
WELSH STATUTORY INSTRUMENTS

2020 No. 725

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

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, [^{F1}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.

[^{F2}(2A) [^{F3}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 ^{F4}(c) from the same household, from one of them, and retaining it for 21 days for the purpose of providing it to [^{F5}any of the following, upon their request—

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- (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].]]

[^{F6}(2B) Where paragraph (2) applies to a person responsible for open premises authorised for the sale or supply of alcohol for consumption on the premises, the sale or supply of food or drink for consumption on the premises must be carried out in accordance with the reasonable measure specified in paragraph (2C) (subject to paragraphs (2D) and (2E)).

(2C) The reasonable measure is that customers must be seated in the premises anywhere other than at a bar—

- (a) when ordering food or drink,
- (b) when being served with food or drink, and
- (c) when consuming food or drink.

(2D) But where the premises provide food on a buffet basis, customers may select food from the buffet and return to where they are seated provided a distance of 2 metres is maintained between any persons at the buffet (except between two members of the same household, or a carer and the person assisted by the carer).

(2E) Sub-paragraphs (a) and (b) of paragraph (2C) do not apply to—

- (a) workplace canteens, or
- (b) premises in an educational establishment.

(2F) For the purposes of paragraph (2B)—

- (a) food or drink sold by a hotel or other accommodation as part of room service is not to be treated as being sold for consumption on the premises;
- (b) food or drink sold for consumption in an area adjacent to the premises where seating is made available for customers is to be treated as being sold for consumption on the premises.]

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

- (a) premises of a business or service listed in Schedule 4;
- (b) places of worship;
- (c) cemeteries;

^{F7}(d)

- (e) premises of a business listed in Schedule 2 which are permitted to be open by virtue of regulation 7(2);

^{F8}(f)

- (g) crematoriums ^{F9}....;
- (h) community centres ^{F10}....

(4) For the purposes of this regulation “premises” also includes a vehicle used to provide a [^{F11}public transport service].

[^{F12}(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.]

[^{F13}(6) In this regulation and [^{F14}regulations 12ZA and 12ZB], open premises are authorised for the sale or supply of alcohol where the premises have been granted or given an authorisation under the Licensing Act 2003, and “authorisation” has the meaning given by section 136(5) of that Act.]

Textual Amendments

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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)
- F6** Reg. 12(2B)-(2F) inserted (24.9.2020 at 6.00 p.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 12) Regulations 2020 (S.I. 2020/1035), regs. 1, **2(2)(a)**
- F7** 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)
- F8** 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)
- F9** 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)
- F10** 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)
- F11** 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)
- F12** 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)
- F13** Reg. 12(6) inserted (24.9.2020 at 6.00 p.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 12) Regulations 2020 (S.I. 2020/1035), regs. 1, **2(2)(b)**
- F14** Words in reg. 12(6) substituted (26.9.2020 at 6.00 p.m.) by The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 13) (Llanelli etc.) Regulations 2020 (S.I. 2020/1040), regs. 1, **2(2)**

Commencement Information

- I1** Reg. 12 in force at 11.7.2020 for specified purposes, see reg. 1(3)(d)
- I2** Reg. 12 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 03/10/2020.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 (revoked), PART 3. (See end of Document for details)

[^{F15}Restrictions on licensed premises

12ZA.—(1) A person responsible for open premises authorised for the sale or supply of alcohol may not sell or supply alcohol between 10.00 p.m. and 6.00 a.m.

(2) Where the premises are authorised for the sale or supply of alcohol for consumption on the premises, the person responsible for the premises—

- (a) must close the premises (to customers) at or before 10.20 p.m. each day, and
- (b) may not open the premises before 6.00 a.m. each day.

(3) Despite paragraph (2), a cinema may close later than 10.20 p.m. only for the purpose of concluding the showing of a film which begins before 10.00 p.m.

(4) Paragraph (2) does not apply to open premises located in—

- (a) a sea port;
- (b) an airport.

(5) In its application to the premises of a hotel or other accommodation, paragraph (2) applies only to those parts of the premises in which alcohol is sold or supplied for consumption on the premises.

(6) Paragraphs (1) and (2) do not allow the premises to be open, or alcohol to be sold or supplied, in contravention of an authorisation granted or given in respect of the premises.]

Textual Amendments

F15 Reg. 12ZA inserted (24.9.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 12\) Regulations 2020 \(S.I. 2020/1035\)](#), regs. 1, **2(3)**

[^{F16}Application of certain restrictions to “bring your own” premises

12ZB. Regulations 12(2B) to (2E) and 12ZA(2) to (4) apply to open premises not authorised for the sale or supply of alcohol for consumption on the premises, but which allow customers to consume their own alcohol in the premises, as they apply to open premises that are authorised for the sale or supply of alcohol for consumption on the premises.]

Textual Amendments

F16 Reg. 12ZB inserted (26.9.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 13\) \(Llanelli etc.\) Regulations 2020 \(S.I. 2020/1040\)](#), regs. 1, **2(3)**

[^{F17}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.]

Status: Point in time view as at 03/10/2020.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 (revoked), PART 3. (See end of Document for details)

Textual Amendments

F17 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)

[^{F18} 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;

^{F19}(b)

(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.

[where P is seated in premises where food or drink is sold, or otherwise provided, for ^{F20}(h) consumption on the premises.]

^{F21}(5)

(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

- F18** 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)
- F19** Reg. 12B(3)(b) omitted (24.9.2020 at 6.00 p.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 12\) Regulations 2020 \(S.I. 2020/1035\)](#), regs. 1, **2(4)(a)**
- F20** Reg. 12B(4)(h) inserted (24.9.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 12\) Regulations 2020 \(S.I. 2020/1035\)](#), regs. 1, **2(4)(b)**
- F21** Reg. 12B(5) omitted (3.10.2020) by virtue of [The Health Protection \(Coronavirus, Restrictions\) \(No. 2\) \(Wales\) \(Amendment\) \(No. 17\) Regulations 2020 \(S.I. 2020/1079\)](#), regs. 1, **2(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.

[^{F22}(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) [^{F23}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

- F22** 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)
- F23** 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

- I3** Reg. 13 in force at 11.7.2020 for specified purposes, see reg. 1(3)(d)
- I4** Reg. 13 in force at 13.7.2020 in so far as not already in force, see reg. 1(4)

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Changes to legislation:

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