
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. 5) (Wales) Regulations 2020 (S.I. 2020/1609 (W. 335)) (“the principal Regulations”). The amendments—

insert a new regulation 16A into the principal Regulations which—

requires the person responsible for certain premises to take reasonable measures to ensure that adults are on the premises only if they have what is commonly referred to as a “COVID pass” (that is – evidence of either vaccination, participation in a relevant vaccine trial, a negative test for coronavirus, or a positive test within the last 6 months which has been followed by the appropriate period of isolation);

specifies that the premises to which this requirement applies are—

nightclubs and other places where music is provided for dancing if they serve alcohol and are open at any time between midnight and 5 a.m. (and the requirement to have a COVID pass applies to such premises at any time, including times outside these hours, if they are open and are providing music for people to dance);

premises where an event is being held with over 10,000 people in attendance if they are all seated, or over 500 indoors and 4,000 outdoors if they are not all seated;

specifies exceptions to the requirement for—

premises holding wedding or civil partnership receptions, or wakes;

open air events which are free and unticketed, and which have multiple entry points; protests and picketing;

open air mass-participation sporting events such as running and cycling races;

makes it clear that for venues that do not always provide music for dancing the requirement applies only at those times when music for dancing is provided;

exempts those working or providing a voluntary service at premises from being required to have evidence of vaccination or testing in order to be on the premises;

includes some interpretative provisions relating to vaccines and testing;

inserts a new regulation 30A which permits enforcement officers (in this context police officers and police community support officers and any other person designated for the purposes of this regulation) to require evidence from a person who an officer suspects may be in possession of false or misleading evidence of a person's vaccination or testing status;

creates an offence in new regulation 40A of possessing false or misleading evidence of vaccination or testing status;

makes consequential amendments to Schedule 8 to the principal Regulations (which provides for enforcement of the “reasonable measures” regime in Part 4 of those Regulations) so as to

Changes to legislation: *There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 17) Regulations 2021. (See end of Document for details)*

permit local authority enforcement officers to use the powers in the Schedule in relation to reasonable measures taken under the new regulation 16A.
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.

Changes to legislation:

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