

## SCHEDULE 3

### 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).

**Changes to legislation:** There are currently no known outstanding effects for the *The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, PART 1*. (See end of Document for details)

- (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”.

#### Commencement Information

**II** Sch. 3 para. 1 in force at 14.10.2020, see [reg. 1\(2\)](#)

### **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;

**Changes to legislation:** There are currently no known outstanding effects for the *The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, PART 1*. (See end of Document for details)

- (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;
- (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—

**Changes to legislation:** There are currently no known outstanding effects for the *The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, PART 1*. (See end of Document for details)

- (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.”.

#### Commencement Information

**12** Sch. 3 para. 2 in force at 14.10.2020, see [reg. 1\(2\)](#)

### 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;”;

**Changes to legislation:** There are currently no known outstanding effects for the *The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, PART 1*. (See end of Document for details)

- (c) after sub-paragraph (m) insert—  
“(n) theatres.”.

#### Commencement Information

**I3** Sch. 3 para. 3 in force at 14.10.2020, see [reg. 1\(2\)](#)

### 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)—

- (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 ”.

#### Commencement Information

**I4** Sch. 3 para. 4 in force at 14.10.2020, see [reg. 1\(2\)](#)

**Changes to legislation:** There are currently no known outstanding effects for the *The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, PART 1*. (See end of Document for details)

## **Amendment of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) [F1] [Amendment] (No. 5) Regulations 2020**

5. In regulation 9(2) of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) (Amendment) (No. 5) Regulations 2020 <sup>M1</sup>, in paragraph (d) of the definition of “a business closure offence”, after “regulation” insert “ 3, ”.

**F1** Sch. 3 para. 5 heading: bracket inserted (27.10.2020) by [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium, High and Very High\) \(England\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/1176\)](#), reg. 1(2), [Sch. para. 1\(3\)\(a\)](#)

### **Commencement Information**

**I5** Sch. 3 para. 5 in force at 14.10.2020, see reg. 1(2)

### **Marginal Citations**

**M1** [S.I. 2020/1029](#).

## **Revocations**

6. The following Regulations are revoked—

- (a) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) (Amendment) Regulations 2020 <sup>M2</sup>;
- (b) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) (Amendment) (No. 3) Regulations 2020 <sup>M3</sup>;
- (c) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) (Amendment) (No. 4) Regulations 2020 <sup>M4</sup>, other than regulation 8 of those Regulations;
- (d) the Health Protection (Coronavirus, Restrictions) (Protected Areas and Linked Childcare Households) (Amendment) Regulations 2020 <sup>M5</sup>, other than regulation 7 of those Regulations.

### **Commencement Information**

**I6** Sch. 3 para. 6 in force at 14.10.2020, see [reg. 1\(2\)](#)

### **Marginal Citations**

**M2** [S.I. 2020/719](#).

**M3** [S.I. 2020/863](#).

**M4** [S.I. 2020/986](#).

**M5** [S.I. 2020/1019](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, PART 1.