

STATUTORY INSTRUMENTS

2020 No. 684

PUBLIC HEALTH, ENGLAND

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

Made - - - - *at 10.00 a.m. on 3rd
July 2020*
Laid before Parliament *at 3.00 p.m. on 3rd
July 2020*
Coming into force in accordance with regulation 1(2)

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 ^{F1}.

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.

F1 1984 c. 22. Part 2A was inserted by section 129 of the [Health and Social Care Act 2008 \(c. 14\)](#).

Modifications etc. (not altering text)

- C1** Regulations modified (22.9.2020 at 12.01 a.m.) by [The Health Protection \(Coronavirus, Restrictions\) \(Protected Areas and Linked Childcare Households\) \(Amendment\) Regulations 2020 \(S.I. 2020/1019\)](#), regs. 1(2), 4

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020.

(2) These Regulations come into force as follows—

(a) regulation 2(1)(a) comes into force—

Status: Point in time view as at 26/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020. (See end of Document for details)

- (i) for the purposes of revoking regulations 5, 6, 7 and 7A of, and paragraphs 1, 2, 5 to 11, 13 to 20, 23B, 23C and 23E of Schedule 2 to, the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020, at 00.01 a.m. on 4th July 2020;
- (ii) for the purposes of revoking regulations 1, 3, 4, 8 to 12 of, and paragraphs 3, 4, and 23A of Schedule 2 to, those Regulations, at 6.00 a.m. on 4th July 2020;
- (b) all other provisions of these Regulations come into force at 00.01 a.m. on 4th July 2020.
- (3) These Regulations apply in relation to England and to the territorial water adjacent to England only ^{F2}....
- ^{F3}(4)
- ^{F4}(4ZA)
- ^{F5}(4ZAA)
- ^{F6}(4ZB)
- ^{F7}(4A)
- (5) In these Regulations—
- “child” means a person under the age of 18;
- ^{F8} ...
- “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);
- “Crown land” means land in which there is a Crown interest or a Duchy interest;
- “Crown interest” means an interest belonging to Her Majesty in right of the Crown, or belonging to a Government department, or held in trust for Her Majesty for the purposes of a Government department, and includes any estate or interest held in right of the Prince and Steward of Scotland;
- “Duchy interest” means an interest belonging to Her Majesty in right of the Duchy of Lancaster, or belonging to the Duchy of Cornwall;
- ^{F8} ...
- “parent” of a child includes any person who is not a parent of the child but who has parental responsibility for, or who has care of, the child;
- “parental responsibility” has the meaning given in section 3 of the Children Act 1989 ^{F9};
- ^{F8} ...
- “public outdoor place” means any 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 ^{F10}, as read with section 16 of the Countryside Act 1968 ^{F11};
- (c) land which is “access land” for the purposes of Part 1 of the Countryside and Rights of Way Act 2000 ^{F12} (see section 1(1) of that Act ^{F13});
- (d) any highway to which the public has access;
- (e) Crown land to which the public has access;
- “vulnerable person” includes—
- (a) any person aged 70 or older;

(b) any person under 70 who has an underlying health condition, including but not limited to, the conditions listed in Schedule 1;

(c) any person who is pregnant.

^{F14}(6)

(7) For the purposes of these Regulations, references to a “local authority” include references to a county council.

- F2** Words in reg. 1(3) omitted (14.10.2020) by virtue of [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\) Regulations 2020](#) (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(2)(a)(i)** (with reg. 9, Sch. 3 para. 7(2))
- F3** Reg. 1(4) omitted (14.10.2020) by virtue of [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\) Regulations 2020](#) (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(2)(a)(ii)** (with reg. 9, Sch. 3 para. 7(2))
- F4** Reg. 1(4ZA) omitted (14.10.2020) by virtue of [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\) Regulations 2020](#) (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(2)(a)(ii)** (with reg. 9, Sch. 3 para. 7(2))
- F5** Reg. 1(4ZAA) omitted (14.10.2020) by virtue of [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\) Regulations 2020](#) (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(2)(a)(ii)** (with reg. 9, Sch. 3 para. 7(2))
- F6** Reg. 1(4ZB) omitted (14.10.2020) by virtue of [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\) Regulations 2020](#) (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(2)(a)(ii)** (with reg. 9, Sch. 3 para. 7(2))
- F7** Reg. 1(4A) omitted (15.8.2020) by virtue of [The Health Protection \(Coronavirus, Restrictions on Gatherings\) \(North of England\) \(Amendment\) \(No. 2\) Regulations 2020](#) (S.I. 2020/865), regs. 1, **3(a)(ii)**
- F8** Words in reg. 1(5) omitted (14.10.2020) by virtue of [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\) Regulations 2020](#) (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(2)(a)(iii)** (with reg. 9, Sch. 3 para. 7(2))
- F9** 1989 c. 41.
- F10** 1949 c. 97.
- F11** 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.
- F12** 2000 c. 37.
- F13** 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).
- F14** Reg. 1(6) omitted (14.10.2020) by virtue of [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\) Regulations 2020](#) (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(2)(a)(iv)** (with reg. 9, Sch. 3 para. 7(2))

Commencement Information

- I1** Reg. 1 in force at 4.7.2020 at 00.01 a.m., see reg. 1(2)(b)

Revocation and saving

2.—(1) The following regulations are revoked—

- (a) the [Health Protection \(Coronavirus, Restrictions\) \(England\) Regulations 2020](#) ^{F15} (the “first Restrictions Regulations”) (except for regulation 2);
- (b) the [Health Protection \(Coronavirus, Restrictions\) \(England\) \(Amendment\) Regulations 2020](#) ^{F16};

Status: Point in time view as at 26/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020. (See end of Document for details)

- (c) the Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 2) Regulations 2020 ^{F17};
- (d) the Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 3) Regulations 2020 ^{F18};
- (e) the Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 4) Regulations 2020 ^{F19}.

(2) Notwithstanding the revocation of the first Restrictions Regulations, they continue in force, as amended, in relation to any offence committed under the first Restrictions Regulations before these Regulations came into force.

(3) A designation made in exercise of powers conferred by regulation 8(12)(a), 10(3)(b), 10(11) or 11 of the first Restrictions Regulations is to be treated as if it had been made in the exercise of powers conferred by regulations 7(10)(b), 9(3)(b), 9(13) or 10, as appropriate, of these Regulations.

F15 [S.I. 2020/350](#), amended by [S.I. 2020/447](#); [2020/500](#); [2020/558](#); [2020/588](#).

F16 [S.I. 2020/447](#).

F17 [S.I. 2020/500](#).

F18 [S.I. 2020/558](#).

F19 [S.I. 2020/588](#).

Commencement Information

I2 Reg. 2(1)(a) in force at 4.7.2020 at 00.01 a.m. for specified purposes and 6.00 a.m. for remaining purposes, see reg. 1(2)(a)

I3 Reg. 2(1)(b)-(e)(2)(3) in force at 4.7.2020 at 00.01 a.m., see reg. 1(2)(b)

The emergency period and review of need for restrictions

^{F20}**3.**

F20 [Reg. 3](#) omitted (14.10.2020) by virtue of [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\) Regulations 2020](#) (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(2)(b)** (with reg. 9, Sch. 3 para. 7(2))

Requirement to close premises and businesses during the emergency

^{F21}**4.**

F21 [Reg. 4](#) omitted (14.10.2020) by virtue of [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\) Regulations 2020](#) (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(2)(c)** (with reg. 9, Sch. 3 para. 7(2))

Restrictions on opening hours of businesses and services

^{F22}**4A.**

F22 [Reg. 4A](#) omitted (14.10.2020) by virtue of [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\) Regulations 2020](#) (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(2)(d)** (with reg. 9, Sch. 3 para. 7(2))

Restrictions on service of food and drink for consumption on the premises

^{F23}**4B.**

F23 Reg. 4B omitted (14.10.2020) by virtue of The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020 (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(2)(e)** (with reg. 9, Sch. 3 para. 7(2))

Restrictions on [^{F24}participation in] gatherings

^{F25}**5.**

F24 Words in reg. 5 heading inserted (28.8.2020) by The Health Protection (Coronavirus) (Restrictions on Holding of Gatherings and Amendment) (England) Regulations 2020 (S.I. 2020/907), regs. 1(2), **2(2)(a)**

F25 Reg. 5 omitted (14.10.2020) by virtue of The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020 (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(2)(f)** (with reg. 9, Sch. 3 para. 7(2))

Linked households

^{F26}**5ZA.**

F26 Reg. 5ZA omitted (14.10.2020) by virtue of The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020 (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(2)(g)** (with reg. 9, Sch. 3 para. 7(2))

Restriction on organisation or facilitation of certain large indoor gatherings

^{F27}**5A.**

F27 Reg. 5A omitted (14.10.2020) by virtue of The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020 (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(2)(h)** (with reg. 9, Sch. 3 para. 7(2))

Restrictions on organisation or facilitation of other gatherings

^{F28}**5B.**

F28 Reg. 5B omitted (14.10.2020) by virtue of The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020 (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(2)(i)** (with reg. 9, Sch. 3 para. 7(2))

Power to restrict access to public places

6.—(1) The Secretary of State may by direction restrict access to a specified public outdoor place, or to public outdoor places of a specified description, if the Secretary of State considers that—

(a) giving such a direction—

(i) responds to a serious and imminent threat to public health,

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- (ii) is necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in England of the coronavirus, and
- (b) the restrictions in the direction are a proportionate means of achieving that purpose.
- (2) A direction made under paragraph (1) may restrict or prohibit all public access to the specified public outdoor place or to public outdoor places of a specified description, or prohibit access at specified times.
- (3) The Secretary of State may not make a direction under paragraph (1) in relation to a public outdoor place which forms part of Crown land and includes property subject to section 73 of the Public Health (Control of Disease) Act 1984, unless an agreement has been made under that section with the appropriate authority.
- (4) Before making a direction under paragraph (1), the Secretary of State must consult with the Chief Medical Officer or one of the Deputy Chief Medical Officers of the Department of Health and Social Care.
- (5) The power to give a direction under paragraph (1) also includes power to vary or revoke the direction.
- (6) A direction under paragraph (1) must—
 - (a) specify the public outdoor place or places to which public access is being restricted (“the restricted area”) in sufficient detail to enable the boundaries of the restricted area to be determined;
 - (b) state the date and time on which the restrictions come into effect, and the date and time on which they will end;
 - (c) give details of the right of appeal to a magistrates' court, and the time within which such an appeal may be brought;
 - (d) be published on www.gov.uk, in the Gazette, and in such other way as appears to the Secretary of State likely to bring the direction to the attention of the persons who are likely to be affected by it.
- (7) The Secretary of State must review the need for the restrictions at least once every seven days, with the first review being carried out on the seventh day after the day on which the direction is made.
- (8) The Secretary of State must, as soon as possible, communicate the direction—
 - (a) to any local authority within whose area the restricted area or any part of the restricted area falls (a “responsible local authority”), and
 - (b) where the direction is given in relation to a public outdoor place which forms part of crown land, to the appropriate authority.
- (9) A responsible local authority must take reasonable steps—
 - (a) to ensure that the direction is brought to the attention of any person who may be affected by it, including any person referred to in paragraph (10), and
 - (b) to prevent or restrict public access to the restricted area.
- (10) Any person, other than the responsible local authority and its officers, who owns or is responsible for any part of the restricted area, must take reasonable steps to restrict public access to that part of the restricted area.
- (11) No person may enter or remain in the restricted area in contravention of the restrictions in the direction without reasonable excuse while the direction has effect.
- (12) For the purposes of paragraph (11), a reasonable excuse includes where—
 - (a) the person is the owner or occupier of land or premises falling within, or partially within, the restricted area;

- (b) the person needs to enter the restricted area to obtain access to the place where they are living, or to leave that place;
- (c) the person needs to enter or remain in the restricted area—
 - (i) to avoid injury or illness or to escape a risk of harm;
 - (ii) 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;
 - (iii) to fulfil a legal obligation or to participate in legal proceedings;
- (d) it is reasonably necessary for a person to enter or remain in the restricted area—
 - (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 [^{F29}Safeguarding Vulnerable Groups] Act 2006;
 - (iv) to provide emergency assistance.

(13) Any person who is the owner or occupier of any land included within the restricted area may appeal against the making of the direction to a magistrates' court by way of complaint for an order and the Magistrates' Courts Act 1980 applies to the proceedings.

(14) For the purposes of this regulation “the appropriate authority”, in relation to any land which is Crown land—

- (a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners, and, in relation to any other land belonging to Her Majesty in right of the Crown, means the Government department having the management of that land,
- (b) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, means the Chancellor of the Duchy,
- (c) in relation to land belonging to the Duchy of Cornwall, means such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints,
- (d) in the case of land belonging to a Government department or held in trust for Her Majesty for the purposes of a Government department, means that department, and

if any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

F29 Words in reg. 6(12)(d)(iii) substituted (25.7.2020) by [The Health Protection \(Coronavirus, Restrictions\) \(No. 2\) \(England\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/788\)](#), regs. 1(2), 2(5)

Commencement Information

I4 Reg. 6 in force at 4.7.2020 at 00.01 a.m., see reg. 1(2)(b)

Enforcement of requirement

7.—(1) A relevant person may take such action as is necessary to enforce any requirement imposed by regulation ^{F30}... 6(10) or (11).

^{F31}(2)

^{F31}(3)

Status: Point in time view as at 26/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020. (See end of Document for details)

(4) Where a relevant person considers that a person is in a restricted area without a reasonable excuse in contravention of regulation 6(11), the relevant person may—

- (a) direct that person to leave the restricted area immediately;
- (b) [^{F32}where the relevant person is a constable,] remove that person from the restricted area.

(5) A [^{F33}constable] exercising the power in paragraph ^{F34}... (4)(b) to remove a person ^{F34}... from a restricted area may use reasonable force, if necessary, in exercise of the power.

(6) Where a person who is ^{F35}... in a restricted area in contravention of regulation 6(11), is a child accompanied by an individual who has responsibility for the child—

- (a) the relevant person may direct that individual to take the child to the place where the child is living, and
- (b) that individual must, so far as reasonably practicable, ensure that the child complies with any direction or instruction given by the relevant person to the child.

(7) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with the [^{F36}restriction in regulation 6(11)], the relevant person may direct any individual who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with that restriction.

(8) A relevant person may only exercise the power in paragraph ^{F37}... (4), (6) or (7) if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with the restriction in regulation ^{F37}... 6(11).

(9) A relevant person exercising a power under paragraph ^{F38}... (4), (6), or (7) may give the person concerned any reasonable instructions they consider to be necessary.

(10) For the purposes of this regulation—

- (a) an individual has responsibility for a child if the individual—
 - (i) has custody or charge of the child for the time being, or
 - (ii) has parental responsibility for the child;
- (b) a “relevant person” means—
 - (i) a constable,
 - (ii) a police community support officer, [^{F39}or]
 - ^{F40}(iii)
 - (iv) a person designated by the Secretary of State for the purposes of this regulation;
- (c) references to a requirement include references to a restriction;
- (d) a “restricted area” has the same meaning as in regulation 6.

^{F41}(11)

F30 Words in reg. 7(1) omitted (14.10.2020) by virtue of [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\) Regulations 2020](#) (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(3)(a)** (with reg. 9, Sch. 3 para. 7(2))

F31 Reg. 7(2)(3) omitted (14.10.2020) by virtue of [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\) Regulations 2020](#) (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(3)(b)** (with reg. 9, Sch. 3 para. 7(2))

F32 Words in reg. 7(4)(b) inserted (2.12.2020) by [The Health Protection \(Coronavirus, Restrictions\) \(Local Authority Enforcement Powers and Amendment\) \(England\) Regulations 2020](#) (S.I. 2020/1375), reg. 1(1), **Sch. para. 3(2)(a)**

- F33** Word in reg. 7(5) substituted (2.12.2020) by The Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020 (S.I. 2020/1375), reg. 1(1), **Sch. para. 3(2)(b)**
- F34** Words in reg. 7(5) omitted (14.10.2020) by virtue of The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020 (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(3)(c)** (with reg. 9, Sch. 3 para. 7(2))
- F35** Words in reg. 7(6) omitted (14.10.2020) by virtue of The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020 (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(3)(d)** (with reg. 9, Sch. 3 para. 7(2))
- F36** Words in reg. 7(7) substituted (14.10.2020) by The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020 (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(3)(e)** (with reg. 9)
- F37** Words in reg. 7(8) omitted (14.10.2020) by virtue of The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020 (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(3)(f)** (with reg. 9, Sch. 3 para. 7(2))
- F38** Word in reg. 7(9) omitted (14.10.2020) by virtue of The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020 (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(3)(g)** (with reg. 9, Sch. 3 para. 7(2))
- F39** Word in reg. 7(10)(b)(ii) inserted (14.10.2020) by The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020 (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(3)(h)(i)** (with reg. 9)
- F40** Reg. 7(10)(b)(iii) omitted (14.10.2020) by virtue of The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020 (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(3)(h)(ii)** (with reg. 9, Sch. 3 para. 7(2))
- F41** Reg. 7(11) omitted (14.10.2020) by virtue of The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020 (S.I. 2020/1103), reg. 1(2), **Sch. 3 para. 1(3)(i)** (with reg. 9, Sch. 3 para. 7(2))

Commencement Information

- I5** Reg. 7 in force at 4.7.2020 at 00.01 a.m., see reg. 1(2)(b)

Offences and penalties

8.—(1) A person who without reasonable excuse contravenes a requirement in regulation ^{F42}... 6(10), (11) or 7 commits an offence.

(2) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations, including any person who is a relevant person for the purposes of regulation 7, commits an offence.

(3) A person who, without reasonable excuse, contravenes a direction given under regulation 7, or fails to comply with a reasonable instruction ^{F43}... given by a relevant person under regulation 7, commits an offence.

(4) An offence under this regulation is punishable on summary conviction by a fine.

(5) If an offence under this regulation committed by a body corporate is proved—

(a) to have been committed with the consent or connivance of an officer of the body, or

(b) to be attributable to any neglect on the part of such an officer,

the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.

(6) In paragraph (5), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

Status: Point in time view as at 26/12/2020.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020. (See end of Document for details)

(7) Section 24 of the Police and Criminal Evidence Act 1984^{F44} applies in relation to an offence under this regulation as if the reasons in subsection (5) of that section included—

- (a) to maintain public health;
- (b) to maintain public order.

(8) For the purposes of this regulation, references to a requirement include references to a restriction.

- F42** Words in [reg. 8\(1\)](#) omitted (14.10.2020) by virtue of [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\) Regulations 2020 \(S.I. 2020/1103\)](#), [reg. 1\(2\)](#), [Sch. 3 para. 1\(4\)\(a\)](#) (with [reg. 9, Sch. 3 para. 7\(2\)](#))
- F43** Words in [reg. 8\(3\)](#) omitted (14.10.2020) by virtue of [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\) Regulations 2020 \(S.I. 2020/1103\)](#), [reg. 1\(2\)](#), [Sch. 3 para. 1\(4\)\(b\)](#) (with [reg. 9, Sch. 3 para. 7\(2\)](#))
- F44** 1984 c. 60. Section 24 was substituted by s. 110(1) of the [Serious Organised Crime and Police Act 2005 \(c. 15\)](#).

Commencement Information

- I6** Reg. 8 in force at 4.7.2020 at 00.01 a.m., see [reg. 1\(2\)\(b\)](#)

Fixed penalty notices

9.—^{F45}(1) An authorised person may issue a fixed penalty notice to any person that the authorised person reasonably believes—

- (a) has committed an offence under these Regulations, and
- (b) is (in the case of an individual) aged 18 or over.]

(2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to an authority specified in the notice.

(3) The authority specified in the notice must be—

- (a) the local authority (or as the case may be, any of the local authorities) in whose area the offence is alleged to have been committed (“the relevant local authority”), or
- (b) an officer designated by the Secretary of State, or by the relevant local authority, for the purposes of this regulation (“the designated officer”).

(4) Where a person is issued with a notice under this regulation in respect of an offence—

- (a) no proceedings may be taken for the offence before the end of the period of 28 days following the date of the notice;
- (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

(5) A fixed penalty notice must—

- (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;
- (b) state the period during which (because of paragraph (4)(a)) proceedings will not be taken for the offence;
- (c) specify the amount of the fixed penalty;
- (d) state the name and address of the person to whom the fixed penalty may be paid;
- (e) specify permissible methods of payment.

^{F46}(6) The amount specified under paragraph (5)(c) must, subject to paragraphs (7) and (8), be £200.]

^{F47}(6A)

(7) Unless paragraph (8) applies, a fixed penalty notice ^{F48}... must specify that if [^{F49}£100] is paid before the end of the period of 14 days following the date of the notice that is the amount of the fixed penalty.

(8) If the person to whom a fixed penalty notice ^{F50}... is given has already received a fixed penalty notice under these Regulations [^{F51}(other than a fixed penalty notice to which paragraph (8A) applies)][^{F52}or the Regulations referred to in paragraph (9)]—

- (a) paragraph (7) does not apply, and
- (b) the amount specified as the fixed penalty is to be—
 - (i) in the case of the second fixed penalty notice received, [^{F53}£400];
 - (ii) in the case of the third fixed penalty notice received, [^{F54}£800];
 - (iii) in the case of the fourth fixed penalty notice received, [^{F55}£1,600];
 - (iv) in the case of the fifth fixed penalty notice received, [^{F56}£3,200];
 - (v) in the case of the sixth and subsequent fixed penalty notices, [^{F57}£6,400].

^{F58}(8A) This paragraph applies to a fixed penalty notice if it is issued under this regulation in respect of the offence, described in regulation 8(1), of contravening, without reasonable excuse, a restriction in [^{F59}regulation 4A, 4B, 5A or 5B][^{F60}(as those regulations had effect immediately before the coming into force of the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020)].

^{F61}(9) In determining for the purposes of paragraph (8) how many fixed penalty notices a person has received, fixed penalty notices issued to that person under the following Regulations are also to be taken into account—

- (a) the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020,
- (b) the Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020,
- (c) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020, other than notices issued in respect of a business restriction offence, as defined by regulation 14(7D) of those Regulations, committed on or after 14th October 2020,
- (d) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Luton) Regulations 2020,
- (e) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020,
- (f) the Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020,
- (g) the Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020,
- (h) the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020,
- (i) the Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020,
- (j) the Health Protection (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020,
- (k) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, other than notices issued in respect of a business restriction offence as

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defined by regulation 6(12) of those Regulations or an offence of contravening a restriction or requirement imposed by paragraph 2 of Schedule 1 to those Regulations,

[^{F62}(l) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020, other than notices issued in respect of a business restriction offence as defined by regulation 6(12) of those Regulations or an offence of contravening a restriction or requirement imposed by paragraph 3 of Schedule 1 to those Regulations;]

[^{F63}(m) Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020, other than notices issued in respect of a business restriction offence as defined by regulation 6(12) of those Regulations or an offence of contravening a restriction or requirement imposed by paragraph 3 of Schedule 1 to those Regulations).]

[^{F64}(n) the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020.]

[^{F65}(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 [^{F66}, paragraph 3 of Schedule 3 or paragraph 5 of Schedule 3A] to those Regulations.]]

(10) Whatever other method may be specified under paragraph (5)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (5)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(11) Where a letter is sent as mentioned in paragraph (10), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(12) In any proceedings, a certificate—

(a) that purports to be signed by or on behalf of—

(i) the chief finance officer of the relevant local authority, where the authority to which payment is made is a local authority, or

(ii) the designated officer, where that officer is the authority to which payment is made; and;

(b) states that the payment of a fixed penalty was, or was not, received by the date specified in the certificate,

is evidence of the facts stated.

(13) In this regulation—

(a) “authorised person” means—

(i) a constable;

(ii) a police community support officer;

(iii) a person designated by the Secretary of State for the purposes of this regulation;

(iv) subject to paragraph (14), a person designated by the relevant local authority for the purposes of this regulation;

(b) a “chief finance officer”, in relation to a local authority, means the person with responsibility for the authority's financial affairs.

(14) The relevant local authority may only designate a person for the purposes of this regulation to issue fixed penalty notices where the alleged offence relates to ^{F67}... the obstruction under regulation 8(2) of a person carrying out a function under regulation 7.

F45 Reg. 9(1) substituted (2.12.2020) by [The Health Protection \(Coronavirus, Restrictions\) \(Local Authority Enforcement Powers and Amendment\) \(England\) Regulations 2020 \(S.I. 2020/1375\)](#), reg. 1(1), [Sch. para. 3\(3\)](#) (with [Sch. para. 4](#))

- F46** Reg. 9(6) substituted (14.10.2020) by [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\) Regulations 2020 \(S.I. 2020/1103\)](#), reg. 1(2), **Sch. 3 para. 1(5)(a)** (with reg. 9)
- F47** Reg. 9(6A) omitted (14.10.2020) by virtue of [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\) Regulations 2020 \(S.I. 2020/1103\)](#), reg. 1(2), **Sch. 3 para. 1(5)(b)** (with reg. 9, **Sch. 3 para. 7(2)**)
- F48** Words in reg. 9(7) omitted (14.10.2020) by virtue of [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\) Regulations 2020 \(S.I. 2020/1103\)](#), reg. 1(2), **Sch. 3 para. 1(5)(c)** (with reg. 9, **Sch. 3 para. 7(2)**)
- F49** Sum in reg. 9(7) substituted (24.9.2020 at 5:00 a.m.) by [The Health Protection \(Coronavirus, Restrictions\) \(No. 2\) \(England\) \(Amendment\) \(No. 5\) Regulations 2020 \(S.I. 2020/1029\)](#), regs. 1(2), **2(7)(b)** (with reg. 9)
- F50** Words in reg. 9(8) omitted (14.10.2020) by virtue of [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\) Regulations 2020 \(S.I. 2020/1103\)](#), reg. 1(2), **Sch. 3 para. 1(5)(d)** (with reg. 9, **Sch. 3 para. 7(2)**)
- F51** Words in reg. 9(8) inserted (28.8.2020) by [The Health Protection \(Coronavirus\) \(Restrictions on Holding of Gatherings and Amendment\) \(England\) Regulations 2020 \(S.I. 2020/907\)](#), regs. 1(2), **2(5)(c)(ii)**
- F52** Words in reg. 9(8) inserted (25.7.2020) by [The Health Protection \(Coronavirus, Restrictions\) \(Blackburn with Darwen and Luton\) Regulations 2020 \(S.I. 2020/800\)](#), regs. 1(2), **9(1)(b)(i)** (with reg. 10)
- F53** Sum in reg. 9(8)(b)(i) substituted (24.9.2020 at 5:00 a.m.) by [The Health Protection \(Coronavirus, Restrictions\) \(No. 2\) \(England\) \(Amendment\) \(No. 5\) Regulations 2020 \(S.I. 2020/1029\)](#), regs. 1(2), **2(7)(c)(i)** (with reg. 9)
- F54** Sum in reg. 9(8)(b)(ii) substituted (24.9.2020 at 5:00 a.m.) by [The Health Protection \(Coronavirus, Restrictions\) \(No. 2\) \(England\) \(Amendment\) \(No. 5\) Regulations 2020 \(S.I. 2020/1029\)](#), regs. 1(2), **2(7)(c)(ii)** (with reg. 9)
- F55** Sum in reg. 9(8)(b)(iii) substituted (24.9.2020 at 5:00 a.m.) by [The Health Protection \(Coronavirus, Restrictions\) \(No. 2\) \(England\) \(Amendment\) \(No. 5\) Regulations 2020 \(S.I. 2020/1029\)](#), regs. 1(2), **2(7)(c)(iii)** (with reg. 9)
- F56** Sum in reg. 9(8)(b)(iv) substituted (24.9.2020 at 5:00 a.m.) by [The Health Protection \(Coronavirus, Restrictions\) \(No. 2\) \(England\) \(Amendment\) \(No. 5\) Regulations 2020 \(S.I. 2020/1029\)](#), regs. 1(2), **2(7)(c)(iv)** (with reg. 9)
- F57** Sum in reg. 9(8)(b)(v) substituted (24.9.2020 at 5:00 a.m.) by [The Health Protection \(Coronavirus, Restrictions\) \(No. 2\) \(England\) \(Amendment\) \(No. 5\) Regulations 2020 \(S.I. 2020/1029\)](#), regs. 1(2), **2(7)(c)(v)** (with reg. 9)
- F58** Reg. 9(8A) inserted (28.8.2020) by [The Health Protection \(Coronavirus\) \(Restrictions on Holding of Gatherings and Amendment\) \(England\) Regulations 2020 \(S.I. 2020/907\)](#), regs. 1(2), **2(5)(d)**
- F59** Words in reg. 9(8A) substituted (24.9.2020 at 5:00 a.m.) by [The Health Protection \(Coronavirus, Restrictions\) \(No. 2\) \(England\) \(Amendment\) \(No. 5\) Regulations 2020 \(S.I. 2020/1029\)](#), regs. 1(2), **2(7)(d)** (with reg. 9)
- F60** Words in reg. 9(8A) inserted (14.10.2020) by [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\) Regulations 2020 \(S.I. 2020/1103\)](#), reg. 1(2), **Sch. 3 para. 1(5)(e)** (with reg. 9)
- F61** Reg. 9(9) substituted (14.10.2020) by [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\) Regulations 2020 \(S.I. 2020/1103\)](#), reg. 1(2), **Sch. 3 para. 1(5)(f)** (with reg. 9)
- F62** Reg. 9(9)(l) inserted (14.10.2020) by [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(High\) \(England\) Regulations 2020 \(S.I. 2020/1104\)](#), reg. 1(2), **Sch. 3 para. 1** (with reg. 9)
- F63** Reg. 9(9)(m) inserted (14.10.2020) by [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Very High\) \(England\) Regulations 2020 \(S.I. 2020/1105\)](#), reg. 1(2), **Sch. 3 para. 1(2)** (with reg. 9)

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- F64** Reg. 9(9)(n) inserted (5.11.2020) by [The Health Protection \(Coronavirus, Restrictions\) \(England\) \(No. 4\) Regulations 2020 \(S.I. 2020/1200\)](#), regs. 1(2), **24(1)** (with reg. 23)
- F65** Reg. 9(9)(o) inserted (2.12.2020) by [The Health Protection \(Coronavirus, Restrictions\) \(All Tiers\) \(England\) Regulations 2020 \(S.I. 2020/1374\)](#), reg. 1(2), **Sch. 5 para. 1** (with reg. 15)
- F66** Words in reg. 9(9)(o) substituted (26.12.2020) by [The Health Protection \(Coronavirus, Restrictions\) \(All Tiers\) \(England\) \(Amendment\) \(No. 3\) Regulations 2020 \(S.I. 2020/1646\)](#), regs. 1(2), **3**
- F67** Words in reg. 9(14) omitted (14.10.2020) by virtue of [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\) Regulations 2020 \(S.I. 2020/1103\)](#), reg. 1(2), **Sch. 3 para. 1(5)(g)** (with reg. 9, Sch. 3 para. 7(2))

Commencement Information

- I7** Reg. 9 in force at 4.7.2020 at 00.01 a.m., see reg. 1(2)(b)

Prosecutions

10. Proceedings for an offence under these Regulations may be brought by the Crown Prosecution Service and any person designated by the Secretary of State.

Commencement Information

- I8** Reg. 10 in force at 4.7.2020 at 00.01 a.m., see reg. 1(2)(b)

Expiry

11.—(1) These Regulations expire at the end of the period of six months beginning with the day on which they come into force.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they expire.

Commencement Information

- I9** Reg. 11 in force at 4.7.2020 at 00.01 a.m., see reg. 1(2)(b)

Department of Health and Social Care

Matt Hancock
Secretary of State,

SCHEDULE 1

Regulation 1

Underlying Medical Conditions

1. Chronic (long-term) respiratory diseases, such as asthma, chronic obstructive pulmonary disease, emphysema or bronchitis.

Commencement Information

I10 Sch. 1 para. 1 in force at 4.7.2020 at 00.01 a.m., see reg. 1(2)(b)

2. Chronic heart disease, such as heart failure.

Commencement Information

I11 Sch. 1 para. 2 in force at 4.7.2020 at 00.01 a.m., see reg. 1(2)(b)

3. Chronic kidney disease.

Commencement Information

I12 Sch. 1 para. 3 in force at 4.7.2020 at 00.01 a.m., see reg. 1(2)(b)

4. Chronic liver disease, such as hepatitis.

Commencement Information

I13 Sch. 1 para. 4 in force at 4.7.2020 at 00.01 a.m., see reg. 1(2)(b)

5. Chronic neurological conditions, such as Parkinson's disease, motor neurone disease, multiple sclerosis, a learning disability or cerebral palsy.

Commencement Information

I14 Sch. 1 para. 5 in force at 4.7.2020 at 00.01 a.m., see reg. 1(2)(b)

6. Diabetes.

Commencement Information

I15 Sch. 1 para. 6 in force at 4.7.2020 at 00.01 a.m., see reg. 1(2)(b)

7. Problems with the spleen, such as sickle cell disease or removal of the spleen.

Commencement Information

I16 Sch. 1 para. 7 in force at 4.7.2020 at 00.01 a.m., see reg. 1(2)(b)

8. A weakened immune system as the result of conditions such as HIV and AIDS, or medicines such as steroid tablets or chemotherapy.

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Commencement Information

I17 Sch. 1 para. 8 in force at 4.7.2020 at 00.01 a.m., see reg. 1(2)(b)

9. Being seriously overweight, with a body mass index of 40 or above.

Commencement Information

I18 Sch. 1 para. 9 in force at 4.7.2020 at 00.01 a.m., see reg. 1(2)(b)

^{F68}SCHEDULE 2

Regulation 4

F68 Sch. 2 omitted (14.10.2020) by virtue of [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\) Regulations 2020 \(S.I. 2020/1103\)](#), reg. 1(2), [Sch. 3 para. 1\(2\)\(j\)](#) (with reg. 9, Sch. 3 para. 7(2))

SCHEDULE 3

Regulations 4A and 4B

Businesses and services subject to restrictions

F69

F69 Sch. 3 omitted (14.10.2020) by virtue of [The Health Protection \(Coronavirus, Local COVID-19 Alert Level\) \(Medium\) \(England\) Regulations 2020 \(S.I. 2020/1103\)](#), reg. 1(2), [Sch. 3 para. 1\(2\)\(k\)](#) (with reg. 9, Sch. 3 para. 7(2))

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require the closure of businesses listed in Schedule 2, to protect against the risks to public health arising from coronavirus, except for limited permitted uses. They also impose restrictions on gatherings both inside and outside, of more than 30 people. The closures and restrictions last until they are terminated by a direction given by the Secretary of State. They also give the Secretary of State power to restrict public access to any public outdoor space. The need for the restrictions in these Regulations must be reviewed by the Secretary of State every 28 days, with the first review taking place by 28th July 2020. The need for any restrictions made

in a direction given by the Secretary of State restricting public access to land must be reviewed every 7 days, starting with the seventh day after the direction is issued.
No impact assessment has been prepared for these Regulations.

Status:

Point in time view as at 26/12/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020.