

This Statutory Instrument, in part, corrects errors in the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020 (S.I. 2020/1005) and the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 (S.I. 2020/1045). It is being issued free of charge to all known recipients of either of those Statutory Instruments.

STATUTORY INSTRUMENTS

2020 No. 1375

PUBLIC HEALTH, ENGLAND

**The Health Protection (Coronavirus, Restrictions)
(Local Authority Enforcement Powers and
Amendment) (England) Regulations 2020**

Approved by both Houses of Parliament

<i>Made</i>	- - - -	<i>at 1.35 p.m. on 30th November 2020</i>
<i>Laid before Parliament</i>		<i>at 3.00 p.m. on 30th November 2020</i>
<i>Coming into force</i>	- -	<i>2nd December 2020</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45B, 45C(1), 45C(3)(c) and (4)(d), 45F(2), (6) and (7) 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.

The Secretary of State also considers that the restrictions imposed by the following Regulations, as amended by these Regulations, are proportionate to what they seek to achieve, which is a public health response to that threat—

- (a) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020⁽²⁾;
- (b) the Health Protection (Coronavirus, International Travel) (England) Regulations 2020⁽³⁾;
- (c) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020⁽⁴⁾;
- (d) the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020⁽⁵⁾;

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

(2) S.I. 2020/684; as amended by S.I. 2020/1103 and 1374. There are other amending instruments but none is relevant.

(3) S.I. 2020/568; there are amending instruments but none is relevant.

(4) S.I. 2020/750; as amended by S.I. 2020/1103 and 1374.

(5) S.I.2020/1005; as amended by S.I. 2020/1045, 1046, 1103, 1104, 1105, 1200 and 1374.

- (e) the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020⁽⁶⁾;
- (f) the Public Health (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020⁽⁷⁾.

In accordance with section 45R of the Public Health (Control of Disease) Act 1984, the Secretary of State is of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft having been laid before, and approved by a resolution of, each House of Parliament.

PART 1

Introductory

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020 and come into force on 2nd December 2020.

(2) These Regulations apply in relation to England only.

(3) In these Regulations—

“the All Tiers Regulations” means the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020⁽⁸⁾;

“the Collection of Contact Details Regulations” means the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020;

“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“Coronavirus Improvement Notice” means a notice issued pursuant to regulation 3;

“Coronavirus Immediate Restriction Notice” means a notice issued pursuant to regulation 4;

“Coronavirus Restriction Notice” means a notice issued pursuant to regulation 5;

“designated” means designated by name or description;

“the Obligations of Undertakings Regulations” means the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020;

“relevant statutory provisions” means the provisions set out in regulation 2;

“the Self-Isolation Regulations” means the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020.

(4) For the purposes of these Regulations, other than Part 3, references to a “local authority” include references to a county council.

(5) A county council for an area for which there is also a district council is to be regarded, with respect to its functions pursuant to these Regulations, as a relevant health protection authority for the purposes of the Public Health (Control of Disease) Act 1984.

⁽⁶⁾ S.I. 2020/1008; as amended by S.I. 2020/1046, 1057, 1074, 1103, 1104, 1105, 1154, 1200 and 1374.

⁽⁷⁾ S.I. 2020/1045.

⁽⁸⁾ S.I. 2020/1374.

PART 2

Enforcement Powers

Relevant statutory provisions

2. For the purposes of this Part, the relevant statutory provisions are—
- (a) regulation 1A (size of bookings)(**9**) of the Obligations of Undertakings Regulations;
 - (b) regulation 2(1)(d) (appropriate distance between tables)(**10**) of the Obligations of Undertakings Regulations;
 - (c) regulation 2A (signage and information relating to face covering requirements)(**11**) of the Obligations of Undertakings Regulations;
 - (d) regulation 2B (prohibition on preventing a person from wearing a face covering)(**12**) of the Obligations of Undertakings Regulations;
 - (e) paragraph 5 (requirement to close premises and businesses) of Schedule 1 to the All Tiers Regulations, but only in relation to a business mentioned in paragraph 6(1)(g) of that Schedule;
 - (f) paragraph 8 (restrictions on opening hours of businesses and services) of Schedule 1 to the All Tiers Regulations;
 - (g) paragraph 10 (restrictions on service of food and drink for consumption on the premises) of Schedule 1 to the All Tiers Regulations;
 - (h) paragraph 8 (requirement to close premises and businesses) of Schedule 2 to the All Tiers Regulations, but only in relation to a business mentioned in paragraph 9(1)(g) of that Schedule;
 - (i) paragraph 11 (restrictions on opening hours of businesses and services) of Schedule 2 to the All Tiers Regulations;
 - (j) paragraph 13 (restrictions on service of food and drink for consumption on the premises) of Schedule 2 to the All Tiers Regulations;
 - (k) paragraph 14 (requirement to close businesses selling alcohol for consumption on the premises) of Schedule 2 to the All Tiers Regulations;
 - (l) paragraph 8 (requirement to close premises and businesses) of Schedule 3 to the All Tiers Regulations, but only in relation to a business mentioned in paragraph 13(2)(g) of that Schedule;
 - (m) paragraph 9 (restrictions on service of food and drink for consumption on the premises) of Schedule 3 to the All Tiers Regulations;
 - (n) paragraph 14 (restrictions on opening hours of businesses and services) of Schedule 3 to the All Tiers Regulations;
 - (o) regulation 6 (requirement to display QR code) of the Collection of Contact Details Regulations;
 - (p) regulation 7 (requirement to request certain details of individuals) of the Collection of Contact Details Regulations;
 - (q) regulation 8 (requirement to request certain details of those in a group) of the Collection of Contact Details Regulations;

(9) Regulation 1A was amended by S.I. 2020/1046, S.I. 2020/1057, S.I. 2020/1103, S.I. 2020/1104 and S.I. 2020/1105.

(10) Regulation 2 was amended by S.I. 2020/1046. Other amendments were made but none is relevant.

(11) Regulation 2A was inserted by S.I. 2020/1046.

(12) Regulation 2B was inserted by S.I. 2020/1046.

- (r) regulation 11 (additional details to be recorded by a relevant person) of the Collection of Contact Details Regulations;
- (s) regulation 13 (requirement to retain details) of the Collection of Contact Details Regulations;
- (t) regulation 14 (requirement to disclose details upon request)(**13**) of the Collection of Contact Details Regulations;
- (u) regulation 16 (requirement to refuse entry) of the Collection of Contact Details Regulations;
- (v) regulation 7 (requirement on employers of workers required to self-isolate) of the Self-Isolation Regulations.

Coronavirus Improvement Notices

3.—(1) A local authority officer designated for the purposes of this regulation (“local authority designated officer”) may issue to a person a Coronavirus Improvement Notice where the officer is of the opinion that—

- (a) the person is contravening one or more of the relevant statutory provisions; and
- (b) the requirement or requirements of the notice are necessary and proportionate to ensure that the contravention is, or contraventions are, ended or remedied.

(2) But a Coronavirus Improvement Notice may not be issued in relation to premises which form part of essential infrastructure.

(3) A Coronavirus Improvement Notice must state—

- (a) the name of the person to whom it is issued or, where it is not possible to obtain the name, the premises to which it relates;
- (b) the date on, and time at, which the notice is issued;
- (c) the local authority designated officer’s opinion pursuant to paragraph (1);
- (d) the relevant statutory provision or provisions that the officer is of the opinion is or are being contravened;
- (e) particulars of the reasons for the officer’s opinion;
- (f) a requirement or requirements that the person to whom the notice is issued must meet to end or remedy the contravention or contraventions;
- (g) the period within which any requirement or requirements pursuant to sub-paragraph (f) must be met, such period ending not earlier than 48 hours from the time at which the notice is issued;
- (h) the date on and time at which the notice ceases to have effect, being the date on and time at which the last of any periods specified in sub-paragraph (g) ends;
- (i) a statement explaining that failure to comply with the notice—
 - (i) is an offence, conviction for which is punishable by a fine;
 - (ii) may result in the serving of a Coronavirus Immediate Restriction Notice or a Coronavirus Restriction Notice;
- (j) details of the right to appeal to a magistrates’ court, and the time within which any appeal may be brought.

(4) A Coronavirus Improvement Notice may (but need not) include suggestions as to the measures which could be taken to ensure that any requirement or requirements pursuant to paragraph (3)(f) is or are met.

(5) A Coronavirus Improvement Notice must be reviewed by a local authority designated officer at, or as soon as practicable after, the end of the period for which the notice has effect.

(6) Where, before the end of the period for which the notice has effect, a person to whom a Coronavirus Improvement Notice has been issued believes that all requirements in the notice pursuant to paragraph (3)(f) have been met, that person may request that a local authority designated officer review the notice.

(7) Where a request is made pursuant to paragraph (6), a local authority designated officer must carry out a review pursuant to paragraph (5), such review to be carried out as soon as practicable but in any event by the end of the period of 48 hours beginning with the time at which the request is received.

(8) In carrying out a review pursuant to paragraph (5) the local authority designated officer—

(a) must—

(i) decide whether the Coronavirus Improvement Notice has been complied with and, if so, withdraw the notice; and

(ii) notify the person to whom the notice was issued of that decision and that person's right of appeal to a magistrates' court, and the time within which such an appeal may be brought;

(b) may issue a new Coronavirus Improvement Notice or a Coronavirus Immediate Restriction Notice or a Coronavirus Restriction Notice to the same person.

Coronavirus Immediate Restriction Notices

4.—(1) A local authority officer designated for the purposes of this regulation ("local authority designated officer") may issue to a person a Coronavirus Immediate Restriction Notice where the officer is of the opinion that the person is contravening one or more of the relevant statutory provisions in circumstances that make it likely that the contravention or contraventions will continue or be repeated and that contravention or those contraventions involve, or would involve if continued or repeated, a risk of exposure to coronavirus.

(2) But a Coronavirus Immediate Restriction Notice may not be issued in relation to premises which form part of essential infrastructure.

(3) A Coronavirus Immediate Restriction Notice must require either or both of the following—

(a) the closure of the premises, or part of the premises;

(b) that the person to whom the notice is issued must end or remedy the contravention or contraventions or, as the case may be, that that person must ensure that the contravention or contraventions will not be repeated or continued (or both).

(4) Any requirement in a Coronavirus Immediate Restriction Notice must be necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus.

(5) A requirement pursuant to paragraph (3)—

(a) takes effect at the end of a period specified in the notice, or

(b) if no such period is specified, takes effect immediately.

(6) A Coronavirus Immediate Restriction Notice has effect for a period ending 48 hours after the time at which it is issued.

(7) A Coronavirus Immediate Restriction Notice must state—

- (a) the name of the person to whom it is issued or, where it is not possible to obtain the name, the premises to which it relates;
- (b) the date on, and time at, which the notice is issued;
- (c) the date on, and time at, which the notice ceases to have effect;
- (d) particulars of the reasons for the officer’s opinion that the relevant statutory provision or provisions which is or are being contravened involves, or would involve if continued or repeated, a risk of exposure to coronavirus;
- (e) details of any requirement or requirements pursuant to paragraph (3) and the time at which it or they take effect;
- (f) that failure to comply with the notice is an offence, conviction for which is punishable by a fine; and
- (g) details of the right of appeal to a magistrates’ court, and the time within which such an appeal may be brought.

(8) A Coronavirus Immediate Restriction Notice must be reviewed by a local authority designated officer before the notice ceases to have effect.

(9) Where, before the end of the period during which the Coronavirus Immediate Restriction Notice has effect, a person to whom the notice has been issued believes that the requirements in the notice pursuant to paragraph (3) are no longer necessary, that person may request that a local authority designated officer carry out a review of the notice.

(10) Where a request is made pursuant to paragraph (9), a local authority designated officer must carry out a review pursuant to paragraph (8), such review to be carried out as soon as practicable.

(11) In carrying out a review pursuant to paragraph (8) the local authority designated officer—

- (a) must—
 - (i) decide whether the requirements in the notice pursuant to paragraph (3) remain necessary and—
 - (aa) if none of them remain necessary, withdraw the notice;
 - (bb) if some, but not all, of them remain necessary, amend the notice or withdraw the notice and issue a new notice;
 - (ii) notify the person to whom the notice was issued of that decision and that person’s right of appeal to a magistrates’ court, and the time within which such an appeal may be brought;
- (b) may issue a new Coronavirus Immediate Restriction Notice or a Coronavirus Improvement Notice or Coronavirus Restriction Notice pursuant to these Regulations to the same person.

Coronavirus Restriction Notices

5.—(1) A local authority officer designated for the purposes of this regulation (“local authority designated officer”) may issue to a person a Coronavirus Restriction Notice where that person has been issued with a Coronavirus Improvement Notice and the officer is of the opinion that the person has failed to comply with the notice and the non-compliance involves a risk of exposure to coronavirus.

(2) But a Coronavirus Restriction Notice may not be issued in relation to premises which form part of essential infrastructure.

(3) A Coronavirus Restriction Notice must require either or both of the following—

- (a) the closure of the premises, or part of the premises;

- (b) that the person to whom the notice is issued must end or remedy the contravention or contraventions specified in the Coronavirus Improvement Notice.
- (4) Any requirement in a Coronavirus Restriction Notice must be necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus.
- (5) A requirement pursuant to paragraph (3)—
 - (a) takes effect at the end of a period specified in the notice, or
 - (b) if no such period is specified, takes effect immediately.
- (6) A Coronavirus Restriction Notice has effect for a period of time ending seven days after the day on which it is issued.
- (7) A Coronavirus Restriction Notice must state—
 - (a) the name of the person to whom it is issued or, where it is not possible to obtain the name, the premises to which it relates;
 - (b) the date on, and time at, which the notice is issued;
 - (c) the date on, and time at, which the notice ceases to have effect;
 - (d) the date on which the Coronavirus Improvement Notice was issued;
 - (e) particulars of the reasons for the officer’s opinion that the person to whom that notice was issued has not complied with it and that non-compliance involves a risk of exposure to coronavirus;
 - (f) details of any requirement or requirements pursuant to paragraph (3) and the time at which it or they take effect;
 - (g) a statement explaining that failure to comply with the notice is an offence, conviction for which is punishable by a fine; and
 - (h) details of the right of appeal to a magistrates’ court, and the time within which such an appeal may be brought.
- (8) A Coronavirus Restriction Notice must be reviewed by a local authority designated officer before the notice ceases to have effect.
- (9) Where, before the end of the period during which the Coronavirus Restriction Notice has effect, a person to whom the notice has been issued believes that the requirements in the notice pursuant to paragraph (3) are no longer necessary, that person may request that a local authority designated officer carry out a review of the notice.
- (10) Where a request is made pursuant to paragraph (9) a local authority designated officer must carry out a review pursuant to paragraph (8), such review to be carried out as soon as practicable but in any event by the earlier of—
 - (a) the end of the period of 48 hours beginning with the time at which the officer receives that request; and
 - (b) the time at which the notice ceases to have effect.
- (11) In carrying out a review pursuant to paragraph (8) the local authority designated officer—
 - (a) must—
 - (i) decide whether the requirements in the notice pursuant to paragraph (3) remain necessary and—
 - (aa) if none of them remain necessary, withdraw the notice;
 - (bb) if some, but not all, of them remain necessary, amend the notice or withdraw the notice and issue a new notice;

- (ii) notify the person to whom the notice was issued of that decision and that person's right of appeal to a magistrates' court, and the time within which such an appeal may be brought;
- (b) may issue a new Coronavirus Restriction Notice or a Coronavirus Improvement Notice or Coronavirus Immediate Restriction Notice pursuant to these Regulations to the same person.

Offence of failing to comply with a Coronavirus Improvement Notice, Coronavirus Immediate Restriction Notice or Coronavirus Restriction Notice

6.—(1) It is an offence for a person to fail to comply with—

- (a) a Coronavirus Improvement Notice;
- (b) a Coronavirus Immediate Restriction Notice; or
- (c) a Coronavirus Restriction Notice,

without reasonable excuse.

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

(3) 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.

(4) In paragraph (3), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

(5) Section 24 of the Police and Criminal Evidence Act 1984(14) applies in relation to an offence pursuant to this regulation as if the reasons in subsection (5) of that section included—

- (a) to maintain public health, and
- (b) to maintain public order.

Prosecutions

7. Proceedings for an offence pursuant to this Part may be brought by a local authority, the Crown Prosecution Service and any person designated by the Secretary of State (but this does not affect any other power to bring proceedings for such an offence).

Fixed Penalty Notice

8.—(1) A local authority officer designated for the purposes of this regulation (“local authority designated officer”) may issue a fixed penalty notice to any person that the officer reasonably believes—

- (a) has committed an offence under this Part; and
- (b) is (in the case of an individual) aged 18 or over.

(2) But no more than one fixed penalty notice may be issued in relation to a failure to comply with a single Coronavirus Improvement Notice, Coronavirus Immediate Restriction Notice or Coronavirus Restriction Notice.

(14) 1984 c. 60. Section 24 was substituted by section 110 of the Serious Organised Crime Act 2005 (c. 15).

(3) 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 the amount specified in paragraph (4) to an authority specified in the notice.

(4) The amount is—

- (a) £2,000 where the offence is described in regulation 6(1)(a);
- (b) £4,000 where the offence is described in regulation 6(1)(b) or (c).

(5) 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.

(6) Where a person is issued with a notice pursuant to 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 beginning with the day after 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.

(7) 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 (6)(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; and
- (e) specify permissible methods of payment.

(8) Whatever other method may be specified pursuant to paragraph (7)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated pursuant to paragraph (7)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(9) Where a letter is sent as mentioned in paragraph (8), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(10) In any proceedings, a certificate that—

- (a) 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 officer referred to in paragraph (5)(b), 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.

(11) In this regulation “chief finance officer”, in relation to a local authority, means the person with responsibility for the authority’s financial affairs.

Appeals

9.—(1) In this regulation a “notice” means a Coronavirus Improvement Notice, a Coronavirus Immediate Restriction Notice or a Coronavirus Restriction Notice.

- (2) A person to whom a notice is issued may appeal to a magistrates' court against—
 - (a) the notice; or
 - (b) the decision on a review of that notice.
- (3) An appeal must be made—
 - (a) in accordance with the Magistrates' Courts Act 1980(15) and that Act applies to the proceedings, and
 - (b) within the period of 28 days beginning with—
 - (i) the day on which the notice is issued in the case of an appeal pursuant to paragraph (2)(a);
 - (ii) the day on which the person to whom the notice was issued is notified of the decision of the review in the case of an appeal pursuant to paragraph (2)(b).

Continuity of designations

10. A designation made, or treated as made, in exercise of the powers conferred by the following provisions is to be treated as if it had been made in exercise of the powers conferred by regulations 3, 4, 5, 7 or 8, as appropriate, of these Regulations—

- (a) regulation 9(9)(b), 11(3)(b), 11(9)(a) or 13, as appropriate, of the All Tiers Regulations;
- (b) regulation 8(16) of the Obligations of Undertakings Regulations;
- (c) regulation 18(11) of the Collection of Contact Details Regulations;
- (d) regulation 12(12) of the Self-Isolation Regulations.

PART 3

Amendments

- 11.** The Schedule contains amendments and saving provisions.

PART 4

Expiry

Expiry of Part 2

12.—(1) Part 2 expires at the end of the period of six months beginning with the day on which it comes into force.

(2) The expiry of Part 2 does not affect the validity of anything done pursuant to Part 2 before it expires.

(15) 1980 c. 43.

(16) Regulation 8 was amended by S.I. 2020/1374.

At 1.35 p.m. on 30th November 2020

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

SCHEDULE

Regulation 11

Amendment of secondary legislation and related savings

Interpretation

1. In this Schedule “commencement day” means the day on which these Regulations came into force.

Amendment of regulation 5 of the Health Protection (Coronavirus, International Travel) (England) Regulations 2020

2.—(1) Regulation 5 of the Health Protection (Coronavirus, International Travel) (England) Regulations 2020 (enforcement of the requirement to self-isolate) is amended as follows.

(2) In paragraph (1)—

- (a) at the start of sub-paragraph (b), insert “where the authorised person is a constable,”;
- (b) in sub-paragraph (c), after “where”, insert “the authorised person is a constable and”.

(3) In paragraph (3), for “An authorised person” substitute “A constable”.

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

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

(2) In regulation 7 (enforcement of requirement)—

- (a) in paragraph (4), at the start of sub-paragraph (b), insert “where the relevant person is a constable,”;
- (b) in paragraph (5), for “relevant person” substitute “constable”.

(3) In regulation 9 (fixed penalty notices), for paragraph (1) substitute—

“(1) An authorised person may issue a fixed penalty notice to any person that the authorised person reasonably believes—

- (a) has committed an offence under these Regulations, and
- (b) is (in the case of an individual) aged 18 or over.”.

Saving in connection with paragraph 3

4. Despite the amendments made to regulation 9 of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 (“the No. 2 Regulations”) by paragraph 3, that regulation continues in force as it had effect immediately before commencement day in relation to any offence committed under the No. 2 Regulations before that day.

Amendment of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020

5. The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 are amended in accordance with paragraphs 6 to 12.

6. In regulation 1 (citation, commencement, application and interpretation), in paragraph (4), before the definition of “child” insert—

““the 1980 Act” means the Magistrates’ Court Act 1980(17);”.

7. In regulation 2 (directions by local authorities: general), in paragraph (4), for the words from “its director” to the end substitute—

“—

- (a) its director of public health or its interim or acting director of public health (as the case may be), or
- (b) a registered public health consultant approved for the purposes of this regulation by a person mentioned in sub-paragraph (a).”.

8. In regulation 4 (directions relating to individual premises)—

(a) in paragraph (9)—

(i) for sub-paragraph (a) substitute—

“(a) appeal to a magistrates’ court in accordance with the 1980 Act against—

- (i) the direction, or
- (ii) a determination, made following a review of a direction under regulation 2(2)(b), not to revoke the direction (a “review determination”), and”;

(ii) in sub-paragraph (b), after “direction” insert “or a review determination”;

(b) after paragraph (9) insert—

“(9A) The 1980 Act applies to the proceedings on an appeal under paragraph (9)(a).

(9B) An appeal under paragraph (9)(a), or representations under paragraph (9)(b) (as the case may be), must be made within the period of 28 days beginning—

- (a) in the case of an appeal against, or representations about, a direction, with the day on which the direction was issued;
- (b) in the case of an appeal against, or representations about, a review determination, with the day on which the determination was made.”.

9. In regulation 5 (directions relating to events)—

(a) in paragraph (9)—

(i) for sub-paragraph (a) substitute—

“(a) appeal to a magistrates’ court in accordance with the 1980 Act against—

- (i) the direction, or
- (ii) a determination, made following a review of a direction under regulation 2(2)(b), not to revoke the direction (a “review determination”), and”;

(ii) in sub-paragraph (b), after “direction” insert “or review determination”;

(b) after paragraph (9) insert—

“(9A) The 1980 Act applies to the proceedings on an appeal under paragraph (9)(a).

(9B) An appeal under paragraph (9)(a), or representations under paragraph (9)(b) (as the case may be), must be made within the period of 28 days beginning—

- (a) in the case of an appeal against, or representations about, a direction, with the day on which the direction was issued;
- (b) in the case of an appeal against, or representations about, a review determination, with the day on which the determination was made.”.

10. In regulation 6 (directions relating to public outdoor places)—

- (a) in paragraph (5)—
 - (i) for sub-paragraph (a) substitute—
 - “(a) appeal to a magistrates’ court in accordance with the 1980 Act against—
 - (i) the direction, or
 - (ii) a determination, made following a review of a direction under regulation 2(2)(b), not to revoke the direction (a “review determination”), and”;
 - (ii) in sub-paragraph (b), after “direction” insert “or a review determination”;
 - (b) after paragraph (5) insert—
 - “(5A) The 1980 Act applies to the proceedings on an appeal under paragraph (5)(a).
 - (5B) An appeal under paragraph (5)(a), or representations under paragraph (5)(b) (as the case may be), must be made within the period of 28 days beginning—
 - (a) in the case of an appeal against, or representations about, a direction, with the day on which the direction was issued;
 - (b) in the case of an appeal against, or representations about, a review determination, with the day on which the determination was made.”.

11. In regulation 14 (fixed penalty notices)—

- (a) for paragraph (1) substitute—
 - “(1) An authorised person may issue a fixed penalty notice to any person that the authorised person reasonably believes—
 - (a) has committed an offence under these Regulations, and
 - (b) is (in the case of an individual) aged 18 or over.”;
- (b) in paragraph (12)(a)—
 - (i) at the end of paragraph (i), omit “or”;
 - (ii) at the end of paragraph (ii), for “and” substitute “or”;
 - (iii) after paragraph (ii), insert—
 - “(iii) an offence under regulation 13(1)(e) of failing to comply with a prohibition notice, and”.

12. In regulation 17 (directions by county councils), in paragraph (4) for the words from “its director” to the end substitute—

- “—
 - (a) its director of public health or its interim or acting director of public health (as the case may be), or
 - (b) a registered public health consultant approved for the purposes of this regulation by a person mentioned in sub-paragraph (a).”.

Savings in connection with paragraphs 8 to 10 and 11

13.—(1) Despite the amendment of regulations 4 to 6 of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 (“the No. 3 Regulations”) by paragraphs 8 to 10, the No. 3 Regulations continue in force in relation to an existing direction as they had effect immediately before commencement day.

(2) For the purposes of sub-paragraph (1) “an existing direction” means a direction which was given by a local authority under regulation 4(1), 5(1) or 6(1) of the No. 3 Regulations before commencement day.

(3) Despite the amendments made to regulation 14 of the No. 3 Regulations by paragraph 11, that regulation continues in force as it had effect immediately before commencement day in relation to any offence committed under the No. 3 Regulations before that day.

Amendment of the Collection of Contact Details Regulations

14. The Collection of Contact Details Regulations are amended in accordance with paragraphs 15 to 21.

15.—(1) Regulation 4 (interpretation) is amended as follows.

(2) The existing text becomes paragraph (1).

(3) In paragraph (1)—

(a) after the definition of “emergency responder”, insert—

““listed service or activity” means a service or activity listed in the Schedule;”;

(b) in the definition of “relevant person”, for “service or activity listed in the Schedule” substitute “listed service or activity”;

(c) omit the definition of “relevant premises”.

(4) After paragraph (1) insert—

“(2) For the purposes of these Regulations “relevant premises” are premises (whether indoors or outdoors) that are occupied or operated for the purpose of providing any listed service or activity directly to the public.

(3) But where only part of any premises is occupied or operated for the purpose of providing any such service or activity, it is that part of the premises which is the “relevant premises” for the purposes of these Regulations.

(4) In addition—

(a) where any main premises are multi-use premises, each part of those premises that is a Part 1 premises is, as well as the main premises, to be treated as “relevant premises” for the purposes of these Regulations;

(b) where more than one Part 1 service provider provides a Part 1 service from any main premises, each part of those premises from which each Part 1 service provider provides a Part 1 service is, as well as the main premises and the Part 1 premises, to be treated as “relevant premises” for the purposes of these Regulations.

(5) But paragraph (4)(b) does not apply to any part of any premises if the only areas provided for consumption of food and drink on the premises by customers of the Part 1 service provider providing a Part 1 service from that part are shared with one or more other Part 1 service providers.

(6) For the purposes of paragraphs (4) and (5)—

“main premises” means premises falling within paragraph (2) or (3);

Status: This is the original version (as it was originally made).

“multi-use premises” means premises that are occupied or operated for the purposes of providing directly to the public—

- (a) any Part 1 service, and
- (b) any service or activity listed in Part 2 of the Schedule;

“Part 1 premises” means premises which are occupied or operated for the purposes of providing any Part 1 service directly to the public;

“Part 1 service” means a service or activity which is listed in Part 1 of the Schedule;

“Part 1 service provider” means a person providing a Part 1 service.”.

16. In regulation 8 (requirement to request certain details of those in a group), in paragraph (2), for sub-paragraphs (a) and (b) substitute—

- “(a) one member of the group (“M”), as the point of contact for that group, provides the information—
 - (i) set out in regulation 10(1)(a) to (e) (as appropriate) for M only, and
 - (ii) set out in regulation 10(1)(f) in relation to the group, or
- (b) every member of the group provides the information set out in regulation 10(1).”.

17.—(1) Regulation 9 (cases to which requirements in regulations 6 to 8 apply) is amended as follows.

(2) In paragraph (1)—

- (a) in sub-paragraph (a), for “a service or participate in an activity” substitute “or participate in a listed service or activity”;
- (b) in sub-paragraph (b), for “service or an activity” substitute “listed service or activity”.

(3) In paragraph (2), after sub-paragraph (c) insert—

- “(d) where the relevant premises contain a polling station for a relevant election or referendum—
 - (i) for the sole purpose of voting in the election or referendum, or
 - (ii) if the person is required or entitled to attend at the polling station other than for the purpose of voting (for example, as a presiding officer, polling agent, companion or observer), for the sole purpose of so attending at the polling station.”.

(4) After paragraph (2) insert—

“(3) For the purposes of paragraph (2)(d) “relevant election or referendum” means an election or referendum which is held in accordance with provision made by or under an Act of Parliament.”.

18. In regulation 11 (additional details to be recorded by a relevant person)—

- (a) in paragraph (1)(c), after “provides a” insert “listed”;
- (b) in paragraph (2), after “whom the” insert “listed”.

19. In regulation 18 (fixed penalty notices), for paragraph (1) substitute—

- “(1) An authorised person may issue a fixed penalty notice to any person that the authorised person reasonably believes—
 - (a) has committed an offence under these Regulations, and
 - (b) is (in the case of an individual) aged 18 or over.”.

20. After regulation 18 insert—

“Designations

18A. A designation made, or treated as made, in exercise of the powers conferred by regulation 11(3)(b) or 11(9)(a) of the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 is to be treated as if it had been made in exercise of the powers conferred by regulation 18(3)(b) or (11)(a), as appropriate, of these Regulations.”.

21. In the Schedule (listed services)—

(a) in paragraph 1—

(i) in sub-paragraph (1), for “paragraph” substitute “sub-paragraph”;

(ii) for sub-paragraph (2) substitute—

“(2) Sub-paragraph (1) does not include services provided—

(a) to an individual who is homeless, within the meaning of section 175 of the Housing Act 1996⁽¹⁸⁾, or

(b) by a workplace canteen which is open only to staff at that workplace.”;

(b) in paragraph 2—

(i) omit sub-paragraph (b);

(ii) in sub-paragraph (c), after “betting” insert “shops”.

Savings in connection with paragraphs 14 to 21

22. Despite the amendments made to the Collection of Contact Details Regulations by paragraphs 14 to 21, the Collection of Contact Details Regulations continue in force as they had effect immediately before commencement day in relation to any offence committed under those Regulations before that day.

Amendment of the Obligations of Undertakings Regulations

23. In regulation 4 of the Obligations of Undertakings Regulations (fixed penalty notices), for paragraph (1) substitute—

“(1) An authorised person may issue a fixed penalty notice to any person that the authorised person reasonably believes—

(a) has committed an offence under these Regulations, and

(b) is (in the case of an individual) aged 18 or over.”.

Saving in connection with paragraph 23

24. Despite the amendments made to regulation 4 of the Obligations of Undertakings Regulations by paragraph 23, that regulation continues in force as it had effect immediately before commencement day in relation to any offence committed under the Obligations of Undertakings Regulations before that day.

Amendment of the Self-Isolation Regulations

25. The Self-Isolation Regulations are amended in accordance with paragraphs 26 to 34.

26.—(1) Regulation 2 (requirements on person notified of positive test for acute respiratory syndrome coronavirus 2 (SARS-CoV-2) and close contacts of such persons) is amended as follows.

(18) 1996 c. 52. Section 175 has been amended by section 1 of the Homelessness Reduction Act 2017 (c. 13).

Status: This is the original version (as it was originally made).

(2) In paragraph (1), in the words before sub-paragraph (a), after “paragraph (4)” insert “(“the relevant person””.

(3) After paragraph (1) insert—

“(1A) For the purposes of paragraph (1), a notification has effect if given—

- (a) orally (either in person or by telephone);
- (b) by text message;
- (c) by email; or
- (d) by letter.”.

(4) For paragraph (2) substitute—

“(2) Where paragraph (1)(a)(i) applies, the person notified must—

- (a) self-isolate for the period of self-isolation; and
- (b) notify the relevant person of the name of each person living in the same household as P.

(2A) But paragraph (2) does not apply if—

- (a) the person (“RP”) notified is taking part in coronavirus related research;
- (b) RP has previously been notified that they have tested positive for coronavirus pursuant to paragraph (1)(a)(i); and
- (c) the test pursuant to which RP is now being notified under paragraph (1)(a)(i) was carried out within the relevant period determined in accordance with paragraph (2B).

(2B) For the purposes of paragraph (2A)(c), the relevant period is—

- (a) the period of 90 days beginning with the date of the first test pursuant to which RP was previously notified under paragraph (1)(a)(i) (“the original period”);
- (b) where the original period has ended, the period of 90 days beginning with the date of the first test pursuant to which RP was previously notified under paragraph (1)(a)(i) after the end of the original period (the “subsequent period”);
- (c) where the subsequent period has ended, the period of 90 days beginning with the date of the first test pursuant to which RP was previously notified under paragraph (1)(a)(i) after the end of the subsequent period, and so on.

(2C) Where paragraph (1)(a)(ii) applies, the person notified must self-isolate for the period of self-isolation unless—

- (a) they are taking part in coronavirus related research, and
- (b) that research cannot be completed if they self-isolate.

(2D) Where paragraph (1)(b)(i) applies, R must—

- (a) secure, so far as reasonably practicable, that the child self-isolates for the period of self-isolation; and
- (b) notify the relevant person of the name of each person living in the same household as the child.

(2E) But paragraph (2D) does not apply if—

- (a) the child (“RC”) is taking part in coronavirus related research;
- (b) R has previously been notified that RC has tested positive for coronavirus pursuant to paragraph (1)(b)(i); and

- (c) the test pursuant to which R is now being notified under paragraph (1)(b)(i) in respect of RC was carried out within the relevant period determined in accordance with paragraph (2F).
- (2F) For the purposes of paragraph (2E)(c), the relevant period is—
- (a) the period of 90 days beginning with the date of the first test pursuant to which R was previously notified under paragraph (1)(b)(i) that RC had tested positive for coronavirus (“the original period”);
 - (b) where the original period has ended, the period of 90 days beginning with the date of the first test pursuant to which R was previously notified under paragraph (1)(b)(i) that RC had tested positive for coronavirus after the end of the original period (the “subsequent period”);
 - (c) where the subsequent period has ended, the period of 90 days beginning with the date of the first test pursuant to which R was previously notified under paragraph (1)(b)(i) that RC had tested positive for coronavirus after the end of the subsequent period, and so on.
- (2G) Where paragraph (1)(b)(ii) applies, R must secure, so far as reasonably practicable, that the child self-isolates for the period of self-isolation unless—
- (a) the child is taking part in coronavirus related research, and
 - (b) that research cannot be completed if the child self-isolates.
- (2H) In addition, P or, where P is a child, R must, if requested by the relevant person, notify that person of the address at which P will remain pursuant to the restriction in paragraph (3)(a).”.
- (5) In paragraph (3)(b), after paragraph (vii), insert—
- “(viii) where paragraph (1)(a)(ii) or (b)(ii) applies but P is not exempt from the duty to self-isolate by virtue of paragraph (2C)(b) or (2G)(b), to take part in coronavirus related research as a close contact.”.
- (6) In paragraph (4)—
- (a) in the words before sub-paragraph (a), for “paragraphs (1) and (2)” substitute “paragraph (1)”; and
 - (b) in sub-paragraph (b) omit “or section 108 of the National Health Service (Scotland) Act 1978”.
- (7) After paragraph (5) insert—
- “(6) In this regulation—
- “coronavirus related research” means health research (within the meaning given in section 110(3) of the Care Act 2014(19)) which—
- (a) relates to the transmission, diagnosis or prevention of coronavirus; and
 - (b) is carried out by, or on behalf of, a person who has approval from an ethics review body to carry out that research;
- “period of self-isolation” means the period calculated in accordance with regulation 3.
- (7) For the purposes of paragraph (6) “ethics review body” means—
- (a) a research ethics committee recognised or established by the Health Research Authority under the Care Act 2014 (see section 109 of that Act); or
 - (b) a body appointed by any of the following for the purposes of assessing the ethics of research involving individuals—

Status: This is the original version (as it was originally made).

- (i) the Secretary of State;
- (ii) the Secretary of State acting jointly with the Scottish Ministers, the Welsh Ministers or a Northern Ireland department;
- (iii) an institution that is a research institution for the purposes of Chapter 4A of Part 7 of the Income Tax (Earnings and Pensions) Act 2003⁽²⁰⁾ (see section 457 of that Act).”.

27. In regulation 3 (period of self-isolation)—

- (a) in paragraph (1)—
 - (i) omit “specified”;
 - (ii) after “2(2)” insert “, (2C), (2D), or (2G) (as the case may be)”;
- (b) in paragraph (3)(b), after “case,” insert “with”.

28.—(1) Regulation 5 (interpretation of Part 1) is amended as follows.

- (2) The existing text becomes paragraph (1).
- (3) In paragraph (1), in the definition of “P”, after “2(2)” insert “, (2C), (2D) or (2G) (as the case may be)”.
- (4) After paragraph (1) insert—
 - “(2) For the purposes of this Part (other than regulation 4), references to a “local authority” include references to a county council.”.

29.—(1) Regulation 10 (enforcement) is amended as follows.

- (2) In paragraph (1)(b)—
 - (a) at the start insert “where the authorised person is a constable,”;
 - (b) for “that” substitute “where”.
- (3) In paragraph (2), for “An authorised person” substitute “A constable”.
- (4) In paragraph (6), omit sub-paragraphs (c) and (d).

30. In regulation 11 (offences), in paragraph (7)—

- (a) in sub-paragraph (a), for “2(2)(a)(ii), (b), (c)(ii) or (d)” substitute “2(2)(b), (2D)(b) or (2H) (as the case may be)”;
- (b) in sub-paragraph (b), for “for the purpose of” substitute “in”.

31.—(1) Regulation 12 (fixed penalty notices) is amended as follows.

- (2) For paragraph (1) substitute—
 - “(1) An authorised person may issue a fixed penalty notice to any person that the authorised person reasonably believes—
 - (a) has committed an offence under these Regulations, and
 - (b) is (in the case of an individual) aged 18 or over.”.
- (3) In paragraph (3)(c) for “(8)” substitute “(8C)”.
- (4) For paragraphs (4) to (8) substitute—
 - “(4) In the case of a fixed penalty notice issued to an individual in respect of an offence mentioned in paragraph (5), the amount of the fixed penalty to be specified under paragraph (3)(c) is as follows—

⁽²⁰⁾ 2003 c.1.

- (a) if the fixed penalty notice is the first one issued to that individual in respect of such an offence, the amount is £1,000;
 - (b) if it is the second fixed penalty notice so issued, the amount is £2,000;
 - (c) if it is the third fixed penalty notice so issued, the amount is £4,000;
 - (d) if it is the fourth or subsequent fixed penalty notice so issued, the amount is £10,000.
- (5) The offences referred to in paragraph (4) are—
- (a) the offence described in regulation 11(1) of contravening, without reasonable excuse, a requirement in regulation 2;
 - (b) an offence under regulation 11(3) other than a corporate offence;
 - (c) an offence under regulation 11(4);
 - (d) an offence under regulation 11(7).
- (6) In the case of a fixed penalty notice issued to a person in respect of an offence mentioned in paragraph (7), the amount of the fixed penalty to be specified under paragraph (3)(c) is as follows—
- (a) if the fixed penalty notice is the first one issued to that person in respect of such an offence, the amount is £1,000;
 - (b) if it is the second fixed penalty notice so issued, the amount is £2,000;
 - (c) if it is the third fixed penalty notice so issued, the amount is £4,000;
 - (d) if it is the fourth or subsequent fixed penalty notice so issued, the amount is £10,000.
- (7) The offences referred to in paragraph (6) are—
- (a) where the person to whom the notice is issued is an individual—
 - (i) the offence described in regulation 11(1) of contravening, without reasonable excuse, a requirement in regulation 7 (whether it is a corporate offence or not);
 - (ii) an offence under regulation 11(3) which is a corporate offence;
 - (b) otherwise—
 - (i) the offence described in regulation 11(1) of contravening, without reasonable excuse, a requirement in regulation 7;
 - (ii) an offence under regulation 11(3).
- (8) For the purposes of paragraphs (5) and (7) “corporate offence” means an offence in relation to which regulation 11(8) applies.
- (8A) In the case of a fixed penalty notice issued to a person in respect of the offence described in regulation 11(1) of contravening, without reasonable excuse, a requirement in regulation 8 or 9(2), the amount of the fixed penalty to be specified under paragraph (3) (c) is £50.
- (8B) In the case of a fixed penalty notice issued to a person in respect of the offence described in regulation 11(1) of contravening, without reasonable excuse, a requirement in regulation 9(4) or (6), the amount of the fixed penalty to be specified under paragraph (3) (c) is £1,000.
- (8C) In the case of a fixed penalty notice issued to a person in respect of an offence under regulation 11(2), the amount of the fixed penalty to be specified under paragraph (3)(c) is—

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- (a) if the fixed penalty notice is the first issued to the person in respect of such an offence, £4,000;
 - (b) if it is the second or subsequent fixed penalty notice so issued, £10,000.”.
- (5) In paragraph (12), in the definition of “designated officer”, for “this this” substitute “this”.

32. In regulation 14 (power to use and disclose information)—

- (a) in paragraph (2)—
 - (i) in sub-paragraph (a)(iv) for “individual.” substitute “individual.”;
 - (ii) omit the words from “for the purposes” to “number of the individual”;
- (b) in paragraph (8), after sub-paragraph (b) insert—
 - “(c) “contact details”, in relation to an individual, means their name, address and telephone number.”.

33.—(1) Regulation 17 (designations) is amended as follows.

- (2) The existing text becomes paragraph (1).
- (3) In paragraph (1)—
 - (a) omit “9(13) or”;
 - (b) for “regulations 10(6) and” substitute “regulation”;
- (4) After paragraph (1), insert—
 - “(2) A designation made, or treated as made, in exercise of the powers conferred by regulation 11(9)(a) of the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 (“the Principal Regulations”) is to be treated as a designation of a person as an authorised person for the purposes of regulation 12 of these Regulations.
 - (3) A designation made, or treated as made, in exercise of the powers conferred by regulation 11(3)(b) of the Principal Regulations is to be treated as a designation of a person as a designated officer for the purposes of regulation 12 of these Regulations.”.

34. After regulation 17 insert—

“Interpretation of Part 3

18. For the purposes of this Part, references to a “local authority” include references to a county council.”.

Savings in connection with paragraphs 25 to 34

35.—(1) A relevant notification continues to have effect on and after commencement day as if it had been given by a person employed or engaged by the health service (within the meaning of section 275 of the National Health Service Act 2006(**21**)).

- (2) For the purposes of sub-paragraph (1) “relevant notification” means a notification which—
 - (a) was given by a person employed or engaged for the purposes of the health service (within the meaning given in section 108 of the National Health Service (Scotland) Act 1978(**22**)) under regulation 2(1) of the Self-Isolation Regulations before commencement day, and
 - (b) had not, immediately before that day, been withdrawn.

(21) 2006 c. 41.

(22) 1978 c. 29.

(3) Despite the amendments made to regulations 2(4)(b) and 11 of the Self-Isolation Regulations by paragraphs 26(5) and 30, regulation 11 continues in force as it had effect immediately before commencement day in relation to any offence committed under the Self-Isolation Regulations before that day.

(4) Despite the amendments made to regulation 12 of the Self-Isolation Regulations by paragraph 31, that regulation continues in force as it had effect immediately before commencement day in relation to any offence committed under the Self-Isolation Regulations before that day.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 2 of these Regulations enable local authority designated officers to issue notices to people who are contravening or have contravened various statutory provisions in place to minimise exposure to Coronavirus.

Part 3 of these Regulations make various amendments to existing Regulations made under the Public Health (Control of Disease) Act 1984, and related savings provisions.

Regulation 2 lists the statutory provisions contravention of which may lead to the serving of a notice under these Regulations.

Regulation 3 enables a local authority designated officer to issue a Coronavirus Improvement Notice, requiring a person who is breaching, or has breached, one of those provisions to end that breach and ensure it will not be repeated. Such a notice is not to be issued in relation to essential infrastructure. The regulation lists what the notice must include and provides for review of the notice which may lead to withdrawal of the notice or the issue of a further notice under these Regulations.

Regulation 4 enables a local authority designated officer to issue a Coronavirus Immediate Restriction Notice to a person the officer believes is breaching, or has breached, one of the statutory provisions and there is a future risk of exposure to coronavirus. Such a notice is not to be issued in relation to essential infrastructure. The notice is to require either closure or part-closure of the premises and/or the breach to be stopped. Any requirement must be necessary and proportionate for the purpose of minimising the risk of exposure to Coronavirus. The notice has effect for 48 hours. The regulation lists what the notice must include and provides for review of the notice which may lead to amendment or withdrawal of the notice or the issue of a further notice under these Regulations.

Regulation 5 enables a local authority designated officer to issue a Coronavirus Restriction Notice to a person the officer believes has not complied with a Coronavirus Improvement Notice and that non-compliance involves a risk of exposure to coronavirus. Such a notice is not to be issued in relation to essential infrastructure. The notice is to require either closure or part-closure of the premises and/or the breach to be stopped. Any requirement must be necessary and proportionate for the purpose of minimising the risk of exposure to Coronavirus. The notice has effect for 7 days. The regulation lists what the notice must include and provides for review of the notice which may lead to amendment or withdrawal of the notice or the issue of a further notice under these Regulations.

Regulation 6 provides that it is an offence, punishable on summary conviction by a fine, to contravene a notice under these Regulations without reasonable excuse. It provides that a company and officer of the company can be found guilty of an offence and provides that provisions of the Police and

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Criminal Evidence Act 1984 in relation to police constable powers to arrest apply in relation to offences under this regulation.

Regulation 7 provides that prosecutions of an offence under Part 2 may be brought by a local authority, the Crown Prosecution Service and any person designated by the Secretary of State.

Regulation 8 provides that a local authority designated officer may issue a fixed penalty notice to a person the officer reasonably believes has committed an offence under regulation 6. Payment of that fixed penalty discharges liability to conviction for the offence. It provides that proceedings for the offence cannot be brought until 28 days after the date of the notice. It lists the details that such a notice must include and how payment can be made.

Regulation 9 provides that an appeal against a Coronavirus Improvement Notice, Coronavirus Immediate Restriction Notice or a Coronavirus Restriction Notice issued under these Regulations, or a review of such a notice, can be made to a magistrates' court within 28 days of the notice being issued or the review decisions being notified to the person to whom the notice was issued. It provides that the provisions of the Magistrates' Court Act 1980 (c. 43) apply to that appeal.

Regulation 10 provides that a person designated by a local authority or the Secretary of State for the purposes of various provisions in other Regulations is to be treated as if they were so designated for the purposes of various provisions within these Regulations.

Regulation 11 introduces the Schedule.

Regulation 12 provides for the expiry of Part 2 six months after it comes into force but that such expiry does not affect the validity of anything done under that Part prior to that day.

The Schedule contains amendments and saving provisions and in particular amends, the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 (S.I. 2020/684) ("the No. 2 Regulations"), the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 (S.I. 2020/750) ("the No. 3 Regulations"), the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020 (S.I. 2020/1005) ("the Collection of Contact Details Regulations"), the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020 (S.I. 2020/1008) and the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 (S.I. 2020/1045) ("the Self-Isolation Regulations") to clarify that fixed penalty notices can be issued to persons other than individuals in connection with offences committed under those Regulations.

The No. 2 Regulations, the Health Protection (Coronavirus, International Travel) (England) Regulations 2020 (S.I. 2020/568) and the Self-Isolation Regulations are amended so that only constables have powers to remove persons or to use reasonable force.

The No. 3 Regulations are also amended:

- (a) to require a local authority to have regard to any advice given to it by either its director of public health (or interim or acting director of public health) or a registered public health consultant (approved by its director of public health for the purposes of regulation 2(4)) when determining whether to give a direction under regulation 4(1), 5(1) or 6(1) or to revoke such a direction;
- (b) to require a county council to have regard to any advice given to it by either its director of public health (or interim or acting director of public health) or a registered public health consultant (approved by its director of public health for the purposes of regulation 17) when determining whether to give, vary or revoke a direction under regulation 17;
- (c) to revise the time limits within which appeals against or representations about directions, or decisions not to revoke such directions, must be made;
- (d) to allow persons designated by local authorities to issue fixed penalty notices in connection with offences under regulation 13(1)(e) (offence of contravening a prohibition notice).

The Collection of Contact Details Regulations are also amended:

- (a) to update the definition of “relevant premises” for the purposes of those Regulations, and in particular, to clarify what is to happen in cases where premises are used to provide more than one type of service or activity listed in the Schedule to those Regulations;
- (b) to provide an exemption from the requirement to collect contact details where relevant premises contain a polling station for certain elections or referendums;
- (c) to allow certain persons who are designated, or treated as designated, under the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 to be treated as designated for certain purposes of the Collection of Contact Details Regulations;
- (d) to correct a number of errors.

The Self-Isolation Regulations are also amended:

- (a) to take account of people’s participation in certain research related to the transmission, diagnosis or prevention of coronavirus;
- (b) to clarify which forms of notification of the requirement to self-isolate are effective, and who may give those notifications;
- (c) to make clear that only constables and police community support officers have powers under regulation 10 (enforcement);
- (d) to allow for fixed penalty notices to be issued in respect of offences described in regulation 11(3) and (4) of those Regulations, and to update the way in which the amount of the fixed penalty is calculated;
- (e) to allow certain persons who are designated, or treated as designated, under the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 to be treated as designated for certain purposes of the Self-Isolation Regulations;
- (f) to correct a number of errors.