

This Statutory Instrument corrects errors in the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (S.I. 2020/350) and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2020 No. 447

PUBLIC HEALTH, ENGLAND

**The Health Protection (Coronavirus, Restrictions)
(England) (Amendment) Regulations 2020**

Approved by both Houses of Parliament

<i>Made</i>	- - - -	<i>21st April 2020</i>
		<i>at 12.30 p.m. on</i>
<i>Laid before Parliament</i>		<i>22nd April 2020</i>
		<i>at 11.00 a.m. on</i>
<i>Coming into force</i>	- -	<i>22nd April 2020</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45C(1), (3)(c), (4)(d), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984⁽¹⁾.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in England.

The Secretary of State considers that the restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 45R of that Act the Secretary of State is of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (England) (Amendment) Regulations 2020 and come into force at 11.00 a.m. on 22nd April 2020.

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

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

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

(2) S.I. 2020/350.

- (2) In regulation 3, after paragraph (4), insert—
- “(4A) Section 16 of the Interpretation Act 1978(3) applies in relation to the termination of a restriction or requirement by a direction as it applies in relation to the repeal of an enactment.”.
- (3) In regulation 5—
- (a) in paragraph (8)—
- (i) at the beginning, insert “Subject to paragraph (8A),”;
- (ii) omit “or burial ground”;
- (b) after paragraph (8), insert—
- “(8A) Paragraph (8) does not apply to the grounds surrounding a crematorium, including any burial ground or garden of remembrance.”.
- (4) In regulation 6—
- (a) in paragraph (1), after “leave” insert “or be outside of”;
- (b) in paragraph (2)—
- (i) in sub-paragraph (a), omit “or to obtain money,”;
- (ii) after sub-paragraph (a), insert—
- “(aa) to obtain money from or deposit money with any business listed in paragraphs 33 or 34 of Schedule 2;”;
- (iii) after sub-paragraph (g), insert—
- “(ga) to visit a burial ground or garden of remembrance, to pay respects to a member of the person’s household, a family member or friend;”;
- (iv) in sub-paragraph (i)(iii), for “Department of Work” substitute “Department for Work”.
- (5) In regulation 8—
- (a) in paragraph (5)(a), for “they are” substitute “the child is”;
- (b) for paragraph (10), substitute—
- “(10) A relevant person exercising the power in paragraph (9)(c) to remove a person in a gathering to a place where they are living may use reasonable force, if necessary, in exercise of the power.
- (10A) Where a person who is in a gathering in contravention of regulation 7 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.
- (10B) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with the restriction in regulation 7, the relevant person may direct any individual who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with that restriction.
- (10C) A relevant person may only exercise the power in paragraph (9), (10A) or (10B) if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with the restriction in regulation 7.”;

- (c) in paragraph (11), for “or (9)” substitute “, (9), (10A) or (10B)”.
- (6) In regulation 10—
 - (a) in paragraph (1)(b), for “over the age of 18” substitute “aged 18 or over”;
 - (b) in paragraph (2), for “a local” substitute “an”;
 - (c) for paragraph (3), substitute—
 - “(3) The authority specified in the notice must be—
 - (a) the local authority (or as the case may be, any of the local authorities) in whose area the offence is alleged to have been committed (“the relevant local authority”), or
 - (b) an officer designated by the Secretary of State, or by the relevant local authority, for the purposes of this regulation (“the designated officer”).”;
 - (d) in paragraph (10), for sub-paragraph (a), substitute—
 - “(a) that purports to be signed by or on behalf of—
 - (i) the chief finance officer of the relevant local authority, where the authority to which payment is made is a local authority, or
 - (ii) the designated officer, where that officer is the authority to which payment is made; and”;
 - (e) in paragraph (11), after sub-paragraph (b), insert—
 - “(c) references to a “local authority” include references to a county council.”.
- (7) In Schedule 2—
 - (a) in paragraph 20, for “and outdoor gyms” substitute “, outdoor gyms and outdoor swimming pools”;
 - (b) in paragraph 21, after “except for” insert “livestock markets and”;
 - (c) in paragraph 23, at the end, insert “(except for livestock auctions)”;
 - (d) for paragraph 33, substitute—
 - “**33.** The following businesses—
 - (a) banks,
 - (b) building societies,
 - (c) credit unions,
 - (d) short term loan providers,
 - (e) savings clubs,
 - (f) cash points, and
 - (g) 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.”.

21st April 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 amend the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020. Regulation 3 is amended to ensure that the saving provisions made in section 16 of the Interpretation Act 1978 (c. 30) apply to the termination of a restriction or requirement by direction. Regulation 6 is amended to clarify that under regulation 6(1), the prohibition applies both to leaving the place where a person is living without reasonable excuse, and also to staying outside that place without reasonable excuse. The Regulations also clarify the application of enforcement provisions in regulation 8, permit payment of fixed penalties following the issue of a fixed penalty notice under regulation 10 to be made to an officer designated by the Secretary of State or by a local authority (including a county council), amend the list of businesses in Part 2 and Part 3 of Schedule 2 and make other minor amendments.

A full regulatory impact assessment has not been prepared for these Regulations.