
WELSH STATUTORY INSTRUMENTS

2022 No. 180 (W. 59)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus Restrictions)
(No. 5) (Wales) (Amendment) (No. 6) Regulations 2022**

<i>Made</i>	- - - -	<i>24 February 2022</i>
<i>Laid before Senedd Cymru</i>		<i>25 February 2022</i>
<i>Coming into force</i>	- -	<i>28 February 2022</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 45C(1) and (3)(c) 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 45Q(3) of that Act the Welsh Ministers are of the opinion that the instrument does not contain any provision made by virtue of section 45C(3)(c) of the Act which imposes or enables the imposition of a special restriction or requirement, or any other restriction or requirement which has or would have a significant effect on a person's rights.

Title and coming into force

1.—(1) The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 6) Regulations 2022.

(2) These Regulations come into force on 28 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 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),

(2) In regulation 20—

(a) in paragraph (1), for the words from “premises to which” to the end substitute

“—

- (a) premises of a business offering goods or services for sale or hire (retail premises), including the premises of a business or service listed in paragraphs (a) to (m) of paragraph 39 of Schedule 7;
- (b) shopping centres and shopping arcades;
- (c) premises of veterinary surgeons and animal grooming services;
- (d) storage and distribution facilities, including delivery drop off points;
- (e) premises of estate or letting agents, developer sales offices and show homes;
- (f) premises of hair salons and barbers, nail and beauty salons including tanning and electrolysis services, and body piercing and tattooing services;
- (g) premises used for the provision of food that has been prepared to the specific order of consumers for delivery or collection to be consumed off the premises;
- (h) premises used for the provision of medical, health or dental services, audiology, chiropody, chiropractor, osteopath, optometry, physiotherapy or acupuncture services, or other medical or health services including services relating to mental health;
- (i) premises used for the provision of a social care service, including care home services,, secure accommodation services, residential family centre services and adult day care services;
- (j) a vehicle, when it is being used for—
 - (i) paid instruction in the driving of a motor car in accordance with section 123 of the Road Traffic Act 1988(3), or
 - (ii) a test of competence to drive such as is described in section 89(1)(a)(i) of that Act.”;

(b) in paragraph (2), omit sub-paragraph (aa);

(c) in paragraph (3), at the end insert—

“(i) in relation to premises described in paragraph (1)(i), where P is resident in the premises.”;

(d) after paragraph (3) insert—

“(3A) Paragraph (1) does not apply—

- (a) when the public do not have access to the premises;
- (b) where P is in premises where food or drink is sold, or otherwise provided, for consumption on the premises.”;

(e) in paragraph (4), in the words before sub-paragraph (a), for “paragraph (1)” substitute “paragraph (3A)(b);

(f) omit paragraph (5);

(g) for paragraph (6) substitute—

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. 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), S.I. 2022/83 (W. 29) and S.I. 2022/142 (W. 45).

“(6) Where a vehicle is being used for a purpose described in paragraph (1)(j), the entire vehicle is to be treated as an indoor public area for the purposes of paragraph (1).”;

(h) after paragraph (6) insert—

“(7) For the purposes of paragraph (1)(i), a “social care service” has the same meaning as a “regulated service” in section 2(1) of the Regulation and Inspection of Social Care (Wales) Act 2016⁽⁴⁾.”

24 February 2022

Mark Drakeford
First Minister, one of the Welsh Ministers

(4) 2016 anaw 2.

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 ensure the continued proportionality of regulation 20 of those Regulations.

Prior to the amendments, regulation 20 provided that a person aged 11 and over was required to wear a face covering in the indoor public areas of any premises to which the public have or are permitted access (unless the person had a reasonable excuse for not wearing a face covering or a specific exemption applied).

The amendments narrow the scope of regulation 20 by providing an exhaustive list of the premises to which the requirement applies. The requirement now applies to the indoor public areas of the following, when the public have access to the premises—

- retail premises (premises of any business offering goods or services for sale or hire, including financial services providers, post offices and shopping centres);
- premises of veterinary surgeons and animal grooming services;
- storage and distribution facilities, including delivery drop off points;
- premises of estate or letting agents, developer sales offices and show homes;
- premises of close contact services (hair salons and barbers, nail and beauty salons including tanning and electrolysis services, and body piercing and tattooing services);
- premises used for the provision of takeaway food;
- premises used for the provision of medical or health services;
- premises used for the provision of social care services.

The amendments mean that the face covering requirement no longer applies to particular types of premises that are open to the public (for example, leisure and entertainment premises, and visitor attractions).

The amendments also clarify that the face covering requirement does not apply to residents of the social care premises listed when the residents are on the premises. The Regulations also make consequential amendments.

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 applies (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).

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

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out, due to the need to put them in place urgently to ensure that the principal Regulations' restrictions and requirements continue to be proportionate.