

Regulations made by the Welsh Ministers, laid before Senedd Cymru under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of Senedd Cymru within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution or recess for more than four days.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2022 No. 388 (W. 97)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus
Restrictions) (No. 5) (Wales)
(Amendment) (No. 8) Regulations
2022**

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”). The amendments—

- omit Part 3 of the principal Regulations, which requires persons to self-isolate if they test positive for coronavirus, or are close contacts of persons who test positive for coronavirus (but self-isolation continues to be recommended in Welsh Government guidance);
- change the principal Regulations’ requirements for face coverings to be worn on public transport and in certain indoor public places so that they

now only apply in health and social care premises;

- omit the specific requirement for persons who are election campaigning to take reasonable measures to minimise the risk of exposure to coronavirus (but political parties will continue to be required to take such reasonable measures under regulation 16 of the principal Regulations in relation to their activities on regulated premises);
- omit the specific offence in the principal Regulations of being involved in organising a large unlicensed music event.

The Regulations also make amendments that are consequential on the amendments set out above and those which have been made to the principal Regulations previously. They also make a transitional provision to make clear that any legal requirement for a person to self-isolate ceases when these Regulations come into force (but again Welsh Government guidance will continue to be relevant to such a person).

As amended 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 out, due to the need to put them in place urgently.

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. 8) Regulations 2022.

(2) These Regulations come into force on 28 March 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⁽¹⁾ are amended as follows.

(2) Omit Part 3.

(3) Omit Part 4A.

(4) Omit regulation 19.

(5) In regulation 20—

(a) in paragraph (1)—

(i) omit sub-paragraphs (a) to (g);

(ii) omit sub-paragraph (j);

(b) omit paragraph (6).

(6) Omit regulation 21.

(7) In regulation 25(2), in the words before sub-paragraph (a), for “18A, 19, 20, 27 to 34,” substitute “20, 27 to 29, 31 to 34.”

(8) In regulation 27(1), omit sub-paragraphs (za) and (a).

(9) Omit regulation 30.

(10) In regulation 31, omit paragraph (1)(a).

(11) In regulation 32, omit paragraphs (1) and (2).

(12) In regulation 36(3)—

(1) 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. 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), S.I. 2022/142 (W. 45), S.I. 2022/180 (W. 59) and S.I. 2022/378 (W. 95).

- (a) omit sub-paragraphs (b) and (c);
- (b) in sub-paragraph (e), for “32(1)(b) or (3)(b)” substitute “32(3)(b)”.
- (13) In regulation 39, omit paragraphs (2) and (3).
- (14) Omit regulation 40.
- (15) In regulation 41, omit “19(1) or”.
- (16) In regulation 42, omit paragraph (2).
- (17) In regulation 43, omit paragraph (2)(a)(ii).
- (18) In regulation 48(1), for “49, 50, 51 or 52” substitute “50 or 52”.
- (19) Omit regulation 49.
- (20) Omit regulation 51.
- (21) In regulation 52(1), omit “, (2)”.
- (22) In regulation 53(1)(c), omit “, 49” and “, 51”.
- (23) In regulation 54, omit paragraph (2).
- (24) In regulation 56(1A)(a), omit “other than an offence under paragraph (2) of that regulation”.

Transitional provision: revocation of isolation requirements

3. Where a person (“P”) is required to not leave or be outside of the place where P is living in accordance with regulation 6(2), 7(2) or 8(2) of the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 immediately before their revocation by these Regulations, the requirement ceases to apply when these Regulations come into force.

Mark Drakeford

First Minister, one of the Welsh Ministers

At 2.59 p.m. on 25 March 2022