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WELSH STATUTORY INSTRUMENTS

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**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 [<sup>F1</sup>(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 <sup>M1</sup>—
  - (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.

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**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**Status:** Point in time view as at 16/10/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 (revoked), PART 1. (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 <sup>M2</sup>,
  - (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 <sup>M3</sup>;
- (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 <sup>M4</sup>;
- (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 <sup>M5</sup>.
- [<sup>F2</sup>(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.]
- [<sup>F3</sup>(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.]
- [<sup>F4</sup>(r) “local health protection area” has the meaning given by Schedule 4A.]
- [<sup>F5</sup>(s) a “child” means a person who is aged under 18, but in regulations 14(2)(ja), 14A(2)(ea) and 14D(3)(l) and paragraphs 3(2)(la) and 4(2)(la) of Schedule 4A, it means a person who was aged under 18 on 31 August 2020;
- (t) “local health protection area” means an area listed in paragraph 1 of 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 <sup>M6</sup>.
- <sup>F6</sup>(4) .....
- <sup>F6</sup>(5) .....
- <sup>F6</sup>(6) .....
- <sup>F6</sup>(7) .....
- [<sup>F7</sup>(8) For the purposes of regulations 14, 14A and 14D and Schedule 4A, an activity or event is “organised” if—
  - (a) it is organised by—
    - (i) a business,
    - (ii) a public body or charitable, benevolent, educational or philanthropic institution,
    - (iii) a club or political organisation, or
    - (iv) the national governing body of a sport or other activity, and
  - (b) 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).
- (9) For the purposes of paragraph (8)(b)—
  - (a) regulation 3 of the Management of Health and Safety at Work Regulations 1999 applies as if the activity or event were an undertaking conducted by the person organising it;

**Status:** Point in time view as at 16/10/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 (revoked), PART 1. (See end of Document for details)

- (b) regulation 12(2) of these Regulations applies as if the place where the activity or event takes place were open premises for which the person organising it is responsible.]

#### 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(1)(s)(t) inserted (16.10.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 19\) Regulations 2020 \(S.I. 2020/1130\)](#), regs. 1, **2(2)(a)**
- F6** 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)
- F7** Reg. 2(8)(9) inserted (16.10.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 19\) Regulations 2020 \(S.I. 2020/1130\)](#), regs. 1, **2(2)(b)**

#### 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 \(c. 9\)](#).
- M6** [S.I. 2007/787 \(W. 68\)](#)

#### [<sup>F8</sup>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.

[<sup>F9</sup>(3) Where households agree to be treated as an extended household—

- (a) any reference in these Regulations (other than in this regulation [<sup>F10</sup>, regulation 14(1)(b)(i) and paragraph 2 of Schedule 4A]) 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

- F8** 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)
- F9** 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)
- F10** Words in reg. 2A(3A)(a) substituted (3.10.2020) by [The Health Protection \(Coronavirus, Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 17\) Regulations 2020 \(S.I. 2020/1079\)](#), regs. 1, **2(2)**

#### Revocation

- 3.—(1) The following Regulations are revoked—
- (a) the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 <sup>M7</sup>;
  - (b) the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020 <sup>M8</sup>;
  - (c) the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020 <sup>M9</sup>;
  - (d) the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 3) Regulations 2020 <sup>M10</sup>;
  - (e) the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 4) Regulations 2020 <sup>M11</sup>;
  - (f) the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 5) Regulations 2020 <sup>M12</sup>;
  - (g) the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 6) Regulations 2020 <sup>M13</sup>;
  - (h) the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 7) Regulations 2020 <sup>M14</sup>.

**Status:** Point in time view as at 16/10/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 (revoked), PART 1. (See end of Document for details)

(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).

#### [<sup>F11</sup>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.

(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.

[<sup>F12</sup>(3) The Welsh Ministers must review the need for restrictions imposed by regulation 14D, and whether those restrictions are proportionate to what the Welsh Ministers seek to achieve by them—

- (a) by 23 October 2020;
- (b) at least once in the period of 7 days beginning on 24 October 2020;
- (c) at least once in each subsequent period of 7 days.]]

#### Textual Amendments

- F11** 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)**  
**F12** Reg. 4(3) inserted (16.10.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 19\) Regulations 2020 \(S.I. 2020/1130\)](#), 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)

**Status:**

Point in time view as at 16/10/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 (revoked), PART 1.