

SCHEDULE 3

Regulation 10

Consequential and other amendments and transitional and saving provisions

PART 1

Consequential and other amendments

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

1.—(1) The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 are amended as follows.

(2) Omit the following—

(a) in regulation 1—

(i) in paragraph (3) the words “, subject to paragraph (4)”;

(ii) paragraphs (4), (4ZA), (4ZAA) and (4ZB);

(iii) in paragraph (5), the definitions of “childcare”, “elite sports person” and “person responsible for carrying on a business”;

(iv) paragraph (6);

(b) regulation 3;

(c) regulation 4;

(d) regulation 4A;

(e) regulation 4B;

(f) regulation 5;

(g) regulation 5ZA;

(h) regulation 5A;

(i) regulation 5B;

(j) Schedule 2;

(k) Schedule 3.

(3) In regulation 7—

(a) in paragraph (1), omit “4, 4A, 4B, 5 or”;

(b) omit paragraphs (2) and (3);

(c) in paragraph (5), omit “(3)(c) or” and “from a gathering, or”;

(d) in paragraph (6), omit “in a gathering in contravention of regulation 5, or”;

(e) in paragraph (7), for “restrictions in regulation 5 or 6(11)” substitute “restriction in regulation 6(11)”;

(f) in paragraph (8), omit “(3),” and “5 or”;

(g) in paragraph (9), omit “(3),”;

(h) in paragraph (10)—

(i) at the end of sub-paragraph (b)(ii), insert “or”;

(ii) omit sub-paragraph (b)(iii) (including “or” at the end);

(i) omit paragraph (11).

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- (4) In regulation 8—
- (a) in paragraph (1), omit “4, 4A, 4B, 5, 5A, 5B,”;
  - (b) in paragraph (3), omit “or a prohibition notice”.
- (5) In regulation 9—
- (a) for paragraph (6) substitute—
    - “(6) The amount specified under paragraph (5)(c) must, subject to paragraphs (7) and (8), be £200.”;
  - (b) omit paragraph (6A);
  - (c) in paragraph (7), omit “of a type mentioned in paragraph (6)(b)”;
  - (d) in paragraph (8), omit “of a type mentioned in paragraph (6)(b)”;
  - (e) in paragraph (8A), at the end insert “(as those regulations had effect immediately before the coming into force of the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020)”;
  - (f) for paragraph (9) substitute—
    - “(9) In determining for the purposes of paragraph (8) how many fixed penalty notices a person has 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,
    - (b) the Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020,
    - (c) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020, other than notices issued in respect of a business restriction offence, as defined by regulation 14(7D) of those Regulations, committed on or after 14th October 2020,
    - (d) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Luton) Regulations 2020,
    - (e) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020,
    - (f) the Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020,
    - (g) the Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020,
    - (h) the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020,
    - (i) the Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020,
    - (j) the Health Protection (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020,
    - (k) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, other than notices issued in respect of a business restriction offence as defined by regulation 6(12) of those Regulations or an offence of contravening a restriction or requirement imposed by paragraph 2 of Schedule 1 to those Regulations,”;
  - (g) in paragraph (14), omit “the contravention of a requirement or restriction in regulation 4, 4A or 4B or”.

### **Amendments of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020**

2.—(1) Regulation 14 of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 is amended as follows.

- (2) In paragraph (5)(c), for “and (7)” substitute “to (7D)”.
- (3) In paragraph (6)—
  - (a) in the words before sub-paragraph (a), after “penalty is” insert “(subject to paragraphs (7A) and (7B))”;
  - (b) in sub-paragraph (a), for “£50” substitute “£100”;
  - (c) in sub-paragraph (b), for “£100” substitute “£200”.
- (4) In paragraph (7)—
  - (a) in the words before sub-paragraph (a), after “penalty is” insert “(subject to paragraphs (7A) and (7B))”;
  - (b) in sub-paragraph (a), for “£200” substitute “£400”;
  - (c) in sub-paragraph (b), for “£400” substitute “£800”;
  - (d) in sub-paragraph (c), for “£800” substitute “£1,600”;
  - (e) in sub-paragraph (d), for “£1,600” substitute “£3,200”;
  - (f) in sub-paragraph (e), for “£3,200” substitute “£6,400”.
- (5) After paragraph (7) insert—

“(7A) Paragraphs (6) and (7) do not apply in the case of a fixed penalty notice issued to the person in respect of a business restriction offence.

(7B) In the case of a fixed penalty notice issued to the person in respect of a business restriction offence, the amount of the fixed penalty is as follows—

- (a) if it is the first fixed penalty notice so issued, £1,000,
- (b) if it is the second fixed penalty notice so issued, £2,000,
- (c) if it is the third fixed penalty notice so issued, £4,000,
- (d) if it is the fourth fixed penalty notice so issued and for any subsequent fixed penalty so issued, £10,000.

(7C) For the purposes of determining how many fixed penalty notices a person has received for the purposes of paragraph (7B), a fixed penalty notice issued to the person under the following Regulations is to be treated as if it were issued in respect of a business restriction offence—

- (a) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, if the notice was issued in respect of an offence of contravening regulation 4A or 4B of those Regulations;
- (b) the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020;
- (c) the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020;
- (d) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, if the notice was issued in respect of a business restriction offence as defined by regulation 6(12) of those Regulations;

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- (e) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020, if the notice was issued in respect of a business restriction offence as defined by regulation 6(12) of those Regulations;
- (f) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020, if the notice was issued in respect of a business restriction offence as defined by regulation 6(12) of those Regulations.

(7D) In this regulation, unless otherwise specified “business restriction offence” means—

- (a) an offence under regulation 13(1)(a), (b) or (c), or
- (b) an offence under regulation 13(1)(e) of failing to comply with a prohibition notice given under regulation 12(2) or of contravening a direction given under regulation 12(3)(a).”.

(6) For paragraph (8) substitute—

“(8) In this regulation “relevant enactment” means—

- (a) the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020;
- (b) the Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020;
- (c) these Regulations, other than notices issued in respect of a business restriction offence committed on or after 14th October 2020;
- (d) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Luton) Regulations 2020;
- (e) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020;
- (f) the Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020;
- (g) the Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020;
- (h) the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020;
- (i) the Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020;
- (j) the Health Protection (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020;
- (k) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020;
- (l) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020;
- (m) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020.”.

(7) For paragraph (8A) substitute—

“(8A) For the purposes of determining how many fixed penalty notices have been issued to a person under the relevant enactments, no account is to be taken of any fixed penalty notice issued to that person under—

- (a) these Regulations, if the notice was issued to the person in respect of a business restriction offence committed on or after 14th October 2020;
- (b) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, if the notice was issued to the person in respect of an offence of

contravening a restriction or requirement imposed by regulation 5A or 5B of those Regulations;

- (c) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations or an offence of contravening a restriction or requirement imposed by paragraph 2 of Schedule 1 to those Regulations;
- (d) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations or an offence of contravening a restriction or requirement imposed by paragraph 3 of Schedule 1 to those Regulations;
- (e) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations or an offence of contravening a restriction or requirement imposed by paragraph 3 of Schedule 1 to those Regulations.”.

#### **Amendments of the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020**

3.—(1) The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020 are amended as follows.

(2) In regulation 18, in paragraph (7A)—

- (a) in sub-paragraph (a), at the end insert “, where the fixed penalty notice relates to an offence of contravening a requirement in regulation 4A or 4B of those Regulations”;
- (b) after sub-paragraph (b), insert—
  - “(c) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020, where the fixed penalty notice relates to a business restriction offence, as defined by regulation 14(7D) of those Regulations, committed on or after 14th October 2020;
  - (d) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, where the fixed penalty notice relates to a business restriction offence as defined by regulation 6(12) of those Regulations;”.

(3) In the Schedule, in paragraph 2—

- (a) after sub-paragraph (d) insert—
  - “(da) cinemas;”;
- (b) after sub-paragraph (e) insert—
  - “(ea) concert venues;”;
- (c) after sub-paragraph (m) insert—
  - “(n) theatres.”.

#### **Amendments of the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020**

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

(2) In regulation 1, in paragraph (3)—

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- (a) in sub-paragraph (b), for “the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020” substitute “the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020”;
  - (b) in sub-paragraph (c), for the words after “period” substitute “means the period beginning with 18th September 2020 and ending on such day as paragraph 1 of Schedule 1 to the Principal Regulations ceases to have effect;”;
  - (c) in sub-paragraph (d), for “regulation 5(2B)(a) of” substitute “paragraph 5(5) of Schedule 1 to”.
- (3) In regulation 1A, in paragraph (1)—
- (a) in sub-paragraph (a), for “regulation 5 of” substitute “paragraph 3 of Schedule 1 to”;
  - (b) in sub-paragraph (b), for “regulation 5 of” substitute “paragraph 3 of Schedule 1 to”;
- (4) In regulation 2, omit paragraphs (1A) to (1E).
- (5) In regulation 4, in paragraph (8A)—
- (a) in sub-paragraph (a) for “the principal Regulations” substitute “the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020”;
  - (b) after sub-paragraph (b) insert—
    - “(c) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020, where the fixed penalty notice relates to a business restriction offence, as defined by regulation 14(7D) of those Regulations, committed on or after 14th October 2020;
    - (d) the Principal Regulations, where the fixed penalty notice relates to a business restriction offence as defined by regulation 6(12) of those Regulations;”.
- (6) In regulation 8, after “or 10” insert “of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 or regulation 6(16) or 7”.

#### **Amendment of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Amendment) (No. 5) Regulations 2020**

**5.** In regulation 9(2) of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Amendment) (No. 5) Regulations 2020(1), in paragraph (d) of the definition of “a business closure offence”, after “regulation” insert “3,”.

#### **Revocations**

- 6.** The following Regulations are revoked—
- (a) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Amendment) Regulations 2020(2);
  - (b) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Amendment) (No. 3) Regulations 2020(3);
  - (c) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Amendment) (No. 4) Regulations 2020(4), other than regulation 8 of those Regulations;

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(1) [S.I. 2020/1029](#).  
(2) [S.I. 2020/719](#).  
(3) [S.I. 2020/863](#).  
(4) [S.I. 2020/986](#).

- (d) the Health Protection (Coronavirus, Restrictions) (Protected Areas and Linked Childcare Households) (Amendment) Regulations 2020<sup>(5)</sup>, other than regulation 7 of those Regulations.

## PART 2

### Transitional and saving provisions

7.—(1) A designation made in exercise of the powers conferred by the following provisions is to be treated as if it had been made in exercise of the powers conferred by regulations 4(9)(b), 6(3)(b), 6(16) or 7, as appropriate, of these Regulations—

- (a) regulation 7(10)(b), 9(3)(b), 9(13) or 10 of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020;
- (b) regulation 8(9)(b), 10(3)(b), 10(13) or 11 of the Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020;
- (c) regulation 8(9)(c), 10(3)(b), 10(13) or 11 of the Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020;
- (d) regulation 7(9)(c), 9(3), 9(14) or 10 of the Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020;
- (e) regulation 8(9)(b), 10(3)(b), 10(14)(a) or 11 of the Health Protection (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020;
- (f) regulation 4(9)(b), 6(3)(b), 6(16) or 7 of the Health Protection (Coronavirus, COVID 19-Alert Level) (High) (England) Regulations 2020;
- (g) regulation 4(9)(b), 6(3)(b), 6(16) or 7 of the Health Protection (Coronavirus, COVID 19-Alert Level) (Very High) (England) Regulations 2020.

(2) Despite the omission of provisions of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 by paragraph 1, those Regulations continue in force as they had effect immediately before 14th October 2020 in relation to any offence committed under those Regulations before that date.

(3) Despite the amendments of provisions of the Health Protection (Coronavirus, Restrictions) Obligations of Undertakings) (England) Regulations 2020 by paragraph 4, those Regulations continue in force as they had effect immediately before 14th October 2020 in relation to any offence committed under those Regulations before that date.