

**2020 No. 1008**

**PUBLIC HEALTH, ENGLAND**

**The Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020**

*Approved by both Houses of Parliament*

*Made - - - -at 2.44 p.m. on 17th September 2020*

*Laid before Parliament at 4.45 p.m. on 17th September 2020*

*Coming into force - - - - 18th September 2020*

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

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

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

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

**Citation, commencement, application and interpretation**

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020 and come into force on 18th September 2020.

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

(3) In these Regulations—

(a) “business” includes any undertaking, whether carried on for profit or not;

(b) the “Principal Regulations” means the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020<sup>(b)</sup>;

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<sup>(a)</sup> 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).

<sup>(b)</sup> S.I. 2020/684, amended by S.I. 2020/719, 2020/750; 2020/788; 2020/800; 2020/824; 2020/828; 2020/974 and 2020/986.

- (c) “emergency period” has the same meaning as in regulation 5(1) of the Principal Regulations;
- (d) “qualifying group” has the meaning given in regulation 5(2B)(a)(a) of the Principal Regulations.

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

### **Restrictions on undertakings**

2.—(1) A person responsible for carrying on a business of a public house, café, restaurant or other relevant business must, during the emergency period, take all reasonable measures to ensure that—

- (a) no bookings for a table are accepted for a group of more than six persons unless one of the exemptions in regulation 5 of the Principal Regulations applies;
- (b) no persons are admitted to the premises in a group of more than six, unless one of the exemptions in regulation 5 of the Principal Regulations applies;
- (c) no person in one qualifying group mingles with any person in another qualifying group where this is not permitted under the Principal Regulations;
- (d) an appropriate distance is maintained between tables occupied by different qualifying groups.

(2) For the purposes of this regulation—

- (a) an “appropriate distance” means a distance between tables of—
  - (i) at least two metres, or
  - (ii) at least one metre, if—
    - (aa) there are barriers or screens between tables;
    - (bb) the tables are arranged with back to back seating, or otherwise arranged to ensure that persons sitting at one table do not face any person sitting at another table at a distance of less than two metres; or
    - (cc) other measures are taken to limit the risk of transmission of the coronavirus between people sitting at different tables;
- (b) a “relevant business” is a business which provides food or drink for consumption on its premises.

### **Offences and penalties**

3.—(1) A person who without reasonable excuse contravenes a requirement in regulation 2 commits an offence.

(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(b) applies in relation to an offence under this regulation as if the reasons in subsection (5) of that section included—

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(a) Paragraph (2B) was substituted, with paragraphs (1) to (2A) for paragraphs (1) and (2) by S.I. 2020/986.

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

- (a) to maintain public health;
- (b) to maintain public order.

### **Fixed penalty notices**

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

- (a) has committed an offence under these Regulations; and
- (b) is aged 18 or over.

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

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

- (a) the local authority (or as the case may be, any of the local authorities) in whose area the offence is alleged to have been committed (“the relevant local authority”), or
- (b) an officer designated by the Secretary of State, or by the relevant local authority, for the purposes of this regulation (“the designated officer”).

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

- (a) no proceedings may be taken for the offence before the end of the period of 28 days following the date of the notice;
- (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

(5) A fixed penalty notice must—

- (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;
- (b) state the period during which (because of paragraph (4)(a)) proceedings will not be taken for the offence;
- (c) specify the amount of the fixed penalty;
- (d) state the name and address of the person to whom the fixed penalty may be paid;
- (e) specify permissible methods of payment.

(6) The amount specified under paragraph (5)(c) must, subject to paragraph (7), be £1,000.

(7) Unless paragraph (8) applies, a fixed penalty notice must specify that if £500 is paid before the end of the period of 14 days following the date of the notice that is the amount of the fixed penalty.

(8) If the person to whom a fixed penalty notice is given has already received a fixed penalty notice under these Regulations—

- (a) paragraph (9) does not apply, and
- (b) the amount specified as the fixed penalty is to be—
  - (i) in the case of the second fixed penalty notice received, £2,000;
  - (ii) in the case of the third and subsequent fixed penalty notices received, £4,000.

(9) Whatever other method may be specified under paragraph (5)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (5)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

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

(11) In any proceedings, a certificate—

- (a) that purports to be signed by or on behalf of—
  - (i) the chief finance officer of the relevant local authority, where the authority to which payment is made is a local authority, or

- (ii) the designated officer, where that officer is the authority to which payment is made ;  
and;
  - (b) states that the payment of a fixed penalty was, or was not, received by the date specified in the certificate;
- is evidence of the facts stated.

(12) In this regulation—

- (a) “authorised person” means—
  - (i) a constable;
  - (ii) a police community support officer;
  - (iii) a person designated by the Secretary of State for the purposes of this regulation;
  - (iv) a person designated by the relevant local authority for the purposes of this regulation;
- (b) a “chief finance officer”, in relation to a local authority, means the person with responsibility for the authority’s financial affairs.

### **Prosecutions**

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

### **Review**

6. The Secretary of State must review the need for the requirements imposed by these Regulations before the end of the period of six months beginning with the day on which they come into force.

### **Expiry**

7.—(1) These Regulations expire at the end of the period of 364 days beginning with the day on which they come into force.

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

### **Designations**

8. A person who is designated for the purposes of regulation 9(13) or 10 of the Principal Regulations is to be treated as if they were designated for the purposes of regulation 4(12)(a) or 5 as appropriate, of these Regulations.

*Nadhim Zahawi*

Parliamentary Under Secretary of State for Business and Industry

At 2.44 p.m. on 17th September 2020     Department for Business, Energy and Industrial Strategy

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations require certain undertakings in the hospitality industry, to take measures to ensure that their customers follow the rules on social distancing. The Secretary of State must carry out a review of the need for the requirements in these Regulations within the period of six months of their coming into force.

No regulatory impact assessment has been prepared for these Regulations.

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