
WELSH STATUTORY INSTRUMENTS

2021 No. 542 (W. 154)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus Restrictions)
(No. 5) (Wales) (Amendment) (No. 9) Regulations 2021**

Approved by Senedd Cymru

Made - - - - 29 April 2021

To be laid before Senedd Cymru

Coming into force - - 3 May 2021

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 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) (No. 9) Regulations 2021.

(2) These Regulations come into force immediately before the start of the day on 3 May 2021.

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) and S.I. 2021/502 (W. 150).

(2) In regulation 4, omit paragraphs (6A) and (6B).

(3) In Schedule 1, paragraph 3(5)(ba), after “Schedule 3A” insert “(despite its revocation by the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 9) Regulations 2021)”.

(4) In Schedule 2—

(a) for paragraph 2(6)(k) substitute—

“(k) participating in or facilitating an organised activity, in premises other than holiday or travel accommodation, 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);”;

(b) in paragraph 3(6)(aa), after “Schedule 3A” insert “(despite its revocation by the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 9) Regulations 2021)”.

(5) In Schedule 3—

(a) in paragraph 4(6)(b), after “Schedule 3A” insert “(despite its revocation by the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 9) Regulations 2021)”;

(b) in paragraph 9—

(i) in sub-paragraph (2) omit “33 (spas);”;

(ii) for sub-paragraph (4) substitute—

“(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 an organised activity 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).”;

(c) for paragraph 33 substitute—

“33. Steam rooms.”

(6) Omit Schedule 3A.

(7) In Schedule 5—

(a) in the heading, omit “and temporary modifications”;

(b) omit paragraph 2.

Amendment to the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 8) Regulations 2021

3. Regulation 2(13)(b)(vii)(dd) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 8) Regulations 2021(3) is revoked.

Amendment to the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020

4. In regulation 6(2)(c) of the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020(4), for “paragraph 2” substitute “paragraph 3”.

29 April 2021

Mark Drakeford
First Minister, one of the Welsh Ministers

(4) S.I. 2020/1011 (W. 225) as amended by S.I. 2020/1100 (W. 250), S.I. 2020/1219 (W. 276), S.I. 2020/1409 (W. 311), S.I. 2020/1609 (W. 335), S.I. 2021/57 (W. 13) and S.I. 2021/307 (W. 79).

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. 5) (Wales) Regulations 2020 (S.I. 2020/1609 (W. 335)) (“the principal Regulations”).

The amendments provide that from 3 May 2021 the whole of Wales is fully at Alert Level 3 and the restrictions and requirements set out in Schedule 3 to the principal Regulations apply. The temporary (transitional) restrictions and requirements set out in Schedule 3A, which have applied to the whole of Wales since 27 March 2021, are revoked.

The move to the full Alert Level 3 restrictions in Schedule 3 means that from 3 May 2021—

- any household may agree to be treated as an (exclusive) extended household with one other household, or with two other households if one of the households is a well-being needs household;
- indoor organised activities are allowed for groups of up to 15 people, not counting persons under the age of 11;
- organised activities for the development or well-being of children may also be held indoors;
- community centres are allowed to also open their indoor premises;
- indoor sports and exercise facilities are allowed to open.

The Regulations amend Schedule 3 to allow spas to open under the Alert Level 3 restrictions (but steam rooms are required to remain closed).

The Regulations also correct a minor error made in the amendment of paragraph 2(6)(k) of Schedule 2 to the principal Regulations by the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 8) Regulations 2021 (S.I. 2021/502 (W. 150)) and make a consequential amendment to the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020 (S.I. 2020/1011 (W. 225)).

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.