

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

This document has been prepared by the Office of the Legislative Counsel in the Welsh Government. It is intended for illustrative purposes only to assist the reader of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020, to understand the subsequent changes made by the:

- Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020,
- Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, and
- Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 3) Regulations 2020.

It is not an official version of the principal Regulations, a copy of which may be found on the legislation.gov.uk website.

The principal Regulations came into force at 4.00pm on 26 March 2020. The first set of amendments to those Regulations took effect at 12.01am on 7 April 2020; the second set at 12.01am on 25 April 2020; and the third set of amendments at 4.00pm on 11 May 2020.

Note on text of the Regulations:

- When text is **omitted** by the amending Regulations, text is ~~struck through and presented in red text~~
- When text is **inserted** by the amending Regulations, text is underlined and presented in blue text

A superscript number, example ^{1, 2, 3}, refers to the relevant note in the box that follows an amended regulation or Schedule.

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

Date of issue: 11 May 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 2A of the Public Health (Control of Disease) Act 1984 enables the Welsh Ministers, by regulations, to make provision for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Wales.

These Regulations (“the principal Regulations”) are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales.

The principal Regulations replace the Health Protection (Coronavirus, Business Closure) (Wales) Regulations 2020 and the Health Protection (Coronavirus: Closure of Leisure Businesses, Footpaths and Access Land) (Wales) Regulations 2020, which are revoked by **regulation 2**, and make further provision. The principal Regulations were amended by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020, the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020 and the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 3) Regulations 2020.

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

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

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

Regulation 6 imposes restrictions on other businesses or services. Paragraph (1) applies to the businesses and services listed in **Part 4** of **Schedule 1** allowing them to remain open subject to the conditions specified. Paragraph (2) requires other businesses that sell or hire things in a shop to close subject to an exception allowing those businesses to continue to respond to orders or enquiries received online, by telephone or by post (but the premises used for that purpose must comply with the requirements in paragraph (2A)).

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

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

This document has been prepared by the Welsh Government to assist readers of the legislation, but is not an official version of the Statutory Instrument or the Explanatory Note

cemetery to take all reasonable measures to ensure that a distance of 2 metres is maintained between persons on the premises during a burial.

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

Regulation 8 imposes restrictions on movement and gatherings. This provides that no person may leave or remain away from the place they live without a reasonable excuse (examples of which are listed). It also provides that no person may participate in a gathering in a public place of more than two people except in certain circumstances.

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

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

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

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has not been prepared as to the likely cost and benefit of complying with these Regulations.

Regulations made by the Welsh Ministers, laid before the National Assembly for Wales under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of the National Assembly for Wales within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution or recess for more than four days.

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. 353 (W. 80)

PUBLIC HEALTH, WALES

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

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

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 45C(1) and (3)(c), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984(1).

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales.

The Welsh Ministers consider that restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 45R of that Act the Welsh Ministers are of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, the National Assembly for Wales.

Title, coming into force, application and interpretation

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

(2) These Regulations apply in relation to Wales.

(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.

(3) In these Regulations—

- (a) “carer” means a person who provides care for the person assisted where—
 - (i) the carer is entitled to an assessment under section 24 of the Social Services and Well-being (Wales) Act 2014⁽¹⁾,
 - (ii) the care is part of the provision of community care services under Part 4 of the Social Services and Well-being (Wales) Act 2014, or
 - (iii) the care is provided by a care provider registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016⁽²⁾;
- (b) “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);
- (c) “local authority” means the council of a county or county borough in Wales;
- (d) a “person responsible for carrying on a business” includes the owner, proprietor, and manager of that business;
- (da) “premises” includes any building or structure and any land;¹
- (e) “vulnerable person” includes—
 - (i) any person aged 70 or older;
 - (ii) any person under 70 who has an underlying health condition, including, but not limited to, the conditions listed in Schedule 2;
 - (iii) any person who is pregnant;
 - (iv) any child;
 - (v) any person who is a vulnerable adult within the meaning given by section 60(1) of the Safeguarding Vulnerable Groups Act 2006⁽³⁾;²

Notes:

¹ Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020, reg 7(2)(07/04/20)

² Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 6(2) (25/04/20)

Revocation

2.—(1) The Health Protection (Coronavirus, Business Closure) (Wales) Regulations 2020⁽⁴⁾ and the Health Protection (Coronavirus: Closure of Leisure Businesses, Footpaths and Access Land) (Wales) Regulations 2020⁽⁵⁾ are revoked.

(2) Notwithstanding the revocation of those Regulations, they continue in force in relation to any offence committed under them before these Regulations came into force.

The emergency period and review of need for restrictions

3.—(1) For the purposes of these Regulations the “emergency period”—

- (a) starts when these Regulations come into force, and
- (b) ends in relation to a requirement or restriction imposed by these Regulations on the day and at the time specified in a direction published by the Welsh Ministers terminating the requirement or restriction (see paragraphs (3) and (4)).

(1) 2014 anaw 4.

(2) 2016 anaw 2.

(3) 2006 c. 47. The definition of “vulnerable adult” in section 60(1) was amended by s. 65(2)(b) of the Protection of Freedoms Act 2012 (c. 9).

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

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

This document has been prepared by the Welsh Government to assist readers of the legislation, but is not an official version of the Statutory Instrument or the Explanatory Note

(2) The Welsh Ministers must review the need for restrictions and requirements imposed by these Regulations, and whether those restrictions and requirements are proportionate to what the Welsh Ministers seek to achieve by them,³ every 21 days, with the first review being carried out by ~~15~~ 16¹ April 2020.

~~(3) As soon as the Welsh Ministers consider that a requirement or restriction imposed by these Regulations is no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in Wales with the coronavirus, the Welsh Ministers must publish a direction terminating the requirement or restriction.~~⁴

~~(4) [A direction published under this regulation may —~~

~~(a) terminate any one or more requirement or restriction;~~

~~(b) terminate a requirement or restriction in relation to a specified business or service or a specified description of business or service.~~

~~(4) The Welsh Ministers may, if they consider it appropriate to do so having regard to the need to prevent, protect against, control or provide a public health response to the incidence or spread of infection in Wales with the coronavirus, publish a direction terminating a requirement or restriction in relation to —~~

~~(a) a specified business or service or a specified description of business or service;~~

~~(b) a specified description of persons;~~

~~(c) a specified part of Wales.~~

~~(4A) The termination of a restriction or requirement by a direction does not affect —~~

~~(a) any punishment incurred in respect of any offence committed under these Regulations before the restriction or requirement is terminated;~~

~~(b) any fixed penalty notice issued under regulation 13 in relation to conduct occurring before the restriction or requirement is terminated, or~~

~~(c) any investigation, legal proceeding or remedy in respect of —~~

~~(i) any such offence or conduct, or~~

~~(ii) any alleged offence under these Regulations that is alleged to have been committed before the restriction or requirement is terminated;~~

~~and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such punishment or penalty may be imposed, as if the termination had not occurred.~~^{2,4}

~~(5) In this regulation, “specified” means specified in a direction.~~⁴

Notes:

- 1 Substituted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020, reg 7(3) (07/04/20)
- 2 Regulation 3(4) substituted, and regulation 3(4A) inserted, by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 2 (25/04/20)
- 3 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No 3) Regulations 2020, reg 2(2)(a) (11/05/20)
- 4 Omitted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No 3) Regulations 2020, reg 2(2)(b) (11/05/20)

Requirement to close premises and businesses during the emergency period

4.—(1) A person responsible for carrying on a business which is listed in Part 1 of Schedule 1 must, during the emergency period—

(a) close any premises, or part of the premises, in which food or drink are sold for consumption on those premises;

(b) cease selling food or drink for consumption on its premises (but if the business sells food and drink for consumption off the premises it may continue to do so subject to regulation 6(1)).

This document has been prepared by the Welsh Government to assist readers of the legislation, but is not an official version of the Statutory Instrument or the Explanatory Note

(2) For the purposes of paragraph (1), food or drink sold by a hotel or other accommodation as part of room service is not to be treated as being sold for consumption on its premises.

(3) For the purposes of paragraph (1), an area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business) is to be treated as part of the premises of that business.

(4) A person responsible for carrying on a business or providing a service which is listed in Part 2 or 3 of Schedule 1 must, during the emergency period, cease to carry on that business or to provide that service.

(5) But paragraph (4) does not prevent the use of—

(a) premises used for the businesses or services listed in paragraphs 5, 6, 8, 9, 10 or 18 of Part 2 of Schedule 1¹ to broadcast (without an audience) a performance (whether over the internet or as part of a radio or television broadcast);

~~(b) any suitable premises used for the businesses or services listed in Part 2 or 3 of that Schedule to provide, upon the request of the Welsh Ministers or a local authority, urgent public services (including the provision of food or other support for the homeless or vulnerable persons, blood donation sessions or support in an emergency);~~

(b) premises used for the businesses or services listed in Part 2 or 3 of Schedule 1 for any purpose as may be requested by the Welsh Ministers or a local authority;²

(c) premises used as a museum, ~~gallery or library~~ or gallery⁵, or for providing archive services, for the provision of information or other services—

(i) through a website, or otherwise by on-line communication,

(ii) by telephone, including ~~orders~~³ by text message, or

(iii) by post.

(5A) Paragraph (5B) applies—

(a) to premises used to carry on a business or provide a service mentioned in sub-paragraph (1)(a), (b) or (c) of paragraph 2 of Schedule 1, or

(b) where premises used to carry on a business or provide a service listed in Part 2 or 3 of Schedule 1 are used for a purpose mentioned in paragraph (5).

(5B) Where this paragraph applies, the person responsible for carrying on the business or providing the service must, during the emergency period, take all reasonable measures to ensure —

(a) that a distance of 2 metres is maintained between any persons on the premises (except between two members of the same household, or a carer and the person assisted by the carer),

(b) that persons are only admitted to the premises in sufficiently small numbers to make it possible to maintain that distance, and

(c) that a distance of 2 metres is maintained between persons waiting to enter the premises (except between two members of the same household, or a carer and the person assisted by the carer).⁴

(6) If a business listed in Schedule 1 (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in paragraph (1) or (4) if it closes down business A.

Notes:

1 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 6(3)(a) (25/04/20)

2 Substituted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 6(3)(b) (25/04/20)

3 Omitted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 6(3)(c) (25/04/20)

4 Regulation 4(5A) and (5B) inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 3(2) (25/04/20)

⁵ Substituted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No 3) Regulations 2020, reg 2(3) (11/05/20)

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

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

(2) But the obligation in paragraph (1) does not apply in relation to any person using a mobile home on a holiday site for human habitation under an agreement to which Part 4 of the Mobile Homes (Wales) Act 2013(1) applies.

~~(3) In so far as regulation 4(4) applies to any other business listed in Part 3 of Schedule 1, the obligation on the person responsible for carrying on the business applies subject to the need to—~~

- ~~(a) provide accommodation for any persons staying in that accommodation when these Regulations come into force and who—
 - ~~(i) are unable to return to their main residence, or~~
 - ~~(ii) are using the accommodation as their main residence;~~~~
- ~~(b) carry on the business, or keep any premises used in the business open, for any purpose as may be requested by the Welsh Ministers or a local authority.~~

(3) In so far as regulation 4(4) applies to any other business listed in Part 3 of Schedule 1, the obligation on the person responsible for carrying on the business applies subject to the need to provide accommodation for any persons staying in that accommodation when these Regulations come into force and who—

- (a) are unable to return to their main residence, or
- (b) are using the accommodation as their main residence.

(3A) In so far as regulation 4(4) applies to a business listed in Part 3 of Schedule 1, the obligation on the person responsible for carrying on the business applies subject to the need to—

- ~~(a) carry on the business, or keep any premises used in the business open, for any purpose as may be requested by the Welsh Ministers or a local authority;²~~
- (b) carry on the business by providing information or other services—
 - (i) through a website, or otherwise by on-line communication,
 - (ii) by telephone, including enquiries by text message, or
 - (iii) by post.¹

(3B) Paragraph (3C) applies where premises used for a business listed in Part 3 of Schedule 1 are used—

- (a) to provide accommodation in accordance with paragraph (3), or
- (b) to carry on the business in accordance with paragraph (3A).

(3C) Where this paragraph applies, the person responsible for carrying on the business must, during the emergency period, take all reasonable measures to ensure—

- (a) that a distance of 2 metres is maintained between any persons on the premises (except between two members of the same household, or a carer and the person assisted by the carer),
- (b) that persons are only admitted to the premises in sufficiently small numbers to make it possible to maintain that distance, and
- (c) that a distance of 2 metres is maintained between persons waiting to enter the premises (except between two members of the same household, or a carer and the person assisted by the carer).³

(1) 2013 anaw 6 as amended by the Housing (Wales) Act 2014 (anaw 7)

This document has been prepared by the Welsh Government to assist readers of the legislation, but is not an official version of the Statutory Instrument or the Explanatory Note

(4) In this regulation and in Part 3 of the Schedule, a “holiday site” means any land in Wales on which a mobile home or caravan is stationed for the purposes of human habitation (including any land in Wales used in conjunction with that land), in respect of which the relevant planning permission or the site licence for the land—

- (a) is expressed to be granted for holiday use only, or
- (b) requires that there are times of the year when no mobile home or caravan may be stationed on the site for human habitation.

(5) For the purpose of determining whether or not a site is a holiday site, any provision of the relevant planning permission or of the site licence which permits the stationing of a mobile home on the land for human habitation all year round is to be ignored if the mobile home is authorised to be occupied by—

- (a) the person who is the owner of the site, or
- (b) a person employed by that person but who does not occupy the mobile home under an agreement to which Part 4 of the Mobile Homes (Wales) Act 2013(1) applies.

Notes:

- | | |
|---|--|
| 1 | Regulation 5(3) substituted, and regulation 5(3A) inserted, by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020, reg 2 (07/04/20) |
| 2 | Omitted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 6(4) (25/04/20) |
| 3 | Regulation 5(3B) and (3C) inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 3(3) (25/04/20) |

Restrictions on certain other businesses and services during the emergency period

6.—(1) A person responsible for carrying on a business, or providing a service, listed in Part 4 of Schedule 1 must, during the emergency period—

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

(2) A person responsible for carrying on a business, not listed in Part 4 of Schedule 1, of offering goods for sale or for hire in a shop must, during the emergency period—

- (a) cease to carry on that business except by making deliveries, or otherwise providing services in response to orders or enquiries received—
 - (i) through a website, or otherwise by on-line communication,
 - (ii) by telephone, including orders [or enquiries](#)¹ by text message, or
 - (iii) by post;
- (b) close any premises which are not required to carry out the business or provide services as permitted by sub-paragraph (a);
- (c) cease to admit any person to the premises who is not required to carry on the business or provide services as permitted by sub-paragraph (a).

[\(2A\) Where premises are not closed because they are premises required in order to carry on a business as permitted by paragraph \(2\)\(a\), the person responsible for carrying on the business must, during the emergency period, take all reasonable measures to ensure—](#)

(1) 2013 anaw 6 as amended by the Housing (Wales) Act 2014 (anaw 7)

This document has been prepared by the Welsh Government to assist readers of the legislation, but is not an official version of the Statutory Instrument or the Explanatory Note

- (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).²

(3) If a business to which paragraph (2) applies (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in paragraph (2) if it ceases to carry on business A.

Notes:

- 1 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 6(5) (25/04/20)
- 2 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 3(4) (25/04/20)

General restriction on places of work

6A.—(1) A person responsible for work being carried out at premises where a person is working must, when such work is being carried out during the emergency period, take all reasonable measures to ensure that a distance of 2 metres is maintained between any persons on the premises (except between two members of the same household, or a carer and the person assisted by the carer).

~~(2) Paragraph (1) does not apply to premises used in the carrying on of a business, or provision of a service, listed in Schedule 1.~~

(2) Paragraph (1) does not apply to premises—

- (a) used in the carrying on of a business, or provision of a service, listed in Schedule 1, or
- (b) to which regulation 6(2A) applies.^{1 2}

Notes:

- 1 Regulation 6A inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020, reg 3 (07/04/20)
- 2 Regulation 6A(2) substituted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 3(5) (25/04/20)

Restrictions on places of worship, crematoriums, cemeteries⁷ and community centres

7.—(1) A person responsible for a place of worship must ensure that, during the emergency period, the place of worship is closed, except for uses permitted by paragraph (2).

(2) If all reasonable measures are taken to ensure a distance of 2 metres is maintained between every person in the place of worship (except between two members of the same household, or a carer and the person assisted by the carer)¹, the place may be used—

- (a) for funerals,
- (b) to broadcast (without a congregation) an act of worship or funeral (whether over the internet or as part of a radio or television broadcast), or
- (c) to provide essential voluntary services or, upon the request of the Welsh Ministers or a local authority, urgent public services (including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions or support in an emergency).

(3) A person responsible for a crematorium must ensure that, during the emergency period, the crematorium is closed to members of the public, except for the use permitted by paragraph (4).

This document has been prepared by the Welsh Government to assist readers of the legislation, but is not an official version of the Statutory Instrument or the Explanatory Note

(4) If all reasonable measures are taken to ensure a distance of 2 metres is maintained between every person in the crematorium (except between two members of the same household, or a carer and the person assisted by the carer)², the crematorium may open to members of the public for funerals or burials (and to broadcast a funeral or burial whether over the internet or otherwise).

(4ZA) Paragraph (3) does not apply to the grounds surrounding a crematorium, including any burial ground or garden of remembrance.³

(4A) A person responsible for a cemetery must take all reasonable measures to ensure a distance of 2 metres is maintained between every person at a burial taking place in the cemetery during the emergency period (except between two members of the same household, or a carer and the person assisted by the carer).⁴

(5) A person responsible for a community centre must ensure that, during the emergency period, the community centre is closed except where—

- (a) it is used to provide essential voluntary services or, upon the request of the Welsh Ministers or a local authority, urgent public services (including the provision of food banks or other support for the homeless or vulnerable persons, blood donation sessions or support in an emergency), and
- (b) all reasonable measures are taken to ensure that a distance of 2 metres is maintained between every person on the premises (except between two members of the same household, or a carer and the person assisted by the carer)⁵ while those services are provided.

(6) For the purposes of this regulation—

- (a) “burial” includes the interment of a dead person’s ashes;
- (b) “cemetery” includes a burial ground and any other place for the interment of the dead.⁶

Notes:

- 1 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020, reg 4(a) (07/04/20)
- 2 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020, reg 4(b) (07/04/20)
- 3 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 6(6)(d) (25/04/20)
- 4 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020, reg 4(c) (07/04/20)
- 5 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020, reg 4(d) (07/04/20)
- 6 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020, reg 4(e) (07/04/20)
- 7 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020, reg 4(f) (07/04/20)

Guidance on maintaining distance of 2 metres between persons

7A—(1) A person subject to a requirement or restriction in—

(a) regulation 4(1) as it applies to workplace canteens,

[(aa)regulation 4(5B),

(ab) regulation 5(3C),]²

(b) regulation 6(1) [or (2A)]³,

(c) regulation 6A(1), or

(d) regulation 7(1), (3), (4A) or (5),

must have regard to guidance issued by the Welsh Ministers about reasonable measures to be taken to ensure that a distance of 2 metres is maintained between persons.

(2) The Welsh Ministers—

This document has been prepared by the Welsh Government to assist readers of the legislation, but is not an official version of the Statutory Instrument or the Explanatory Note

- (a) [may revise guidance issued under paragraph \(1\), and](#)
- (b) [must publish the guidance \(and any revisions\).](#)

[\(3\) Guidance under this regulation may incorporate \(by reference or transposition\) guidance, codes of practice or other documents published by another person \(for example, a trade association, body representing members of an industry or a trade union\).¹](#)

Notes:

- | | |
|---|---|
| 1 | Regulation 7A inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020, reg 5 (07/04/20) |
| 2 | Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 6(7)(a) (25/04/20) |
| 3 | Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 6(7)(b) (25/04/20) |

Restrictions on movement and gatherings during the emergency period

8.—(1) During the emergency period, no person may leave the place where they are living [or remain away from that place](#)¹ without reasonable excuse.

(2) For the purposes of paragraph (1), a reasonable excuse includes the need—

~~(a) to obtain from any business listed in Part 4 of Schedule 1—~~

~~(i) basic necessities, including food and medical supplies for those in the same household (including animals in the household) or for vulnerable persons;~~

~~(ii) supplies (including money) for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person;~~

(a) [to 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;](#)

[\(aa\) to obtain money from or deposit money with any business or service listed in paragraphs 38 or 39 of Schedule 1;²](#)

[\(ab\) to collect goods which have been purchased from a person providing a service in response to orders or enquiries by virtue of the exception to the requirement to cease carrying on a business in regulation 6\(2\)\(a\);¹¹](#)

~~(b) to take exercise, no more than once a day, either alone or with other members of the household;~~

[\(b\) to take exercise, \[no more than once a day \(or more frequently if this is needed because of a particular health condition or disability\) within an area local to the place where the person is living\]¹², either—](#)

[\(i\) alone,](#)

[\(ii\) with other members of the person's household, or](#)

[\(iii\) with the person's carer;³](#)

(c) to seek medical assistance, including accessing any of the services referred to in paragraph 42 of Schedule 1 or accessing veterinary services;

(d) to provide 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), to a vulnerable person, or to provide emergency assistance [to any person](#)⁴;

(e) to donate blood;

(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).

This document has been prepared by the Welsh Government to assist readers of the legislation, but is not an official version of the Statutory Instrument or the Explanatory Note

- (f) to travel for the purposes of work or to provide voluntary or charitable services, where it is not reasonably practicable for that person to work, or to provide those services, from the place where they are living;
 - (g) to attend a funeral—
 - ~~(i) of a member of the person's household;~~
 - ~~(ii) of a close family member (including a partner, child, step-child or foster child, or parent);~~
 - ~~(iii) of a friend, if no member of the deceased's household or close family member of the deceased is attending, or~~
 - ~~(iv) as the carer of a person who is attending as a person mentioned in sub-paragraph (i), (ii) or (iii);~~
 - (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.⁵
 - (ga) to visit a cemetery, burial ground or garden of remembrance to pay respects to a deceased person;⁶
 - (h) to meet a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
 - (i) to access critical public services, including—
 - (i) childcare or educational facilities (where these are still available to ~~the person's child~~ a child in relation to whom the person is the parent, or has parental responsibility for, or has care of⁷);
 - (ii) social services;
 - (iii) services provided by the ~~Department of Work~~ Department for Work⁸ and Pensions;
 - (iv) services provided to victims (such as victims of crime or domestic violence);
 - (ia) access recycling or waste disposal services;
 - (ib) to visit a library;¹³
 - (j) in relation to children who do not live in the same household as their parents, or one of their parents, to 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;
 - (k) in the case of a minister of religion or worship leader, to go to their place of worship;
 - (l) to move house where ~~necessary~~ the move cannot be postponed⁹;
 - (m) to avoid injury or illness or to escape a risk of harm.
- (3) For the purposes of paragraph (1), the place where a person lives includes the premises where they live together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.
- (4) Paragraph (1) does not apply to any person who is homeless.
- (5) During the emergency period, no person may participate in a gathering in a public place of more than two people except—
- (a) where all the persons in the gathering are members of the same household,
 - (b) where the gathering is essential for work purposes,
 - (c) to attend a funeral, or
 - (d) where 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 person¹⁰, or
 - (iv) to participate in legal proceedings, or fulfil a legal obligation.

Notes:

- 1 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 4(2) (25/04/20)
- 2 Regulation 8(2)(a) substituted, and regulation 8(2)(aa) inserted, by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 4(3)(a) (25/04/20)
- 3 Substituted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, regulation 4(3)(b) (25/04/20)
- 4 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 6(8)(a)(ii) (25/04/20)
- 5 Substituted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020, reg 6 (07/04/20)
- 6 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 4(3)(c) (25/04/20)
- 7 Substituted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 4(3)(d)(i) (25/04/20)
- 8 Substituted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 4(3)(d)(ii) (25/04/20)
- 9 Substituted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 4(3)(e) (25/04/20)
- 10 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 6(8)(c) (25/04/20)
- 11 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No 3) Regulations 2020, reg 2(4)(a) (11/05/20)
- 12 Substituted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No 3) Regulations 2020, reg 2(4)(b) (11/05/20)
- 13 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No 3) Regulations 2020, reg 2(4)(c) (11/05/20)

Requirement to close and not enter certain public paths and land during the emergency period

9.—(1) Where paragraph (2) applies to a public path or access land in the area of a relevant authority, the relevant authority must, during the emergency period—

- (a) close the public path or access land, and
- (b) keep it closed until the earlier of—
 - (i) the end of the emergency period, or
 - (ii) the time when the authority considers that closure is no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in its area with the coronavirus.

(2) This paragraph applies to the public paths and access land in its area a relevant authority considers—

- (a) to be liable to large numbers of people congregating or being in close proximity to each other, or
- (b) the use of which otherwise poses a high risk to the incidence or spread of infection in its area with the coronavirus.

(3) Where a public path has been closed under regulation 4 of the Health Protection (Coronavirus: Closure of Leisure Businesses, Footpaths and Access Land) (Wales) Regulations 2020⁽¹⁾, the path is to be treated as if it were closed under paragraph (1) of this regulation.

(4) No person may use a public path or access land closed by virtue of paragraph (1) unless authorised by the relevant authority.

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

- (5) The relevant authority must—
- (a) publish a list of public paths or access land closed in its area on a website;
 - (b) erect and maintain notices in prominent places informing the public of the closure of a public path or access land.
- (6) For the purposes of this regulation references to a public path or access land include parts of a public path or access land.
- (7) In this regulation—
- (a) the “relevant authority” means—
 - (i) a local authority,
 - (ii) a National Park authority in Wales,
 - (iii) Natural Resources Wales, or
 - (iv) the National Trust;
 - (b) “public path” means a footpath, bridleway, byway, restricted byway or cycle track and—
 - (i) “footpath”, “bridleway” and “cycle track” have the same meaning as in section 329(1) of the Highways Act 1980(1);
 - (ii) “byway” means a byway open to all traffic within the meaning given by section 66(1) of the Wildlife and Countryside Act 1981(2);
 - (iii) “restricted byway” has the meaning given by section 48(4) of the Countryside and Rights of Way Act 2000(3);
 - (c) “access land” includes land to which the public has access by virtue of its ownership by the National Trust, but otherwise has the same meaning as in section 1(1) of the Countryside and Rights of Way Act 2000(4).

Enforcement

10.—(1) A relevant person may give a prohibition notice to a person if the relevant person **reasonably believes that**¹—

- (a) has reasonable grounds for suspecting that² the person is contravening a requirement in regulation 4, 5(3C),³ 6, 6A⁴ or 7, and
- (b) Considers⁵ it is necessary and proportionate to give the prohibition notice for the purpose of preventing that person from continuing to contravene the requirement.

(2) Where a relevant person **considers** has reasonable grounds for suspecting⁶ that a person (“P”) is contravening the requirement in regulation 8(1), the relevant person may—

- (a) direct P to return to the place where P is living;
- (b) remove P to that place.

~~(3) A relevant person exercising the power in paragraph (2) may—~~

- ~~(a) direct P to follow such instructions as the relevant person considers necessary;~~
- ~~(b) use reasonable force in the exercise of the power.~~

(3) A relevant person may—

- (a) when exercising the power in paragraph (2)(a) or (b), direct P to follow such instructions as the relevant person considers necessary;
- (b) use reasonable force in the exercise of the power in paragraph (2)(b).⁷

(4) Where P is a child accompanied by an individual (“I”) who has responsibility for the child—

- (a) the relevant person may direct I to take P to the place P is living, and

(1) 1980 c.66. Section 329 was amended by s1 of the Cycle Tracks Act 1984 (c.38) and paragraph 21 of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c.54).

(2) 1981 c.69.

(3) 2000 c.37.

(4) 2000 c.37. Section 1(1) was amended by s302(2)(a) of the Marine and Coastal Access Act 2009 (c.23).

This document has been prepared by the Welsh Government to assist readers of the legislation, but is not an official version of the Statutory Instrument or the Explanatory Note

(b) I must, so far as reasonably practicable, ensure that P complies with any direction or instruction given by the relevant person to P.

(5) For the ~~purpose of paragraph (4)~~ purposes of this regulation⁸, I has responsibility for a child if I—

(a) has custody or charge of the child for the time being, or

(b) has parental responsibility for the child (within the meaning of the Children Act 1989).

(6) A relevant person may only exercise the power in paragraph (2) or (4) if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with the requirement.

(7) Where a relevant person ~~considers~~ has reasonable grounds for suspecting⁹ that three or more people are gathered together in contravention of regulation 8(5), the relevant person may—

(a) direct the gathering to disperse;

(b) direct any person in the gathering to return to the place where they are living;

(c) remove any person in the gathering to the place where they are living.

~~(8) Paragraphs (3) to (6) of this regulation apply to the exercise of the power in paragraph (7), as they apply to the exercise of a power in paragraph (2).~~

(8) A relevant person exercising the power in paragraph (7)—

(a) to direct a gathering to disperse, or

(b) to remove a person to the place where they are living,

may use reasonable force, if necessary, in exercise of the power.

(8A) Where a relevant person has reasonable grounds to suspect that a person (“P”) is in a gathering in contravention of regulation 8(5) and is a child accompanied by an individual (“T”) who has responsibility for P—

(a) the relevant person may direct I to take P to the place where P is living, and

(b) I must, so far as reasonably practicable, ensure that P complies with any direction or instruction given by the relevant person to P.

(8B) A relevant person may only exercise a power in paragraph (7) or (8A) if the relevant person considers that it is necessary and proportionate to do so.¹⁰

(9) ~~A~~ If a relevant person considers it necessary and proportionate for the purposes of preventing, or terminating, a contravention of regulation 9(4), the¹¹ relevant person may remove an individual from a public path or access land (within the meaning given by regulation 9(7)) which is closed (or is being closed) by virtue of regulation 9(1), and may use reasonable force, if necessary¹² to do so.

(10) A relevant person may take such other action as the relevant person considers necessary and proportionate to facilitate the exercise of a power conferred on the person by this regulation or regulation 11.

(11) For the purposes of this regulation and regulations 11, 12 and 13, a “relevant person” means—

(a) a constable,

(b) a police community support officer, or

(c) a person designated by—

(i) the Welsh Ministers,

(ii) a local authority,

(iii) a National Park authority in Wales, or

(iv) Natural Resources Wales,

for the purposes of this regulation and regulations 11, 12 and 13 (but see paragraphs (12) and (13)).

(12) A person designated by a local authority may exercise a relevant person’s functions only in relation to a contravention (or alleged contravention) of a requirement in regulation 4, 5(3C),¹³ 6, 6A,¹⁴ 7 or 9(4).

(13) A person designated by a National Park authority or Natural Resources Wales may exercise a relevant person’s functions only in relation to a contravention (or alleged contravention) of the requirement in regulation 9(4).

This document has been prepared by the Welsh Government to assist readers of the legislation, but is not an official version of the Statutory Instrument or the Explanatory Note

(14) In this regulation and regulations 11 and 12, references to a requirement include references to a restriction.

Notes:

- 1 Omitted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 5(2)(a) (25/04/20)
- 2 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 5(2)(b)(i) (25/04/20)
- 3 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 5(2)(b)(ii) (25/04/20)
- 4 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020, reg 7(4)(a) (07/04/20)
- 5 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 5(2)(c) (25/04/20)
- 6 Substituted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 5(3) (25/04/20)
- 7 Substituted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 5(4) (25/04/20)
- 8 Substituted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 5(5) (25/04/20)
- 9 Substituted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 5(6) (25/04/20)
- 10 Regulation 10(8) substituted, and regulation 10(8A) and (8B) inserted, by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 5(7) (25/04/20)
- 11 Substituted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 5(8)(a) (25/04/20)
- 12 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 5(8)(b) (25/04/20)
- 13 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 5(9) (25/04/20)
- 14 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020, reg 7(4)(b) (07/04/20)

Power of entry

11.—(1) A relevant person may enter premises, if the relevant person—

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

(2) A relevant person entering premises in accordance with paragraph (1) may—

- (a) use reasonable force to enter the premises if necessary;
- (b) take such other persons, equipment and materials onto the premises as appears to the relevant person to be appropriate.

(3) A relevant person entering premises in accordance with paragraph (1)—

- (a) if asked by a person on the premises, must show evidence of the relevant person's identity and outline the purpose for which the power is exercised;

- (b) if the premises are unoccupied or the occupier is temporarily absent, must leave the premises as effectively secured against unauthorised entry as when the relevant person found them.

Offences and penalties

12.—(1) A person who—

- (a) without reasonable excuse, contravenes a requirement in regulation 4, [5\(3C\)](#),¹ 6, [6A](#),² 7, 8(5) or 9(4), or
- (b) contravenes the requirement in regulation 8(1),

commits an offence.

(2) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.

(3) A person who, without reasonable excuse, contravenes a direction, or fails to comply with an instruction or a prohibition notice, given by a relevant person under regulation 10 commits an offence.

(4) An offence under these Regulations is punishable on summary conviction by a fine.

(5) Section 24 of the Police and Criminal Evidence Act 1984⁽¹⁾ applies in relation to an offence under this regulation as if the reasons in subsection (5) included—

- (a) to maintain public health;
- (b) to maintain public order.

(6) If an offence under paragraph (1) committed by a body corporate is proved—

- (a) to have been committed with the consent or connivance of an officer of the body, or
- (b) to be attributable to any neglect on the part of such an officer,

the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.

(7) In paragraph (6), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

(8) Proceedings for an offence under these Regulations alleged to have been committed by a partnership may be brought in the name of the partnership instead of in the name of any of the partners.

(9) Proceedings for an offence under these Regulations alleged to have been committed by an unincorporated body other than a partnership may be brought in the name of the body instead of in the name of any of its members and, for the purposes of any such proceedings, any rules of court relating to the service of documents have effect as if that body were a body corporate.

(10) Section 33 of the Criminal Justice Act 1925⁽²⁾ and Schedule 3 to the Magistrates' Courts Act 1980⁽³⁾ apply in proceedings for an offence brought against a partnership or an unincorporated association other than a partnership as they apply in relation to a body corporate.

(11) A fine imposed on a partnership on its conviction for an offence under these Regulations is to be paid out of the partnership assets.

(12) A fine imposed on an unincorporated association other than a partnership on its conviction for an offence under these Regulations is to be paid out of the funds of the association.

Notes:

- ¹ Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 6(9) (25/04/20)
- ² Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020, reg 7(5) (07/04/20)

(1) 1984 c. 60. Section 24 was substituted by s.110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).
(2) 1925 c. 86.
(3) 1980 c. 43.

Fixed penalty notices

13.—(1) A relevant person may issue a fixed penalty notice to anyone that the relevant person reasonably believes—

- (a) has committed an offence under these Regulations, and
- (b) is aged 18 or over.

(2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to ~~a local authority specified in the notice.~~—

- (a) [a local authority, or](#)
 - (b) [a person designated by the Welsh Ministers for the purposes of receiving payment under this regulation,](#)
- [as the notice may specify.¹](#)

[\(2A\) The Welsh Ministers may designate themselves under paragraph \(2\)\(b\).²](#)

(3) ~~The local authority specified in the notice~~ [Where a local authority is specified in the notice it³](#) must be the authority (or as the case may be, any of the authorities) in whose area the offence is alleged to have been committed.

(4) Where a person is issued with a notice under this regulation in respect of an offence—

- (a) no proceedings may be taken for the offence before the end of the period of 28 days following the date of the notice;
- (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

(5) A fixed penalty notice must—

- (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;
- (b) state the period during which (because of paragraph (4)(a)) proceedings will not be taken for the offence;
- (c) specify the amount of the fixed penalty;
- (d) state the name and address of the person to whom the fixed penalty may be paid;
- (e) specify permissible methods of payment.

(6) The amount specified under paragraph (5)(c) must be £60 (subject to paragraphs (7) and (8)).

(7) A fixed penalty notice may specify that if £30 is paid before the end of the period of 14 days following the date of the notice, that is the amount of the fixed penalty.

(8) If the person to whom a fixed penalty notice is given has already received a fixed penalty notice under these Regulations, the amount of the fixed penalty is £120 [and paragraph \(7\) does not apply⁴](#).

(9) Whatever other method may be specified under paragraph (5)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (5)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(10) Where a letter is sent as mentioned in paragraph (9), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(11) In any proceedings, a certificate—

- (a) that purports to be signed by or on behalf of the person with responsibility for the financial affairs of ~~the local authority concerned, and~~—
 - (i) [the local authority, or](#)
 - (ii) [the person designated under paragraph \(2\)\(b\),](#)[specified in the fixed penalty notice to which the proceedings relate, and⁵](#)

- (b) states that the payment of a fixed penalty was, or was not, received by the date specified in the certificate,

is evidence of the facts stated.

This document has been prepared by the Welsh Government to assist readers of the legislation, but is not an official version of the Statutory Instrument or the Explanatory Note

(12) Where a fixed penalty is issued in respect of the alleged offence of contravening the requirement in regulation 9(4), references in this regulation to a “local authority” are to be read as including references to a National Park authority in Wales.

Notes:

- 1 Substituted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020, reg 7(6)(a) (07/04/20)
- 2 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020, reg 7(6)(b) (07/04/20)
- 3 Substituted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020, reg 7(6)(c) (07/04/20)
- 4 Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020, reg 7(6)(d) (07/04/20)
- 5 Substituted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020, reg 7(6)(e) (07/04/20)

Prosecutions

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

Expiry

15.—(1) These Regulations expire at the end of the period of six months beginning with the day on which they come into force.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they expire.

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

SCHEDULE 1

Regulations 4 and 6

Businesses subject to [specific⁶](#) restrictions or closure

PART 1

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

PART 2

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

This document has been prepared by the Welsh Government to assist readers of the legislation, but is not an official version of the Statutory Instrument or the Explanatory Note

- 22. Outdoor markets (except for [livestock markets and](#)¹ stalls selling food).
- 23. Car showrooms.
- 24. Auction houses ([except for livestock auctions](#))².

PART 3

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

PART 4

29. Food retailers, including food markets, supermarkets, convenience stores, corner shops and establishments selling food or drink for consumption ~~on~~ [off](#)³ the premises (including establishments listed in Part 1 which, by virtue of regulation 4(1), have ceased selling food and drink for consumption on the premises).

- 30. Off licenses and licensed shops selling alcohol (including breweries).
- 31. Pharmacies (including non-dispensing pharmacies) and chemists.
- 32. Newsagents.
- 33. Homeware, building supplies and hardware stores.
- [33A. Garden centres and plant nurseries.](#)⁸
- 34. Petrol stations.
- 35. Car repair and MOT services.
- 36. Bicycle shops.
- 37. Taxi or vehicle hire businesses.
- 38. Banks, building societies, credit unions, short term loan providers ~~and cash points~~, [savings clubs, cash points and undertakings which by way of business operate currency exchange offices, transmit money \(or any representation of money\) by any means or cash cheques which are made payable to customers](#)⁴.
- 39. Post offices.
- 40. Funeral directors.
- 41. Laundrettes and dry cleaners.
- 42. Dental services, opticians, audiology services, chiropody, chiropractors, osteopaths and other medical or health services, including services relating to mental health.
- 43. Veterinary surgeons and pet shops.
- ~~44. Agricultural supplies shops.~~
- [44. Agricultural or aquacultural supplies shops.](#)
- [44A. Livestock markets or auctions.](#)⁵
- 45. Storage and distribution facilities, including delivery drop off points.
- 46. Car parks.

47. Public toilets.

48. [Libraries.](#)⁹

Notes:

- ¹ Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 6(10)(b) (25/04/20)
- ² Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 6(10)(c) (25/04/20)
- ³ Substituted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020, reg 7(7)(a) (07/04/20)
- ⁴ Substituted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No. 2) Regulations 2020, reg 6(10)(d) (25/04/20)
- ⁵ Paragraph 44 substituted, and paragraph 44A inserted, by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020, reg 7(7)(b) (07/04/20)
- ⁶ Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) Regulations 2020, reg 7(7)(c) (07/04/20)
- ⁷ Omitted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No 3) Regulations 2020, reg 2(5)(a) (11/05/20)
- ⁸ Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No 3) Regulations 2020, reg 2(5)(b) (11/05/20)
- ⁹ Inserted by the Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No 3) Regulations 2020, reg 2(5)(c) (11/05/20)

SCHEDULE 2

Regulation 1

Underlying Health Conditions

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