

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

STATUTORY INSTRUMENTS

2020 No. 1010

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, Restrictions) (North East of England) Regulations 2020

<i>Made</i>	- - - -	<i>at 4.43 p.m. on 17th September 2020</i>
<i>Laid before Parliament</i>		<i>at 5.30 p.m. on 17th September 2020</i>
<i>Coming into force</i>	- -	<i>18th September 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, commencement, application and interpretation

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

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

(3) In these Regulations—

“change of protected area direction” has the meaning given in regulation 2(5);

“child” means a person under the age of 18;

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

“childcare” has the same meaning as in section 18 of the Childcare Act 2006⁽²⁾;

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

“Crown interest” means an interest belonging to Her Majesty in right of the Crown, or belonging to a Government department, or held in trust for Her Majesty for the purposes of a Government department, and includes any estate or interest held in right of the Prince and Steward of Scotland;

“Crown land” means land in which there is a Crown interest or a Duchy interest;

“Duchy interest” means an interest belonging to Her Majesty in right of the Duchy of Lancaster, or belonging to the Duchy of Cornwall;

“elite sportsperson” means an individual who—

- (a) derives a living from competing in a sport,
- (b) is a senior representative nominated by a relevant sporting body,
- (c) is a member of the senior training squad for a relevant sporting body, or
- (d) is aged 16 or above and on an elite development pathway;

“linked household” has the meaning given in regulation 7;

“parent” of a child includes any person who is not a parent of the child but who has parental responsibility for, or who has care of, the child;

“parental responsibility” has the meaning given in section 3 of the Children Act 1989⁽³⁾;

“person responsible for carrying on a business” includes the owner, proprietor, and manager of that business;

“protected area” has the meaning given in paragraph (4) (but see also paragraph (5));

“vulnerable person” includes—

- (a) any person aged 70 or older;
- (b) any person under 70 who has a medical condition which increases vulnerability to Covid-19 (the official designation of the disease which can be caused by coronavirus);
- (c) any person who is pregnant.

(4) In these Regulations “the protected area” means the area falling within—

- (a) the area of Durham County Council;
- (b) the area of Gateshead Council;
- (c) the area of Newcastle City Council;
- (d) the area of Northumberland County Council;
- (e) the area of North Tyneside Council;
- (f) the area of South Tyneside Council; and
- (g) the area of Sunderland City Council.

(5) But the protected area is subject to any change of protected area direction given by the Secretary of State.

(6) For the purposes of the definition of “elite sportsperson”, in paragraph (3)—

- (a) “elite development pathway” means a development pathway established by the national governing body of a sport to prepare sportspersons—

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

(3) 1989 c. 41.

- (i) so that they may derive a living from competing in that sport; or
 - (ii) to compete at that sport at the Tokyo or Beijing Olympic or Paralympic Games, or, if that sport is not part of the Tokyo Olympic and Paralympic Games programme, in the Commonwealth Games to be held in Birmingham;
 - (b) “relevant sporting body” means the national governing body of a sport which may nominate sportspersons to represent—
 - (i) Great Britain and Northern Ireland at the Tokyo or Beijing Olympic or Paralympic Games; or
 - (ii) England, Wales, Scotland, Northern Ireland, Gibraltar, Guernsey, Jersey or the Isle of Man at the Commonwealth Games to be held in Birmingham in those sports which are not part of the Tokyo Olympic and Paralympic Games programme;
 - (c) “senior representative” means an individual who is considered by a relevant sporting body to be a candidate to qualify to compete on behalf of—
 - (i) Great Britain and Northern Ireland at the Tokyo or Beijing Olympic or Paralympic Games; or
 - (ii) England, Wales, Scotland, Northern Ireland, Gibraltar, Guernsey, Jersey or the Isle of Man at the Commonwealth Games to be held in Birmingham in those sports which are not part of the Tokyo Olympic and Paralympic Games programme.
- (7) For the purposes of these Regulations, references to a “local authority” include references to a county council.

The emergency period and review of need for restrictions

- 2.—(1) For the purposes of these Regulations, the “emergency period”—
- (a) starts when these Regulations come into force; and
 - (b) ends in relation to a restriction or requirement imposed by these Regulations on the day and at the time specified in a direction published by the Secretary of State under this regulation terminating the requirement or restriction.
- (2) The Secretary of State must review the need for restrictions and requirements imposed by these Regulations at least once every 14 days, with the first review being carried out by 2nd October 2020.
- (3) As soon as the Secretary of State considers that any restrictions or requirements set out in these Regulations are no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in England with the coronavirus, the Secretary of State must publish a direction terminating that restriction or requirement.
- (4) A direction published under this regulation may—
- (a) terminate any one or more requirement or restriction (whether generally or in one or more specified local areas only);
 - (b) terminate a requirement or restriction in relation to a specified business or service or a specified description of business or service; or
 - (c) provide that any one or more specified local authority areas no longer fall within the protected area.
- (5) A direction falling within paragraph (4)(c) is referred to in these Regulations as a “change of protected area direction”.

(6) Section 16 of the Interpretation Act 1978⁽⁴⁾ 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.

(7) Where the Secretary of State gives a change of protected area direction, the Secretary of State—

(a) must—

(i) publish it on www.gov.uk; and

(ii) arrange for notice of it to be given, as soon as is reasonably practicable, in the London Gazette;

(b) may publish it in such other manner as the Secretary of State considers appropriate to bring it to the attention of persons who may be affected by it.

(8) Any other direction given by the Secretary of State under this regulation must be published in such manner as the Secretary of State considers appropriate to bring it to the attention of persons who may be affected by it.

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

Requirement to close premises and businesses during the emergency

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

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

(a) any suitable premises used for the businesses or services listed in that Part of the Schedule to host blood donation sessions; or

(b) suitable facilities for training for elite sportspersons.

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

(4) For the purposes of this regulation, premises are in the protected area if any part of the premises is in the protected area.

Restrictions on opening hours of businesses and services

4.—(1) A person responsible for carrying on a restricted business or providing a restricted service in the protected area must not carry on that business or provide that service in the protected area during the emergency period between the hours of 22:00 and 05:00.

(2) But paragraph (1) does not prevent a person responsible for carrying on a restricted business or providing a restricted service selling food or drink for consumption off the premises between the hours of 22:00 and 05:00 by making deliveries in response to orders received—

(a) through a website, or otherwise by on-line communication;

(b) by telephone, including orders by text message; or

(c) by post.

(3) If a restricted business or service (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in paragraph (1) if it does not carry on business A between the hours of 22:00 and 05:00, other than as provided for in paragraph (2).

(4) 1978 c. 30.

(4) For the purposes of this regulation—

- (a) a business or service is a restricted business or restricted service if it is listed in Part 2 or Part 3 of the Schedule; and
- (b) premises are in the protected area if any part of the premises is in the protected area.

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

5.—(1) Subject to the restriction on opening hours in regulation 4(1), a person responsible for carrying on a business or providing a service listed in Part 2 of the Schedule in the protected area during the emergency period may sell food or drink for consumption on the premises only if it is served to customers sitting at a table.

(2) For the purposes of paragraph (1), an area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business) is to be treated as part of the premises of that business.

(3) If a business or service listed in Part 2 of the Schedule (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in paragraph (1) if it complies with the requirement in relation to business A.

(4) For the purposes of this regulation, premises are in the protected area if any part of the premises is in the protected area.

Restrictions on gatherings in private dwellings

6.—(1) During the emergency period, unless paragraph (2) applies—

- (a) no person may participate in a gathering in the protected area which consists of two or more persons and takes place in a private dwelling, including a houseboat;
- (b) no person living in the protected area may participate in a gathering which consists of two or more persons and takes place in a private dwelling, including a houseboat, outside the protected area.

(2) This paragraph applies where—

- (a) all the persons in the gathering are members of the same household or members of two households which are linked households in relation to each other;
- (b) the person concerned is attending a person giving birth (“M”), at M’s request;
- (c) the person concerned (“P”) is visiting a person P reasonably believes is dying (“D”), and P is—
 - (i) a member of D’s household;
 - (ii) a close family member of D;
 - (iii) a friend of D; or
 - (iv) where no-one falling within paragraphs (i) to (iii) is visiting D, any other person;
- (d) the person concerned is fulfilling a legal obligation; or
- (e) the gathering is reasonably necessary—
 - (i) for work purposes, or for the provision of voluntary or charitable services;
 - (ii) for the purposes of education or training;
 - (iii) for the purposes of childcare provided by a person registered under Part 3 of the Childcare Act 2006 or as part of supervised activities provided for children;
 - (iv) to provide emergency assistance;

- (v) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm;
 - (vi) to facilitate a house move;
 - (vii) to provide care or assistance to a vulnerable person, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006⁽⁵⁾;
 - (viii) to continue existing arrangements for access to, and contact between, parents and children where the children do not live in the same household as their parents, or one of their parents.
- (3) For the purposes of this regulation—
- (a) a “private dwelling” includes any garden, yard, passage, stair, outhouse or other appurtenance of the dwelling, and does not include—
 - (i) accommodation in a hotel, hostel, campsite, caravan park, members club, boarding house or bed and breakfast accommodation;
 - (ii) care homes, within the meaning of section 3 of the Care Standards Act 2000⁽⁶⁾;
 - (iii) children’s homes, within the meaning of section 1 of the Care Standards Act 2000;
 - (iv) Residential Family Centres, within the meaning of section 4 of the Care Standards Act 2000;
 - (v) educational accommodation;
 - (vi) accommodation intended for use by the army, navy or air force; or
 - (vii) criminal justice accommodation;
 - (b) “linked household” has the meaning given in regulation 7;
 - (c) there is a “gathering” when two or more people are present together in the same place in order to engage in any form of social interaction with each other, or to undertake any other activity with each other;
 - (d) a gathering is in the protected area if any part of the place where it takes place is in the protected area.
- (4) For the purposes of paragraph (3)—
- (a) “educational accommodation” means—
 - (i) accommodation provided for students whilst they are boarding at school;
 - (ii) halls of residence provided for students attending higher education courses, and equivalent accommodation provided for students attending further education courses;
 - (b) “criminal justice accommodation” means—
 - (i) a prison, within the meaning of the Prison Act 1952⁽⁷⁾;
 - (ii) a young offender institution, within the meaning of section 43 of the Prison Act 1952⁽⁸⁾;

(5) 2006 c. 47. Sub-paragraphs (1) to (3) and (3A) to (3E) of paragraph 7 were substituted for sub-paragraphs (1) to (3) as enacted by section 66 of the Protection of Freedoms Act 2012 (c. 9).

(6) 2000 c. 14.

(7) 1952 c. 52.

(8) Section 43(1) has been amended by paragraph 11 of Schedule 15 to the Criminal Justice Act 1988 (c. 33), s. 18(3) of the Criminal Justice and Public Order Act 1994 (c. 33), paragraph 5 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), and paragraph 3 of Schedule 26 to the Criminal Justice and Immigration Act 2008 (c. 4) and paragraph 4 of Schedule 12 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10). There are other amendments to s. 43 which are not relevant to these Regulations.

- (iii) a secure training centre, within the meaning of section 43 of the Prison Act 1952;
- (iv) approved premises, within the meaning of section 13 of the Offender Management Act 2007⁽⁹⁾;
- (v) a bail hostel, within the meaning of section 2 of the Bail Act 1976⁽¹⁰⁾.

Linked households

7.—(1) Where a household comprises one adult, or one adult and one or more persons who were under the age of 18 on 12th June 2020 (“the first household”), the adult may choose to be linked with one other household (“the second household”), provided that—

- (a) neither the first household nor the second household are linked with any other household for the purposes of these Regulations or any other Regulations made under the Public Health (Control of Disease) Act 1984; and
- (b) all the adult members of the second household agree.

(2) There is no limit on the number of adults or children which may be in the second household.

(3) The first and second households are “linked households” in relation to each other.

(4) The first and second households cease to be linked households if neither household satisfies the condition in the opening words of paragraph (1).

(5) Once the first and second households have ceased being linked households, neither the first household nor the second household may be linked with any other household.

Enforcement of requirements

8.—(1) A relevant person may take such action as is necessary to enforce any requirement imposed by regulation 3, 4, 6 or 6.

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

- (a) the person is contravening a requirement in regulation 3, 4 or 5; and
- (b) it is necessary and proportionate to give the prohibition notice for the purpose of preventing that person from continuing to contravene the requirement.

(3) Where a relevant person considers that a number of people are gathered together in contravention of regulation 6, the relevant person may—

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

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

(5) Where a person who is in a gathering in contravention of regulation 6 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.

⁽⁹⁾ 2007 c. 21.

⁽¹⁰⁾ 1976 c. 63. The definition of “bail hostel” has been substituted by paragraph 50 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000.

(6) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with the restriction in regulation 6, 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.

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

(8) A relevant person exercising a power in paragraph (3), (5) or (6) may give the person concerned any reasonable instructions they consider to be necessary.

(9) For the purposes of this regulation—

- (a) an individual has responsibility for a child if the individual—
 - (i) has custody or charge of the child for the time being; or
 - (ii) has parental responsibility for the child;
- (b) a “relevant person” means—
 - (i) a constable,
 - (ii) a police community support officer,
 - (iii) subject to paragraph (10), a person designated by a local authority for the purposes of this regulation; or
 - (iv) a person designated by the Secretary of State for the purposes of this regulation;
- (c) references to a requirement include references to a restriction.

(10) A local authority may only designate a person for the purposes of this regulation in relation to a requirement in regulation 3, 4 or 5.

Offences and penalties

9.—(1) A person who—

- (a) without reasonable excuse contravenes a requirement in regulation 3, 4, 5 or 64; or
- (b) contravenes a requirement in regulation 8 without reasonable excuse,

commits an offence.

(2) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations, including any person who is a relevant person for the purposes of regulation 8, commits an offence.

(3) A person who, without reasonable excuse, contravenes a direction given under regulation 8, or fails to comply with a reasonable instruction or a prohibition notice given by a relevant person under regulation 8, commits an offence.

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

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

- (a) to have been committed with the consent or connivance of an officer of the body; or
- (b) to be attributable to any neglect on the part of such an officer,

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

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

(7) Section 24 of the Police and Criminal Evidence Act 1984⁽¹¹⁾ applies in relation to an offence under this regulation as if the reasons in subsection (5) of that section included—

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

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

Fixed penalty notices

10.—(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 £100.

(7) Unless paragraph (8) applies, a fixed penalty notice must specify that if £50 is paid before the end of the period of 14 days following the date of the notice that is the amount of the fixed penalty.

(8) If the person to whom a fixed penalty notice is given has already received a fixed penalty notice under these Regulations or the Regulations referred to in paragraph (9)—

- (a) paragraph (7) does not apply; and
- (b) the amount specified as the fixed penalty is to be—
 - (i) in the case of the second fixed penalty notice received, £200;
 - (ii) in the case of the third fixed penalty notice received, £400;

⁽¹¹⁾ 1984 c. 60. Section 24 was substituted by s. 110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).

- (iii) in the case of the fourth fixed penalty notice received, £800;
- (iv) in the case of the fifth fixed penalty notice received, £1,600;
- (v) in the case of the sixth and subsequent fixed penalty notices, £3,200.

(9) In determining how many fixed penalty notices a person has previously received, fixed penalty notices issued to that person under the following Regulations are also to be taken into account—

- (a) the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020(12);
- (b) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020(13);
- (c) the Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020(14);
- (d) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020(15);
- (e) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Luton) Regulations 2020(16);
- (f) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020(17);
- (g) the Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020(18);
- (h) the Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020(19);
- (i) the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020(20); and
- (j) the Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020(21).

(10) But no account is to be taken under paragraph (9) of any fixed penalty notice issued to that person under regulation 9 of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 in respect of the offence described in regulation 8(1) of those Regulations of contravening, without reasonable excuse, regulation 5A or 5B of those Regulations.

(11) 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).

(12) Where a letter is sent as mentioned in paragraph (11), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(13) 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;

(12) S.I. 2020/350 amended by S.I. 2020/447; 2020/500; 2020/558; 2020/588 and revoked by S.I. 2020/684, with savings.

(13) S.I. 2020/684, amended by S.I. 2020/750; 2020/788; 2020/800; 2020/822; 2020/824, 2020/828, 2020/865, 2020/907 and S.I. 2020/974.

(14) S.I. 2020/685 to which there are amendments not relevant to these Regulations. S.I. 2020/685 was revoked by S.I. 2020/824, with savings.

(15) S.I. 2020/750, amended by 2020/800; 2020/822; 2020/824 and 2020/828.

(16) S.I. 2020/800, revoked by S.I. 2020/822, with savings.

(17) S.I. 2020/822, amended by S.I. 2020/824, 2020/828, 2020/865, 2020/907 and S.I. 2020/974.

(18) S.I. 2020/824, amended by S.I. 2020/828, 2020/865, 2020/907 and S.I. 2020/974.

(19) S.I. 2020/828, amended by S.I. 2020/846; 2020/865, 2020/907 and S.I. 2020/974. The title of the Regulations was amended by S.I. 2020/865.

(20) S.I. 2020/974.

(21) S.I. 2020/988.

(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.

(14) In this regulation—

(a) “authorised person” means—

(i) a constable;

(ii) a police community support officer;

(iii) a person designated by the Secretary of State for the purposes of this regulation;

(iv) subject to paragraph (15), 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.

(15) The relevant local authority may only designate a person for the purposes of this regulation to issue fixed penalty notices where the alleged offence relates to the contravention of a requirement or restriction in regulation 3, 4 or 5 or the obstruction under regulation 9(2) of a person carrying out a function under regulation 8.

Prosecutions

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

Expiry

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

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

Designations

13. A person who is designated for the purposes of regulation 7(10)(b), 9(3)(b), 9(13) or 10 of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 is to be treated as if they were designated for the purposes of regulation 8(9)(b)(iii) or (iv), 10(3)(b), 10(14)(a) or 11 as appropriate, of these Regulations.

Amendments

14.—(1) In the Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020—

(a) in regulation 7A—

(i) omit paragraph (1)(b);

(ii) in paragraph (6) omit “or the area of Bolton Metropolitan Borough Council (as the case may be)” in both places it appears;

(b) in regulation 10(9), after sub-paragraph (h), insert—

“(i) the Health Protection (Coronavirus, Restrictions) (North East of England) Regulations 2020.”.

(2) In the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020—

- (a) in regulation 1—
 - (i) in paragraph (4), after sub-paragraph (d), insert—
 - “(e) the Health Protection (Coronavirus, Restrictions) (North East of England) Regulations 2020.”;
 - (ii) in paragraph (4ZA), after sub-paragraph (e) insert—
 - “(e) the Health Protection (Coronavirus, Restrictions) (North East of England) Regulations 2020.”;
- (b) in regulation 9(9), after sub-paragraph (h), insert—
 - “(i) the Health Protection (Coronavirus, Restrictions) (North East of England) Regulations 2020.”.
- (3) In regulation 14(8) of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020, after sub-paragraph (i), insert—
 - “(j) the Health Protection (Coronavirus, Restrictions) (North East of England) Regulations 2020”.
- (4) In regulation 7(9) of the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020, after sub-paragraph (i), insert—
 - “(j) the Health Protection (Coronavirus, Restrictions) (North East of England) Regulations 2020.”.
- (5) In regulation 10(9) of the Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020, after sub-paragraph (h), insert—
 - “(i) the Health Protection (Coronavirus, Restrictions) (North East of England) Regulations 2020.”.
- (6) In regulation 9(9) of the Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020, after sub-paragraph (i) insert—
 - “(j) the Health Protection (Coronavirus, Restrictions) (North East of England) Regulations 2020.”.
- (7) In the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020—
 - (a) in regulation 9, in paragraph (1)(a), for “, 5 or” substitute “or 5”;
 - (b) in regulation 10(9), after sub-paragraph (h), insert—
 - “(i) the Health Protection (Coronavirus, Restrictions) (North East of England) Regulations 2020.”.

At 4.43 p.m. on 17th September 2020

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

SCHEDULE

Regulations 3, 4 and 5

Businesses subject to closure or restrictions

PART 1

1. Nightclubs.

2.—(1) Dance halls, discotheques, and any other venue which—

- (a) opens at night;
- (b) has a dance floor or other space for dancing by members of the public (and for these purposes members of the venue in question are to be considered members of the public); and
- (c) provides music, whether live or recorded, for dancing.

(2) A business does not fall within sub-paragraph (1) if it ceases to provide music and dancing.

3.—(1) Sexual entertainment venues and hostess bars.

(2) For the purposes of this paragraph—

- (a) “sexual entertainment venue” has the meaning given in paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982⁽²²⁾;
- (b) “hostess bar” has the meaning given in paragraph 3B of that Schedule⁽²³⁾.

PART 1

4. Restaurants, including restaurants and dining rooms in hotels or members’ clubs.

5. Businesses offering food or drink for consumption off the premises.

6.—(1) Cafes, including workplace canteens (subject to sub-paragraph (2)), but not including—

- (a) cafes or canteens at a hospital, care home or school;
- (b) canteens at a prison or an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence;
- (c) services providing food or drink to the homeless.

(2) Workplace canteens may remain open where there is no practical alternative for staff at that workplace to obtain food.

7. Bars, including bars in hotels or members’ clubs.

8. Public houses.

9. Social clubs.

10. Casinos.

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

⁽²³⁾ Paragraph 3B was inserted by section 33 of the London Local Authorities Act 2007 (c. ii).

PART 3

11. Bowling alleys.
 12. Cinemas.
 13. Theatres.
 14. Amusement arcades or other indoor leisure centres or facilities.
 15. Funfairs (indoors or outdoors), theme parks and adventure parks and activities.
 16. Bingo halls.
 17. Concert halls.
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose restricted opening hours on businesses selling goods or providing services in certain areas in North East England. These businesses may not operate between 22:00 and 05:00, unless they are offering food and drink for consumption off the premises, provided by delivery. The Regulations further provide that the businesses subject to the restrictions on opening may offer food and drink for consumption on the premises only if it is served to customers sitting at a table. The Regulations also impose further restrictions on gatherings in those areas. The closures and restrictions last until they are terminated by a direction given by the Secretary of State or the Regulations expire under regulation 12.

The need for these restrictions must be reviewed by the Secretary of State every 14 days, with the first review taking place by 2nd October 2020.

No impact assessment has been prepared for these Regulations.