

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. 974

PUBLIC HEALTH, ENGLAND

**The Health Protection (Coronavirus,
Restrictions) (Bolton) Regulations 2020**

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| <i>Made</i> | - - - - | <i>at 3.32 p.m. on 10th September 2020</i> |
| <i>Laid before Parliament</i> | | <i>at 4.30 p.m. on 10th September 2020</i> |
| <i>Coming into force</i> | - - | <i>at 6.00 p.m. on 10th September 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 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, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020 and come into force at 6.00 p.m. on 10th September 2020.

(2) These Regulations apply in relation to England only.

(3) In these Regulations—

“child” means a person under the age of 18;

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

- “childcare” has the same meaning as in section 18 of the Childcare Act 2006(2);
- “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);
- “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;
- “Crown land” means land in which there is a Crown interest or a Duchy interest;
- “Duchy interest” means an interest belonging to Her Majesty in right of the Duchy of Lancaster, or belonging to the Duchy of Cornwall;
- “elite sportsperson” means an individual who—
- (a) derives a living from competing in a sport,
 - (b) is a senior representative nominated by a relevant sporting body,
 - (c) is a member of the senior training squad for a relevant sporting body, or
 - (d) is aged 16 or above and on an elite development pathway;
- “linked household” has the meaning given in regulation 6;
- “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(3);
- “person responsible for carrying on a business” includes the owner, proprietor, and manager of that business;
- “the protected area” means the area of Bolton Metropolitan Borough Council;
- “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(4), as read with section 16 of the Countryside Act 1968(5);
 - (c) land which is “access land” for the purposes of Part 1 of the Countryside and Rights of Way Act 2000(6) (see section 1(1) of that Act(7));
 - (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 a medical condition which increases vulnerability to Covid-19 (the official designation of the disease which can be caused by coronavirus);
 - (c) any person who is pregnant.
- (4) For the purposes of the definition of “elite sportsperson”, in paragraph (3)—

(2) 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.

(3) 1989 c. 41.

(4) 1949 c. 97.

(5) 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.

(6) 2000 c. 37.

(7) 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).

- (a) “elite development pathway” means a development pathway established by the national governing body of a sport to prepare sportspersons—
 - (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 sportspersons 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.
- (5) For the purposes of these Regulations, references to a “local authority” include references to a county council.

The emergency period and review of need for restrictions

- 2.—(1) For the purposes of these Regulations, the “emergency period”—
- (a) starts when these Regulations come into force, and
 - (b) ends in relation to a restriction or requirement imposed by these Regulations on the day and at the time specified in a direction published by the Secretary of State under this regulation terminating the requirement or restriction.
- (2) The Secretary of State must review the need for restrictions and requirements imposed by these Regulations at least once every 14 days, with the first review being carried out by 24th September 2020.
- (3) As soon as the Secretary of State considers that any restrictions or requirements set out in these Regulations are no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in England with the coronavirus, the Secretary of State must publish a direction terminating that restriction or requirement.
- (4) A direction published under this regulation may—
- (a) terminate any one or more requirement or restriction (whether generally or in one or more specified local areas only);
 - (b) terminate a requirement or restriction in relation to a specified business or service or a specified description of business or service.
- (5) Section 16 of the Interpretation Act 1978⁽⁸⁾ applies in relation to the termination of a restriction or requirement by a direction as it applies in relation to the repeal of an enactment.
- (6) In this regulation, “specified” means specified in a direction published under this regulation.

(8) 1978 c. 30.

Requirement to close premises and businesses during the emergency

3.—(1) A person responsible for carrying on a business in the protected area which is listed in Part 1 of the Schedule must—

- (a) during the emergency period—
 - (i) close any premises, or part of the premises, in the protected area in which food or drink are sold for consumption on those premises, and
 - (ii) cease selling food or drink for consumption on any premises in the protected area; and
- (b) if the business sells food or drink for consumption off the premises—
 - (i) cease selling food or drink for consumption on its premises in the protected area during the emergency period;
 - (ii) cease selling food or drink between the hours of 22:00 and 05:00 in the protected area during the emergency period.

(2) Paragraph (1) does not apply to food or drink sold by a hotel or other accommodation as part of room service.

(3) For the purposes of paragraph (1)(a)(ii) and (b)(i), an area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business) is to be treated as part of the premises of that business.

(4) A person responsible for carrying on a business or providing a service in the protected area which is listed in Part 2 of the Schedule must cease to carry on that business or to provide that service in the protected area during the emergency period.

(5) Paragraph (4) does not prevent the use of—

- (a) any suitable premises used for the businesses or services listed in that Part of the Schedule to host blood donation sessions;
- (b) indoor skating rinks or other suitable facilities for training for elite sportspersons.

(6) If a business listed in Part 1 or 2 of the Schedule (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in paragraph (1) if it closes down business A.

(7) For the purposes of this regulation, premises are in the protected area if any part of the premises is in the protected area.

Restrictions on opening hours of businesses and services

4.—(1) A person responsible for carrying on a restricted business or providing a restricted service in the protected area may not carry on that business or provide that service in the protected area during the emergency period between the hours of 22:00 and 05:00.

(2) For the purposes of paragraph (1), a business or service is a restricted business or service if—

- (a) it consists of offering goods for sale or for hire in a shop, except for those businesses and services listed in Part 3 of the Schedule, or
- (b) it is listed in Part 4 of the Schedule.

(3) A person who is responsible for a community centre in the protected area must ensure that, during the emergency period, the community centre is closed between the hours of 22:00 and 05:00 except where it is used between those hours—

- (a) to provide essential voluntary or charitable services 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 the purposes of childcare provided by a person registered under Part 3 of the Childcare Act 2006.

(4) If a restricted business or service (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in paragraph (1) if it does not carry on business A between the hours of 22:00 and 05:00.

(5) For the purposes of this regulation, premises are in the protected area if any part of the premises is in the protected area.

Restrictions on gatherings in private dwellings

5.—(1) During the emergency period, unless paragraph (2) applies—

- (a) no person may participate in a gathering in the protected area which consists of two or more persons and takes place in a private dwelling, including a houseboat;
- (b) no person living in the protected area may participate in a gathering which consists of two or more persons and takes place in a private dwelling, including a houseboat, outside the protected area.

(2) This paragraph applies where—

- (a) all the persons in the gathering are members of the same household or members of two households which are linked households in relation to each other;
- (b) the person concerned is attending a person giving birth (“M”), at M’s request;
- (c) the person concerned (“P”) is visiting a person P reasonably believes is dying (“D”), and P is—
 - (i) a member of D’s household,
 - (ii) a close family member of D,
 - (iii) a friend of D, or
 - (iv) where no-one falling within paragraphs (i) to (iii) is visiting D, any other person;
- (d) the person concerned is fulfilling a legal obligation;
- (e) 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;
 - (iv) to provide emergency assistance;
 - (v) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm;
 - (vi) to facilitate a house move;
 - (vii) 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 Vulnerable Groups Act 2006;
 - (viii) 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.

(3) For the purposes of this regulation—

- (a) 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⁽⁹⁾,
 - (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;
- (b) “linked household” has the meaning given in regulation 6;
- (c) 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;
- (d) a gathering is in the protected area if any part of the place where it takes place is in the protected area.
- (4) For the purposes of paragraph (3)—
- (a) “educational accommodation” means—
 - (i) accommodation provided for students whilst they are boarding at school;
 - (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⁽¹⁰⁾;
 - (ii) a young offender institution, within the meaning of section 43 of the Prison Act 1952⁽¹¹⁾;
 - (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⁽¹²⁾;
 - (v) a bail hostel, within the meaning of section 2 of the Bail Act 1976⁽¹³⁾.

Linked households

6.—(1) Where a household comprises one adult, or one adult and one or more persons who were under the age of 18 on 12th June 2020 (“the first household”), the adult may choose to be linked with one other household (“the second household”), provided that—

⁽⁹⁾ 2000 c. 14.

⁽¹⁰⁾ 1952 c. 52.

⁽¹¹⁾ Section 43(1) has been amended by paragraph 11 of Schedule 15 to the Criminal Justice Act 1988 (c. 33), s. 18(3) of the Criminal Justice and Public Order Act 1994 (c. 33), paragraph 5 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), and paragraph 3 of Schedule 26 to the Criminal Justice and Immigration Act 2008 (c. 4) and paragraph 4 of Schedule 12 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10). There are other amendments to s. 43 which are not relevant to these Regulations.

⁽¹²⁾ 2007 c. 21.

⁽¹³⁾ 1976 c. 63. The definition of “bail hostel” has been substituted by paragraph 50 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000.

- (a) neither the first household nor the second household are linked, or have ever been linked, with any other household for the purposes of these Regulations or any other Regulations made under the Public Health (Control of Disease) Act 1984, and
 - (b) all the adult members of the second household agree.
- (2) There is no limit on the number of adults or children which may be in the second household.
- (3) The first and second households are “linked households” in relation to each other.
- (4) The first and second households cease to be linked households if neither household satisfies the condition in the opening words of paragraph (1).
- (5) Once the first and second households have ceased being linked households, neither the first household nor the second household may be linked with any other household.

Restrictions on other gatherings

7.—(1) During the emergency period, unless paragraph (3) applies, no person may participate in a gathering in the protected area which consists of more than six persons, and takes place—

- (a) on a vessel, other than a houseboat or a vessel used for public transport, or
 - (b) 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) all the persons in the gathering are members of the same household or members of two households which are linked households in relation to each other;
 - (b) the gathering has been organised by a business, a charitable, benevolent or philanthropic institution, a public body, or a political body, and—
 - (i) 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⁽¹⁴⁾, whether or not the gathering organiser is subject to those Regulations, and
 - (ii) 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 (i);
 - (c) 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;
 - (d) 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⁽¹⁵⁾,
 - (iv) to provide emergency assistance, or

⁽¹⁴⁾ S.I. 1999/3242, amended by S.I. 2005/1541; 2015/21; 2015/1637.

⁽¹⁵⁾ 2006 c. 21.

- (v) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm; or
 - (e) the person concerned is fulfilling a legal obligation.
- (4) During the emergency period, no person may participate in a gathering in the protected area which—
- (a) consists of more than six 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⁽¹⁶⁾ 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)(b)(ii), 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) 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;
 - (b) “gathering” has same meaning as in regulation 5, and a gathering is in the protected area if any part of the place where it takes place is in the protected area;
 - (c) 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⁽¹⁷⁾, under the Smoke-free (Premises and Enforcement) Regulations 2006⁽¹⁸⁾;
 - (d) “political body” means—
 - (i) a political party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000⁽¹⁹⁾, or
 - (ii) a political campaigning organisation within the meaning of regulation 2 of the Health and Social Care (Financial Assistance) Regulations 2009⁽²⁰⁾;
 - (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.

Enforcement of requirement

8.—(1) A relevant person may take such action as is necessary to enforce any requirement imposed by regulation 3, 4, 5 or 7.

(2) A relevant person may give a prohibition notice to a person if the relevant person reasonably believes that—

- (a) the person is contravening a requirement in regulation 3 or 4, and
- (b) it is necessary and proportionate to give the prohibition notice for the purpose of preventing that person from continuing to contravene the requirement.

(3) Where a relevant person considers that a number of people are gathered together in contravention of regulation 5 or 7, the relevant person may—

⁽¹⁶⁾ 1994 (c. 33). Section 63(1) has been amended by s. 58 of, and Schedule 3 to the Anti-social Behaviour Act 2003 (c. 38).

⁽¹⁷⁾ 2006 c. 28. Section 2 was amended by paragraph 4 of Schedule 2 to the Public Health (Wales) Act 2017 (2017 anaw 2).

⁽¹⁸⁾ S.I. 2006/3368, to which there are amendments which are not relevant to these Regulations.

⁽¹⁹⁾ 2000 c. 41.

⁽²⁰⁾ S.I. 2009/649.

- (a) direct the gathering to disperse;
 - (b) direct any person in the gathering to return to the place where they are living;
 - (c) remove any person from the gathering.
- (4) A relevant person exercising the power in paragraph (3)(c) to remove a person from a gathering may use reasonable force, if necessary, in exercise of the power.
- (5) Where a person who is in a gathering in contravention of regulation 5 or 7 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.
- (6) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with the restriction in regulation 5 or 7, 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.
- (7) A relevant person may only exercise the power in paragraph (3), (5) or (6) if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with the restriction in regulation 5 or 7.
- (8) A relevant person exercising a power in paragraph (3), (5) or (6) may give the person concerned any reasonable instructions they consider to be necessary.
- (9) 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,
 - (iii) subject to paragraph (10), a person designated by a local authority for the purposes of this regulation, or
 - (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.
- (10) A local authority may only designate a person for the purposes of this regulation in relation to a requirement in regulation 3 or 4.

Offences and penalties

- 9.—(1) A person who—
- (a) without reasonable excuse contravenes a requirement in regulation 3, 4, 54 or 7, or
 - (b) contravenes a requirement in regulation 8 without reasonable excuse,
- 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 8, commits an offence.

(3) A person who, without reasonable excuse, contravenes a direction given under regulation 8, or fails to comply with a reasonable instruction or a prohibition notice given by a relevant person under regulation 8, 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.

(7) Section 24 of the Police and Criminal Evidence Act 1984(21) 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.

Fixed penalty notices

10.—(1) An authorised person may issue a fixed penalty notice to anyone that the authorised person reasonably believes—

- (a) has committed an offence under these Regulations; and
- (b) is 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;

(21) 1984 c. 60. Section 24 was substituted by s. 110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).

- (e) specify permissible methods of payment.
- (6) The amount specified under paragraph (5)(c) must, subject to paragraph (7), be £100.
- (7) Unless paragraph (8) applies, a fixed penalty notice must specify that if £50 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 is given has already received a fixed penalty notice under these Regulations 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, £200;
 - (ii) in the case of the third fixed penalty notice received, £400;
 - (iii) in the case of the fourth fixed penalty notice received, £800;
 - (iv) in the case of the fifth fixed penalty notice received, £1,600;
 - (v) in the case of the sixth and subsequent fixed penalty notices, £3,200.
- (9) In determining how many fixed penalty notices a person has previously 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(**22**);
 - (b) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020(**23**);
 - (c) the Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020(**24**);
 - (d) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020(**25**);
 - (e) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Luton) Regulations 2020(**26**);
 - (f) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020(**27**);
 - (g) the Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020(**28**);
 - (h) the Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020(**29**).
- (10) But no account is to be taken under paragraph (9) of any fixed penalty notice issued to that person under regulation 9 of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 in respect of the offence described in regulation 8(1) of those Regulations of contravening, without reasonable excuse, regulation 5A or 5B of those Regulations.
- (11) 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).
- (12) Where a letter is sent as mentioned in paragraph (11), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (13) In any proceedings, a certificate—

(22) S.I. 2020/350 amended by S.I. 2020/447; 2020/500; 2020/558; 2020/588 and revoked by S.I. 2020/684 with savings.

(23) S.I. 2020/684, amended by S.I. 2020/719, 2020/750; 2020/788; 2020/800; 2020/822; 2020/824 and 2020/828.

(24) S.I. 2020/685 to which there are amendments not relevant to these Regulations. S.I. 2020/685 was revoked by S.I. 2020/824, with savings.

(25) S.I. 2020/750, amended by 2020/800; 2020/822; 2020/824 and 2020/828.

(26) S.I. 2020/800, revoked by S.I. 2020/822, with savings.

(27) S.I. 2020/822, amended by S.I. 2020/824 and 2020/828.

(28) S.I. 2020/824, amended by S.I. 2020/828.

(29) S.I. 2020/828, amended by S.I. 2020/846; 2020/865 and 2020/897.

- (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.

(14) 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 (15), 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.

(15) 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 the contravention of a requirement or restriction in regulation 3 or 4 or the obstruction under regulation 9(2) of a person carrying out a function under regulation 8.

Prosecutions

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

Expiry

12.—(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.

Designations

13. A person who is designated for the purposes of regulation 8(9)(c) or (d), 10(3)(b), 10(13) or 11 of the Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020 is to be treated as if they were designated for the purposes of regulation 8(9)(b)(iii) or (iv), 10(3)(b), 10(14)(a) or 11 as appropriate, of these Regulations.

Consequential amendments

14.—(1) In the Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020—

- (a) in regulation 2(1), omit sub-paragraph (a);
- (b) in regulation 10(9), after sub-paragraph (g), insert—

- “(h) the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020.”.
- (2) In the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020—
- (a) in regulation 1(4), after sub-paragraph (c), insert—
- “(d) the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020.”;
- (b) in regulation 9(9), after sub-paragraph (g), insert—
- “(h) the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020.”.
- (3) In regulation 14(8) of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020, after sub-paragraph (h), insert—
- “(i) the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020.”.
- (4) In regulation 7(9) of the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020, after sub-paragraph (h), insert—
- “(i) the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020.”.
- (5) In regulation 10(9) of the Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020, after sub-paragraph (g), insert—
- “(h) the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020.”.

at 3.32 p.m. on 10th September 2020

Helen Whately
Minister of State
Department for Health and Social Care

SCHEDULE

Regulations 3 and 4

Businesses subject to restrictions or closure

PART 1

1. Restaurants, including restaurants and dining rooms in hotels or members' clubs.
- 2.—(1) Cafes, including workplace canteens (subject to sub-paragraph (2)), but not including—
 - (a) cafes or canteens at a hospital, care home or school;
 - (b) canteens at a prison or an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence;
 - (c) services providing food or drink to the homeless.(2) Workplace canteens may remain open where there is no practical alternative for staff at that workplace to obtain food.
3. Bars, including bars in hotels or members' clubs.
4. Public houses.

PART 2

5. Nightclubs.
- 6.—(1) Dance halls, discotheques, and any other venue which—
 - (a) opens at night,
 - (b) has a dance floor or other space for dancing by members of the public (and for these purposes members of the venue in question are to be considered members of the public), and
 - (c) provides music, whether live or recorded, for dancing.(2) A business does not fall within sub-paragraph (1) if it ceases to provide music and dancing.
- 7.—(1) Sexual entertainment venues and hostess bars.
(2) For the purposes of this paragraph—
 - (a) “sexual entertainment venue” has the meaning given in paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982⁽³⁰⁾;
 - (b) “hostess bar” has the meaning given in paragraph 3B of that Schedule⁽³¹⁾.
8. Casinos.
9. Indoor skating rinks.
10. Indoor play areas, including soft play areas.
11. Bowling alleys.

⁽³⁰⁾ 1982 (c. 30). Paragraph 2A was inserted by section 27 of the Policing and Crime Act 2009 (c. 26).

⁽³¹⁾ Paragraph 3B was inserted by section 33 of the London Local Authorities Act 2007 (c. ii).

12.—(1) Conference centres and exhibition halls, so far as they are used to host conferences, exhibitions or trade shows other than conferences or events which are attended only by employees of the person who owns or is responsible for running the conference centre or exhibition hall.

(2) For the purposes of this paragraph, a “trade show” is an event held to bring together members of a particular industry to display, demonstrate and discuss their latest products and services with members of the public.

PART 3

13. Food retailers, including food markets, supermarkets, convenience stores, corner shops, and workplace canteens, but not including take-away businesses which are not workplace canteens, and for these purposes, a business is a take-away business if it sells food for immediate consumption off the premises.

14. Pharmacies (including non-dispensing pharmacies) and chemists.

15. Newsagents.

16. Building supplies and hardware stores.

17. Petrol stations.

18. Car repair and MOT services.

19. Bicycle shops.

20. Taxi or vehicle hire businesses.

21. Cash points.

22. Funeral directors.

23. Laundrettes and dry cleaners.

24. Dental services, opticians, audiology services, chiropody, chiropractors, osteopaths and other medical or health services, including services relating to mental health.

25. Veterinary surgeons.

26. Agricultural supplies shop.

27. Storage and distribution facilities, including delivery drop off or collection points, where the facilities are in the premises of a business included in this Part.

28. Car parks.

29. Public toilets.

30. Motorway service areas, so far as they contain any business or provide any service referred to in paragraphs 13 to 29.

PART 4

31. Cinemas.

32. Theatres

33. Bingo halls.

34. Concert halls.

Status: This is the original version (as it was originally made).

35. Museums and galleries.
 36. Betting shops.
 37. Nail bars and salons.
 38. Hair salons and barbers.
 39. Tanning booths and salons.
 40. Spas and beauty salons, and for these purposes, “beauty salon” includes any premises providing beauty services including cosmetic, aesthetic and wellness treatments.
 41. Massage parlours.
 42. Tattoo and piercing parlours.
 43. Amusement arcades or other indoor leisure centres or facilities.
 44. Funfairs (indoors or outdoors), theme parks and adventure parks and activities.
 45. Playgrounds.
 46. Social clubs.
 47. Aquariums and zoos, including safari parks.
 - 48.—(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 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.
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require the closure of businesses in Bolton selling food or drink for consumption on the premises, and businesses listed in Part 2 of the Schedule, to protect against the risks to public health arising from coronavirus, except for limited permitted uses. They also impose restricted opening hours on businesses selling goods or providing services (except those listed in Part 3 of the Schedule), and on those businesses listed in Part 4 of the Schedule. These businesses may not operate between 22:00 and 05:00. The Regulations also impose further restrictions on gatherings in Bolton. The closures and restrictions last until they are terminated by a direction given by the Secretary of State or the Regulations expire under regulation 12.

The need for these restrictions must be reviewed by the Secretary of State every 14 days, with the first review taking place by 24th September 2020.

No impact assessment has been prepared for these Regulations.