

2020 No. 986

PUBLIC HEALTH, ENGLAND

**The Health Protection (Coronavirus, Restrictions) (No. 2)
(England) (Amendment) (No. 4) Regulations 2020**

Approved by both Houses of Parliament

Made - - - - on 13th September 2020

Coming into force - -at 12.01 a.m. on 14th September 2020

Laid before Parliament-at 10.30 a.m. on 14th September 2020

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45C(1), (3)(c), (4)(b) and (d), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984(a).

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 the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020(b), as amended 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 and interpretation

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (No. 2) (England) (Amendment) (No. 4) Regulations 2020 and come into force at 12.01 a.m. on 14th September 2020.

(2) In these Regulations “the Principal Regulations” means the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020.

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

(b) S.I. 2020/684, as amended by S.I. 2020/822, 824, 828, 865, 907 and 974. There are other amending instruments but none is relevant.

Amendment of the Principal Regulations

2.—(1) The Principal Regulations are amended as follows—

(2) In regulation 1 (application)—

(a) in paragraph (4), in the opening words, for “Regulations 4 and 5 do” substitute “Regulation 4 does”;

(b) after paragraph (4), insert—

“(4ZA) Regulation 5(1), in so far as it relates to gatherings in private dwellings, and regulation 5ZA do not apply in relation to those areas which form “the protected area” under—

(a) the Public Health (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020(a);

(b) the Public Health (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020(b);

(c) the Public Health (Coronavirus, Restrictions) (North of England) Regulations 2020(c);

(d) the Public Health (Coronavirus, Restrictions) (Bolton) Regulations 2020(d).

(4ZB) In paragraph (4ZA) “private dwelling” has the same meaning that it has for the purposes of the provisions of regulation 5 other than paragraph (2).”.

(3) In regulation 5 (restrictions on participation in gatherings)—

(a) for paragraphs (1) and (2), substitute—

“(1) During the emergency period, no person may participate in a gathering which consists of more than six people unless—

(a) all the people in the gathering are from the same household, or are members of two households which are linked households in relation to each other,

(b) the gathering is one to which paragraph (2) or (2A) applies and the person concerned participates in the gathering alone or as a member of a qualifying group, or

(c) paragraph (3) applies.

(2) This paragraph applies to a gathering if it takes place on or at premises, other than a private dwelling, which are—

(a) operated by a business, a charitable, benevolent or philanthropic institution or a public body, or

(b) part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body.

(2A) This paragraph applies to a gathering if it takes place in a public outdoor space which does not fall within paragraph (2)(a) or (b) and—

(a) the gathering has been organised by a business, a charitable, benevolent or philanthropic institution, a public body, or a political body, and

(b) the gathering organiser complies with paragraph (5G).

(2B) For the purposes of paragraph (1)(b)—

(a) “qualifying group”, in relation to a gathering, means a group of persons who are participating in that gathering and which—

(i) consists of no more than six persons, or

(a) S.I. 2020/824, to which there are amendments not relevant to these Regulations.

(b) S.I. 2020/822, as amended by S.I. 2020/828. There are other amending instruments but none is relevant.

(c) S.I. 2020/828. The title of the Regulations was changed by S.I. 2020/685. There are other amending instruments but none is relevant.

(d) S.I. 2020/974.

- (ii) consists of only persons who are members of the same household, or who are members of two households which are linked households in relation to each other;
- (b) a person participates in a gathering as a member of a qualifying group only if they are part of a qualifying group and, whilst participating in the gathering, they do not—
 - (i) become a member of any other group of persons participating in the gathering (whether or not that group is a “qualifying group”), or
 - (ii) otherwise mingle with any person who is participating in the gathering but is not a member of the same qualifying group as them.”;
- (b) in paragraph (3)—
 - (i) omit sub-paragraph (a);
 - (ii) in sub-paragraph (c)—
 - (aa) at the end of paragraph (v), omit “or”;
 - (bb) after paragraph (v), insert—
 - “(vi) 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(a),
 - (vii) for the purposes of 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) after sub-paragraph (d), insert—
 - “(e) the gathering is of a support group,
 - (f) the gathering consists of no more than 30 persons and—
 - (i) it is for the purposes of the solemnisation of a marriage, formation of a civil partnership or conversion of a civil partnership,
 - (ii) it takes place on religious premises or premises which are approved for the purposes of the Marriage Act 1949(b) or the Civil Partnership Act 2004(c), and
 - (iii) the manager complies with paragraph (5G),
 - (g) the gathering is a significant event gathering and—
 - (i) it consists of no more than 30 persons,
 - (ii) it takes place—
 - (aa) at premises (other than a private dwelling) which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,
 - (bb) at premises (other than a private dwelling) which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, or
 - (cc) in a public outdoor space which does not fall within paragraph (aa) or (bb), and
 - (iii) the manager, in the case of gathering taking place at premises mentioned in paragraph (ii)(aa) or (bb), or the gathering organiser, in any other case, complies with paragraph (5G),

(a) 2006 c. 47. Sub-paragraphs (1) to (3) and (3A) to (3E) of paragraph 7 were substituted for sub-paragraphs (1) to (3) as enacted, by section 66 of the Protection of Freedoms Act 2012 (c. 9).

(b) 1949 c. 76.

(c) 2004 c. 33.

- (h) the gathering is a wedding reception, reception following the formation of a civil partnership or reception following the conversion of civil partnership to a marriage and—
 - (i) it consists of no more than 30 persons,
 - (ii) it takes place in premises other than a private dwelling, and
 - (iii) the gathering organiser complies with paragraph (5G),
- (i) the gathering is for the purposes of protest and—
 - (i) it has been organised by a business, a charitable, benevolent or philanthropic institution, a public body, or a political body, and
 - (ii) the gathering organiser complies with paragraph (5G),
- (j) the gathering is a sports gathering and the person concerned is taking part in that gathering,
- (k) the gathering takes place in criminal justice accommodation,
- (l) the gathering takes place outdoors (whether or not in a public outdoor space) and—
 - (i) it is for the purpose of a relevant outdoor activity, and
 - (ii) the gathering organiser complies with paragraph (5G), or
- (m) the person concerned is attending a person giving birth (“M”), at M’s request.”;
- (c) in paragraph (4)(a), for “thirty” substitute “six”;
- (d) omit paragraph (5);
- (e) after paragraph (5) insert—

“(5A) For the purposes of paragraph (3)(e) “support group” means a group which is organised by a business, a charitable, benevolent or philanthropic institution or a public body to provide mutual aid, therapy or any other form of support to its members or those who attend its meetings, such as (but not limited to) those providing support—

 - (a) to victims of crime (including domestic abuse);
 - (b) to those with, or recovering from, addictions (including a alcohol, narcotics or other substance addictions) or addictive patterns of behaviour;
 - (c) to new parents;
 - (d) to those with, or caring for persons with, any long-term illness or terminal condition or who are vulnerable;
 - (e) to those facing issues related to their sexuality or identity including those living as lesbian, gay, bisexual or transgender;
 - (f) to those who have suffered bereavement.

(5B) For the purposes of paragraph (3)(g) “significant event gathering” means a gathering for the purposes of a ceremony, rite or ritual—

 - (a) to mark or celebrate a significant milestone in a person’s life, according to their religion or belief, such as events to celebrate a rite of passage or entry into a particular faith (other than a birthday) or coming of age, or
 - (b) to mark a person’s death or celebrate their life following their death, such as a funeral, according to the deceased person’s religion or belief.

(5C) For the purposes of paragraph (5B), a reference to belief includes a reference to a lack of belief.

(5D) For the purposes of paragraph (3)(j)—

 - (a) a “sports gathering” is a gathering which is organised for the purposes for allowing persons who are not elite sportspersons to take part in any sport or other fitness related activity and—

- (i) which is organised by a business, a charitable, benevolent or philanthropic institution, or a public body,
 - (ii) which takes place on relevant premises or outdoors, and
 - (iii) the manager, if the gathering takes place on relevant premises, or the gathering organiser, in any other case, complies with paragraph (5G);
- (b) a person taking part in a sports gathering does not include a spectator or a parent of any child who is taking part in the gathering.
- (5E) For the purposes of paragraph (5D) “relevant premises” means premises (other than a private dwelling)—
- (a) which are operated by a business, a charitable, benevolent or philanthropic institution or a public body, or
 - (b) which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body.
- (5F) For the purposes of paragraph (3)(1) “relevant outdoor activity” means a physical activity which is carried on outdoors and for which a licence, permit or certificate issued by a public body (other than a licence permitting a person to drive a motor vehicle in the United Kingdom or a licence to serve food or alcohol) to carry on the activity, or for any of the equipment used for the purposes of the activity, must be held by—
- (a) the gathering organiser, or
 - (b) any person taking part in the activity.
- (5G) The gathering organiser or manager (as the case may be) complies with this paragraph if, in relation to the relevant gathering, they—
- (a) have carried out a risk assessment which would satisfy the requirements of regulation 3 of the Management of Health and Safety at Work Regulations 1999(a), whether or not the gathering organiser or manager is subject to those Regulations, and
 - (b) have taken all reasonable measures to limit the risk of transmission of the coronavirus, taking into account—
 - (i) the risk assessment carried out under sub-paragraph (a), and
 - (ii) any guidance issued by the government which is relevant to the gathering.”.
- (f) in paragraph (6)—
- (i) in paragraph (c)—
 - (aa) after “includes” insert “a houseboat and”;
 - (bb) for “does not” substitute “and, except in paragraph (2), does not”;
 - (ii) after sub-paragraph (e) insert—
 - “(f) “linked household” has the meaning given in regulation 5ZA.”.
- (g) in paragraph (7), after “paragraph” insert “(3)(k) or”;
- (h) after paragraph (7), insert—
- “(8) In this regulation—
- “the gathering organiser” means the person responsible for organising a gathering;
- “the manager” means the person responsible for the management of the premises on which a gathering takes place.
- (9) Nothing in this regulation permits a person to participate in a gathering in contravention of—

(a) S.I. 1999/3242, as amended by S.I. 2005/1541 and 2015/21 and 1637.

- (a) regulation 5(1)(b) of the Public Health (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020;
- (b) regulation 4(1)(b) of the Public Health (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020;
- (c) regulation 5(1)(b) of the Public Health (Coronavirus, Restrictions) (North of England) Regulations 2020;
- (d) regulation 5(1)(b) of the Public Health (Coronavirus, Restrictions) (Bolton) Regulations 2020.”.

(4) After regulation 5 insert—

“Linked households

5ZA.—(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—

- (a) neither the first household nor the second household are linked with any other household for the purposes of these Regulations or any of the Regulations mentioned in regulation 1(4), 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.”.

(5) In regulation 5A, in paragraph (2), for sub-paragraph(a) substitute—

“(a) “section 63 type gathering” means a gathering which—

- (i) consists of more than thirty persons,
- (ii) takes place indoors, and
- (iii) would be a gathering of a kind mentioned in section 63(1) of the Criminal Justice and Public Order Act 1994(a) if it took place on land in the open air;”.

(6) In regulation 5B—

(a) in paragraph (1) omit “unless paragraph (4) applies”

(b) in paragraph (2)—

- (i) in sub-paragraph (b)(ii), omit “, including a houseboat”;
- (ii) at the end of sub-paragraph (b)(iii), omit “and”;
- (iii) at the end of sub-paragraph (c), insert “and”;
- (iv) after sub-paragraph (c), insert—
“(d) is not an excepted gathering.”.

(c) in paragraph (3), in sub-paragraph (a), omit “as a visitor attraction”;

(d) after paragraph (3), insert—

“(3A) For the purposes of paragraph (2)(d) a gathering is an excepted gathering if—

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

- (a) all the people in the gathering are from the same household, or are members of two households which are linked households in relation to each other, or
- (b) paragraph (2), (2A) or (3) of regulation 5 applies to the gathering.”;
- (e) omit paragraphs (4) and (5).

Amendment of the Principal Regulations: transitional and savings provision

3. Despite the amendment of regulations 5 and 5B of the Principal Regulations, those Regulations continue in force as they had effect immediately before these Regulations came into force in relation to any offence committed under regulation 5 or 5B, as the case may be, of the Principal Regulations before these Regulations came into force.

Consequential amendment of the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020

4.—(1) The Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020 are amended as follows.

(2) In regulation 4 (restrictions on gatherings in private dwellings), in paragraph (2)(e)(viii), for “to continue existing” substitute “for the purposes of”.

(3) In regulation 4A (linked households), in paragraph (1)—

- (a) in the opening words, after “(“the first household”),” insert “on or after 14th September 2020”,
- (b) in sub-paragraph (a) omit “, or have ever been linked.”.

(4) Omit regulation 4B (restrictions on gatherings of more than 30 persons).

(5) In regulation 5 (enforcement of requirement)—

- (a) in paragraph (1), for “, 4 or 4B” substitute “or 4”,
- (b) in paragraphs (3), (5), (6) and (7), omit “or 4B”.

(6) In regulation 6 (offences and penalties), in paragraph (1), omit “, 4B”.

Consequential amendment of the Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020

5.—(1) The Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020 are amended as follows.

(2) In regulation 5 (restrictions on gatherings in private dwellings), in paragraph (2)(e)(viii), for “to continue existing” substitute “for the purposes of”.

(3) In regulation 6 (linked households), in paragraph (1)—

- (a) in the opening words, after “(“the first household”),” insert “on or after 14th September 2020”,
- (b) in sub-paragraph (a) omit “, or have ever been linked.”.

(4) Omit regulation 7 (restrictions on gatherings of more than 30 persons).

(5) In regulation 8 (enforcement of requirement)—

- (a) in paragraph (1), for “, 5 or 7” substitute “or 5”,
- (b) in paragraphs (3), (5), (6) and (7), omit “or 7”.

(6) In regulation 9 (offences and penalties), in paragraph (1), omit “, 7”.

Consequential amendment of the Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020

6.—(1) The Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020 are amended as follows.

(2) In regulation 5 (restrictions on gatherings in private dwellings), in paragraph (2)(e)(viii), for “to continue existing” substitute “for the purposes of”.

(3) In regulation 6 (linked households), in paragraph (1)—

(a) in the opening words, after “(“the first household”),” insert “on or after 14th September 2020”,

(b) in sub-paragraph (a) omit “, or have ever been linked,”.

(4) Omit regulation 7 (restrictions on gatherings of more than 30 persons).

(5) In regulation 8 (enforcement of restrictions and requirements)—

(a) in paragraph (1), omit “, 7”,

(b) in paragraphs (2), (4), (5) and (6), omit “or 7”.

(6) In regulation 9 (offences and penalties), in paragraph (1), omit “, 7”.

Consequential amendment of the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020

7.—(1) The Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020 are amended as follows.

(2) In regulation 5 (restrictions on gatherings in private dwellings), in paragraph (2)(e)(viii), for “to continue existing” substitute “for the purposes of”.

(3) In regulation 6 (linked households), in paragraph (1)—

(a) in the opening words, after “(“the first household”),” insert “on or after 14th September 2020”,

(b) in sub-paragraph (a) omit “, or have ever been linked,”.

(4) Omit regulation 7 (restrictions on gatherings of more than 30 persons).

(5) In regulation 8 (enforcement of requirements)—

(a) in paragraph (1), for “, 5 or 7” substitute “or 5”;

(b) in paragraphs (3), (5), (6) and (7), omit “or 7”.

(6) In regulation 9 (offences and penalties), in paragraph (1), for “, 5 4 or 7” substitute “5 or”.

Consequential amendments: transitional and savings provisions

8.—(1) Despite the amendments made by these Regulations, the local Regulations continue in force as they had effect immediately before these Regulations came into force in relation to a large gatherings offence committed under the relevant local Regulations before these Regulations came into force.

(2) In this Regulation—

“the local Regulations” means—

(a) the Public Health (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020;

(b) the Public Health (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020;

(c) the Public Health (Coronavirus, Restrictions) (North of England) Regulations 2020;

(d) the Public Health (Coronavirus, Restrictions) (Bolton) Regulations 2020;

“a large gatherings offence” means an offence under—

(a) regulation 7 of the Public Health (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020;

(b) regulation 4B of the Public Health (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020;

- (c) regulation 7 of the Public Health (Coronavirus, Restrictions) (North of England) Regulations 2020;
- (d) regulation 7 of the Public Health (Coronavirus, Restrictions) (Bolton) Regulations 2020.

13th September 2020

Priti Patel
Secretary of State,
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, so that people may not participate in social gatherings, in any place, in groups of more than 6, unless they are members of the same household, two linked households, or exceptions apply.

This change applies in England. But in areas covered by the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020, the Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020, the Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020 and the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020, the change only applies in relation to social gatherings which take place otherwise than in private dwellings.

No impact assessment has been carried out for these Regulations.

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