

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. 619 (W. 141)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus
Restrictions) (Wales) (Amendment)
(No. 6) 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 amendments consist of provision—

- (a) permitting certain premises to be open for elite athletes to train and providing that it is a reasonable excuse for elite athletes to be away from their local area, or to gather with other persons for the purposes of training or competition;
- (b) permitting shops previously required to be closed (and similar premises including car dealerships and outdoor markets) to open, but note that they must comply with requirements

relating to physical distancing and their customers must remain in the area local to where they are living;

- (c) removing limitations on marriage and civil partnership ceremonies taking place, subject to physical distancing requirements;
- (d) permitting places of worship to open for private prayer;
- (e) making it clear that a place of worship or community centre may open (at the request of the Welsh Ministers or a local authority) in order to provide any public service;
- (f) stating that it is a reasonable excuse to leave your local area or be inside with other persons in order to vote in an election, but only where it is not reasonably practicable to vote otherwise than in person;
- (g) stating that it is a reasonable excuse to leave your local area or gather indoors with other persons in order to—
 - (i) move house;
 - (ii) prepare a property for someone to move in;
 - (iii) visit an estate or letting agent, developer sales office or show home in connection with the purchase, sale or rental of an unoccupied property;
 - (iv) view an unoccupied property.

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. 619 (W. 141)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus
Restrictions) (Wales) (Amendment)
(No. 6) Regulations 2020**

Made 19 June 2020

Coming into force at 12.01 a.m. on 22 June 2020

Laid before Senedd Cymru at 11.00 a.m. on 22 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. 6) Regulations 2020 and they come into force at 12.01 a.m. on 22 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 1—

(a) in paragraph (3), after sub-paragraph (b) insert—

“(ba) “elite athlete” means an individual designated as such for the purposes of these Regulations by the Sports Council for Wales;”

(b) after paragraph (3) insert—

“(4) For the purposes of the definition of “elite athlete” in paragraph (3)—

(a) an individual is designated by the Sports Council for Wales only if the individual has been nominated for designation by a relevant sporting body and the Council has accepted the nomination, and

(b) “relevant sporting body” means the national governing body of a sport which may nominate athletes to represent—

(i) Great Britain and Northern Ireland at the Olympic or Paralympic Games, or

(ii) Wales at the Commonwealth Games.

(5) For the purposes of these Regulations—

(1) S.I. 2020/353 (W. 80) as amended by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020 (S.I. 2020/399 (W. 88)), the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/452 (W. 102)), the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 3) Regulations 2020 (S.I. 2020/497 (W. 118)), the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 4) Regulations 2020 (S.I. 2020/529 (W. 124)) and the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 5) Regulations 2020 (S.I. 2020/557 (W. 129)).

- (a) there is a gathering when two or more people are in the same place in order to do something together, and
- (b) premises are indoors if they are enclosed or substantially enclosed within the meaning given by regulation 2 of the Smoke-free Premises etc. (Wales) Regulations 2007(1).”

(3) In regulation 4—

- (a) in paragraph (1)(b), for “6(1)” substitute “6(2)”;
- (b) in paragraph (5), after sub-paragraph (b) insert—
 - “(ba) premises for training for elite athletes, including skating rinks, swimming pools, indoor fitness studios, gyms, indoor leisure centres and other sports facilities (whether indoors or outdoors);”.

(4) For regulation 6 substitute—

“General restriction on shops and certain other businesses and services

6.—(1) Paragraph (2) applies—

- (a) to a person (“P”) responsible for carrying on a business, or providing a service, listed in Part 4 of Schedule 1, and
- (b) in respect of any premises where the business is carried on or the service is provided.

(2) P must take all reasonable measures to ensure—

- (a) that a distance of 2 metres is maintained between any persons on the premises (except between two members of the same household, or a carer and the person assisted by the carer),
- (b) that persons are only admitted to the premises in sufficiently small numbers to make it possible to maintain that distance, and
- (c) that a distance of 2 metres is maintained between persons waiting to enter the premises (except between two members of the same household, or a carer and the person assisted by the carer).”

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

(5) In regulation 6A(2), omit sub-paragraph (b) and the “or” before it.

(6) In regulation 7—

(a) in paragraph (2)—

(i) for sub-paragraph (aa) substitute—

“(za) for the solemnization of a marriage or formation of a civil partnership,”;

(ii) after sub-paragraph (a) insert—

“(aa) for prayer by—

(i) an individual,

(ii) members of the same household,
or

(iii) an individual and the individual’s
carer,

which does not form part of communal
worship,”;

(iii) in sub-paragraph (b)(ii) omit “allowed by
sub-paragraph (aa)”;

(iv) in sub-paragraph (c) omit “urgent” and
the words after “public services” to the
end;

(b) in paragraph (5)(a) omit “urgent” and the
words after “public services” to the end.

(7) In regulation 7A(1), for sub-paragraph (b)
substitute—

“(b) regulation 6(2),”.

(8) In regulation 8—

(a) in paragraph (1)(b), for “be indoors”
substitute “gather in indoor premises”;

(b) in paragraph (2)—

(i) for paragraph (a) substitute—

“(a) obtain goods or services from any
business or service listed in Part 4 of
Schedule 1;”;

(ii) after sub-paragraph (g) insert—

“(ga) where the person is an elite athlete,
train or compete;”;

(iii) in sub-paragraph (i) omit the words “,
where a party to the marriage or civil
partnership is seriously ill and not
expected to recover”;

(iv) after sub-paragraph (l) insert—

“(la) vote in an election (including in an
election being held outside Wales),
where it is not reasonably practicable
to vote by post, by proxy or by other
similar means;”;

(v) for sub-paragraph (q) substitute—

- “(q) move home;
- (qa) prepare a residential property for persons to move in;
- (qb) undertake the following activities in connection with the purchase, sale, letting or rental of unoccupied residential property—
 - (i) visiting estate or letting agents, developer sales offices or show homes;
 - (ii) viewing such a property;”
- (c) for paragraph (3) substitute—

“(3) For the purposes of paragraph (1)(a), it is not a reasonable excuse for a person to leave, or remain away from, the area local to the place where the person is living—

 - (a) to obtain goods or services from a business or service listed in paragraphs 50 to 54 of Schedule 1;
 - (b) to do anything else if it would be reasonably practicable for the person to do that thing within the area.”;
- (d) after paragraph (5), insert—

“(6) For the purposes of paragraph (2)(qb), a property is treated as unoccupied if no person occupies the property as a residence.”.
- (9) In regulation 8B—
 - (a) in sub-paragraph (c) after “funeral” insert “, marriage or formation of a civil partnership”;
 - (b) after sub-paragraph (d)(i) insert—

“(ia) for elite athletes to train or compete;”.
- (10) In Schedule 1—
 - (a) omit paragraph 12;
 - (b) in paragraph 21, omit “, sports courts”;
 - (c) omit paragraphs 22 and 23;
 - (d) after paragraph 48 insert—

49. Estate or letting agents, developer sales offices and show homes.

50. Car dealerships.

51. Outdoor markets.

52. Betting shops.

53. Indoor shopping centres and indoor shopping arcades.

54. Any other business or premises offering goods or services for sale or hire in a shop.”.

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

The First Minister, one of the Welsh Ministers
19 June 2020