take other action to facilitate the exercise of a power conferred on the officer by this regulation [^{F94}, regulation 19 or Schedule 5].

(9) An enforcement officer may only exercise a power under this regulation or regulation 19 if the officer considers that it is necessary and proportionate to do so.

[^{F95}(9A) A person may not be required under paragraph (7A) to provide a document, record or other information in respect of which a claim for legal professional privilege could be maintained in legal proceedings.

(9B) No information or answer given by a person in response to a requirement imposed under paragraph (7A)(a) is admissible in evidence against that person, or the person’s spouse or civil partner, in [^{F96}any proceedings other than proceedings under] these Regulations.]

(10) In this regulation and regulations 19 and 20 references to a requirement include references to a restriction.

Textual Amendments

- F73** Word in reg. 18(1) omitted (3.8.2020) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2020](#) (S.I. 2020/820), regs. 1, **2(10)(a)** (with reg. 3)
- F74** Word in reg. 18(1) omitted (25.7.2020) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020](#) (S.I. 2020/803), regs. 1(3), **2(8)** (with reg. 4)
- F75** Words in reg. 18(1) omitted (10.8.2020) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2020](#) (S.I. 2020/843), regs. 1, **2(8)(a)** (with reg. 3)
- F76** Words in reg. 18(1) substituted (27.7.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020](#) (S.I. 2020/803), regs. 1(4), **3(11)(a)** (with reg. 4)

Status: Point in time view as at 17/09/2020.

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

- F77** Reg. 18(3) omitted (14.9.2020) by virtue of The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 9) Regulations 2020 (S.I. 2020/985), regs. 1, **2(6)(a)** (with reg. 3)
- F78** Reg. 18(3A)(3B) inserted (27.7.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/803), regs. 1(4), **3(11)(b)** (with reg. 4)
- F79** Reg. 18(3C) inserted (8.9.2020 at 6.00 p.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 8) (Caerphilly) Regulations 2020 (S.I. 2020/961), regs. 1, **2(5)(a)**
- F80** Words in reg. 18(3C) substituted (14.9.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 9) Regulations 2020 (S.I. 2020/985), regs. 1, **2(6)(b)** (with reg. 3)
- F81** Words in reg. 18(4) inserted (3.8.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/820), regs. 1, **2(10)(b)** (with reg. 3)
- F82** Reg. 18(4A) inserted (8.9.2020 at 6.00 p.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 8) (Caerphilly) Regulations 2020 (S.I. 2020/961), regs. 1, **2(5)(b)**
- F83** Words in reg. 18(5)(a) inserted (8.9.2020 at 6.00 p.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 8) (Caerphilly) Regulations 2020 (S.I. 2020/961), regs. 1, **2(5)(c)(i)**
- F84** Words in reg. 18(5)(b) inserted (8.9.2020 at 6.00 p.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 8) (Caerphilly) Regulations 2020 (S.I. 2020/961), regs. 1, **2(5)(c)(ii)**
- F85** Reg. 18(5A) inserted (28.8.2020 at 12.01 a.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 7) Regulations 2020 (S.I. 2020/912), regs. 1, **2(8)** (with reg. 3)
- F86** Words in reg. 18(6) inserted (3.8.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/820), regs. 1, **2(10)(b)** (with reg. 3)
- F87** Reg. 18(6ZA) inserted (8.9.2020 at 6.00 p.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 8) (Caerphilly) Regulations 2020 (S.I. 2020/961), regs. 1, **2(5)(d)**
- F88** Reg. 18(6A) inserted (27.7.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/803), regs. 1(4), **3(11)(c)** (with reg. 4)
- F89** Words in reg. 18(6A) inserted (8.9.2020 at 6.00 p.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 8) (Caerphilly) Regulations 2020 (S.I. 2020/961), regs. 1, **2(5)(e)**
- F90** Words in reg. 18(6A) substituted (14.9.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 9) Regulations 2020 (S.I. 2020/985), regs. 1, **2(6)(c)** (with reg. 3)
- F91** Word in reg. 18(7) inserted (8.9.2020 at 6.00 p.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 8) (Caerphilly) Regulations 2020 (S.I. 2020/961), regs. 1, **2(5)(f)**
- F92** Words in reg. 18(7) inserted (27.7.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/803), regs. 1(4), **3(11)(d)** (with reg. 4)
- F93** Reg. 18(7A) inserted (10.8.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 4) Regulations 2020 (S.I. 2020/843), regs. 1, **2(8)(b)** (with reg. 3)
- F94** Words in reg. 18(8) substituted (10.8.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 4) Regulations 2020 (S.I. 2020/843), regs. 1, **2(8)(c)** (with reg. 3)
- F95** Reg. 18(9A)(9B) inserted (10.8.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 4) Regulations 2020 (S.I. 2020/843), regs. 1, **2(8)(d)** (with reg. 3)
- F96** Words in reg. 18 substituted (22.8.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 6) Regulations 2020 (S.I. 2020/884), regs. 1, **2(6)** (with reg. 3)

Commencement Information

- I16** Reg. 18 in force at 11.7.2020 for specified purposes, see reg. 1(3)(e)
- I17** Reg. 18 in force at 13.7.2020 in so far as not already in force, see reg. 1(4)

Power of entry

- 19.—(1)** An enforcement officer may enter premises, if the officer—

- (a) has reasonable grounds for suspecting that a requirement imposed by [^{F97}or under] these Regulations is being, has been or is about to be contravened on the premises, and
 - (b) considers it necessary to enter the premises for the purpose of ascertaining whether the requirement is being, has been or is about to be contravened.
- (2) An enforcement officer entering premises in accordance with paragraph (1) may—
- (a) use reasonable force to enter the premises if necessary;
 - (b) take such other persons, equipment and materials onto the premises as appears to the officer to be appropriate.
- (3) An enforcement officer entering premises in accordance with paragraph (1)—
- (a) if asked by a person on the premises, must show evidence of the officer's identity and outline the purpose for which the power is exercised;
 - (b) if the premises are unoccupied or the occupier is temporarily absent, must leave the premises as effectively secured against unauthorised entry as when the officer found them.

Textual Amendments

- F97** Words in reg. 19(1)(a) inserted (10.8.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2020 \(S.I. 2020/843\)](#), regs. 1, **2(9)** (with reg. 3)

Commencement Information

- I18** Reg. 19 in force at 11.7.2020 for specified purposes, see reg. 1(3)(e)
- I19** Reg. 19 in force at 13.7.2020 in so far as not already in force, see reg. 1(4)

Offences and penalties

20.—(1) A person who—

- (a) without reasonable excuse, contravenes a requirement in regulation ^{F98}... 7(1), ^{F99}... ^{F100}... ^{F101}... [^{F102}or [^{F103}paragraphs 5(1) or 7(1) of Schedule 4A],] or
- (b) contravenes a requirement in regulation [^{F104}12A(1), 12B(1),][^{F105}14(1), 14A(1) or 14B(1)], [^{F106}or paragraph 3(1) [^{F107}or 4(1)] of Schedule 4A]

commits an offence.

(2) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.

[^{F108}(2A) A person who—

- (a) without reasonable excuse, contravenes paragraph 3(1) of Schedule 5,
- (b) contravenes paragraph 3(2) of that Schedule, or
- (c) without reasonable excuse, removes, obscures or damages a notice or sign required to be displayed under paragraph 7(2) of that Schedule,

commits an offence.]

(3) A person who, without reasonable excuse—

- (a) contravenes a direction given by an enforcement officer under regulation [^{F109}18(3A) (a),][^{F110}18(3C)(a),] 18(4), [^{F111}18(4A)(a),] 18(5)(a) [^{F112}, 18(6) or 18(6ZA)(a)], ^{F113}...
- [^{F114}(aa) contravenes a direction given by the operator of a public transport service, an employee of the operator or a person authorised by the operator, under regulation 18(3B), or]

Status: Point in time view as at 17/09/2020.

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

(b) fails to comply with a compliance notice given by an enforcement officer under regulation 18(1),

commits an offence.

^{F115}(3A)

(4) [^{F116}An] offence under these Regulations is punishable on summary conviction by a fine.

(5) Section 24 of the Police and Criminal Evidence Act 1984 ^{M17} applies in relation to an offence under this regulation as if the reasons in subsection (5) included—

(a) to maintain public health;

(b) to maintain public order.

(6) If an offence under [^{F117}these Regulations] committed by a body corporate is proved—

(a) to have been committed with the consent or connivance of an officer of the body, or

(b) to be attributable to any neglect on the part of such an officer,

the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.

(7) In paragraph (6), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

(8) Proceedings for an offence under these Regulations alleged to have been committed by a partnership may be brought in the name of the partnership instead of in the name of any of the partners.

(9) Proceedings for an offence under these Regulations alleged to have been committed by an unincorporated body other than a partnership may be brought in the name of the body instead of in the name of any of its members and, for the purposes of any such proceedings, any rules of court relating to the service of documents have effect as if that body were a body corporate.

(10) Section 33 of the Criminal Justice Act 1925 ^{M18} and Schedule 3 to the Magistrates' Courts Act 1980 ^{M19} apply in proceedings for an offence brought against a partnership or an unincorporated association other than a partnership as they apply in relation to a body corporate.

(11) A fine imposed on a partnership on its conviction for an offence under these Regulations is to be paid out of the partnership assets.

(12) A fine imposed on an unincorporated association other than a partnership on its conviction for an offence under these Regulations is to be paid out of the funds of the association.

Textual Amendments

F98 Word in reg. 20(1)(a) omitted (3.8.2020) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/820\)](#), regs. 1, **2(11)(a)** (with reg. 3)

F99 Word in reg. 20(1)(a) omitted (25.7.2020) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/803\)](#), regs. 1(3), **2(9)(a)** (with reg. 4)

F100 Words in reg. 20(1)(a) omitted (10.8.2020) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2020 \(S.I. 2020/843\)](#), regs. 1, **2(10)(a)** (with reg. 3)

F101 Words in reg. 20(1)(a) omitted (14.9.2020) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 9\) Regulations 2020 \(S.I. 2020/985\)](#), regs. 1, **2(7)(a)** (with reg. 3)

- F102** Words in reg. 20(1)(a) inserted (8.9.2020 at 6.00 p.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 8) (Caerphilly) Regulations 2020 (S.I. 2020/961), regs. 1, **2(6)(a)(i)**
- F103** Words in reg. 20(1)(a) substituted (17.9.2020 at 6.00 p.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 10) (Rhondda Cynon Taf) Regulations 2020 (S.I. 2020/1007), regs. 1, **2(6)**
- F104** Words in reg. 20(1)(b) inserted (14.9.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 9) Regulations 2020 (S.I. 2020/985), regs. 1, **2(7)(b)(i)** (with reg. 3)
- F105** Words in reg. 20(1)(b) substituted (28.8.2020 at 12.01 a.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 7) Regulations 2020 (S.I. 2020/912), regs. 1, **2(9)(a)** (with reg. 3)
- F106** Words in reg. 20(1)(b) inserted (8.9.2020 at 6.00 p.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 8) (Caerphilly) Regulations 2020 (S.I. 2020/961), regs. 1, **2(6)(a)(ii)**
- F107** Words in reg. 20(1)(b) substituted (14.9.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 9) Regulations 2020 (S.I. 2020/985), regs. 1, **2(7)(b)(ii)** (with reg. 3)
- F108** Reg. 20(2A) inserted (10.8.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 4) Regulations 2020 (S.I. 2020/843), regs. 1, **2(10)(b)** (with reg. 3)
- F109** Word in reg. 20(3)(a) inserted (27.7.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/803), regs. 1(4), **3(12)(b)(i)** (with reg. 4)
- F110** Word in reg. 20(3)(a) inserted (8.9.2020 at 6.00 p.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 8) (Caerphilly) Regulations 2020 (S.I. 2020/961), regs. 1, **2(6)(b)(i)**
- F111** Word in reg. 20(3)(a) inserted (8.9.2020 at 6.00 p.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 8) (Caerphilly) Regulations 2020 (S.I. 2020/961), regs. 1, **2(6)(b)(ii)**
- F112** Words in reg. 20(3)(a) substituted (8.9.2020 at 6.00 p.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 8) (Caerphilly) Regulations 2020 (S.I. 2020/961), regs. 1, **2(6)(b)(iii)**
- F113** Word in reg. 20(3) omitted (27.7.2020) by virtue of The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/803), regs. 1(4), **3(12)(b)(ii)** (with reg. 4)
- F114** Reg. 20(3)(aa) inserted (27.7.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/803), regs. 1(4), **3(12)(b)(iii)** (with reg. 4)
- F115** Reg. 20(3A) omitted (17.8.2020) by virtue of The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 5) Regulations 2020 (S.I. 2020/867), regs. 1, **2(3)(a)** (with reg. 3)
- F116** Word in reg. 20(4) substituted (17.8.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 5) Regulations 2020 (S.I. 2020/867), regs. 1, **2(3)(b)** (with reg. 3)
- F117** Words in reg. 20(6) substituted (28.8.2020 at 12.01 a.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 7) Regulations 2020 (S.I. 2020/912), regs. 1, **2(9)(b)** (with reg. 3)

Commencement Information

- I20** Reg. 20 in force at 11.7.2020 for specified purposes, see reg. 1(3)(e)
- I21** Reg. 20 in force at 13.7.2020 in so far as not already in force, see reg. 1(4)

Marginal Citations

- M17** 1984 c. 60. Section 24 was substituted by section 110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).
- M18** 1925 c. 86.

Status: Point in time view as at 17/09/2020.

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

M19 1980 c. 43.

Fixed penalty notices

21.—(1) An enforcement officer may issue a fixed penalty notice to anyone that the officer reasonably believes—

- (a) has committed an offence under these Regulations [^{F118}(except an offence under regulation 20(2A)(a))], and
- (b) is aged 18 or over.

(2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to—

- (a) a local authority, or
- (b) a person designated by the Welsh Ministers for the purposes of receiving payment under this regulation,

as the notice may specify.

(3) The Welsh Ministers may designate themselves under paragraph (2)(b).

(4) A person designated by the Welsh Ministers for the purposes of receiving payment under regulation 13 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 ^{M20} is to be treated as if designated for the purposes of receiving payment under this regulation.

(5) Where a local authority is specified in the notice it must be the authority (or as the case may be, any of the authorities) in whose area the offence is alleged to have been committed.

(6) Where a person is issued with a notice under this regulation in respect of an offence—

- (a) no proceedings may be taken for the offence before the end of the period of 28 days following the date the notice is issued;
- (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

(7) A fixed penalty notice must—

- (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;
- (b) state the period during which (because of paragraph (6)(a)) proceedings will not be taken for the offence;
- (c) specify the amount of the fixed penalty;
- (d) state the name and address of the person to whom the fixed penalty may be paid;
- (e) specify permissible methods of payment.

[^{F119}(7A) Where the notice is issued in respect of an alleged offence of contravening regulation 14B(1), the amount specified under paragraph (7)(c) must be £10,000 (and paragraphs (9) and (10) do not apply).]

(8) [^{F120}In any other case, the] amount specified under paragraph (7)(c) must be £60 (subject to paragraphs (9) and (10)).

(9) A fixed penalty notice may specify that if £30 is paid before the end of the period of 14 days following the date of the notice, that is the amount of the fixed penalty.

(10) If the person to whom a fixed penalty notice is given has already received a fixed penalty notice under these Regulations [^{F121}or Regulations mentioned in paragraph (11)]—

- (a) paragraph (9) does not apply, and
- (b) the amount specified as the fixed penalty is to be—

- (i) in the case of the second fixed penalty notice received, £120;
- (ii) in the case of the third fixed penalty notice received, £240;
- (iii) in the case of the fourth fixed penalty notice received, £480;
- (iv) in the case of the fifth fixed penalty notice received, £960;
- (v) in the case of the sixth and any subsequent fixed penalty notice received, £1920.

(11) In calculating how many fixed penalty notices a person has received, fixed penalty notices issued to that person under the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020^{M21}[^{F122}and the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities) (Wales) Regulations 2020] are to be taken into account [^{F123}, but no account is to be taken of any fixed penalty notice issued to that person in respect of an alleged offence of contravening regulation 14B(1)].

(12) Whatever other method may be specified under paragraph (7)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (7)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(13) Where a letter is sent as mentioned in paragraph (12), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(14) In any proceedings, a certificate—

- (a) that purports to be signed by or on behalf of the person with responsibility for the financial affairs of—
 - (i) the local authority, or
 - (ii) the person designated under paragraph (2)(b),
 specified in the fixed penalty notice to which the proceedings relate, and
- (b) which states that the payment of a fixed penalty was, or was not, received by the date specified in the certificate,

is evidence of the facts stated.

^{F124}(15)

Textual Amendments	
F118	Words in reg. 21(1)(a) inserted (10.8.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 4) Regulations 2020 (S.I. 2020/843) , regs. 1, 2(11) (with reg. 3)
F119	Reg. 21(7A) inserted (28.8.2020 at 12.01 a.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 7) Regulations 2020 (S.I. 2020/912) , regs. 1, 2(10)(a) (with reg. 3)
F120	Words in reg. 21(8) substituted (28.8.2020 at 12.01 a.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 7) Regulations 2020 (S.I. 2020/912) , regs. 1, 2(10)(b) (with reg. 3)
F121	Words in reg. 21(10) inserted (14.9.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 9) Regulations 2020 (S.I. 2020/985) , regs. 1, 2(8)(a) (with reg. 3)
F122	Words in reg. 21(11) inserted (14.9.2020) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 9) Regulations 2020 (S.I. 2020/985) , regs. 1, 2(8)(b) (with reg. 3)
F123	Words in reg. 21(11) inserted (28.8.2020 at 12.01 a.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 7) Regulations 2020 (S.I. 2020/912) , regs. 1, 2(10)(c) (with reg. 3)
F124	Reg. 21(15) omitted (14.9.2020) by virtue of The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 9) Regulations 2020 (S.I. 2020/985) , regs. 1, 2(8)(c) (with reg. 3)

Status: Point in time view as at 17/09/2020.

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

Commencement Information

- I22** Reg. 21 in force at 11.7.2020 for specified purposes, see reg. 1(3)(e)
I23 Reg. 21 in force at 13.7.2020 in so far as not already in force, see reg. 1(4)

Marginal Citations

- M20** [S.I. 2020/353](#) (W. 80). Regulation 13 was amended by [S.I. 2020/399](#) (W. 88) and [S.I. 2020/529](#) (W. 124).
M21 [S.I. 2020/353](#) (W. 80).

Prosecutions

22.—(1) No proceedings for an offence under these Regulations may be brought other than by the Director of Public Prosecutions or any person designated by the Welsh Ministers [^{F125}, except that proceedings for an offence under regulation 20(2A) may also be brought by a local authority].

(2) A person designated by the Welsh Ministers under regulation 14 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 ^{M22} is to be treated as if designated under this regulation.

Textual Amendments

- F125** Words in reg. 22(1) inserted (10.8.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2020 \(S.I. 2020/843\)](#), regs. 1, **2(12)** (with reg. 3)

Commencement Information

- I24** Reg. 22 in force at 11.7.2020 for specified purposes, see reg. 1(3)(e)
I25 Reg. 22 in force at 13.7.2020 in so far as not already in force, see reg. 1(4)

Marginal Citations

- M22** [S.I. 2020/353](#) (W. 80).

Mark Drakeford
 First Minister, one of the Welsh Ministers

Status:

Point in time view as at 17/09/2020.

Changes to legislation:

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