

Agenda – Interim Subordinate Legislation Committee

Meeting Venue:

For further information contact:

Video Conference via Zoom

P Gareth Williams

Meeting date: 14 June 2021

Committee Clerk

Meeting time: 10.30

0300 200 6565

SeneddSubordinateLegislation@senedd.wales

In accordance with Standing Order 34.19, the Chair has determined that the public are excluded from the Committee's meeting in order to protect public health. This meeting will be broadcast live on www.Senedd.TV

Informal pre-meeting (10.00–10.30)

- 1 Introduction, apologies, substitutions and declarations of interest**
10:30

- 2 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3**
10:30–10:40
Made Negative Resolution Instruments

- 2.1 SL(6)008 – The Health Protection (Coronavirus, International Travel, Operator Liability and Public Health Information to Travellers) (Wales) (Miscellaneous Amendments) (No.2) Regulations 2021**

(Pages 1 – 13)

ISLC(6)–02–21 – Paper 1 – Report

ISLC(6)–02–21 – Paper 2 – Regulations

ISLC(6)–02–21 – Paper 3 – Explanatory Memorandum

ISLC(6)–02–21 – Paper 4 – Letter from the Minister for Health and Social Services, 28 May 2021



2.2 SL(6)010 – The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 8) Regulations 2021

(Pages 14 – 24)

ISLC(6)–02–21 – Paper 5 – Report

ISLC(6)–02–21 – Paper 6 – Regulations

ISLC(6)–02–21 – Paper 7 – Explanatory Memorandum

ISLC(6)–02–21 – Paper 8 – Letter from the Minister for Health and Social Services, 7 June 2021

Made Affirmative Resolution Instruments

2.3 SL(6)009 – The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 11) Regulations 2021

(Pages 25 – 46)

ISLC(6)–02–21 – Paper 9 – Report

ISLC(6)–02–21 – Paper 10 – Regulations

ISLC(6)–02–21 – Paper 11 – Explanatory Memorandum

ISLC(6)–02–21 – Paper 12 – Letter from the First Minister, 4 June 2021

2.4 SL(6)011 – The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 12) Regulations 2021

(Pages 47 – 57)

ISLC(6)–02–21 – Paper 13 – Report

ISLC(6)–02–21 – Paper 14 – Regulations

ISLC(6)–02–21 – Paper 15 – Explanatory Memorandum

ISLC(6)–02–21 – Paper 16 – Letter from the First Minister, 8 June 2021

SL(6)008 - The Health Protection (Coronavirus, International Travel, Operator Liability and Public Health Information to Travellers) (Wales) (Miscellaneous Amendments) (No. 2) Regulations 2021

Background and Purpose

These Regulations amend the International Travel Regulations, in particular the exemptions from the prohibition on entry to Wales from countries on the red list. Under these Regulations, the exemption for seafarers and inspectors and surveyors of ships arriving in Wales from red list countries is amended to exclude such persons arriving in Wales to work on cruise ships.

These Regulations also extend the expiry date of the International Travel Regulations, the Operator Liability Regulations and the Passenger Information Regulations to 31 May 2022.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following 4 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

These Regulations amend the list of people who are exempt from the prohibition on entry into Wales from a red list country by excluding from the exemption certain persons who arrive in Wales to work on cruise ships.



In a [letter to the Llywydd dated 28 May 2021](#), Eluned Morgan MS, Minister for Health and Social Services, says that the Regulations are necessary and justifiable “in view of the changing evidence on risk in relation to this disease”.

However, there is no explanation of the evidence or the reasons why this particular change is needed and why this particular group of people need to be excluded from the exemption, (while other groups remain exempt).

2. Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

We note the Welsh Government’s justification for any potential interference with human rights. In particular, we note the following paragraph in the Explanatory Memorandum:

“The amendments contained in these Regulations do not change the engagement under the International Travel Regulations of individual rights under the Human Rights Act 1998 and the European Convention on Human Rights; the Government considers that they are justified for the purpose of preventing the spreading of infectious diseases and/or the interference is permitted on the basis that it is in pursuit of a legitimate aim, namely of protecting public health, and are proportionate.”

3. Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

We note there has been no formal consultation on these Regulations. In particular, we note the following paragraph in the Explanatory Memorandum:

“Given the serious and imminent threat arising from coronavirus and the need for an urgent public health response, there has been no public consultation in relation to these Regulations.”

4. Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

We note the breach of the 21-day rule (i.e. the rule that 21 days should pass between the date a “made negative” instrument is laid before the Senedd and the date the instrument comes into force), and the explanation for the breach provided by Eluned Morgan MS, Minister for Health and Social Services, in a [letter to the Llywydd dated 28 May 2021](#).

In particular, we note the following from the letter:

“Not adhering to the 21 day convention allows these Regulations to come into force at the earliest opportunity and continue the four nation approach to international travel; in view of the changing evidence on risk in relation to this disease this is considered necessary and justifiable in this case.”

Welsh Government response

A Welsh Government response is required to merits points 1.



Senedd Cymru
Pwylgor Is-ddeddfwriaeth Dros Dro

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Welsh Parliament **Pack Page 2**
Interim Subordinate Legislation Committee

Legal Advisers
Interim Subordinate Legislation Committee
8 June 2021



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. 646 (W. 166)

PUBLIC HEALTH, WALES

The Health Protection
(Coronavirus, International Travel,
Operator Liability and Public
Health Information to Travellers)
(Wales) (Miscellaneous
Amendments) (No. 2) Regulations
2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (S.I. 2020/574 (W. 132)) (the “International Travel Regulations”), the Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (Wales) (Amendment) Regulations 2021 (S.I. 2021/48 (W. 11)) (the “Operator Liability Regulations”) and the Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020 (S.I. 2020/595 (W. 136)) (the “Public Health Information Regulations”).

The International Travel Regulations impose requirements on persons entering Wales after having been abroad. They include a requirement for persons arriving in Wales from non-exempt countries or territories to isolate for a period determined in accordance with those Regulations.

Regulation 12E of the International Travel Regulations prohibits persons from entering Wales where they have been in country or territory listed in Schedule 3A to those Regulations in the past 10 days. Regulation 2 of these Regulations amends the International Travel Regulations so as to exclude seafarers and inspectors and surveyors of ships who work on cruise ships from the exemptions for such roles from the requirements of regulation 12E.

Regulation 2 also amends the date on which the International Travel Regulations expire.

The Operator Liability Regulations impose requirements on persons operating international passenger services (“operators”) arriving into Wales from outside the common travel area. In accordance with those requirements operators must, for example, ensure that passengers travelling on such services possess notification of a negative test result and have made arrangements to take further tests following their arrival.

The Public Health Information Regulations impose requirements on operators of international passenger services coming from outside the common travel area to an airport, heliport or seaport in Wales to provide passengers with specified public health information.

Regulations 3 and 4 amend the dates on which the Operator Liability Regulations and Public Health Information Regulations respectively expire.

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 costs and benefits of complying with these Regulations.

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. 646 (W. 166)

PUBLIC HEALTH, WALES

The Health Protection
(Coronavirus, International Travel,
Operator Liability and Public
Health Information to Travellers)
(Wales) (Miscellaneous
Amendments) (No. 2) Regulations
2021

Made at 4.24 p.m. on 28 May 2021

Laid before *Senedd*
Cymru at 6.30 p.m. on 28 May 2021

Coming into force at 4.00 a.m. on 29 May
2021

The Welsh Ministers, in exercise of the powers conferred on them by sections 45B and 45P(2) of the Public Health (Control of Disease) Act 1984⁽¹⁾, make the following Regulations.

Title and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus, International Travel, Operator Liability and Public Health Information to Travellers) (Wales) (Miscellaneous Amendments) (No. 2) Regulations 2021.

(2) These Regulations come into force at 4.00 a.m. on 29 May 2021.

(1) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14). The function of making regulations under Part 2A is conferred on “the appropriate Minister”. Under section 45T(6) of the 1984 Act the appropriate Minister as respects Wales, is the Welsh Ministers.

Amendments to the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020

2.—(1) The Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020⁽¹⁾ are amended as follows.

(2) For regulation 12E(2)(d)(ia) (additional measures applicable to persons travelling from a country or territory listed in Schedule 3A) substitute—

- “(ia) paragraph 7, unless they have travelled to the United Kingdom to work, or have been repatriated to the United Kingdom after working, on board a cruise ship;
- (ib) paragraph 8;
- (ic) paragraph 9, unless they have travelled to the United Kingdom to work, or have been repatriated to the United Kingdom after working, on board a cruise ship;
- (id) paragraph 10;”.

(3) In regulation 20(1) (expiry of Regulations), for “the period of 12 months beginning with the day on which they come into force” substitute “31 May 2022”.

Amendment to the Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (Wales) (Amendment) Regulations 2021

3. In regulation 11(1) of the Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (Wales) (Amendment)

(1) S.I. 2020/574 (W. 132), amended by S.I. 2020/595 (W. 136), S.I. 2020/714 (W. 160), S.I. 2020/726 (W. 163), S.I. 2020/804 (W. 177), S.I. 2020/817 (W. 179), S.I. 2020/840 (W. 185), S.I. 2020/868 (W. 190), S.I. 2020/886 (W. 196), S.I. 2020/917 (W. 205), S.I. 2020/942, S.I. 2020/944 (W. 210), S.I. 2020/962 (W. 216), S.I. 2020/981 (W. 220), S.I. 2020/1015 (W. 226), S.I. 2020/1042 (W. 231), S.I. 2020/1080 (W. 243), S.I. 2020/1098 (W. 249), S.I. 2020/1133 (W. 258), S.I. 2020/1165 (W. 263), S.I. 2020/1191 (W. 269), S.I. 2020/1223 (W. 277), S.I. 2020/1232 (W. 278), S.I. 2020/1237 (W. 279), S.I. 2020/1288 (W. 286), S.I. 2020/1329 (W. 295), S.I. 2020/1362 (W. 301), S.I. 2020/1477 (W. 316), S.I. 2020/1521 (W. 325), S.I. 2020/1602 (W. 332), S.I. 2020/1645 (W. 345), S.I. 2021/20 (W. 7), S.I. 2021/24 (W. 8), S.I. 2021/46 (W. 10), S.I. 2021/48 (W. 11), S.I. 2021/50 (W. 12), S.I. 2021/66 (W. 15), S.I. 2021/72 (W. 18), S.I. 2021/95 (W. 26), S.I. 2021/154 (W. 38), S.I. 2021/305 (W. 78), S.I. 2021/361 (W. 110), S.I. 2021/454 (W. 144), S.I. 2021/500 (W. 149), S.I. 2021/568 (W. 156) and S.I. 2021/584 (W. 161).

Regulations 2021(1) (expiry), for “7 June 2021” substitute “31 May 2022”.

Amendment to the Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020

4. In regulation 11(1) of the Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020(2) (expiry of these Regulations), for “the 7th day of June 2021” substitute “31 May 2022”.

Eluned Morgan

Minister for Health and Social Services, one of the Welsh Ministers

At 4.24 p.m. on 28 May 2021

(1) S.I. 2021/48 (W. 11), amended by S.I. 2021/72 (W. 18), S.I. 2021/171 (W. 39), S.I. 2021/305 (W. 78) and S.I. 2021/584 (W. 161).

(2) S.I. 2020/595 (W. 136), amended by S.I. 2020/714 (W. 160), S.I. 2020/1118 (W. 253), S.I. 2020/1521 (W. 325), S.I. 2021/72 (W. 18), S.I. 2021/171 (W. 39), S.I. 2021/457 (W. 145) and S.I. 2021/584 (W. 161).

Explanatory Memorandum to the Health Protection (Coronavirus, International Travel, Operator Liability and Public Health Information to Travellers) (Wales) (Miscellaneous Amendments) (No. 2) Regulations 2021

This Explanatory Memorandum has been prepared by the Welsh Government and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Health Protection (Coronavirus, International Travel, Operator Liability and Public Health Information to Travellers) (Wales) (Miscellaneous Amendments) (No. 2) Regulations 2021.

Eluned Morgan MS
Minister for Health and Social Services

28 May 2021

1. Description

These Regulations amend the:

- [Health Protection \(Coronavirus, International Travel\) \(Wales\) Regulations 2020](#) (“the International Travel Regulations”);
- [Health Protection \(Coronavirus, International Travel, Pre-Departure Testing and Operator Liability\) \(Wales\) \(Amendment\) Regulations 2021](#) (“the Operator Liability Regulations”); and
- [Health Protection \(Coronavirus, Public Health Information for Persons Travelling to Wales etc.\) Regulations 2020](#) (the “Public Health Information Regulations”).

2. Matters of special interest to the Senedd

Coming into force

In accordance with section 11A(4) of the Statutory Instruments Act 1946, the Llywydd has been informed that the Regulations do not adhere to the 21 day convention. This is necessary owing to the risk posed in relation to coronavirus and in particular variant strains of the same, from passengers travelling to the UK. The changes made by these Regulations continue the four nation approach to international travel and ensure continuing alignment with England and the other nations.

European Convention on Human Rights

The amendments contained in these Regulations do not change the engagement under the International Travel Regulations of individual rights under the Human Rights Act 1998 and the European Convention on Human Rights; the Government considers that they are justified for the purpose of preventing the spreading of infectious diseases and/or the interference is permitted on the basis that it is in pursuit of a legitimate aim, namely of protecting public health, and are proportionate.

The Government considers that the Operator Liability Regulations and the Public Health Information Regulations do not engage any of the individual rights under the Human Rights Act 1998 and the European Convention on Human Rights. And, to the extent that any such rights may be engaged, the Government considers that the interference is minimal and can be justified as being necessary and proportionate to achieve a legitimate aim. The amendments to the Operator Liability Regulations and the Public Health Information Regulations made by these Regulations do not change the engagement of individual rights.

3. Legislative background

The Public Health (Control of Disease) Act 1984 (“the 1984 Act”), and regulations made under it, provide a legislative framework for health protection in England and Wales. These Regulations are made in reliance on the powers in sections 45B) and 45P(2) of the 1984 Act. The Explanatory Memoranda to the [International Travel](#)

[Regulations](#), the [Operator Liability Regulations](#) and the [Public Health Information Regulations](#) provide further information on these powers.

4. Purpose and intended effect of the legislation

These Regulations extend the expiry date of the International Travel Regulations, the Operator Liability Regulations and the Passenger Information Regulations to 31 May 2022. They also amend the exemption from the prohibition on entry for red list travellers for masters and seamen and inspectors and surveyors of ships arriving in Wales from red list countries. The amendment excludes from the exemption, such persons arriving in Wales to work on, or having worked on cruise vessels.

The Welsh Ministers consider that these amendments are proportionate to what they seek to achieve, which is to respond to a serious and imminent threat to public health.

5. Consultation

Given the serious and imminent threat arising from coronavirus and the need for an urgent public health response, there has been no public consultation in relation to these Regulations.

6. Regulatory Impact Assessment (RIA)

There has been no regulatory impact assessment in relation to these Regulations due to the need to put them in place urgently to deal with a serious and imminent threat to public health.



Elin Jones, MS
Llywydd
Senedd Cymru
Cardiff Bay
CF99 1SN

28 May 2021

Dear Elin

The Health Protection (Coronavirus, International Travel, Operator Liability and Public Health Information to Travellers) (Wales) (Miscellaneous Amendment) (No. 2) Regulations 2021

In accordance with section 11A(4) of the Statutory Instruments Act 1946 I am notifying you that this Statutory Instrument will come into force from 04:00 hours Saturday 29 May, less than 21 days after it has been laid. A copy of the instrument and the Explanatory Memorandum that accompanies it are attached for your information.

This statutory instrument amends the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020, the Health Protection (Coronavirus, International Travel, Pre-Departure Testing and Operator Liability) (Wales) (Amendment) Regulations 2021 and the Health Protection (Coronavirus, Public Health Information for Persons Travelling to Wales etc.) Regulations 2020.

These Regulations extend the expiry date of the International Travel Regulations, the Operator Liability Regulations and the Passenger Information Regulations to 31 May 2022. They also amend the exemption from the prohibition on entry for red list travellers for masters and seamen and inspectors and surveyors of ships arriving in Wales from red list countries. The amendment excludes from the exemption, such persons arriving in Wales to work on, or having worked on cruise vessels.

Not adhering to the 21 day convention allows these Regulations to come into force at the earliest opportunity and continue the four nation approach to international travel; in view of the changing evidence on risk in relation to this disease this is considered necessary and justifiable in this case.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Eluned.Morgan@llyw.cymru
Correspondence.Eluned.Morgan@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I am copying this letter to the Minister for Rural Affairs, North Wales and Trefnydd, David Rees MS, Chair of the Interim Subordinate Legislation Committee, Siwan Davies, Director of Senedd Business, Sian Wilkins, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M. E. Morgan'.

Eluned Morgan AS/MS

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services

Agenda Item 2.2

SL(6)010 – The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 8) Regulations 2021

Background and Purpose

These Regulations amend the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (the “International Travel Regulations”).

The International Travel Regulations impose requirements on persons entering Wales after having been abroad. They include a requirement for persons arriving in Wales to isolate for a period determined in accordance with those Regulations. The requirements imposed by the International Travel Regulations are subject to exceptions, and certain categories of person are exempt from having to comply. Persons entering Wales after being in one or more of the countries and territories listed in Schedule 3 to the International Travel Regulations are not required to isolate. The countries and territories listed in Schedule 3 are referred to as “exempt countries and territories”.

Regulation 3 of these Regulations amends Schedule 3 to the International Travel Regulations to remove Portugal from the list of exempt countries and territories outside the common travel area.

Non-exempt persons are prohibited from entering Wales where they have been in a country or territory listed in Schedule 3A to the International Travel Regulations within the last 10 days of arrival, pursuant to regulation 12E of the International Travel Regulations. Regulation 4 of these Regulations amends Schedule 3A to add Afghanistan, Bahrain, Costa Rica, Egypt, Sri Lanka, Sudan and Trinidad and Tobago to the list of countries and territories subject to additional measures.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.



Merits Scrutiny

The following points are identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

We note the breach of the 21-day rule (i.e. the rule that 21 days should pass between the date a “made negative” instrument is laid before the Senedd and the date the instrument comes into force), and the explanation for the breach provided by Eluned Morgan MS, Minister for Health and Social Services, in a letter to the Llywydd dated 7 June 2021. In particular, we note the following in the letter:

“Not adhering to the 21 day convention allows these Regulations to come into force at the earliest opportunity and continue the four nation approach to international travel; in view of the changing evidence on risk in relation to this disease this is considered necessary and justifiable in this case.”

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

We note the Welsh Government’s justification for any potential interference with human rights. In particular, we note the following paragraph in the Explanatory Memorandum:

“The amendments contained in these Regulations do not change the engagement under the International Travel Regulations of individual rights under the Human Rights Act 1998 and the European Convention on Human Rights; the Government considers that they are justified for the purpose of preventing the spreading of infectious diseases and/or the interference is permitted on the basis that it is in pursuit of a legitimate aim, namely of protecting public health, and are proportionate.”

3. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

We note there has been no formal consultation on these Regulations. In particular, we note the following paragraph in the Explanatory Memorandum:

“Given the serious and imminent threat arising from coronavirus and the need for an urgent public health response, there has been no public consultation in relation to these Regulations.”

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Interim Subordinate Legislation Committee

8 June 2021



Senedd Cymru
Pwyllgor Is-ddeddfwriaeth Dros Dro

Welsh Parliament

Interim Subordinate Legislation Committee

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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

2021 No. 669 (W. 170)

PUBLIC HEALTH, WALES

**The Health Protection
(Coronavirus, International Travel)
(Wales) (Amendment) (No. 8)
Regulations 2021**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020 (S.I. 2020/574 (W. 132)) (the “International Travel Regulations”).

The International Travel Regulations impose requirements on persons entering Wales after having been abroad. They include a requirement for persons arriving in Wales to isolate for a period determined in accordance with those Regulations. The requirements imposed by the International Travel Regulations are subject to exceptions, and certain categories of person are exempt from having to comply. Persons entering Wales after being in one or more of the countries and territories listed in Schedule 3 to the International Travel Regulations are not required to isolate. The countries and territories listed in Schedule 3 are referred to as “exempt countries and territories”.

Regulation 3 of these Regulations amends Schedule 3 to the International Travel Regulations to remove Portugal from the list of exempt countries and territories outside the common travel area.

Non-exempt persons are prohibited from entering Wales where they have been in a country or territory listed in Schedule 3A to the International Travel Regulations within the last 10 days of arrival, pursuant to regulation 12E of the International Travel Regulations. Regulation 4 of these Regulations amends Schedule 3A to add Afghanistan, Bahrain, Costa Rica, Egypt, Sri Lanka, Sudan and Trinidad and Tobago to the list of countries and territories subject to additional measures.

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 costs and benefits of complying with these Regulations.

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. 669 (W. 170)

PUBLIC HEALTH, WALES

The Health Protection
(Coronavirus, International Travel)
(Wales) (Amendment) (No. 8)
Regulations 2021

Made 6 June 2021

Laid before Senedd Cymru 7 June 2021

Coming into force at 4.00 a.m. on 8 June 2021

The Welsh Ministers, in exercise of the powers conferred on them by sections 45B and 45P(2) of the Public Health (Control of Disease) Act 1984⁽¹⁾, make the following Regulations.

Title and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 8) Regulations 2021.

(2) These Regulations come into force at 4.00 a.m. on 8 June 2021.

(1) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14). The function of making regulations under Part 2A is conferred on “the appropriate Minister”. Under section 45T(6) of the 1984 Act the appropriate Minister as respects Wales, is the Welsh Ministers.

Amendments to the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020

2. The Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020(1) are amended as follows.

Amendment to Schedule 3

3. In Part 1 of Schedule 3 (exempt countries and territories outside the common travel area), omit “Portugal”.

Amendments to Schedule 3A

4. In Schedule 3A (countries and territories subject to additional measures), at the appropriate places insert—

“Afghanistan”
“Bahrain”
“Costa Rica”
“Egypt”
“Sri Lanka”
“Sudan”
“Trinidad and Tobago”.

Eluned Morgan
Minister for Health and Social Services, one of the
Welsh Ministers
6 June 2021

(1) S.I. 2020/574 (W. 132), amended by S.I. 2020/595 (W. 136), S.I. 2020/714 (W. 160), S.I. 2020/726 (W. 163), S.I. 2020/804 (W. 177), S.I. 2020/817 (W. 179), S.I. 2020/840 (W. 185), S.I. 2020/868 (W. 190), S.I. 2020/886 (W. 196), S.I. 2020/917 (W. 205), S.I. 2020/942, S.I. 2020/944 (W. 210), S.I. 2020/962 (W. 216), S.I. 2020/981 (W. 220), S.I. 2020/1015 (W. 226), S.I. 2020/1042 (W. 231), S.I. 2020/1080 (W. 243), S.I. 2020/1098 (W. 249), S.I. 2020/1133 (W. 258), S.I. 2020/1165 (W. 263), S.I. 2020/1191 (W. 269), S.I. 2020/1223 (W. 277), S.I. 2020/1232 (W. 278), S.I. 2020/1237 (W. 279), S.I. 2020/1288 (W. 286), S.I. 2020/1329 (W. 295), S.I. 2020/1362 (W. 301), S.I. 2020/1477 (W. 316), S.I. 2020/1521 (W. 325), S.I. 2020/1602 (W. 332), S.I. 2020/1645 (W. 345), S.I. 2021/20 (W. 7), S.I. 2021/24 (W. 8), S.I. 2021/46 (W. 10), S.I. 2021/48 (W. 11), S.I. 2021/50 (W. 12), S.I. 2021/66 (W. 15), S.I. 2021/72 (W. 18), S.I. 2021/95 (W. 26), S.I. 2021/154 (W. 38), S.I. 2021/305 (W. 78), S.I. 2021/361 (W. 110), S.I. 2021/454 (W. 144), S.I. 2021/500 (W. 149), S.I. 2021/568 (W. 156), S.I. 2021/584 (W. 161) and S.I. 2021/646 (W. 166).

Explanatory Memorandum to the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 8) Regulations 2021

This Explanatory Memorandum has been prepared by the Welsh Government and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 8) Regulations 2021.

Eluned Morgan MS
Minister for Health and Social Services

7 June 2021

1. Description

These Regulations amend the [Health Protection \(Coronavirus, International Travel\) \(Wales\) Regulations 2020](#) (“the International Travel Regulations”);

2. Matters of special interest to the Senedd

Coming into force

In accordance with section 11A(4) of the Statutory Instruments Act 1946, the Llywydd has been informed that the Regulations do not adhere to the 21 day convention. This is necessary owing to the risk posed in relation to coronavirus and in particular variant strains of the same, from passengers travelling to the UK. The changes made by these Regulations continue the four nation approach to international travel and ensure continuing alignment with England and the other nations.

European Convention on Human Rights

The amendments contained in these Regulations do not change the engagement under the International Travel Regulations of individual rights under the Human Rights Act 1998 and the European Convention on Human Rights; the Government considers that they are justified for the purpose of preventing the spreading of infectious diseases and/or the interference is permitted on the basis that it is in pursuit of a legitimate aim, namely of protecting public health, and are proportionate.

3. Legislative background

The Public Health (Control of Disease) Act 1984 (“the 1984 Act”), and regulations made under it, provide a legislative framework for health protection in England and Wales. These Regulations are made in reliance on the powers in sections 45B and 45P(2) of the 1984 Act. The Explanatory Memorandum to the [International Travel Regulations](#) provides further information on these powers.

4. Purpose and intended effect of the legislation

These Regulations:

- Add Afghanistan, Sudan, Sri Lanka, Bahrain, Trinidad and Tobago, Costa Rica and Egypt to the “red list” of countries and territories;
- Remove Portugal from the “green list” of countries and territories and add it to the “amber list”.

The Welsh Ministers consider that these amendments are proportionate to what they seek to achieve, which is to respond to a serious and imminent threat to public health.

5. Consultation

Given the serious and imminent threat arising from coronavirus and the need for an urgent public health response, there has been no public consultation in relation to these Regulations.

6. Regulatory Impact Assessment (RIA)

There has been no regulatory impact assessment in relation to these Regulations due to the need to put them in place urgently to deal with a serious and imminent threat to public health.



Elin Jones, MS
Llywydd
Senedd Cymru
Cardiff Bay
CF99 1SN

7 June 2021

Dear Elin

The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 8) Regulations 2021

In accordance with section 11A(4) of the Statutory Instruments Act 1946 I am notifying you that this Statutory Instrument will come into force at 04:00 a.m. on 8 June 2021, less than 21 days after it has been laid. A copy of the instrument and the Explanatory Memorandum that accompanies it are attached for your information.

This statutory instrument amends the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020.

These Regulations make the following amendments:

- **Afghanistan, Bahrain, Costa Rica, Egypt, Sudan, Sri Lanka and Trinidad and Tobago** are added to the “red list” of countries and territories;
- **Portugal** is removed from the “green list” of countries and territories and added to the “amber list”.

Not adhering to the 21 day convention allows these Regulations to come into force at the earliest opportunity and continue the four nation approach to international travel; in view of the changing evidence on risk in relation to this disease this is considered necessary and justifiable in this case.

I am copying this letter to the Minister for Rural Affairs and North Wales, and Trefnydd, David Rees MS, Chair of the Interim Subordinate Legislation Committee, Siwan

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Eluned.Morgan@llyw.cymru
Correspondence.Eluned.Morgan@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Davies, Director of Senedd Business, Sian Wilkins, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M. E. Morgan', with a long horizontal flourish extending to the right.

Eluned Morgan AS/MS

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services

SL(6)009 - The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 11) Regulations 2021

Background and Purpose

These Regulations move the whole of Wales to Alert Level 1. This means that the restrictions and requirements in Schedule 1 to the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 (as amended by these Regulations) apply in Wales from 6.00 a.m. on 7 June 2021.

Schedule 1 sets out restrictions and requirements relating to, for example:

- gatherings in people's homes;
- gathering outdoors;
- gathering in holiday accommodation;
- attending weddings, funerals and places of worship;
- taking part in gatherings organised by clubs and charities;
- organising events;
- the authorisation of events by the Welsh Ministers;
- the closure of certain businesses such as nightclubs and ice skating rinks.

The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, including Schedule 1, are available here: <https://www.legislation.gov.uk/wsi/2020/1609/contents/2021-05-17>.

Procedure

Made Affirmative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd must approve the Regulations within 28 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were made for them to continue to have effect.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.



Merits Scrutiny

The following 3 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

We note the Welsh Government's justification for any potential interference with human rights. In particular, we note the following paragraphs in the Explanatory Memorandum:

"Whilst the principal Regulations, as amended by these Regulations, engage individual rights under the Human Rights Act 1998 and the European Convention on Human Rights, the Government considers that they are justified for the purpose of preventing the spreading of infectious diseases and/or the interference is permitted on the basis that it is in pursuit of a legitimate aim, namely of protecting public health, and are proportionate.

Article 5 (right to liberty), Article 8 (right to respect for private and family life), Article 9 (freedom of thought, conscience and religion), Article 11 (freedom of assembly and association) and Article 1 of the First Protocol (protection of property) are engaged by the principal Regulations.

Each of these is a qualified right, which permits the Welsh Ministers to interfere with the exercise of the rights if necessary in a democratic society in the interests of public safety or for the protection of health. All such restrictions and requirements must be justified on the basis that they are in pursuit of a legitimate aim, namely of protecting public health, and are proportionate. Any interference with these rights also needs to be balanced with the State's positive obligations under Article 2 (right to life). The adjustment of the restrictions and requirements under the principal Regulations by these Regulations is a proportionate response to the spread of coronavirus. It balances the need to maintain an appropriate response to the threat posed by coronavirus against the rights of individuals and businesses, in a manner which remains proportionate to the need to reduce the rate of transmission of the coronavirus, taking into account the scientific evidence.

These amending Regulations reduce the extent in which the restrictions and requirements under the principal Regulations interfere with those individual rights."

2. Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

We note there has been no formal consultation on these Regulations. In particular, we note the following paragraph in the Explanatory Memorandum:



“Given the serious and imminent threat arising from coronavirus and the need for an urgent public health response, there has been no public consultation in relation to these Regulations.”

3. Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

We note that the Explanatory Memorandum to these Regulations makes no reference to an equality impact assessment. We ask the Welsh Government to explain what arrangements it has made, in respect of these Regulations, to publish reports of equality impact assessments in accordance with regulation 8(1)(d) of the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011.

Welsh Government response

A Welsh Government response is required to merits point 3.

Legal Advisers

Interim Subordinate Legislation Committee

9 June 2021



Senedd Cymru

Pwylgor Is-ddeddfwriaeth Dros Dro

—

Welsh Parliament

Interim Subordinate Legislation Committee

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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. 668 (W. 169)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus
Restrictions) (No. 5) (Wales)
(Amendment) (No. 11) 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”).

The Regulations provide that the whole of Wales moves from Alert Level 2 to Alert Level 1 from 6.00 a.m. on 7 June 2021. This means that the restrictions and requirements in Schedule 1 to the principal Regulations take effect.

The Regulations also amend Schedule 1 to the principal Regulations to—

- limit gatherings indoors in private dwellings to only members of one household or extended household. Extended households can comprise of up to three households and one well-being needs household;
- provide that up to 30 people can gather at any outdoor premises, including outdoors in private gardens and regulated premises;
- provide that no more than 30 people can attend an indoor celebration of a marriage, formation of a civil partnership or alternative wedding ceremony, or an indoor celebration of the life of a deceased person;
- provide that no more than 30 people can attend an indoor regulated gathering;
- provide that a person at a regulated event held outdoors can participate in a gathering consisting of more than 30 people;
- provide that no person may, without a reasonable excuse, organise an event unless it is regulated, held outdoors, and at which no more than 10,000 (where every person attending is normally seated) or 4,000 (for other events) people attend at any time. There are limited exceptions which continue to allow, for example, weddings, funerals, celebrations of marriages etc., small regulated gatherings, and events in private dwellings (in each case, whether or not they take place indoors). Equivalent changes are also made to the relevant paragraphs of Schedules 2 to 4, but with lower numbers of permitted attendees;
- require ice skating rinks to remain closed.

The Regulations also clarify the effect of an amendment made by S.I. 2021/583 (W. 160) to the rules on service of food and drink in licensed cinemas, sports grounds and theatres and make other minor and consequential amendments.

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 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. 668 (W. 169)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus
Restrictions) (No. 5) (Wales)
(Amendment) (No. 11) Regulations
2021**

Made at 3.46 p.m. on 4 June 2021

*Laid before Senedd
Cymru at 6.30 p.m. on 4 June 2021*

Coming into force at 6.00 a.m. on 7 June 2021

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

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. 11) Regulations 2021.

(2) These Regulations come into force at 6.00 a.m. on 7 June 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 17—

(a) in paragraph (1)(a), after “premises” insert “, apart from in cinemas, sports grounds and theatres”;

(b) for paragraph (4A) substitute—

“(4A) Sub-paragraphs (b)(i) and (ii) of paragraph (1) do not apply in relation to—

(a) customers at—

(i) cinemas,

(ii) sports grounds, or

(iii) theatres,

where those customers are normally seated at the premises (other than when ordering food or drink or being served with food or drink) for the showing of a film, a live sporting event or a live theatrical performance, or

(b) persons attending a regulated gathering or event that is held outdoors.

(4B) For the purpose of paragraph (4A), a “live” sporting event or theatrical performance is one the customer is witnessing other than by means of a broadcast.”

(3) In regulation 28(3)(a), after “2(1)” insert “or (1A)”.

⁽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) and S.I. 2021/583 (W. 160).

(4) In regulation 37(1)(a), after “2(1)” insert “or (1A)”.

(5) In regulation 57—

(a) in paragraph (7)—

(i) in the words before sub-paragraph (a), after “gathering” insert “or event”;

(ii) in sub-paragraph (b)(ii), for “regulations 16 and 18(1)” substitute “Part 4”;

(b) in paragraph (8)—

(i) in each place it occurs, after “gathering” insert “or event”;

(ii) in sub-paragraph (b)—

(aa) in the words before paragraph (i), for “regulation 16” substitute “Part 4”;

(bb) in paragraph (i), for “for the purposes of that regulation” substitute “within the meaning given by regulation 15”;

(c) after paragraph (8) insert—

“(9) For the purposes of these Regulations, a regulated gathering or event is not to be treated as being otherwise than “outdoors” by reason only of—

(a) the provision of indoor facilities for the sale of food and drink to be consumed outdoors;

(b) the provision of other indoor facilities necessary for the holding of the gathering or event.”

(6) In Schedule 1—

(a) in paragraph 1—

(i) in sub-paragraph (1), omit “which consists of more than 6 people”;

(ii) after sub-paragraph (1) insert—

“(1A) But a person may participate in such a gathering outdoors if the gathering consists of no more than 30 persons.”;

(iii) in sub-paragraph (2)—

(aa) in the words before paragraph (a), for “(1)” substitute “(1A)”;

(bb) in paragraph (a), for “6” substitute “30”;

(iv) in sub-paragraph (5), after paragraph (c) insert—

“(d) participating in a gathering of no more than 4 people where all the persons in the gathering—

(i) live in the same premises, and

- (ii) share toilet, washing, dining or cooking facilities with each other.”
;
- (b) in paragraph 2—
 - (i) in sub-paragraph (1)—
 - (aa) in the words before paragraph (a), after “private dwelling” insert “or in holiday or travel accommodation”;
 - (bb) in paragraph (a), omit “or outdoors in regulated premises.”;
 - (cc) after paragraph (a) insert—
 - “(aa) outdoors in regulated premises, which consists of more than 30 people unless all the persons participating in the gathering are members of the same household.”;
 - (ii) after sub-paragraph (1) insert—
 - “(1A) No person may, without a reasonable excuse, participate in a gathering which takes place in holiday or travel accommodation unless all the persons participating in the gathering are members of the same household or extended household.
 - (1B) But a person may participate in such a gathering outdoors if the gathering consists of no more than 30 persons.”;
 - (iii) in sub-paragraph (2)—
 - (aa) in the words before paragraph (a), for “sub-paragraph (1)” substitute “sub-paragraphs (1) and (1B)”;
 - (bb) in paragraph (a)(i), omit “, or outdoors in regulated premises”;
 - (cc) in paragraph (a)(ii), omit “in premises that are not regulated premises”;
 - (iv) in sub-paragraph (5)—
 - (aa) in paragraph (e)—
 - (i) for “50” substitute “30”;
 - (ii) omit “or an outdoor gathering of no more than 100 people at such premises.”;
 - (iii) omit “(in either case)”;
 - (bb) in paragraph (i)—
 - (i) in the words before sub-paragraph (i), for “wholly or mainly” substitute “to any extent”;

- (ii) in sub-paragraph (i), for “50” substitute “30”;
 - (cc) for paragraph (j) substitute—
 - “(j) participating in, attending or facilitating a regulated gathering or event that takes place outdoors;”;
 - (dd) in paragraph (k), for “an regulated gathering” substitute “a regulated gathering, in premises other than holiday or travel accommodation,”;
- (c) in paragraph 4—
 - (i) for sub-paragraph (1) substitute—
 - “(1) No person may, without a reasonable excuse, be involved in organising an event unless—
 - (a) the event is regulated (see regulation 57(7)),
 - (b) the event is held outdoors, and
 - (c) no more than the permitted number of people attend at any time.
 - (1A) The permitted number of people is—
 - (a) where every person attending is normally seated during the event, 10000;
 - (b) otherwise, 4000.
 - (1B) For the purposes of this paragraph, a person working, or providing voluntary services, in relation to the holding of an event is not to be treated as attending the event.”;
 - (ii) for sub-paragraph (2) substitute—
 - “(2) Sub-paragraph (1) does not apply to a person involved in organising—
 - (a) an event held at a private dwelling at which people do not participate in a gathering in contravention of paragraph 1;
 - (b) an event authorised by the Welsh Ministers under paragraph 5;
 - (c) a solemnisation of a marriage, formation of a civil partnership or an alternative wedding ceremony;
 - (d) a funeral;
 - (e) an indoor gathering of no more than 30 people at regulated premises not counting persons under the age of 11 or persons working at the premises, to—
 - (i) celebrate a solemnisation of a marriage, formation of a civil partnership or alternative wedding

- ceremony that took place on or after 26 March 2020;
- (ii) celebrate the life of a deceased person whose funeral is held on or after 26 March 2020;
- (f) a regulated gathering that takes place to any extent indoors and at which—
 - (i) no more than 30 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, at the gathering, and
 - (ii) no alcohol is consumed;
- (g) a regulated gathering, in premises other than holiday or travel accommodation, for the development or well-being of children (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays).”;
- (iii) in sub-paragraph (3)(b), for “50 or 100 people are in attendance, as the case may be” substitute “the permitted number of people are present at the event at any time”;
- (d) in paragraph 7(1), for “or 10” substitute “, 10 or 11”;
- (e) after paragraph 10 insert—

“**11.** Ice skating rinks.”
- (7) In Schedule 2—
 - (a) in paragraph 2(6)—
 - (i) in paragraph (i), in the words before sub-paragraph (i), for “wholly or mainly” substitute “to any extent”;
 - (ii) in paragraph (j), in the words before sub-paragraph (i), omit “wholly or mainly”;
 - (b) in paragraph 4—
 - (i) for sub-paragraph (1) substitute—

“(1) No person may, without a reasonable excuse, be involved in organising an event unless—

 - (a) the event is regulated (see regulation 57(7)),
 - (b) the event is held outdoors, and
 - (c) no more than 50 people attend at any time.
 - (1A) For the purposes of this paragraph, a person working, or providing voluntary

services, in relation to the holding of an event is not to be treated as attending the event.”;

(ii) for sub-paragraph (2) substitute—

“(2) Sub-paragraph (1) does not apply to a person involved in organising—

- (a) an event held at a private dwelling at which people do not participate in a gathering in contravention of paragraph 1;
- (b) an event authorised by the Welsh Ministers under paragraph 5;
- (c) a solemnisation of a marriage, formation of a civil partnership or an alternative wedding ceremony;
- (d) a funeral;
- (e) an indoor gathering of no more than 30 people at regulated premises, or an outdoor gathering of no more than 50 people at such premises, not counting (in either case) persons under the age of 11 or persons working at the premises, to—
 - (i) celebrate a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony that took place on or after 26 March 2020;
 - (ii) celebrate the life of a deceased person whose funeral is held on or after 26 March 2020;
- (f) a regulated gathering that takes place to any extent indoors and at which—
 - (i) no more than 30 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, at the gathering, and
 - (ii) no alcohol is consumed;
- (g) a regulated gathering that takes place outdoors and at which—
 - (i) no more than 50 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, at the gathering, unless the gathering is organised for the purposes of protest, or picketing carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992⁽¹⁾, and

(1) 1992 c. 52.

- (ii) no alcohol is consumed;
 - (h) a regulated gathering, in premises other than holiday or travel accommodation, for the development or well-being of children (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays).”;
 - (iii) in sub-paragraph (3)(b), for “30 or 50 people are in attendance, as the case may be” substitute “50 people are present at the event at any time”.
- (8) In Schedule 3—
 - (a) in paragraph 2(6)—
 - (i) in paragraph (g), in the words before sub-paragraph (i), for “wholly or mainly” substitute “to any extent”;
 - (ii) in paragraph (h), in the words before sub-paragraph (i), omit “wholly or mainly”;
 - (b) in paragraph 3(6)—
 - (i) in paragraph (j), in the words before sub-paragraph (i), for “wholly or mainly” substitute “to any extent”;
 - (ii) in paragraph (k), in the words before sub-paragraph (i), omit “wholly or mainly”;
 - (c) in paragraph 5—
 - (i) for sub-paragraph (1) substitute—

“(1) No person may, without a reasonable excuse, be involved in organising an event unless—

 - (a) the event is regulated (see regulation 57(7)),
 - (b) the event is held outdoors, and
 - (c) no more than 30 people attend at any time.

(1A) For the purposes of this paragraph, a person working, or providing voluntary services, in relation to the holding of an event is not to be treated as attending the event.”;
 - (ii) for sub-paragraph (2) substitute—

“(2) Sub-paragraph (1) does not apply to a person involved in organising—

 - (a) an event held at a private dwelling at which people do not participate in a gathering in contravention of paragraph 1;
 - (b) an event authorised by the Welsh Ministers under paragraph 6;

- (c) a solemnisation of a marriage, formation of a civil partnership or an alternative wedding ceremony;
- (d) a funeral;
- (e) an indoor gathering of no more than 15 people at regulated premises, or an outdoor gathering of no more than 30 people at such premises, not counting (in either case) persons under the age of 11 or persons working at the premises, to—
 - (i) celebrate a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony that took place on or after 26 March 2020;
 - (ii) celebrate the life of a deceased person whose funeral is held on or after 26 March 2020;
- (f) a regulated gathering that takes place to any extent indoors and at which—
 - (i) no more than 15 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, at the gathering, and
 - (ii) no alcohol is consumed;
- (g) a regulated gathering that takes place outdoors and at which—
 - (i) no more than 30 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, at the gathering, unless the gathering is organised for the purposes of protest, or picketing carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, and
 - (ii) no alcohol is consumed;
- (h) a regulated gathering, in premises other than holiday or travel accommodation, for the development or well-being of children (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays).”;
- (iii) in sub-paragraph (3)(b), for “15 or 30 people are in attendance, as the case may be” substitute “30 people are present at the event at any time”.

(9) In Schedule 4, paragraph 4—

(a) for sub-paragraph (1) substitute—

“(1) No person may, without a reasonable excuse, be involved in organising an event unless—

- (a) the event is regulated (see regulation 57(7)),
- (b) the event is held outdoors, and
- (c) no more than 30 people attend at any time.

(1A) For the purposes of this paragraph, a person working, or providing voluntary services, in relation to the holding of an event is not to be treated as attending the event.”;

(b) for sub-paragraph (2) substitute—

“(2) Sub-paragraph (1) does not apply to a person involved in organising—

- (a) an event held at a private dwelling at which people do not participate in a gathering in contravention of paragraph 2;
- (b) an elite sporting event authorised by the Welsh Ministers under paragraph 5;
- (c) a solemnisation of a marriage, formation of a civil partnership or an alternative wedding ceremony;
- (d) a funeral.”;

(c) in sub-paragraph (3)(b), for “15 or 30 people are in attendance, as the case may be” substitute “30 people are present at the event at any time”.

(10) In Schedule 5, paragraph 1, in Column 3 of the table, for “2” substitute “1”.

Mark Drakeford

First Minister, one of the Welsh Ministers

At 3.46 p.m. on 4 June 2021

Explanatory Memorandum to the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 11) Regulations 2021

This Explanatory Memorandum has been prepared by the Welsh Government and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 11) Regulations 2021.

Mark Drakeford
First Minister

4 June 2021

1. Description

The Regulations amend the [Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) Regulations 2020](#) (“the principal Regulations”).

2. Matters of special interest to Senedd Cymru

These Regulations are made under the emergency procedure set out in section 45R of the Public Health (Control of Disease) Act 1984 (c. 22) (“the 1984 Act”). The Regulations are made without a draft having been laid and approved by the Senedd. It is the opinion of the Welsh Ministers that, by reason of urgency, it is necessary to make the Regulations without a draft being so laid and approved so that public health measures can be taken in order to quickly respond to the threat to human health from coronavirus. The Welsh Ministers are of the opinion that the restrictions and requirements set out in the principal Regulations, as amended by these Regulations, are necessary and proportionate as a public health response to the current threat posed by coronavirus.

European Convention on Human Rights

Whilst the principal Regulations, as amended by these Regulations, engage individual rights under the Human Rights Act 1998 and the European Convention on Human Rights, the Government considers that they are justified for the purpose of preventing the spreading of infectious diseases and/or the interference is permitted on the basis that it is in pursuit of a legitimate aim, namely of protecting public health, and are proportionate.

Article 5 (right to liberty), Article 8 (right to respect for private and family life), Article 9 (freedom of thought, conscience and religion), Article 11 (freedom of assembly and association) and Article 1 of the First Protocol (protection of property) are engaged by the principal Regulations.

Each of these is a qualified right, which permits the Welsh Ministers to interfere with the exercise of the rights if necessary in a democratic society in the interests of public safety or for the protection of health. All such restrictions and requirements must be justified on the basis that they are in pursuit of a legitimate aim, namely of protecting public health, and are proportionate. Any interference with these rights also needs to be balanced with the State’s positive obligations under Article 2 (right to life). The adjustment of the restrictions and requirements under the principal Regulations by these Regulations is a proportionate response to the spread of coronavirus. It balances the need to maintain an appropriate response to the threat posed by coronavirus against the rights of individuals and businesses, in a manner which remains proportionate to the need to reduce the rate of transmission of the coronavirus, taking into account the scientific evidence.

These amending Regulations reduce the extent in which the restrictions and requirements under the principal Regulations interfere with those individual rights.

3. Legislative background

The 1984 Act, and regulations made under it, provide a legislative framework for health protection in England and Wales. These Regulations are made under sections 45C(1) and (3)(c), 45F(2) and 45P(2) of the 1984 Act. Further information on these powers is set out in the [Explanatory Memorandum](#) to the principal Regulations.

4. Purpose and intended effect of the legislation

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) which causes the disease known as COVID-19.

The principal Regulations made on 18 December 2020 set out restrictions and requirements which will apply to four different Alert Levels with the determination of applicable Alert Levels as set out in the [Coronavirus Control Plan](#). This plan was updated on 19 March 2021.

These Regulations amend the principal Regulations so that from 6.00 a.m. on 7 June 2021 the restrictions and requirements in Schedule 1 to those Regulations apply to the whole of Wales. However, in order to move to Alert Level 1 of the Coronavirus Control Plan in a phased way, the restrictions and requirements of Schedule 1 are being amended in various respects. As amended, Schedule 1 provides that—

- gatherings indoors in private dwellings remain restricted to the members of one household or extended household. An extended household may now comprise up to three households and one well-being needs household (sometimes referred to as a support bubble).
- up to four people who share living facilities may gather indoors at a private dwelling. This is an amendment to Schedule 1 and will be required until Wales moves fully to Alert Level 1 of the Action Plan, when up to six persons (not from the same household or extended household) will be allowed to gather in private dwellings).
- up to 30 people can meet in any premises outdoors, including in private gardens and in regulated premises.

In relation to events—

- regulated gatherings and events outdoors can take place with up to 4,000 people (for standing events) or 10,000 people (for seated events). An event's actual capacity will depend on its risk assessment. There is no limit on the number of people with which an attendee at an event can gather, but the event organisers must take all reasonable measures to minimise the risk of exposure to coronavirus.
- subject to exceptions, no person may organise an indoor event. The exceptions include indoor celebrations at regulated premises of marriage,

formation of a civil partnership or alternative wedding ceremony and indoor celebrations at such premises of the life of a deceased person. They also include indoor regulated gatherings. In all these cases, a maximum of 30 people may attend.

- ice skating rinks must remain closed.

These Regulations also amend the principal Regulations to make minor and consequential amendments, including to replicate the events provisions in Schedule 1 across Schedules 2 to 4. They also clarify that the exception to the table service requirement previously provided for in cinemas, theatres and sports grounds applies only where a person is seated to watch the performance or sporting event as well as extending that exception to people attending an outdoors regulated gathering or event.

5. Consultation

Given the serious and imminent threat arising from coronavirus and the need for an urgent public health response, there has been no public consultation in relation to these Regulations.

6. Regulatory and other impact assessments

A regulatory impact assessment has not been prepared in relation to these Regulations due to the need to put them in place urgently to deal with a serious and imminent threat to public health.



Elin Jones, MS
Llywydd
Senedd Cymru
Cardiff Bay
CF99 1SN

4 June 2021

Dear Elin

The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 11) Regulations 2021

I have today made these Regulations under sections 45C(1) and (3)(c), 45F(2) and 45P(2) of the Public Health (Control of Disease) Act 1984, which come into force at 6.00 a.m. on 7 June 2021. I attach a copy of the statutory instrument and I intend to lay this and the accompanying Explanatory Memorandum once the statutory instrument has been registered.

In accordance with the emergency procedure set out in section 45R of the Public Health (Control of Disease) Act 1984, this instrument must be approved by the Senedd by 4 July 2021 in order for it to remain in effect. In these circumstances I understand Standing Order 21.4A is relevant and the Business Committee may establish and publish a timetable for the responsible committee or committees to report. It may be helpful to know that I intend to include the debate for this item of subordinate legislation in the proposed Plenary business on 15 June 2021.

I am copying this letter to the Minister for Rural Affairs and North Wales, and Trefnydd, David Rees MS, Chair of the Interim Subordinate Legislation Committee, Siwan Davies, Director of Senedd Business, Sian Wilkins, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely

MARK DRAKEFORD

SL(6)011 - The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 12) Regulations 2021

Background and Purpose

These Regulations further amend the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 (the Principal Regulations) so that the prohibition on organising events in paragraph 4 of Schedule 1 to the Principal Regulations does not apply in relation to specified events.

For example, the prohibition does not apply to an event that is held outdoors at regulated premises (other than holiday or travel accommodation) at which either: (i) no more than 30 people are in attendance, or (ii) all of the people in attendance are members of the same household. (Under 11s, carers of people attending the event, people working at the event and people providing voluntary services at the event do not count towards the 30 limit.)

Procedure

Made Affirmative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd must approve the Regulations within 28 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were made for them to continue to have effect.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following 2 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

We note the Welsh Government's justification for any potential interference with human rights. In particular, we note the following paragraphs in the Explanatory Memorandum:

"Whilst the principal Regulations, as amended by these Regulations, engage individual rights under the Human Rights Act 1998 and the European Convention on Human Rights, the Government considers that they are justified for the purpose of preventing



the spreading of infectious diseases and/or the interference is permitted on the basis that it is in pursuit of a legitimate aim, namely of protecting public health, and are proportionate. Further information about engagement of rights is set out in the [Explanatory Memorandum](#) to the principal Regulations."

2. Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

We note there has been no formal consultation on these Regulations. In particular, we note the following paragraph in the Explanatory Memorandum:

"Given the serious and imminent threat arising from coronavirus and the need for an urgent public health response, there has been no public consultation in relation to these Regulations."

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Interim Subordinate Legislation Committee

9 June 2021



Senedd Cymru
Pwylgor Is-ddeddfwriaeth Dros Dro

—

Welsh Parliament
Interim Subordinate Legislation Committee

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. 686 (W. 172)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus
Restrictions) (No. 5) (Wales)
(Amendment) (No. 12) 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”).

The amendment clarifies the effect of the prohibition on organising events in paragraph 4 of Schedule 1 to the principal Regulations.

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 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. 686 (W. 172)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus
Restrictions) (No. 5) (Wales)
(Amendment) (No. 12) Regulations
2021**

Made at 3.35 p.m. on 8 June 2021

*Laid before Senedd
Cymru at 5.45 p.m. on 8 June 2021*

Coming into force at 6.00 p.m. on 8 June 2021

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

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. 12) Regulations 2021.

(2) These Regulations come into force at 6.00 p.m. on 8 June 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 Schedule 1, paragraph 4—

- (a) in sub-paragraph (2)(e), for “of no more than 30 people at regulated premises not counting persons under the age of 11 or persons working at the premises” substitute “at regulated premises where no more than 30 people are in attendance”;
- (b) in sub-paragraph (2)(f)(i), omit “, not counting persons under the age of 11 or persons working, or providing voluntary services, at the gathering,”;
- (c) after sub-paragraph (2)(g) insert—
 - “(h) an event that is held to any extent indoors at regulated premises and at which—
 - (i) no more than 6 people are in attendance, or
 - (ii) all of the people in attendance are members of the same household or, if the regulated premises are holiday or travel accommodation, the same extended household;
 - (i) an event that is held outdoors at regulated premises (other than at holiday or travel accommodation) and at which—

⁽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) and S.I. 2021/668 (W. 169).

- (i) no more than 30 people are in attendance, or
- (ii) all of the people in attendance are members of the same household;
- (j) an event that is held outdoors at premises that are not regulated premises or outdoors at holiday or travel accommodation and at which—
 - (i) no more than 30 people are in attendance, or
 - (ii) all of the people in attendance are members of the same household or extended household.”;
- (d) after sub-paragraph (2) insert—
 - “(2A) In determining, for the purposes of sub-paragraph (2), the number of persons in attendance at an event, no account is to be taken of—
 - (a) any children under the age of 11,
 - (b) the carer of any person in attendance, or
 - (c) any person working, or providing voluntary services, at the event.”

Mark Drakeford

First Minister, one of the Welsh Ministers

At 3.35 p.m. on 8 June 2021

Explanatory Memorandum to the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 12) Regulations 2021

This Explanatory Memorandum has been prepared by the Welsh Government and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 12) Regulations 2021.

Mark Drakeford
First Minister

8 June 2021

1. Description

The Regulations amend the [Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) Regulations 2020](#) (“the principal Regulations”).

2. Matters of special interest to Senedd Cymru

These Regulations are made under the emergency procedure set out in section 45R of the Public Health (Control of Disease) Act 1984 (c. 22) (“the 1984 Act”). The Regulations are made without a draft having been laid and approved by the Senedd. It is the opinion of the Welsh Ministers that, by reason of urgency, it is necessary to make the Regulations without a draft being so laid and approved so that public health measures can be taken in order to quickly respond to the threat to human health from coronavirus. The Welsh Ministers are of the opinion that the restrictions and requirements set out in the principal Regulations, as amended by these Regulations, are necessary and proportionate as a public health response to the current threat posed by coronavirus.

European Convention on Human Rights

Whilst the principal Regulations, as amended by these Regulations, engage individual rights under the Human Rights Act 1998 and the European Convention on Human Rights, the Government considers that they are justified for the purpose of preventing the spreading of infectious diseases and/or the interference is permitted on the basis that it is in pursuit of a legitimate aim, namely of protecting public health, and are proportionate. Further information about engagement of rights is set out in the [Explanatory Memorandum](#) to the principal Regulations.

3. Legislative background

The 1984 Act, and regulations made under it, provide a legislative framework for health protection in England and Wales. These Regulations are made under sections 45C(1) and (3)(c), 45F(2) and 45P(2) of the 1984 Act. Further information on these powers is set out in the Explanatory Memorandum to the principal Regulations.

4. Purpose and intended effect of the legislation

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) which causes the disease known as COVID-19.

The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 11) Regulations 2021 amended the principal Regulations so as to, amongst other matters, move all of Wales into Alert Level 1 and amend the restrictions on organising events at Alert Level 1.

These Regulations further amend the principal Regulations to clarify that the prohibition on organising events in paragraph 4 of Schedule 1 to the principal Regulations does not apply to an event that is held outdoors and at which no more

than 30 people are in attendance, not counting persons under the age of 11 or persons working, or providing voluntary services, at the event. The Regulations also clarify that the prohibition does not apply where all the persons in attendance are members of an individual household or, in circumstances where the event is held outdoors at holiday or travel accommodation, the same extended household.

These Regulations come into force at 6.00 p.m. today.

5. Consultation

Given the serious and imminent threat arising from coronavirus and the need for an urgent public health response, there has been no public consultation in relation to these Regulations.

6. Regulatory and other impact assessments

A regulatory impact assessment has not been prepared in relation to these Regulations due to the need to put them in place urgently to deal with a serious and imminent threat to public health.



Elin Jones, MS
Llywydd
Senedd Cymru
Cardiff Bay
CF99 1SN

8 June 2021

Dear Elin

The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 12) Regulations 2021

I have today made these Regulations under sections 45C(1) and (3)(c), 45F(2) and 45P(2) of the Public Health (Control of Disease) Act 1984, which come into force at 6.00 p.m. today. I attach a copy of the statutory instrument and I intend to lay this and the accompanying Explanatory Memorandum once the statutory instrument has been registered.

In accordance with the emergency procedure set out in section 45R of the Public Health (Control of Disease) Act 1984, this instrument must be approved by the Senedd by 5 July 2021 in order for it to remain in effect. In these circumstances I understand Standing Order 21.4A is relevant and the Business Committee may establish and publish a timetable for the responsible committee or committees to report. It may be helpful to know that I intend to include the debate for this item of subordinate legislation in the proposed Plenary business on 15 June 2021.

I am copying this letter to the Minister for Rural Affairs and North Wales, and Trefnydd, David Rees MS, Chair of the Interim Subordinate Legislation Committee, Siwan Davies, Director of Senedd Business, Sian Wilkins, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely

MARK DRAKEFORD