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WELSH STATUTORY INSTRUMENTS

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**2020 No. 1610 (W. 336)**

**PUBLIC HEALTH, WALES**

**The Health Protection (Coronavirus Restrictions)  
(No. 5) (Wales) (Amendment) Regulations 2020**

*Approved in Senedd Cymru*

<i>Made</i>	- - - -	<i>at 9.12 p.m. on 19 December 2020</i>
<i>Laid before Senedd Cymru</i>		<i>21 December 2020</i>
<i>Coming into force</i>	- -	<i>at 11.59 p.m. on 19 December 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(2) of the Public Health (Control of Disease) Act 1984<sup>(1)</sup>.

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.

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) Regulations 2020.

(2) These Regulations come into force at 11.59 p.m. on 19 December 2020.

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

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

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(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).

- (2) In regulation 1(3), for “21 December 2020” substitute “20 December 2020”.
- (3) In regulation 57(1)(t)(i), at the end insert “, any Tier 4 area or any other area in which restrictions are imposed that are stricter than those applicable in the Tier 3 area”.
- (4) In Column 3 of the table in Schedule 5, for the text after “Alert Level of Area” substitute “4”.
- (5) In Schedule 6—
  - (a) in paragraph 1, for “During the period beginning with 22 December 2020 and ending with 28 December 2020” substitute “On 25 December 2020”;
  - (b) omit paragraph 2;
  - (c) omit paragraph 3;
  - (d) in paragraph 4(2), in the text modifying paragraph 3 of Schedule 4—
    - (i) in paragraph 3(1) for “during the Christmas period” substitute “on 25 December 2020”;
    - (ii) omit paragraph 3A;
  - (e) omit paragraph 4(3);
  - (f) omit paragraph 4(4);
  - (g) in paragraph 5—
    - (i) in sub-paragraph (1)(a), for “during the Christmas period by virtue of the modifications made in paragraph 3 or 4” substitute “on 25 December 2020 by virtue of the modifications made in paragraph 4”;
    - (ii) for sub-paragraph (1)(b) substitute—
      - “(b) immediately before 25 December 2020, was part of an extended household formed under or by virtue of paragraph 3 of Schedule 4 (a “pre-Christmas extended household”) as it applies without the modifications made in paragraph 4.”;
    - (iii) in sub-paragraph (3), for “Christmas period” substitute “day on 25 December 2020”;
    - (iv) omit sub-paragraph (4).

At 9.12 p.m. on 19 December 2020

*Mark Drakeford*  
First Minister, one of the Welsh Ministers

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## 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. The Regulations impose requirements and restrictions on individuals, businesses and others.

These Regulations make amendments to the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 ([S.I. 2020/1609 \(W. 335\)](#)) (the “principal Regulations”) to—

- (a) bring the principal Regulations (apart from Part 6) into force on 20 December 2020;
- (b) include the proposed Tier 4 area of England in the definition of “restricted UK area”, meaning that no person living in a Tier 4 area may enter Wales without a reasonable excuse;
- (c) provide that Alert Level 4 applies to Wales from 20 December 2020 onwards;
- (d) limit the modifications made in Schedule 6 to the principal Regulations to the restrictions applicable over the Christmas period so that they apply only on 25 December 2020.

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.