

2020 No. 558

PUBLIC HEALTH, ENGLAND

**The Health Protection (Coronavirus, Restrictions) (England)
(Amendment) (No. 3) Regulations 2020**

Approved by both Houses of Parliament

Made - - - - 31st May 2020

Laid before Parliament at 11.30 a.m. on 1st June 2020

Coming into force - - 1st June 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.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 3) Regulations 2020.

(2) They come into force on 1st June 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 1—

(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 and 2020/500.

- (a) in paragraph (3)—
 - (i) before sub-paragraph (a), insert—
 - “(za) “childcare” has the same meaning as in section 18 of the Childcare Act 2006(a), and “early years childcare” is childcare provided for a child who is a young child within the meaning of section 19 of that Act;”;
 - (ii) after sub-paragraph (a), insert—
 - “(aa) “elite athlete” means an individual who—
 - (i) derives a living from competing in a sport,
 - (ii) is a senior representative nominated by a relevant sporting body,
 - (iii) is a member of the senior training squad for a relevant sporting body, or
 - (iv) is aged 16 or above and on an elite development pathway;
 - (ab) references to a “parent” of a child include any person who is not a parent of the child but who has parental responsibility for, or who has care of, the child, and for these purposes, a “child” is a person under the age of 18;”;
- (b) after paragraph (3), insert—
 - “(4) For the purposes of the definition of “elite athlete”, in paragraph (3)—
 - (a) “elite development pathway” means a development pathway established by the national governing body of a sport to prepare athletes—
 - (i) so that they may derive a living from competing in that sport, or
 - (ii) to compete at that sport at the Tokyo or Beijing Olympic or Paralympic Games, or, if that sport is not part of the Tokyo Olympic and Paralympic Games programme, in the Commonwealth Games to be held in Birmingham;
 - (b) “relevant sporting body” means the national governing body of a sport which may nominate athletes to represent—
 - (i) Great Britain and Northern Ireland at the Tokyo or Beijing Olympic or Paralympic Games, or
 - (ii) England, Wales, Scotland, Northern Ireland, Gibraltar, Guernsey, Jersey or the Isle of Man at the Commonwealth Games to be held in Birmingham in those sports which are not part of the Tokyo Olympic and Paralympic Games programme;
 - (c) “senior representative” means an individual who is considered by a relevant sporting body to be a candidate to qualify to compete on behalf of—
 - (i) Great Britain and Northern Ireland at the Tokyo or Beijing Olympic or Paralympic Games;
 - (ii) England, Wales, Scotland, Northern Ireland, Gibraltar, Guernsey, Jersey or the Isle of Man at the Commonwealth Games to be held in Birmingham in those sports which are not part of the Tokyo Olympic and Paralympic Games programme.”.
- (3) In regulation 3(2), for “21” substitute “28”.
- (4) In regulation 4(5), after sub-paragraph (b), insert—
 - “(c) facilities for training for elite athletes, including indoor fitness studios, gyms, sports courts, indoor or outdoor swimming pools and other indoor leisure centres.”.
- (5) In regulation 5—
 - (a) in paragraph (4)(a), after paragraph (iv), insert—
 - “(v) is isolating themselves from others as required by law;

(a) 2006 c. 21. Section 18 has been amended by the Children and Young Persons Act 2008 (c. 23), Schedule 1, paragraph 19, and Schedule 4; the Criminal Justice and Courts Act 2015 (c. 2), Schedule 9, paragraph 21, and S.I. 2010/813.

- (vi) is an elite athlete, the coach of an elite athlete, or (in the case of an elite athlete who is under the age of 18), the parent of an elite athlete, and needs accommodation for the purposes of training or competition;”;
- (b) in paragraph (6)—
 - (i) at the end of sub-paragraph (b), omit “or”;
 - (ii) at the end of sub-paragraph (c), insert—
 - “or
 - (d) for early years childcare provided by a person registered on the Early Years Register under Part 3 of the Childcare Act 2006.”;
- (c) in paragraph (7), for the words from “to provide” to the end, substitute—
 - “(a) to provide essential voluntary activities or urgent public support services (including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions or support in an emergency), or
 - (b) for early years childcare provided by a person registered on the Early Years Register under Part 3 of the Childcare Act 2006.”.
- (6) For regulation 6, substitute—
 - “6.—(1) No person may, without reasonable excuse, stay overnight at any place other than the place where they are living.
 - (2) For the purposes of paragraph (1), the circumstances in which a person (“P”) has a reasonable excuse include cases where—
 - (a) P needs to stay elsewhere to attend a funeral, as—
 - (i) a member of the deceased person’s household,
 - (ii) a close family member of the deceased person, or
 - (iii) if no-one within paragraph (i) or (ii) is attending, a friend of the deceased person;
 - (b) P is an elite athlete, a coach of an elite athlete, or (in the case of an elite athlete who is under the age of 18), a parent of the elite athlete, and needs to stay elsewhere for the purposes of training or competition;
 - (c) P needs to stay elsewhere while moving house;
 - (d) it is reasonably necessary for P to stay elsewhere—
 - (i) for work purposes, or for the provision of voluntary or charitable services;
 - (ii) 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 of Vulnerable Groups Act 2006(a);
 - (iii) to provide emergency assistance;
 - (iv) to avoid injury or illness, or to escape a risk of harm;
 - (v) to obtain medical assistance;
 - (e) P needs to stay elsewhere to fulfil a legal obligation or participate in legal proceedings;
 - (f) P is a child that does not live in the same household as their parents, or one of their parents, and the overnight stay is necessary to continue existing arrangements for access to, and contact between, parents and children;
 - (g) P is unable to return to the place where P lives, because—
 - (i) it is not safe for P to live there,

(a) 2006 c. 47. Sub-paragraph (3B) was substituted, with sub-paragraphs (1), (3) and (3A) to (3E) for sub-paragraphs (1) to (3) by s. 66(2) of the Protection of Freedoms Act 2012 (c. 9).

- (ii) P may not lawfully travel there, or is required by law to stay in another place, or
 - (iii) the place where P is living is not available to P for any other reason.
- (3) Paragraph (1) does not apply to any person who is homeless.
- (4) For the purposes of paragraph (1), the place where a person is living includes the premises where they live together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.”.
- (7) For regulation 7, substitute—
- “7.—(1) During the emergency period, unless paragraph (2) applies, no person may participate in a gathering which takes place in a public or private place—
- (a) outdoors, and consists of more than six persons, or
 - (b) indoors, and consists of two or more persons.
- (2) This paragraph applies where—
- (a) all the persons in the gathering are members of the same household;
 - (b) the person is attending a funeral, as—
 - (i) a member of the deceased person’s household,
 - (ii) a close family member of the deceased person, or
 - (iii) if no-one within paragraph (i) or (ii) is attending, a friend of the deceased person;
 - (c) the person concerned is an elite athlete, the coach of an elite athlete, or (in the case of an elite athlete under the age of 18), the parent of an elite athlete, and the gathering is necessary for training or competition;
 - (d) the gathering is reasonably necessary—
 - (i) for work purposes, or for the provision of voluntary or charitable services;
 - (ii) to facilitate a house move;
 - (iii) 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 of Vulnerable Groups Act 2006;
 - (iv) to provide emergency assistance;
 - (v) for the purposes of early years childcare provided by a person registered on the Early Years Register under Part 3 of the Childcare Act 2006;
 - (vi) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm;
 - (vii) to continue existing 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;
 - (e) the person concerned is fulfilling a legal obligation or participating in legal proceedings;
 - (f) the gathering takes place at an educational facility and is reasonably necessary for the purposes of education.
- (3) For the purposes of this regulation—
- (a) there is a gathering when two or more people are present together in the same place in order to engage in any form of social interaction with each other, or to undertake any other activity with each other;

- (b) 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(a), under the Smoke Free (Premises and Enforcement) Regulations 2006(b).”.

(8) In regulation 8—

- (a) in paragraph (3)—
 - (i) in the opening words, for “outside” substitute “staying overnight at a place other than”;
 - (ii) at the end of sub-paragraph (a), omit “or”;
 - (iii) omit sub-paragraph (b);
- (b) omit paragraph (4);
- (c) in paragraph (5), in the opening words, for “outside” substitute “staying overnight at a place other than”;
- (d) in paragraph (8), at the end insert “in regulation 6(1)”;
- (e) in paragraph (9)—
 - (i) in the opening words, for “three or more” substitute “a number of”;
 - (ii) in sub-paragraph (c), for “the gathering” substitute “a gathering in a public place”;
- (f) in paragraph (10), after “a gathering” insert “in a public place”.

(9) In Schedule 2—

- (a) in Part 2—
 - (i) in paragraph 18, at the end, insert “, including indoor games, recreation and entertainment venues”;
 - (ii) in paragraph 19, at the end, insert “, theme parks and adventure parks and activities.”;
 - (iii) omit paragraph 21;
 - (iv) omit paragraph 22;
 - (v) after paragraph 23, insert—

“23A. Social clubs.

23B. Model villages.

23C. Aquariums and zoos, including safari parks.

23D. Visitor attractions at farms.

23E.—(1) Indoor attractions at visitor attractions such as—

- (a) botanical or other gardens, biomes or greenhouses;
- (b) heritage sites or film studios;
- (c) landmarks, including observation wheels or viewing platforms.

(2) For the purposes of sub-paragraph (1), an “indoor attraction” means those parts of a venue, including shops and visitor centres but not including toilets for visitors, which—

- (a) would be considered to be enclosed or substantially enclosed for the purposes of section 2 of the Health Act 2006 under the Smoke Free (Premises and Enforcement) Regulations 2006; and
- (b) are, in normal times, open for members of the public to visit for the purposes of recreation, whether or not for payment.”;

(b) in Part 3—

(a) 2006 c. 28. Section 2 was amended by paragraph 4 of Schedule 2 to the Health (Wales) Act 2017 (2017 anaw 2).
(b) S.I. 2006/3368, to which there are amendments which are not relevant to these Regulations.

- (i) in paragraph 44, at the end, insert “or amenities, including water sports, stables, shooting and archery venues, golf courses and driving ranges.”;
- (ii) after paragraph 44, insert—

“45. Outdoor markets.

46. Showrooms and other premises, including outdoor areas, used for the sale or hire of caravans, boats, or any vehicle which can be propelled by mechanical means.”.

Transitional and saving provision

3.—(1) The first review under regulation 3(2) of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (“the first Regulations”) after these Regulations come into force must be carried out before the end of a period of 28 days starting with the day on which the last review was carried out under that regulation as it had effect immediately before these Regulations came into force.

(2) Notwithstanding the amendments to regulations 6 and 7 of the first Regulations, they continue in force as they had effect immediately before these Regulations came into force in relation to any offence committed under regulation 6 or 7 of the first Regulations before these Regulations came into force.

31st May 2020

Matt Hancock
Secretary of State
Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (S.I. 2020/350). They amend regulation 4 to permit certain businesses to open for the training of elite athletes. They amend regulation 5 to clarify that places of worship and community centres may be used to provide early years childcare. Regulation 6 is replaced by a prohibition on staying overnight in a place other than where a person lives, without reasonable excuse. Regulation 7 is replaced by more detailed provision on prohibited gatherings, and amendments are made to Schedule 2. Consequential amendments are made to regulation 8 to reflect the amendments to regulations 6 and 7, and transitional and saving provision is made by regulation 3 of these Regulations.

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

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