

SCHEDULE 3

Tier 3 restrictions

PART 1

Restrictions on gatherings

Participation in gatherings in private dwellings and other indoor spaces

- 1.—(1) No person may participate in a gathering in the Tier 3 area which—
 - (a) consists of two or more people, and
 - (b) takes place in a private dwelling or in any indoor space.
- (2) No person living in the Tier 3 area may participate in a gathering outside that area which—
 - (a) consists of two or more people, and
 - (b) takes place in a private dwelling or in any indoor space.
- (3) Sub-paragraphs (1) and (2) do not apply if any of the exceptions set out in paragraph 4 or 5 applies.
- (4) For the purposes of this Part of this Schedule, a gathering takes place in the Tier 3 area if any part of the place where it takes place is in the Tier 3 area.

Participation in gatherings outdoors

- 2.—(1) No person may participate in a gathering in the Tier 3 area which—
 - (a) takes place outdoors in a place which satisfies the conditions in sub-paragraph (4) and consists of more than six people, or
 - (b) takes place in any other outdoor place and consists of two or more people.
- (2) No person living in the Tier 3 area may participate in a gathering outside that area which—
 - (a) takes place outdoors in a place which satisfies the conditions in sub-paragraph (4) and consists of more than six people, or
 - (b) takes place in any other outdoor place and consists of two or more people.
- (3) Sub-paragraphs (1) and (2) do not apply if any of the exceptions set out in paragraph 4 or 6 applies.
- (4) A place satisfies the conditions in this sub-paragraph if it is a public outdoor place other than a fairground or a funfair and—
 - (a) no payment is required by any member of the public to access that place, or
 - (b) the place falls within one of the following categories—
 - (i) outdoor sportsgrounds or sports facilities;
 - (ii) botanical gardens;
 - (iii) gardens or grounds of a castle, stately home, historic house or other heritage site.

Organisation or facilitation of gatherings

- 3.—(1) No person may hold, or be involved in the holding of, a relevant gathering in the Tier 3 area.

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(2) For the purposes of sub-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 paragraph if it falls within sub-paragraph (4) or (5).

(4) A gathering falls within this sub-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 (powers to remove persons attending or preparing for a rave) if it took place in the open air.

(5) A gathering falls within this sub-paragraph if (not falling within sub-paragraph (4)) it—

- (a) consists of more than 30 persons,
- (b) takes place—
 - (i) in a private dwelling,
 - (ii) on a vessel, or
 - (iii) on land which satisfies the condition in sub-paragraph (6), and
- (c) is not a gathering in relation to which any of the exceptions set out in paragraph 4, 5 or 6 (so far as capable of applying to the gathering) applies.

(6) Land satisfies the condition in this sub-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.

(7) In sub-paragraph (5)(b)(ii) “vessel” does not include government vessels, vessels used for public transport or houseboats.

(8) In applying for the purposes of sub-paragraph (5)(c) the exceptions set out in paragraph 4, the following do not apply—

- (a) paragraph 4(3)(a), so far as relating to gatherings in public outdoor places operated by public bodies;
- (b) paragraph 4(3)(b).

General exceptions in relation to gatherings

4.—(1) These are the exceptions referred to in paragraphs 1, 2 and 3(5)(c).

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 are treated as members of the same household in accordance with these Regulations), or
- (b) are members of two households which are linked households in relation to each other.

Exception 2: permitted organised gatherings

(3) Exception 2 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 (see paragraph 7).

Exception 3: education and training

- (4) Exception 3 is that the gathering is reasonably necessary for the purposes of—
- (a) early years provision;
 - (b) educational activities of a school;
 - (c) a course of study or essential life skills training provided by—
 - (i) a 16 to 19 Academy,
 - (ii) a provider of further education, or
 - (iii) a higher education provider;
 - (d) activities relating to residing at a school, a 16 to 19 Academy or a provider of further education;
 - (e) provision specified in an education, health and care plan;
 - (f) the suitable education of a child otherwise than by regular attendance at school arranged by a parent in accordance with section 7 of the Education Act 1996 (and for this purpose “suitable education” has the meaning given by section 436A(3) of the Education Act 1996);
 - (g) the suitable education of a child otherwise than by regular attendance at school arranged by—
 - (i) a local authority, as defined by section 579(1) of the Education Act 1996, in accordance with section 19 of that Act, or
 - (ii) the proprietor of a school at which the child is a registered pupil, including where the arrangements are made in connection with section 29A of the Education Act 2002 or section 100 of the Education and Inspections Act 2006,(and for this purpose “suitable education” has the meaning given by section 19(6) of the Education Act 1996);
 - (h) activities provided by a business, a charitable, benevolent or philanthropic institution or a public body for the purposes of—
 - (i) obtaining a regulated qualification, within the meaning of section 130 of the Apprenticeships, Skills, Children and Learning Act 2009, or
 - (ii) meeting all or part of the entry requirements for an educational institution;
 - (i) preparing for work through a skills programme consisting of—
 - (i) a work experience placement, or
 - (ii) work preparation training;
 - (j) applying for, and obtaining, work;
 - (k) meeting a requirement for a particular area of work;
 - (l) professional training that is working towards an external accreditation recognised by a professional body;
 - (m) exams and assessments carried out in connection with any of the matters mentioned in paragraphs (a) to (l).

Exception 4: gatherings necessary for certain purposes

- (5) Exception 4 is that the gathering is reasonably necessary—
- (a) for work purposes or for the provision of voluntary or charitable services;
 - (b) to provide emergency assistance;

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- (c) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm;
- (d) to provide care or assistance to a vulnerable person or a person who has a disability, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006;
- (e) for the purposes of a house move.

Exception 5: legal obligations and proceedings

(6) Exception 5 is that the person concerned is fulfilling a legal obligation or participating in legal proceedings.

Exception 6: criminal justice accommodation and immigration detention accommodation

(7) Exception 6 is that the gathering takes place in criminal justice accommodation or in immigration detention accommodation.

Exception 7: support groups

(8) Exception 7 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.

(9) In determining whether the limit in sub-paragraph (8)(a)(ii) is complied with, no account is to be taken of any child who is below the age of five.

Exception 8: respite care

(10) Exception 8 is that the gathering is reasonably necessary for the purposes of—

- (a) respite care being provided for a vulnerable person or a person who has 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 9: births

(11) Exception 9 is that the person concerned is attending a person giving birth (“M”) at M’s request.

Exception 10: marriages and civil partnerships etc.

(12) Exception 10 is that the gathering meets the conditions in sub-paragraph (13) or (14).

(13) A gathering meets the conditions in this sub-paragraph if it consists of no more than 15 persons and—

- (a) it is for the purposes of—
 - (i) the solemnisation of a marriage, formation of a civil partnership or conversion of a civil partnership into a marriage in accordance with the Marriage Act 1949(1),

(1) 1949 c. 76.

- the Marriage (Registrar General’s Licence) Act 1970⁽²⁾ or the Civil Partnership Act 2004⁽³⁾, or
- (ii) an alternative wedding ceremony,
- (b) in the case of an alternative wedding ceremony, it takes place—
- (i) at premises, other than a private dwelling, which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,
 - (ii) at premises, other than a private dwelling, which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, or
 - (iii) in a public outdoor place not falling within sub-paragraph (i) or (ii), and
- (c) the gathering organiser or manager takes the required precautions in relation to the gathering.
- (14) A gathering meets the conditions in this sub-paragraph if it consists of no more than 6 persons and—
- (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,
 - (ii) the solemnisation of a marriage by special licence under the Marriage Act 1949, 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,
 - (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, or
 - (v) an alternative wedding ceremony, where at least one of the parties to the marriage is seriously ill and not expected to recover,
 - (b) 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 sub-paragraph (ii) or (iii),
 - (c) it is not reasonably practicable for the gathering to take place in accordance with sub-paragraph (13), and
 - (d) the gathering organiser or manager takes the required precautions in relation to the gathering.
- (15) In sub-paragraphs (13) and (14), a gathering is for the purposes of an “alternative wedding ceremony” if it is for the purposes of a ceremony, including a ceremony based on a person’s faith or belief or lack of belief, to mark the union of two people, other than a ceremony conducted for a purpose mentioned in sub-paragraph (13)(a)(i) or (14)(a)(i) to (iv).

(2) 1970 c. 34.

(3) 2004 c. 33.

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Exception 11: funerals

- (16) Exception 11 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—
 - (i) at premises, other than a private dwelling, which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,
 - (ii) at premises, other than a private dwelling, which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, or
 - (iii) in a public outdoor place not falling within sub-paragraph (i) or (ii), and
 - (d) the gathering organiser or manager (in the case of a gathering taking place at premises mentioned in paragraph (c)(i) or (ii)), or the gathering organiser (in the case of a gathering taking place as mentioned in paragraph (c)(iii)) takes the required precautions in relation to the gathering.

Exception 12: commemorative event following a person's death

- (17) Exception 12 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, a wake or 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.

Exception 13: protests

- (18) Exception 13 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.

Exception 14: elite sports

- (19) Exception 14 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 reasonably necessary for training or competition.

Exception 15: children

- (20) Exception 15 is that the gathering is reasonably necessary—
- (a) 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;
 - (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, or

- (ii) a relevant child, within the meaning of section 23A 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 (see regulation 35(2) of those Regulations);
- (d) for the purposes of placing children, or facilitating children being placed, in the care of another person by social services, whether on a temporary or permanent basis;
- (e) for the purposes of—
 - (i) childcare provided by a person registered under Part 3 of the Childcare Act 2006, or
 - (ii) supervised activities for children or other persons who were under the age of 18 on 31st August 2020;
- (f) for the purposes of informal childcare provided by a member of a household to a member of their linked childcare household.

Exception 16: parent and child groups

(21) Exception 16 is that the gathering is of a parent and child group which is organised by a business, a charitable, benevolent or philanthropic institution or a public body for the benefit of children under the age of five and—

- (a) the gathering consists of no more than 15 persons, and
- (b) the gathering takes place at premises other than a private dwelling.

(22) In determining whether the limit in sub-paragraph (21)(a) is complied with, no account is to be taken of any child who is below the age of five.

Exception 17: students and vacation households

(23) Exception 17 is that the gathering is reasonably necessary to enable a student who is undertaking a higher education course on 3rd December 2020—

- (a) to move on one occasion from their student household on or after that date but before 8th February 2021 to one other household (“vacation household”) for the purposes of a vacation, or
- (b) to return to their term time accommodation after the vacation.

(24) For the purposes of these Regulations—

- (a) a student who has moved to a vacation household is to be treated as a member of that household during the vacation (and not as a member of their student household) until the date on which they return to their student household;
- (b) the inclusion of a student in a vacation household is to be ignored in determining whether that household satisfies the condition in regulation 3(2).

Exception 18: Christmas period

(25) Exception 18 is that—

- (a) the gathering takes place during the Christmas period or, where sub-paragraph (26) applies, immediately after the Christmas period,
- (b) the gathering consists of members of no more than three households,
- (c) each of those members is in a linked Christmas household in relation to the others, and
- (d) the gathering takes place in a private dwelling, in a conveyance, in a place of worship or in a public outdoor place that satisfies the conditions in sub-paragraph (27).

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(26) This sub-paragraph applies where one or more persons at the gathering has not been able to return to their home because of unforeseen disruption to travel.

(27) A public outdoor place satisfies the conditions in this sub-paragraph if it is not a fairground or a funfair and—

- (a) no payment is required by any member of the public to access that place, or
- (b) the place falls within one of the following categories—
 - (i) outdoor sportsgrounds or sports facilities;
 - (ii) botanical gardens;
 - (iii) gardens or grounds of a castle, stately home, historic house or other heritage site.

(28) In sub-paragraph (25)(d) “private dwelling” includes accommodation in a campsite or caravan park and in the following, if used by a member of a linked Christmas household as their main residence—

- (a) accommodation in a hotel, hostel, members’ club, boarding house or bed and breakfast accommodation;
- (b) care homes;
- (c) children’s homes, within the meaning of section 1 of the Care Standards Act 2000;
- (d) residential family centres, within the meaning of section 4 of that Act;
- (e) educational accommodation;
- (f) accommodation intended for use by Her Majesty’s armed forces.

Exception 19: picketing

(29) Exception 19 is that—

- (a) the gathering is for the purposes of picketing which is carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992(4), and
- (b) the gathering organiser takes the required precautions in relation to the gathering.

Exceptions in relation to indoor gatherings and certain outdoor gatherings

5.—(1) These are the exceptions relating only to indoor gatherings and outdoor gatherings in a place which does not satisfy the conditions set out in paragraph 2(4).

Exception 1: visiting a dying person

(2) Exception 1 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 2: visiting persons receiving treatment etc.

(3) Exception 2 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,

(4) 1992 c. 52.

- (b) a close family member of V, or
- (c) a friend of V.

Exception 3: indoor sports

(4) Exception 3 is that the person concerned is taking part in a permitted indoor sports gathering, and for these purposes 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.

Exceptions in relation to outdoor gatherings

6.—(1) These exceptions relate only to outdoor gatherings.

Exception 1: outdoor sports

(2) Exception 1 is that the person concerned is taking part in an outdoor sports gathering, and for these purposes a person taking part in an outdoor sports gathering does not include a spectator or the parent of a child taking part in the gathering.

Exception 2: outdoor activities

(3) Exception 2 is that—

- (a) the gathering is for the purposes of a relevant outdoor activity, and
- (b) the gathering organiser takes the required precautions in relation to the gathering.

Qualifying groups

7.—(1) 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 people 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.

(2) In sub-paragraph (1) “qualifying group”, in relation to a gathering, means—

- (a) in the application of this paragraph for the purposes of indoor gatherings or outdoor gatherings in a place which does not satisfy the conditions in paragraph 2(4), a group of people who are participating in the gathering which consists only of persons who are—
 - (i) members of the same household,
 - (ii) members of two households which are linked households in relation to each other,
 - (iii) members of two households which are linked childcare households in relation to each other and the gathering is for the purposes of informal childcare provided by a member of one of those households to the other, or
 - (iv) members of no more than three households who are in a linked Christmas household in relation to each other and the gathering takes place during the Christmas period in a place of worship or a public outdoor place that satisfies the conditions in paragraph 4(27);
- (b) in the application of this paragraph for the purposes of outdoor gatherings in a place which satisfies the conditions in paragraph 2(4), a group of people who are participating in that gathering and which—
 - (i) consists of no more than 6 persons, or

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(ii) consists only of persons as mentioned in paragraph (a)(i) to (iv).