

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 impose requirements and restrictions on individuals, businesses and others.

The Regulations replace the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 (S.I. 2020/353 (W. 80)) as they were 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).

There are 5 Parts to the Regulations.

Part 1 contains defined terms (regulation 2); requires the Welsh Ministers to review the proportionality of, and the need for, the restrictions and requirements at least once every 21 days (regulation 4); and provides that these Regulations expire on 8 January 2021 (regulation 5). This Part also makes provision which modifies the numerous restrictions on individuals in the Regulations which limit interaction with anyone who is not a member of their household. This allows members of two households to agree to form a single (extended) household, which means that members of those households can interact with each other as if they were members of one household.

Part 2 requires certain business and premises to close. These are listed in Schedule 1 (premises selling food and drink), Schedule 2 (generally indoor leisure or cultural facilities and beauty services) and Schedule 3 (holiday accommodation). The requirements to close are, however, subject to numerous exceptions. These include providing food and drink to take away and consuming food and drink on premises that are outdoors (regulation 6); allowing premises to be used for certain listed purposes (regulation 7); allowing self-contained accommodation at hotels and holiday sites to be open, and allowing other forms of such accommodation to open at the request of the Welsh Ministers or a local authority (regulation 8). Regulation 10 makes specific provision about crematoriums and community centres which must close subject to certain exceptions, and regulation 11 requires local authorities, National Park authorities, Natural Resources Wales and the National Trust to close certain public paths and land accessible by the public.

Part 3 imposes obligations on persons responsible for premises open to the public, or for work being carried out at any premises, for the purpose of minimising risk of exposure to coronavirus at the premises. Regulation 12 requires: (1) all reasonable measures to be taken to ensure that a distance of 2 metres is maintained between persons on the premises; (2) any other reasonable measures to be taken - for example to limit close face to face interaction and maintain hygiene; and (3) information to be provided to those entering or working at premises about how to minimise risk of exposure to coronavirus. Regulation 13 provides for guidance to be issued about the practical application of the requirements imposed by regulation 12,

Status: Point in time view as at 11/07/2020.

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)

and those subject to the requirements must have regard to that guidance. For these purposes premises includes vehicles used as taxis and for public transport.

Part 4 imposes limits on gathering with other people. These provide (at regulation 14) that a person may only gather indoors with someone other than a member of their household or their carer, or the person they care for, if they have a reasonable excuse for doing so (examples of which are listed). The same rule applies to gathering outdoors except that gathering with members of one other household is also allowed. Regulation 15 provides an exception to the rule in regulation 14 for organised outdoor activities involving no more than 30 people. Regulation 16 provides that a person who is working or providing voluntary or charitable services must do so from their home, if it is reasonably practicable for them to do so.

Part 5 relates to the enforcement of the restrictions and requirements. Regulation 17 makes provision about those who can take enforcement action, while regulation 18 relates to the actions themselves. Regulation 19 contains a power to enter premises. Regulation 20 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 21 allows for offences to be punished by way of a fixed penalty notice (the amount of which doubles on each of a person's second and subsequent penalty notices, up to a maximum of £1920) and regulation 22 relates to prosecutions of offences under the regulations.

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.

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