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STATUTORY INSTRUMENTS

2020 No. 1611

PUBLIC HEALTH, ENGLAND

**The Health Protection (Coronavirus, Restrictions)
(All Tiers and Obligations of Undertakings)
(England) (Amendment) Regulations 2020**

Approved by both Houses of Parliament

*Made - - - - at 6.00 a.m on 20th
December 2020*

Laid before Parliament 21st December 2020

*Coming into force at 07.00 a.m. on 20th December
2020*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45C(1), (3)(c), (4)(b) and (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 the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020⁽²⁾ as amended 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 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 this instrument without a draft having been laid before, and approved by a resolution of, each House of Parliament.

(1) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).
(2) S.I. 2020/1374 amended by S.I. 2020/1518, 1533 and 1572.

PART 1

Introductory

Citation and commencement

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (All Tiers and Obligations of Undertakings) (England) (Amendment) Regulations 2020.

(2) These Regulations come into force at 7.00 a.m. on 20th December 2020.

PART 2

Amendments to the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

Amendments to the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

2.—(1) The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 are amended as follows.

(2) In regulation 1(4) for “and Part 2 of Schedule 3” substitute “, Part 2 of Schedule 3 and Part 3 of Schedule 3A”.

(3) In regulation 2(1)—

(a) in the definition of “Christmas period” for “period beginning” to the end substitute “25th December 2020”;

(b) after the definition of “permitted organised gathering” insert—

““permitted outdoor sports gathering” means a gathering of the description in paragraph 2(20) of Schedule 3A for persons meeting the conditions specified in that paragraph;”

(c) after the definition of “Tier 3 restrictions” insert—

““Tier 4 area” has the meaning given by regulation 8(4)(h);

“Tier 4 restrictions” has the meaning given by regulation 8(4)(g);”.

(4) In regulation 8—

(a) after paragraph (3) insert—

“(3A) Tier 4 restrictions apply in relation to the Tier 4 area in accordance with Schedule 3A.”;

(b) in paragraph (4) at the end insert—

“(g) references to “Tier 4 restrictions” are references to the restrictions and requirements set out in Schedule 3A;

(h) references to the “Tier 4 area” are references to the area for the time being specified or described in Part 3 of Schedule 4”.

(5) In regulation 9—

(a) in paragraph (1) for “or Tier 3” substitute “, Tier 3 restriction or Tier 4”;

(b) in paragraph (2)(a) for “or Part 2 of Schedule 3” substitute “, Part 2 of Schedule 3 or Part 3 of Schedule 3A”;

- (c) after paragraph (2) insert—
 - “(2A) Where a relevant person considers that a person is outside the place where they are living in contravention of paragraph 1 of Schedule 3A, the relevant person may direct that person to return to the place where they are living.
 - (2B) Where the person outside the place where they are living in contravention of the restriction imposed by paragraph 1 of Schedule 3A 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.”;
 - (d) in paragraph (3), for “or paragraph 1 or 2 of Schedule 3” substitute “, paragraph 1 or 2 of Schedule 3 or paragraph 3 or 4 of Schedule 3A”;
 - (e) in paragraph (7), for “under paragraph (3)” substitute “under paragraph (2A), (2B) or (3)”;
 - (f) in paragraph (8), for “paragraph (3)” substitute “paragraph (2A), (2B) or (3)”;
 - (g) in paragraph (10), omit “or” at the end of sub-paragraph (b) and at the end of sub-paragraph (c) insert—
 - “, or
 - (d) a Tier 4 restriction imposed by Part 3 of Schedule 3A”.
- (6) In regulation 10(1) for “or a Tier 3 restriction” substitute “, a Tier 3 restriction or a Tier 4 restriction”.
- (7) In regulation 11(10)(a)—
 - (a) omit the “or” at the end of paragraph (ii);
 - (b) after paragraph (iii) insert—
 - “, or
 - (iv) a Tier 4 restriction imposed by Part 3 of Schedule 3A”.
- (8) In regulation 12—
 - (a) in paragraph (3)(a)—
 - (i) omit the “or” at the end of paragraph (ii),
 - (ii) after paragraph (iii) insert—
 - “, or
 - (iv) a Tier 4 restriction imposed by paragraph 5 of Schedule 3A”;
 - (b) in paragraph (4)—
 - (i) omit the “or” at the end of sub-paragraph (b),
 - (ii) after sub-paragraph (c) insert—
 - “, or
 - (d) a Tier 4 restriction imposed by paragraph 5 of Schedule 3A”;
 - (c) in paragraph (7)(a), after paragraph (iii) insert—
 - “(iv) a Tier 4 restriction imposed by Part 3 of Schedule 3A”.
- (9) In regulation 14—
 - (a) in paragraph (1)—

- (i) in sub-paragraph (a) for “or of the Tier 3” substitute “, the Tier 3 area or of the Tier 4”;
 - (ii) in sub-paragraph (b) for “and Tier 3” substitute “, Tier 3 and Tier 4”;
 - (b) in paragraph (2) for “or of the Tier 3” substitute “, the Tier 3 area or of the Tier 4”.
- (10) In Schedule 1—
- (a) in paragraph 1(4), for “or the Tier 3” substitute “, the Tier 3 area or the Tier 4”;
 - (b) in paragraph 5(5)(b), for “or the Tier 3” substitute “, the Tier 3 area or the Tier 4”;
 - (c) in paragraph 8(6)(b), for “or the Tier 3” substitute “, the Tier 3 area or the Tier 4”.
- (11) In Schedule 2—
- (a) in paragraph 1(4)(b) at the end insert “or the Tier 4 area”;
 - (b) in paragraph 2(4) at the end insert “or in a gathering in the Tier 2 area in contravention of paragraph 3(2) or 4(2) of Schedule 3A”;
 - (c) in paragraph 8(5)(b) at the end insert “or the Tier 4 area”;
 - (d) in paragraph 11(6)(b) at the end insert “or the Tier 4 area”.
- (12) In Schedule 3—
- (a) in paragraph 1(4) at the end insert “and no part of that place is in the Tier 4 area”;
 - (b) in paragraph 8(5) at the end insert “and no part of the premises is in the Tier 4 area”;
 - (c) in paragraph 12(2), after paragraph (a)(ix) insert—
 - “(x) needs accommodation to visit a person who is dying,”;
 - (d) in paragraph 12(5) for “22nd December 2020 to 28th December” substitute “24th December 2020 to 26th December”.
- (13) After Schedule 3 insert—

“SCHEDULE 3A

Regulation 8(4)(g)

Tier 4 restrictions

PART 1

Restrictions on movement

Restrictions on leaving home

- 1.—(1) No person who lives in the Tier 4 area may leave or be outside of the place where they are living without reasonable excuse.
- (2) For the purposes of sub-paragraph (1)—
- (a) the circumstances in which a person has a reasonable excuse include where one of the exceptions set out in paragraph 2 applies;
 - (b) the place where a person is living includes the premises where they live together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.
- (3) This paragraph does not apply to any person who is homeless.

Exceptions: leaving home

- 2.—(1) These are the exceptions referred to in paragraph 1.

Exception 1: leaving home necessary for certain purposes

(2) Exception 1 is that it is reasonably necessary for the person concerned (“P”) to leave or be outside the place where P is living (“P’s home”)—

- (a) to buy goods or obtain services from any business or service listed in Part 3 of this Schedule, for—
 - (i) P or for those in the same household,
 - (ii) vulnerable persons, or
 - (iii) persons in the same household as a vulnerable person;
- (b) to obtain money from or deposit money with any business listed in paragraph 17(k) or (l) of this Schedule;
- (c) to take exercise outside—
 - (i) alone,
 - (ii) with—
 - (aa) one or more members of their household, their linked household, or
 - (bb) where exercise is being taken as part of providing informal childcare for a child aged 13 or under, one or more members of their linked childcare household, or
 - (iii) in a public outdoor place, with one other person who is not a member of their household, their linked household or their linked childcare household,and sub-paragraph (3) applies in determining whether a person is complying with the limits in this sub-paragraph;
- (d) to visit a public outdoor place for the purposes of open air recreation—
 - (i) alone,
 - (ii) with—
 - (aa) one or more members of their household, their linked household, or
 - (bb) where exercise is being taken as part of providing informal childcare for a child aged 13 or under, one or more members of their linked childcare household, or
 - (iii) with one other person who is not a member of their household or their linked household,and sub-paragraph (3) applies in determining whether a person is complying with the limits in this sub-paragraph;
- (e) to attend a place of worship;
- (f) to undertake any of the following activities in connection with the purchase, sale, letting or rental of a residential property—
 - (i) visiting estate or letting agents, developer sales offices or show homes;
 - (ii) viewing residential properties to look for a property to buy or to rent;
 - (iii) preparing a residential property to move in;
 - (iv) moving house;
 - (v) visiting a residential property to undertake any activities required for the rental or sale of that property;
- (g) to visit a member of a household which is a linked household in relation to P’s household;

- (h) to collect food, drink or other goods which have been ordered from a business, or to access goods or services which are provided in any way permitted by paragraph 12 or 13; or
 - (i) to visit a waste disposal or recycling centre.
- (3) For the purposes of determining whether a person is complying with the limits in—
- (a) sub-paragraph (2)(c)(ii) and (d)(ii), no account is to be taken of any person who is present as a carer for a person with a disability who needs continuous care (a “carer”),
 - (b) sub-paragraph (2)(c)(iii) and (d)(iii), no account is to be taken of a carer or a child below the age of five,
- provided that, in either case, there are no more than two people present in the capacity of carer.
- (4) A place is a public outdoor place for the purposes of this paragraph if it is a public outdoor place other than a fairground or funfair and—
- (a) no payment is required by any member of the public to access that place, or
 - (b) the place falls within one of the following categories—
 - (i) outdoor sportsgrounds or sports facilities,
 - (ii) botanical gardens,
 - (iii) gardens or grounds of a castle, stately home, historic house or other heritage site.

Exception 2: work, voluntary services, education and training etc

- (5) Exception 2 is that it is reasonably necessary for P to leave or be outside P’s home—
- (a) for the purposes of work or to provide voluntary or charitable services, where it is not reasonably possible for P to work, or to provide those services, from home;
 - (b) for a purpose of the type specified in paragraph 6(3) of this Schedule;
 - (c) to provide care or assistance, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006(3), to a vulnerable person;
 - (d) to provide emergency assistance to any person;
 - (e) to fulfil a legal obligation or to participate in legal proceedings;
 - (f) to access critical public services, including—
 - (i) social services;
 - (ii) services provided by the Department for Work and Pensions;
 - (iii) services provided to victims (including victims of crime);
 - (iv) asylum and immigration services and interviews;
 - (g) to access services provided by voluntary or charitable services, including food banks.

Exception 3: elite athletes

(6) Exception 3 is that P is an elite sportsperson, a coach of an elite sportsperson, or (in the case of an elite sportsperson who is under the age of 18), a parent of the elite sportsperson, and it is reasonably necessary for P to leave or be outside P’s home for the purposes of training or competition.

Exception 4: medical need etc

- (7) Exception 4 is that it is reasonably necessary for P to leave or be outside P’s home—

(3) 2006 c. 47. Paragraph 7(3B) was substituted, with sub-paragraphs (1) to (3) and (3A) to (3E), for sub-paragraphs (1) to (3) by section 66 of the Protection of Freedoms Act 2012 (c. 9).

- (a) to seek medical assistance, including to take any medical tests, be vaccinated or access any of the services referred to in paragraph 17(o) of the Schedule;
- (b) to donate blood or attend medical trials;
- (c) to avoid injury or illness or to escape a risk of harm;
- (d) to attend a person giving birth (“M”) at M’s request;
- (e) to visit a person (“V”) receiving treatment in a hospital or staying in a hospice or care home, or to accompany V to a medical appointment and P is—
 - (i) a member of V’s household,
 - (ii) a close family member of V, or
 - (iii) a friend of V.

Exception 5: Support and respite

- (8) Exception 5 is that it is reasonably necessary for P to leave or be outside P’s home—
 - (a) to attend a meeting of a support group which is permitted to meet under paragraph 6(7);
 - (b) for the following purposes—
 - (i) respite care being provided for a vulnerable person or a person with a disability, or
 - (ii) a short break being provided in respect of a looked after child (within the meaning of section 22 of the Children Act 1989(4)).

Exception 6: death bed visit

- (9) Exception 6 is that it is reasonably necessary for P to leave or be outside P’s home to visit a person (“D”) whom P reasonably believes is dying, and P is—
 - (a) a member of D’s household,
 - (b) a close family member of D, or
 - (c) a friend of D.

Exception 7: funerals etc

- (10) Exception 7 is that it is reasonably necessary for P to leave or be outside P’s home—
 - (a) to attend a funeral,
 - (b) to attend a commemorative event celebrating the life of a person who has died, or
 - (c) to visit a burial ground or garden of remembrance, to pay respects to a member of P’s household, a family member or friend.

Exception 8: marriages and civil partnerships

(11) Exception 8 is that it is reasonably necessary for P to leave or be outside P’s home to attend a marriage ceremony, a civil partnership ceremony or an alternative wedding ceremony permitted under paragraph 6(11).

(12) For the purposes of this exception an “alternative wedding ceremony” is a ceremony based on a person’s faith or belief or lack of belief, to mark the union of two people, other than a ceremony conducted for a purpose mentioned in paragraph 6(13)(a)(i) or (ii).

Exception 9: children

- (13) Exception 9 is that it is reasonably necessary for P to leave or be outside P’s home—

- (a) for the purposes of arrangements for access to, and contact between, parents and a child where the child does not live in the same household as their parents or one of their parents;
 - (b) for the purposes of arrangements for contact between siblings where they do not live in the same household and one or more of them is—
 - (i) a child looked after by a local authority, within the meaning of section 22 of the Children Act 1989, or
 - (ii) a relevant child, within the meaning of section 23A(5) of that Act;
 - (c) for the purposes of arrangements for prospective adopters (including their household) to meet a child or children who may be placed with the prospective adopters as provided for by an adoption placement plan drawn up in accordance with the Adoption Agencies Regulations 2005(6) (see regulation 35(2) of those Regulations);
 - (d) to access facilities for the activities described in paragraph 6(3) of this Schedule, or to accompany a child to those facilities where P is the parent or has parental responsibility for, or care of, the child in question;
 - (e) subject to sub-paragraph (14), for the purposes of—
 - (i) childcare provided by a person registered under Part 3 of the Childcare Act 2006(7);
 - (ii) supervised activities for children;
 - (f) for the purposes of informal childcare, for children aged 13 or under, provided by a member of a household to a member of their linked childcare household;
 - (g) for the purposes of placing children, or facilitating children being placed, in the care of another person by social services, whether on a temporary or permanent basis;
 - (h) for the purposes of attending a parent and child group permitted by paragraph 6(21).
- (14) Sub-paragraph (13)(e) only applies where the childcare is reasonably necessary to enable a parent, or a person who has parental responsibility for, or care of, the child in question, to work, search for work or to undertake training or education.

Exception 10: animal welfare

- (15) Exception 10 is that it is reasonably necessary for P to leave or be outside P's home—
- (a) to attend veterinary services to seek advice about the health and welfare of a pet or other animal owned or cared for by P, or for the treatment of such a pet or animal;
 - (b) to attend to the care of or exercise of a pet or other animal owned or cared for by P.

Exception 11: returning home

(16) Exception 11 is that it is reasonably necessary for P to be outside P's home to enable P to return home from any place where P was on holiday immediately before this Schedule came into force.

Exception 12: prison and immigration detention visits

- (17) Exception 12 is that it is reasonably necessary for P to leave or be outside P's home to visit a person ("VP") living in criminal justice accommodation and immigration detention accommodation, where P is—
- (a) a close family member of VP, or
 - (b) a friend of VP.

(5) Section 23A was inserted by the Children (Leaving Care) Act 2000 (c. 35).

(6) S.I. 2005/389.

(7) 2006 c. 21.

Exception 13: voting

(18) Exception 13 is that it is reasonably necessary for P to leave or be outside P's home for the purposes of voting, counting of votes or activities ancillary to voting or the counting of votes in an election or referendum which is held—

- (a) in accordance with provision made by or under an Act, or
- (b) in accordance with the laws or regulations of a country or territory outside the United Kingdom, but in respect of which arrangements are made by a consular post or diplomatic mission in the United Kingdom for persons eligible to vote in that election or referendum to vote in the United Kingdom.

Exception 14: permitted outdoor sports gathering

(19) Exception 14 is that it is reasonably necessary for P to leave or be outside P's home for the purposes of taking part in an outdoor sports gathering for persons who have a disability, or are aged under 18 or were under 18 on 31st August 2020, are not elite sportspersons and are taking part in any sport or fitness related activity and—

- (a) is organised by a business, charitable, benevolent or philanthropic institution or a public body,
- (b) takes place in an outdoor place other than a private dwelling, and
- (c) in respect of which the organiser or manager takes the required precautions.

(20) For the purposes of sub-paragraph (19) a person taking part in an outdoor sports gathering does not include a spectator or the parent of a child taking part in the gathering.

Exception 15: parent and child groups

(21) Exception 15 is that it is reasonably necessary for P to leave or be outside P's home for the purposes of attending a parent and child group of a kind as described in paragraph 6(20) of this Schedule.

Exception 16: students and vacation households

(22) Subject to sub-paragraph (23), exception 16 is that it is reasonably necessary for P to leave or be outside P's home to—

- (a) move on one occasion from their student household before 8th February 2021 to one other household ("vacation household") for the purposes of a vacation, or
- (b) to return to their term time accommodation after the vacation.

(23) Sub-paragraph 22 only applies where P is a student who is undertaking a higher education course at the time this Schedule came into force.

PART 2

Restrictions on gatherings

Participation in gatherings in private dwellings and other indoor spaces

3.—(1) No person may participate in a gathering in the Tier 4 area which—

- (a) consists of two or more people, and
- (b) takes place in a private dwelling or in any indoor space.

(2) No person living in the Tier 4 area may participate in a gathering outside that area which—

- (a) consists of two or more people, and
 - (b) takes place in a private dwelling or in any indoor space.
- (3) Sub-paragraphs (1) and (2) do not apply if any of the exceptions set out in paragraphs 6 or 7 apply.
- (4) For the purposes of this Part of this Schedule, a gathering takes place in the Tier 4 area if any part of the place where it takes place is in the Tier 4 area.

Participation in gatherings outdoors

- 4.—(1) No person may participate in a gathering in the Tier 4 area which—
- (a) takes place outdoors in a place which satisfies the conditions in sub-paragraph (4) and consists of more than two people; or
 - (b) takes place in any other outdoor place and consists of two or more people.
- (2) No person living in the Tier 4 area may participate in a gathering outside that area which—
- (a) takes place outdoors in a place which satisfies the conditions in sub-paragraph (4) and consists of more than two people; or
 - (b) takes place in any other outdoor place and consists of two or more people.
- (3) Sub-paragraphs (1) and (2) do not apply if any of the exceptions set out in paragraph 6, 7 or 8 applies.
- (4) A place satisfies the condition in this sub-paragraph if it is a public outdoor place other than a fairground or funfair and—
- (a) no payment is required by any member of the public to access that place, or
 - (b) the place falls within one of the following categories—
 - (i) outdoor sportsgrounds or sports facilities;
 - (ii) botanical gardens;
 - (iii) gardens or grounds of a castle, stately home, historic house or other heritage site.

Organisation or facilitation of gatherings

- 5.—(1) No person may hold, or be involved in the holding of, a relevant gathering in the Tier 4 area.
- (2) For the purposes of sub-paragraph (1) a person who only participates in a gathering by attending it is not to be taken as being involved in the holding of the gathering.
- (3) A gathering is a “relevant gathering” for the purposes of this paragraph if it falls within sub-paragraph (4) or (5).
- (4) A gathering falls within this sub-paragraph if it—
- (a) consists of more than 30 persons,
 - (b) takes place indoors, and
 - (c) would be a gathering of the kind mentioned in section 63(1) of the Criminal Justice and Public Order Act 1994 (powers to remove persons attending or preparing for a rave)⁽⁸⁾ if it took place in the open air.
- (5) A gathering falls within this sub-paragraph if (not falling within sub-paragraph (4)) it—
- (a) consists of more than 30 persons,

(8) 1994 c. 33. Section 63(1) was amended by s.58(2) of the Anti-Social Behaviour Act 2003 (c. 38).

- (b) takes place—
 - (i) in a private dwelling,
 - (ii) on a vessel, or
 - (iii) on land which satisfies the condition in sub-paragraph (6), and
- (c) is not a gathering in relation to which any of the exceptions set out in paragraph 6 or 7 (so far as capable of applying to the gathering) applies.
- (6) Land satisfies the condition in this sub-paragraph if it is a public outdoor place which is not—
 - (a) operated by a business, a charitable, benevolent or philanthropic institution, or
 - (b) part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution, or a public body.
- (7) In sub-paragraph (5)(b)(ii) “vessel” does not include government vessels, vessels used for public transport or houseboats.
- (8) In applying for the purposes of sub-paragraph (5)(c) the exceptions set out in paragraph 6, the following do not apply—
 - (a) paragraph 6(3)(a), so far as relating to gatherings in public outdoor places operated by public bodies;
 - (b) paragraph 6(3)(b).

General exceptions in relation to gatherings

6.—(1) These are the exceptions referred to in paragraphs 3, 4 and 5(5)(c).

Exception 1: same or linked households

- (2) Exception 1 is that all the people in the gathering—
 - (a) are members of the same household (or are treated as members of the same household in accordance with these Regulations), or
 - (b) are members of two households which are linked households in relation to each other.

Exception 2: education and training

- (3) Exception 2 is that the gathering is reasonably necessary for the purposes of—
 - (a) early years provision;
 - (b) a course of study or essential life skills training provided by—
 - (i) a 16 to 19 Academy,
 - (ii) a provider of further education, or
 - (iii) a higher education provider;
 - (c) activities relating to residing at a school, a 16 to 19 Academy or a provider of further education;
 - (d) provision specified in an education, health and care plan;
 - (e) the suitable education of a child otherwise than by regular attendance at school arranged by a parent in accordance with section 7 of the Education Act 1996 (and for this purpose “suitable education” has the meaning given by section 436A(3) of the Education Act 1996)⁽⁹⁾;

(9) 1996 c. 56. Section 436A was inserted by section 4(1) of the Education and Inspections Act 2006 (c. 40).

- (f) the suitable education of a child otherwise than by regular attendance at school arranged by—
 - (i) a local authority, as defined by section 579(1) of the Education Act 1996, in accordance with section 19 of that Act, or
 - (ii) the proprietor of a school at which the child is a registered pupil, including where the arrangements are made in connection with section 29A of the Education Act 2002⁽¹⁰⁾ or section 100 of the Education and Inspections Act 2006,

(and for this purpose “suitable education” has the meaning given by section 19(6) of the Education Act 1996);
- (g) activities provided by a business, a charitable, benevolent or philanthropic institution or a public body for the purposes of—
 - (i) obtaining a regulated qualification, within the meaning of section 130 of the Apprenticeships, Skills, Children and Learning Act 2009⁽¹¹⁾, or
 - (ii) meeting all or part of the entry requirements for an educational institution;
- (h) preparing for work through a skills programme consisting of—
 - (i) a work experience placement, or
 - (ii) work preparation training;
- (i) applying for, and obtaining, work;
- (j) meeting a requirement for a particular area of work;
- (k) professional training that is working towards an external accreditation recognised by a professional body;
- (l) exams and assessments carried out in connection with any of the matters mentioned in paragraphs (a) to (k).

Exception 3: gatherings necessary for certain purposes

- (4) Exception 3 is that the gathering is reasonably necessary—
 - (a) for work purposes or for the provision of voluntary or charitable services;
 - (b) to provide emergency assistance;
 - (c) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm;
 - (d) to provide care or assistance to a vulnerable person or a person who has a disability, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006;
 - (e) for the purposes of a house move.

Exception 4: legal obligations and proceedings

- (5) Exception 4 is that the person concerned is fulfilling a legal obligation or participating in legal proceedings.

Exception 5: criminal justice accommodation and immigration detention accommodation

- (6) Exception 5 is that the gathering takes place in criminal justice accommodation or in immigration detention accommodation.

⁽¹⁰⁾ 2002 c. 32. Section 29A was inserted by section 154 of the Education and Skills Act 2008 (c. 25).appretis

⁽¹¹⁾ 2009 c.22.

Exception 6: support groups

(7) Exception 6 is that—

(a) the gathering—

(i) is of a support group,

(ii) consists of no more than 15 persons, and

(iii) takes place at premises other than a private dwelling, and

(b) it is reasonably necessary for members of the group to be physically present at the gathering.

(8) In determining whether the limit in sub-paragraph (7)(a)(ii) is complied with, no account is to be taken of any child who is below the age of five.

Exception 7: respite care

(9) Exception 7 is that the gathering is reasonably necessary for the purposes of—

(a) respite care being provided for a vulnerable person or a person who has a disability, or

(b) a short break being provided in respect of a looked after child (within the meaning given in section 22 of the Children Act 1989).

Exception 8: births

(10) Exception 8 is that the person concerned is attending a person giving birth (“M”) at M’s request.

Exception 9: marriages and civil partnerships etc.

(11) Exception 9 is that the gathering meets the conditions in sub-paragraph (12) or (13).

(12) A gathering meets the conditions in this sub-paragraph if it consists of no more than 6 persons and—

(a) it is for the purposes of—

(i) the solemnisation of a marriage, formation of a civil partnership or conversion of a civil partnership into a marriage in accordance with the Marriage Act 1949⁽¹²⁾, the Marriage (Registrar General’s Licence) Act 1970⁽¹³⁾ or the Civil Partnership Act 2004⁽¹⁴⁾, or

(ii) an alternative wedding ceremony,

(b) in the case of an alternative wedding ceremony, it takes place—

(i) at premises, other than a private dwelling, which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,

(ii) at premises, other than a private dwelling, which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, or

(iii) in a public outdoor place not falling within sub-paragraph (i) or (ii), and

(c) the gathering organiser or manager takes the required precautions in relation to the gathering.

(13) A gathering meets the conditions in this sub-paragraph if it consists of no more than 6 persons and—

⁽¹²⁾ 1949 c. 76.

⁽¹³⁾ 1970 c. 34.

⁽¹⁴⁾ 2004 c. 33.

- (a) the gathering is for the purposes of—
 - (i) the solemnisation of a marriage in accordance with the Marriage (Registrar General’s Licence) Act 1970,
 - (ii) the solemnisation of a marriage by special licence under the Marriage Act 1949, where at least one of the parties to the marriage is seriously ill and not expected to recover,
 - (iii) the formation of a civil partnership under the special procedure provided for in Chapter 1 of Part 2 of the Civil Partnership Act 2004,
 - (iv) the conversion of a civil partnership to a marriage under the special procedure provided for in regulation 9 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014⁽¹⁵⁾, or
 - (v) an alternative wedding ceremony, where at least one of the parties to the marriage is seriously ill and not expected to recover,
- (b) the gathering takes place—
 - (i) at a private dwelling,
 - (ii) at premises which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,
 - (iii) at premises which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, or
 - (iv) in a public outdoor place not falling within sub-paragraph (ii) or (iii),
- (c) it is not reasonably practicable for the gathering to take place in accordance with sub-paragraph (13), and
- (d) the gathering organiser or manager takes the required precautions in relation to the gathering.

(14) In sub-paragraphs (12) and (13), a gathering is for the purposes of an “alternative wedding ceremony” if it is for the purposes of a ceremony, including a ceremony based on a person’s faith or belief or lack of belief, to mark the union of two people, other than a ceremony conducted for a purpose mentioned in sub-paragraph (13)(a)(i) or (14)(a)(i) to (iv).

Exception 10: funerals

- (15) Exception 10 is that—
 - (a) the gathering is for the purposes of a funeral,
 - (b) the gathering consists of no more than 30 persons,
 - (c) the gathering takes place—
 - (i) at premises, other than a private dwelling, which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,
 - (ii) at premises, other than a private dwelling, which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, or
 - (iii) in a public outdoor place not falling within sub-paragraph (i) or (ii), and
 - (d) the gathering organiser or manager (in the case of a gathering taking place at premises mentioned in paragraph (c)(i) or (ii)), or the gathering organiser (in the case of a gathering taking place as mentioned in paragraph (c)(iii)) takes the required precautions in relation to the gathering.

Exception 11: commemorative event following a person's death

(16) Exception 11 is that—

- (a) the gathering is for the purposes of a commemorative event to celebrate the life of a person who has died (for example, a wake or stone setting ceremony),
- (b) the gathering consists of no more than 6 persons,
- (c) the gathering takes place at premises other than a private dwelling, and
- (d) the gathering organiser or manager takes the required precautions in relation to the gathering.

Exception 12: elite sports

(17) Exception 12 is that—

- (a) 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
- (b) the gathering is reasonably necessary for training or competition.

Exception 13: children

(18) Exception 13 is that the gathering is reasonably necessary—

- (a) for the purposes of 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;
- (b) for the purposes of arrangements for contact between siblings where they do not live in the same household and one or more of them is—
 - (i) a child looked after by a local authority, within the meaning of section 22 of the Children Act 1989, or
 - (ii) a relevant child, within the meaning of section 23A of that Act;
- (c) for the purposes of arrangements for prospective adopters (including their household) to meet a child or children who may be placed with the prospective adopters as provided for by an adoption placement plan drawn up in accordance with the Adoption Agencies Regulations 2005(16) (see regulation 35(2) of those Regulations);
- (d) for the purposes of placing children, or facilitating children being placed, in the care of another person by social services, whether on a temporary or permanent basis;
- (e) for the purposes of—
 - (i) childcare provided by a person registered under Part 3 of the Childcare Act 2006, or
 - (ii) supervised activities for children or other persons who were under the age of 18 on 31st August 2020;
- (f) for the purposes of informal childcare provided by a member of a household to a member of their linked childcare household;
- (g) for the purposes of placing children, or facilitating children being placed, in the care of another person by social services, whether on a temporary or permanent basis.

(19) Sub-paragraph (18)(e) only applies where the childcare is reasonably necessary to enable a parent, or a person who has parental responsibility for, or care of, the child in question, to work, search for work or to undertake training or education.

Exception 14: parent and child groups

(20) Exception 14 is that the gathering is of a parent and child group which is organised by a business, a charitable, benevolent or philanthropic institution or a public body for the benefit of children under the age of five and—

- (a) the gathering consists of no more than 15 persons, and
- (b) the gathering takes place at premises other than a private dwelling.

(21) In determining whether the limit in sub-paragraph (20)(a) is complied with, no account is to be taken of any child who is below the age of five.

Exception 15: students and vacation households

(22) Exception 15 is that the gathering is reasonably necessary to enable a student who is undertaking a higher education course at the time this Schedule came into force—

- (a) to move on one occasion from their student household on or after that time but before 8th February 2021 to one other household (“vacation household”) for the purposes of a vacation, or
- (b) to return to their term time accommodation after the vacation.

(23) For the purposes of these Regulations—

- (a) a student who has moved to a vacation household is to be treated as a member of that household during the vacation (and not as a member of their student household) until the date on which they return to their student household;
- (b) the inclusion of a student in a vacation household is to be ignored in determining whether that household satisfies the condition in regulation 3(2).

Exception 16: communal worship

(24) Exception 16 is that—

- (a) the gathering is for the purposes of communal worship in a place of worship,
- (b) the person concerned participates in the gathering alone or as a member of a qualifying group (see paragraph 7), and
- (c) the gathering organiser takes the required precautions in relation to the gathering.

Exceptions in relation to indoor gatherings and certain outdoor gatherings

7.—(1) These are the exceptions relating only to indoor gatherings and outdoor gatherings in a place which does not satisfy the conditions set out in paragraph 4(4).

Exception 1: visiting a dying person

(2) Exception 1 is that the person concerned (“P”) is visiting a person whom P reasonably believes is dying (“D”), and P is—

- (a) a member of D’s household,
- (b) a close family member of D, or
- (c) a friend of D.

Exception 2: visiting persons receiving treatment etc.

(3) Exception 2 is that the person concerned (“P”) is visiting a person (“V”) receiving treatment in a hospital or staying in a hospice or care home, or is accompanying V to a medical appointment and P is—

- (a) a member of V’s household,

- (b) a close family member of V, or
- (c) a friend of V.

Exception in relation to outdoor gatherings

8.—(1) This exception is that the person concerned is taking part in an outdoor sports gathering for persons who have a disability, are aged under 18 or were under 18 on 31st August 2020, are not elite sportspersons and are taking part in any sport or fitness related activity that—

- (a) is organised by a business, charitable, benevolent or philanthropic institution or a public body,
- (b) takes place in an outdoor place other than a private dwelling, and
- (c) in respect of which the organiser or manager takes the required precautions.

(2) For the purposes of sub-paragraph (2) a person taking part in an outdoor sports gathering does not include a spectator or the parent of a child taking part in the gathering.

Qualifying groups

9.—(1) A person participates in a gathering as a member of a qualifying group only if the person is a part of a qualifying group and, whilst participating in the gathering, the person does not—

- (a) become a member of any other group of people participating in the gathering (whether or not that group is a qualifying group), or
- (b) otherwise mingle with any person who is participating in the gathering but is not a member of the same qualifying group as them.

(2) In sub-paragraph (1) “qualifying group”, in relation to a gathering, means a group of people who are participating in the gathering which consists only of persons who are—

- (a) members of the same household,
- (b) members of two households which are linked households in relation to each other, or
- (c) members of two households which are linked childcare households in relation to each other and the gathering is for the purposes of informal childcare provided by a member of one of those households to the other.

PART 3

Closure of, and restrictions on, businesses

Requirement to close premises and businesses

10.—(1) A person responsible for carrying on a restricted business, or providing a restricted service, in the Tier 4 area must cease to carry on that business or provide that service.

(2) Where a restricted business or restricted service forms, or is provided as, part of a larger business and that larger business is not itself a restricted business, the person responsible for carrying on the larger business complies with the requirement in sub-paragraph (1) by closing the restricted business or by ceasing to provide the restricted service.

(3) The requirement in sub-paragraph (1) is subject to the exceptions in paragraph 12.

(4) In this paragraph “restricted business” and “restricted service” means a business or service which—

- (a) is of a kind specified in paragraph 15(2) or (7), or

(b) is carried on from, or provided at, premises of a kind specified in paragraph 15(2) or (7).

(5) For the purposes of this Part of this Schedule, premises are in the Tier 4 area if any part of the premises is in the Tier 4 area.

Restrictions on service of food and drink for consumption on the premises

11.—(1) A person responsible for carrying on a restricted business, or providing a restricted service in the Tier 4 area, must—

(a) close any premises, or part of the premises, in which food or drink are provided for consumption on those premises, and

(b) cease providing food or drink for consumption on its premises.

(2) The requirement in sub-paragraph (1) is subject to the exceptions in paragraphs 12 and 13.

(3) For the purposes of sub-paragraph (1)(a), food or drink provided by a hotel or other accommodation as part of room service is not to be treated as being provided for consumption on its premises.

(4) For the purposes of sub-paragraph (1), references to food or drink being for consumption on premises include references to consumption on an area adjacent to the premises of the restricted business or restricted service—

(a) where seating is made available for its customers (whether or not by the business or the provider of the service), or

(b) which its customers habitually use for consumption of food or drink served by the business or service.

(5) Sub-paragraph (4) does not apply where the restricted business or restricted service is situated or provided—

(a) at a motorway service area, or

(b) within a part of—

(i) an airport or maritime port, or

(ii) the international rail terminal area within the vicinity of Cheriton, Folkestone (as referred to in section 1(7)(b) of the Channel Tunnel Act 1987⁽¹⁷⁾),

and that part of the airport, maritime port or terminal area is accessible to passengers, crew or other authorised persons but not to members of the general public.

(6) Where a restricted business or restricted service forms, or is provided as, part of a larger business and that larger business is not itself a restricted business, the person responsible for carrying on the larger business complies with the requirement in sub-paragraph (1) by closing the restricted business or by ceasing to provide the restricted service.

(7) In this paragraph, “restricted business” and “restricted service” means a business or service which—

(a) is of a kind specified in paragraph 15(6), or

(b) is carried on from, or provided at, premises of a kind specified in paragraph 15(6).

Exceptions to paragraphs 10 and 11

12.—(1) Paragraphs 10(1) and 11(1) do not prevent the use of—

(a) any premises used for a restricted business or restricted service—

(17) 1987 c. 53.

- (i) to provide essential voluntary services or urgent public support services, including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions or support in an emergency;
 - (ii) for the purposes of voting, counting of votes or activities ancillary to voting or the counting of votes in an election or referendum which is held—
 - (aa) in accordance with provision made by or under an Act, or
 - (bb) in accordance with the laws or regulations of a country or territory outside the United Kingdom, but in respect of which arrangements are made by a consular post or diplomatic mission in the United Kingdom for persons eligible to vote in that election or referendum to vote in the United Kingdom;
 - (b) any premises used for the making of a film, television programme, audio programme or audio-visual advertisement;
 - (c) facilities for training by elite sportspersons including indoor gyms, fitness studios, skating rinks, snooker and pool halls and other indoor sports facilities;
 - (d) indoor fitness and dance studios, and skating rinks by professional dancers and choreographers (and for this purpose a person is a professional dancer or choreographer if the person derives their living from dance or from choreographing dance);
 - (e) indoor gyms, fitness studios, indoor sports facilities and other indoor leisure centres for supervised activities for children, or for persons who have a disability and who are not elite sportspersons to take part in any fitness related activity;
 - (f) indoor gyms, fitness studios, indoor swimming pools, indoor sports facilities and other indoor leisure centres—
 - (i) by schools or providers for post-16 education or training (as defined in paragraph 1(8)(e) of Schedule 17 to the Coronavirus Act 2020(18)),
 - (ii) in facilities in criminal justice accommodation, immigration detention accommodation or an establishment intended for use by Her Majesty’s armed forces or for the purposes of the Department of the Secretary of State responsible for defence;
 - (g) theatres and concert halls for—
 - (i) education and training of a kind mentioned in paragraph 6(3),
 - (ii) rehearsal, or
 - (iii) performance without an audience for broadcast or recording purposes;
 - (h) theatres, conference centres and exhibition halls for use, at the request of the Secretary of State in connection with a government programme responding to the incidence and spread of coronavirus in England.
- (2) Paragraph 10(1) does not prevent a person responsible for carrying on a restricted business or providing a restricted service (“the closed business”) from—
- (a) carrying on a business which is not a restricted business, or providing services which are not restricted services—
 - (i) in premises which are separate from the premises used for the closed business,
 - (ii) by making deliveries or otherwise providing services in response to orders received—
 - (aa) through a website, or otherwise by online communication,
 - (bb) by telephone, including orders by text message, or

- (cc) by post, or
 - (iii) to a purchaser who collects goods that have been pre-ordered by a means mentioned in sub-paragraph (ii), provided the purchaser does not enter inside the premises to do so, or
 - (b) operating a café or restaurant solely to sell food or drink for consumption off the premises, if the café or restaurant is separate from the premises used for the closed business.
- (3) For the purposes of sub-paragraph (2), a premises, café or restaurant (“PCR”) is separate from premises used for the closed business if—
- (a) the PCR is in a self-contained unit, and
 - (b) it is possible for a member of the public to enter the PCR from a place outside the premises used for the closed business.

Exceptions to paragraph 11

- 13.**—(1) Paragraph 11(1) does not prevent the person responsible for carrying on a restricted business, or providing a restricted service, of a kind specified in paragraph 15(6)—
- (a) from selling food or drink for consumption off the premises between the hours of 05:00 and 23:00;
 - (b) from selling food or drink for consumption off the premises between the hours of 23:00 and 05:00 by a method of sale permitted by sub-paragraph (2).
- (2) The methods of sale permitted under this sub-paragraph are—
- (a) making deliveries in response to orders received—
 - (i) through a website, or otherwise by online communication,
 - (ii) by telephone, including orders by text message, or
 - (iii) by post,
 - (b) providing food or drink to a purchaser who collects the food or drink that has been pre-ordered by a means mentioned in paragraph (a), provided the purchaser does not enter inside the premises to do so, or
 - (c) providing food or drink to a purchaser who collects the food or drink in a vehicle, and to whom the food or drink is passed without the purchaser or any other person leaving the vehicle.
- (3) Paragraph 11(1) does not prevent the person responsible for carrying on a restricted business, or providing a restricted service, of a kind specified in paragraph 15(6)(a) to (e) from carrying on that business, or providing that service, if—
- (a) the business or service is carried on or provided in an aircraft, train or vessel,
 - (b) the aircraft, train or vessel is providing a public transport service, and
 - (c) alcohol is not served in the carrying on of the business, or the provision of the service, concerned (subject to sub-paragraph (4)(b)).
- (4) In sub-paragraph (3)—
- (a) “public transport service” has the meaning given by regulation 2(2) of the Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020(19), but for these purposes does not include a service provided primarily for dining or other recreational purposes;

(b) paragraph (c) does not apply in respect of the service of alcohol to persons who are seated on an aircraft.

(5) Paragraph 11(1) does not prevent the person responsible for carrying on a restricted business, or providing a restricted services of a kind specified in paragraph 15(6)(a) to (e) from selling food or drink for consumption off the premises if—

(a) the business or service is carried on or provided within—

(i) a motorway service area,

(ii) a part of—

(aa) any airport or maritime port, or

(bb) the international rail terminal within the vicinity of Cheriton, Folkestone (as referred to in section 1(7)(b) of the Channel Tunnel Act 1987),

(b) in the case of a business or service falling within paragraph (a)(ii), that part of the airport, maritime port or terminal area is accessible to passenger, crew or other authorised persons but not to members of the general public, and

(c) alcohol is not served between the hours of 23:00 and 05:00 in the carrying on of the business, or the provision of the service, concerned.

(6) Where a restricted business or restricted service of a kind specified in paragraph 15(6)(a) or (b) is carried on or provided as part of an extra care housing scheme, paragraph 11(1) does not prevent the person responsible for carrying on that business, or providing that service, from providing food or drink for consumption on the premises by a relevant person where it is reasonably necessary to do so for the purpose of safeguarding the mental or physical health of the relevant person.

(7) For the purposes of sub-paragraph (6) and this sub-paragraph—

(a) “extra care housing scheme” means a scheme—

(i) that provides accommodation intended for occupation by adults with needs for care and support (“designated extra care accommodation”), and

(ii) with an on-site care service;

(b) “relevant person” means, in relation to a business or service carried on or provided as part of an extra care housing scheme or for use by residents of an extra care housing scheme, a resident of the designated extra care accommodation;

(c) “on-site care service” means regulated personal or nursing care provided to residents as part of the scheme by—

(i) the extra care housing scheme provider, or

(ii) another registered care provider who maintains an on-site presence in accordance with an agreement with either or both of the extra care housing scheme provider or the local social services authority in which the scheme is situated;

(d) “registered care provider” means a person registered as a service provider in respect of regulated personal or nursing care in accordance with Chapter 2 of Part 1 of the Health and Social Care Act 2008⁽²⁰⁾;

(e) “local social services authority” means the council of a non-metropolitan county, of a county borough or of a metropolitan district or London borough, or the Common Council of the City of London.

(8) For the purposes of sections 172F to 172J of the Licensing Act 2003⁽²¹⁾, where a restricted business or restricted service is carried on from, or provided at, licenced premises, the premises are

⁽²⁰⁾ 2008 c. 14.

⁽²¹⁾ 2005 c.17 Sections 172F to 172J were inserted by the Business and Planning Act 2020 (c. 16), section 11(2).

to be treated as open for the purposes of selling alcohol at any time when the premises licence for those premises would, but for paragraph 11(1), authorise the sale by retail of alcohol for consumption on the premises.

Closure of holiday accommodation

14.—(1) Subject to sub-paragraph (2), a person responsible for carrying on a business consisting of the provision of holiday accommodation situated in the Tier 4 area, whether in a hotel, hostel, bed and breakfast accommodation, holiday apartment, home, cottage or bungalow, campsite, caravan park or boarding house, canal boat or any other vessel, must cease to carry on that business.

(2) A person referred to in sub-paragraph (1) may continue to carry on their business and keep any premises used in that business open—

- (a) to provide accommodation for any person who—
 - (i) is unable to return to their main residence;
 - (ii) uses that accommodation as their main residence;
 - (iii) needs accommodation for the purposes of a house move;
 - (iv) needs accommodation to attend a funeral or following a bereavement of a close family member or friend;
 - (v) needs accommodation to attend a commemorative event to celebrate the life of a person who has died;
 - (vi) needs accommodation to attend a medical appointment, or to receive treatment;
 - (vii) is a carer of a vulnerable person or a person who has a disability and needs respite;
 - (viii) is isolating themselves from others as required by law;
 - (ix) is an elite athlete or the coach of an elite athlete and needs accommodation for the purposes of training or competition or, where an elite athlete is a child, their parent;
 - (x) needs accommodation to visit a person who is dying;
- (b) to provide accommodation for any person who needs accommodation for the purposes of their work or to provide voluntary or charitable services,
- (c) to provide accommodation for any person who needs accommodation for the purposes of education or training of a kind mentioned in paragraph 6(3) or, where that person is a child, their parent,
- (d) to provide accommodation for the purposes of a women’s refuge or a vulnerable person’s refuge,
- (e) to provide accommodation or support services for the homeless,
- (f) to provide accommodation for any person who was staying in that accommodation immediately before the time when the area in which the accommodation is located became part of the Tier 4 area,
- (g) to provide accommodation for any person who is staying in that accommodation in order to provide care or assistance to a vulnerable person or a person who has a disability who is staying in the same accommodation,
- (h) to host blood donation sessions or food banks, or
- (i) for any purpose requested by the Secretary of State or a local authority.

(3) Sub-paragraph (1) does not prevent the use of any accommodation for the purposes of voting, counting of votes or activities ancillary to voting or the counting of votes in an election or referendum which is held—

- (a) in accordance with provision made by or under an Act, or

- (b) in accordance with the laws or regulations of another country or territory, but in respect of which arrangements are made by a consular post or diplomatic mission in the United Kingdom for persons eligible to vote in that election or referendum to vote in the United Kingdom.

Restricted businesses and services for purposes of Part 3 of this Schedule

15.—(1) The restricted businesses and restricted services for the purposes of this Part of this Schedule are those falling within sub-paragraph (2), (6) or (7).

(2) The following businesses and services fall within this sub-paragraph—

- (a) nightclubs;
- (b) dance halls;
- (c) discotheques;
- (d) any other venue (not falling within paragraph (b) or (c)) which—
 - (i) opens at night,
 - (ii) 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), and
 - (iii) provides music, whether live or recorded, for dancing;
- (e) sexual entertainment venues;
- (f) hostess bars;
- (g) any business which provides, whether for payment or otherwise—
 - (i) a waterpipe to be used for the consumption of tobacco or any other substance on the premises, or
 - (ii) a device to be used for the recreational inhalation of nicotine or any other substance on the premises.

(3) A business or service does not fall within sub-paragraph (2)(b), (c) or (d) if it ceases to provide music and dancing.

(4) In sub-paragraph (2)(e) “sexual entertainment venue” has the meaning given in paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982⁽²²⁾.

(5) In sub-paragraph (2)(f) “hostess bar” has the meaning given by paragraph 3B of that Schedule.

(6) The following businesses and services fall within this sub-paragraph—

- (a) restaurants, including restaurants and dining rooms in hotels or members’ clubs;
- (b) cafes, including workplace canteens, but not including—
 - (i) cafes or canteens at a hospital, care home, school, educational accommodation for students attending higher education courses or provider of post-16 education or training (as defined in paragraph 1(8) of Schedule 17 to the Coronavirus Act 2020),
 - (ii) canteens at criminal justice accommodation, immigration detention accommodation or an establishment intended for use by Her Majesty’s armed forces or for the purposes of the Department of the Secretary of State responsible for defence,
 - (iii) cafes or canteens at a higher education provider, where there is no practical alternative for staff and students at that institution to obtain food or drink and alcohol is not served for consumption on the premises,

(22) 1982 c. 30. Paragraph 2A was inserted by section 27 of the Policing and Crime Act 2009 (c. 26)

- (iv) workplace canteens, where there is no practical alternative for staff at that workplace to obtain food or drink and alcohol is not served for consumption on the premises, or
 - (v) services providing food or drink to the homeless;
 - (c) bars, including bars in hotels or members' clubs;
 - (d) public houses;
 - (e) businesses providing food or drink prepared on the premises for immediate consumption off the premises, but not including—
 - (i) supermarkets,
 - (ii) convenience stores, corner shops and newsagents,
 - (iii) pharmacists and chemists, or
 - (iv) petrol stations;
 - (f) social clubs.
- (7) The following businesses and services fall within this sub-paragraph—
- (a) the following indoor facilities—
 - (i) dance studios,
 - (ii) fitness studios,
 - (iii) gyms,
 - (iv) sports courts,
 - (v) swimming pools,
 - (vi) playgrounds,
 - (vii) soft play centres or soft play areas,
 - (vi) other indoor leisure centres or facilities, including indoor games, recreation and entertainment venues;
 - (b) casinos;
 - (c) bingo halls;
 - (d) bowling alleys;
 - (e) indoor riding centres;
 - (f) amusement arcades, including adult gaming centres;
 - (g) cinemas;
 - (h) theatres;
 - (i) concert halls;
 - (j) skating rinks;
 - (k) circuses;
 - (l) water parks and aqua parks;
 - (m) theme parks, fairgrounds and funfairs;
 - (n) adventure parks and activities;
 - (o) aquariums, and zoos, including safari parks;
 - (p) animal attractions at farms, wildlife centres and any other place where animals are exhibited to the public as an attraction;
 - (q) model villages;

- (r) kitchen, bathroom, tile and glazing showrooms;
- (s) museums and galleries;
- (t) indoor attractions at visitor attractions such as—
 - (i) sculpture parks,
 - (ii) landmarks, including observation wheels or viewing platforms,
 - (iii) botanical or other gardens, biomes or greenhouses,
 - (iv) stately or historic homes, castles or other heritage sites;
- (u) visitor attractions at film studios;
- (v) conference centres and exhibition halls, so far as they are used to host conferences, exhibitions, trade shows, private dining events or banquets, other than conferences, trade shows or events which are attended only by employees of the person who owns or is responsible for running the conference centre or exhibition hall;
- (w) betting shops;
- (x) spas;
- (y) tanning salons;
- (z) nail salons, beauty salons, hair salons and barbers;
- (aa) massage parlours;
- (bb) tattoo and piercing parlours;
- (cc) carpet stores;
- (dd) showrooms and other premises, including outdoor areas, used for the sale or hire of caravans, boats or any vehicle which can be propelled by mechanical means;
- (ee) car washes (except for automatic car washes);
- (ff) auction houses (except for auctions of livestock or agricultural equipment);
- (gg) outdoor markets (except for livestock markets, stalls selling food and any other retailer listed in paragraph 17).

(8) For the purposes of sub-paragraph (7)(t), an “indoor attraction” means those parts of a venue, including visitor centres but not including toilets for visitors, which—

- (a) would be considered to be enclosed or substantially enclosed for the purposes of section 2 of the Health Act 2006⁽²³⁾ under the Smoke-free (Premises and Enforcement) Regulations 2006⁽²⁴⁾, and
- (b) are in normal times open for members of the public to visit for the purposes of recreation, whether or not for payment.

(9) For the purposes of sub-paragraph (7)(v), a “trade show” is an event held to bring together members of a particular industry to display, demonstrate and discuss their latest products or services with members of the public or other members of the industry.

(10) For the purposes of sub-paragraph (7)(ff) “livestock” means—

- (a) any animal which is kept—
 - (i) for the provision of food, wool, skins or fur,
 - (ii) to be used in carrying on any agricultural activity, and
- (b) horses.

⁽²³⁾ 2006 c. 28. Section 2 was amended by paragraph 4 of Schedule 2 to the Public Health (Wales) Act 2017 (2017 anaw 2).

⁽²⁴⁾ S.I. 2006/3368, to which there are amendments which are not relevant to these Regulations.

Further restrictions on businesses

16.—(1) A person responsible for carrying on a business in the Tier 4 area of offering goods for sale or for hire in a shop, or providing library services, other than a business listed in paragraph 17 must—

- (a) cease to carry on that business or provide that service except—
 - (i) 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;
 - (ii) to a purchaser who collects goods that have been pre-ordered by a means mentioned in paragraph (i), provided that the purchaser does not enter inside the premises to do so,
- (b) subject to sub-paragraphs (2), (3) and (4)—
 - (i) close any premises which are not required to carry on its business or provide its service as permitted by paragraph (a);
 - (ii) cease to admit any person to its premises who is not required to carry on its business or provide its service as permitted by paragraph (a).

(2) A person responsible for providing library services in the Tier 4 area may open the library premises for the purposes of—

- (a) support groups;
- (b) childcare provided by a person who is registered under Part 3 of the Childcare Act 2006 or supervised activities for children;
- (c) education or training of the description in paragraph 6(3);
- (d) providing essential voluntary services or public support services, including digital access to public services, the provision of food bank or other support for the homeless or vulnerable people, blood donation services or support in an emergency;
- (e) voting, counting of votes or activities ancillary to voting or the counting of votes in an election or referendum which is held—
 - (i) in accordance with provision made by or under an Act, or
 - (ii) in accordance with the laws or regulations of a country or territory outside the United Kingdom, but in respect of which arrangements are made by a consular post or diplomatic mission in the United Kingdom for persons eligible to vote in that election or referendum to vote in the United Kingdom.

(3) Sub-paragraph (1) does not prevent any business from continuing to provide—

- (a) hot or cold food for consumption off the premises, or
- (b) goods or services to the homeless.

(4) A person responsible for carrying on a business or providing a service referred to in sub-paragraph (1), may open any premises for the purposes of making a film, television programme, audio programme or audio-visual advertisement.

(5) A person who is responsible for a community centre or hall in the Tier 4 area must ensure that the community centre or hall is closed except where it is used for the purposes of—

- (a) the provision of essential voluntary activities or urgent public support services (including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions or support in an emergency),

- (b) education or training of the description in paragraph 6(3),
- (c) support groups,
- (d) childcare provided by a person who is registered under Part 3 of the Childcare Act 2006, or supervised activities for children,
- (e) weddings, funerals and commemorative events to celebrate the life of a person who has died, as permitted by this Schedule,
- (f) the purposes described in sub-paragraph (2)(e).

(6) If a business referred to in sub-paragraph (1) (“business A”) forms, or is provided as, part of a larger business (“business B”) and business B is not restricted under these Regulations, the person responsible for carrying on business B complies with the requirement in sub-paragraph (1) to cease to carry on its business if it ceases to carry on business A.

Businesses allowed to remain open in Tier 4 area

17. The following businesses are allowed to remain open in the Tier 4 area—

- (a) food retailers, including food markets, supermarkets, convenience stores and corner shops,
- (b) off licenses and licensed shops selling alcohol (including breweries),
- (c) pharmacies (including non-dispensing pharmacies) and chemists,
- (d) newsagents,
- (e) animal rescue centres and animal boarding facilities,
- (f) building merchants and suppliers of products and tools used in building work and repairs,
- (g) petrol stations,
- (h) vehicle repair and MOT services,
- (i) bicycle shops,
- (j) taxi or vehicle hire businesses,
- (k) the following businesses—
 - (i) banks
 - (ii) building societies
 - (iii) credit unions
 - (iv) short term loan providers
 - (v) savings clubs
 - (vi) cash points
 - (vii) undertakings which by way of business operate currency exchange offices, transmit money (or any representation of money) by any means or cash cheques which are made payable to customers,
- (l) post offices,
- (m) funeral directors,
- (n) laundrettes and dry cleaners,
- (o) dental services, opticians, audiology services, chiropody, chiropractors, osteopaths and other medical or health services, including services relating to mental health,
- (p) veterinary surgeons and pet shops,
- (q) agricultural supplies shops,

- (r) storage and distribution facilities, including delivery drop off or collection points, where the facilities are in the premises of a business included in this Part,
 - (s) car parks,
 - (t) public toilets,
 - (u) garden centres,
 - (v) automatic car washes,
 - (w) mobility and disability support shops,
 - (x) businesses selling or supplying natural Christmas trees.”.
- (14) In Schedule 4—
- (a) in the Schedule heading for “area and Tier 3” substitute “, Tier 3 and Tier 4”;
 - (b) in Part 2 omit the entries relating to the following—
 - Kent County Council
 - Medway Council
 - Buckinghamshire Council
 - Bracknell Forest Council
 - West Berkshire Council
 - Reading Borough Council
 - Royal Borough of Windsor and Maidenhead
 - Wokingham Borough Council
 - Slough Borough Council
 - Elmbridge Borough Council
 - Epsom and Ewell Borough Council
 - Guildford Borough Council
 - Mole Valley District Council
 - Reigate and Banstead Borough Council
 - Runnymede Borough Council
 - Spelthorne Borough Council
 - Surrey Heath Borough Council
 - Tandridge District Council
 - Woking Borough Council
 - Hastings Borough Council
 - Rother District Council
 - Havant Borough Council
 - Gosport Borough Council
 - Portsmouth City Council
 - Hertfordshire County Council
 - Bedford Borough Council
 - Central Bedfordshire Council
 - Milton Keynes Council
 - Luton Borough Council

Peterborough City Council
Basildon Borough Council
Braintree District Council
Brentwood Borough Council
Castle Point Borough Council
Chelmsford City Council
Epping Forest District Council
Harlow District Council
Maldon District Council
Rochford District Council
Southend-on-Sea Borough Council
Thurrock Council
City of Westminster
London Borough of Barking and Dagenham
London Borough of Barnet
London Borough of Bexley
London Borough of Brent
London Borough of Bromley
London Borough of Camden
London Borough of Croydon
London Borough of Ealing
London Borough of Enfield
London Borough of Hackney
London Borough of Hammersmith and Fulham
London Borough of Haringey
London Borough of Harrow
London Borough of Havering
London Borough of Hillingdon
London Borough of Hounslow
London Borough of Islington
London Borough of Lambeth
London Borough of Lewisham
London Borough of Merton
London Borough of Newham
London Borough of Redbridge
London Borough of Richmond upon Thames
London Borough of Southwark
London Borough of Sutton
London Borough of Tower Hamlets

London Borough of Waltham Forest Council
London Borough of Wandsworth Council
Royal Borough of Greenwich
Royal Borough of Kensington and Chelsea
Royal Borough of Kingston upon Thames
The Common Council, in respect of the City of London
The Sub-Treasurer, in respect of the Inner Temple and the Under Treasurer, in respect of the Middle Temple.

(c) at the end insert—

“PART 3

Tier 4 area

The areas of the following are within the Tier 4 area—

South East

Kent County Council
Medway Council
Buckinghamshire Council
West Berkshire Council
Bracknell Forest Council
Reading Borough Council
Royal Borough of Windsor and Maidenhead
Wokingham Borough Council
Slough Borough Council
Elmbridge Borough Council
Epsom and Ewell Borough Council
Guildford Borough Council
Mole Valley District Council
Reigate and Banstead Borough Council
Runnymede Borough Council
Spelthorne Borough Council
Surrey Heath Borough Council
Tandridge District Council
Woking Borough Council
Hastings Borough Council
Rother District Council
Havant Borough Council
Gosport Borough Council
Portsmouth City Council

East of England

Hertfordshire County Council
Bedford Borough Council
Central Bedfordshire Council
Milton Keynes Council
Luton Borough Council
Peterborough City Council
Basildon Borough Council
Braintree District Council
Brentwood Borough Council
Castle Point Borough Council
Chelmsford City Council
Epping Forest District Council
Harlow District Council
Maldon District Council
Rochford District Council
Southend-on-Sea Borough Council
Thurrock Council

London

City of Westminster
London Borough of Barking and Dagenham
London Borough of Barnet
London Borough of Bexley
London Borough of Brent
London Borough of Bromley
London Borough of Camden
London Borough of Croydon
London Borough of Ealing
London Borough of Enfield
London Borough of Hackney
London Borough of Hammersmith and Fulham
London Borough of Haringey
London Borough of Harrow
London Borough of Havering
London Borough of Hillingdon
London Borough of Hounslow
London Borough of Islington
London Borough of Lambeth
London Borough of Lewisham
London Borough of Merton

London Borough of Newham
 London Borough of Redbridge
 London Borough of Richmond upon Thames
 London Borough of Southwark
 London Borough of Sutton
 London Borough of Tower Hamlets
 London Borough of Waltham Forest Council
 London Borough of Wandsworth Council
 Royal Borough of Greenwich
 Royal Borough of Kensington and Chelsea
 Royal Borough of Kingston upon Thames
 The Common Council, in respect of the City of London
 The Sub-Treasurer, in respect of the Inner Temple and the Under Treasurer, in respect of the Middle Temple”.

PART 3

Amendment of the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020

Amendment of the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020

3.—(1) The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020(25) are amended as follows.

(2) In regulation 1(3)—

(a) after sub-paragraph (fb) insert—

“(fc) “Tier 4 area” has the meaning given by regulation 8(4)(h) of the Principal Regulations;”;

(b) for sub-paragraph (h) substitute—

“(h) premises are located in—

(i) an area which is part of the Tier 2 area if any part of the premises is located in that area and no part of the premises is located in the Tier 3 area or the Tier 4 area;

(ii) an area which is part of the Tier 3 area if any part of the premises is located in the Tier 3 area and no part of the premises is located in the Tier 4 area;

(iii) an area which is part of the Tier 4 area if any part of the premises is located in the Tier 4 area.”.

(3) In regulation 1A—

(a) in paragraph (1), for “or of the Tier 3 area”, substitute “, the Tier 3 area or the Tier 4 area”;

(b) before paragraph (2) insert—

“(1C) A person who operates or occupies relevant premises in the Tier 3 area must, during the emergency period, take all reasonable measures to ensure that—

- (a) no bookings are accepted for—
 - (i) a group of more than six persons, where the group is to be located in a place which satisfies the conditions in paragraph 2(4) of Schedule 3 to the Principal Regulations (“a relevant place”), unless one of the exceptions in paragraph 4 or 6 of that Schedule applies; or
 - (ii) a group of two or more persons to be located in a place which is not a relevant place, unless one of the exceptions in paragraph 4 to 6 of Schedule 3 to the Principal Regulations applies;
- (b) no persons are admitted to the premises in—
 - (i) a group of more than six persons, where the group is to be located in a relevant place, unless one of the exceptions in paragraph 4 or 6 of Schedule 3 to the Principal Regulations applies; or
 - (ii) a group of two or more persons to be located in a place which is not a relevant place, unless one of the exceptions in paragraph 4 to 6 of Schedule 3 to the Principal Regulations applies;
- (c) no person joins another group or otherwise acts in a way which would contravene the Principal Regulations.

(1D) A person who operates or occupies relevant premises in the Tier 4 area must, during the emergency period, take all reasonable steps to ensure that—

- (a) no bookings are accepted for—
 - (i) a group of more than two persons, where the group is to be located in a place which satisfies the conditions in paragraph 4(4) of Schedule 3A to the Principal Regulations (“a relevant place”), unless one of the exceptions in paragraph 6 or 8 of that Schedule applies; or
 - (ii) a group of two or more persons to be located in a place which is not a relevant place, unless one of the exceptions in paragraphs 6 to 8 of Schedule 3A to the Principal Regulations applies;
- (b) no persons are admitted to the premises in—
 - (i) a group of more than two persons, where the group is to be located in a relevant place, unless one of the exceptions in paragraph 6 or 8 of Schedule 3A to the Principal Regulations applies; or
 - (ii) a group of two or more persons to be located in a place which is not a relevant place, unless one of the exceptions in paragraphs 6 to 8 of Schedule 3A to the Principal Regulations applies;
- (c) no person joins another group or otherwise acts in a way which would contravene the Principal Regulations.”.

At 6.00 a.m. on 20th December 2020

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

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations make changes to the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020. They create a further Tier of restrictions and place certain areas within that Tier.

They also amend the Health Protection (Coronavirus, Restrictions) (Obligations on Undertakings) (England) Regulations 2020 to clarify the obligations on certain undertakings.

No impact assessment has been prepared for these Regulations.