

Regulations made by the Secretary of State, laid before Parliament under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of each House of Parliament within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution, prorogation or adjournment for more than four days.

STATUTORY INSTRUMENTS

2020 No. 684

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020

<i>Made</i>	- - - -	<i>at 10.00 a.m. on 3rd July 2020</i>
<i>Laid before Parliament</i>		<i>at 3.00 p.m. on 3rd July 2020</i>
<i>Coming into force in accordance with regulation 1(2)</i>		

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45C(1), (3)(c), (4)(d), 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 England.

The Secretary of State considers that the restrictions and requirements imposed 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 Secretary of State is 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, each House of Parliament.

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020.

(2) These Regulations come into force as follows—

(a) regulation 2(1)(a) comes into force—

(i) for the purposes of revoking regulations 5, 6, 7 and 7A of, and paragraphs 1, 2, 5 to 11, 13 to 20, 23B, 23C and 23E of Schedule 2 to, the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020, at 00.01 a.m. on 4th July 2020;

(1) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).

- (ii) for the purposes of revoking regulations 1, 3, 4, 8 to 12 of, and paragraphs 3, 4, and 23A of Schedule 2 to, those Regulations, at 6.00 a.m. on 4th July 2020;
- (b) all other provisions of these Regulations come into force at 00.01 a.m. on 4th July 2020.
- (3) These Regulations apply in relation to England and to the territorial water adjacent to England only, subject to paragraph (4).
- (4) Regulations 4 and 5 do not apply in relation to those areas which form the “protected area” under the Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020.
- (5) In these Regulations—
 - “child” means a person under the age of 18;
 - “childcare” has the same meaning as in section 18 of the Childcare Act 2006⁽²⁾, and “early years childcare” is childcare provided for a child who is a young child within the meaning of section 19 of that Act;
 - “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);
 - “Crown land” means land in which there is a Crown interest or a Duchy interest;
 - “Crown interest” means an interest belonging to Her Majesty in right of the Crown, or belonging to a Government department, or held in trust for Her Majesty for the purposes of a Government department, and includes any estate or interest held in right of the Prince and Steward of Scotland;
 - “Duchy interest” means an interest belonging to Her Majesty in right of the Duchy of Lancaster, or belonging to the Duchy of Cornwall;
 - “elite sportsperson” means an individual who—
 - (a) derives a living from competing in a sport,
 - (b) is a senior representative nominated by a relevant sporting body,
 - (c) is a member of the senior training squad for a relevant sporting body, or
 - (d) is aged 16 or above and on an elite development pathway;
 - “parent” of a child includes any person who is not a parent of the child but who has parental responsibility for, or who has care of, the child;
 - “parental responsibility” has the meaning given in section 3 of the Children Act 1989⁽³⁾;
 - “person responsible for carrying on a business” includes the owner, proprietor, and manager of that business;
 - “public outdoor place” means any outdoor place to which the public have or are permitted access, whether on payment or otherwise, and includes—
 - (a) land laid out as a public garden or used for the purpose of recreation by members of the public;
 - (b) land which is “open country” as defined in section 59(2) of the National Parks and Access to the Countryside Act 1949⁽⁴⁾, as read with section 16 of the Countryside Act 1968⁽⁵⁾;
 - (c) land which is “access land” for the purposes of Part 1 of the Countryside and Rights of Way Act 2000⁽⁶⁾ (see section 1(1) of that Act⁽⁷⁾);

(2) 2006 c. 21. Section 18 has been amended by the Children and Young Persons Act 2008 (c. 23), Schedule 1, paragraph 19, and Schedule 4; the Criminal Justice and Courts Act 2015 (c. 2), Schedule 9, paragraph 21, and S.I. 2010/813.

(3) 1989 c. 41.

(4) 1949 c. 97.

(5) 1968 c. 41. Section 16 has been amended by section 111 of the Transport Act 1968 (c. 73), Schedule 27 to the Water Act 1989 (c. 15) and S.I. 2012/1659. There are other amendments to section 16 which are not relevant to this instrument.

(6) 2000 c. 37.

- (d) any highway to which the public has access;
 - (e) Crown land to which the public has access;
- “vulnerable person” includes—
- (a) any person aged 70 or older;
 - (b) any person under 70 who has an underlying health condition, including but not limited to, the conditions listed in Schedule 1;
 - (c) any person who is pregnant.
- (6) For the purposes of the definition of “elite sportsperson”, in paragraph (5)—
- (a) “elite development pathway” means a development pathway established by the national governing body of a sport to prepare sportspersons—
 - (i) so that they may derive a living from competing in that sport, or
 - (ii) to compete at that sport at the Tokyo or Beijing Olympic or Paralympic Games, or, if that sport is not part of the Tokyo Olympic and Paralympic Games programme, in the Commonwealth Games to be held in Birmingham;
 - (b) “relevant sporting body” means the national governing body of a sport which may nominate sportspersons to represent—
 - (i) Great Britain and Northern Ireland at the Tokyo or Beijing Olympic or Paralympic Games, or
 - (ii) England, Wales, Scotland, Northern Ireland, Gibraltar, Guernsey, Jersey or the Isle of Man at the Commonwealth Games to be held in Birmingham in those sports which are not part of the Tokyo Olympic and Paralympic Games programme;
 - (c) “senior representative” means an individual who is considered by a relevant sporting body to be a candidate to qualify to compete on behalf of—
 - (i) Great Britain and Northern Ireland at the Tokyo or Beijing Olympic or Paralympic Games;
 - (ii) England, Wales, Scotland, Northern Ireland, Gibraltar, Guernsey, Jersey or the Isle of Man at the Commonwealth Games to be held in Birmingham in those sports which are not part of the Tokyo Olympic and Paralympic Games programme.
- (7) For the purposes of these Regulations, references to a “local authority” include references to a county council.

Revocation and saving

2.—(1) The following regulations are revoked—

- (a) the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020⁽⁸⁾ (the “first Restrictions Regulations”) (except for regulation 2);
- (b) the Health Protection (Coronavirus, Restrictions) (England) (Amendment) Regulations 2020⁽⁹⁾;
- (c) the Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 2) Regulations 2020⁽¹⁰⁾;

(7) The definition of “access land” has been amended by section 303(2) of and Part 7 of Schedule 22 to, the Marine and Coastal Access Act 2009 (c. 23).

(8) S.I. 2020/350, amended by S.I. 2020/447; 2020/500; 2020/558; 2020/588.

(9) S.I. 2020/447.

(10) S.I. 2020/500.

- (d) the Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 3) Regulations 2020⁽¹¹⁾;
- (e) the Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 4) Regulations 2020⁽¹²⁾.

(2) Notwithstanding the revocation of the first Restrictions Regulations, they continue in force, as amended, in relation to any offence committed under the first Restrictions Regulations before these Regulations came into force.

(3) A designation made in exercise of powers conferred by regulation 8(12)(a), 10(3)(b), 10(11) or 11 of the first Restrictions Regulations is to be treated as if it had been made in the exercise of powers conferred by regulations 7(10)(b), 9(3)(b), 9(13) or 10, as appropriate, of these Regulations.

The emergency period and review of need for restrictions

3.—(1) For the purposes of these Regulations, the “emergency period”—

- (a) starts when these Regulations come into force, and
- (b) ends in relation to a restriction or requirement imposed by these Regulations on the day and at the time specified in a direction published by the Secretary of State terminating the requirement or restriction.

(2) The Secretary of State must review the need for restrictions and requirements imposed by these Regulations at least once every 28 days, with the first review being carried out by 31st July 2020.

(3) As soon as the Secretary of State considers that any restrictions or requirements set out in these Regulations are no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in England with the coronavirus, the Secretary of State must publish a direction terminating that restriction or requirement.

(4) A direction published under this regulation may—

- (a) terminate any one or more requirement or restriction;
- (b) terminate a requirement or restriction in relation to a specified business or service or a specified description of business or service.

(5) Section 16 of the Interpretation Act 1978⁽¹³⁾ applies in relation to the termination of a restriction or requirement by a direction as it applies in relation to the repeal of an enactment.

(6) In this regulation, “specified” means specified in a direction published under this regulation.

Requirement to close premises and businesses during the emergency

4.—(1) A person responsible for carrying on a business or providing a service which is listed in Schedule 2 must cease to carry on that business or to provide that service during the emergency period.

(2) Paragraph (1) does not prevent the use of—

- (a) any suitable premises used for the businesses or services listed in Schedule 2 to host blood donation sessions;
- (b) facilities for training by elite sportspersons, including indoor fitness studios, gyms, sports courts, indoor or outdoor swimming pools and other indoor leisure centres;
- (c) indoor fitness and dance studios by professional dancers and choreographers.

⁽¹¹⁾ S.I. 2020/558.

⁽¹²⁾ S.I. 2020/588.

⁽¹³⁾ 1978 c. 30.

(3) For the purposes of paragraph (2), a person is a professional dancer or choreographer if that person derives their living from dance, or from choreographing dance, as the case may be.

(4) If a business listed in Schedule 2 (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in paragraph (1) if it closes down business A.

(5) Paragraph (1) does not prevent a person responsible for carrying on a business or providing a service listed in Schedule 2 (“the closed business”)—

- (a) carrying on a business of offering goods for sale or for hire—
 - (i) in a shop which is separate from the premises used for the closed business; or
 - (ii) by making deliveries or otherwise providing services in response to orders received—
 - (aa) through a website, or otherwise by on-line communication,
 - (bb) by telephone, including orders by text message, or
 - (cc) by post;
- (b) operating a café or restaurant, if the café or restaurant is separate from the premises used for the closed business.

(6) For the purposes of paragraph (5), a shop, café or restaurant (“SCR”) is separate from premises used for the closed business if—

- (a) the SCR is in a self-contained unit, and
- (b) it is possible for a member of the public to enter the SCR from a place outside those premises.

Restrictions on gatherings

5.—(1) During the emergency period, unless paragraph (3) applies, no person may participate in a gathering which—

- (a) consists of more than thirty persons, and
 - (b) takes place—
 - (i) in a private dwelling, including a houseboat,
 - (ii) on a vessel, other than a houseboat or a vessel used for public transport, or
 - (iii) on land which satisfies the condition in paragraph (2).
- (2) Land satisfies this condition if it is a public outdoor place, which is not—
- (a) operated by a business, a charitable, benevolent or philanthropic institution or a public body as a visitor attraction, or
 - (b) part of premises used for the operation of a business, charitable, benevolent or philanthropic institution or a public body.
- (3) This paragraph applies where—
- (a) in the case of a gathering described in paragraph (1)(b)(ii) or (iii)—
 - (i) the gathering has been organised by a business, a charitable, benevolent or philanthropic institution, a public body, or a political body,
 - (ii) the person responsible for organising the gathering (“the gathering organiser”) has carried out a risk assessment which would satisfy the requirements of regulation 3

- of the Management of Health and Safety at Work Regulations 1999⁽¹⁴⁾, whether or not the gathering organiser is subject to those Regulations, and
- (iii) the gathering organiser has taken all reasonable measures to limit the risk of transmission of the coronavirus, taking into account the risk assessment carried out under paragraph (ii),
- (b) the person concerned is an elite sportsperson, the coach of an elite sportsperson, or (in the case of an elite sportsperson who is a child), the parent of an elite sportsperson, and the gathering is necessary for training or competition,
- (c) the gathering is reasonably necessary—
- (i) for work purposes, or for the provision of voluntary or charitable services,
 - (ii) for the purposes of education or training,
 - (iii) for the purposes of childcare provided by a person registered under Part 3 of the Childcare Act 2006, or as part of supervised activities provided for children,
 - (iv) to provide emergency assistance,
 - (v) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm, or
- (d) the person concerned is fulfilling a legal obligation.
- (4) During the emergency period, no person may participate in a gathering which—
- (a) consists of more than thirty persons,
 - (b) takes place indoors, and
 - (c) would be a gathering of a kind mentioned in section 63(1) of the Criminal Justice and Public Order Act 1994⁽¹⁵⁾ if it took place on land in the open air.
- (5) In determining whether all reasonable measures have been taken to limit the risk of transmission of the coronavirus for the purposes of paragraph (3)(a)(iii), any guidance issued by the government relevant to the gathering in question must be taken into account.
- (6) For the purposes of this regulation—
- (a) there is a gathering when two or more people are present together in the same place in order to engage in any form of social interaction with each other, or to undertake any other activity with each other;
 - (b) a place is indoors if it would be considered to be enclosed or substantially enclosed for the purposes of section 2 of the Health Act 2006⁽¹⁶⁾, under the Smoke-Free (Premises and Enforcement) Regulations 2006⁽¹⁷⁾;
 - (c) a “private dwelling” includes any garden, yard, passage, stair, outhouse or other appurtenance of the dwelling, and does not include—
 - (i) accommodation in a hotel, hostel, campsite, caravan park, members club, boarding house or bed and breakfast accommodation,
 - (ii) care homes, within the meaning of section 3 of the Care Standards Act 2000⁽¹⁸⁾,
 - (iii) children’s homes, within the meaning of section 1 of the Care Standards Act 2000,

⁽¹⁴⁾ S.I. 1999/3242, amended by S.I. 2005/1541; 2015/21; 2015/1637.

⁽¹⁵⁾ 1994 (c. 33). Section 63 has been amended by s. 58 of, and Schedule 3 to the Anti-social Behaviour Act 2003 (c. 38); and Schedule 26 to the Criminal Justice Act 2003 (c. 44); Schedule 7 to the Licensing Act 2003 (c. 17) and s. 111 of, and paragraph 31 of Schedule 7 and Part 1 of Schedule 17 to, the Serious Organised Crime and Police Act 2005 (c. 15).

⁽¹⁶⁾ 2006 c. 28. Section 2 was amended by paragraph 4 of Schedule 2 to the Health (Wales) Act 2017 (2017 anaw 2).

⁽¹⁷⁾ S.I. 2006/3368, to which there are amendments which are not relevant to these Regulations.

⁽¹⁸⁾ 2000 c. 14.

- (iv) Residential Family Centres, within the meaning of section 4 of the Care Standards Act 2000,
- (v) educational accommodation,
- (vi) accommodation intended for use by the army, navy or air force, or
- (vii) criminal justice accommodation;
- (d) a “charitable, benevolent or philanthropic institution” means—
 - (i) a charity, or
 - (ii) an institution, other than a charity, established for charitable, benevolent or philanthropic purposes;
- (e) “vessel” means any ship, boat, barge, lighter or raft and any other description of craft, whether used in navigation or not, but does not include government vessels.
- (7) For the purposes of paragraph (6)(c)—
 - (a) “educational accommodation” means—
 - (i) accommodation provided for students whilst they are boarding at school;
 - (ii) halls of residence provided for students attending higher education courses, and equivalent accommodation provided for students attending further education courses;
 - (b) “criminal justice accommodation” means—
 - (i) a prison, within the meaning of the Prison Act 1952⁽¹⁹⁾;
 - (ii) a young offender institution, within the meaning of section 43 of the Prison Act 1952;
 - (iii) a secure training centre, within the meaning of section 43 of the Prison Act 1952;
 - (iv) approved premises, within the meaning of section 13 of the Offender Management Act 2007⁽²⁰⁾;
 - (v) a bail hostel, within the meaning of section 2 of the Bail Act 1976⁽²¹⁾;
 - (c) “political body” means—
 - (i) a political party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000, or
 - (ii) a political campaigning organisation within the meaning of regulation 2 of the Health and Social Care (Financial Assistance) Regulations 2009⁽²²⁾.

Power to restrict access to public places

- 6.—**(1) The Secretary of State may by direction restrict access to a specified public outdoor place, or to public outdoor places of a specified description, if the Secretary of State considers that—
- (a) giving such a direction—
 - (i) responds to a serious and imminent threat to public health,
 - (ii) is necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in England of the coronavirus, and
 - (b) the restrictions in the direction are a proportionate means of achieving that purpose.

⁽¹⁹⁾ 1952 c. 52.

⁽²⁰⁾ 2007 c. 21.

⁽²¹⁾ 1976 c. 63.

⁽²²⁾ S.I. 2009/649.

(2) A direction made under paragraph (1) may restrict or prohibit all public access to the specified public outdoor place or to public outdoor places of a specified description, or prohibit access at specified times.

(3) The Secretary of State may not make a direction under paragraph (1) in relation to a public outdoor place which forms part of Crown land and includes property subject to section 73 of the Public Health (Control of Disease) Act 1984, unless an agreement has been made under that section with the appropriate authority.

(4) Before making a direction under paragraph (1), the Secretary of State must consult with the Chief Medical Officer or one of the Deputy Chief Medical Officers of the Department of Health and Social Care.

(5) The power to give a direction under paragraph (1) also includes power to vary or revoke the direction.

(6) A direction under paragraph (1) must—

- (a) specify the public outdoor place or places to which public access is being restricted (“the restricted area”) in sufficient detail to enable the boundaries of the restricted area to be determined;
- (b) state the date and time on which the restrictions come into effect, and the date and time on which they will end;
- (c) give details of the right of appeal to a magistrates’ court, and the time within which such an appeal may be brought;
- (d) be published on www.gov.uk, in the Gazette, and in such other way as appears to the Secretary of State likely to bring the direction to the attention of the persons who are likely to be affected by it.

(7) The Secretary of State must review the need for the restrictions at least once every seven days, with the first review being carried out on the seventh day after the day on which the direction is made.

(8) The Secretary of State must, as soon as possible, communicate the direction—

- (a) to any local authority within whose area the restricted area or any part of the restricted area falls (a “responsible local authority”), and
- (b) where the direction is given in relation to a public outdoor place which forms part of crown land, to the appropriate authority.

(9) A responsible local authority must take reasonable steps—

- (a) to ensure that the direction is brought to the attention of any person who may be affected by it, including any person referred to in paragraph (10), and
- (b) to prevent or restrict public access to the restricted area.

(10) Any person, other than the responsible local authority and its officers, who owns or is responsible for any part of the restricted area, must take reasonable steps to restrict public access to that part of the restricted area.

(11) No person may enter or remain in the restricted area in contravention of the restrictions in the direction without reasonable excuse while the direction has effect.

(12) For the purposes of paragraph (11), a reasonable excuse includes where—

- (a) the person is the owner or occupier of land or premises falling within, or partially within, the restricted area;
- (b) the person needs to enter the restricted area to obtain access to the place where they are living, or to leave that place;
- (c) the person needs to enter or remain in the restricted area—

- (i) to avoid injury or illness or to escape a risk of harm;
- (ii) to continue existing arrangements for access to, and contact between, parents and children where the children do not live in the same household as their parents, or one of their parents;
- (iii) to fulfil a legal obligation or to participate in legal proceedings;
- (d) it is reasonably necessary for a person to enter or remain in the restricted area—
 - (i) for work purposes, or for the provision of voluntary or charitable services;
 - (ii) to facilitate a house move;
 - (iii) to provide care or assistance to a vulnerable person, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006;
 - (iv) to provide emergency assistance.

(13) Any person who is the owner or occupier of any land included within the restricted area may appeal against the making of the direction to a magistrates' court by way of complaint for an order and the Magistrates' Courts Act 1980 applies to the proceedings.

(14) For the purposes of this regulation "the appropriate authority", in relation to any land which is Crown land—

- (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners, and, in relation to any other land belonging to Her Majesty in right of the Crown, means the Government department having the management of that land,
- (b) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, means the Chancellor of the Duchy,
- (c) in relation to land belonging to the Duchy of Cornwall, means such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints,
- (d) in the case of land belonging to a Government department or held in trust for Her Majesty for the purposes of a Government department, means that department, and

if any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

Enforcement of requirement

7.—(1) A relevant person may take such action as is necessary to enforce any requirement imposed by regulation 4, 5 or 6(10) or (11).

(2) A relevant person may give a prohibition notice to a person if the relevant person reasonably believes that—

- (a) the person is contravening a requirement in regulation 4, and
- (b) it is necessary and proportionate to give the prohibition notice for the purpose of preventing that person from continuing to contravene the requirement.

(3) Where a relevant person considers that a number of people are gathered together in contravention of regulation 5, the relevant person may—

- (a) direct the gathering to disperse,
- (b) direct any person in the gathering to return to the place where they are living, or
- (c) remove a person from the gathering.

(4) Where a relevant person considers that a person is in a restricted area without a reasonable excuse in contravention of regulation 6(11), the relevant person may—

- (a) direct that person to leave the restricted area immediately;
- (b) remove that person from the restricted area.

(5) A relevant person exercising the power in paragraph (3)(c) or (4)(b) to remove a person from a gathering, or from a restricted area may use reasonable force, if necessary, in exercise of the power.

(6) Where a person who is in a gathering in contravention of regulation 5, or in a restricted area in contravention of regulation 6(11), is a child accompanied by an individual who has responsibility for the child—

- (a) the relevant person may direct that individual to take the child to the place where the child is living, and
- (b) that individual must, so far as reasonably practicable, ensure that the child complies with any direction or instruction given by the relevant person to the child.

(7) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with the restrictions in regulation 5 or 6(11), the relevant person may direct any individual who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with that restriction.

(8) A relevant person may only exercise the power in paragraph (3), (4), (6) or (7) if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with the restriction in regulation 5 or 6(11).

(9) A relevant person exercising a power under paragraph (3), (4), (6), or (7) may give the person concerned any reasonable instructions they consider to be necessary.

(10) For the purposes of this regulation—

- (a) an individual has responsibility for a child if the individual—
 - (i) has custody or charge of the child for the time being, or
 - (ii) has parental responsibility for the child;
- (b) a “relevant person” means—
 - (i) a constable,
 - (ii) a police community support officer,
 - (iii) subject to paragraph (11), a person designated by a local authority for the purposes of this regulation, or
 - (iv) a person designated by the Secretary of State for the purposes of this regulation;
- (c) references to a requirement include references to a restriction;
- (d) a “restricted area” has the same meaning as in regulation 6.

(11) A local authority may only designate a person for the purposes of this regulation in relation to a requirement in regulation 4.

Offences and penalties

8.—(1) A person who without reasonable excuse contravenes a requirement in regulation 4, 5, 6(10), (11) or 7 commits an offence.

(2) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations, including any person who is a relevant person for the purposes of regulation 7, commits an offence.

(3) A person who, without reasonable excuse, contravenes a direction given under regulation 7, or fails to comply with a reasonable instruction or a prohibition notice given by a relevant person under regulation 7, commits an offence.

(4) An offence under this regulation is punishable on summary conviction by a fine.

(5) If an offence under this regulation committed by a body corporate is proved—

(a) to have been committed with the consent or connivance of an officer of the body, or

(b) to be attributable to any neglect on the part of such an officer,

the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.

(6) In paragraph (5), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

(7) Section 24 of the Police and Criminal Evidence Act 1984⁽²³⁾ applies in relation to an offence under this regulation as if the reasons in subsection (5) of that section included—

(a) to maintain public health;

(b) to maintain public order.

(8) For the purposes of this regulation, references to a requirement include references to a restriction.

Fixed penalty notices

9.—(1) An authorised person may issue a fixed penalty notice to anyone that the authorised person reasonably believes—

(a) has committed an offence under these Regulations;

(b) is aged 18 or over.

(2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to an authority specified in the notice.

(3) The authority specified in the notice must be—

(a) the local authority (or as the case may be, any of the local authorities) in whose area the offence is alleged to have been committed (“the relevant local authority”), or

(b) an officer designated by the Secretary of State, or by the relevant local authority, for the purposes of this regulation (“the designated officer”).

(4) Where a person is issued with a notice under this regulation in respect of an offence—

(a) no proceedings may be taken for the offence before the end of the period of 28 days following the date of the notice;

(b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

(5) A fixed penalty notice must—

(a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;

(b) state the period during which (because of paragraph (4)(a)) proceedings will not be taken for the offence;

(c) specify the amount of the fixed penalty;

(d) state the name and address of the person to whom the fixed penalty may be paid;

(23) 1984 c. 60. Section 24 was substituted by s. 110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).

- (e) specify permissible methods of payment.
- (6) The amount specified under paragraph (5)(c) must, subject to paragraph (7), be £100.
- (7) Unless paragraph (8) applies, a fixed penalty notice must specify that if £50 is paid before the end of the period of 14 days following the date of the notice that is the amount of the fixed penalty.
- (8) If the person to whom a fixed penalty notice is given has already received a fixed penalty notice under these Regulations—
 - (a) paragraph (7) does not apply, and
 - (b) the amount specified as the fixed penalty is to be—
 - (i) in the case of the second fixed penalty notice received, £200;
 - (ii) in the case of the third fixed penalty notice received, £400;
 - (iii) in the case of the fourth fixed penalty notice received, £800;
 - (iv) in the case of the fifth fixed penalty notice received, £1,600;
 - (v) in the case of the sixth and subsequent fixed penalty notices, £3,200.
- (9) In calculating how many fixed penalty notices a person has received, fixed penalty notices issued to that person under the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020⁽²⁴⁾ and under the Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020 are to be taken into account.
- (10) Whatever other method may be specified under paragraph (5)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (5)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).
- (11) Where a letter is sent as mentioned in paragraph (10), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (12) In any proceedings, a certificate—
 - (a) that purports to be signed by or on behalf of—
 - (i) the chief finance officer of the relevant local authority, where the authority to which payment is made is a local authority, or
 - (ii) the designated officer, where that officer is the authority to which payment is made; and;
 - (b) states that the payment of a fixed penalty was, or was not, received by the date specified in the certificate,
 is evidence of the facts stated.
- (13) In this regulation—
 - (a) “authorised person” means—
 - (i) a constable;
 - (ii) a police community support officer;
 - (iii) a person designated by the Secretary of State for the purposes of this regulation;
 - (iv) subject to paragraph (14), a person designated by the relevant local authority for the purposes of this regulation;
 - (b) a “chief finance officer”, in relation to a local authority, means the person with responsibility for the authority’s financial affairs.
- (14) The relevant local authority may only designate a person for the purposes of this regulation to issue fixed penalty notices where the alleged offence relates to the contravention of a requirement

(24) [S.I. 2020/350](#); amended by [S.I. 2020/447](#); [2020/500](#); [2020/558](#); [2020/588](#).

or restriction in regulation 4 or the obstruction under regulation 8(2) of a person carrying out a function under regulation 7.

Prosecutions

10. Proceedings for an offence under these Regulations may be brought by the Crown Prosecution Service and any person designated by the Secretary of State.

Expiry

11.—(1) These Regulations expire at the end of the period of six months beginning with the day on which they come into force.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they expire.

At 10.00 a.m. on 3rd July 2020

Matt Hancock
Secretary of State,
Department of Health and Social Care

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 1

Underlying Medical Conditions

1. Chronic (long-term) respiratory diseases, such as asthma, chronic obstructive pulmonary disease, emphysema or bronchitis.
2. Chronic heart disease, such as heart failure.
3. Chronic kidney disease.
4. Chronic liver disease, such as hepatitis.
5. Chronic neurological conditions, such as Parkinson's disease, motor neurone disease, multiple sclerosis, a learning disability or cerebral palsy.
6. Diabetes.
7. Problems with the spleen, such as sickle cell disease or removal of the spleen.
8. A weakened immune system as the result of conditions such as HIV and AIDS, or medicines such as steroid tablets or chemotherapy.
9. Being seriously overweight, with a body mass index of 40 or above.

SCHEDULE 2

Regulation 4

Businesses subject to closure

1. Nightclubs.
- 2.—(1) Dance halls, discotheques, and any other venue which—
 - (a) opens at night,
 - (b) has a dance floor or other space for dancing by members of the public (and for these purposes members of the venue in question are to be considered members of the public);
 - (c) provides music, whether live or recorded, for dancing.
 (2) A business does not fall within paragraph (1) if it ceases to provide music and dancing.
- 3.—(1) Sexual entertainment venues and hostess bars.
 (2) For the purposes of this paragraph—
 - (a) “sexual entertainment venue” has the meaning given in paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982⁽²⁵⁾;
 - (b) “hostess bar” has the meaning given in paragraph 3B of that Schedule⁽²⁶⁾.
4. Casinos.
5. Nail bars and salons.
6. Tanning booths and salons.
- 7.—(1) Spas, and beauty salons, and for these purposes, “beauty salon” includes any premises providing beauty services including cosmetic, aesthetic and wellness treatments.

⁽²⁵⁾ 1982 (c. 30). Paragraph 2A was inserted by section 27 of the Policing and Crime Act 2009 (c. 26).

⁽²⁶⁾ Paragraph 3B was inserted by section 33 of the London Local Authorities Act 2007 (c. ii).

(2) Sub-paragraph (1) does not require the closure of a hairdresser or barber which does not provide other beauty services within sub-paragraph (1).

8. Massage parlours.

9. Tattoo parlours.

10. Body and skin piercing services.

11. Indoor skating rinks.

12. Indoor and outdoor swimming pools, including water parks.

13. Indoor play areas, including soft play areas.

14. Indoor fitness and dance studios.

15. Indoor gyms and sports courts and facilities.

16. Bowling alleys.

17.—(1) Conference centres and exhibition halls, so far as they are used to host conferences, exhibitions or trade shows other than conferences or events which are attended only by employees of the person who owns or is responsible for running the conference centre or exhibition hall.

(2) For the purposes of this paragraph, a “trade show” is an event held to bring together members of a particular industry to display, demonstrate and discuss their latest products and services with members of the public.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require the closure of businesses listed in Schedule 2, to protect against the risks to public health arising from coronavirus, except for limited permitted uses. They also impose restrictions on gatherings both inside and outside, of more than 30 people. The closures and restrictions last until they are terminated by a direction given by the Secretary of State. They also give the Secretary of State power to restrict public access to any public outdoor space.

The need for the restrictions in these Regulations must be reviewed by the Secretary of State every 28 days, with the first review taking place by 28th July 2020. The need for any restrictions made in a direction given by the Secretary of State restricting public access to land must be reviewed every 7 days, starting with the seventh day after the direction is issued.

No impact assessment has been prepared for these Regulations.