

Coronavirus UPDATE

Welsh Lockdown

Following the announcement by the Welsh Assembly of a 'fire break' lockdown to begin from 6pm on Friday 23rd October, there have been a number of questions that have remained unanswered.

The Welsh Assembly have now produced [The Health Protection \(Coronavirus Restrictions\) \(No. 3\) \(Wales\) Regulations 2020](#) which are designed to provide a short, sharp lockdown from 6pm on Friday 23 October 2020 to 08 November 2020 in order to bring Coronavirus within Wales under control.

My main points to note are:

- With a few exemptions, all businesses selling goods and services within Wales are to close to members of the public including Auction Houses and Car Dealerships.
- People are required to stay at home unless there is a reasonable excuse for travel.
- When not at home people must not without a reasonable excuse gather with anyone apart from members of their own household, their carers or those they are providing care for.
- No one living outside of Wales may travel into Wales without a reasonable excuse.
- There are restrictions on school attendance and music events.
- Social distancing measures and mask wearing controls have been strengthened and clarified.
- Police and officials' powers of enforcement have been strengthened and clarified.

What does this mean for the motor industry?

Petrol stations, car repairs and MOT services are exempt and are entitled to continue trading in a Covid secure fashion (Schedule 1, Part 3, section 41 & 42).

Whilst Auction Houses and Car Dealerships are required to close their premises to members of the public, they are allowed to continue to carry out business at the site where this is necessary for the provision of services or information including the sale, hire or delivery of goods or services:

- i) through a website, or otherwise by on-line communication;
- ii) by telephone, including by Text Message; or
- iii) by post (Chapter 2, section 11(2) (d)).

Whilst people are required to stay at home, employees remain entitled to travel to and from work where it is not reasonably practicable for the work to be undertaken at home (Part 2, section 3(2) (d)).

People are also entitled to travel to petrol stations, car repairs and MOT services to obtain supplies from these businesses, including supplies for the essential upkeep, maintenance, and functioning of the household such as vehicle servicing and repair (Part 2, section 3(2)).

It is unclear whether the purchase of a new vehicle is sufficiently time sensitive to be deemed essential. However, delivery of vehicle in a Covid secure fashion does not currently appear to breach the Regulations.

Can businesses operate a click and collect service?

One enquiry we have received is whether car dealers can continue to sell cars on a click and collect basis. There is not a simple answer.

Car dealers can continue to use their premises for the provision of services or information including the sale, hire or delivery of goods or services

- i) through a website, or otherwise by on-line communication
- ii) by telephone, including by Text Message, or
- iii) by post, and staff can continue to travel to your premises if they cannot work from home.

The issue is how the vehicle gets from the car dealer to the customer.

If the new or used vehicle is essential to the maintenance of the household then customers could in theory travel to buy/collect a vehicle, BUT technically only to businesses listed in Schedule 1, Part 3 (i.e. petrol stations, car repairs and MOT services). However, this runs the risk of becoming a retail premises under the Regulations and so required to close that aspect of its premises (this is unclear).

Collection of vehicles from car parks and other areas set aside also carried a risk. The definition of retail premises under the Regulations is very widely drawn. Whilst car parks and other areas are not expressly discussed they are capable of being included.

Any collection service will carry a risk of breaching these regulations. If businesses were operating a click and collect type service, they should ensure that as far as possible there is no 'retail' upon collection.

Vehicles may be delivered to customers as staff may travel for work purposes, which would include the delivery of vehicles purchased

- i) through a website, or otherwise by on-line communication
- ii) by telephone, including by Text Message, or
- iii) by post

The difficulty with delivery remains the steps take to distance at handover as well as the social distancing of staff during any return journey (assuming they are car sharing etc..)

Conclusion

It is important to note that the Regulations are not specific to the motor industry and therefore do not deal with the particular challenges we face. We can therefore only provide a general guide that should be used with care.

Members need to consider what risks they wish to take. Whilst these Regulations have minimal effect on petrol stations, car repairs and MOT services, the simplest approach for all other businesses remains to close for the duration of the lockdown.

However, the Regulations do not require this as any business can continue to be used for the provision of services or information including the sale, hire or delivery of goods or services

- i) through a website, or otherwise by on-line communication
- ii) by telephone, including by Text Message, or
- iii) by post (i.e. distance sales).

Should Businesses wish to offer vehicles at a distance, the difficulty for at least the next 17 days in Wales will be how to transfer possession of vehicles (including part exchange vehicles).

We are keeping our ears close to the ground for our Members and will provide updates as appropriate.

Should you have any questions, please do not hesitate to contact us via the IGA Direct Member Helpline.