
STATUTORY INSTRUMENTS

2020 No. 684

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

Restrictions on gatherings

5.—(1) During the emergency period, unless paragraph (3) applies, no person may participate in a gathering which—

- (a) consists of more than thirty persons, and
 - (b) takes place—
 - (i) in a private dwelling, including a houseboat,
 - (ii) on a vessel, other than a houseboat or a vessel used for public transport, or
 - (iii) on land which satisfies the condition in paragraph (2).
- (2) Land satisfies this condition if it is a public outdoor place, which is not—
- (a) operated by a business, a charitable, benevolent or philanthropic institution or a public body as a visitor attraction, or
 - (b) part of premises used for the operation of a business, charitable, benevolent or philanthropic institution or a public body.
- (3) This paragraph applies where—
- (a) in the case of a gathering described in paragraph (1)(b)(ii) or (iii)—
 - (i) the gathering has been organised by a business, a charitable, benevolent or philanthropic institution, a public body, or a political body,
 - (ii) the person responsible for organising the gathering (“the gathering organiser”) has carried out a risk assessment which would satisfy the requirements of regulation 3 of the Management of Health and Safety at Work Regulations 1999⁽¹⁾, whether or not the gathering organiser is subject to those Regulations, and
 - (iii) the gathering organiser has taken all reasonable measures to limit the risk of transmission of the coronavirus, taking into account the risk assessment carried out under paragraph (ii),
 - (b) 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 the gathering is necessary for training or competition,
 - (c) the gathering is reasonably necessary—
 - (i) for work purposes, or for the provision of voluntary or charitable services,
 - (ii) for the purposes of education or training,
 - (iii) for the purposes of childcare provided by a person registered under Part 3 of the Childcare Act 2006, or as part of supervised activities provided for children,
 - (iv) to provide emergency assistance,

⁽¹⁾ S.I. 1999/3242, amended by S.I. 2005/1541; 2015/21; 2015/1637.

- (v) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm, or
- (d) the person concerned is fulfilling a legal obligation.
- (4) During the emergency period, no person may participate in a gathering which—
 - (a) consists of more than thirty persons,
 - (b) takes place indoors, and
 - (c) would be a gathering of a kind mentioned in section 63(1) of the Criminal Justice and Public Order Act 1994(2) if it took place on land in the open air.
- (5) In determining whether all reasonable measures have been taken to limit the risk of transmission of the coronavirus for the purposes of paragraph (3)(a)(iii), any guidance issued by the government relevant to the gathering in question must be taken into account.
- (6) 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(3), under the Smoke-Free (Premises and Enforcement) Regulations 2006(4);
 - (c) a “private dwelling” includes any garden, yard, passage, stair, outhouse or other appurtenance of the dwelling, and does not include—
 - (i) accommodation in a hotel, hostel, campsite, caravan park, members club, boarding house or bed and breakfast accommodation,
 - (ii) care homes, within the meaning of section 3 of the Care Standards Act 2000(5)),
 - (iii) children’s homes, within the meaning of section 1 of the Care Standards Act 2000,
 - (iv) Residential Family Centres, within the meaning of section 4 of the Care Standards Act 2000,
 - (v) educational accommodation,
 - (vi) accommodation intended for use by the army, navy or air force, or
 - (vii) criminal justice accommodation;
 - (d) a “charitable, benevolent or philanthropic institution” means—
 - (i) a charity, or
 - (ii) an institution, other than a charity, established for charitable, benevolent or philanthropic purposes;
 - (e) “vessel” means any ship, boat, barge, lighter or raft and any other description of craft, whether used in navigation or not, but does not include government vessels.
- (7) For the purposes of paragraph (6)(c)—
 - (a) “educational accommodation” means—
 - (i) accommodation provided for students whilst they are boarding at school;

(2) 1994 (c. 33). Section 63 has been amended by s. 58 of, and Schedule 3 to the Anti-social Behaviour Act 2003 (c. 38); and Schedule 26 to the Criminal Justice Act 2003 (c. 44); Schedule 7 to the Licensing Act 2003 (c. 17) and s. 111 of, and paragraph 31 of Schedule 7 and Part 1 of Schedule 17 to, the Serious Organised Crime and Police Act 2005 (c. 15).

(3) 2006 c. 28. Section 2 was amended by paragraph 4 of Schedule 2 to the Health (Wales) Act 2017 (2017 anaw 2).

(4) S.I. 2006/3368, to which there are amendments which are not relevant to these Regulations.

(5) 2000 c. 14.

- (ii) halls of residence provided for students attending higher education courses, and equivalent accommodation provided for students attending further education courses;
- (b) “criminal justice accommodation” means—
 - (i) a prison, within the meaning of the Prison Act 1952⁽⁶⁾;
 - (ii) a young offender institution, within the meaning of section 43 of the Prison Act 1952;
 - (iii) a secure training centre, within the meaning of section 43 of the Prison Act 1952;
 - (iv) approved premises, within the meaning of section 13 of the Offender Management Act 2007⁽⁷⁾;
 - (v) a bail hostel, within the meaning of section 2 of the Bail Act 1976⁽⁸⁾;
- (c) “political body” means—
 - (i) a political party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000, or
 - (ii) a political campaigning organisation within the meaning of regulation 2 of the Health and Social Care (Financial Assistance) Regulations 2009⁽⁹⁾.

⁽⁶⁾ 1952 c. 52.
⁽⁷⁾ 2007 c. 21.
⁽⁸⁾ 1976 c. 63.
⁽⁹⁾ S.I. 2009/649.