

This Statutory Instrument has been made partly to correct errors in the Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020 (S.I. 2020/685) and is being issued free of charge to all known recipients of that Statutory Instrument.

Regulations made by the Secretary of State, laid before Parliament under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of each House of Parliament within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution, prorogation or adjournment for more than four days.

STATUTORY INSTRUMENTS

2020 No. 787

PUBLIC HEALTH, ENGLAND

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

<i>Made</i>	- - - -	<i>22nd July 2020</i>
<i>Laid before Parliament</i>		<i>23rd July 2020</i>
<i>Coming into force</i>	- -	<i>24th July 2020</i>

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⁽¹⁾.

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 the Public Health (Control of Disease) Act 1984 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) (Leicester) (Amendment) (No. 2) Regulations 2020.

(2) These Regulations come into force on 24th July 2020.

⁽¹⁾ 1984 c. 22; Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).

Amendments to the Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020

2. The Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020(2) are amended as follows.

3.—(1) Regulation 3 (requirement to close premises and businesses during the emergency) is amended as follows.

(2) In paragraph (7)—

- (a) in the words before sub-paragraph (a) for “Schedule 2” substitute “Schedule 3”;
- (b) before sub-paragraph (a) insert—

“(za) carrying on a business of offering goods for sale or for hire in a shop which is separate from the premises used for the closed business;”;

- (c) in sub-paragraph (b) omit “from” in the first place it occurs.

(3) In paragraph (8)—

- (a) for “a café or restaurant (“CR”)” substitute “a shop, café or restaurant (“SCR”)”;
- (b) in sub-paragraphs (a) and (b) for “the CR” substitute “the SCR”.

4.—(1) Regulation 4 (further restrictions and closures during the emergency period) is amended as follows.

(2) In paragraph (1)—

- (a) for the words before sub-paragraph (a) substitute “A person responsible for providing library services (“the library services provider”) must, during the emergency period—”;
- (b) in sub-paragraph (a) omit “carry on that business or”;
- (c) in sub-paragraph (b) for “carry out its business or provide its services” substitute “provide its service”;
- (d) in sub-paragraph (c) omit “carry on its business or”.

(3) For paragraph (2) substitute—

“(2) Paragraph (1) does not prevent the library services provider—

- (a) carrying on a business of offering goods for sale or for hire—

(i) in a shop which is separate from the premises usually used for the provision of library services (“the library premises”), or

(ii) by making deliveries or otherwise providing services in any way permitted under paragraph (1)(a);

- (b) operating a café or restaurant solely to sell food or drink for consumption off the premises, if the café or restaurant is separate from the library premises.”

(4) In paragraph (4)(b)(i) for “5th May” substitute “16th June”.

(5) In paragraph (6)(d) after “the Childcare Act 2006” insert “or any supervised activity for a child provided by any other person”.

(6) After paragraph (6) insert—

“(6A) Paragraph (5) does not prevent the person responsible for the place of worship—

- (a) carrying on a business of offering goods for sale or for hire—

(i) in a shop which is separate from the place of worship, or

- (ii) by making deliveries or otherwise providing services in response to orders received—
 - (aa) through a website, or otherwise by on-line communication,
 - (bb) by telephone, including orders by text message, or
 - (cc) by post;
 - (b) operating a café or restaurant solely to sell food or drink for consumption off the premises, if the café or restaurant is separate from the place of worship.
- (6B) For the purposes of paragraphs (2) and (6A), a shop, café or restaurant (“SCR”) is separate from a place of worship or library premises if—
 - (a) the SCR is in a self-contained unit, and
 - (b) it is possible for a member of the public to enter the SCR from a place outside the place of worship or library premises.”
- (7) In paragraph (7)—
 - (a) omit the “or” after sub-paragraph (a);
 - (b) in sub-paragraph (b) after “the Childcare Act 2006” insert “or any supervised activity for a child provided by any other person”;
 - (c) after sub-paragraph (b) insert—
 - “, or
 - (c) to host an indoor market.”
- (8) In paragraph (10) omit “(1) or” in both places it occurs.
- 5.** In regulation 5 (restrictions on movement) in paragraph (3)(d)(ii) for “Safeguarding of” substitute “Safeguarding”.
- 6.—**(1) Regulation 6 (restrictions on gatherings) is amended as follows.
 - (2) In paragraph (2) after sub-paragraph (c) insert—
 - “(ca) the person concerned is attending a drive-in cinema in a car or other vehicle, and the people in the vehicle are members of the same household, or of two households which are linked households in relation to each other;”.
 - (3) In paragraph (2)(d)—
 - (a) in paragraph (iii) for “Safeguarding of” substitute “Safeguarding”;
 - (b) in paragraph (v) after “the Childcare Act 2006” insert “or any supervised activity for a child provided by any other person”.
 - (4) In paragraph (3)(b) for “Smoke Free” substitute “Smoke-free”.
- 7.—**(1) Regulation 7 (linked households) is amended as follows.
 - (2) In paragraph (1)(a) after “these Regulations or” insert “were linked with any other household for the purposes of”.
 - (3) Omit paragraph (6).
- 8.—**(1) Regulation 10 (fixed penalty notices) is amended as follows.
 - (2) In paragraph (1) after sub-paragraph (a) insert “and”.
 - (3) In paragraph (7) for the semicolon at the end substitute a full stop.

9. In regulation 13 (designations) for “regulation 8(12)(a), 10(3)(b), 10(11)(a) or 11 of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020” substitute “regulation 7(10)(b), 9(3)(b), 9(13)(a) or 10 of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020**(3)**”.

10.—(1) Schedule 3 (businesses subject to restrictions or closure) is amended as follows.

(2) In paragraph 5 at the end insert “except for drive-in cinemas”.

(3) In paragraph 12 at the end insert “but not including retail galleries, where the majority of the art on display is for sale”.

(4) Omit paragraph 14.

(5) Omit paragraph 29.

(6) For paragraph 32 substitute—

“**32.** Indoor attractions (within the meaning given in paragraph 34(2)) at aquariums, zoos, safari parks, farms, wildlife centres and any place where animals are exhibited to the public as an attraction.”

(7) Omit paragraph 33.

(8) In paragraph 34(2)(a) for “Smoke Free” substitute “Smoke-free”.

(9) Omit Part 3.

22nd July 2020

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020 (S.I. 2020/685) (“the principal Regulations”). The amendments permit the opening of retail businesses and certain outdoor attractions in the “protected area” in Leicester. The “protected area” is defined in the principal Regulations, as amended by the Health Protection (Coronavirus, Restrictions) (Leicester) (Amendment) Regulations 2020 (S.I. 2020/754).

These Regulations also make amendments to the principal Regulations consequential on the revocation of provisions of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (S.I. 2020/350), removing and replacing references to those Regulations.

These Regulations also correct a number of errors in the principal Regulations.

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