

Regulations made by the Welsh Ministers, laid before Senedd Cymru under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of Senedd Cymru within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution or recess for more than four days.

WELSH STATUTORY INSTRUMENTS

2020 No. 884 (W. 195)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus Restrictions)
(No. 2) (Wales) (Amendment) (No. 6) Regulations 2020**

<i>Made</i>	- - - -	<i>at 11.00 a.m. on 21 August 2020</i>
<i>Laid before Senedd Cymru</i>		<i>at 3.30 p.m. on 21 August 2020</i>
<i>Coming into force</i>	- -	<i>22 August 2020</i>

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

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales.

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

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

Title and coming into force

1. The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 6) Regulations 2020 and they come into force on 22 August 2020.

⁽¹⁾ 1984 c. 22. Sections 45C, 45F and 45P were inserted by section 129 of the Health and Social Care Act 2008 (c. 14). The functions under these sections are conferred on “the appropriate Minister”. Under section 45T(6) of the 1984 Act the appropriate Minister, as respects Wales, is the Welsh Ministers.

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

2.—(1) The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020(2) are amended as follows.

- (2) In regulation 2, omit paragraphs (4) to (7).
- (3) After regulation 2, insert—

“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.

(3) Where households agree to be treated as an extended household, any reference in these Regulations (other than in this regulation) to a “household” is to be read as including the households that have so agreed.

(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.”

(4) In regulation 14, after paragraph (2)(h) insert—

“(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;”.

(5) In regulation 14A, after paragraph (2) insert—

- “(3) But the restriction in paragraph (1) does not apply to an organised outdoor event—
 - (a) authorised in writing by the Welsh Ministers,

(2) [S.I. 2020/725 \(W. 162\)](#), as amended by the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) Regulations 2020 ([S.I. 2020/752 \(W. 169\)](#)), the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 2) Regulations 2020 ([S.I. 2020/803 \(W. 176\)](#)), the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 3) Regulations 2020 ([S.I. 2020/820 \(W. 180\)](#)), the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 4) Regulations 2020 ([S.I. 2020/843 \(W. 186\)](#)) and the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 5) Regulations 2020 ([S.I. 2020/867 \(W. 189\)](#)).

- (b) at which no more than 100 people are in attendance (not including persons working, or providing voluntary services, at the event), and
 - (c) 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—
- (a) it takes place outdoors,
 - (b) it is organised by—
 - (i) a business,
 - (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⁽³⁾, 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.”
- (6) In regulation 18(9B), for “proceedings under any enactment other than” substitute “any proceedings other than proceedings under”.

Savings for offences and penalties in relation to prior acts

3. Regulations 20 and 21 of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 continue to have effect in relation to any offence committed, or reasonably believed to have been committed, before the amendments made by these Regulations came into force as if those amendments had not been made.

At 11.00 a.m. on 21 August 2020

Mark Drakeford
First Minister, one of the Welsh Ministers

(3) S.I. 1999/3242. Regulation 3 was amended by S.I. 2005/1541, S.I. 2015/21 and S.I. 2015/1637.

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.

These Regulations amend the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 (the “principal Regulations”). The amendments—

- (a) allow members of up to four households (instead of two) to agree to be treated as a single (extended) household, which means that members of those households can interact with each other as if they were members of one household;
- (b) provides that people have a reasonable excuse (under regulation 14 of the principal Regulations) to gather indoors, in certain premises, in a group of up to 30 people to—
 - celebrate a solemnization of a marriage, or formation of a civil partnership, that takes place on or after 22 August 2020, or
 - celebrate the life of a person who has died and whose funeral takes place on or after 22 August 2020.
- (c) provides that, as an exception to the rule prohibiting people from participating in outdoor gatherings of more than 30 people, a larger outdoor event may take place as long as—
 - it is organised in accordance with the terms of the exception,
 - it is approved in writing by the Welsh Ministers,
 - it is attended by no more than 100 people (not including persons working, or providing voluntary services, at the event), and
 - it is held in accordance with any conditions specified by the Welsh Ministers.
- (d) clarifies that regulation 18(9B) of the principal Regulations (admissibility of evidence) applies to any proceedings other than to proceedings under the principal 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.