

This Statutory Instrument corrects errors in S.I. 2020/684 and S.I. 2020/1008 and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2020 No. 1046

PUBLIC HEALTH, ENGLAND

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

Approved by both Houses of Parliament

Made - - - - 26th September 2020

Laid before Parliament 28th September 2020

Coming into force - - 28th 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⁽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.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) (Amendment) Regulations 2020.

(2) They come into force on 28th September 2020.

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

2.—(1) The Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (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. 2020/1008.

- (2) In the title to the instrument omit “Hospitality”.
- (3) In regulation 1—
- (a) in paragraph (1) omit “Hospitality”;
 - (b) in paragraph (3)—
 - (i) after sub-paragraph (c) insert—

“(ca) “face covering” has the meaning given in regulation 2(1) of the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) Regulations 2020(3);”;
 - (ii) after sub-paragraph (d) insert—

“(e) “relevant area” means any place where a person is required to wear a face covering under the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) Regulations 2020;

(f) “responsible person” means a person responsible for carrying on a business in a relevant area.”.
- (4) After regulation 1 insert—

“Restrictions in relation to relevant premises

1A.—(1) A person who operates or occupies relevant premises must, during the emergency period, take all reasonable measures to ensure that—

- (a) no bookings 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 joins another group or otherwise acts in a way which would contravene the Principal Regulations.

(2) In this regulation, “relevant premises” has the same meaning as in the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020(4).”.

- (5) In regulation 2—
- (a) in the heading, before “undertakings” insert “hospitality”;
 - (b) in paragraph (1)—
 - (i) omit sub-paragraphs (a) to (c);
 - (ii) in sub-paragraph (d), for “different qualifying groups” substitute “persons who are not in the same qualifying group”;
 - (c) after paragraph (1) insert—

“(1A) A person responsible for carrying on a business of a public house, café, restaurant or bar (including a bar in a hotel or members’ club) must, during the emergency period, take all reasonable measures to stop—

 - (a) singing on the premises by customers in groups of more than six; or
 - (b) dancing on the premises by customers.

(1B) Paragraph (1A)(b) does not apply in relation to dancing—

(3) S.I. 2020/791. Amended by S.I. 2020/839, 882, 906, 1021 and 1026.

(4) S.I. 2020/1005; for the definition of “relevant premises” see regulation 4.

(a) at a wedding ceremony or wedding reception by the couple to whom the wedding relates; or

(b) at a civil partnership ceremony or reception following a civil partnership ceremony by the couple to whom the civil partnership ceremony relates.

(1C) A person responsible for carrying on a business of a public house, café, restaurant or bar (including a bar in a hotel or members' club) must, during the emergency period, ensure that no music is played on the premises which exceeds 85db(A) when measured at the source of the music.

(1D) Paragraph (1C) does not apply to any performance of live music.

(1E) In paragraph (1C), "db(A)" means A-weighted decibels."

(6) After regulation 2 insert—

“Requirements relating to signage and information

2A.—(1) A responsible person must, during the emergency period—

(a) display a notice providing the information in paragraph (2); or

(b) take other measures to ensure that any person who enters the relevant area without wearing a face covering is given the information specified in paragraph (4).

(2) The information referred to in paragraph (1)(a) is that any person present at the relevant area is required to wear a face covering under the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) Regulations 2020 unless an exemption under those Regulations applies to the person or the person has a reasonable excuse under those Regulations not to wear a face covering; and

(3) A notice under paragraph (1)(a) must be displayed in a conspicuous location at the relevant area

(4) The information to be given to the person under paragraph (1)(b) is that the person is required to wear a face covering unless an exemption applies to the person or the person has a reasonable excuse not to wear a face covering

(5) For the purposes of this regulation, a business is carried on in a relevant area if any part of the premises from which the business operates is in the relevant area.

Prohibition on preventing a person from wearing a face covering

2B.—(1) A responsible person must not, during the emergency period, prevent, or seek to prevent, any relevant person from wearing a face covering while the relevant person is present at the relevant area.

(2) In this regulation, a “relevant person” is a person required to wear a face covering under regulation 3(1) of the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) Regulations 2020 while present at the relevant area.”

(7) In regulation 3(1), for “regulation 2” substitute “regulation 1A, 2, 2A or 2B”.

(8) In regulation 4—

(a) in paragraph (8)—

(i) in sub-paragraph (a), for “(9)” substitute “(7)”;

(ii) in sub-paragraph (b)(ii) for “and subsequent fixed penalty notices” substitute “fixed penalty notice”;

(iii) after sub-paragraph (b)(ii) insert—

“(iii) in the case of the fourth and subsequent fixed penalty notices received, £10,000.”;

(b) after paragraph (8) insert—

“(8A) In determining how many fixed penalty notices a person has received, fixed penalty notices issued to that person under the following Regulations are to be taken into account—

- (a) the Principal Regulations, where the fixed penalty notice relates to an offence for contravening a requirement in regulation 4A or 4B of those Regulations⁽⁵⁾;
- (b) the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020.”.

Amendments to other instruments relating to fixed penalty notices

3.—(1) In regulation 9 of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020—

(a) after paragraph (6) insert—

“(6A) In determining how many fixed penalty notices a person has received in accordance with paragraph (6)(za), fixed penalty notices issued to that person under the following Regulations are to be taken into account—

- (a) Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020;
- (b) the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020.”;

(b) in paragraph (9), renumber sub-paragraph (i) in the second place it occurs as sub-paragraph (j).

(2) In regulation 18 of the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020, after paragraph (7) insert—

“(7A) In determining how many fixed penalty notices a person has received, fixed penalty notices issued to that person under the following Regulations are to be taken into account—

- (a) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020;
- (b) the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020.”.

Nadhim Zahawi
Parliamentary Under Secretary of State for
Business and Industry
Department for Business, Energy and Industrial
Strategy

26th September 2020

(5) [S.I. 2020/684](#); regulations 4A, 4B and 9(6)(za) were added by [S.I. 2020/1029](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020 (S.I. 2020/1008) (“the Undertakings Regulations”) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 (S.I. 2020/684) and the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020 (S.I. 2020/1005).

Regulation 2(4) expands the scope of the existing requirements in the Undertakings Regulations. Regulation 2(5) introduces new requirements to take measures to stop singing and dancing, subject to exemptions, and to not play music which exceeds 85db(A).

Regulation 2(4)(b) corrects an error by clarifying the application of those Regulations in relation to persons who are present at premises of hospitality undertakings as individuals.

Regulation 2(6) introduces a requirement on persons responsible for a business in a relevant area. That requirement is either to display a notice at the relevant area informing persons on the premises of the requirement to wear a face covering unless an exemption applies or the person has a reasonable excuse not to wear a face covering, or to take other measures to ensure that persons entering the premises are so informed. A contravention of this requirement is an offence, punishable by a fine or by way of a fixed penalty of up to £10,000.

Regulation 2(8) provides that fixed penalty notices issued under the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 in relation to contravention of requirements in regulation 4A and 4B of those Regulations, and fixed penalty notices issued under the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020, are to be taken into account when determining in accordance with the Undertakings Regulations how many fixed penalty notices a person has been issued with.

Regulation 2(6) further prohibits a person responsible for carrying on a business at a relevant area from preventing, or seeking to prevent, a person on the premises who is subject to the requirement to wear a face covering from wearing a face covering. This is also an offence, punishable by a fine or by way of a fixed penalty of up to £10,000.

Regulation 2(8)(a)(i) corrects an incorrect cross-reference.

Regulation 3 makes amendments to the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 and the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020 to amend the fixed penalty notice regime in accordance with the amendments made by this instrument to the fixed penalty notice regime in the Undertakings Regulations. Regulation 3(1)(b) corrects an error in the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020.

No regulatory impact assessment has been prepared for these Regulations.