

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

2020 No. 557 (W. 129)

PUBLIC HEALTH, WALES

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

Regulation 2 of these Regulations amends the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 (the “principal Regulations”).

These amendments include—

- (a) provisions enabling a marriage or civil partnership where a party to the marriage or civil partnership is terminally ill;
- (b) a relaxation to the requirement to stay at home unless you have a reasonable excuse to enable people to be outside for any purpose within their local area;

- (c) a relaxation to the prohibition on gathering which allows persons from no more than two households to gather outdoors.

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

2020 No. 557 (W. 129)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus
Restrictions) (Wales) (Amendment)
(No. 5) Regulations 2020**

Made 29 May 2020

Laid before Senedd
Cymru at 12.00 p.m. on 1 June 2020

Coming into force at 4.00 p.m. on 1 June 2020

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 the amendments made 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

(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.

having been laid before, and approved by a resolution of, Senedd Cymru.

Title and coming into force

1. The title of these Regulations is the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 5) Regulations 2020 and they come into force at 4.00 p.m. on 1 June 2020.

Amendment of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020

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

(2) In regulation 7(2)—

(a) before sub-paragraph (a) insert—

“(aa) for the solemnization of a marriage or formation of a civil partnership, where a party to the marriage or civil partnership is seriously ill and not expected to recover,”;

(b) for sub-paragraph (b) substitute—

“(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 allowed by sub-paragraph (aa);

(iii) a funeral, or”.

(3) For regulation 8 substitute—

“Restrictions on movement and being indoors during the emergency period

8.—(1) During the emergency period, no person may, without reasonable excuse—

(a) leave the area local to the place where they are living or remain away from that area;

(b) be indoors with another person who is not—

(i) a member of their household,

(ii) their carer, or

(1) S.I. 2020/353 (W. 80) as amended by S.I. 2020/399 (W. 88), S.I. 2020/452 (W. 102), S.I. 2020/497 (W. 118) and S.I. 2020/529 (W. 124).

- (iii) a person they are providing care to.
- (2) A reasonable excuse includes the need to do the following (but see paragraph (3))—
 - (a) obtain supplies from any business or service listed in Part 4 of Schedule 1 including—
 - (i) food and medical supplies for those in the same household (including animals in the household) or for vulnerable persons;
 - (ii) supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person;
 - (b) obtain money from or deposit money with any business or service listed in paragraph 38 or 39 of Schedule 1;
 - (c) seek medical assistance, including accessing any of the services referred to in paragraph 42 of Schedule 1 or accessing veterinary services;
 - (d) 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⁽¹⁾, where the person receiving the care is a vulnerable person;
 - (e) provide or receive emergency assistance;
 - (f) donate blood;
 - (g) work or provide voluntary or charitable services (but see also regulation 8A);
 - (h) enable work to be undertaken at any premises (but see also regulation 8A);
 - (i) attend a solemnization of a marriage or formation of a civil partnership, where a party to the marriage or civil partnership is seriously ill and not expected to recover—
 - (i) as a party to the marriage or civil partnership,
 - (ii) if invited to attend, or
 - (iii) as the carer of a person attending.
 - (j) attend a funeral—

(1) 2006 c. 47. Sub-paragraph (3B) was substituted, with sub-paragraphs (1), (3) and (3A) to (3E) for sub-paragraphs (1) to (3) by s. 66(2) of the Protection of Freedoms Act 2012 (c. 9)

- (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;
- (k) visit a cemetery, burial ground or garden of remembrance to pay respects to a deceased person;
- (l) meet a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
- (m) access or receive critical public services, including—
 - (i) childcare or educational services (where these are still available to a child in relation to whom the person is the parent, or has parental responsibility for, or has care of);
 - (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);
- (n) visit a library;
- (o) 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;
- (p) in the case of a minister of religion or worship leader, go to their place of worship;
- (q) move house where the move cannot be postponed;
- (r) avoid injury or illness or escape a risk of harm.

(3) For the purposes of paragraph (1)(a), it is not a reasonable excuse for a person to leave the area local to the place where the person is living to do something, or remain away from the area to do something, if it would be reasonably practicable for them to do that thing within the area.

(4) Paragraph (1)(a) does not apply to a person who is exercising, but only where the exercise starts and finishes at the place where the person is living.

(5) Paragraph (1) does not apply to a person who is homeless.”

(4) After new regulation 8 insert—

“Requirement to continue to work from home where practicable

8A.—(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.”

(5) After new regulation 8A insert—

“Restrictions on gathering with other persons

8B. During the emergency period no person may participate in a gathering outdoors except—

- (a) where the persons gathering are members of no more than two households,
- (b) where the gathering is essential for work purposes,
- (c) to attend a funeral, or
- (d) where the gathering is necessary—
 - (i) to facilitate a house move,
 - (ii) to provide care or assistance to a vulnerable person, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006,
 - (iii) to provide emergency assistance to any person, or

- (iv) to participate in legal proceedings, or fulfil a legal obligation.”

(6) In regulation 10—

- (a) in paragraph (2)—
 - (i) in the words at the beginning, for “the requirement in regulation 8(1)” substitute “a requirement in regulation 8(1) or 8A”;
 - (ii) in sub-paragraph (a), at the end insert “(if P is not already there)”;
 - (iii) in sub-paragraph (b), at the end insert “(if P is not already there)”;
- (b) in the words at the beginning of paragraph (7)—
 - (i) omit “three or more”;
 - (ii) for “8(5)” substitute “8B”;
- (c) in the words at the beginning of paragraph (8A), for “8(5)” substitute “8B”.

(7) In regulation 12(1)—

- (a) in sub-paragraph (a), for “8(5)” substitute “8A, 8B”;
- (b) in sub-paragraph (b), for “the requirement in regulation 8(1)” substitute “a requirement in regulation 8(1)”.

Savings for offences and penalties in relation to prior acts

3. Regulations 12 and 13 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 continue to have effect in relation to any offence committed, or reasonably believed to have been committed, before these Regulations came into force as if the amendments set out in regulation 2 had not been made.

Mark Drakeford

First Minister, one of the Welsh Ministers
29 May 2020