

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.

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

2021 No. 1468 (W. 376)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus
Restrictions) (No. 5) (Wales)
(Amendment) (No. 23) Regulations
2021**

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 insert new regulation 18B into the principal Regulations to provide that no person may leave the place where they are living for the purposes of work where it is reasonably practicable for the person to work from home. New regulation 42A is inserted into the principal Regulations to provide for an offence of failing to comply with the regulation 18B requirement.

A related provision is inserted into regulation 16 of the principal Regulations to provide that the reasonable

measures that a person responsible for regulated premises may take under that regulation include allowing or requiring persons who ordinarily work at the premises to work from home.

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.

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**The Health Protection (Coronavirus
Restrictions) (No. 5) (Wales)
(Amendment) (No. 23) Regulations
2021**

Made at 5.21 p.m. on 17 December 2021

*Laid before Senedd
Cymru at 8.00 p.m. on 17 December 2021*

Coming into force 20 December 2021

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 45C(1) and (3)(c) and 45F(2) 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.

(1) 1984 c. 22. Sections 45C and 45F 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.

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.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 23) Regulations 2021.

(2) These Regulations come into force on 20 December 2021.

Amendment to the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020

2.—(1) The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020⁽¹⁾ are amended as follows.

(2) In regulation 16(3), after sub-paragraph (b) insert—

“(ba) allowing or requiring persons who ordinarily work at the premises to work from home;”.

(3) After Part 4A insert—

“PART 4B

Requirement to work from home where practicable

Requirement to work from home where practicable

18B.—(1) 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

(1) S.I. 2020/1609 (W. 335) as amended by S.I. 2020/1610 (W. 336), S.I. 2020/1623 (W. 340), S.I. 2020/1645 (W. 345), S.I. 2021/20 (W. 7), S.I. 2021/46 (W. 10), S.I. 2021/57 (W. 13), S.I. 2021/66 (W. 15), S.I. 2021/95 (W. 26), S.I. 2021/103 (W. 28), S.I. 2021/172 (W. 40), S.I. 2021/210 (W. 52), S.I. 2021/307 (W. 79), S.I. 2021/413 (W. 133), S.I. 2021/502 (W. 150), S.I. 2021/542 (W. 154), S.I. 2021/583 (W. 160), S.I. 2021/668 (W. 169), S.I. 2021/686 (W. 172), S.I. 2021/722 (W. 183), S.I. 2021/862 (W. 201), S.I. 2021/925 (W. 210), S.I. 2021/970 (W. 228), S.I. 2021/1119 (W. 271), S.I. 2021/1131 (W. 274), S.I. 2021/1212 (W. 303), S.I. 2021/1304 (W. 334), S.I. 2021/1363 (W. 358) and S.I. 2021/1407 (W. 366).

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.”

(4) After regulation 42 insert—

“Offence of failing to work from home where reasonably practicable to do so

42A. A person who, without reasonable excuse, contravenes the requirement in regulation 18B commits an offence.”

Mark Drakeford

First Minister, one of the Welsh Ministers

At 5.21 p.m. on 17 December 2021