
WELSH STATUTORY INSTRUMENTS

2022 No. 142 (W. 45)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus Restrictions)
(No. 5) (Wales) (Amendment) (No. 5) Regulations 2022**

Approved by Senedd Cymru

<i>Made</i>	- - - -	<i>16 February 2022</i>
<i>Laid before Senedd Cymru</i>		<i>17 February 2022</i>
<i>Coming into force</i>	- -	<i>18 February 2022</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(2) of the Public Health (Control of Disease) Act 1984(1).

These Regulations are made in response to the 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, 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. 5) Regulations 2022.

(2) These Regulations come into force on 18 February 2022.

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

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

-
- (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.
- (2) 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), S.I. 2021/862 (W. 201), S.I. 2021/925 (W. 210), S.I. 2021/970 (W. 228), S.I. 2021/1119 (W. 271), S.I. 2021/1131 (W. 274), S.I.

- (2) In regulation 3, for “25 February 2022” substitute “28 March 2022”.
- (3) In regulation 10—
- (a) for paragraph (5)(a) substitute—
- “(a) has completed a course of doses of—
- (i) an authorised vaccine, or
- (ii) a vaccine under the United Kingdom vaccine roll-out overseas,
- and 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) for paragraph (7) substitute—
- “(7) For the purposes of paragraph (5)—
- (a) a person has completed a course of doses of an authorised vaccine—
- (i) if the person has received the complete course of doses specified—
- (aa) in the summary of product characteristics approved as part of the marketing authorisation for the authorised vaccine, or
- (bb) in the instructions for usage approved as part of the authorisation by the licensing authority on a temporary basis under regulation 174 of the Human Medicines Regulations 2012(3);
- (ii) if the person has received a dose of one authorised vaccine and a dose of a different authorised vaccine;
- (iii) if the person has received at least two doses of any vaccine referred to in sub-paragraph (d) of the definition of “authorised vaccine” in regulation 3(14) of the International Travel Regulations;
- (b) a person has completed a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas—
- (i) if the person has received the complete course of doses of a vaccine as specified in the manufacturer’s guidance for that vaccine;
- (ii) if the person has received a dose of one vaccine under the United Kingdom vaccine roll-out overseas and a dose of a different vaccine under the United Kingdom vaccine roll-out overseas;
- (iii) if the person has received a dose of an authorised vaccine and a dose of a vaccine under the United Kingdom vaccine roll-out overseas.”
- (c) in paragraph (8)—
- (i) for sub-paragraph (a) substitute—
- “(a) “authorised vaccine” has the meaning given in regulation 3(14) of the International Travel Regulations;”;
- (ii) after sub-paragraph (b) insert—
- “(ba) “the International Travel Regulations” means the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2022(4);”;

2021/1212 (W. 303), S.I. 2021/1304 (W. 334), S.I. 2021/1363 (W. 358), S.I. 2021/1407 (W. 366), S.I. 2021/1468 (W. 376), S.I. 2021/1477 (W. 379), S.I. 2021/1485 (W. 386), S.I. 2021/1490 (W. 390), S.I. 2022/39 (W. 16), S.I. 2022/55 (W. 21), S.I. 2022/75 (W. 27) and S.I. 2022/83 (W. 29).

(3) S.I. 2012/1916.

(4) S.I. 2022/126 (W. 41).

(iii) in sub-paragraph (d), for “regulation 8(1) of the Human Medicines Regulations 2012” substitute “regulation 3(14) of the International Travel Regulations”;

(iv) after sub-paragraph (e) insert—

“(f) “United Kingdom vaccine roll-out overseas” has the meaning given in regulation 3(14) of the International Travel Regulations.”

(4) Omit regulation 10C.

(5) Before regulation 11 insert—

“Transitional provision: isolation requirements

10D. Where—

(a) a person (“P”) is required to not leave or be outside of the place where P is living in accordance with regulation 8(2) (“P’s isolation requirement”) immediately before 18 February 2022, and

(b) had P been given a notification described in regulation 8(1) on or after that date, P would (because of the application of regulation 10(5) as amended by the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 5) Regulations 2022) be excepted from the requirement to not leave or be outside of the place where P is living in accordance with regulation 8(2),

P’s isolation requirement ceases to apply at the beginning of 18 February 2022.”

(6) Omit regulation 16A.

(7) In regulation 18(1), omit “or 16A(1)”.

(8) In regulation 25(3)(a)(i), omit “or 16A(1)”.

(9) In regulation 26, for “regulations 16(1) and 16A(1)” substitute “regulation 16”.

(10) Omit regulation 30A.

(11) Omit regulation 40A.

(12) In Schedule 8—

(a) in paragraph 1—

(i) in sub-paragraph (1)(a), omit “or 16A”;

(ii) in sub-paragraph (2)(b), omit “or 16A”;

(b) in paragraph 2—

(i) in sub-paragraph (3)(a), omit “or 16A”;

(ii) in sub-paragraph (4)(b)(ii), omit “or 16A”;

(iii) in sub-paragraph (4)(c), omit “or 16A”;

(c) in paragraph 3(3)(c), omit “or 16A”;

(d) in paragraph 4(1)(b), omit “or 16A”.

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(5), for “25 February 2022” substitute “28 March 2022”.

(5) 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), S.I. 2021/583 (W. 160), S.I. 2021/925 (W. 210) and S.I. 2021/1304 (W. 334).

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

16 February 2022

Mark Drakeford
First Minister, one of the Welsh Ministers

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 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”) to—

- provide that those Regulations expire at the end of the day on 28 March 2022 (rather than 25 February 2022);
- omit regulation 16A of the principal Regulations, which requires the person responsible for certain premises to take reasonable measures to ensure that adults are on the premises only if they have what is commonly referred to as a “COVID pass” (and to make consequential amendments);
- extend the exemption for fully vaccinated close contacts of persons who test positive for coronavirus so that close contacts no longer have to self-isolate if they have completed a course of doses of any vaccine that is authorised for the purposes of the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2022 (S.I. 2022/126 (W. 41)) or under the United Kingdom vaccine roll-out overseas (prior to the amendment, close contacts were only exempt if they had completed a course of doses of a vaccine authorised in the United Kingdom);
- insert a transitional provision relating to the amendment to the exemption for fully vaccinated close contacts and to revoke a spent transitional provision.

Despite the amendments made by these Regulations, the principal Regulations continue to provide that 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 (and if future regulations were to move Wales to any of alert levels 1 to 4, the restrictions and requirements in Schedules 1 to 4 to the principal Regulations could be amended before taking effect).

These 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 28 March 2022.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. In accordance with the Code, a regulatory impact assessment as to the likely cost and benefit of complying with these Regulations has not been carried out, due to the need to put them in place urgently to ensure that the principal Regulations’ restrictions and requirements continue to be proportionate.