
STATUTORY INSTRUMENTS

2020 No. 1200

The Health Protection (Coronavirus,
Restrictions) (England) (No. 4) Regulations 2020

PART 3

Restrictions on gatherings

Part 3: general interpretation

7.—(1) This paragraph applies for the purposes of this Part.

(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 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(1), under the Smoke-free (Premises and Enforcement) Regulations 2006(2).

(4) A place is a “public outdoor place” if it is an outdoor place to which the public have, or are permitted, access (whether on payment or otherwise) and includes—

- (a) land laid out as a public garden or used for the purpose of recreation by members of the public;
- (b) land which is “open country” as defined in section 59(2) of the National Parks and Access to the Countryside Act 1949(3), as read with section 16 of the Countryside Act 1968(4);
- (c) land which is “access land” for the purposes of Part 1 of the Countryside and Rights of Way Act 2000(5) (see section 1(1) of that Act)(6);
- (d) any highway to which the public has access;
- (e) Crown land to which the public has access.

(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—

(1) 2006 c. 28. Section 2 was amended by paragraph 4 of Schedule 2 to the Public Health (Wales) Act 2017 (2017 anaw 2).
(2) S.I. 2006/3368, to which there are amendments which are not relevant to these Regulations.
(3) 1949 c. 97.
(4) 1968 c. 41. Section 16 was amended by section 111 of the Transport Act 1968 (c. 73), Schedule 27 to the Water Act 1989 (c. 15) and S.I. 2012/1659. There are other amendments to section 16 which are not relevant to this instrument.
(5) 2000 c. 37.
(6) The definition of “access land” has been amended by section 303(2) of, and Part 7 of Schedule 22 to, the Marine and Coastal Access Act 2009 (c. 23).

- (i) accommodation in a hotel, hostel, campsite, caravan park, members club, boarding house or bed and breakfast accommodation;
- (ii) care homes;
- (iii) children’s homes, within the meaning of section 1 of the Care Standards Act 2000(7);
- (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.

Participation in indoor gatherings

- 8.**—(1) No person may participate in a gathering which—
- (a) consists of two or more people, and
 - (b) takes place indoors (including indoors within a private dwelling).
- (2) Paragraph (1) does not apply if any of the exceptions set out in regulation 11 apply.

Participation in outdoor gatherings

- 9.**—(1) No person may participate in a gathering which—
- (a) takes place in a public outdoor place and consists of more than two people, or
 - (b) takes place in any other outdoor place (including any outdoor part of a private dwelling) and consists of two or more people.
- (2) In determining whether there is a gathering of two or more people, no account is to be taken of any person who is—
- (a) present in the gathering as a carer for a person with a disability who needs continuous care, provided that there are no more than two people present in that capacity, or
 - (b) below the age of five.
- (3) Paragraph (1) does not apply if any of the exceptions set out in regulation 11 apply.

Organisation or facilitation of gatherings

- 10.**—(1) No person may hold, or be involved in the holding of, a relevant gathering.
- (2) For the purposes of paragraph (1) a person who only participates in a gathering by attending it is not to be taken as being involved in the holding of the gathering.
- (3) A gathering is a “relevant gathering” for the purposes of this regulation if it falls within paragraph (4) or (5).
- (4) A gathering falls within this paragraph if it—
- (a) consists of more than 30 persons,
 - (b) takes place indoors, and
 - (c) would be a gathering of the kind mentioned in section 63(1) of the Criminal Justice and Public Order Act 1994(8) (powers to remove persons attending or preparing for a rave) if it took place in the open air.

(7) 2000 c. 14. Section 1 has been amended by paragraph 2 of Schedule 5 to the Health and Social Care Act 2008 (c. 14). There are other amendments to that section which are not relevant to these Regulations.

(8) 1994 c. 33. Section 63(1) was amended by section 58(2) of the Anti-social Behaviour Act 2003 (c. 38).

- (5) A gathering falls within this paragraph if (not falling within paragraph (4)) it—
- (a) consists of more than 30 persons,
 - (b) takes place—
 - (i) in a private dwelling,
 - (ii) on a vessel (other than a government vessel, a vessel used for public transport or a houseboat), or
 - (iii) on land which satisfies the condition in paragraph (7),
 - (c) is not a gathering in relation to which any of the exceptions set out in regulation 11, so far as capable of applying to the gathering, or the exception in paragraph (6), applies.
- (6) This paragraph applies if, in the case of a gathering described in paragraph (5)(b)(ii) or (iii), the person holding the gathering or, if they are not the person responsible for organising that gathering, the gathering organiser—
- (a) is a business, a charitable, benevolent or philanthropic institution, a public body or a political body, and
 - (b) has taken the required precautions (see regulation 14).
- (7) Land satisfies the condition in this paragraph if it is a public outdoor place which is not—
- (a) operated by a business, a charitable, benevolent or philanthropic institution, or
 - (b) part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution, or a public body.

Exceptions in relation to gatherings

11.—(1) These are the exceptions referred to in regulations 8, 9 and 10.

Exception 1: same or linked households

- (2) Exception 1 is that all the people in the gathering—
- (a) are members of the same household, or
 - (b) are members of two households which are linked households in relation to each other (see regulation 12).

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) to provide emergency assistance;
 - (d) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm;
 - (e) 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(9);
 - (f) to facilitate a house move.

Exception 3: legal obligations and proceedings

(9) 2006 c. 47.

(4) Exception 3 is that the person concerned is fulfilling a legal obligation or participating in legal proceedings.

Exception 4: criminal justice accommodation

(5) Exception 4 is that the gathering takes place in criminal justice accommodation.

Exception 5: support groups

(6) Exception 5 is that—

- (a) the gathering—
 - (i) is of a support group,
 - (ii) consists of no more than 15 persons, and
 - (iii) takes place at premises other than a private dwelling, and
- (b) it is reasonably necessary for members of the group to be physically present at the gathering.

(7) In determining whether the limit in paragraph (6)(a)(ii) is complied with, no account is to be taken of any child who is below the age of five.

(8) For the purposes of paragraph (6), “support group” means a group or one to one support 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;
- (g) to vulnerable young people.

Exception 6: respite care

(9) Exception 6 is that the gathering is reasonably necessary for the purposes of—

- (a) respite care being provided for a vulnerable person or a person with a disability, or
- (b) a short break being provided in respect of a looked after child (within the meaning given in section 22 of the Children Act 1989).

Exception 7: births and visiting persons receiving treatment etc

(10) Exception 7 is that the person concerned (“P”) is—

- (a) attending a person giving birth (“M”) at M’s request, or
- (b) visiting a person (“V”) receiving treatment in a hospital or staying in a hospice or care home, or accompanying V to a medical appointment and P is—
 - (i) a member of V’s household,
 - (ii) a close family member of V, or

(iii) a friend of V.

Exception 8: marriages and civil partnerships etc

(11) Exception 8 is that—

- (a) the gathering is for the purposes of—
 - (i) the solemnisation of a marriage in accordance with the Marriage (Registrar General’s Licence) Act 1970(10);
 - (ii) the solemnisation of a marriage by special licence under the Marriage Act 1949(11), where at least one of the parties to the marriage is seriously ill and not expected to recover;
 - (iii) the formation of a civil partnership under the special procedure provided for in Chapter 1 of Part 2 of the Civil Partnership Act 2004(12);
 - (iv) the conversion of a civil partnership to a marriage under the special procedure provided for in regulation 9 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014(13), or
 - (v) an alternative wedding ceremony, where one of the parties to the marriage is seriously ill and not expected to recover, and for these purposes, “alterative wedding ceremony” has the meaning given in regulation 6(11),
- (b) the gathering consists of no more than 6 people,
- (c) the gathering takes place—
 - (i) at a private dwelling,
 - (ii) at premises which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,
 - (iii) at premises which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, or
 - (iv) in a public outdoor place not falling within paragraph (ii) or (iii), and
- (d) the gathering organiser or manager takes the required precautions in relation to the gathering (see regulation 14).

Exception 9: visiting a dying person

(12) Exception 9 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, or
- (c) a friend of D.

Exception 10: funerals

(13) Exception 10 is that—

- (a) the gathering is for the purposes of a funeral,
- (b) the gathering consists of no more than 30 persons,
- (c) the gathering takes place at premises, other than a private dwelling, which—

(10) 1970 c. 34.

(11) 1949 c. 76.

(12) 2004 c. 33.

(13) S.I. 2014/3181, as amended by S.I. 2016/911.

- (i) are operated by a business, a charitable, benevolent or philanthropic institution or a public body, or
- (ii) are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, and
- (d) the gathering organiser or manager takes the required precautions in relation to the gathering (see regulation 14).

Exception 11: commemorative event following a person's death

- (14) Exception 11 is that—
- (a) the gathering is for the purposes of a commemorative event to celebrate the life of a person who has died (for example, scattering ashes or a stone setting ceremony),
 - (b) the gathering consists of no more than 15 persons,
 - (c) the gathering takes place at premises other than a private dwelling, and
 - (d) the gathering organiser or manager takes the required precautions in relation to the gathering (see regulation 14).

Exception 12: elite sports

- (15) Exception 12 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 13: children

- (16) Exception 13 is that the gathering is reasonably necessary—
- (a) for the purposes of arrangements for access to, and contact between, parents and a child where the child does not live in the same household as their parents or one of their parents;
 - (b) for the purposes of arrangements for contact between siblings where they do not live in the same household and one or more of them is—
 - (i) a child looked after by a local authority, within the meaning of section 22 of the Children Act 1989(14), or
 - (ii) a relevant child, within the meaning of section 23A(15) of that Act;
 - (c) for the purposes of arrangements for prospective adopters (including their household) to meet a child or children who may be placed with the prospective adopters as provided for by an adoption placement plan drawn up in accordance with the Adoption Agencies Regulations 2005(16) (see regulation 35(2) of those Regulations);
 - (d) subject to paragraph (17), for the purposes of—
 - (i) childcare provided by a person registered under Part 3 of the Childcare Act 2006(17), or
 - (ii) supervised activities for children;

(14) 1989 c. 41. Section 22 was amended by the Local Government Act 2000 (c. 22), section 107 and Schedule 5, paragraph 19; the Children (Leaving Care) Act 2000 (c. 35), section 2; the Adoption and Children Act 2002 (c. 38), section 116; the Children Act 2004 (c. 31), section 52; the Children and Young Persons Act 2008 (c. 23), section 44; the Children and Families Act 2014 (c. 6), section 99; and S.I. 2016/413.

(15) Section 23A was inserted by the Children (Leaving Care) Act 2000 (c. 35).

(16) S.I. 2005/389.

(17) 2006 c. 21.

- (e) for the purposes of informal childcare, for children aged 13 or under, provided by a member of a household to a member of their linked childcare household (see regulation 13).

(17) Paragraph (16)(d) only applies where the childcare is reasonably necessary to enable the parent, or the person who has parental responsibility for, or care of, the child in question, to work, to search for work or to undertake training or education.

Exception 14: Remembrance Sunday and Armistice Day

(18) Exception 14 is that—

- (a) the gathering takes place—
 - (i) outdoors in a place which is not a private dwelling to commemorate Remembrance Sunday, or
 - (ii) in Westminster Abbey on 11th November 2020 to commemorate Armistice Day and the centenary of the burial of the Unknown Soldier;
- (b) the persons attending the gathering are limited to—
 - (i) persons there as part of their work,
 - (ii) persons providing voluntary services in connection with the event,
 - (iii) members of the armed forces,
 - (iv) veterans of the armed forces or their representatives or carers, and
 - (v) spectators who participate in the gathering alone or only with members of their household, linked household or their linked childcare household, and
- (c) the gathering organiser or manager takes the required precautions in relation to the gathering (see regulation 14).

Linked household

12.—(1) For the purposes of these Regulations, a “linked household” means a household that is linked with another household in accordance with this regulation.

(2) 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”).

(3) But paragraph (2) applies only if—

- (a) all adult members of the second household agree,
- (b) 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 Part 2A of the Public Health (Control of Disease) Act 1984, and
- (c) neither of those households were, in the period beginning with 14th September 2020 and ending with 5th November 2020, linked with any other household for the purposes of any other regulations made under that Part.

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

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

(6) The first and second households cease to be linked households if neither household satisfies the condition in paragraph (2).

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

(8) The references in paragraph (3) to neither household being linked with any other household do not include being linked with another household only for the purposes of informal childcare in

accordance with regulation 13 or any other regulations made under Part 2A of the Public Health (Control of Disease) Act 1984.

Linked childcare household

13.—(1) For the purposes of these Regulations, a “linked childcare household” means a household that is linked with another household for the purposes of informal childcare in accordance with this regulation.

(2) Where a household includes at least one child aged 13 or under (“the first household”), that household may link with one other household (“the second household”) for the purpose of the second household providing informal childcare to the child aged 13 or under in the first household if—

- (a) neither the first household nor the second household are linked with any other household for that purpose in accordance with this regulation, and
- (b) all the adult members of both households agree.

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

(4) The first household and the second household cease to be linked childcare households when neither household includes a child aged 13 or under.

(5) Once the first household and the second household cease to be linked childcare households, neither household may be a linked childcare household with any other household.

The required precautions

14.—(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 this Part 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⁽¹⁸⁾ (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.

⁽¹⁸⁾ S.I. 1999/3242, as amended by S.I. 2005/1541, 2015/21 and 2015/1637.