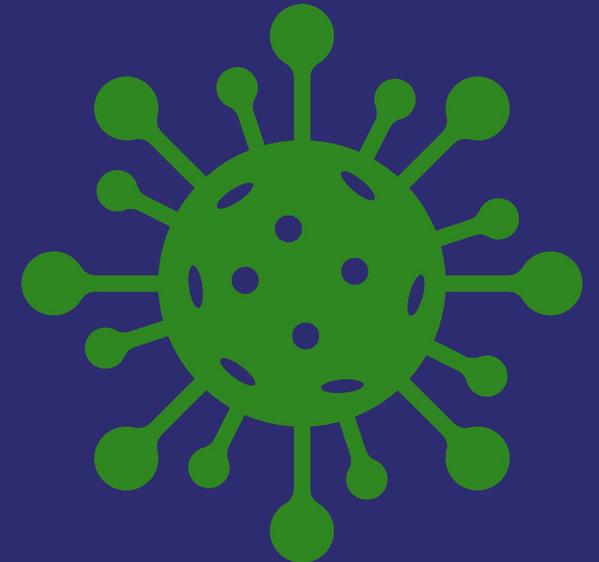




The Health Protection (Coronavirus Restrictions) (No.5) (Wales) Regulations 2020

Alert Level 0 – all areas of Wales

12 August 2021





- This pack covers the **Health Protection (Coronavirus Restrictions) (No.5) (Wales) Regulations 2020** – the Regulations came into force on 20 December 2020 and will expire on 26 November 2021.
- This briefing contains temporary modifications to Alert Level 1 made by the **Health Protection (Coronavirus Restrictions) (No.5) (Wales) (Amendment) (No.15) Regulations 2021**.
- These restrictions and requirements for Alert Level 0 apply to Wales until the end of 26 November 2021.
- All current briefings are available on the **Covid-19 Hub**, including briefings on the Coronavirus Act and all other Health Protection Regulations (England).



Summary of restrictions for Alert Level 0

Participation in gatherings:

- Private dwellings
- Private dwellings – outdoor gatherings
- Holiday or travel accommodation
- Public places

Prohibition on organising events

Travel restrictions from Alert Level 0 Area (Wales) to a destination outside the common travel area

Reopening of food and drink businesses, plus businesses and services

Wearing of face coverings



Participation in gatherings

Alert Level 0

There are no specific limits on the number of people who can gather together, including in private homes and public places. The following previously had restrictions which have now been removed:

- **Private dwelling**
- **Private dwelling – outdoor gatherings**
- **Holiday or travel accommodation**
- **Public places**



Alert Level 0 number limit restrictions:

Private dwelling

No number limits apply.

Private dwelling – outdoor gatherings

Number limits removed but reasonable measures must still be taken.

Holiday or travel accommodation

Number limits removed but reasonable measures must still be taken.

Public places

Number limits removed but reasonable measures must still be taken. This is not an exhaustive list, but restrictions that applied to weddings, funerals, solemnisation of a wedding and attending a place of worship no longer apply.

Organising events

Restriction removed and number limits removed but reasonable measures must still be taken.



Travel restrictions to and from Alert Level 0 Area (Wales)

The Alert Level 0 Area refers to Wales.

A person may now leave Wales to go to a destination outside of the common travel area, without a reasonable excuse.

Reopening of indoor premises of food, drink businesses and retail and personal services

All businesses or services may now reopen in Alert Level 0. Reasonable measures on numbers are still required and regulated premises are responsible to set limits on the numbers of people who can gather.



Requirement to self-isolate

Adults and children who have tested positive for coronavirus must not leave or be outside of the place they are living until the end of the last day of their 10-day isolation (exceptions apply).

- This applies where an adult is notified by a contact tracer that they have tested positive for coronavirus.
- It also applies where an adult is notified that a child for whom they are responsible has tested positive for coronavirus.
- The last day of the isolation is the end of the **10 days** from the notification of the test result (or from the date the symptoms first developed as notified to the tracer).

*Close contact is defined as:

- having face-to-face contact with a person at a distance of less than one metre
- spending more than 15 minutes within two metres of a person
- travelling in a car or other small vehicle with a person or in close proximity to a person on an aeroplane or in the same carriage of a train

Adults who have received both doses of the vaccine at least 14 days before a close contact* no longer need to self isolate. There is also no longer a requirement for a person under 18 to isolate.

- This applies where an adult is notified by a contact tracer that they have had close contact* with a person who has tested positive for coronavirus.
- It also applies where an adult is notified that a child for whom they are responsible has had close contact with a person who has tested positive for coronavirus.
- The last day of the isolation is the end of the **10 days** from the day after:
 - the test which led to the notification
 - the last day of close contact as reported to the contact tracer, or
 - from the date the symptoms first developed as notified to the tracer



Requirement to self-isolate – exceptions

The person may leave and be outside the place where they are living for as long as is necessary:

- to seek medical assistance, where this is required urgently or on the advice of a registered medical practitioner
- to access veterinary services where:
 - i. they are urgently required
 - ii. it is not possible for another person at the place that the person is living to access those services
- to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings, where it is not possible or practicable to do so without leaving the place where the person is living
- to avoid illness, injury or other risk of harm
- for compassionate reasons, including to attend the funeral of a family member or a close friend
- to obtain basic necessities (including for other persons at the place where the person is living or any pets at that place) where it is not possible or practicable:
 - i. for another person at the place where the person is living to obtain them
 - ii. to obtain them by delivery to that place from a third party
- to access public services (including social services or victims' services) where:
 - i. access to the service is critical to the person's well-being, and
 - ii. the service cannot be provided if the person remains at the place where the person is living
- to move to a different place to live where it becomes impracticable to remain at the place where the person is living

This regulation does not apply to a person who has tested positive for coronavirus in the course of a research study, and tests positive for coronavirus in the course of the same study within the period of 90 days beginning with the date of the initial test.



The requirement to wear face coverings on public transport

A person who is travelling as a passenger on a vehicle used to provide a public transport service must wear a face covering.

A face covering is not required where an exemption applies or where the person has a reasonable excuse.

Exemptions include (but are not limited to) where the person is:

- a child under the age of 11
- on a vehicle providing a school transport service
- on a ferry or cruise ship (conditions apply)

Reasonable excuses include where the person:

- is unable to put on, wear or remove a face covering because of a physical or mental illness or impairment, or a disability
- has to remove the face covering to communicate with another person who has difficulty communicating (in relation to speech, language or otherwise)
- has to remove the face covering to avoid harm or injury,

or the risk of harm or injury, to themselves or others

- is travelling to avoid injury, or to escape a risk of harm, and does not have a face covering
- has to remove the face covering to:
 - i. take medication
 - ii. eat or drink, if this is allowed on the vehicle and is reasonably necessary (for example, due to the length of the journey)
- is asked to remove the face covering by
 - i. a constable, PCSO or person designated by a Welsh Minister
 - ii. the operator of the public transport service, an employee of the operator or a person authorised by the operator



The requirement to wear face coverings in certain indoor public places

A person must wear a face covering in indoor areas of premises to which the public have or are permitted to access, whether on payment or otherwise.

Face coverings are not required:

- a) by children under the age of 11
- b) where the person has a **reasonable excuse**. These include where a person:
 - is unable to put on, wear or remove a face covering because of a physical or mental illness or impairment, or a disability
 - is undertaking an activity where wearing a face mask could reasonably be considered to be a risk
 - has to remove the face covering to communicate with another person who has difficulty communicating
 - has to remove the face covering to avoid harm or injury, or the risk of harm or injury, to themselves or others
 - is at the premises to avoid a risk of harm or injury, and does not have a face covering
 - has to remove the face covering to:
 - i. take medication
 - ii. eat or drink, where reasonably necessary
 - is asked to remove the face covering by a constable, PCSO or person designated by a Welsh Minister
 - is seated in premises where food or drink is sold, or otherwise provided, for consumption on the premises



Enforcement options – restrictions on movement

Requirement to stay at home or the requirement to isolate

Where a constable or PCSO has reasonable grounds for suspecting that a person is away from the place where they are living in contravention of the requirement to stay at home or to isolate:

- they may direct the person to return to the place where they are living
- a constable may remove the person to that area
(reasonable force may be used, if necessary)



Enforcement options – minimising the risk of exposure to coronavirus

Wearing face coverings on public transport

Where a constable or PCSO has reasonable grounds to suspect that a person is contravening (or is about to contravene) the requirement to wear a face covering:

- they may direct the person not to board the vehicle providing the public transport in question
- a constable only may remove the person from the vehicle, and may use reasonable force, if necessary, to do so

Note: A constable or PCSO may give a compliance notice to the operator of a public transport service if they have reasonable grounds for suspecting that the operator is contravening a requirement relating to providing information to passengers about the requirement to wear face coverings on their vehicles.

Wearing face coverings in ‘certain indoor places’

Where a constable or PCSO has reasonable grounds to suspect that a person is contravening (or is about to contravene) the requirement to wear a face covering:

- they may direct the person not to enter the premises
- a constable only may remove the person from the premises, and may use reasonable force, if necessary, to do so

Note: When exercising these powers, a constable or PCSO may direct a person to follow such instructions as they consider necessary.

Force may only be used by a constable, and where the constable considers that it is necessary and proportionate to do so.



Fixed penalty notices (FPNs)

Anyone contravening these requirements commits an offence, punishable on summary conviction by a fine. These are non-recordable offences. They can't be punished by imprisonment. Where someone is reasonably believed to have committed an offence and is 18 or over, the police may issue them with a fine.



A power of entry

- A constable (only) may enter premises if they have reasonable grounds for suspecting that a requirement of the Regulations is being, has been, or is about to be contravened on the premises, and consider it necessary to enter the premises. The constable entering premises may use reasonable force to gain entry.
- A constable entering premises may take such other persons, equipment and materials onto the premises as appears to the constable to be appropriate.

Power of police to conduct road checks

- A constable may conduct a road check for the purpose of ascertaining whether a vehicle is carrying a person who has committed, or a person who the constable reasonably believes intends to commit, an offence under these Regulations.
- A road check must be authorised by a superintendent or above. However, it may be authorised by a constable below that rank if the constable considers it necessary as a matter of urgency.
- A constable may authorise a road check if they have reasonable grounds to believe that persons are (or are about to be) in the locality in which vehicles would be stopped, committing (or intending to commit) an offence under these Regulations.
- The power for a constable of any rank to stop a vehicle pursuant to section 163 of the Road Traffic Act 1988 remains.
- A constable can require a person to give any information or answer any question they consider to be relevant in relation to these regulations if it is necessary and proportionate to do so. A person who obstructs, without reasonable excuse, the constable from carrying out a function under these Regulations commits an offence.

Note: For the purposes of this regulation, a 'road check' means the exercise in a locality of the power conferred by section 163 of the Road Traffic Act 1988(1).



Powers of arrest

The necessity test under Section 24 PACE has been temporarily amended by the Health Protection Regulations to include:

- to maintain public health
- to maintain public order

Usual applications of Section 24 PACE still apply and officers' attention is specifically drawn to the necessity to arrest in relation to ascertaining name and address, and to protect a child or other vulnerable person from the person in question. Officers may also wish to determine if breach of the peace powers apply.

Children

Where there are reasonable grounds to suspect a child (accompanied by an adult responsible for them) is contravening the Regulations or is in a gathering contravening the regulations, an officer or PCSOs can issue directions to a person responsible for a child.



Police and local authority enforcement

Police will lead enforcement in relation to breaches of requirements placed on **individuals**.

Officers should continue to engage members of the public and explain changes. If necessary they should offer encouragement to comply. However, if the individual or group do not respond appropriately, then enforcement can follow without repeated attempts to encourage people to comply with the law.

We police by consent. The initial police response should be to encourage voluntary compliance. Policing will continue to apply the four-step escalation principles:

- **Engage**
- **Explain**
- **Encourage, and only**
- **Enforce as a last resort**

Enforcement action in relation to breaches by **businesses** will be led by local authorities (Environmental Health Officers and Trading Standards Officers). The police should only be required as a last resort and to provide support as required.