

## [<sup>F1</sup>SCHEDULE 3

### Alert Level 3 Restrictions

#### Textual Amendments

- F1** Sch. 3 substituted (26.4.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(14)**

## PART 3

### Restrictions on certain businesses and services

#### CHAPTER 1

*Businesses or services whose premises are required to be closed but to which limited access may be allowed*

#### Closure of indoor premises of food and drink businesses

7.—(1) A person responsible for carrying on a business which is listed in paragraphs 11 to 13 (food and drink businesses) must close to members of the public any part of its premises which is indoors and used for the consumption of food or drink.

(2) Sub-paragraph (1) does not prevent—

- (a) the use of premises for—
  - (i) the sale of food and drink for consumption off the premises, or
  - (ii) services providing food or drink to homeless people;
- (b) the provision of room service at a hotel or other accommodation (where the hotel or other accommodation continues to operate in accordance with the exceptions allowed by paragraph 8);
- (c) a workplace canteen from being open where there is no practical alternative for staff at that workplace to obtain food or drink;
- (d) the use of premises for any purpose as may be requested or authorised by the Welsh Ministers or a local authority;
- (e) the carrying out of maintenance and repairs or other work to ensure premises are suitable for use when sub-paragraph (1) no longer applies to the premises.

(3) Sub-paragraph (1) does not apply to—

- (a) cafés and canteens at a hospital, care home, school or within accommodation provided for students;
- (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.

(4) For the purposes of sub-paragraph (1), an indoor 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.

(5) Where—

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- (a) a person responsible for carrying on a business (“business A”) is required by virtue of this paragraph to cease carrying on business A at premises, and
  - (b) business A forms part of a larger business (“business B”),
- the requirement in this paragraph is complied with if the person responsible for carrying on business B ceases to carry on business A at the premises.

### **Closure of holiday or travel accommodation that is not self-contained**

**8.—**(1) A person responsible for carrying on a business which is listed in paragraphs 14 to 17 (holiday or travel accommodation) must—

- (a) close to members of the public any premises operated as part of the business, and
- (b) not carry on business at such premises otherwise than in accordance with this paragraph.

(2) But sub-paragraph (1) does not prevent the use of premises for the provision of accommodation—

- (a) in a camping site or holiday site, provided that the only shared facilities used by guests at the camping site or holiday site are water points and waste disposal points, or
- (b) in separate and self-contained premises.

(3) And sub-paragraph (1) does not prevent—

- (a) carrying out maintenance and repairs or other work to ensure premises are suitable for use when sub-paragraph (1) no longer applies to the premises;
- (b) the use of premises for any purpose as may be requested or authorised by the Welsh Ministers or a local authority;
- (c) the provision of accommodation for any persons staying in that accommodation when this paragraph most recently began to apply to the area in which the accommodation is situated and who—

- (i) are unable to return to their main residence, or
- (ii) are using the accommodation as their main residence;

- (d) the use of premises to 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.

(4) Premises are separate and self-contained for the purposes of this paragraph only if—

- (a) they are provided for persons who are members of the same household or extended household, and
- (b) none of the following are shared with the members of any other household—
  - (i) kitchens,
  - (ii) sleeping areas,
  - (iii) bathrooms, or
  - (iv) indoor communal areas.

(5) In this paragraph—

- (a) a reception area is not to be treated as a shared facility for the purposes of sub-paragraph (2) (a);

- (b) “communal areas” includes any area of the premises that is open to the public, but does not include a reception area or corridors, lifts and staircases used to access other parts of the premises.
- (6) Where—
  - (a) a person responsible for carrying on a business (“business A”) is required by virtue of this paragraph to cease carrying on business A at premises, and
  - (b) business A forms part of a larger business (“business B”),the requirement in this paragraph is complied with if the person responsible for carrying on business B ceases to carry on business A at the premises.

## CHAPTER 2

### *Businesses or services whose premises are required to be closed*

#### **Closure of businesses and services**

**9.—(1)** A person responsible for carrying on a business or providing a service which is listed in paragraphs 18 to 35 must—

- (a) close to members of the public any premises operated as part of the business or service, and
- (b) not carry on the business or service at such premises otherwise than in accordance with this paragraph.

(2) In its application to a business or service listed in paragraphs 27 (funfairs, amusement parks and theme parks), 28 (holiday, leisure activity or events businesses), 29 (museums and galleries), 32 (trampoline parks and centres), <sup>F2</sup>... 34 (venues for events or conferences (including venues for weddings)) and 35 (visitor attractions), sub-paragraph (1) does not apply to—

- (a) a public outdoor area of the premises, or
- (b) a public indoor area of the premises where it is necessary for the indoor area to be open—
  - (i) to allow access to a public outdoors area,
  - (ii) for health and safety reasons, or
  - (iii) to ensure that the requirements in Part 4 of these Regulations are complied with in relation to the premises.

(3) Sub-paragraph (1) does not prevent—

- (a) carrying out maintenance and repairs or other work to ensure premises are suitable for use when sub-paragraph (1) no longer applies to the premises;
- (b) the use of premises for any purpose as may be requested or authorised by the Welsh Ministers or a local authority;
- (c) the use of premises to broadcast without an audience present at the premises (whether over the internet or as part of a radio or television broadcast) or to rehearse;
- (d) the use of premises for the provision of goods or services (including their sale, hire, collection or delivery) in response to an order or enquiry made—
  - (i) through a website, or otherwise by on-line communication,
  - (ii) by telephone, including by text message, or
  - (iii) by post;
- (e) the use of premises for the provision of information—
  - (i) through a website, or otherwise by on-line communication,
  - (ii) by telephone, including by text message, or

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(iii) by post.

[<sup>F3</sup>(4) Despite sub-paragraph (1), a person responsible for carrying on a business or providing a service listed in paragraph 28 (holiday, leisure activity or events businesses) may open the indoor areas of its premises to the public, but only for the purposes of facilitating [<sup>F4</sup>a regulated gathering] for the development or well-being of persons who were aged under 18 on 31 August 2020 (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays).]

(5) Where—

- (a) a person responsible for carrying on a business (“business A”) is required by virtue of this paragraph to cease carrying on business A at premises, and
- (b) business A forms part of a larger business (“business B”),

the requirement in this paragraph is complied with if the person responsible for carrying on business B ceases to carry on business A at the premises.

#### Textual Amendments

- F2** Words in Sch. 3 para. 9(2) omitted (3.5.2021 immediately before the start of the day) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 9\) Regulations 2021 \(S.I. 2021/542\)](#), regs. 1(2), **2(5)(b)(i)**
- F3** Sch. 3 para. 9(4) substituted (3.5.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 9\) Regulations 2021 \(S.I. 2021/542\)](#), regs. 1(2), **2(5)(b)(ii)**
- F4** Words in Sch. 3 para. 9(4) substituted (17.5.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 10\) Regulations 2021 \(S.I. 2021/583\)](#), regs. 1(2), **2(14)(e)**

## CHAPTER 3

*Businesses and services whose premises are exempt from the requirement to close*

### [<sup>F5</sup>Exemption from the requirement to be closed: venues for weddings and celebrations of life of deceased

**10.** Despite the preceding provisions of this Part—

- (a) premises used as a venue for the solemnisation of a marriage, formation of civil partnership or alternative wedding ceremony, or the celebration of such an event, may open to the public—
  - (i) to the extent that this is required for the purposes of the solemnisation of a marriage, formation of civil partnership or alternative wedding ceremony at the premises, or the celebration of such an event at the premises;
  - (ii) for the purposes of enabling a person to visit the premises, by appointment, with a view to booking the premises for the solemnisation of a marriage, formation of civil partnership or alternative wedding ceremony, or for the celebration of such an event;
- (b) premises used as a venue for the celebration of the life of a deceased person may open to the public to the extent that this is required for such a celebration at the premises.]

**Textual Amendments**

- F5** Sch. 3 para. 10 substituted (17.5.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 10\) Regulations 2021 \(S.I. 2021/583\)](#), regs. 1(2), **2(14)(f)**

CHAPTER 4

*List of closed or partially closed premises*

*Closed or partially closed premises*

*Food and drink businesses*

11. Bars (including bars in members' clubs).
12. Public houses.
13. Cafes, canteens and restaurants (including workplace canteens and dining rooms in members' clubs).

*Holiday or travel accommodation*

14. Camping sites.
15. Holiday sites.
16. Hotels and bed and breakfast accommodation.
17. Other holiday accommodation (including holiday apartments, hostels and boarding houses).

*Leisure and social etc.*

18. Nightclubs, discotheques, dance halls or other venues authorised for the sale or supply of alcohol where live or recorded music is provided for members of the public or members of the venue to dance.
19. Sexual entertainment venues (within the meaning given by paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982).
20. Cinemas, other than drive in cinemas.
21. Concert halls and theatres, other than drive in theatres.
22. Casinos.
23. Bingo halls.
24. Amusement arcades.
25. Bowling alleys.
26. Indoor play centres or areas.
27. Funfairs, amusement parks and theme parks.
28. Holiday, leisure activity or events businesses.
29. Museums and galleries.
30. Ice skating rinks.
31. Trampoline parks and centres.

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32. Indoor skate parks and centres.

[<sup>F6</sup>33. Steam rooms.]

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**Textual Amendments**

**F6** Sch. 3 para. 33 substituted (3.5.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 9\) Regulations 2021 \(S.I. 2021/542\)](#), regs. 1(2), 2(5)(c)

34. Venues for events or conferences (including venues for weddings).

35. Visitor attractions.]

**Changes to legislation:**

There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, PART 3.