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## 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”) to—

- provide that the whole of Wales moves from Alert Level 0 to Alert Level 2 on 26 December 2021, meaning that the restrictions and requirements in Schedule 2 to the principal Regulations take effect;
- amend regulation 16 of the principal Regulations to require persons responsible for workplaces, premises open to the public and public transport vehicles (“regulated premises”) to take all reasonable measures to ensure that a distance of 2 metres is maintained between persons on the premises, except between the members of a group, comprising of no more than 6 persons or members of the same household at Alert Levels 1 and 2, or at Alert Levels 3 and 4, comprising of members of the same household;
- provide that in determining the extent to which it is reasonable to take a particular measure to ensure that a distance of 2 metres is maintained between persons on the premises, the person responsible for the premises may have regard to other measures taken to mitigate the risk of exposure to coronavirus where people gather on the premises;
- insert new regulation 16ZA into the principal Regulations to make specific provision about the measures that must be taken to minimise the risk of exposure to coronavirus on licensed premises, including a requirement to control entry to the premises and for customers to be seated when ordering food or drink (subject to exceptions);
- insert new regulation 16ZB into the principal Regulations to make specific provision about the measures that must be taken to minimise the risk of exposure to coronavirus on retail premises, including a requirement to control entry to the premises, for provision of hand sanitisation products, for additional sanitisation of baskets and trolleys etc., and for signs and announcements to remind people to maintain 2 metre distancing and to wear a face covering;
- reinstate the requirement to wear a face covering in premises where food or drink is sold, or otherwise provided, for consumption on the premises, other than when seated;
- make a minor amendment clarifying that those playing in a (non-professional) team sport event or involved in coaching a team at such an event are to be treated as though they are working at the event and therefore do not count towards any limit on numbers at the event (in the same way that referees and others involved in running the event are considered to be either working or volunteering at the event and also do not count towards the limit);
- amend Schedule 2 (Alert Level 2 Restrictions) to the principal Regulations to—
  - (in view of a decision taken to provide advice on minimising social contact rather than imposing legal restrictions) remove the restrictions on gathering in private dwellings and in holiday accommodation, however this is subject to it being an offence to participate

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

in a gathering of more than 30 people indoors or more than 50 people outdoors in these places;

- change the exemption to the restriction on events to enable any number of people to attend a celebration of a marriage or a celebration of a recently deceased person held at regulated premises (but this is subject to the maximum numbers that are permitted on the premises in accordance with the risk assessment and other reasonable measures taken under regulation 16 of the principal Regulations, including social distancing);
- change the list of businesses whose premises have to be closed to omit adult entertainment venues and ice skating rinks;
- make amendments corresponding to those made to Schedule 2 to Schedule 1 (Alert Level 1 Restrictions).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. In accordance with the Code, a regulatory impact assessment as to the likely cost and benefit of complying with these Regulations has not been carried out, due to the need to put them in place urgently to deal with a serious and imminent threat to public health.