

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.

WELSH STATUTORY INSTRUMENTS

2020 No. 1130 (W. 257)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus Restrictions) (No. 2)
(Wales) (Amendment) (No. 19) Regulations 2020**

<i>Made</i>	- - - -	<i>at 11.40 a.m. on 16 October 2020</i>
<i>Laid before Senedd Cymru</i>		<i>at 1.00 p.m. on 16 October 2020</i>
<i>Coming into force at 6.00 p.m. on 16 October 2020</i>	- -	<i>16 October 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 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 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) (No. 2) (Wales) (Amendment) (No. 19) Regulations 2020 and they come into force at 6.00 p.m. on 16 October 2020.

⁽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.

Amendment of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020

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

(2) In regulation 2—

(a) in paragraph (1), after sub-paragraph (r) insert—

“(s) a “child” means a person who is aged under 18, but in regulations 14(2)(ja), 14A(2)(ea) and 14D(3)(l) and paragraphs 3(2)(la) and 4(2)(la) of Schedule 4A, it means a person who was aged under 18 on 31 August 2020;

(t) “local health protection area” means an area listed in paragraph 1 of Schedule 4A.”;

(b) at the end insert—

“(8) For the purposes of regulations 14, 14A and 14D and Schedule 4A, an activity or event is “organised” if—

(a) it is organised by—

(i) a business,

(ii) a public body or charitable, benevolent, educational or philanthropic institution,

(iii) a club or political organisation, or

(iv) the national governing body of a sport or other activity, and

(b) the person organising it has—

(i) carried out a risk assessment which would satisfy the requirements of regulation 3 of the Management of Health and Safety at Work Regulations 1999(3), whether or not the person is subject to those Regulations, and

(ii) complied with the requirements of regulations 12(2) and 13(1).

(9) For the purposes of paragraph (8)(b)—

(a) regulation 3 of the Management of Health and Safety at Work Regulations 1999 applies as if the activity or event were an undertaking conducted by the person organising it;

(b) regulation 12(2) of these Regulations applies as if the place where the activity or event takes place were open premises for which the person organising it is responsible.”

(3) In regulation 4, after paragraph (2) insert—

“(3) The Welsh Ministers must review the need for restrictions imposed by regulation 14D, and whether those restrictions are proportionate to what the Welsh Ministers seek to achieve by them—

(a) by 23 October 2020;

(b) at least once in the period of 7 days beginning on 24 October 2020;

(2) S.I. 2020/725 (W. 162), as amended by S.I. 2020/752 (W. 169), S.I. 2020/803 (W. 176), S.I. 2020/820 (W. 180), S.I. 2020/843 (W. 186), S.I. 2020/867 (W. 189), S.I. 2020/884 (W. 195), S.I. 2020/912 (W. 204), S.I. 2020/961 (W. 215), S.I. 2020/985 (W. 222), S.I. 2020/1007 (W. 224), S.I. 2020/1011 (W. 225), S.I. 2020/1022 (W. 227), S.I. 2020/1035 (W. 229), S.I. 2020/1040 (W. 230), S.I. 2020/1043 (W. 232), S.I. 2020/1049 (W. 235), S.I. 2020/1066 (W. 240), S.I. 2020/1079 (W. 242) and S.I. 2020/1102 (W. 251).

(3) S.I. 1999/3242. Regulation 3 was amended by S.I. 2005/1541, S.I. 2015/21 and S.I. 2015/1637.

- (c) at least once in each subsequent period of 7 days.”
- (4) In regulation 14(2)—
 - (a) in sub-paragraph (b), for “provide or receive care or assistance, including relevant personal care,” substitute “provide, receive or access care or assistance, including childcare or relevant personal care”;
 - (b) for sub-paragraph (ja) substitute—
 - “(ja) participate in or facilitate organised activities for the development or well-being of children (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays);”.
- (5) In regulation 14A—
 - (a) in paragraph (2), for sub-paragraph (e) substitute—
 - “(e) provide, receive or access childcare;
 - (ea) participate in or facilitate organised activities for the development or well-being of children (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays);”;
 - (b) in paragraph (3), in the words before sub-paragraph (a), for “outdoor event” substitute “event held outdoors”;
 - (c) omit paragraphs (4) and (5).
- (6) After regulation 14C insert—

“PART 4B

Travel restrictions

Restriction on travel to and from areas of high prevalence of coronavirus

14D.—(1) No person living in an area listed in Schedule 4B may, without a reasonable excuse, enter or remain in a part of Wales that is not a local health protection area.

(2) No person living in a part of Wales that is not a local health protection area may, without a reasonable excuse, leave Wales for the purpose of entering an area listed in Schedule 4B.

(3) For the purposes of paragraphs (1) and (2), a reasonable excuse includes the need to do the following in a part of Wales that is not a local health protection area or in an area listed in Schedule 4B (respectively)—

- (a) obtain—
 - (i) food and medical supplies for those in the same household (including animals in the household) or for vulnerable persons;
 - (ii) supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person;
- (b) obtain money from or deposit money with any business or service listed in paragraph 6 or 7 of Schedule 4;
- (c) obtain or provide medical assistance, including accessing any of the services referred to in paragraph 10 of Schedule 4 or accessing veterinary services;
- (d) provide, receive or access care or assistance, including childcare or relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of

Vulnerable Groups Act 2006(4), where the person receiving the care is a vulnerable person;

- (e) work or provide voluntary or charitable services where it is not reasonably practicable to carry out the work or provide the service from outside the area;
- (f) where the person is an elite athlete, train and compete;
- (g) provide or receive emergency assistance;
- (h) attend a solemnization of a marriage or formation of a civil partnership—
 - (i) as a party to the marriage or civil partnership,
 - (ii) if invited to attend, or
 - (iii) as the carer of a person attending;
- (i) attend a funeral—
 - (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;
- (j) meet a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
- (k) access or receive public services;
- (l) participate in or facilitate organised activities for the development or well-being of children (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays);
- (m) access educational services;
- (n) in relation to children who do not live in the same household as their parents, or one of their parents, continue existing arrangements for access to, and contact between, parents and children, and for the purposes of this paragraph, “parent” includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of, the child;
- (o) move home;
- (p) undertake activities in connection with the purchase, sale, letting, or rental of residential property;
- (q) avoid injury or illness or escape a risk of harm;
- (r) travel to reach a place outside the area.

(4) For the purposes of paragraph (1), it is not a reasonable excuse for a person to enter, or remain in, a part of Wales that is not a local health protection area to do anything if it would be reasonably practicable for the person to do that thing outside the area.

(5) For the purposes of paragraph (2), it is not a reasonable excuse for a person to leave Wales for the purpose of entering an area listed in Schedule 4B to do anything if it would be reasonably practicable for the person to do that thing outside the area.”

(7) In regulation 18—

(a) after paragraph (4A) insert—

“(4B) Where an enforcement officer has reasonable grounds for suspecting that a person (“P”) is contravening (or is about to contravene) regulation 14D(1) or (2), the officer may direct P to return to the place where P is living.”;

- (b) in paragraph (5)(a), for “or (4A)” substitute “, (4A) or (4B)”;
 - (c) in paragraph (6ZA), after “contravene,” insert “regulation 14D(1) or (2) or”.
- (8) In regulation 20—
- (a) in paragraph (1)(b), for “or 14B(1)” substitute “, 14B(1) or 14D(1) or (2)”;
 - (b) in paragraph (3)(a), after “18(4A)(a),” insert “18(4B),”.
- (9) In Schedule 4A—
- (a) in paragraph 1(q)(viii), after “Menai” insert “(Bangor)”;
 - (b) in paragraph 3(2)—
 - (i) in sub-paragraph (d), for “provide or receive care or assistance, including relevant personal care,” substitute “provide, receive or access care or assistance, including childcare or relevant personal care”;
 - (ii) in sub-paragraph (l), for “childcare or education” substitute “educational”;
 - (iii) after sub-paragraph (l) insert—
 - “(la) participate in or facilitate organised activities for the development or well-being of children (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays);”;
 - (c) in paragraph 4(2)—
 - (i) in sub-paragraph (d), for “provide or receive care or assistance, including relevant personal care,” substitute “provide, receive or access care or assistance, including childcare or relevant personal care”;
 - (ii) in sub-paragraph (l), for “childcare or education” substitute “educational”;
 - (iii) after sub-paragraph (l) insert—
 - “(la) participate in or facilitate organised activities for the development or well-being of children (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays);”.
- (10) After Schedule 4A insert—

“SCHEDULE 4B

Regulation 14D

Travel restriction areas

Part 1: England

1. The areas of the following, designated as Tier 2 areas by the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020(5) or as Tier 3 areas by the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020(6)—

Cheshire

Cheshire East Council

Cheshire West and Chester Council
Warrington Borough Council

Cumbria

Barrow-in-Furness Borough Council

Derbyshire

Chesterfield Borough Council
Erewash Borough Council
North East Derbyshire District Council

In the area of High Peak Borough Council, the following electoral areas (as defined by section 203(1) of the Representation of the People Act 1983(7))—

Dinting
Gamesley
Hadfield North
Hadfield South
Howard Town
Old Glossop
Padfield
Simmondley
St John's
Tintwistle
Whitfield

Durham

Durham County Council

Essex

Basildon Council
Braintree District Council
Brentwood Borough Council
Castle Point Borough Council
Chelmsford City Council
Colchester Borough Council
Epping Forest District Council
Harlow Council
Maldon District Council
Rochford District Council
Tendring District Council

Uttlesford District Council

Greater London

The Common Council of the City of London

Barking and Dagenham Borough Council

Barnet Borough Council

Bexley Borough Council

Brent Borough Council

Bromley Borough Council

Camden Borough Council

Croydon Borough Council

Ealing Borough Council

Enfield Borough Council

Greenwich Borough Council

Hackney Borough Council

Hammersmith and Fulham Borough Council

Haringey Borough Council

Harrow Borough Council

Havering Borough Council

Hillingdon Borough Council

Hounslow Borough Council

Islington Borough Council

Kensington and Chelsea Borough Council

Kingston upon Thames Borough Council

Lambeth Borough Council

Lewisham Borough Council

Merton Borough Council

Newham Borough Council

Redbridge Borough Council

Richmond upon Thames Borough Council

Southwark Borough Council

Sutton Borough Council

Tower Hamlets Borough Council

Waltham Forest Borough Council

Wandsworth Borough Council

Westminster City Council

Greater Manchester

Bolton Metropolitan Borough Council

Bury Metropolitan Borough Council

Manchester City Council
Oldham Metropolitan Borough Council
Rochdale Borough Council
Salford City Council
Stockport Metropolitan Borough Council
Tameside Metropolitan Borough Council
Trafford Metropolitan Borough Council
Wigan Metropolitan Borough Council

Lancashire

Blackpool Council
Blackburn with Darwen Borough Council
Burnley Borough Council
Chorley Borough Council
Fylde Borough Council
Hyndburn Borough Council
Lancaster City Council
Pendle Borough Council
Preston City Council
Ribble Valley Borough Council
Rossendale Borough Council
South Ribble Borough Council
West Lancashire Borough Council
Wyre Borough Council

Leicestershire

Leicester City Council
Oadby and Wigston Borough Council

Merseyside

Halton Borough Council
Knowsley Metropolitan Borough Council
Liverpool City Council
Sefton Borough Council
St Helens Borough Council
Wirral Metropolitan Borough Council

Northumberland

Northumberland County Council

North Yorkshire

City of York Council

Nottinghamshire

Ashfield District Council
Bassetlaw District Council
Broxtowe Borough Council
Gedling Borough Council
Mansfield District Council
Newark & Sherwood District Council
Nottingham City Council
Rushcliffe Borough Council

South Yorkshire

Barnsley Metropolitan Borough Council
Doncaster Council
Rotherham Metropolitan Borough Council
Sheffield City Council

Surrey

Elmbridge Borough Council

Tees Valley

Darlington Borough Council
Hartlepool Borough Council
Middlesbrough Borough Council
Redcar and Cleveland Borough Council
Stockton-on-Tees Borough Council

Tyne and Wear

Gateshead Council
Newcastle City Council
North Tyneside Council
South Tyneside Council
Sunderland City Council

West Midlands

Birmingham City Council
Sandwell Metropolitan Borough Council
Solihull Metropolitan Borough Council

City of Wolverhampton Council
Walsall Council

West Yorkshire

City of Bradford Metropolitan District Council
Calderdale Metropolitan Borough Council
Kirklees Metropolitan Council
Leeds City Council
Wakefield Council

Part 2: Scotland

2. The area designated as a protected area by the Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Measures) (Scotland) Regulations 2020(8), comprising the local government areas of—

City of Glasgow
Clackmannanshire
East Ayrshire
East Dunbartonshire
East Renfrewshire
East Lothian
Edinburgh City
Falkirk
Inverclyde
Midlothian
North Ayrshire
North Lanarkshire
Renfrewshire
South Ayrshire
South Lanarkshire
Stirling
West Dunbartonshire
West Lothian

Part 3: Northern Ireland

3. All of Northern Ireland.”

At 11.40 a.m. on 16 October 2020

Mark Drakeford
First Minister, one of the Welsh Ministers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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. 2) (Wales) Regulations 2020 (“the principal Regulations”). The amendments—

- (a) impose restrictions on persons travelling to Wales from parts of England, Scotland and Northern Ireland which have higher rates of prevalence of coronavirus, and corresponding restrictions on people travelling from Wales to such areas (this is done by reference to the parts of Wales that are not designated as local health protection areas due to the restrictions that are already in place on entering or leaving these areas);
- (b) provide that it is a reasonable excuse to enter or leave a local health protection area to participate in or facilitate organised activities for the development or well-being of children, and modifies the reasonable excuses for gathering and for entering or leaving a local health protection area so that they are consistent;
- (c) make other minor and consequential provisions.

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.