

## **The Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020, as amended**

This document has been prepared by the Office of the Legislative Counsel in the Welsh Government. It is intended for illustrative purposes only to assist the reader of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020, to understand the subsequent changes made to those Regulations. It is not an official version of the principal Regulations, a copy of which may be found on the [legislation.gov.uk](http://legislation.gov.uk) website.

The principal Regulations came into force at 4.00pm on 26 March 2020. They have subsequently been amended, as follows:

<i>Regulations</i>	<i>Came into force</i>
Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020	12.01am on 7 April 2020
Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020	12.01am on 25 April 2020
Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 3) Regulations 2020	4.00pm on 11 May 2020
Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 4) Regulations 2020	22 May 2020
Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 5) Regulations 2020	4.00pm on 1 June 2020
Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 6) Regulations 2020	12.01am on 22 June 2020
Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 7) Regulations 2020	6 July 2020

The principal Regulations contain an Explanatory Note, but that Note is not part of the Regulations themselves. The Office of the Legislative Counsel has updated the Explanatory Note, in this document only, to further assist the reader of the legislation.

Date of issue: 3 July 2020

## **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 (“the principal 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 principal Regulations replace the Health Protection (Coronavirus, Business Closure) (Wales) Regulations 2020 and the Health Protection (Coronavirus: Closure of Leisure Businesses, Footpaths and Access Land) (Wales) Regulations 2020, which are revoked by **regulation 2**, and make further provision. The principal Regulations were amended by the:

- Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020,
- the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020,
- the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 3) Regulations 2020,
- the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 4) Regulations 2020,
- the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 5) Regulations 2020,
- the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 6) Regulations 2020, and
- the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 7) Regulations 2020.

The principal Regulations impose restrictions on individuals, businesses and others. In accordance with **regulation 3**, these restrictions apply for an “emergency period”. This period lasts until the Welsh Ministers revoke the provision imposing the restriction or 26 September 2020 (in accordance with regulation 15), whichever happens first. The Welsh Ministers may also amend the restrictions, or any one restriction (or part of a restriction), by further amending the principal Regulations. The Welsh Ministers are required to keep the proportionality of, and the need for, the restrictions and requirements under review every 21 days.

**Regulation 4** requires the closure of premises, listed in **Part 1** of **Schedule 1** to the principal Regulations, in which food and drink are sold on the premises. Selling food and drink for consumption off the premises is allowed to continue (but this must be done in accordance with regulation 6(1)). Regulation 4 also prohibits, subject to certain limited exceptions, the carrying on of a business or the provision of a service which is listed in **Part 2** or **Part 3** of **Schedule 1**.

**Regulation 5** makes specific provision about holiday accommodation (including hotels and boarding houses). This provides that the requirement (in regulation 4) to close holiday sites (mobile homes sites for holiday use only or which cannot be occupied all year round) and camping sites, includes an obligation on the owners of these sites to use their best endeavours to vacate the premises. Regulation 5 also sets out exceptions to the requirement (in regulation 4) to close hotels and similar forms of accommodation and it provides that all holiday accommodation businesses can continue to provide services online or by telephone or post.

**Regulation 6** imposes restrictions on other businesses or services which are listed in **Part 4** of **Schedule 1** allowing them to remain open subject to the conditions specified. The person responsible for the business

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or service must take all reasonable measures to ensure that certain physical distancing requirements are maintained.

**Regulation 6A** requires the person responsible for work being carried out at any place (when such work is being carried out during the emergency period and so long as the premises are not the premises of a business or service listed in Schedule 1) to take all reasonable measures to ensure that a distance of 2 metres is maintained between persons on the premises (unless the persons are members of the same household or are a carer and the person being cared for).

**Regulation 7** makes specific provision about places of worship, crematoriums and community centres which must close subject to certain exceptions. Exceptions include providing essential voluntary services to homeless or vulnerable people and, upon the request of the Welsh Ministers or a local authority, providing public services.

**Regulation 7A** requires any person who is subject to a requirement to take all reasonable measures to ensure that a distance of 2 metres is maintained between persons at a place to have regard to guidance from the Welsh Ministers about taking those measures.

**Regulation 8** imposes restrictions on gatherings. This provides that a person may only gather indoors with someone other than a member of their household or their carer, or the person they care for, if they have a reasonable excuse for doing so (examples of which are listed). The same rule applies to gathering outdoors except that gathering with members of one other household is also allowed. **Regulation 8A** provides that a person who is working or providing voluntary or charitable services must do so from their home, if it is reasonably practicable for them to do so.

**Regulation 9** imposes a requirement on local authorities, National Park authorities, Natural Resources Wales and the National Trust to close certain public paths and land accessible by the public. There is no requirement on the Welsh Ministers to review these provisions but the bodies on whom the duty to close footpaths and land is imposed must keep the need for any closure under consideration.

**Regulation 10** relates to the enforcement of the restrictions imposed by the principal Regulations, which include a power of entry provided for in **regulation 11**. **Regulation 12** provides that a person who, without a reasonable excuse, contravenes (listed) requirements in these Regulations commits an offence. That offence is punishable by an unlimited fine. **Regulation 13** allows for offences to be punished by way of a fixed penalty notice (the amount of which doubles on each of a person's second and subsequent penalty notices, up to a maximum of £1920) and **regulation 14** relates to prosecutions of offences under the regulations.

**Regulation 15** provides that these regulations expire on 26 September 2020, however the expiry of the Regulations does not affect the validity of actions taken under the principal Regulations before they expire.

The Regulations impose several restrictions on individuals which limit interaction with anyone who is not a member of their household. However members of two households may agree to form a single (extended) household for these purposes. That means that members of any household who have agreed with another household to do this can interact with members of the other household as if they were members of their own household.

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.

*Regulations made by the Welsh Ministers, laid before the National Assembly for Wales under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of the National Assembly for Wales 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.*

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W E L S H   S T A T U T O R Y   I N S T R U M E N T S

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**2020 No. 353 (W. 80)**

**PUBLIC HEALTH, WALES**

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

<i>Made</i>	<i>at 2.45p.m. on 26 March 2020</i>
<i>Laid before the National Assembly for Wales</i>	<i>27 March 2020</i>
<i>Coming into force</i>	<i>at 4.00 p.m. on 26 March 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 restrictions and requirements imposed 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, the National Assembly for Wales.

**1. Title, coming into force, application and interpretation**

- (1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 and they come into force at 4.00 p.m. on 26 March 2020.

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(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.

- (2) These Regulations apply in relation to Wales.
- (3) In these Regulations—
- (a) “carer” means a person who provides care for the person assisted where—
    - (i) the carer is entitled to an assessment under section 24 of the Social Services and Well-being (Wales) Act 2014(2),
    - (ii) the care is part of the provision of community care services under Part 4 of the Social Services and Well-being (Wales) Act 2014, or
    - (iii) the care is provided by a care provider registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016(3);
  - (b) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);
  - (ba) “elite athlete” means an individual designated as such for the purposes of these Regulations by the Sports Council for Wales;
  - (c) “local authority” means the council of a county or county borough in Wales;
  - (d) a “person responsible for carrying on a business” includes the owner, proprietor, and manager of that business;
  - (da) “premises” includes any building or structure and any land;
  - (e) “vulnerable person” includes—
    - (i) any person aged 70 or older;
    - (ii) any person under 70 who has an underlying health condition, including, but not limited to, the conditions listed in Schedule 2;
    - (iii) any person who is pregnant;
    - (iv) any child;
    - (v) any person who is a vulnerable adult within the meaning given by section 60(1) of the Safeguarding Vulnerable Groups Act 2006(4).
- (4) For the purposes of the definition of “elite athlete” in paragraph (3)—
- (a) an individual is designated by the Sports Council for Wales only if the individual has been nominated for designation by a relevant sporting body and the Council has accepted the nomination, and
  - (b) “relevant sporting body” means the national governing body of a sport which may nominate athletes to represent—
    - (i) Great Britain and Northern Ireland at the Olympic or Paralympic Games, or
    - (ii) Wales at the Commonwealth Games.
- (5) For the purposes of these Regulations—
- (a) there is a gathering when two or more people are in the same place in order to do something together, and
  - (b) premises are indoors if they are enclosed or substantially enclosed within the meaning given by regulation 2 of the Smoke-free Premises etc. (Wales) Regulations 2007(5).

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(2) 2014 anaw 4.

(3) 2016 anaw 2.

(4) 2006 c. 47. The definition of “vulnerable adult” in section 60(1) was amended by s. 65(2)(b) of the Protection of Freedoms Act 2012 (c. 9).

(5) S.I. 2007/787 (W. 68)

- (6) If two households agree to be treated as a single (extended) household for the purposes of these Regulations, any reference in these Regulations (other than in paragraphs (7) and (8)) to a “household” is to be read as including both households.
- (7) To agree to be treated as a single household all of the adults of the two households must agree.
- (8) But—
  - (a) a household may only agree to be treated as a single household with one other household, and
  - (b) if two households cease to agree to be treated as a single household, neither household may agree to be treated as a single household under paragraph (6) with any other household.

## **2. Revocation**

- (1) The Health Protection (Coronavirus, Business Closure) (Wales) Regulations 2020<sup>(6)</sup> and the Health Protection (Coronavirus: Closure of Leisure Businesses, Footpaths and Access Land) (Wales) Regulations 2020<sup>(7)</sup> are revoked.
- (2) Notwithstanding the revocation of those Regulations, they continue in force in relation to any offence committed under them before these Regulations came into force.

## **3. The emergency period and review of need for restrictions**

- (1) For the purposes of these Regulations the “emergency period”—
  - (a) starts when these Regulations come into force, and
  - (b) ends in relation to a requirement or restriction imposed by these Regulations on the earlier of—
    - (i) the revocation of the provision imposing the requirement or restriction, or
    - (ii) the expiry of these Regulations under regulation 15.
- (2) The Welsh Ministers must review the need for restrictions and requirements imposed by these Regulations, and whether those restrictions are proportionate to what the Welsh Ministers seek to achieve by them, every 21 days, with the first review being carried out by 16 April 2020.

## **4. Requirement to close premises and businesses during the emergency period**

- (1) A person responsible for carrying on a business which is listed in Part 1 of Schedule 1 must, during the emergency period—
  - (a) close any premises, or part of the premises, in which food or drink are sold for consumption on those premises;
  - (b) cease selling food or drink for consumption on its premises (but if the business sells food and drink for consumption off the premises it may continue to do so subject to regulation 6(2)).
- (2) For the purposes of paragraph (1), 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 its premises.

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(6) S.I. 2020/326 (W. 74).

(7) S.I. 2020/334 (W. 76).

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- (3) For the purposes of paragraph (1), an area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business) is to be treated as part of the premises of that business.
- (4) A person responsible for carrying on a business or providing a service which is listed in Part 2 or 3 of Schedule 1 must, during the emergency period, cease to carry on that business or to provide that service.
- (5) But paragraph (4) does not prevent the use of—
  - (a) premises used for the businesses or services listed in paragraphs 5, 6, 8, 9, 10 or 18 of Part 2 of Schedule 1 to broadcast (without an audience) a performance (whether over the internet or as part of a radio or television broadcast);
  - (b) premises used for the businesses or services listed in Part 2 or 3 of Schedule 1 for any purpose as may be requested by the Welsh Ministers or a local authority;
  - (ba) premises for training for elite athletes, includes skating rinks, swimming pools, indoor fitness studios, gyms, indoor leisure centres and other sports facilities (whether indoors or outdoors);
  - (c) premises used as a museum or gallery, or for providing archive services, for the provision of information or other services—
    - (i) through a website, or otherwise by on-line communication,
    - (ii) by telephone, including by text message, or
    - (iii) by post.
- (5A) Paragraph (5B) applies—
  - (a) to premises used to carry on a business or provide a service mentioned in sub-paragraph (1)(a), (b) or (c) of paragraph 2 of Schedule 1, or
  - (b) where premises used to carry on a business or provide a service listed in Part 2 or 3 of Schedule 1 are used for a purpose mentioned in paragraph (5).
- (5B) Where this paragraph applies, the person responsible for carrying on the business or providing the service must, during the emergency period, take all reasonable measures to ensure —
  - (a) 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),
  - (b) that persons are only admitted to the premises in sufficiently small numbers to make it possible to maintain that distance, and
  - (c) that a distance of 2 metres is maintained between persons waiting to enter the premises (except between two members of the same household, or a carer and the person assisted by the carer).
- (6) If a business listed in Schedule 1 (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in paragraph (1) or (4) if it closes down business A.

**5. Requirement to close premises and businesses during the emergency period: specific provision about holiday etc. accommodation**

- (1) In so far as regulation 4(4) applies to a holiday site or camping site (by virtue of them being listed in Part 3 of Schedule 1), the obligation on the person responsible for carrying on the business (“P”) includes an obligation on P to use P’s best endeavours to require any person staying at the site when the business has ceased to be carried on to vacate the premises.

- (2) But the obligation in paragraph (1) does not apply in relation to any person using a mobile home on a holiday site for human habitation under an agreement to which Part 4 of the Mobile Homes (Wales) Act 2013(8) applies.
- (3) In so far as regulation 4(4) applies to any other business listed in Part 3 of Schedule 1, the obligation on the person responsible for carrying on the business applies subject to the need to provide accommodation for any persons staying in that accommodation when these Regulations come into force and who—
- (a) are unable to return to their main residence, or
  - (b) are using the accommodation as their main residence.
- (3A) In so far as regulation 4(4) applies to a business listed in Part 3 of Schedule 1, the obligation on the person responsible for carrying on the business applies subject to the need to—
- (b) carry on the business by providing information or other services—
    - i. through a website, or otherwise by on-line communication,
    - ii. by telephone, including enquiries by text message, or
    - iii. by post.
- (3B) Paragraph (3C) applies where premises used for a business listed in Part 3 of Schedule 1 are used—
- (a) to provide accommodation in accordance with paragraph (3), or
  - (b) to carry on the business in accordance with paragraph (3A).
- (3C) Where this paragraph applies, the person responsible for carrying on the business must, during the emergency period, take all reasonable measures to ensure—
- (a) 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),
  - (b) that persons are only admitted to the premises in sufficiently small numbers to make it possible to maintain that distance, and
  - (c) that a distance of 2 metres is maintained between persons waiting to enter the premises (except between two members of the same household, or a carer and the person assisted by the carer).
- (4) In this regulation and in Part 3 of the Schedule, a “holiday site” means any land in Wales on which a mobile home or caravan is stationed for the purposes of human habitation (including any land in Wales used in conjunction with that land), in respect of which the relevant planning permission or the site licence for the land—
- (a) is expressed to be granted for holiday use only, or
  - (b) requires that there are times of the year when no mobile home or caravan may be stationed on the site for human habitation.
- (5) For the purpose of determining whether or not a site is a holiday site, any provision of the relevant planning permission or of the site licence which permits the stationing of a mobile home on the land for human habitation all year round is to be ignored if the mobile home is authorised to be occupied by—
- (a) the person who is the owner of the site, or
  - (b) a person employed by that person but who does not occupy the mobile home under an agreement to which Part 4 of the Mobile Homes (Wales) Act 2013(9) applies.

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(8) 2013 anaw 6 as amended by the Housing (Wales) Act 2014 (anaw 7)

(9) 2013 anaw 6 as amended by the Housing (Wales) Act 2014 (anaw 7)

## **6. General restrictions on shops and certain other businesses and services**

- (1) Paragraph (2) applies—
  - (a) to a person (“P”) responsible for carrying on a business, or providing a service, listed in Part 4 of Schedule 1, and
  - (b) in respect of any premises where the business is carried on or the service is provided.
- (2) P must take all reasonable measures to ensure—
  - (a) 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),
  - (b) that persons are only admitted to the premises in sufficiently small numbers to make it possible to maintain that distance, and
  - (c) that a distance of 2 metres is maintained between persons waiting to enter the premises (except between two members of the same household, or a carer and the person assisted by the carer).

### **6A. General restriction on places of work**

- (1) A person responsible for work being carried out at premises where a person is working must, when such work is being carried out during the emergency period, take all reasonable measures to ensure 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).
- (2) Paragraph (1) does not apply to premises—
  - (a) used in the carrying on of a business, or provision of a service, listed in Schedule 1,

## **7. Restrictions on places of worship, crematoriums, cemeteries and community centres**

- (1) A person responsible for a place of worship must ensure that, during the emergency period, the place of worship is closed, except for uses permitted by paragraph (2).
- (2) If all reasonable measures are taken to ensure a distance of 2 metres is maintained between every person in the place of worship (except between two members of the same household, or a carer and the person assisted by the carer), the place may be used—
  - (za) for the solemnization of a marriage or formation of a civil partnership,
    - (a) for funerals,
      - (aa) for prayer by—
        - (i) an individual,
        - (ii) members of the same household, or
        - (iii) an individual and the individual’s carer,which does not form part of communal worship,
    - (b) to broadcast (whether over the internet or as part of a radio or television broadcast)—
      - (i) an act of worship (without a congregation);
      - (ii) a solemnization of a marriage or formation of a civil partnership;
      - (iii) a funeral, or

- (c) to provide essential voluntary services or, upon the request of the Welsh Ministers or a local authority, public services.
- (3) A person responsible for a crematorium must ensure that, during the emergency period, the crematorium is closed to members of the public, except for the use permitted by paragraph (4).
- (4) If all reasonable measures are taken to ensure a distance of 2 metres is maintained between every person in the crematorium (except between two members of the same household, or a carer and the person assisted by the carer), the crematorium may open to members of the public for funerals or burials (and to broadcast a funeral or burial whether over the internet or otherwise).
- (4ZA) Paragraph (3) does not apply to the grounds surrounding a crematorium, including any burial ground or garden of remembrance.
- (4A) A person responsible for a cemetery must take all reasonable measures to ensure a distance of 2 metres is maintained between every person at a burial taking place in the cemetery during the emergency period (except between two members of the same household, or a carer and the person assisted by the carer).
- (5) A person responsible for a community centre must ensure that, during the emergency period, the community centre is closed except where—
  - (a) it is used to provide essential voluntary services or, upon the request of the Welsh Ministers or a local authority, public services
  - (b) all reasonable measures are taken to ensure that a distance of 2 metres is maintained between every person on the premises (except between two members of the same household, or a carer and the person assisted by the carer) while those services are provided.
- (6) For the purposes of this regulation—
  - (a) “burial” includes the interment of a dead person’s ashes;
  - (b) “cemetery” includes a burial ground and any other place for the interment of the dead.

## **7A. Guidance on maintaining distance of 2 metres between persons**

- (1) A person subject to a requirement or restriction in—
  - (a) regulation 4(1) as it applies to workplace canteens,
  - (aa) regulation 4(5B),
  - (ab) regulation 5(3C),
  - (b) regulation 6(2),
  - (c) regulation 6A(1), or
  - (d) regulation 7(1), (3), (4A) or (5),must have regard to guidance issued by the Welsh Ministers about reasonable measures to be taken to ensure that a distance of 2 metres is maintained between persons.
- (2) The Welsh Ministers—
  - (a) may revise guidance issued under paragraph (1), 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).

## **8. Restrictions on movement and being indoors during the emergency period**

- (1) During the emergency period no person may, without a reasonable excuse—
- (a) gather outdoors with any other person apart from—
    - (i) members of their household or of no more than one other household,
    - (ii) their carer, or
    - (iii) a person they are providing care to;
  - (b) gather in premises indoors with any other person apart from—
    - (i) the members of their household,
    - (ii) their carer, or
    - (iii) a person they are providing care to.
- (2) A reasonable excuse includes the need to do the following—
- (a) obtain medical assistance, including accessing any of the services referred to in paragraph 42 of Schedule 1 or accessing veterinary services;
  - (b) provide or receive care or assistance, including relevant personal care, within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006, where the person receiving the care is a vulnerable person;
  - (c) provide or receive emergency assistance;
  - (d) donate blood;
  - (e) work or provide voluntary or charitable services;
  - (f) where the person is an elite athlete, train or compete;
  - (g) attend a solemnization of a marriage or formation of a civil partnership—
    - (i) as a party to the marriage or civil partnership,
    - (ii) if invited to attend, or
    - (iii) as the carer of a person attending.
  - (h) attend a funeral—
    - (i) as a person responsible for arranging the funeral,
    - (ii) if invited by a person responsible for arranging the funeral, or
    - (iii) as the carer of a person attending;
  - (i) meet a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
  - (j) access or receive critical public services, including—
    - (i) childcare or educational services;
    - (ii) social services;
    - (iii) services provided by the Department for Work and Pensions;
    - (iv) services provided to victims (such as victims of crime or domestic violence);
  - (k) in relation to children who do not live in the same household as their parents, or one of their parents, continue existing arrangements for access to, and contact between, parents and children, and for the purposes of this paragraph, “parent” includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of, the child;
  - (l) move home;
  - (m) prepare a residential property for persons to move in;

- (n) undertake the following activities in connection with the purchase, sale, letting or rental of unoccupied residential property—
    - (i) visiting estate or letting agents, developer sales offices or show homes;
    - (ii) viewing such a property;
  - (o) participate in activities organised by outdoor visitor attractions;
  - (p) avoid injury or illness or escape a risk of harm.
- (3) Paragraph (1) does not apply to a person who is homeless.
- (4) For the purposes of paragraph (2)(q), a property is unoccupied if no person occupies the property as a residence.

#### **8A. Requirement to continue to work from home where practicable**

- (1) During the emergency period, in the circumstances referred to in paragraph (2) no person may leave the place where they are living, or remain away from that place, for the purposes of work or to provide voluntary or charitable services.
- (2) The circumstances are that it is reasonably practicable for the person to work or to provide voluntary or charitable services from the place where they are living.
- (3) For the purposes of this regulation, the place where a person is living includes the premises where they live together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.

#### **9. Requirement to close and not enter certain public paths and land during the emergency period**

- (1) Where paragraph (2) applies to a public path or access land in the area of a relevant authority, the relevant authority must, during the emergency period—
  - (a) close the public path or access land, and
  - (b) keep it closed until the earlier of—
    - (i) the end of the emergency period, or
    - (ii) the time when the authority considers that closure is no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in its area with the coronavirus.
- (2) This paragraph applies to the public paths and access land in its area a relevant authority considers—
  - (a) to be liable to large numbers of people congregating or being in close proximity to each other, or
  - (b) the use of which otherwise poses a high risk to the incidence or spread of infection in its area with the coronavirus.
- (3) Where a public path has been closed under regulation 4 of the Health Protection (Coronavirus: Closure of Leisure Businesses, Footpaths and Access Land) (Wales) Regulations 2020<sup>(10)</sup>, the path is to be treated as if it were closed under paragraph (1) of this regulation.
- (4) No person may use a public path or access land closed by virtue of paragraph (1) unless authorised by the relevant authority.
- (5) The relevant authority must—

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<sup>(10)</sup> S.I. 2020/334 (W. 76).

- (a) publish a list of public paths or access land closed in its area on a website;
  - (b) erect and maintain notices in prominent places informing the public of the closure of a public path or access land.
- (6) For the purposes of this regulation references to a public path or access land include parts of a public path or access land.
- (7) In this regulation—
- (a) the “relevant authority” means—
    - (i) a local authority,
    - (ii) a National Park authority in Wales,
    - (iii) Natural Resources Wales, or
    - (iv) the National Trust;
  - (b) “public path” means a footpath, bridleway, byway, restricted byway or cycle track and—
    - (i) “footpath”, “bridleway” and “cycle track” have the same meaning as in section 329(1) of the Highways Act 1980(11);
    - (ii) “byway” means a byway open to all traffic within the meaning given by section 66(1) of the Wildlife and Countryside Act 1981(12);
    - (iii) “restricted byway” has the meaning given by section 48(4) of the Countryside and Rights of Way Act 2000(13);
  - (c) “access land” includes land to which the public has access by virtue of its ownership by the National Trust, but otherwise has the same meaning as in section 1(1) of the Countryside and Rights of Way Act 2000(14).

## **10. Enforcement**

- (1) A relevant person may give a prohibition notice to a person if the relevant person—
- (a) has reasonable grounds for suspecting that the person is contravening a requirement in regulation 4, 5(3C), 6, 6A or 7, and
  - (b) considers it is necessary and proportionate to give the prohibition notice for the purpose of preventing that person from continuing to contravene the requirement.
- (5) For the purposes of this regulation, an individual has responsibility for a child if the individual—
- (a) has custody or charge of the child for the time being, or
  - (b) has parental responsibility for the child (within the meaning of the Children Act 1989).
- (7) Where a relevant person has reasonable grounds for suspecting that people are gathered in contravention of regulation 8(1), the relevant person may—
- (a) direct the gathering to disperse;
  - (b) direct any person in the gathering to return to the place where they are living;
  - (c) remove any person in the gathering to the place where they are living.
- (8) A relevant person exercising the power in paragraph (7)—

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(11) 1980 c.66. Section 329 was amended by s1 of the Cycle Tracks Act 1984 (c.38) and paragraph 21 of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c.54).

(12) 1981 c.69.

(13) 2000 c.37.

(14) 2000 c.37. Section 1(1) was amended by s302(2)(a) of the Marine and Coastal Access Act 2009 (c.23).

- (a) to direct a gathering to disperse, or
  - (b) to remove a person to the place where they are living,
- may use reasonable force, if necessary, in exercise of the power.
- (8A) Where a relevant person has reasonable grounds to suspect that a person (“P”) is in a gathering in contravention of regulation 8(1) and is a child accompanied by an individual (“I”) who has responsibility for P—
- (a) the relevant person may direct I to take P to the place where P is living, and
  - (b) I must, so far as reasonably practicable, ensure that P complies with any direction or instruction given by the relevant person to P.
- (8B) A relevant person may only exercise a power in paragraph (7) or (8A) if the relevant person considers that it is necessary and proportionate to do so.
- (9) If a relevant person considers it necessary and proportionate for the purposes of preventing, or terminating, a contravention of regulation 9(4), the relevant person may remove an individual from a public path or access land (within the meaning given by regulation 9(7)) which is closed (or is being closed) by virtue of regulation 9(1), and may use reasonable force, if necessary to do so.
- (10) A relevant person may take such other action as the relevant person considers necessary and proportionate to facilitate the exercise of a power conferred on the person by this regulation or regulation 11 (including requiring a person to provide information as to whether two households have entered into an agreement in accordance with regulation 1(6)).
- (11) For the purposes of this regulation and regulations 11, 12 and 13, a “relevant person” means—
- (a) a constable,
  - (b) a police community support officer, or
  - (c) a person designated by—
    - (i) the Welsh Ministers,
    - (ii) a local authority,
    - (iii) a National Park authority in Wales, or
    - (iv) Natural Resources Wales,
- for the purposes of this regulation and regulations 11, 12 and 13 (but see paragraphs (12) and (13)).
- (12) A person designated by a local authority may exercise a relevant person’s functions only in relation to a contravention (or alleged contravention) of a requirement in regulation 4, 5(3C), 6, 6A, 7 or 9(4).
- (13) A person designated by a National Park authority or Natural Resources Wales may exercise a relevant person’s functions only in relation to a contravention (or alleged contravention) of the requirement in regulation 9(4).
- (14) In this regulation and regulations 11 and 12, references to a requirement include references to a restriction.

## **11. Power of entry**

- (1) A relevant person may enter premises, if the relevant person—
- (a) has reasonable grounds for suspecting that a requirement imposed by these Regulations is being, has been or is about to be contravened on the premises, and
  - (b) considers it necessary to enter the premises for the purpose of ascertaining whether the requirement is being, has been or is about to be contravened.

- (2) A relevant person entering premises in accordance with paragraph (1) may—
  - (a) use reasonable force to enter the premises if necessary;
  - (b) take such other persons, equipment and materials onto the premises as appears to the relevant person to be appropriate.
- (3) A relevant person entering premises in accordance with paragraph (1)—
  - (a) if asked by a person on the premises, must show evidence of the relevant person’s identity and outline the purpose for which the power is exercised;
  - (b) if the premises are unoccupied or the occupier is temporarily absent, must leave the premises as effectively secured against unauthorised entry as when the relevant person found them.

## **12. Offences and penalties**

- (1) A person who—
  - (a) without reasonable excuse, contravenes a requirement in regulation 4, 5(3C), 6, 6A, 7, 8A, or 9(4), or
  - (b) contravenes a requirement in regulation 8(1),commits an offence.
- (2) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.
- (3) A person who, without reasonable excuse, contravenes a direction, or fails to comply with an instruction or a prohibition notice, given by a relevant person under regulation 10 commits an offence.
- (4) An offence under these Regulations is punishable on summary conviction by a fine.
- (5) Section 24 of the Police and Criminal Evidence Act 1984(15) applies in relation to an offence under this regulation as if the reasons in subsection (5) included—
  - (a) to maintain public health;
  - (b) to maintain public order.
- (6) If an offence under paragraph (1) committed by a body corporate is proved—
  - (a) to have been committed with the consent or connivance of an officer of the body, or
  - (b) to be attributable to any neglect on the part of such an officer,the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.
- (7) In paragraph (6), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.
- (8) Proceedings for an offence under these Regulations alleged to have been committed by a partnership may be brought in the name of the partnership instead of in the name of any of the partners.
- (9) Proceedings for an offence under these Regulations alleged to have been committed by an unincorporated body other than a partnership may be brought in the name of the body instead of in the name of any of its members and, for the purposes of any such proceedings, any rules of court relating to the service of documents have effect as if that body were a body corporate.

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(15) 1984 c. 60. Section 24 was substituted by s.110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).

- (10) Section 33 of the Criminal Justice Act 1925<sup>(16)</sup> and Schedule 3 to the Magistrates' Courts Act 1980<sup>(17)</sup> apply in proceedings for an offence brought against a partnership or an unincorporated association other than a partnership as they apply in relation to a body corporate.
- (11) A fine imposed on a partnership on its conviction for an offence under these Regulations is to be paid out of the partnership assets.
- (12) A fine imposed on an unincorporated association other than a partnership on its conviction for an offence under these Regulations is to be paid out of the funds of the association.

### **13. Fixed penalty notices**

- (1) A relevant person may issue a fixed penalty notice to anyone that the relevant person reasonably believes—
- (a) has committed an offence under these Regulations, and
  - (b) is aged 18 or over.
- (2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to—
- (a) a local authority, or
  - (b) a person designated by the Welsh Ministers for the purposes of receiving payment under this regulation,
- as the notice may specify.
- (2A) The Welsh Ministers may designate themselves under paragraph (2)(b).
- (3) Where a local authority is specified in the notice it must be the authority (or as the case may be, any of the authorities) in whose area the offence is alleged to have been committed.
- (4) Where a person is issued with a notice under this regulation in respect of an offence—
- (a) no proceedings may be taken for the offence before the end of the period of 28 days following the date of the notice;
  - (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- (5) A fixed penalty notice must—
- (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;
  - (b) state the period during which (because of paragraph (4)(a)) proceedings will not be taken for the offence;
  - (c) specify the amount of the fixed penalty;
  - (d) state the name and address of the person to whom the fixed penalty may be paid;
  - (e) specify permissible methods of payment.
- (6) The amount specified under paragraph (5)(c) must be £60 (subject to paragraphs (7) and (8)).
- (7) A fixed penalty notice may specify that if £30 is paid before the end of the period of 14 days following the date of the notice, that is the amount of the fixed penalty.
- (8) If the person to whom a fixed penalty notice is given has already received a fixed penalty notice under these Regulations—

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(16) 1925 c. 86.

(17) 1980 c. 43.

- (a) paragraph (7) does not apply, and
  - (b) the amount specified as the fixed penalty is to be—
    - (i) in the case of the second fixed penalty notice received, £120;
    - (ii) in the case of the third fixed penalty notice received, £240;
    - (iii) in the case of the fourth fixed penalty notice received, £480;
    - (iv) in the case of the fifth fixed penalty notice received, £960;
    - (v) in the case of the sixth and any subsequent fixed penalty notice received, £1920.
- (9) Whatever other method may be specified under paragraph (5)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (5)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).
- (10) Where a letter is sent as mentioned in paragraph (9), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (11) In any proceedings, a certificate—
- (a) that purports to be signed by or on behalf of the person with responsibility for the financial affairs of—
    - (i) the local authority, or
    - (ii) the person designated under paragraph (2)(b),specified in the fixed penalty notice to which the proceedings relate, and
  - (b) states that the payment of a fixed penalty was, or was not, received by the date specified in the certificate,
- is evidence of the facts stated.
- (12) Where a fixed penalty is issued in respect of the alleged offence of contravening the requirement in regulation 9(4), references in this regulation to a “local authority” are to be read as including references to a National Park authority in Wales.

#### **14. Prosecutions**

No proceedings for an offence under these Regulations may be brought other than by the Director of Public Prosecutions or any person designated by the Welsh Ministers.

#### **15. Expiry**

- (1) These Regulations expire at the end of the period of six months beginning with the day on which they come into force.
- (2) This regulation does not affect the validity of anything done pursuant to these Regulations before they expire.

*Mark Drakeford*  
The First Minister, one of the Welsh Ministers  
26 March 2020

## SCHEDULE 1

### Regulations 4 and 6

#### Businesses subject to specific restrictions or closure

##### PART 1

1. Restaurants, including restaurants and dining rooms in hotels or members' clubs.
2. (1) Cafés, including workplace canteens (subject to sub-paragraph (2)), but not including—
  - (a) cafés or canteens at a hospital, care home or school;
  - (b) canteens at a prison or an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence;
  - (c) services providing food or drink to the homeless.(2) Workplace canteens may remain open where—
  - (a) there is no practical alternative for staff at that workplace to obtain food; and
  - (b) all reasonable measures are taken to ensure that a distance of 2 metres is maintained between any person using the canteen.
3. Bars, including bars in hotels or members' clubs.
4. Public houses.

##### PART 2

5. Cinemas.
6. Theatres.
7. Nightclubs.
8. Bingo halls.
9. Concert halls.
10. Museums, galleries and archive services.
11. Casinos.
13. Nail, beauty, hair salons and barbers.
14. Massage parlours.
15. Establishments providing tanning services, body piercings, tattooing, electrolysis or acupuncture.
16. Skating rinks.
17. Swimming pools.
18. Indoor fitness studios, gyms, spas or other indoor leisure centres or facilities.
19. Bowling alleys, amusement arcades and indoor play areas.
20. Funfairs (whether outdoors or indoors).
21. Playgrounds and outdoor gyms.
24. Auction houses (except for livestock auctions).

- 24A. Indoor visitor attractions.

### PART 3

25. Holiday sites.  
26. Camping sites.  
27. Hotels and bed and breakfast accommodation.  
28. Other holiday accommodation (including holiday apartments, hostels and boarding houses).

### PART 4

29. Food retailers, including food markets, supermarkets, convenience stores, corner shops and establishments selling food or drink for consumption off the premises (including establishments listed in Part 1 which, by virtue of regulation 4(1), have ceased selling food and drink for consumption on the premises).  
30. Off licenses and licensed shops selling alcohol (including breweries).  
31. Pharmacies (including non-dispensing pharmacies) and chemists.  
32. Newsagents.  
33. Homeware, building supplies and hardware stores.  
33A. Garden centres and plant nurseries.  
34. Petrol stations.  
35. Car repair and MOT services.  
36. Bicycle shops.  
37. Taxi or vehicle hire businesses.  
38. Banks, building societies, credit unions, short term loan providers, savings clubs, cash points and undertakings which by way of business operate currency exchange offices, transmit money (or any representation of money) by any means or cash cheques which are made payable to customers.  
39. Post offices.  
40. Funeral directors.  
41. Laundrettes and dry cleaners.  
42. Dental services, opticians, audiology services, chiropody, chiropractors, osteopaths and other medical or health services, including services relating to mental health.  
43. Veterinary surgeons and pet shops.  
44. Agricultural or aquacultural supplies shops.  
44A. Livestock markets or auctions.  
45. Storage and distribution facilities, including delivery drop off points.  
46. Car parks.  
47. Public toilets.  
48. Libraries.  
49. Estate or letting agents, developer sales offices and show homes.  
50. Car dealerships.

51. Outdoor markets.
52. Betting shops.
53. Indoor shopping centres and indoor shopping arcades.
54. Any other business or premises offering goods or services for sale or hire in a shop.
55. Outdoor visitor attractions.

## SCHEDULE 2

### Regulation 1

#### Underlying Health Conditions

1. Chronic (long-term) respiratory diseases, such as asthma, chronic obstructive pulmonary disease, emphysema or bronchitis.
2. Chronic heart disease, such as heart failure.
3. Chronic kidney disease.
4. Chronic liver disease, such as hepatitis.
5. Chronic neurological conditions, such as Parkinson's disease, motor neurone disease, multiple sclerosis (MS), a learning disability or cerebral palsy.
6. Diabetes.
7. Problems with the spleen, such as sickle cell disease or if the spleen has been removed.
8. A weakened immune system, including as the result of conditions such as HIV and AIDS, or medicines such as steroid tablets or chemotherapy.
9. Being seriously overweight, with a body mass index of 40 or above.