

SCHEDULE 5

Regulation 17

Consequential amendments and transitional and saving provisions

PART 1

Consequential amendments

1. In the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, in regulation 9(9), after sub-paragraph (n) insert—

“(o) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, other than notices issued in respect of a business restriction offence as defined by regulation 12(7) of those Regulations or an offence of contravening a restriction or requirement imposed by paragraph 2 of Schedule 1, paragraph 3 of Schedule 2 or paragraph 3 of Schedule 3 to those Regulations.”.

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

(2) In paragraph (7C), after sub-paragraph (g) insert—

“(h) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, if the notice was issued in respect of a business restriction offence as defined by regulation 12(7) of those Regulations.”.

(3) In paragraph (8), after sub-paragraph (n) insert—

“(o) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020.”.

(4) In paragraph (8A), after sub-paragraph (f) insert—

“(g) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 12(7) of those Regulations or an offence of contravening a restriction or requirement imposed by paragraph 2 of Schedule 1, paragraph 3 of Schedule 2 or paragraph 3 of Schedule 3 to those Regulations.”.

3. In the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020, in regulation 18(7A), after sub-paragraph (g) insert—

“(h) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, where the fixed penalty notice relates to a business restriction offence as defined by regulation 12(7) of those Regulations.”.

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

(2) In regulation 1—

(a) omit paragraph (2A);

(b) in paragraph (3)—

(i) in sub-paragraph (b), for “the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020” substitute “the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020”;

Status: This is the original version (as it was originally made).

- (ii) in sub-paragraph (c), for “the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020 ceases” substitute “the Principal Regulations cease”;
 - (iii) in sub-paragraph (d), for “5(5) of Schedule 1” substitute “4(2) of Schedule 1, or (in relation to the Tier 2 area) paragraph 7(2) of Schedule 2,”;
 - (iv) for sub-paragraphs (fa) and (fb) substitute—
 - “(fa) “Tier 2 area” has the meaning given by regulation 8(4)(d) of the Principal Regulations;
 - (fb) “Tier 3 area” has the meaning given by regulation 8(4)(f) of the Principal Regulations;”;
 - (v) in sub-paragraph (h) omit “for the purposes of the Tier 2 Regulations” and “for the purposes of the Tier 3 Regulations”.
- (3) In regulation 1A—
- (a) in paragraph (1), in the opening words, omit “for the purposes of the Tier 2 Regulations” and “for the purposes of the Tier 3 Regulations”;
 - (b) in paragraph (1A)—
 - (i) in the opening words, omit “for the purposes of the Tier 2 Regulations”;
 - (ii) in sub-paragraph (a)(i), for “paragraph 5 of Schedule 1 to the Tier 2 Regulations” substitute “paragraph 4 of Schedule 2 to the Principal Regulations”;
 - (iii) in sub-paragraph (a)(ii), for “paragraph 4 of Schedule 1 to the Tier 2 Regulations” substitute “paragraph 4 or 5 of Schedule 2 to the Principal Regulations”;
 - (iv) in sub-paragraph (b)(i), for “paragraph 5 of Schedule 1 to the Tier 2 Regulations” substitute “paragraph 4 of Schedule 2 to the Principal Regulations”;
 - (v) in sub-paragraph (b)(ii), for “paragraph 4 of Schedule 1 to the Tier 2 Regulations” substitute “paragraph 4 or 5 of Schedule 2 to the Principal Regulations”;
 - (vi) in sub-paragraph (c) for “Tier 2” substitute “Principal”;
 - (c) omit paragraph (1B).
- (4) In regulation 4, in paragraph (8A)—
- (a) in sub-paragraph (d), for “the Principal Regulations” substitute “the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020”;
 - (b) in sub-paragraph (e), for “the Tier 2 Regulations” substitute “the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020”;
 - (c) in sub-paragraph (f), for “the Tier 3 Regulations” substitute “the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020”;
 - (d) after sub-paragraph (g) insert—
 - “(h) the Principal Regulations, where the fixed penalty notice relates to a business restriction offence as defined by regulation 12(7) of those Regulations.”
- (5) In regulation 8, for “6(16) or 7” substitute “11(9) or 13”.

PART 2

Transitional and savings provisions

5.—(1) A designation made, or treated as 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 9(9)(b), 11(3)(b), 11(9)(a) or 13, 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)(iii) or (iv), 10(3)(b), 10(14)(a) or 11 of the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020;
- (f) 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;
- (g) regulation 4(9)(b), 6(3)(b), 6(16) or 7 of the Health Protection (Coronavirus, COVID-19 Alert Level) (Medium) (England) Regulations 2020;
- (h) regulation 4(9)(b), 6(3)(b), 6(16) or 7 of the Health Protection (Coronavirus, COVID-19 Alert Level) (High) (England) Regulations 2020;
- (i) 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;
- (j) regulation 19(11)(b), 21(3)(b), 21(16)(a) or 22 of the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020.

(2) Despite the revocation by these Regulations of the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020, those Regulations continue in force as they had effect immediately before 2nd December 2020 in relation to any offence committed under those Regulations before that date.