

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.

WELSH STATUTORY INSTRUMENTS

2020 No. 1035 (W. 229)

PUBLIC HEALTH, WALES

**The Health Protection (Coronavirus Restrictions) (No. 2)
(Wales) (Amendment) (No. 12) Regulations 2020**

<i>Made</i>	- - - -	<i>at 2.45 p.m. on 24 September 2020</i>
<i>Laid before Senedd Cymru</i>		<i>at 4.45 p.m. on 24 September 2020</i>
<i>Coming into force</i>	- -	<i>at 6.00 p.m. on 24 September 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 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 the amendments made 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. The title of these Regulations is the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) (Amendment) (No. 12) Regulations 2020 and they come into force at 6.00 p.m. on 24 September 2020.

⁽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.

Amendment of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020

2.—(1) The Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020(2) are amended as follows.

(2) In regulation 12—

(a) after paragraph (2A) insert—

“(2B) Where paragraph (2) applies to a person responsible for open premises authorised for the sale or supply of alcohol for consumption on the premises, the sale or supply of food or drink for consumption on the premises must be carried out in accordance with the reasonable measure specified in paragraph (2C) (subject to paragraphs (2D) and (2E)).

(2C) The reasonable measure is that customers must be seated in the premises anywhere other than at a bar—

- (a) when ordering food or drink,
- (b) when being served with food or drink, and
- (c) when consuming food or drink.

(2D) But where the premises provide food on a buffet basis, customers may select food from the buffet and return to where they are seated provided a distance of 2 metres is maintained between any persons at the buffet (except between two members of the same household, or a carer and the person assisted by the carer).

(2E) Sub-paragraphs (a) and (b) of paragraph (2C) do not apply to—

- (a) workplace canteens, or
- (b) premises in an educational establishment.

(2F) For the purposes of paragraph (2B)—

- (a) food or drink sold by a hotel or other accommodation as part of room service is not to be treated as being sold for consumption on the premises;
- (b) food or drink sold for consumption in an area adjacent to the premises where seating is made available for customers is to be treated as being sold for consumption on the premises.”

(b) after paragraph (5) insert—

“(6) In this regulation and regulation 12ZA, open premises are authorised for the sale or supply of alcohol where the premises have been granted or given an authorisation under the Licensing Act 2003(3), and “authorisation” has the meaning given by section 136(5) of that Act.”

(3) After regulation 12 insert—

“Restrictions on licensed premises

12ZA.—(1) A person responsible for open premises authorised for the sale or supply of alcohol may not sell or supply alcohol between 10.00 p.m. and 6.00 a.m.

(2) Where the premises are authorised for the sale or supply of alcohol for consumption on the premises, the person responsible for the premises—

(2) S.I. 2020/725 (W. 162), as amended by S.I. 2020/752 (W. 169), S.I. 2020/803 (W. 176), S.I. 2020/820 (W. 180), S.I. 2020/843 (W. 186), S.I. 2020/867 (W. 189), S.I. 2020/884 (W. 195), S.I. 2020/912 (W. 204), S.I. 2020/961 (W. 215), S.I. 2020/984 (W. 221), S.I. 2020/985 (W. 222), S.I. 2020/1007 (W. 224), S.I. 2020/1011 (W. 225) and S.I. 2020/1022 (W. 227).

(3) 2003 c. 17.

- (a) must close the premises (to customers) at or before 10.20 p.m. each day, and
 - (b) may not open the premises before 6.00 a.m. each day.
- (3) Despite paragraph (2), a cinema may close later than 10.20 p.m. only for the purpose of concluding the showing of a film which begins before 10.00 p.m.
- (4) Paragraph (2) does not apply to open premises located in—
- (a) a sea port;
 - (b) an airport.
- (5) In its application to the premises of a hotel or other accommodation, paragraph (2) applies only to those parts of the premises in which alcohol is sold or supplied for consumption on the premises.
- (6) Paragraphs (1) and (2) do not allow the premises to be open, or alcohol to be sold or supplied, in contravention of an authorisation granted or given in respect of the premises.”
- (4) In regulation 12B—
- (a) omit paragraph (3)(b);
 - (b) after paragraph (4)(g) insert—
 - “(h) where P is seated in premises where food or drink is sold, or otherwise provided, for consumption on the premises.”
- (5) In regulation 17(2), for “or 12(2), or paragraph 7 of Schedule 4A” substitute “, 12(2) or 12ZA(1) or (2)”.
- (6) In regulation 20(1)(a), for “, or paragraphs 5(1) or 7(1)” substitute “or 12ZA(1) or (2), or paragraph 5(1)”.
- (7) In Schedule 4A, omit paragraph 7.

At 2.45 p.m. on 24 September 2020

Mark Drakeford
First Minister, one of the Welsh Ministers

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. 2) (Wales) Regulations 2020 (the “principal Regulations”). The amendments—

- (a) provide that in premises licensed for the sale of alcohol for consumption on the premises, food or drink may only be served to customers who are seated (subject to certain exemptions for buffets, workplace canteens and premises in educational establishments such as university canteens), and customers must be seated when consuming the food or drink;
- (b) provide that premises licensed for the sale of alcohol (whether for consumption on the premises or off the premises) may not serve or supply alcohol after 10.00 p.m. (and may not serve or supply alcohol again before 6.00 a.m. the following morning);
- (c) provide that premises licensed for the sale of alcohol for consumption on the premises must close at or before 10.20 p.m. (and may not re-open before 6.00 a.m. the following morning);
- (d) remove the exemption from the requirement to wear a face covering applicable in premises where food or drink is sold, replacing it with a reasonable excuse for customers not to wear a face covering while seated.

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.