
STATUTORY INSTRUMENTS

2020 No. 684

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

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,
 - (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 Safeguarding of 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.