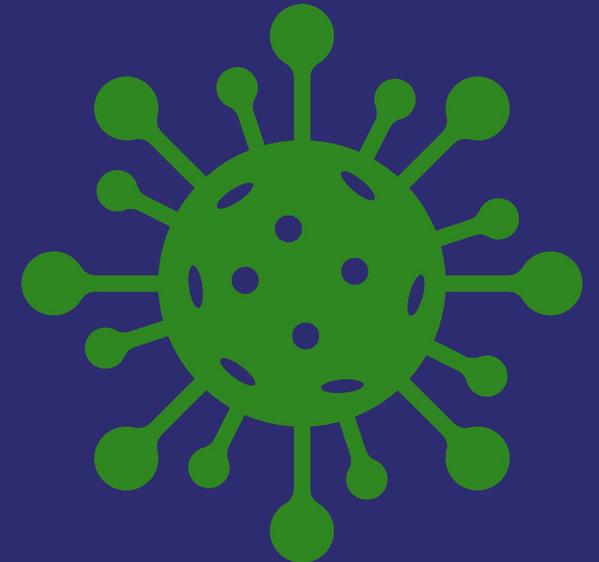




The Health Protection (Coronavirus Restrictions) (No.5) (Wales) Regulations 2020

**Alert Level 4 – all areas of Wales from
20 December 2020**

21 December 2020





- This pack covers the **Health Protection (Coronavirus Restrictions) (No.5) (Wales) Regulations 2020** – the Regulations come into force on **20 December 2020** and will expire on 31 March 2021.
- This briefing details the restrictions and requirements for Alert Level 4 which will apply to areas of Wales from 20 December 2020.
- For details of all Alert Levels see the [main briefing for the No 5 regulations](#)
- All current briefings are available on the [Covid-19 Hub](#), including briefings on the Coronavirus Act and all other Health Protection Regulations (England).



Requirement to stay at home

Alert Level 4

No person may, without reasonable excuse, leave the place where they are living or remain away from that place

Reasonable excuse includes:

1. For a purpose that is reasonably necessary and there is no reasonably practical alternative, to:

- obtain food or medical supplies or supplies for the essential upkeep of the household or extended household (full list)
- obtain or provide medical assistance, or veterinary services
- meet a legal obligation or to participate in legal proceedings
- work or provide voluntary or charitable services
- provide, receive or access care or assistance, including childcare or care of a vulnerable person
- continue existing arrangements for access to, and contact between, parents and children
- moving home, viewing a property, and undertaking activities in connection with the purchase, sale, letting, or rental of residential property
- obtaining or depositing money
- access or receive public services or educational services

2. In the following circumstances (this list is not exhaustive, refer to the Regulations):

- to provide or receive emergency assistance
- to avoid injury or illness or other risk of harm
- attending a **marriage** or civil partnership, as a party to the marriage or civil partnership, if invited to attend, or as the carer of a person attending
- attending a **funeral** as a person responsible for arranging the funeral, if invited by a person responsible for arranging the funeral, or as the carer of a person attending
- to attend a place of worship
- to exercise alone, with a member of the person's extended household or with a carer (conditions apply)
- the person is or is training or providing support to an elite athlete and is training or competing
- to travel to vote in an election



Participation in gatherings

Alert Level 4

Extended households

One single adult household (the support bubble) is allowed

No person may, without a reasonable excuse, gather with any other person apart from in:

Private dwellings

Members of their own household or support bubble

Public places

Stay at home unless with a reasonable excuse, in which case, only with members of the same household or support bubble

A person has a **reasonable excuse** if they are gathering with other people for a purpose that is reasonably necessary and there is no reasonably practicable alternative, or specific circumstance apply (see [page 5](#)).

Conditions of the extended household:

- to be treated as an extended household all adult members must agree
- a household may only agree to be treated as being in one extended household
- a household ceases to be treated as being in an extended household if any adults in the household ceases to agree to be treated as being in the extended household
- if a household ceases to be treated as being in an extended household, the household may not agree to be treated as being in an extended household with any other household

Exemption for Christmas Day – 25 December 2020 only

- a household may agree to be treated as an extended household with another household during the Christmas period
- in addition to the 2 households who have agreed to be treated as an extended household, 1 single adult household may also agree to be treated as part of that extended household



Restrictions on gatherings

Examples of reasonable excuses are listed in the Regulation and include (but are not limited to):

Where it is **reasonably necessary** (and there is no practicable alternative) to:

- obtain or provide medical assistance, or veterinary services
- meet a legal obligation or participating in legal proceedings
- work or provide voluntary or charitable services
- provide, receive or access care or assistance, including childcare or care of a vulnerable person
- continue existing arrangements for access to, and contact between, parents and children
- moving home and undertaking activities in connection with the purchase, sale, letting, or rental of residential property (specific conditions apply for Alert Level 4)
- access or receive public services
- access or receive educational services
- to avoid injury or illness or other risk of harm

The following circumstances are exceptions to gathering restrictions in **private dwellings**:

- to provide or receive emergency assistance
- attending a **marriage** or civil partnership as a party to the marriage or civil partnership, if invited to attend or as the carer of a person attending
- attending a **funeral** as a person responsible for arranging the funeral, if invited by a person responsible for arranging the funeral or as the carer of a person attending
- attending a place of worship
- the person is or is training or providing support to an elite athlete and is training or competing
- participate in a gathering of **no more than 4 people** where all the persons in the gathering
 - live in the same premises, and
 - share toilet, washing, dining or cooking facilities with each other



Travel restrictions to and from Alert Level areas in Wales

All people living in an Alert level 4 are required to stay home unless with reasonable excuse.

Alert Level 4 area

No person living in a restricted area of the UK or another area of Wales may enter or remain in an Alert Level 4 area without a reasonable

Reasonable excuse includes

- where the person enters or leaves the area for a purpose that is reasonably necessary and there is no reasonably practical alternative, or
- one of a number of specific circumstances apply.



Travel restrictions reasonable excuse

1. Where it is **reasonably necessary** (and there is no practicable alternative) to:
 - obtain food and medical supplies or supplies for the essential upkeep, maintenance and functioning of the household or for those in the same household or for vulnerable persons
 - obtain or provide medical assistance, or veterinary services
 - meet a legal obligation or to participate in legal proceedings
 - work or provide voluntary or charitable services
 - provide, receive or access care or assistance, including childcare or care of a vulnerable person
 - continue existing arrangements for access to, and contact between, parents and children
 - moving home and undertake activities in connection with the purchase, sale, letting, or rental of residential property
 - access or receive public services
 - access or receive educational services
 - obtaining or depositing money
2. There are a number of circumstances where travel is permitted with specific conditions:
 - providing or receiving emergency assistance
 - attending a **marriage** or civil partnership, as a party to the marriage or civil partnership, if invited to attend, or as the carer of a person attending
 - attending a **funeral** as a person responsible for arranging the funeral, if invited by a person responsible for arranging the funeral, or as the carer of a person attending
 - an elite athlete and is training or competing or providing coaching or other support, or providing support at a sporting event at which only elite athletes are competing
 - travelling to vote in an election
 - travelling on a journey which begins and ends outside the area (for those not living in the area) or ends in an area that the person is not prohibited from entering (for those living in the area) provided that the person takes all reasonable measures to minimise any stops during the journey



Closure of food and drink businesses

Alert Level 4

Any person responsible for carrying on a food and drink business must:

- close to members of the public
- not carry on business at the premises (exceptions apply)

Food and drink businesses include:

- bars (including bars in members' clubs)
- public houses
- cafes, canteens and restaurants (including workplace canteens and dining rooms in members' clubs)

Exceptions:

The Regulations do not prevent use of the premises for:

- the sale of food and drink for consumption off the premises
- the provision of food and drink for the homeless
- the provision of room service in a hotel or other accommodation
- a workplace canteen where there is no practical alternative
- carrying out maintenance or repairs to the premises

Note: an area adjacent to the premises of the business where seating is made available for customers of the business is to be treated as part of that premises.



Closure of holiday or travel accommodation

Alert Level 4

Any person responsible for carrying on a holiday or travel accommodation business must:

- close to members of the public
- not carry on business at the premises (exceptions apply)

Holiday and travel accommodation includes:

- camping sites
- holiday sites
- hotels and Bed and Breakfast accommodation
- other holiday accommodation (including holiday apartments, hostels and boarding houses)

Exceptions:

The Regulations do not prevent use of the premises for:

- carrying out maintenance or repairs to the premises
- any purpose and may be requested or authorised by Welsh Ministers
- provision of accommodation for any persons staying at the accommodation when the regulations came into force who are:
 - unable to return to their main residence or
 - using the accommodation as their main residence
- carrying on a business by providing information or other services through a website, telephone or post.



Requirement to close premises used by businesses and services

Alert Level 4

A person responsible for carrying on a business or providing a service listed below:

- close to members of the public any premises operated as a part of the business or service
- not carry on that business or service (exceptions apply)

Leisure and social premises

- nightclubs, discotheques, dancehalls and other venues authorised for the supply of alcohol where live or recorded music is provided for members of the public or members of the venue to dance
- sexual entertainment venues
- bingo halls
- casinos
- bowling alleys, amusement arcades and indoor play areas
- trampoline parks and centres
- cinemas
- concert halls and theatres
- skating rinks, indoor skate parks
- funfairs, amusement parks and theme parks
- museums, galleries visitor attractions
- spas
- holiday, leisure activities or events businesses
- venues for events or conferences (inc. weddings)

Public services

- libraries and archives

Personal services

- hair salons and barbers
- nail and beauty salons including tanning and electrolysis services
- body piercing and tattooing services

Sports and exercise

- indoor fitness studios and gyms
- swimming pools, sports courts
- bowling greens
- golf courses and enclosed sports grounds

Retail

- any business offering goods or services for sale or hire in a retail premises
- shopping centres and arcades
- estate or letting agents, developer sales offices and show homes



Businesses required to close – exceptions

Exceptions (conditions apply):

- carrying out maintenance or repairs to the premises
- using the premises for purposes requested or authorised by the Welsh Ministers or local authorities
- using the premises to broadcast without an audience present
- using the premises for the provision of services (including the sale, hire or delivery of goods or services) through a website, telephone or post
- using the premises for the provision of information through a website, telephone or post



Exemption for the requirement close premises used by businesses and services

Alert Level 4

The following premises operated by a business or a service may remain open:

Note: shopping centres, shopping arcades and markets may be open to the public to allow access to the open premises

Public services

- dental services, opticians, audiology services, chiropody, chiropractors, osteopaths, physiotherapy services, acupuncture services and other medical or health services, including services relating to mental health
- hospital libraries and libraries at educational establishments
- funeral director
- veterinary surgeons

Food and drink businesses

- cafés and canteens at a hospital, care home, school or within accommodation provided for students.
- canteens at a prison or an establishment intended for use for naval, military or air force purposes

Retail

- businesses offering the following goods for sale or hire in a shop:
 - food or drink for consumption off the premises (including for pets)
 - products essential for the storage, preparation or consumption of food or drink
 - products for the essential upkeep, maintenance or functioning of the home or a workplace

- pharmaceutical products, health and personal care products, baby products (including clothing), toiletries and cosmetics
- newspapers and magazines
- bicycles and products essential for their use and maintenance
- supermarkets and other shops that sell multiple types of goods but only for specific purposes (see [page 13](#))
- food markets, convenience stores, corner shops, pet shops, off licences and petrol stations
- shops offering maintenance or repair services for telecommunications or information technology devices
- building supplies and hardware stores
- banks, building societies and other financial services providers.
- post offices
- car repair and MOT services
- livestock markets or auctions
- laundrettes and dry cleaners.
- taxi or vehicle hire businesses

A person responsible premises which are authorised for the sale or supply of alcohol (eg, **supermarkets and off licences**) may not sell or supply alcohol between 2200 and 0600.



Premises offering multiple types of goods for sale

Supermarkets and other shops that sell multiple types of goods may remain open but only for the purposes of selling:

- the following goods:
 - food or drink for consumption off the premises and products essential for the storage, preparation or consumption of food or drink
 - products for the essential upkeep, maintenance or functioning of the home or a workplace
 - pharmaceutical products, health and personal care products, baby products (including clothing), toiletries and cosmetics
 - newspapers and magazines
 - bicycles and products essential for their use and maintenance
- goods of a type ordinarily sold by food markets, convenience stores, corner shops, pet shops, off licences and petrol stations
- other goods:
 - where it is not reasonably practicable to separate or demarcate those areas of a shop that ordinarily displays such goods from those areas that display the goods mentioned above
 - on an exceptional basis where the goods are required in an emergency or on compassionate grounds

A person responsible premises which are authorised for the sale or supply of alcohol (eg, **supermarkets and off licences**) may not sell or supply alcohol between 2200 and 0600.



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 1 metre
- spending more than 15 minutes within 2 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 and children who have had close contact** with someone who has tested positive for coronavirus must not leave 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 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

*For the purpose of this regulation, references to an 'adult' include references to a child aged 16 or 17.



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 in order 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 in order 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 and gatherings

Gatherings in private dwellings

Where a constable or PCSO has reasonable grounds for suspecting that a person is participating in a gathering in a private dwelling in contravention of the Regulations:

- they may direct the gathering to disperse;
- they may direct any person not living at the dwelling of the suspected contravention to leave the dwelling;
- a constable may remove any such person from the dwelling (reasonable force may be used, if necessary)

Requirement to stay at home and to 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 place (reasonable force may be used, if necessary)

Gatherings in public

Where a constable or PCSO has reasonable grounds for suspecting that people are gathered in contravention of the Regulations:

- they may direct the gathering to disperse;
- they may direct any person in the gathering to return to the place where they are living;
- a constable only may remove any person in the gathering to the place where they are living (reasonable force may be used, if necessary)

Restrictions on travel, entering or leaving Alert Level areas and restricted UK areas

Where a constable or PCSO has reasonable grounds for suspecting that a person is contravening the regulation, the officer may direct the person:

- in the case of an alleged contravention of the regulation to not enter a protected area, to leave the Alert Level area, or
- in the case of an alleged contravention of regulation to remain in the Alert Level area, not to leave the Alert Level area

Note: When exercising these powers, a constable or PSCO 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.



Prohibition on organising events

Where a constable or PCSO has reasonable grounds for suspecting that a person is involved in organising the event in contravention of the Regulation:

- they may direct that person to follow such instructions as the officer considers necessary in order to stop or prevent the contravention
- the constable only can remove that person from the location the event (reasonable force may be used, if necessary)
- they may direct any person to leave the event

Where a constable or PCSO has reasonable grounds for suspecting that a person is involved in organising the event which the officer considers is likely to contravene the Regulation:

- they may direct the person to follow such instructions as the officer considers necessary in order to secure compliance with the requirement, restriction or other condition
- they may direct the person to follow such instructions as the officer considers necessary in order to stop the event from taking place
- the constable only can remove the person from the proposed location of the event
- direct any person to leave the event
- the constable only can remove that person from the location the event

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.



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:

Gatherings in private dwellings and public places, travel restrictions, requirement to wear face coverings

- the amount of the fixed penalty is £60 payable within 28 days, but this is reduced to £30 if paid within 14 days. The amount of the fine will double for each subsequent offence up to £1,920 for the sixth and each subsequent offence

Participating in a large gathering at a private dwelling

- the amount of the fixed penalty is £60

Organising an event

- the amount of the fixed penalty is £500, but if the person has already received a fixed penalty in relation to this offence, the amount is £1,000, this increases to £2,000 for the third offence and £4,00 for the fourth and each subsequent offence. (Reduction for payment within 14 days does not apply)

Unlicensed music events

- where someone is reasonably believed to have committed an offence, the police may issue them with a fixed penalty for **£10,000** payable within 28 days (the reduction for payment within 14 days does not apply)

Enforcement of **business closures** and breaches of opening hours on licensed premises will be led by local authorities. The amount of the fixed penalty is £1,000 in the first offence, £2,000 for the second, £4,000 for the third and £10,000 for the fourth and subsequent offences.



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 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 Road Traffic Act 1988 remains.
- A constable can require a person to give any information or answer any question they considers 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 may 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.