



Llywodraeth Cymru
Welsh Government

URGENT AND IMPORTANT:

The Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020

Please note that as this situation is rapidly evolving in relation to case definition and countries affected, please check the Public Health Wales *Coronavirus page* which is updated daily at 12pm:

<https://covid19-phwstatement.nhs.wales/>

Further information can be found:

[Welsh Government Frequently Asked Questions page](#) and [NHS UK page](#).

This document will be updated regularly as further information, guidance and support is made available.

NOTE TO HOLIDAY ACCOMMODATION BUSINESSES:

These include but are not limited to:

[Hotel accommodation](#) - large, small, country house, town house and metro style hotels

[Guest accommodation](#) - bed and breakfasts, farmhouses, guest houses, restaurants with rooms, inns and boarding houses.

[Self-catering accommodation](#) - houses, cottages and apartments (or any part of those) that are let on a self-catering basis



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[Serviced apartments](#) - usually in purpose built blocks, with an extended range of services

[Holiday villages](#) - a variety of accommodation types on a large complex. A range of facilities are also available which may or may not be included in the tariff

[Holiday, touring and camping parks](#)

[Hostel and hostel type accommodation](#) - group, activity, backpacker and bunkhouse accommodation, and camping barns

[Campus accommodation](#) - the campus scheme covers the universities and colleges that are able to accommodate visitors during the vacation periods

[Glamping accommodation](#) and [single caravans](#) - not star rated and covers accommodation such as wigwams, tipis, yurts, single caravans and accommodation that cannot provide facilities or services associated with mainstream accommodation.

[Bygone era accommodation](#) - letting accommodation provided within buildings either of historical or cultural significance of 'Listed' status.

The Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 (“the regulations”) came into force from 4.00p.m. on Thursday, 26 March. They will remain in force until further notice.

“The regulations” revoke the **Health Protection (Coronavirus: Closure of Leisure Businesses, Footpaths and Access Land) (Wales) Regulations 2020**.

Sections 4 and 5 of the regulations implement the Welsh Government’s policy that holiday accommodation, including those types of accommodation listed above, should close.



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The regulations place an obligation on the owners of these businesses to use their best endeavours to vacate from the premises all bar those covered in the exceptions below. Owners should now take steps to close for commercial use as quickly as is safely possible.

Exceptions

1. Businesses, or parts of businesses, may remain open if asked to do so by the Welsh Government or a local authority in Wales (see regulation 4 (5) (b)).

The Welsh Government or a local authority may ask you to stay open in whole or part in the interests of “public services (including the provision of food or other support for the homeless or vulnerable people, blood donation sessions or support in an emergency)”. Support in an emergency could include, for example, accommodating ‘key workers’, homeless or vulnerable people. Where existing arrangements are in place to accommodate homeless people, for example, do not assume you need a further request in order for you to continue accommodating them.

2. Residents lawfully using a mobile home on the holiday site for human habitation under an agreement made under Part 4 of the Mobile Homes (Wales) Act 2013 are exempted and you should not take steps to persuade them to leave – attempting to evict them or to harass them would be a criminal offence (under section 42 of the Mobile Homes (Wales) Act 2013).

3. Persons already staying in the accommodation when the regulations came into force (i.e. 4.00p.m. on 26 March 2020) and who are unable to return to their main residence or are, in fact, using the accommodation as their main residence. This would include people who own or are employed at the site.

You should satisfy yourself that there is evidence that these exemptions are appropriately applied.

- That might mean assessing any supporting evidence of where a person’s council tax is paid, for example;
- or where people cannot go to their home due to international flight restrictions or
- the fact that, due to infirmity, disability or other vulnerability, they would face **great** difficulty in vacating the site or in obtaining alternative accommodation.



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Remaining in holiday accommodation cannot be a matter of preference or convenience: for example, our view is that a claim of self-isolation or isolation from family members should not constitute a valid reason to stay (as people can and should self-isolate or isolate at home, so avoiding proximity to others and using shared facilities) although consideration should be given to whether a person has to use public transport to return home and any risk so posed to the public; likewise having 'work done' to the main home –further enquiries should be made as to any restrictions that work causes and, if necessary, corroborated

In exercise of your best endeavours, you must take positive steps to ask people to vacate the premises. If, however, when you ask them to do so, they offer a compelling, credible and evidence-able explanation as to why they are unable to leave, we consider that you will have satisfied your best endeavours obligation.

Guidance for hotels serving food

Hotels and accommodation providers that are remaining open to house key workers, vulnerable groups and other exempted groups will still be able to serve food, subject to the 'two-metre' and other [social distancing guidelines](#) (for example by providing a takeaway service, 'grab and go' service or room service).

Enforcement and Penalty

Please note it is an offence for owners not to comply with their duties under these regulations, as it is for others to obstruct them in carrying out their duties. In both cases the offence can be penalised by a fine.

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Rob Holt
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