



Elin Jones MS
Llywydd
Senedd Cymru
Cardiff Bay
CARDIFF
CF99 1SN

08 October 2021

Dear Elin,

The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 18) Regulations 2021

I have today made these Regulations under sections 45C(1) and (3)(c), 45F(2) and 45P(2) of the Public Health (Control of Disease) Act 1984. I intend to lay these and an accompanying Explanatory Memorandum once the statutory instrument has been registered.

In accordance with section 11A(4) of the Statutory Instruments Act 1946 I am notifying you that this statutory instrument will come into force at on 9 October 2021, less than 21 days after it has been laid. A copy of the statutory instrument and the Explanatory Memorandum that accompanies it are attached for your information.

These Regulations amend the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 (“the principal Regulations”) and the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 17) Regulations 2021.

The Regulations come into force on 9 October 2021, within 21 days of their laying. Not adhering to the 21-day convention allows these Regulations to come into force at the earliest opportunity. This is necessary in order to amend the new regulation 16A that is to be inserted into the principal Regulations on 11 October 2021, before that regulation comes into force. Regulation 16A(1), commonly known as the COVID-pass provision, requires the person responsible for certain premises to take reasonable measures to ensure that an adult is permitted to be present on the premises only if they have evidence of particular matters, including vaccination with an authorised vaccine. The amendments are required to maintain consistency with regulation 2A of the Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020, as amended from 4 October 2021 and 11


¹ Regulation 16A is to be inserted by the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) (Amendment) (No. 17) Regulations 2021.

October 2021. Regulation 2A provides that a person arriving in Wales from outside the common travel area is subject to reduced coronavirus testing requirements if they have been vaccinated with a qualifying vaccine, and regulation 16A of the principal Regulations provides that evidence of vaccination with the same qualifying vaccine is acceptable for the purposes of regulation 16A(1).

Not adhering with the 21-day convention also allows the Regulations to come into force at the earliest opportunity to a. provide an exception for a person to leave isolation to prevent illness, injury or other risk of harm to another person or to move to a different place to live to prevent illness to another person; b. make clear, for the purpose of the general data protection Regulation (GDPR), the basis on which contact tracers may access information about a person's vaccination status; c. clarify that people participating in a religious service in premises ordinarily used as a place of worship are considered to be seated for the purposes of regulation 16A(1) of the principal Regulations; and omit the spent transitional provision at regulation 10A.

I am copying this letter to the Minister for Rural Affairs and North Wales, and Trefnydd, Huw Irranca-Davies MS, Chair of the Legislation, Justice and Constitution Committee, Siwan Davies, Director of Senedd Business, Sian Wilkins, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive, slightly slanted style.

MARK DRAKEFORD