

SL(6)014 – The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 13) Regulations 2021

Background and Purpose

These Regulations further amend the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 (“the Principal Regulations”) to replace regulation 16 of the Principal Regulations. The new regulation 16 requires the person responsible for “regulated premises” to take an updated four-step approach as set out in the new regulation, including:

- Undertaking a risk assessment of exposure to coronavirus at the premises (Step 1);
- Providing information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus (Step 2);
- Take all reasonable measures to ensure that a distance of 2 metres is maintained between persons on the premises, except as otherwise specified (such as members of the same household or, at Alert Levels 1 and 2, groups consisting of no more than 6 people not counting any persons under the age of 11 or carers) (Step 3);
- Take reasonable measures to mitigate the risk of exposure to coronavirus that arises where persons gather in close proximity to each other (Step 4).

The Regulations also amend Schedule 1 to the Principal Regulations (which sets out the restrictions and requirements that currently have effect in Wales as an Alert Level 1 area) to:

- Remove the previous limit of 30 on the number of people that are allowed to gather at a celebration of a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony, or at a celebration of the life of a deceased person – maximum permitted numbers will now be set in light of relevant risk assessments and the steps and reasonable measures taken;
- Allow primary school children to gather at holiday or travel accommodation (for example, for overnight stays) where the gathering is regulated and relates to the development or well-being of children;
- Clarifies the effect of the prohibition on organising events does not apply to an entertainment performance held in premises ordinarily used for that purpose (such as small music and comedy venues), and where no more than 200 people are in attendance or where it is held outdoors. They also clarify that indoor hospitality facilities can be provided at an outdoor event without changing the status of that event.

The Regulations also clarify the effect of the prohibition on organising events in relation to areas in Alert Level 2.



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 the engagement of rights is set out in the Explanatory Memorandum to these 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.



Committee Consideration

The Committee considered the instrument at its meeting on 28 June 2021 and reports to the Senedd in line with the reporting points above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee