

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

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2021 No. 925 (W. 210)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus
Restrictions) (No. 5) (Wales)
(Amendment) (No. 15) Regulations
2021**

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

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

These Regulations amend the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 (S.I. 2020/1609 (W. 335)) (“the principal Regulations”).

The Regulations amend the principal Regulations to provide that from 6.00 a.m. on 7 August 2021, no alert level applies to Wales. This means that none of the restrictions and requirements in Schedules 1 to 4 to the principal Regulations apply. The effect is that:

- there are no specific limits on the number of people who can gather together, including in private homes and in public places;

- there are no specific limits on the number of people that may attend regulated events at any time;
- there are no requirements for any particular types of businesses or services to close.

The restrictions and requirements in other parts (aside from Schedules 1 to 4) of the principal Regulations continue to apply, including requirements on persons responsible for regulated premises to take reasonable measures to minimise the risk of exposure to coronavirus at the premises, and requirements to wear face coverings on public transport and in particular indoor public places.

Despite the relaxation of the rules on people gathering and attending events, the reasonable measures (under regulation 16 of the principal Regulations) that continue to be required on regulated premises mean that those responsible for the premises may need to set limits on the numbers of people who can gather, and on the capacity of events.

These Regulations also amend the requirement in Part 3 of the principal Regulations for a person to isolate after being notified by a contact tracer that they have had close contact with a person who has tested positive for coronavirus. The Regulations insert a new exemption at regulation 10(5) of the principal Regulations to provide that adults are no longer required to isolate after such a notification if they have completed, in the United Kingdom, a course of doses of an authorised vaccine at least 14 days before they had the close contact, or are participating in a clinical trial in the United Kingdom of a vaccine against coronavirus. The amendments also omit regulation 9 of the principal Regulations so that there is no longer a requirement for persons aged under 18 to isolate after such a notification.

The Regulations also insert new regulation 10A into the principal Regulations to provide that where a child, or a person to whom the new exemption at regulation 10(5) applies, is required to isolate immediately before these Regulations come into force after being notified that they have had close contact with a person who has tested positive for coronavirus, the isolation requirement comes to an end at the beginning of the day on 7 August 2021.

There is no change to the requirements for persons to isolate after being notified that they have tested positive for coronavirus.

The Regulations also amend the principal Regulations to—

- provide that the principal Regulations expire at the end of the day on 26 November 2021 (rather than 27 August 2021);
- remove the specific requirement in regulation 16 of the principal Regulations for the person responsible for regulated premises to take all reasonable measures to ensure that a distance of 2 metres is maintained between any persons indoors on the premises (but the person responsible must continue to comply with the remainder of regulation 16 by taking all reasonable measures, based on a risk assessment, to minimise the risk of exposure to coronavirus at the premises, which may include physical distancing);
- remove the specific requirements in regulations 17 and 17A of the principal Regulations for persons responsible for licensed premises and retail premises to take particular measures to minimise the risk of exposure to coronavirus (but again, those persons must continue to comply with regulation 16 of the principal Regulations, and the measures that may be reasonable to take under that regulation may include measures that were previously specifically required to be taken under regulation 17 (for example, requiring customers to be seated when being served with food or drink in licensed premises) or regulation 17A (for example, limiting the number of customers who are on retail premises at any one time));
- remove the requirement to wear a face covering in indoor public areas of premises where food or drink is sold for consumption on the premises (but where different types of businesses also operate from such premises, face coverings must still be worn in those parts of the premises where food or drink is not sold for consumption on the premises).

The Regulations also make other minor amendments, including amendments that are consequential on the amendments set out above.

The Regulations also amend the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020 (S.I. 2020/1011 (W. 235)) to change their expiry date to 26 November 2021.

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.

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W E L S H S T A T U T O R Y
I N S T R U M E N T S

2021 No. 925 (W. 210)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus
Restrictions) (No. 5) (Wales)
(Amendment) (No. 15) Regulations
2021**

Made at 12.16 p.m. on 6 August 2021

*Laid before Senedd
Cymru at 4.00 p.m. on 6 August 2021*

*Coming into force in accordance with
regulation 1(2) and (3)*

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

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

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

(1) 1984 c. 22. Sections 45C, 45F and 45P were inserted by section 129 of the Health and Social Care Act 2008 (c. 14). The functions under these sections are conferred on “the appropriate Minister”. Under section 45T(6) of the 1984 Act the appropriate Minister, as respects Wales, is the Welsh Ministers.

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

Title and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 15) Regulations 2021.

(2) These Regulations, apart from paragraphs (3), (12) to (14), (16) to (18) and (22) to (26) of regulation 2, come into force at the beginning of the day on 7 August 2021.

(3) Paragraphs (3), (12) to (14), (16) to (18) and (22) to (26) of regulation 2 come into force at 6.00 a.m. on 7 August 2021.

Amendment to the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020

2.—(1) The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020⁽¹⁾ are amended as follows.

(2) In regulation 3, for “27 August” insert “26 November”.

(3) After regulation 4(6) insert—

“(6ZA) But Schedule 5 may provide that none of Schedules 1 to 4 apply to an area by specifying that no alert level applies to the area.”

(4) In regulation 5(2), for “regulations 6 and 8” substitute “regulation 6”.

(5) Omit regulation 9.

(6) In regulation 10—

(a) in paragraph (1), for “, 8(2) or 9(2)” substitute “or 8(2)”;

(b) in paragraph (3), for “, 8(2) and 9(2)” substitute “and 8(2)”;

(c) after paragraph (4) insert—

“(5) Regulation 8(2) does not apply to a person who—

(1) S.I. 2020/1609 (W. 335) as amended by S.I. 2020/1610 (W. 336), S.I. 2020/1623 (W. 340), S.I. 2020/1645 (W. 345), S.I. 2021/20 (W. 7), S.I. 2021/46 (W. 10), S.I. 2021/57 (W. 13), S.I. 2021/66 (W. 15), S.I. 2021/95 (W. 26), S.I. 2021/103 (W. 28), S.I. 2021/172 (W. 40), S.I. 2021/210 (W. 52), S.I. 2021/307 (W. 79), S.I. 2021/413 (W. 133), S.I. 2021/502 (W. 150), S.I. 2021/542 (W. 154), S.I. 2021/583 (W. 160), S.I. 2021/668 (W. 169), S.I. 2021/686 (W. 172), S.I. 2021/722 (W. 183) and S.I. 2021/862 (W. 201).

- (a) has completed a course of doses of an authorised vaccine, and—
 - (i) that course of doses was administered to the person in the United Kingdom,
 - (ii) the day on which the person had the close contact which resulted in the notification described in regulation 8(1) is more than 14 days after the day on which the person completed that course of doses, and
 - (b) if requested to do so by the contact tracer who gave the notification described in regulation 8(1), provides evidence that they have completed the course of doses of an authorised vaccine in accordance with sub-paragraph (a).
- (6) Regulation 8(2) does not apply to a person who—
- (a) has participated in, or is participating in, a clinical trial of a vaccine for vaccination against coronavirus carried out in the United Kingdom in accordance with the requirements of the Medicines for Human Use (Clinical Trials) Regulations 2004(1), and
 - (b) if requested to do so by the contact tracer who gave the notification described in regulation 8(1), provides evidence that they have participated in, or are participating in, a clinical trial in accordance with sub-paragraph (a).
- (7) For the purposes of paragraph (5), a person has completed a course of doses if that person has received the complete course of doses specified—
- (a) in the summary of product characteristics approved as part of the marketing authorisation for the authorised vaccine, or
 - (b) in the instructions for usage approved as part of the authorisation by the licensing authority on a temporary basis under regulation 174 of the

(1) S.I. 2004/1031 as amended by section 116 of the Care Act 2014 (c. 23) and by S.I. 2004/3224, S.I. 2005/2754, S.I. 2005/2759, S.I. 2006/562, S.I. 2006/1928, S.I. 2006/2984, S.I. 2007/289, S.I. 2007/3101, S.I. 2008/941, S.I. 2010/231, S.I. 2010/551, S.I. 2010/1882, S.I. 2011/2581, S.I. 2012/134, S.I. 2012/504, S.I. 2012/1641, S.I. 2012/1916, S.I. 2013/532, S.I. 2016/190, S.I. 2016/696, S.I. 2019/593, S.I. 2019/744, S.I. 2019/1094 and S.I. 2020/1488.

Human Medicines Regulations 2012⁽¹⁾
for the authorised vaccine.

(8) In this regulation—

- (a) “authorised vaccine” means a medicinal product—
- (i) authorised for supply in the United Kingdom in accordance with a marketing authorisation, or
 - (ii) authorised by the licensing authority on a temporary basis under regulation 174 of the Human Medicines Regulations 2012,
- for vaccination against coronavirus;
- (b) “clinical trial” has the meaning given in regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004;
- (c) “the licensing authority” has the meaning given in regulation 6(2) of the Human Medicines Regulations 2012;
- (d) “marketing authorisation” has the meaning given in regulation 8(1) of the Human Medicines Regulations 2012;
- (e) “medicinal product” has the meaning given in regulation 2 of the Human Medicines Regulations 2012.”

(7) After regulation 10 insert—

“Transitional provision: isolation requirements

10A. Where—

- (a) a person—
- (i) satisfies the conditions in regulation 10(5) or (6), or is a child, and
 - (ii) is required to not leave or be outside of the place where the person is living by virtue of regulation 8(2) or 9(2) immediately before 7 August 2021, and
- (b) the last day of the person’s isolation (as determined in accordance with regulation 8(4) or (5) or regulation 9(4) or (5)) is 7 August 2021 or later,

(1) S.I. 2012/1916.

the requirement to not leave or be outside of the place where the person is living comes to an end at the beginning of 7 August 2021.”

(8) In regulation 11—

- (a) in paragraph (1)(a), omit “or 9(2)”;
- (b) in paragraph (5)(b), omit “or 9 as the case may be”;
- (c) omit paragraph (6).

(9) In regulation 12, omit “or 9(2)”.

(10) In regulation 13(1)(a), for “, 8(1) or 9(1)” substitute “or 8(1)”.

(11) In regulation 14—

- (a) in paragraph (2)(a), in the words before paragraph (i), for “, 8(2) or 9(2)” substitute “or 8(2)”;
- (b) in paragraph (2)(a)(ii), for “, 8(1) or 9(1)” substitute “or 8(1)”;
- (c) in paragraph (2)(a)(iii), for “, 8 or 9” substitute “or 8”.

(12) In regulation 16—

(a) in paragraph (1)—

(i) omit—

“Take all reasonable measures to ensure—

- (a) that a distance of 2 metres is maintained between any persons indoors on the premises, except between members of a permitted group;
- (b) where persons are required to wait indoors to enter the premises, that a distance of 2 metres is maintained between them, except between members of a permitted group.

Step 4”;

(ii) under the “*Step 2*” heading, omit “and *Step 4*”.

(b) omit paragraph (2);

(c) in paragraph (5)(a), for “regulations 16, 17 and 17A” substitute “regulation 16”;

(d) omit paragraph (6).

(13) Omit regulations 17 and 17A.

(14) In regulation 18(1), omit “, 17(1) or 17A”.

(15) In regulation 19—

(a) in paragraph (1), for “on” substitute “in an indoor part of”;

(b) omit paragraph (3)(c)(i), including the “or” at the end.

(16) In regulation 20—

(a) in paragraph (1), after “access” insert “, other than premises where food or drink is sold, or otherwise provided, for consumption on the premises”;

(b) omit paragraph (3)(h);

(c) after paragraph (3) insert—

“(4) For the purposes of paragraph (1), where—

(a) a business (“business A”) sells, or otherwise provides, food or drink for consumption on the business premises,

(b) business A forms part of a larger business (“business B”), and

(c) business B also carries on its business on the premises, but does not sell, or otherwise provide, food or drink for consumption on those premises,

P is to be treated as being in premises where food or drink is sold, or otherwise provided, for consumption on the premises only where P is in the part of the premises at which business A carries on its business.”

(17) In regulation 25(3)(a)(i), omit “, 17(1) or 17A”.

(18) In regulation 26, omit “, 17(1) and 17A”.

(19) In regulation 30, in the words before sub-paragraph (a), for “, 8(2) or 9(2)” substitute “or 8(2)”.

(20) In regulation 40—

(a) in paragraph (1)—

(i) in sub-paragraph (a), omit “, 9(2)”;

(ii) in sub-paragraph (b), for “, 8(3) or 9(3)” substitute “or 8(3)”;

(b) in paragraph (2)(a), for “, 8(3) or 9(3)” substitute “or 8(3)”.

(21) In regulation 57(5), after sub-paragraph (a) insert—

“(aa) a vehicle, or a part of a vehicle, is indoors if it is enclosed within the meaning given by that regulation;”.

(22) In Schedule 1, paragraph 5(4A), for “regulations 16, 17 and 17A” substitute “regulation 16”.

(23) In Schedule 2, paragraph 5(4A), for “regulations 16, 17 and 17A” substitute “regulation 16”.

(24) In Schedule 3, paragraph 6(4A), for “regulations 16, 17 and 17A” substitute “regulation 16”.

(25) In Schedule 5, in Column 3, for “1” substitute “No alert level”.

(26) In Schedule 8—

- (a) in paragraph 1—
 - (i) in sub-paragraph (1)(a), omit “, 17 or 17A”;
 - (ii) in sub-paragraph (2)(b), omit “, 17 or 17A”;
- (b) in paragraph 2—
 - (i) in sub-paragraph (3)(a), omit “, 17 or 17A”;
 - (ii) in sub-paragraph (4)(b)(ii), omit “, 17 or 17A”;
 - (iii) in sub-paragraph (4)(c), omit “, 17 or 17A”;
- (c) in paragraph 3(3)(c), omit “and, where relevant, regulation 17 or 17A”;
- (d) in paragraph 4(1)(b), omit “and, where relevant, regulation 17 or 17A”.

Amendment to the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020

3. In regulation 3(1) of the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020⁽¹⁾, for “27 August” substitute “26 November”.

Mark Drakeford

First Minister, one of the Welsh Ministers

At 12.16 p.m. on 6 August 2021

⁽¹⁾ S.I. 2020/1011 (W. 225) as amended by S.I. 2020/1100 (W. 250), S.I. 2020/1149 (W. 261), S.I. 2020/1219 (W. 276), S.I. 2020/1409 (W. 311), S.I. 2020/1609 (W. 335), S.I. 2021/57 (W. 13), S.I. 2021/307 (W. 79), S.I. 2021/542 (W. 154) and S.I. 2021/583 (W. 160).