

2020 No. 1057

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, Restrictions) (North of England, North East and North West of England and Obligations of Undertakings (England) etc.) (Amendment) Regulations 2020

Approved by both Houses of Parliament

Made - - - - 29th September 2020

Coming into force at 12.00 a.m. on 30th September 2020

Laid before Parliament at 10.30 a.m. on 30th September 2020

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

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) (North of England) Regulations 2020(b), the Health Protection (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020(c), the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020(d) and the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020(e) 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 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.

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- (a) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).
(b) S.I. 2020/828, as amended by S.I. 2020/846, 865, 897, 931, 954, 974, 986, 988, 1010, 1019, 1029 and 1041. The title of this S.I. was changed by S.I. 2020/865.
(c) S.I. 2020/1010, as amended by S.I. 2020/1012, 1019, 1029 and 1041. The title of this SI was changed by S.I. 2020/1019.
(d) S.I. 2020/684, as amended by S.I. 2020/719, 750, 788, 800, 822, 824, 828, 863, 865, 907, 974, 986, 988, 1010, 1019, 1029 and 1046.
(e) S.I. 2020/1008, amended by S.I. 2020/1046.

Citation and commencement

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

(2) These Regulations come into force on 30th September 2020.

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

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

(2) In regulation 2, for paragraph (1) substitute—

“(1) In this Part, the “protected area” means the area falling within—

- (a) the area of Blackburn with Darwen Borough Council;
- (b) the area of Blackpool Council;
- (c) the area of Burnley Borough Council;
- (d) the area of Bury Metropolitan Borough Council;
- (e) the area of Calderdale Metropolitan Borough Council;
- (f) the area of Chorley Borough Council;
- (g) the area of the City of Bradford Metropolitan District Council;
- (h) the area of Fylde Borough Council;
- (i) the area of Halton Borough Council;
- (j) the area of Hyndburn Borough Council;
- (k) the area of Kirklees Metropolitan Council;
- (l) the area of Knowsley Metropolitan Borough Council;
- (m) the area of Lancaster City Council;
- (n) the area of Leeds City Council;
- (o) the area of Liverpool City Council;
- (p) the area of Manchester City Council;
- (q) the area of Oldham Metropolitan Borough Council;
- (r) the area of Pendle Borough Council;
- (s) the area of Preston City Council;
- (t) the area of Ribble Valley Borough Council;
- (u) the area of Rochdale Borough Council;
- (v) the area of Rossendale Borough Council;
- (w) the area of Salford City Council;
- (x) the area of Sefton Borough Council;
- (y) the area of South Ribble Borough Council;
- (z) the area of St Helens Borough Council;
- (z1) the area of Stockport Metropolitan Borough Council;
- (z2) the area of Tameside Metropolitan Borough Council;
- (z3) the area of Trafford Metropolitan Borough Council;
- (z4) the area of Warrington Borough Council;
- (z5) the area of West Lancashire Borough Council;
- (z6) the area of Wigan Metropolitan Borough Council;

- (z7) the area of Wirral Metropolitan District Council;
- (z8) the area of Wyre Borough Council.”.

Amendment of the Health Protection (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020

3.—(1) The Health Protection (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020 are amended as follows.

(2) In regulation 1(4), omit sub-paragraphs (za), (zaa), (zb), (zc), (ab), (ba), (bb), (bc), (bd), (be), (ea), (eb), (ec), (ed), (ee), (ef), (fa), (h), (i), (j) and (k).

(3) For regulation 6, substitute—

“Restrictions on participation in gatherings in private dwellings and other indoor settings

6.—(1) During the emergency period, no person may participate in a gathering in the protected area which—

- (a) consists of two or more persons, and
- (b) takes place in a private dwelling.

(2) During the emergency period, no person living in the protected area may participate in a gathering outside that area which—

- (a) consists of two or more persons, and
- (b) takes place in a private dwelling.

(3) Paragraphs (1) and (2) do not apply if any of the exceptions set out in regulation 6A apply.

(4) During the emergency period, no person may participate in a gathering in the protected area which—

- (a) consists of two or more persons, and
- (b) takes place indoors, other than indoors in a private dwelling.

(5) During the emergency period, no person living in the protected area may participate in a gathering outside that area which—

- (a) consists of two or more persons, and
- (b) takes place indoors, other than indoors in a private dwelling.

(6) Paragraphs (4) and (5) do not apply if any of the exceptions set out in regulation 6A or 6B apply.

Exceptions in relation to gatherings restricted by regulation 6

6A.—(1) These are the exceptions referred to in regulation 6(3) and (6).

Exception 1: same or linked households

(2) Exception 1 is that all the people in the gathering—

- (a) are from the same household, or
- (b) are members of two households which are linked households in relation to each other.

Exception 2: gatherings necessary for certain purposes

(3) Exception 2 is that the gathering is reasonably necessary—

- (a) for work purposes or for the provision of voluntary or charitable services;
- (b) for the purposes of education or training;
- (c) for the purposes of—

- (i) childcare provided by a person registered under Part 3 of the Childcare Act 2006,
- (ii) supervised activities for children, or
- (iii) informal childcare provided by a member of a household to a member of their linked childcare household;
- (d) to provide emergency assistance;
- (e) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm;
- (f) 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(a);
- (g) 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;
- (h) to facilitate a house move.

Exception 3: legal obligations

(4) Exception 3 is that the person concerned is fulfilling a legal obligation.

Exception 4: births

(5) Exception 4 is that the person concerned is attending a person giving birth (“M”) at M’s request.

Exception 5: visiting a dying person

(6) Exception 5 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,
- (c) a friend of D, or
- (d) where nobody who falls within paragraphs (a) to (c) is visiting D, any other person.

Exceptions in relation to gatherings restricted by regulation 6(4) to (6)

6B.—(1) These are the exceptions referred to in regulation 6(6).

Exception 1: permitted organised gatherings

(2) Exception 1 is that—

- (a) the gathering is a permitted organised gathering, and
- (b) the person concerned participates in the gathering alone or as a member of a qualifying group.

(3) A gathering is a permitted organised gathering for the purposes of paragraph (2) if it takes place on or at premises, other than a private dwelling, which are—

- (a) operated by a business, a charitable, benevolent or philanthropic institution or a public body, or
- (b) part of premises used for the operation of business, a charitable, benevolent or philanthropic institution or a public body.

(a) 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).

(4) 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 persons 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.

(5) In paragraph (4) a “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 members of the same household, or are members of two households which are linked households in relation to each other.

Exception 2: criminal justice accommodation

(6) Exception 2 is that the gathering takes place in criminal justice accommodation.

Exception 3: support groups

(7) Exception 3 is that the gathering—

- (a) is of a support group,
- (b) consists of no more than 15 persons, and
- (c) takes place at premises other than a private dwelling.

(8) For the purposes of paragraph (7), “support group” means a group which is organised by a business, a charitable, benevolent or philanthropic institution or a public body to provide mutual aid, therapy or any other form of support to its members or those who attend its meetings, for example those providing support—

- (a) to victims of crime (including domestic abuse);
- (b) to those with, or recovering from, addictions (including alcohol, narcotics or other substance addictions) or addictive patterns of behaviour;
- (c) to new parents;
- (d) to those with, or caring for persons with, any long-term illness or terminal condition or who are vulnerable;
- (e) to those facing issues related to their sexuality or identity including those living as lesbian, gay, bisexual or transgender;
- (f) to those who have suffered bereavement.

Exception 4: marriages and civil partnerships

(9) Exception 4 is that the gathering consists of no more than 15 persons and—

- (a) it is for the purposes of the solemnisation of a marriage, formation of a civil partnership or conversion of a civil partnership, in accordance with the Marriage Act 1949(a), the Marriage (Registrar General’s Licence) Act 1970(b) or the Civil Partnership Act 2004(c), and
- (b) the gathering organiser or manager takes the required precautions in relation to the gathering (see regulation 6C).

Exception 5: funerals

(10) Exception 5 is that—

- (a) the gathering is for the purposes of a funeral,
- (b) the gathering consists of not more than 30 persons,
- (c) the gathering takes place—

(a) 1949 c. 76.
(b) 1970 c. 34.
(c) 2004 c. 33.

- (i) at premises (other than a private dwelling) which are operated by a business, a charitable, benevolent or philanthropic institution or a public body, or
- (ii) at premises which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, and
- (d) the manager takes the required precautions in relation to the gathering (see regulation 6C).

Exception 6: wedding and civil partnership receptions

(11) Exception 6 is that the gathering is a wedding reception, reception following the formation of a civil partnership or reception following the conversion of a civil partnership to a marriage and—

- (a) it consists of no more than 15 persons,
- (b) it takes place in premises other than a private dwelling, and
- (c) the gathering organiser takes the required precautions in relation to the gathering (see regulation 6C).

Exception 7: visiting persons receiving treatment etc

(12) Exception 7 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 8: protests

(13) Exception 8 is that the gathering is for the purposes of protest and—

- (a) it has been organised by a business, a charitable, benevolent or philanthropic institution, a public body or a political body, and
- (b) the gathering organiser takes the required precautions in relation to the gathering (see regulation 6C).

Exception 9: elite sports

(14) Exception 9 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 necessary for training or competition.

Exception 10: other sports

(15) Exception 10 is that—

- (a) the gathering is a permitted indoor sports gathering, and
- (b) the person concerned is taking part in that gathering.

(16) For the purposes of paragraph (15)—

- (a) “permitted indoor sports gathering” means a gathering which is organised for the purposes of allowing persons who have a disability and who are not elite sportspersons to take part in any sport or other fitness related activity, and—
 - (i) which is organised by a business, a charitable, benevolent or philanthropic institution or a public body,
 - (ii) which takes place indoors on relevant premises, and
 - (iii) in respect of which the gathering organiser or manager of the relevant premises complies with the required precautions (see regulation 6C);

- (b) a person taking part in a permitted indoor sports gathering does not include a spectator or the parent of a child taking part in the gathering.
- (17) For the purposes of paragraph (16)—
- (a) “relevant premises” means premises (other than a private dwelling)—
 - (i) which are operated by a business, a charitable, benevolent or philanthropic institution or a public body, or
 - (ii) which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body;
 - (b) a person has a disability if—
 - (i) they have a physical or mental impairment (and when considering whether a person has an impairment for these purposes, regulations 3 to 5 of the Equality Act 2010 (Disability) Regulations 2010(a) apply), and
 - (ii) the impairment has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities.

The required precautions

6C.—(1) The gathering organiser or (as the case may be) the manager in relation to a gathering takes the required precautions for the purposes of regulation 6B by meeting both of the following requirements.

(2) The first requirement is that the organiser or manager has carried out a risk assessment that would satisfy the requirements of regulation 3 of the Management of Health and Safety at Work Regulations 1999(b) (whether or not the organiser or manager is subject to those Regulations).

(3) The second requirement is that the organiser or manager has taken all reasonable measures to limit the risk of transmission of the coronavirus, taking into account—

- (a) the risk assessment carried out under paragraph (2), and
- (b) any guidance issued by the government which is relevant to the gathering.

Interpretation of regulations 6 to 6C

6D.—(1) This regulation applies for the purposes of regulations 6 to 6C.

(2) A gathering takes place when two or more persons are present together in the same place in order—

- (a) to engage in any form of social interaction with each other, or
- (b) to undertake any other activity with each other.

(3) A gathering takes place in the protected area if any part of the place where it takes place is in the protected area.

(4) A place is indoors if it would be considered to be enclosed, or substantially enclosed, for the purposes of section 2 of the Health Act 2006(c), under the Smoke-free (Premises and Enforcement) Regulations 2006(d).

(5) References to a “private dwelling”—

- (a) include references to a houseboat and any garden, yard, passage, stair, outhouse or other appurtenance of the dwelling;
- (b) do not include references to the following—

(a) S.I. 2010/2128.

(b) S.I. 1999/3242.

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

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

- (i) accommodation in a hotel, hostel, campsite, caravan park, members club, boardinghouse or bed and breakfast accommodation;
 - (ii) care homes, within the meaning of section 3 of the Care Standards Act 2000(a);
 - (iii) children’s homes, within the meaning of section 1 of that Act;
 - (iv) Residential Family Centres, within the meaning of section 4 of that Act;
 - (v) educational accommodation;
 - (vi) accommodation intended for use by the army, navy or air force;
 - (vii) criminal justice accommodation.
- (6) “A charitable, benevolent or philanthropic institution” means—
- (a) a charity, or
 - (b) an institution, other than a charity, established for charitable, benevolent or philanthropic purposes.
- (7) “Criminal justice accommodation” means—
- (a) a prison, within the meaning of the Prison Act 1952(b);
 - (b) a young offender institution, within the meaning of section 43 of that Act;
 - (c) a secure training centre, within the meaning of section 43 of that Act;
 - (d) approved premises, within the meaning of section 13 of the Offender Management Act 2007(c);
 - (e) a bail hostel, within the meaning of section 2 of the Bail Act 1976(d).
- (8) “Educational accommodation” means—
- (a) accommodation provided for students whilst they are boarding at school, and
 - (b) halls of residence provided for students attending higher education courses and equivalent accommodation provided for students attending further education courses.
- (9) “The gathering organiser” means the person responsible for organising a gathering.
- (10) “The manager” means the person responsible for the management of the premises on which a gathering takes place.
- (11) “A political body” means—
- (a) a political party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000(e), or
 - (b) a political campaigning organisation within the meaning of regulation 2 of the Health and Social Care (Financial Assistance) Regulations 2009(f).”

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

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

(2) In regulation 1(3)—

(a) After sub-paragraph (ca), insert—

(a) 2000 c.14, amended by paragraph 4(3) of Schedule 5 to the Health and Social Care Act 2008 (c. 14), and S.I. 2010/807. There are other amendments to this section which are not relevant to these Regulations.

(b) 1952 c.52.

(c) 2007 c.21.

(d) 1976 c.63.

(e) 2000 c. 41.

(f) S.I. 2009/649.

(g) S.I. 2020/1008, amended by S.I. 2020/1046.

- “(cb) the “NENW Regulations” means the Health Protection (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020;”(a);
- (b) after sub-paragraph (f), insert—
- “(g) a place is indoors if it would be considered to be enclosed, or substantially enclosed, for the purposes of section 2 of the Health Act 2006(b), under the Smoke-free (Premises and Enforcement) Regulations 2006(c);
- (h) premises are located in an area which is part of the protected area for the purpose of the NENW Regulations if any part of the premises are located in that area.”.
- (3) In regulation 1A—
- (a) in paragraph (1), after “premises”, the first time it occurs, insert “in an area which is not part of the protected area for the purposes of the NENW Regulations”;
- (b) after paragraph (1), insert—
- “(1A) A person who operates or occupies relevant premises in the protected area for the purposes of the NENW Regulations must, during the emergency period, take all reasonable measures to ensure that—
- (a) no bookings are accepted—
- (i) for a group of more than six, where the group is to be located outdoors, unless one of the exceptions in regulation 5 of the Principal Regulations applies;
- (ii) for a group of two or more persons to be located indoors at the premises unless one of the exceptions in regulation 6A or 6B of the NENW Regulations applies;
- (b) no persons are admitted to the premises in—
- (i) a group of more than six, where the group is to be located outdoors, unless one of the exceptions in regulation 5 of the Principal Regulations applies, or
- (ii) a group of two or more persons, where the group is to be located indoors, unless one of the exceptions in regulation 6A or 6B of the NENW Regulations applies;
- (c) no person joins another group or otherwise acts in a way which would contravene the NENW Regulations.”.
- (4) In regulation 2(1A), for paragraph (a), substitute—
- “(a) singing on the premises by customers—
- (i) in groups of more than six, where the premises are located in an area which is not part of the protected area for the purposes of the NENW Regulations, unless one of the exceptions in regulation 5 of the Principal Regulations applies, or
- (ii) where the premises are located in an area which is a protected area for the purposes of the NENW Regulations—
- (aa) in groups of more than six, where the group is located outdoors, unless one of the exceptions in regulation 5 of the Principal Regulations applies, or
- (bb) in groups of two or more persons, where the group is located indoors, unless one of the exemptions in regulation 6B or 6C of the NENW Regulations applies; or”.

(a) S.I. 2020/1010, amended by S.I.2020/1012, 1019, 1029 and 1041.

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

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

Amendment of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020

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

(a) in regulation 1—

(i) after paragraph (4ZA), insert—

“(4ZAA) Regulation 5(1), in so far as it relates to indoor gatherings other than gatherings in private dwellings, does not apply to those areas which form “the protected area” under the Health Protection (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020.”;

(ii) in paragraph (4ZB), after “(4ZA)” insert “and (4ZAA)”;

(b) in regulation 5(9), after sub-paragraph (d), insert—

“(e) regulation 6 of the Health Protection (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020(b).”.

Transitional and savings provisions

6. Despite the amendments made by these Regulations, the Health Protection (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020 continue in force as they had effect immediately before these Regulations came into force in relation to any offence committed under those Regulations before these Regulations came into force.

29th September 2020

Nadine Dorries
Minister of State,
Department of Health and Social Care

(a) S.I. 2020/684. Paragraph (9) was inserted by S.I. 2020/986, and amended by S.I. 2020/1029.
(b) S.I. 2020/1010.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make changes to the “protected area” in the Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020.

They also make changes to the “protected area” in the Health Protection (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020, impose restrictions on people living in the protected areas from mixing in private dwellings or other indoor places, amend the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020, and make a minor amendment to the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020.

No impact assessment has been carried out for these Regulations.

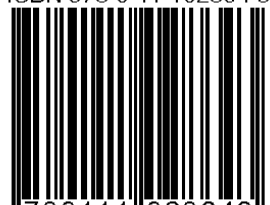
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