

2020 No. 500

PUBLIC HEALTH, ENGLAND

**The Health Protection (Coronavirus, Restrictions) (England)
(Amendment) (No. 2) Regulations 2020**

Approved by both Houses of Parliament

Made - - - - 12th May 2020

Laid before Parliament at 9.30 a.m. on 13th May 2020

Coming into force - - 13th May 2020

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45C(1), (3)(c), (4)(d), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984(a).

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in England.

The Secretary of State considers that the restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 45R of that Act the Secretary of State is of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 2) Regulations 2020 and come into force on 13th May 2020.

Amendment of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020

2.—(1) The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020(b) are amended as follows.

(2) In regulation 5(4), after sub-paragraph (a), insert—

“(aa) to provide accommodation for any person—

(a) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).

(b) S.I. 2020/350, amended by S.I. 2020/447.

- (i) who works in one of the critical sectors listed in the guidance titled “Guidance for critical workers who can access schools or educational settings” published by the Cabinet Office and the Department for Education and updated on 5th May 2020(a), and
 - (ii) whose need for accommodation is connected to their work;”.
- (3) In regulation 6—
 - (a) in paragraph (2)—
 - (i) after sub-paragraph (a a), insert—
 - “(ab) to collect goods which have been ordered from a business in any way permitted under regulation 5(1)(a);”;
 - (ii) for sub-paragraph (b), substitute—
 - “(b) to take exercise—
 - (i) alone,
 - (ii) with one or more members of their household, or
 - (iii) with one member of another household;”;
 - (iii) after sub-paragraph (b), insert—
 - “(ba) to visit a public open space for the purposes of open-air recreation to promote their physical or mental health or emotional wellbeing—
 - (i) alone,
 - (ii) with one or more members of their household, or
 - (iii) with one member of another household;”;
 - (iv) in sub-paragraph (f), omit the words “travel for the purposes of”;
 - (v) for sub-paragraph (l), substitute—
 - “(l) to undertake any of the following activities in connection with the purchase, sale, letting or rental of a residential property—
 - (i) visiting estate or letting agents, developer sales offices or show homes;
 - (ii) viewing residential properties to look for a property to buy or rent;
 - (iii) preparing a residential property to move in;
 - (iv) moving home;
 - (v) visiting a residential property to undertake any activities required for the rental or sale of that property;”;
 - (vi) after sub-paragraph (m), insert—
 - “(n) to use a waste or recycling centre.”;
 - (b) after paragraph (4), insert—
 - “(5) For the purposes of paragraph (2)(ba), “public open space” 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(b), as read with section 16 of the Countryside Act 1968(c);

(a) The guidance is published at: <https://www.gov.uk/government/publications/coronavirus-covid-19-maintaining-educational-provision/guidance-for-schools-colleges-and-local-authorities-on-maintaining-educational-provision>. A hard copy of the guidance can be obtained from the Cabinet Office, 70 Whitehall, London SW1A 2AS.

(b) 1949 c. 97.

(c) 1968 c. 41. Section 16 has been 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.

(c) land which is “access land” for the purposes of Part 1 of the Countryside and Rights of Way Act 2000^(a)(see section 1(1) of that Act^(b)).

(4) In regulation 10—

(a) in paragraph (6), for “£60” substitute “£100”;

(b) in paragraph (7)—

(i) in sub-paragraph (a), for “£30”, substitute “£50”;

(ii) in sub-paragraph (b)(ii)—

(aa) in sub-paragraph (aa), for “£120” substitute “£200”;

(bb) for sub-paragraph (bb), substitute—

“(bb) in the case of the third fixed penalty notice received, £400;

(cc) in the case of the fourth fixed penalty notice received, £800;

(dd) in the case of the fifth fixed penalty notice received, £1,600;

(ee) in the case of the sixth and subsequent fixed penalty notices, £3,200.”.

(5) In Schedule 2—

(a) in paragraph 20, after “Playgrounds,” insert “indoor”;

(b) after paragraph 42, insert—

“43. Garden centres.

44. Outdoor sports courts.”.

Savings

3. Regulations 9 and 10 of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 continue to have effect in relation to any offence committed, or reasonably believed to have been committed, before these Regulations came into force as if the amendments set out in regulation 2 had not been made.

12th May 2020

Matt Hancock
Secretary of State,
Department of Health and Social Care

(a) 2000 c. 37.

(b) 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).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (S.I. 2020/350). Regulation 5 is amended to clarify the circumstances in which hotels may provide accommodation to “key workers”. Regulation 6 is amended to extend the list of reasonable excuses for which express provision is made, including permitting people to leave their homes to visit public open spaces for open-air recreation with members of their households, and to permit people to exercise or engage in open-air recreation with one member of another household. Regulation 10 is amended to increase the fines which may be imposed by fixed penalty notice. Garden centres and outdoor sports courts are added to the list of businesses which may remain open by an amendment to Schedule 2.

A full regulatory impact assessment has not been prepared for these Regulations.

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