

*This Statutory Instrument has been published in substitution of the approved version of the SI of the same number to rectify discrepancies between that version and the original version which was published on 22nd March 2021 (ISBN 978-0-34-822183-1). It also corrects errors in S.I. 2020/1070. It is therefore being issued free of charge to all known recipients of both S.I. 2020/1070 and also the approved version of S.I. 2021/364 which was published on 9th July 2021 (ISBN 978-0-11-130246-0).*

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## STATUTORY INSTRUMENTS

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# 2021 No. 364

## PUBLIC HEALTH, ENGLAND

### The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021

*Approved by both Houses of Parliament*

<i>Made</i>	- - - -	<i>at 9.00 a.m. on 22nd March 2021</i>
<i>Laid before Parliament</i>		<i>at 1.30 p.m. on 22nd March 2021</i>
<i>Coming into force</i>	- -	<i>29th March 2021</i>

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

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, and by the Health Protection (Coronavirus, International Travel) (England) Regulations 2020<sup>(2)</sup>, the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020<sup>(3)</sup> and the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020<sup>(4)</sup> 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.

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(1) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).  
(2) S.I. 2020/568, as amended by S.I. 2020/1070 and 2021/150. There are other amending instruments but none is relevant.  
(3) S.I. 2020/1005, as amended by S.I. 2020/1375, 1045, 1046, 1103, 1104, 1105, 1200 and 1374.  
(4) S.I. 2020/1045, as amended by S.I. 2020/1375, 1518, and 2021/97.

## PART 1

### Introductory

#### Citation, commencement and application

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021.

(2) These Regulations come into force on 29th March 2021.

(3) These Regulations extend to England and Wales, and apply—

(a) in England;

(b) in English airspace in relation to aircraft which take off from, or land at, a place in England;

(c) in the English territorial sea in relation to vessels that are not excluded vessels.

(4) In this regulation—

“English airspace” means the airspace above England or above the English territorial sea;

“the English territorial sea” means the part of the territorial sea of the United Kingdom which is adjacent to England;

“excluded vessel” means a vessel which—

(a) departed from a place other than a place in England, and

(b) is to dock in a place other than a place in England.

#### Interpretation

2.—(1) In these Regulations—

“16 to 19 Academy” has the meaning given by section 1B of the Academies Act 2010<sup>(5)</sup>;

“alcohol” has the meaning given by section 191 of the Licensing Act 2003<sup>(6)</sup>;

“campaigning” means undertaking activities for election purposes or for referendum purposes, and “campaigner” means a person who undertakes such activities;

“care home” has the meaning given by section 3 of the Care Standards Act 2000<sup>(7)</sup>;

“charitable, benevolent or philanthropic institution” means—

(a) a charity, or

(b) an institution, other than a charity, established for charitable, benevolent or philanthropic purposes;

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

“childcare” has the meaning given by section 18 of the Childcare Act 2006<sup>(8)</sup>;

“common travel area” has the meaning given by section 1(3) of the Immigration Act 1971<sup>(9)</sup>;

“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“criminal justice accommodation” means—

<sup>(5)</sup> 2010 c. 32. Section 1B was inserted by section 53(7) of the Education Act 2011 (c. 21).

<sup>(6)</sup> 2003 c. 17. Section 191 was amended by section 135 of the Policing and Crime Act 2017 (c. 3) and by S.I. 2006/2407.

<sup>(7)</sup> 2000 c. 14. Section 3 was amended by paragraph 4 of Schedule 5 to the Health and Social Care Act 2008 (c. 14). There are other amendments to section 3 which are not relevant to this instrument.

<sup>(8)</sup> 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.

<sup>(9)</sup> 1971 c. 77.

- (a) a prison, within the meaning of the Prison Act 1952(10),
- (b) a young offender institution, within the meaning of section 43 of that Act,
- (c) a secure training centre, within the meaning of section 43 of that Act,
- (d) approved premises, within the meaning of section 13 of the Offender Management Act 2007(11), or
- (e) a bail hostel, within the meaning of section 2 of the Bail Act 1976(12);

“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;

“early years provision” has the meaning given by section 96(2) of the Childcare Act 2006;

“education, health and care plan” means an EHC plan within the meaning of section 37(2) of the Children and Families Act 2014(13);

“educational accommodation” means—

- (a) accommodation provided for students whilst they are boarding at school, or
- (b) halls of residence provided for students attending higher education courses and equivalent accommodation provided for students attending further education courses or courses at 16 to 19 Academies;

“educational institution” has the meaning given by paragraph 1(11) of Schedule 16 to the Coronavirus Act 2020(14);

“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 on an elite development pathway;

“embarkation point” means an international terminal or any other place in England from which a person may travel to a destination outside the United Kingdom;

“further education” has the meaning given by section 2 of the Education Act 1996(15);

“gathering organiser”, in relation to a gathering, means the person responsible for organising the gathering;

“higher education course” means a course of any description mentioned in Schedule 6 to the Education Reform Act 1988(16) or an equivalent course undertaken outside England and Wales;

“higher education provider” means—

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(10) 1952 c. 52.

(11) 2007 c. 21.

(12) 1976 c. 63. Section 2 was amended by the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), Schedule 9, paragraph 50(3)(a). There are other amendments to section 2 which are not relevant to this instrument.

(13) 2014 c. 6. Section 37(2) was amended by S.I. 2015/94.

(14) 2020 c. 7.

(15) 1996 c. 56. Section 2 was amended by s. 177 of, and Schedule 2 to, the Education Act 2002 (c. 32). There are other amendments to s. 2 which are not relevant to this instrument.

(16) 1988 c. 40.

- (a) a higher education provider within the meaning of section 83(1) of the Higher Education and Research Act 2017<sup>(17)</sup>, or
- (b) a provider of higher education, within the meaning of section 83(1) of the Higher Education and Research Act 2017, which is not an institution (within the meaning of that section), whether or not it is designated under section 84 of that Act;

“hostess bar” has the meaning given by paragraph 3B of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982<sup>(18)</sup>;

“immigration detention accommodation” means—

- (a) a removal centre,
- (b) a short-term holding facility, or
- (c) pre-departure accommodation,

and for these purposes, “removal centre”, “short-term holding facility” and “pre-departure accommodation” have the meanings given in section 147 of the Immigration and Asylum Act 1999<sup>(19)</sup>;

“informal childcare” has the meaning given by regulation 4<sup>(8)</sup>;

“international terminal” means an aerodrome, maritime port or international rail terminal, and for these purposes, “aerodrome” has the meaning given in Schedule 1 to the Air Navigation Order 2016<sup>(20)</sup>;

“licensed premises” has the meaning given by section 193(1) of the Licensing Act 2003;

“linked childcare household” has the meaning given by regulation 4;

“linked household” has the meaning given by regulation 3;

“manager”, in relation to a gathering, means the person responsible for the management of the premises on which the gathering takes place;

“outdoor sports gathering” means a gathering—

- (a) which is organised by a business, a charitable, benevolent or philanthropic institution or a public body for the purposes of allowing persons who are not elite sportspersons to take part in any sport or other fitness related activity,
- (b) which takes place outdoors, and
- (c) in respect of which the gathering organiser or manager takes the required precautions;

“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 by section 3 of the Children Act 1989<sup>(21)</sup>;

“permitted organised gathering” has the meaning given by regulation 5;

“person who has been released on temporary licence” means a person who has been temporarily released from—

<sup>(17)</sup> 2017 c. 29.

<sup>(18)</sup> 1982 c. 30. Paragraph 3B was inserted by s. 33 of the London Local Authorities Act 2007 (c. ii).

<sup>(19)</sup> 1999 c. 33. The definition of “removal centre” was inserted into section 147, by s. 66(1) of the Nationality, Immigration and Asylum Act 2002 (c. 41), and amended by s. 6(2) of Immigration Act 2014 (c. 22); the definition of “short-term holding facility” was amended by s. 25 of the Borders, Citizenship and Immigration Act 2009 (c. 11), and section 6(2) of the Immigration Act 2014; the definition of “pre-departure accommodation” was inserted by s. 6(2) of the Immigration Act 2014. There are other amendments to section 147 which are not relevant to this instrument.

<sup>(20)</sup> S.I. 2016/765.

<sup>(21)</sup> 1989 c. 41.

- (a) a secure children’s home, as defined by section 102(11) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(22), or
- (b) criminal justice accommodation under—
  - (i) rule 5 of the Secure Training Centre Rules 1998(23);
  - (ii) rule 9 of the Prison Rules 1999(24);
  - (iii) rule 5 of the Young Offender Institution Rules 2000(25);

“person responsible” for carrying on a business includes the owner, proprietor and manager of that business;

“political body” means—

- (a) a political party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000(26), or
- (b) a political campaigning organisation within the meaning of regulation 2 of the Health and Social Care (Financial Assistance) Regulations 2009(27);

“premises licence” has the meaning given by section 11 of the Licensing Act 2003;

“proprietor”, in relation to a school, has the meaning given by section 579(1) of the Education Act 1996(28);

“public outdoor place” is an 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(29), as read with section 16 of the Countryside Act 1968(30);
- (c) land which is “access land” for the purposes of Part 1 of the Countryside and Rights of Way Act 2000(31) (see section 1(1) of that Act)(32);
- (d) any highway to which the public has access;
- (e) Crown land to which the public has access;

“registered political party” has the meaning given by section 202(1) of the Representation of the People Act 1983(33);

“registered pupil” has the meaning given by section 434(5) of the Education Act 1996;

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(22) 2012 c. 10. Subsection (11) of s. 192 was substituted by S.I. 2018/195.

(23) S.I. 1998/472, as amended by S.I. 2003/3005, 2016/211 and 2020/664.

(24) S.I. 1999/728, as amended by S.I. 2014/2169, S.I. 2018/960, 2020/400 and 2020/508. There are other amending instruments, but none is relevant.

(25) S.I. 2000/3371, as amended by S.I. 2014/2169, 2018/960, 2020/400 and 2020/508.

(26) 2000 c. 41.

(27) S.I. 2009/649. There are amendments to regulation 2 not relevant to this instrument.

(28) The definition of “proprietor” in section 579(1) of the Education Act 1996 has been amended by the School Standards and Framework Act 1998 (c. 31), Schedule 30, paragraph 183, by the Education Act 2011 (c. 21), Schedule 13, paragraph 9, and by S.I. 2003/2045 and 2005/2913.

(29) 1949 c. 97.

(30) 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.

(31) 2000 c. 37.

(32) 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).

(33) 1983 c. 2. The definition of “registered political party” was inserted by paragraph 38 of Schedule 3 to the Greater London Authority Act 1999 (c. 29), and amended by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

“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 to carry on the activity, or for any 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;

“required precautions” means the precautions which a gathering organiser or manager is required to take in relation to a gathering in accordance with regulation 6;

“school” has the meaning given by section 4 of the Education Act 1996<sup>(34)</sup>;

“sexual entertainment venue” has the meaning given by paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982<sup>(35)</sup>;

“sportsground” means any location in which elite sports training or competition takes place for the purpose of, or for purposes which include the purpose of, entertaining spectators;

“Step 1 area” has the meaning given by regulation 7(4)(b);

“Step 1 restrictions” has the meaning given by regulation 7(4)(a);

“Step 2 area” has the meaning given by regulation 7(4)(d);

“Step 2 restrictions” has the meaning given by regulation 7(4)(c);

“Step 3 area” has the meaning given by regulation 7(4)(f);

“Step 3 restrictions” has the meaning given by regulation 7(4)(e);

“support group” means a group or one to one support 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, for example those providing support—

- (a) to victims of crime (including domestic abuse);
- (b) to those with, or recovering from, addictions (including 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 with a disability, or caring for persons with a disability;
- (f) to those facing issues related to their sexuality or identity including those living as lesbian, gay, bisexual or transgender;
- (g) to those who have suffered bereavement;
- (h) to vulnerable young persons;

“travel declaration form” means the form referred to in regulation 8(4);

“vessel” means any ship, boat, barge, lighter or raft and any other description of craft, whether used in navigation or not;

“vulnerable person” includes—

- (a) any person aged 70 or older;
- (b) any person aged under 70 who has an underlying health condition, including (but not limited to) the conditions listed in paragraph (4);

(34) 1996 c. 56. The definition of “school” in section 4 has been amended by section 51 of the Education Act 1997 (c. 44), Part 3 of Schedule 22 to the Education Act 2002 (c. 32), section 95 of the Childcare Act 2006 (c. 21), paragraph 9 of Schedule 13 to the Education Act 2011 (c. 21) and S.I. 2019/1027.

(35) 1982 c. 30. Paragraph 2A was inserted by section 27 of the Policing and Crime Act 2009 (c. 26).

- (c) any person who is pregnant.
- (2) In the definition of “elite sportsperson”—
  - (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 in that sport at the Tokyo or Beijing Olympic or Paralympic Games, at the Paris Olympic or Paralympic Games, or 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 at the Paris 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;
  - (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 or at the Paris 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.
- (3) In the definition of “relevant outdoor activity”, the reference to a licence does not include a licence to drive a motor vehicle in the United Kingdom or to serve food or alcohol.
- (4) The conditions referred to in the definition of “vulnerable person” are—
  - (a) chronic (long-term) respiratory diseases, such as asthma, chronic obstructive pulmonary disease, emphysema or bronchitis;
  - (b) chronic heart disease, such as heart failure;
  - (c) chronic kidney disease;
  - (d) chronic liver disease, such as hepatitis;
  - (e) chronic neurological conditions, such as Parkinson’s disease, motor neurone disease, multiple sclerosis, a learning disability or cerebral palsy;
  - (f) diabetes;
  - (g) problems with the spleen, such as sickle cell disease or removal of the spleen;
  - (h) a weakened immune system as a result of conditions such as HIV and AIDS, or medicines such as steroid tablets or chemotherapy;
  - (i) being seriously overweight with a body mass index of 40 or above.
- (5) For the purposes of these Regulations—
  - (a) references to a person who has a disability are to a person who has a physical or mental impairment which has a substantial and long-term adverse effect on that person’s ability to carry out normal day-to-day activities;
  - (b) references to a “consular post” means a consulate-general, consulate, vice-consulate or consular agency;
  - (c) activities are undertaken “for election purposes” if they are undertaken—
    - (i) for the purposes of or in connection with—

- (aa) promoting or procuring electoral success for a registered political party, or
- (bb) promoting or procuring a candidate’s election, or
- (ii) with a view to prejudicing the electoral prospects at an election of a registered political party or candidate;
- (d) activities are undertaken “for referendum purposes” if they are undertaken—
  - (i) for the purposes of or in connection with promoting or procuring a particular outcome in relation to the question asked in a referendum, or
  - (ii) with a view to prejudicing the prospects of another particular outcome in relation to the question asked in a referendum;
- (e) references to a “local authority” include references to a county council;
- (f) a county council for an area for which there is also a district council is to be regarded, with respect to its functions under these Regulations, as a relevant health protection authority for the purposes of the Public Health (Control of Disease) Act 1984;
- (g) a gathering takes place when two or more persons are present together in the same place in order—
  - (i) to engage in any form of social interaction with each other, or
  - (ii) to undertake any other activity with each other;
- (h) 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<sup>(36)</sup>, under the Smoke-free (Premises and Enforcement) Regulations 2006<sup>(37)</sup>;
- (i) references to a “private dwelling”—
  - (i) include references to a houseboat and any garden, yard, passage, stair, outhouse or other appurtenance of the dwelling;
  - (ii) do not, except in regulation 5(2), or as otherwise specified, include references to the following—
    - (aa) accommodation in a hotel, hostel, campsite, caravan park, members’ club, boarding house or bed and breakfast accommodation;
    - (bb) care homes;
    - (cc) children’s homes, within the meaning of section 1 of the Care Standards Act 2000<sup>(38)</sup>;
    - (dd) residential family centres, within the meaning of section 4 of that Act<sup>(39)</sup>;
    - (ee) educational accommodation;
    - (ff) accommodation intended for use by Her Majesty’s armed forces.
- (6) For the purposes of paragraph (5)(a), regulations 3 to 5 of the Equality Act 2010 (Disability) Regulations 2010<sup>(40)</sup> apply in considering whether a person has an impairment.

### Linked households

**3.—(1)** For the purposes of these Regulations, a “linked household” means a household that is linked with another household in accordance with this regulation.

<sup>(36)</sup> 2006 c. 28. Section 2 was amended by paragraph 4 of Schedule 2 to the Public Health (Wales) Act 2017 (2017 anaw 2).

<sup>(37)</sup> S.I. 2006/3368, to which there are amendments which are not relevant to these Regulations.

<sup>(38)</sup> 2000 c. 14. Section 1 was amended by paragraph 2 of Schedule 5 to the Health and Social Care Act 2008 (c. 14) and by paragraph 2 of Schedule 3 to the Regulation and Inspection of Social Care (Wales) Act 2016 (2016 anaw 2) (“the 2016 Act”).

<sup>(39)</sup> The definition of “residential family centre” was amended by paragraph 4 of Schedule 5 to the 2016 Act.

<sup>(40)</sup> S.I. 2010/2128.



- (2) Where a household (“the first household”) comprises—
- (a) one adult,
  - (b) one or more children and no adults,
  - (c) one adult and one or more persons who were under the age of 18 on 12th June 2020,
  - (d) one or more adults and one or more children who are under the age of one or were under that age on 2nd December 2020,
  - (e) one or more adults and one or more children who have a disability and who require continuous care who are under the age of five, or were under that age on 2nd December 2020, or
  - (f) one or more persons who have a disability and who require continuous care, on their own or together with—
    - (i) one individual who does not have a disability, or
    - (ii) more than one such individual but including no more than one adult who was aged 18 or over on 2nd December 2020,

the individuals in the first household may choose to be linked with one other household (“the second household”).

- (3) But paragraph (2) applies only if—
- (a) all persons who would be members of the linked households in accordance with this regulation agree (subject to paragraph (7)),
  - (b) neither the first household nor the second household are linked with any other household for the purposes of these Regulations, and
  - (c) no members of either the first household or the second household have participated in a gathering in reliance on their household being a linked household with any other household for the purposes of the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020<sup>(41)</sup> in the period of ten days ending on the day before the day on which the first and second households choose to become linked households under paragraph (2).
- (4) There is no limit on the number of adults or children who may be in the second household.
- (5) The first and second households are “linked households” in relation to each other.
- (6) The first and second households cease to be linked households—
- (a) if neither household satisfies the condition in paragraph (2), or
  - (b) at any time when all members of one or both of the households agree to cease to be linked with the other (subject to paragraph (7)).
- (7) Where—
- (a) a person who would be, or is, a member of a linked household is a child, and
  - (b) a parent of the child (“P”) is a member of the child’s household,

the agreement required by paragraph (3)(a) or (6)(b) is to be given by P (and not the child).

(8) If a household (household A) ceases to be linked with another household (household B), household A may choose to be linked with another household after the expiry of the minimum period if the conditions in paragraphs (2) and (3)(a) and (b) are met.

(9) For the purposes of paragraph (8) the “minimum period” means the period of 10 days beginning with the day on which any member of household A last participated in a gathering with a member of household B in reliance on being a linked household.

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<sup>(41)</sup> S.I. 2020/1374, amended by S.I. 2020/1518, 1533, 1572, 1611, 1646 and 1654, and S.I. 2021/8, 53, 97 and 247.

(10) The references in paragraph (3) to neither household being linked with any other household do not include being linked with another household only for the purposes of informal childcare in accordance with regulation 4 or any other regulations made under Part 2A of the Public Health (Control of Disease) Act 1984.

### **Linked childcare household**

4.—(1) For the purposes of these Regulations, a “linked childcare household” means a household that is linked with another household for the purposes of informal childcare in accordance with this regulation.

(2) Where a household includes at least one child aged 13 or under (“the first household”), that household may link with one other household (“the second household”) for the purpose of the second household providing informal childcare to the child aged 13 or under in the first household if—

- (a) all the persons who would be members of the linked childcare households in accordance with this regulation agree (subject to paragraph (5)), and
- (b) no members of either the first household or the second household have participated in a gathering in reliance on their household being part of a linked childcare household with any other household for the purposes of the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 in the period of ten days ending on the day before the day on which the first and second households choose to become linked childcare households under this paragraph.

(3) The first household and the second household are “linked childcare households” in relation to each other.

(4) The first household and the second household cease to be linked childcare households—

- (a) if neither household includes a child aged 13 or under, or
- (b) at any time when all members of one or both of the households agree to cease to be linked with the other (subject to paragraph (5)).

(5) Where—

- (a) a person who would be, or is, a member of a linked childcare household is a child, and
- (b) a parent of the child (“P”) is a member of the child’s household,

the agreement required by paragraph (2)(a) or (4)(b) is to be given by P (and not the child).

(6) If a linked childcare household (“household A”) ceases to be linked with another linked childcare household (“household B”), household A may choose to be linked with another household under this regulation after the expiry of the minimum period.

(7) For the purposes of paragraph (6), the “minimum period” means the period of 10 days beginning with the day on which any member of household A last participated in a gathering with a member of household B in reliance on being a linked childcare household.

(8) In these Regulations, “informal childcare” means any form of care for a child aged 13 or under provided by anybody other than a person providing childcare in their role as a person registered to provide childcare under Part 3 of the Childcare Act 2006, including—

- (a) education provided for a child aged 13 or under, and
- (b) supervised activities for a child aged 13 or under.

### **Permitted organised gatherings**

5.—(1) A gathering is a permitted organised gathering for the purposes of these Regulations if paragraph (2) or (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.

(3) This paragraph applies to a gathering if it takes place in a public outdoor place not falling within paragraph (2) 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 or manager takes the required precautions in relation to the gathering.

### **The required precautions**

6.—(1) The gathering organiser or (as the case may be) the manager in relation to a gathering takes the required precautions for the purposes of these Regulations by meeting both of the following requirements.

(2) The first requirement is that the gathering organiser or manager has carried out a risk assessment that would satisfy the requirements of regulation 3 of the Management of Health and Safety at Work Regulations 1999<sup>(42)</sup> (whether or not the organiser or manager is subject to those Regulations).

(3) The second requirement is that the gathering organiser or manager has taken all reasonable measures to limit the risk of transmission of coronavirus, taking into account—

- (a) the risk assessment carried out under paragraph (2), and
- (b) any guidance issued by the government which is relevant to the gathering.

## **PART 2**

### **Step restrictions**

#### **Step restrictions**

7.—(1) Step 1 restrictions apply in relation to the Step 1 area in accordance with Schedule 1.

(2) Step 2 restrictions apply in relation to the Step 2 area in accordance with Schedule 2.

(3) Step 3 restrictions apply in relation to the Step 3 area in accordance with Schedule 3.

(4) In these Regulations—

- (a) references to “Step 1 restrictions” are references to the restrictions and requirements set out in Schedule 1;
- (b) references to the “Step 1 area” are references to the area for the time being specified or described in Part 1 of Schedule 4;
- (c) references to “Step 2 restrictions” are references to the restrictions and requirements set out in Schedule 2;

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<sup>(42)</sup> [S.I. 1999/3242](#). Regulation 3 has been amended by [S.I. 2003/2457](#), [S.I. 2005/1541](#) and [S.I. 2015/21](#) and [1637](#). There are other amendments to regulation 3 which are not relevant to this instrument.

- (d) references to the “Step 2 area” are references to the area for the time being specified or described in Part 2 of Schedule 4;
- (e) references to “Step 3 restrictions” are references to the restrictions and requirements set out in Schedule 3;
- (f) references to the “Step 3 area” are references to the area for the time being specified or described in Part 3 of Schedule 4.

## PART 3

### Restrictions on leaving the United Kingdom

#### Restrictions on leaving the United Kingdom

- 8.—(1) No person may, without a reasonable excuse—
- (a) leave England to travel to a destination outside the United Kingdom, or
  - (b) travel to, or be present at, an embarkation point for the purpose of travelling from there to a destination outside the United Kingdom.
- (2) For the purposes of paragraph (1), the circumstances where a person (“P”) has a reasonable excuse to travel outside the United Kingdom include those set out in Schedule 5.
- (3) Paragraph (1) does not apply to a person listed in Schedule 6.
- (4) A person (“P”) who is travelling to, or present at, an embarkation point for the purpose of travelling from there directly or indirectly to a destination outside the United Kingdom must have with them a completed travel declaration form.
- (5) The travel declaration form referred to in paragraph (4) must—
- (a) include the following information—
    - (i) P’s full name,
    - (ii) P’s date of birth and nationality,
    - (iii) P’s passport number, or travel document reference number (as appropriate),
    - (iv) P’s home address,
    - (v) P’s destination,
    - (vi) the reason P is leaving the United Kingdom,
    - (vii) a statement that P certifies that the information P provides is true, and
    - (viii) the date on which the declaration is completed, and
  - (b) be in the form published by the Secretary of State<sup>(43)</sup>.
- (6) Where P is travelling with a relevant individual (“C”) for whom P has responsibility, P must also complete a travel declaration form containing—
- (a) the information referred to in paragraph (5)(a), in the form required by paragraph (5)(b), on behalf of C, and
  - (b) a statement that P certifies that the information provided in relation to C is true to the best of P’s knowledge and belief.
- (7) Paragraphs (4) and (6) do not apply—

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(43) The form can be found at <https://www.gov.uk/guidance/coronavirus-covid-19-declaration-form-for-international-travel>. A hard copy of the form may be obtained from the Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR.

- (a) to a relevant individual, or
- (b) to any person referred to in Schedule 6.
- (8) In this regulation, “relevant individual” means—
  - (a) a child, or
  - (b) a person who lacks capacity (within the meaning of section 2 of the Mental Capacity Act 2005<sup>(44)</sup>) to complete the travel declaration form.

## PART 4

### Disapplication of restrictions and requirements

#### Disapplication by the Secretary of State

9.—(1) The Secretary of State may, for the purposes set out in paragraph (2), by direction disapply any relevant restriction or requirement in relation to specified premises, a specified event or a specified gathering.

(2) The Secretary of State may only make a direction under paragraph (1) for the purposes of a research programme to evidence the potential transmission of coronavirus in controlled environments.

(3) If the Secretary of State disapplies a relevant restriction or requirement by direction made under paragraph (1) in relation to specified premises, and the effect of the direction is to permit those premises to open, the direction must specify the purposes for which the premises may open.

- (4) Before making or revoking any direction under paragraph (1), the Secretary of State must—
- (a) consult the Chief Medical Officer (“CMO”) or one of the Deputy Chief Medical Officers (“DCMO”) of the Department of Health and Social Care;
  - (b) have regard to any advice given by the CMO or DCMO to the Secretary of State.

- (5) A direction made under paragraph (1)—
- (a) is to be made by being published online, and
  - (b) must, as soon as reasonably practicable after it is made, also be published in the London Gazette.

- (6) In this regulation—
- (a) “relevant restriction or requirement” means—
    - (i) a Step 2 or Step 3 restriction;
    - (ii) the requirement in regulation 3(1) of the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020<sup>(45)</sup>;
    - (iii) any of the requirements in regulations 1A, 2(1) or 2A(1) of the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020<sup>(46)</sup>;
  - (b) “specified” means specified in the direction.

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<sup>(44)</sup> 2005 c. 9.

<sup>(45)</sup> S.I. 2020/791, amended by S.I. 2020/839, 882, 906, 1021, 1026 and 1028, and S.I. 2021/247.

<sup>(46)</sup> S.I. 2020/1008, amended by S.I. 2020/1046, 1057, 1103, 1104, 1105, 1154, 1200, 1374, 1611.

## PART 5

### Enforcement

#### Enforcement of restrictions and requirements

**10.**—(1) A relevant person may take such action as is necessary to enforce—

- (a) any Step 1 restriction, Step 2 restriction or Step 3 restriction,
- (b) any restriction or requirement in regulation 8.

(2) Paragraph (3) applies where a relevant person considers that—

- (a) a person (“P”) is travelling to, or present at, an embarkation point for the purpose of travelling from there to a destination outside the United Kingdom, and
- (b) P is not exempt from the requirement to have a completed travel declaration form.

(3) The relevant person may direct P—

- (a) to produce the completed travel declaration form, or
- (b) if P does not have a completed travel declaration form, to complete a travel declaration form,

and the relevant person may specify a time by which the form is to be completed under subparagraph (b).

(4) Paragraph (5) applies where—

- (a) a relevant person considers that the restriction in regulation 8(1) applies in the case of a person (“P”) who is present at an embarkation point, and
- (b) P either—

- (i) fails to produce the completed travel declaration form in compliance with a direction given under paragraph (3)(a), and does not complete the travel declaration form when directed to do so by a relevant person under paragraph (3)(b), or
- (ii) produces a travel declaration form which the relevant person considers does not disclose a reasonable excuse.

(5) The relevant person may direct P to leave the embarkation point without leaving the United Kingdom.

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

- (a) the person is contravening a restriction imposed by Part 2 of Schedule 1, Part 2 of Schedule 2 or Part 2 of Schedule 3, and
- (b) it is necessary and proportionate to give the prohibition notice for the purpose of preventing that person from continuing to contravene the restriction.

(7) Where a relevant person considers that a number of people are gathered together in contravention of a restriction imposed by paragraph 1 or 2 of Schedule 1, paragraph 1 or 2 of Schedule 2, or paragraph 1 of Schedule 3, the relevant person may—

- (a) direct the gathering to disperse,
- (b) direct any person in the gathering to return to the place where they are living, or
- (c) where the relevant person is a constable, remove any person from the gathering.

(8) A constable exercising the power in paragraph (7)(c) to remove a person from a gathering may use reasonable force, if necessary, in exercise of the power.

(9) Where a person who is in a gathering in contravention of a restriction referred to in paragraph (7) is a child accompanied by an individual who has responsibility for the child—

- (a) the relevant person may direct the 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.

(10) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with a restriction referred to in paragraph (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 the restriction.

(11) A relevant person may exercise a power under paragraph (3), (5), (7), (9) or (10) only if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with the requirement or restriction referred to in paragraph (2), (4) or (7).

(12) A relevant person exercising a power under paragraph (3), (5), (7), (9) or (10) may give the person concerned any reasonable instructions the relevant person considers to be necessary.

(13) 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) “relevant person” means—
  - (i) a constable,
  - (ii) a police community support officer,
  - (iii) subject to paragraph (14), 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.

(14) A local authority may designate a person for the purposes of this regulation only in relation to—

- (a) a Step 1 restriction imposed by Part 2 of Schedule 1,
- (b) a Step 2 restriction imposed by Part 2 of Schedule 2, or
- (c) a Step 3 restriction imposed by Part 2 of Schedule 3.

## **Offences and penalties**

**11.**—(1) A person commits an offence if, without reasonable excuse, the person—

- (a) contravenes a Step 1 restriction, a Step 2 restriction or a Step 3 restriction,
- (b) contravenes a restriction or requirement in regulation 8,
- (c) contravenes a requirement imposed, or a direction given, under regulation 10,
- (d) fails to comply with a reasonable instruction or a prohibition notice given by a relevant person under regulation 10, or
- (e) obstructs any person carrying out a function under these Regulations (including any person who is a relevant person for the purposes of regulation 10).

(2) A person who intentionally or recklessly provides false or misleading information on a travel declaration form, except for reasons of national security, commits an offence.

(3) An offence under this regulation is punishable on summary conviction by a fine.

- (4) 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 corporate, 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 proceeded against and punished accordingly.

(5) In paragraph (4) “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

(6) If the affairs of a body corporate are managed by its members, subsection (4) applies in relation to the acts and defaults of a member in connection with that member’s functions of management as if that member were a director of the body.

(7) Section 24 (arrest without warrant: constable) of the Police and Criminal Evidence Act 1984<sup>(47)</sup> 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.

### **Fixed penalty notices**

**12.**—(1) An authorised person may issue a fixed penalty notice to any person that the authorised person reasonably believes—

- (a) has committed an offence under these Regulations, and
- (b) is (in the case of an individual) 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 (see regulations 13 to 17);
  - (d) state the name and address of the person to whom the fixed penalty may be paid;
  - (e) specify permissible methods of payment.

<sup>(47)</sup> 1984 c. 60. Section 24 was substituted by s. 110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).



(6) 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).

(7) Where a letter is sent as mentioned in paragraph (6), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(8) In any proceedings, a certificate—

(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) that 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.

(9) 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 (10), a person designated by the relevant local authority for the purposes of this regulation;

(b) “chief finance officer”, in relation to a local authority, means the person with responsibility for the authority’s financial affairs.

(10) 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—

(a) the contravention of—

- (i) a Step 1 restriction imposed by Part 2 of Schedule 1,
- (ii) a Step 2 restriction imposed by Part 2 of Schedule 2, or
- (iii) a Step 3 restriction imposed by Part 2 of Schedule 3,

(b) the failure under regulation 11(1)(d) to comply with a prohibition notice given under regulation 10 by a relevant person designated by a local authority under paragraph (13)(b)(iii) of that regulation, or

(c) the obstruction under regulation 11(1)(e) of a person carrying out a function under regulation 10.

#### **Amount of fixed penalty: travel offences**

**13.—**(1) In the case of a fixed penalty notice issued to a person in respect of a travel offence, the amount of the fixed penalty to be specified under regulation 12(5)(c) is—

- (a) £5,000, where the offence consists of a contravention of regulation 8(1)(a);
- (b) £5,000, where the offence consists of a contravention of regulation 8(1)(b);
- (c) £200, where the offence consists of—

- (i) a contravention of regulation 8(4),
- (ii) failure to comply with a direction given under regulation 10(3) or (5),

- (iii) a contravention of regulation 11(2).
- (2) In this regulation, “travel offence” means an offence under—
  - (a) regulation 11(1)(b) of contravening a restriction or requirement imposed by regulation 8,
  - (b) regulation 11(1)(c) of contravening a direction given under regulation 10(3) or (5), or
  - (c) regulation 11(2).

#### **Amount of fixed penalty: large gathering offences**

14.—(1) In the case of a fixed penalty notice issued to a person in respect of a large gathering offence, the amount of the fixed penalty to be specified under regulation 12(5)(c) is as follows—

- (a) if the fixed penalty notice is the first one issued to the person in respect of a large gathering offence, the amount is—
  - (i) £400, if the amount is paid before the end of the period of 14 days following the date of the notice;
  - (ii) otherwise, £800;
- (b) if the fixed penalty notice is not the first one issued to the person in respect of a large gathering offence, the amount is—
  - (i) £1,600, if it is the second fixed penalty notice so issued;
  - (ii) £3,200, if it is the third fixed penalty notice so issued;
  - (iii) £6,400, if it is the fourth or any subsequent fixed penalty notice so issued.

(2) In determining how many fixed penalty notices have been issued to a person for the purposes of paragraph (1), a fixed penalty notice issued to a person under the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 is to be taken into account, if the notice was issued to the person in respect of a large gathering offence, as defined by regulation 12(3B) of those Regulations.

(3) In this regulation, except in paragraph (2), a “large gathering offence” means an offence under regulation 11(1)(a) of contravening a gathering restriction, where the contravention consists of participation in a gathering which—

- (a) consists of more than 15 people, and
- (b) takes place indoors—
  - (i) in a private dwelling,
  - (ii) in educational accommodation, or
  - (iii) any other place indoors if the gathering would be a gathering of the kind mentioned in section 63(1) of the Criminal Justice and Public Order Act 1994(48) (powers to remove persons attending or preparing for a rave) if it consisted of more than 20 people and took place in the open air.
- (4) In paragraph (3), a “gathering restriction” means—
  - (a) a Step 1 restriction imposed by paragraph 1 or 2 of Schedule 1,
  - (b) a Step 2 restriction imposed by paragraph 1 or 2 of Schedule 2, or
  - (c) a Step 3 restriction imposed by paragraph 1 of Schedule 3.

(48) 1994 c. 33. Section 63 was amended by section 58 of the Anti-social Behaviour Act 2003 (c. 38), paragraph 111 of Schedule 6 to the Licensing Act 2003 (c. 17), and Schedule 17 to the Serious Organised Crime and Police Act 2005 (c. 15).

### **Amount of fixed penalty: organised gathering offences**

**15.** In the case of a fixed penalty notice issued to a person in respect of an offence under regulation 11(1)(a) of contravening—

- (a) the Step 1 restriction imposed by paragraph 3 of Schedule 1,
- (b) the Step 2 restriction imposed by paragraph 3 of Schedule 2, or
- (c) the Step 3 restriction imposed by paragraph 2 of Schedule 3,

the amount of the fixed penalty to be specified under regulation 12(5)(c) is £10,000.

### **Amount of fixed penalty: business restriction offences**

**16.—(1)** In the case of a fixed penalty notice issued to a person in respect of a business restriction offence, the amount of the fixed penalty to be specified under regulation 12(5)(c) is—

- (a) £1,000, if the fixed penalty notice is the first one issued to the person in respect of a business restriction offence;
- (b) £2,000, if the fixed penalty notice is the second one issued to the person in respect of a business restriction offence;
- (c) £4,000, if the fixed penalty notice is the third one issued to the person in respect of a business restriction offence;
- (d) £10,000, if the fixed penalty notice is the fourth one, or any subsequent one, issued to the person in respect of a business restriction offence.

(2) In determining how many fixed penalty notices have been issued to a person for the purposes of paragraph (1), a fixed penalty notice issued to the person under the following Regulations is to be treated as if it were issued in respect of a business restriction offence—

- (a) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020(49), if the notice was issued to the person in respect of a business restriction offence as defined by regulation 12(7) of those Regulations;
- (b) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020(50), if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations;
- (c) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020(51), if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations;
- (d) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020(52), if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations;
- (e) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020(53), if the notice was issued to the person in respect of an offence of contravening regulation 4A or 4B of those Regulations;
- (f) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020(54), if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 14(7D) of those Regulations, committed on or after 14th October 2020;

(49) S.I. 2020/1374, amended by S.I. 2020/1518, 1533, 1572, 1611, 1646, 1654, and S.I. 2021/8, 53, 97, 247.

(50) S.I. 2020/1103, which was revoked by S.I. 2020/1200, with savings.

(51) S.I. 2020/1104, which was revoked by S.I. 2020/1200, with savings.

(52) S.I. 2020/1105, which was revoked by S.I. 2020/1200, with savings.

(53) S.I. 2020/684, as amended by S.I. 2020/719, 750, 788, 800, 822, 824, 828, 863, 865, 907, 974, 986, 988, 1010, 1019, 1029, 1046, 1057, 1103, 1104, 1105 and 1200.

(54) S.I. 2020/750, as amended by S.I. 2020/800, 822, 824, 828, 865, 907, 974, 988, 1010, 1019, 1103 and 1200.

- (g) the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020<sup>(55)</sup>, if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 21(12) of those Regulations;
  - (h) the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020<sup>(56)</sup>;
  - (i) the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020<sup>(57)</sup>.
- (3) In this regulation, unless otherwise specified “business restriction offence” means—
- (a) an offence under regulation 11(1)(a) of contravening—
    - (i) a Step 1 restriction imposed by Part 2 of Schedule 1;
    - (ii) a Step 2 restriction imposed by Part 2 of Schedule 2;
    - (iii) a Step 3 restriction imposed by Part 2 of Schedule 3;
  - (b) an offence under regulation 11(1)(d) of failing to comply with a prohibition notice given under regulation 10.

#### **Amount of fixed penalty: general offences**

17.—(1) Except in the cases mentioned in regulations 13 to 16, the amount of the fixed penalty to be specified under regulation 12(5)(c) is as follows—

- (a) if the fixed penalty notice is the first one issued to the person under a relevant enactment, the amount is—
    - (i) £100, if the amount is paid before the end of the period of 14 days following the date of the notice;
    - (ii) otherwise, £200;
  - (b) if the fixed penalty notice is not the first one issued to the person under a relevant enactment, the amount is—
    - (i) £400, if it is the second fixed penalty notice so issued;
    - (ii) £800, if it is the third fixed penalty notice so issued;
    - (iii) £1,600, if it is the fourth fixed penalty notice so issued;
    - (iv) £3,200, if it is the fifth fixed penalty notice so issued;
    - (v) £6,400, if it is the sixth or any subsequent fixed penalty notice so issued.
- (2) In this regulation, “relevant enactment” means—
- (a) these Regulations;
  - (b) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020;
  - (c) the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020;
  - (d) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020;
  - (e) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020;
  - (f) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020;

<sup>(55)</sup> S.I. 2020/1200, amended by S.I. 2020/1242 and 1326.

<sup>(56)</sup> S.I. 2020/1005, as amended by S.I. 2020/1045 and 1046.

<sup>(57)</sup> S.I. 2020/1008, as amended by S.I. 2020/1045, 1046 and 1074.

- (g) the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020(58);
  - (h) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020;
  - (i) the Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020(59);
  - (j) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020;
  - (k) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Luton) Regulations 2020(60);
  - (l) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020(61);
  - (m) the Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020(62);
  - (n) the Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020(63);
  - (o) the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020(64);
  - (p) the Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020(65);
  - (q) the Health Protection (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020(66).
- (3) For the purposes of determining how many fixed penalty notices have been issued to a person under a relevant enactment, no account is to be taken of any fixed penalty notice issued to the person under—
- (a) these Regulations, if the notice was issued to the person in respect of a travel offence, as defined in regulation 13(2);
  - (b) these Regulations, if the notice was issued to the person in respect of a business restriction offence, as defined in regulation 16(3), or an offence of contravening—
    - (i) the Step 1 restriction imposed by paragraph 3 of Schedule 1,
    - (ii) the Step 2 restriction imposed by paragraph 3 of Schedule 2, or
    - (iii) the Step 3 restriction imposed by paragraph 2 of Schedule 3;
  - (c) these Regulations, if the notice was issued to the person in respect of a large gathering offence, as defined in regulation 14(3);
  - (d) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 12(7) of those Regulations, or an offence of contravening—
    - (i) a Tier 1 restriction imposed by paragraph 2 of Schedule 1 to those Regulations,
    - (ii) a Tier 2 restriction imposed by paragraph 3 of Schedule 2 to those Regulations,
    - (iii) a Tier 3 restriction imposed by paragraph 3 of Schedule 3 to those Regulations, or
    - (iv) a Tier 4 restriction imposed by paragraph 5 of Schedule 3A to those Regulations;

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(58) S.I. 2020/350, which was revoked by S.I. 2020/684, with savings.

(59) S.I. 2020/685, which was revoked by S.I. 2020/824, with savings.

(60) S.I. 2020/800, which was revoked by S.I. 2020/822, with savings.

(61) S.I. 2020/822, which was revoked by S.I. 2020/1019, with savings.

(62) S.I. 2020/824, which was revoked by S.I. 2020/1104, save for regulation 2.

(63) S.I. 2020/828, which was revoked by S.I. 2020/1104, with savings.

(64) S.I. 2020/974, which was revoked by S.I. 2020/1074.

(65) S.I. 2020/988, which was revoked by S.I. 2020/1104, with savings.

(66) S.I. 2020/1010, which was revoked by S.I. 2020/1104 with savings.

- (e) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, if the notice was issued to the person in respect of a large gathering offence, as defined by regulation 12(3B) of those Regulations;
- (f) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, if the notice was issued to the person in respect of a travel declaration offence, as defined by regulation 12(8) of those Regulations;
- (g) the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 21(12) of those Regulations or an offence of contravening a restriction or requirement imposed by regulation 10 of those Regulations;
- (h) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations or an offence of contravening a restriction or requirement imposed by paragraph 2 of Schedule 1 to those Regulations;
- (i) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations or an offence of contravening a restriction or requirement imposed by paragraph 3 of Schedule 1 to those Regulations;
- (j) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations or an offence of contravening a restriction or requirement imposed by paragraph 3 of Schedule 1 to those Regulations;
- (k) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, if the notice was issued to the person in respect of an offence of contravening a restriction or requirement imposed by regulation 4A, 4B, 5A or 5B of those Regulations;
- (l) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 14(7D)(67) of those Regulations, committed on or after 14th October 2020.

### **Prosecutions**

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

### **Self-incrimination**

**19.—(1)** Information provided by a person in accordance with regulation 8 may be used in evidence against the person, subject to paragraphs (2) to (4).

(2) In criminal proceedings against the person—

(a) no evidence relating to the information may be adduced by or on behalf of the prosecution, and

(b) no question relating to the information may be asked by or on behalf of the prosecution.

(3) Paragraph (2) does not apply if the proceedings are for an offence under these Regulations.

(4) Paragraph (2) does not apply if, in the proceedings—

(a) evidence relating to the information is adduced by or on behalf of the person who provided it, or

(b) a question relating to the information is asked by or on behalf of that person.

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(67) Regulation 14(7D) was inserted by [S.I. 2020/1103](#).

## PART 6

### Final provisions

#### Review

**20.**—(1) The Secretary of State must review the need for the restrictions imposed by these Regulations by 12th April 2021 and thereafter at least once every 35 days from that date.

(2) In carrying out a review under paragraph (1) the Secretary of State must in particular consider whether each of the restrictions continues to be necessary for the purposes of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection in England with coronavirus.

#### Expiry

**21.**—(1) These Regulations expire at the end of 30th June 2021.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they expire.

#### Revocation

**22.** The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 are revoked, other than—

- (a) regulation 13 and Schedule 6,
- (b) regulation 17 and Schedule 5.

#### Consequential and other amendments and transitional and saving provisions

**23.**—(1) Schedule 7 contains consequential amendments.

(2) Schedule 8 contains other amendments to subordinate legislation relating to coronavirus and related transitional provisions and savings.

(3) A designation made, or treated as made in exercise of the powers conferred by regulations 9(9)(b), 11(3)(b), 11(9)(a) or 13, as appropriate of the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 is to be treated as if it had been made in exercise of the powers conferred by regulations 10(13)(b), 12(3)(b), 12(9)(a) or 18, as appropriate, of these Regulations.

(4) Despite the revocation of the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, those Regulations continue in force as they had effect immediately before 29th March 2021 in relation to any offence committed under those Regulations before that date.

At 9.00 a.m. on 22nd March 2021

*Matt Hancock*  
Secretary of State  
Department of Health and Social Care

SCHEDULE 1

Regulation 7(1)

Step 1

**PART 1**

**Restrictions on gatherings**

**Participation in gatherings indoors**

- 1.—(1) No person may participate in a gathering in the Step 1 area which—
  - (a) consists of two or more people, and
  - (b) takes place indoors.
- (2) Sub-paragraph (1) does not apply if any of the exceptions set out in paragraph 4 or 5 apply.
- (3) For the purposes of this Part of this Schedule, a gathering takes place in the Step 1 area if any part of the place where it takes place is in the Step 1 area.

**Participation in gatherings outdoors**

- 2.—(1) No person may participate in a gathering in the Step 1 area which—
  - (a) consists of more than six people, and
  - (b) takes place outdoors.
- (2) Sub-paragraph (1) does not apply if any of the exceptions set out in paragraph 4 or 6 apply.

**Organisation or facilitation of gatherings**

- 3.—(1) No person may hold, or be involved in the holding of, a relevant gathering in the Step 1 area.
  - (2) For the purposes of sub-paragraph (1), a person who only participates in a gathering by attending it is not to be taken as being involved in the holding of the gathering.
  - (3) A gathering is a “relevant gathering” for the purposes of this paragraph if it falls within sub-paragraph (4) or (5).
  - (4) A gathering falls within this sub-paragraph if it—
    - (a) consists of more than 30 persons,
    - (b) takes place indoors, and
    - (c) would be a gathering of the kind mentioned in section 63(1) of the Criminal Justice and Public Order Act 1994<sup>(68)</sup> (powers to remove persons attending or preparing for a rave) if it took place in the open air.
  - (5) A gathering falls within this sub-paragraph if it does not fall within sub-paragraph (4) and it—
    - (a) consists of more than 30 persons,
    - (b) takes place—
      - (i) in a private dwelling,
      - (ii) on a vessel, or
      - (iii) on land which satisfies the condition in sub-paragraph (6), and

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<sup>(68)</sup> 1994 c. 33. Section 63(1) was amended by section 58(2) of the Anti-Social Behaviour Act 2003 (c. 38).



- (c) is not a gathering in relation to which any of the exceptions set out in paragraph 4, 5 or 6 (so far as capable of applying to the gathering) apply.
- (6) Land satisfies the condition in this sub-paragraph if it is a public outdoor place which is not—
  - (a) operated by a business, a charitable, benevolent or philanthropic institution, or
  - (b) part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution, or a public body.
- (7) In sub-paragraph (5)(b)(ii), “vessel” does not include government vessels, vessels used for public transport or houseboats.

### **General exceptions in relation to gatherings**

- 4.—(1) These are the exceptions referred to in paragraphs 1, 2 and 3(5)(c).

#### *Exception 1: same or linked households*

- (2) Exception 1 is that all the people in the gathering are members of the same household.
- (3) For these purposes two households which are linked households in relation to each other are to be treated as a single household.
- (4) For the purposes of these Regulations, a person who has been released on temporary licence is to be treated as a member of the household living at the address identified on the licence.

#### *Exception 2: education and training*

- (5) Exception 2 is that the gathering is reasonably necessary for the purposes of—
  - (a) early years provision;
  - (b) educational activities of a school;
  - (c) a course of study or essential life skills training provided by—
    - (i) a 16 to 19 Academy,
    - (ii) a provider of further education, or
    - (iii) a higher education provider;
  - (d) activities relating to residing at a school, a 16 to 19 Academy or a provider of further education;
  - (e) provision specified in an education, health and care plan;
  - (f) the suitable education of a child otherwise than by regular attendance at school arranged by a parent in accordance with section 7 of the Education Act 1996(69) (and for this purpose “suitable education” has the meaning given by section 436A(3) of that Act);
  - (g) the suitable education of a child otherwise than by regular attendance at school arranged by—
    - (i) a local authority, as defined by section 579(1) of the Education Act 1996, in accordance with section 19 of that Act, or
    - (ii) the proprietor of a school at which the child is a registered pupil, including where the arrangements are made in connection with section 29A of the Education Act 2002(70) or section 100 of the Education and Inspections Act 2006(71),

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(69) Section 436A was inserted by section 4(1) of the Education and Inspections Act 2006 (c. 40).

(70) 2002 c. 32. Section 29A was inserted by section 154 of the Education and Skills Act 2008 (c. 25).

(71) 2006 c. 40. Section 100 was amended by paragraph 16 of Schedule 13 to the Education Act 2011 (c. 21).

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

(and for this purpose “suitable education” has the meaning given by section 19(6) of the Education Act 1996)(72);

- (h) activities provided by a business, a charitable, benevolent or philanthropic institution or a public body for the purposes of—
  - (i) obtaining a regulated qualification, within the meaning of section 130 of the Apprenticeships, Skills, Children and Learning Act 2009(73), or
  - (ii) meeting all or part of the entry requirements for an educational institution;
- (i) preparing for work through a skills programme consisting of—
  - (i) a work experience placement, or
  - (ii) work preparation training;
- (j) applying for, and obtaining, work;
- (k) meeting a requirement for a particular area of work;
- (l) professional training that is working towards an external accreditation recognised by a professional body;
- (m) exams and assessments carried out in connection with any of the matters mentioned in paragraphs (a) to (l).

*Exception 3: gatherings necessary for certain purposes*

- (6) Exception 3 is that the gathering is reasonably necessary—
  - (a) for work purposes or for the provision of voluntary or charitable services;
  - (b) to provide emergency assistance;
  - (c) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm;
  - (d) to provide care or assistance to a vulnerable person or a person who has a disability, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006(74);
  - (e) for the purposes of a house move.

*Exception 4: legal obligations and proceedings*

(7) Exception 4 is that the person concerned is fulfilling a legal obligation or participating in legal proceedings.

*Exception 5: criminal justice accommodation and immigration detention accommodation*

(8) Exception 5 is that the gathering takes place in criminal justice accommodation or in immigration detention accommodation.

*Exception 6: support groups*

- (9) Exception 6 is that—
  - (a) the gathering—
    - (i) is of a support group,
    - (ii) consists of no more than 15 persons, and

(72) Section 19(6) was substituted by section 101 of the Education and Inspections Act 2006 (c. 40).

(73) 2009 c. 22.

(74) 2006 c. 47. Paragraph 7(1) to (3E) was substituted for paragraph 7(1) to (3) by section 66 of the Protection of Freedoms Act 2012 (c. 9).

- (iii) takes place at premises other than a private dwelling, and
  - (b) it is reasonably necessary for members of the group to be physically present at the gathering.
- (10) In determining whether the limit in sub-paragraph (9)(a)(ii) is complied with, no account is to be taken of any child who is below the age of five.

*Exception 7: respite care*

- (11) Exception 7 is that the gathering is reasonably necessary for the purposes of—
- (a) respite care being provided for a vulnerable person or a person who has a disability, or
  - (b) a short break being provided in respect of a child looked after by a local authority (within the meaning given in section 22 of the Children Act 1989(75)).

*Exception 8: births*

- (12) Exception 8 is that the person concerned is attending an expectant mother giving birth (“M”) at M’s request.

*Exception 9: marriages and civil partnerships etc*

- (13) Exception 9 is that the gathering meets the conditions in sub-paragraph (14) or (15).
- (14) A gathering meets the conditions in this sub-paragraph if it consists of no more than 6 persons and—
- (a) the gathering is for the purposes of—
    - (i) the solemnisation of a marriage, formation of a civil partnership or conversion of a civil partnership into a marriage, in accordance with the Marriage Act 1949(76), the Marriage (Registrar General’s Licence) Act 1970(77), the Civil Partnership Act 2004(78) or the Marriage (Same Sex Couples) Act 2013(79), or
    - (ii) an alternative wedding ceremony,
  - (b) in the case of an alternative wedding ceremony, the gathering takes place—
    - (i) at premises, other than a private dwelling, which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,
    - (ii) 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
    - (iii) in a public outdoor place not falling within sub-paragraph (i) or (ii), and
  - (c) the gathering organiser or manager takes the required precautions in relation to the gathering.
- (15) A gathering meets the conditions in this sub-paragraph if it consists of no more than 6 persons and—
- (a) the gathering is for the purposes of—
    - (i) the solemnisation of a marriage in accordance with the Marriage (Registrar General’s Licence) Act 1970,

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(75) 1989 c. 41. Section 22 has been amended by paragraph 19 of Schedule 5 to the Local Government Act 2000 (c. 22), section 2 of the Children (Leaving Care) Act 2002 (c. 35), section 116 of the Adoption and Children Act 2002 (c. 38) and by S.I. 2016/413. There are other amendments to section 22 not relevant to this instrument.

(76) 1949 c. 76.

(77) 1970 c. 34.

(78) 2004 c. 33.

(79) 2013 c. 30.

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

- (ii) the solemnisation of a marriage by special licence under the Marriage Act 1949, where at least one of the parties to the marriage is seriously ill and not expected to recover,
  - (iii) the formation of a civil partnership under the special procedure provided for in Chapter 1 of Part 2 of the Civil Partnership Act 2004,
  - (iv) the conversion of a civil partnership to a marriage under the special procedure provided for in regulation 9 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014<sup>(80)</sup>, or
  - (v) an alternative wedding ceremony, where at least one of the parties to the marriage is seriously ill and not expected to recover,
- (b) the gathering takes place—
- (i) at a private dwelling,
  - (ii) at premises which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,
  - (iii) at premises which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, or
  - (iv) in a public outdoor place not falling within sub-paragraph (ii) or (iii),
- (c) it is not reasonably practicable for the gathering to take place in accordance with sub-paragraph (14), and
- (d) the gathering organiser or manager takes the required precautions in relation to the gathering.

(16) In sub-paragraph (14) and (15), a gathering is for the purposes of an “alternative wedding ceremony” if it is for the purposes of a ceremony, including a ceremony based on a person’s faith or belief or lack of belief, to mark the union of two people, other than a ceremony conducted for a purpose mentioned in sub-paragraph (14)(a)(i), or (15)(a)(i) to (iv).

*Exception 10: funerals*

- (17) Exception 10 is that—
- (a) the gathering is for the purposes of a funeral,
  - (b) the gathering consists of no more than 30 persons,
  - (c) the gathering takes place—
    - (i) at premises, other than a private dwelling, which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,
    - (ii) 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
    - (iii) in a public outdoor place not falling within sub-paragraph (i) or (ii), and
  - (d) the gathering organiser or manager (in the case of a gathering taking place at premises mentioned in paragraph (c)(i) or (ii)), or the gathering organiser (in the case of a gathering taking place as mentioned in paragraph (c)(iii)) takes the required precautions in relation to the gathering.

*Exception 11: commemorative event following a person’s death*

- (18) Exception 11 is that—

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<sup>(80)</sup> S.I. 2014/3181.

- (a) the gathering is for the purposes of a commemorative event to celebrate the life of a person who has died (for example, a wake or stone setting ceremony),
- (b) the gathering consists of no more than 6 persons,
- (c) the gathering takes place at premises other than a private dwelling, and
- (d) the gathering organiser or manager takes the required precautions in relation to the gathering.

*Exception 12: elite sports*

(19) Exception 12 is that—

- (a) 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
- (b) the gathering is necessary for training or competition.

*Exception 13: children*

(20) Exception 13 is that the gathering is reasonably necessary—

- (a) 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;
- (b) for the purposes of arrangements for contact between siblings where they do not live in the same household and one or more of them is—
  - (i) a child looked after by a local authority, within the meaning of section 22 of the Children Act 1989, or
  - (ii) a relevant child, within the meaning of section 23A(81) of that Act;
- (c) for the purposes of arrangements for prospective adopters (including their household) to meet a child or children who may be placed with the prospective adopters as provided for by an adoption placement plan drawn up in accordance with the Adoption Agencies Regulations 2005(82) (see regulation 35(2) of those Regulations);
- (d) for the purposes of placing children, or facilitating children being placed, in the care of another person by social services, whether on a temporary or permanent basis;
- (e) if sub-paragraph (21) applies, for the purposes of—
  - (i) later years provision, within the meaning of section 96(6) of the Childcare Act 2006 (83), or
  - (ii) supervised activities for children or other persons who were under the age of 18 on 31st August 2020;
- (f) for the purposes of informal childcare provided by a member of a household to a member of their linked childcare household.

(21) This sub-paragraph applies if the later years provision or supervised activities referred to in sub-paragraph (20)(e) are—

- (a) provided outdoors,
- (b) provided for vulnerable children or young persons,
- (c) provided for children who are eligible for free school meals under section 512ZB(4) of the Education Act 1996(84), or

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(81) Section 23A was inserted by section 2 of the Children (Leaving Care) Act 2000 (c. 35), and has been amended by S.I. 2016/413.

(82) S.I. 2005/389.

(83) 2006 c. 21.

(84) 1996 c. 56. Section 512ZB was substituted, together with sections 512 and 512ZA for section 512 as originally enacted by s. 201(1) of the Education Act 2002 (c. 32). Subsection (4) was amended by paragraph 16 of Schedule 3 to the Welfare Reform

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- (d) reasonably necessary to enable a responsible person—
  - (i) to work or search for work,
  - (ii) to undertake training or education,
  - (iii) to attend a support group permitted under sub-paragraph (9), or
  - (iv) to attend a medical appointment or address a medical need.
- (22) For the purposes of sub-paragraph (21)—
  - (a) “responsible person” means a parent of the child or other person in question, and
  - (b) vulnerable children and young persons include those children and young persons who—
    - (i) are taken to be in need under section 17(10) of the Children Act 1989,
    - (ii) are children looked after by a local authority, within the meaning given in section 22 of the Children Act 1989,
    - (iii) are subject to enquiries made, or action taken, by a local authority under section 47 of the Children Act 1989,
    - (iv) have an education, health and care plan, or
    - (v) have otherwise been identified by educational institutions or local authorities (including children’s social care services) as vulnerable, and likely to benefit from continued full-time attendance in education.

*Exception 14: students and vacation households*

- (23) Exception 14 is that the gathering is reasonably necessary to enable a student who is undertaking a higher education course on 29th March 2021—
  - (a) to move on one occasion from their student household on or after that date but before 29th April 2021 to one other household (“vacation household”) for the purposes of a vacation, or
  - (b) to return to their term time accommodation after the vacation or any earlier vacation during which the student returned home as permitted under the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020.
- (24) For the purposes of these Regulations—
  - (a) a student who has moved to a vacation household is to be treated as a member of that household (and not as a member of their student household) until the date on which they return to their student household;
  - (b) the inclusion of a student in a vacation household is to be ignored in determining whether that household satisfies the condition in regulation 3(2).

*Exception 15: communal worship*

- (25) Exception 15 is that—
  - (a) the gathering is for the purposes of communal worship in a place of worship,
  - (b) the person concerned participates in the gathering alone or as a member of a qualifying group (see paragraph 7), and
  - (c) the gathering organiser or premises manager takes the required precautions in relation to the gathering.

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Act 2007 (c. 5), Part 1 of Schedule 7 to the Welfare Reform Act 2009 (c. 24), section 26(1) of the Child Poverty Act 2010 (c. 9), paragraph 39 of Schedule 2, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 (c. 5), section 106 of the Children and Families Act 2014 (c. 6) and S.I. 2010/1158.

*Exception 16: picketing*

(26) Exception 16 is that—

- (a) the gathering is for the purposes of picketing which is carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992(85), and
- (b) the gathering organiser takes the required precautions in relation to the gathering.

*Exception 17: protests*

(27) Exception 17 is that the gathering is for the purposes of protest and—

- (a) it is organised by a business, a charitable, benevolent or philanthropic institution, a public body or a political body, and
- (b) the gathering organiser takes the required precautions in relation to the gathering.

*Exception 18: nomination of candidates or petitioning for a referendum*

(28) Exception 18 is that the gathering—

- (a) consists of no more than two people, and
- (b) is reasonably necessary for the purposes of participating in the process of—
  - (i) the nomination of (including but not limited to the subscription of the nomination paper of) a candidate in an election held in accordance with provision made by or under an Act, or
  - (ii) petitioning for a referendum which is so held.

*Exception 19: campaigning*

(29) Exception 19 is that—

- (a) the gathering consists of no more than two people, at least one of whom is a campaigner (“C”),
- (b) where the gathering takes place at the private dwelling of a person (“P”), C remains, for the duration of the gathering—
  - (i) outside P’s private dwelling,
  - (ii) in an outdoor part of P’s private dwelling, or
  - (iii) in a common part of the building of which P’s private dwelling forms a part, and
- (c) the gathering is reasonably necessary for the purposes of campaigning in an election or a referendum held in accordance with provision made by or under an Act.

*Exception 20: observing an election or referendum*

(30) Exception 20 is that the gathering is reasonably necessary for the purposes of observing voting, opening postal votes or counting votes, in an election or a referendum held in accordance with provision made by or under an Act, and where such observation is in accordance with provision made by or under an Act.

**Exceptions in relation to indoor gatherings**

5.—(1) These are the exceptions relating only to indoor gatherings.

*Exception 1: visiting a dying person*

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(85) 1992 c. 52.

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

(2) Exception 1 is that the person concerned (“P”) is visiting a person whom P reasonably believes is dying (“D”), and P is—

- (a) a member of D’s household,
- (b) a close family member of D, or
- (c) a friend of D.

*Exception 2: visiting persons receiving treatment etc*

(3) Exception 2 is that the person concerned (“P”) is visiting a person (“V”) receiving treatment in a hospital or staying in a hospice or care home, or is accompanying V to a medical appointment and P is—

- (a) a member of V’s household,
- (b) a close family member of V, or
- (c) a friend of V.

*Exception 3: indoor sports*

(4) Exception 3 is that the person concerned is participating in a gathering—

- (a) which—
  - (i) is organised for the purposes of allowing persons who have a disability who are not elite sportspersons to take part in any sport or other fitness related activity,
  - (ii) is organised by a business, a charitable, benevolent or philanthropic institution or a public body,
  - (iii) takes place indoors in relevant premises (see sub-paragraph (6)), and
- (b) in respect of which the gathering organiser or manager of the relevant premises takes the required precautions.

(5) Sub-paragraph (4) does not permit spectators, including the parent of a child participating in the gathering, to attend the gathering.

(6) In sub-paragraph (4), “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.

**Exceptions in relation to outdoor gatherings**

**6.—(1)** These are the exceptions relating only to outdoor gatherings.

*Exception 1: two households or linked households*

(2) Exception 1 is that all the people in the gathering are members of no more than two households.

(3) For these purposes two households which are linked households in relation to each other are to be treated as a single household.

*Exception 2: outdoor sports*

(4) Exception 2 is that the person concerned is participating in an outdoor sports gathering.

(5) Sub-paragraph (4) does not permit spectators, including the parent of a child participating in the gathering, to attend the gathering.



*Exception 3: outdoor activities*

- (6) Exception 3 is that—
- (a) the gathering is for the purposes of a relevant outdoor activity, and
  - (b) the gathering organiser takes the required precautions in relation to the gathering.

*Exception 4: parent and child groups*

- (7) Exception 4 is that—
- (a) the gathering is of a parent and child group, which is organised by a business, a charitable, benevolent or philanthropic institution or a public body for the benefit of children under the age of five,
  - (b) the gathering does not take place in a private dwelling, and
  - (c) the gathering consists of no more than 15 persons.
- (8) In determining whether the limit in sub-paragraph (7)(c) is complied with, no account is to be taken of any child who is below the age of five.

**Qualifying groups**

- 7.—(1) A person participates in a gathering as a member of a qualifying group only if the person is a part of a qualifying group and, whilst participating in the gathering, the person does not—
- (a) become a member of any other group of people participating in the gathering (whether or not that group is a qualifying group), or
  - (b) otherwise mingle with any person who is participating in the gathering but is not a member of the same qualifying group as them.
- (2) In sub-paragraph (1), “qualifying group”, in relation to a gathering, means—
- (a) in the application of this paragraph for the purposes of indoor gatherings, a group of people who are participating in the gathering which consists only of persons who are—
    - (i) members of the same household,
    - (ii) members of two households which are linked households in relation to each other, or
    - (iii) members of two households which are linked childcare households in relation to each other and the gathering is for the purposes of informal childcare provided by a member of one of those households to the other;
  - (b) in the application of this paragraph for the purposes of outdoor gatherings, a group of people who are participating in that gathering and which—
    - (i) consists of no more than 6 persons, or
    - (ii) consists of the members of no more than two households.
- (3) For the purposes of sub-paragraph (2)(b)(ii), two households which are linked households in relation to each other are to be treated as a single household.

## PART 2

### Closure of, and restrictions on, businesses

**Requirement to close premises and businesses**

- 8.—(1) A person responsible for carrying on a restricted business, or providing a restricted service, in the Step 1 area must cease to carry on that business or provide that service.

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

(2) Where a restricted business or restricted service forms, or is provided as, part of a larger business and that larger business is not itself a restricted business, the person responsible for carrying on the larger business complies with the requirement in sub-paragraph (1) by closing the restricted business or by ceasing to provide the restricted service.

(3) The requirement in sub-paragraph (1) is subject to the exceptions in paragraph 10.

(4) In this paragraph, “restricted business” and “restricted service” means a business or service which—

(a) is of a kind specified in paragraph 13(2) or (5), or

(b) is carried on from, or provided at, premises of a kind specified in paragraph 13(2) or (5).

(5) For the purposes of this Part of this Schedule, premises are in the Step 1 area if any part of the premises is in the Step 1 area.

### **Restrictions on service of food and drink for consumption on the premises**

**9.**—(1) A person responsible for carrying on a restricted business, or providing a restricted service in the Step 1 area, must—

(a) close any premises, or part of the premises, in which food or drink are provided for consumption on those premises, and

(b) cease providing food or drink for consumption on its premises.

(2) The requirement in sub-paragraph (1) is subject to the exceptions in paragraphs 10 and 11.

(3) For the purposes of sub-paragraph (1)(a), food or drink provided by a hotel or other accommodation as part of room service is not to be treated as being provided for consumption on its premises.

(4) For the purposes of sub-paragraph (1), references to food or drink being for consumption on premises include a reference to consumption on an area adjacent to the premises of the restricted business or restricted service—

(a) where seating is made available for its customers (whether or not by the business or the provider of the service), or

(b) which its customers habitually use for consumption of food or drink served by the business or service.

(5) Sub-paragraph (4) does not apply where the restricted business or services is situated or provided—

(a) at a motorway service area, or

(b) within a part of—

(i) an airport or maritime port, or

(ii) the international rail terminal area within the vicinity of Cheriton, Folkestone (as referred to in section 1(7)(b) of the Channel Tunnel Act 1987<sup>(86)</sup>),

and that part of the airport, maritime port or terminal area is accessible to passengers, crew or other authorised persons but not to members of the general public.

(6) Where a restricted business or restricted service forms, or is provided as, part of a larger business and that larger business is not itself a restricted business, the person responsible for carrying on the larger business complies with the requirement in sub-paragraph (1) by closing down the restricted business or by ceasing to provide the restricted service.

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(86) 1987 c. 53.

(7) In this paragraph, “restricted business” and “restricted service” mean a business or service which—

- (a) is of a kind specified in paragraph 13(4), or
- (b) is carried on from, or provided at, premises of a kind specified in paragraph 13(4).

### **Exceptions to paragraphs 8 and 9**

**10.**—(1) Paragraph 8(1) and 9(1) do not prevent the use of—

- (a) any premises used for a restricted business or restricted service—
  - (i) to provide essential voluntary 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;
  - (ii) for the purposes of voting, counting of votes or activities ancillary to voting or the counting of votes in an election or a referendum which is held—
    - (aa) in accordance with provision made by or under an Act, or
    - (bb) in accordance with the laws or regulations of a country or territory outside the United Kingdom, but in respect of which arrangements are made by a consular post or diplomatic mission in the United Kingdom for persons eligible to vote in that election or referendum to vote in the United Kingdom;
- (b) any premises used for the making of a film, television programme, audio programme or audio-visual advertisement;
- (c) facilities for training or competition by elite sportspersons including indoor gyms, fitness studios, indoor or outdoor skating rinks, snooker and pool halls, indoor trampoline parks, indoor riding arenas and indoor sports facilities;
- (d) fitness and dance studios, and skating rinks for use by professional dancers and choreographers (and for this purpose a person is a professional dancer or choreographer if the person derives their living from dance or from choreographing dance);
- (e) indoor gyms, fitness studios, skating rinks, indoor swimming pools, indoor sports facilities, and other indoor leisure centres—
  - (i) for childcare provided by a person registered under Part 3 of the Childcare Act 2006,
  - (ii) for supervised activities for children or other persons who were under the age of 18 on 31st August 2020, or
  - (iii) for persons who have a disability and who are not elite sportspersons to take part in any fitness related activity;
- (f) indoor gyms, fitness studios, skating rinks, indoor swimming pools, indoor sports facilities, and other indoor leisure centres—
  - (i) for use by schools or providers of post-16 education or training (as defined in paragraph (e) of the definition of “relevant institution” in paragraph 1(8) of Schedule 17 to the Coronavirus Act 2020),
  - (ii) in facilities in criminal justice accommodation, immigration detention accommodation or an establishment intended for use by Her Majesty’s armed forces or for use for the purposes of the Department of the Secretary of State responsible for defence;
- (g) indoor play areas, indoor play centres, and indoor trampoline parks by persons who have a disability;

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

- (h) indoor trampoline centres, by schools or providers of post-16 education or training (as defined in paragraph (e) of the definition of “relevant institution” in paragraph 1(8) of Schedule 17 to the Coronavirus Act 2020);
  - (i) theatres and concert halls for—
    - (i) education and training of a kind mentioned in paragraph 4(5),
    - (ii) rehearsal, or
    - (iii) performance without an audience for broadcast or recording purposes;
  - (j) theatres, conference centres and exhibition halls for use, at the request of the Secretary of State in connection with a government programme responding to the incidence and spread of coronavirus in England;
  - (k) indoor arenas at riding centres, for the purposes of—
    - (i) the provision of veterinary services in relation to any animal at the riding centre, or
    - (ii) the care or exercise of any animal by its owner at the riding centre;
  - (l) tanning, nail, beauty or hair salons, barbers, spas, massage centres, tattoo and piercing studios, so far as used for the purposes of providing any of the services listed in paragraph 15(o).
- (2) Paragraph 8(1) does not prevent a person responsible for carrying on a restricted business or providing a restricted service (“the closed business”), from—
- (a) carrying on a business which is not a restricted business, or providing services which are not restricted services—
    - (i) in premises which are separate from the premises used for the closed business,
    - (ii) by making deliveries or otherwise providing services in response to orders received—
      - (aa) through a website, or otherwise by online communication,
      - (bb) by telephone, including orders by text message, or
      - (cc) by post, or
    - (iii) to a purchaser who collects goods that have been pre-ordered by a means mentioned in sub-paragraph (ii), provided the purchaser does not enter inside the premises used for the closed business to do so, or
  - (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 premises used for the closed business.
- (3) For the purposes of sub-paragraph (2), a premises, café or restaurant (“PCR”) is separate from premises used for the closed business if—
- (a) the PCR is in a self-contained unit, and
  - (b) it is possible for a member of the public to enter the PCR from a place outside the premises used for the closed business.

### **Exceptions to paragraph 9**

- 11.—(1) Paragraph 9(1) does not prevent the person responsible for carrying on a restricted business, or providing a restricted service, of a kind specified in paragraph 13(4)—
- (a) from selling food or drink (other than alcohol) for consumption off the premises;
  - (b) from selling alcohol for consumption off the premises by a method of sale permitted by sub-paragraph (2).

(2) The methods of sale permitted under this sub-paragraph are making deliveries in response to orders received—

- (a) through a website, or otherwise by online communication,
- (b) by telephone, including orders by text message, or
- (c) by post.

(3) Paragraph 9(1) does not prevent the person responsible for a carrying on a restricted business, or providing a restricted service, of a kind specified in paragraph 13(4)(a) to (e), from carrying on that business, or providing that service, if—

- (a) the business or service is carried on or provided in an aircraft, train or vessel,
- (b) the aircraft, train or vessel is providing a public transport service, and
- (c) alcohol is not served in the carrying on of the business, or the provision of the service, concerned (subject to sub-paragraph (4)(b)).

(4) In sub-paragraph (3)—

- (a) “public transport service” has the meaning given by regulation 2(2) of the Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020(87), but for these purposes does not include a service provided primarily for dining or other recreational purposes;
- (b) paragraph (c) does not apply in respect of the service of alcohol to persons who are seated on an aircraft.

(5) Where a restricted business or a restricted service of a kind specified in paragraph 13(4)(a) or (b) is being carried on or provided as part of an extra care housing scheme, paragraph 9(1) does not prevent the person responsible for carrying on that business, or providing that service, from providing food or drink for consumption on the premises by a relevant person where it is reasonably necessary to do so to safeguard the mental or physical health of the relevant person.

(6) For the purposes of sub-paragraph (5) and this sub-paragraph—

- (a) “extra care housing scheme” means a scheme—
  - (i) that provides accommodation intended for occupation by adults with needs for care and support (“designated extra care accommodation”), and
  - (ii) with an on-site care service;
- (b) “relevant person” means, in relation to a business or service carried on or provided as part of an extra care housing scheme, a resident of the designated extra care accommodation;
- (c) “on-site care service” means regulated personal or nursing care provided to residents as part of the scheme by—
  - (i) the extra care housing scheme provider, or
  - (ii) another registered care provider who maintains an on-site presence pursuant to an agreement with either or both of the extra care housing scheme provider or the local social services authority for the area in which the scheme is situated;
- (d) “registered care provider” means a person registered as a service provider in respect of regulated personal or nursing care in accordance with Chapter 2 of Part 1 of the Health and Social Care Act 2008(88);
- (e) “local social services authority” means—
  - (i) the council of—

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(87) S.I. 2020/592, as amended by S.I. 2020/1021; there are other amending instruments but none is relevant.

(88) 2008 c. 14.

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

- (aa) a non-metropolitan county,
- (bb) a non-metropolitan district for which there is no county council,
- (cc) a county borough, or
- (dd) a metropolitan district or London borough,
- (ii) the Common Council of the City of London, or
- (iii) the Council of the Isles of Scilly.

(7) For the purposes of sections 172F to 172J of the Licensing Act 2003<sup>(89)</sup>, where a restricted business or restricted service is carried on from, or provided at, licensed premises, the premises are to be treated as open for the purposes of selling alcohol at any time when the premises licence for those premises would, but for sub-paragraph (1), authorise the sale by retail of alcohol for consumption on the premises.

### **Closure of holiday accommodation**

**12.**—(1) Subject to sub-paragraph (2) and (3), a person responsible for carrying on a business consisting of the provision of holiday accommodation situated in the Step 1 area, whether in a hotel, hostel, bed and breakfast accommodation, holiday apartment, home, cottage or bungalow, campsite, caravan park or boarding house, canal boat or any other vessel must cease to carry on that business.

(2) A person referred to in sub-paragraph (1) may continue to carry on their business and keep any premises used in that business open—

- (a) to provide accommodation for any person, who—
  - (i) is unable to return to their main residence;
  - (ii) uses that accommodation as their main residence;
  - (iii) needs accommodation for the purposes of a house move;
  - (iv) needs accommodation to attend a funeral, or following a bereavement of a close family member or friend;
  - (v) needs accommodation to attend a commemorative event to celebrate the life of a person who has died;
  - (vi) needs accommodation to attend a medical appointment, or to receive treatment;
  - (vii) needs accommodation for the purposes of access to, and contact between, parents and a child where the child does not live in the same household as their parents or one of their parents;
  - (viii) is a carer of a vulnerable person or a person who has a disability and needs respite;
  - (ix) is isolating themselves from others as required by law;
  - (x) is an elite athlete or the coach of an elite athlete and needs accommodation for the purposes of training or competition or, where an elite athlete is a child, their parent;
  - (xi) needs accommodation to visit a person who is dying,
- (b) to provide accommodation for any person who needs accommodation for the purposes of their work, or to provide voluntary or charitable services,
- (c) to provide accommodation for any person who needs accommodation for the purposes of education or training of a kind mentioned in paragraph 4(5) or, where that person is a child, their parent,

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<sup>(89)</sup> 2003 c. 17. Sections 172F to 172J were inserted by the Business and Planning Act 2020 (c. 16).

- (d) to provide accommodation for the purposes of a women's refuge or a vulnerable persons' refuge,
- (e) to provide accommodation or support services for the homeless,
- (f) to provide accommodation for any person who is staying there in order to provide care or assistance to a vulnerable person or a person who has a disability who is staying in the same accommodation,
- (g) to host blood donation sessions or food banks, or
- (h) for any purpose requested by the Secretary of State or a local authority.

(3) Sub-paragraph (1) does not prevent the use of any accommodation for the purposes of voting, counting of votes or activities ancillary to voting or the counting of votes in an election or a referendum which is held—

- (a) in accordance with provision made by or under an Act, or
- (b) in accordance with the laws or regulations of another country or territory outside the United Kingdom, but in respect of which arrangements are made by a consular post or diplomatic mission in the United Kingdom for persons eligible to vote in that election or referendum to vote in the United Kingdom.

### **Restricted business and services for purposes of this Part**

**13.**—(1) The restricted businesses and restricted services for the purposes of this Part of this Schedule are those falling within sub-paragraph (2), (4) or (5).

(2) The following businesses and services fall within this sub-paragraph—

- (a) nightclubs;
- (b) dance halls;
- (c) discotheques;
- (d) any other venue (not falling within paragraph (a), (b) or (c)) which—
  - (i) opens at night,
  - (ii) 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
  - (iii) provides music, whether live or recorded, for dancing;
- (e) sexual entertainment venues;
- (f) hostess bars;
- (g) any business which provides, whether for payment or otherwise—
  - (i) a waterpipe to be used for the consumption of tobacco or any other substance on the premises, or
  - (ii) a device to be used for the recreational inhalation of nicotine or any other substance on the premises.

(3) A business or service does not fall within sub-paragraph (2)(b), (c) or (d) if it ceases to provide music and dancing.

(4) The following businesses and services fall within this sub-paragraph—

- (a) restaurants, including restaurants and dining rooms in hotels or members' clubs;
- (b) cafes, including workplace canteens, but not including—
  - (i) cafes or canteens at a hospital or care home,

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

- (ii) cafes or canteens at a school, a provider of post-16 education or training (as defined in paragraph (e) of the definition of “relevant institution” in paragraph 1(8) of Schedule 17 to the Coronavirus Act 2020) or educational accommodation for students attending higher education courses,
  - (iii) cafes or canteens at a higher education provider, where there is no practical alternative for staff and students at that institution to obtain food or drink, and alcohol is not served for consumption on the premises,
  - (iv) canteens at criminal justice accommodation, immigration detention accommodation or an establishment intended for use for Her Majesty’s armed forces or for use for the purposes of the Department of the Secretary of State responsible for defence,
  - (v) workplace canteens where there is no practical alternative for staff at that workplace to obtain food or drink and alcohol is not served for consumption on the premises, or
  - (vi) services providing food or drink to the homeless;
- (c) bars, including bars in hotels or members’ clubs;
  - (d) public houses;
  - (e) businesses providing food or drink prepared on the premises for immediate consumption off the premises, but not including—
    - (i) supermarkets,
    - (ii) convenience stores, corner shops and newsagents,
    - (iii) pharmacists and chemists, or
    - (iv) petrol stations;
  - (f) social clubs.
- (5) The following businesses and services fall within this sub-paragraph—
- (a) the following indoor facilities—
    - (i) dance studios;
    - (ii) fitness studios;
    - (iii) gyms;
    - (iv) sports courts;
    - (v) swimming pools;
    - (vi) riding arenas;
    - (vii) indoor play areas and indoor play centres, including soft play centres and soft play areas, trampoline parks and inflatable parks;
    - (viii) other indoor leisure centres or facilities, including laser quest and escape rooms, snooker and pool halls, indoor games, recreation and entertainment venues;
  - (b) casinos;
  - (c) bingo halls;
  - (d) bowling alleys;
  - (e) amusement arcades, including adult gaming centres;
  - (f) cinemas;
  - (g) theatres;
  - (h) concert halls;
  - (i) skating rinks;



- (j) circuses;
- (k) water parks and aqua parks;
- (l) theme parks, fairgrounds and funfairs;
- (m) adventure parks and activities;
- (n) aquariums and zoos, including safari parks;
- (o) animal attractions at farms, wildlife centres and any other place where animals are exhibited to the public as an attraction;
- (p) model villages;
- (q) kitchen, bathroom, tile and glazing showrooms;
- (r) museums and galleries;
- (s) indoor attractions at visitor attractions such as—
  - (i) sculpture parks,
  - (ii) landmarks, including observation wheels or viewing platforms,
  - (iii) botanical or other gardens, biomes or greenhouses,
  - (iv) stately or historic homes, castles or other heritage sites;
- (t) visitor attractions at film studios;
- (u) conference centres and exhibition halls, so far as they are used to host conferences, exhibitions, trade shows, private dining events or banquets, other than conferences, trade shows or events which are attended only by employees of the person who owns or is responsible for running the conference centre or exhibition hall;
- (v) betting shops;
- (w) spas;
- (x) tanning salons;
- (y) nail salons, beauty salons, hair salons and barbers;
- (z) massage centres;
- (aa) tattoo and piercing studios;
- (bb) carpet stores;
- (cc) showrooms and other premises, including outdoor areas, used for the sale of caravans, boats or any vehicle which can be propelled by mechanical means;
- (dd) car washes (except for automatic car washes);
- (ee) auction houses (except for auctions of livestock or agricultural equipment);
- (ff) markets (except for livestock markets, stalls selling food and any other retailer listed in paragraph 15);
- (gg) retail travel agents.

(6) For the purposes of sub-paragraph (5)(s), an “indoor attraction” means those parts of a venue, including visitor centres but not including toilets, baby changing rooms and breast feeding rooms 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.

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

(7) For the purposes of sub-paragraph (5)(u), a “trade show” is an event held to bring together members of a particular industry to display, demonstrate and discuss their latest products or services with members of the public or other members of the industry.

(8) For the purposes of sub-paragraph (5)(ee) and (ff) “livestock” means—

- (a) any animal which is kept—
  - (i) for the provision of food, wool, skins or fur,
  - (ii) to be used in carrying on any agricultural activity, and
- (b) horses.

#### **Further restrictions on businesses**

14.—(1) A person responsible for carrying on a business in the Step 1 area of offering goods for sale or for hire in a shop, or providing library services, other than a business listed in paragraph 15, must—

- (a) cease to carry on that business or provide that service except—
  - (i) by making deliveries or otherwise providing services in response to orders received—
    - (aa) through a website, or otherwise by online communication,
    - (bb) by telephone, including orders by text message, or
    - (cc) by post;
  - (ii) to a person who collects goods that have been pre-ordered by a means mentioned in sub-paragraph (i), provided that the person does not enter inside the premises used for the closed business to do so,
- (b) subject to sub-paragraphs (2), (3) and (4)—
  - (i) close any premises or any part of the premises which are not required to carry on its business or provide its service as permitted by paragraph (a);
  - (ii) cease to admit any person to its premises who is not required to carry on its business or provide its service as permitted by paragraph (a).

(2) A person responsible for providing library services in the Step 1 area may open the library premises for the purposes of—

- (a) support groups;
- (b) childcare provided by a person who is registered under Part 3 of the Childcare Act 2006 or supervised activities for children or other persons who were under the age of 18 on 31st August 2020;
- (c) education or training of a kind mentioned in paragraph 4(5);
- (d) providing essential voluntary services or public support services, including digital access to public services, the provision of food bank or other support for the homeless or vulnerable people, blood donation services or support in an emergency;
- (e) voting, counting of votes or activities ancillary to voting or the counting of votes in an election or a referendum which is held—
  - (i) in accordance with provision made by or under an Act, or
  - (ii) in accordance with the laws or regulations of a country or territory outside the United Kingdom, but in respect of which arrangements are made by a consular post or diplomatic mission in the United Kingdom for persons eligible to vote in that election or referendum to vote in the United Kingdom.

- (3) Sub-paragraph (1) does not prevent any business from continuing to provide—
- (a) hot or cold food for consumption off the premises, or
  - (b) essential voluntary activities 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).
- (4) A person responsible for carrying on a business or providing a service referred to in sub-paragraph (1), may open any premises for the purposes of making a film, television programme, audio programme or audio-visual advertisement.
- (5) A person who is responsible for a community centre or hall in the Step 1 area must ensure that the community centre or hall is closed except where it is used for the purposes of—
- (a) the provision of essential voluntary activities 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),
  - (b) the provision of digital access to public services,
  - (c) education or training of a kind mentioned in paragraph 4(5),
  - (d) support groups,
  - (e) childcare provided by a person who is registered under Part 3 of the Childcare Act 2006, or supervised activities for children or other persons who were under the age of 18 on 31st August 2020,
  - (f) weddings, funerals and commemorative events to celebrate the life of a person who has died, as permitted by this Schedule, or
  - (g) the purposes described in sub-paragraph (2)(e).
- (6) If a business referred to in sub-paragraph (1) (“business A”) forms, or is provided as, part of a larger business (“business B”) and business B is not restricted under these Regulations, the person responsible for carrying on business B complies with the requirement in sub-paragraph (1) to cease to carry on its business if it ceases to carry on business A.

### **Businesses allowed to remain open in Step 1 area**

- 15.** The following businesses are allowed to remain open in the Step 1 area—
- (a) food retailers, including food markets, supermarkets, convenience stores and corner shops;
  - (b) off licenses and licensed shops selling alcohol (including breweries);
  - (c) pharmacies (including non-dispensing pharmacies) and chemists;
  - (d) newsagents;
  - (e) animal rescue centres and animal boarding facilities;
  - (f) building merchants and suppliers of products and tools used in building work and repairs;
  - (g) petrol stations;
  - (h) vehicle repair and MOT services;
  - (i) bicycle shops;
  - (j) taxi or vehicle hire businesses;
  - (k) the following businesses—
    - (i) banks;
    - (ii) building societies;
    - (iii) credit unions;

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- (iv) short term loan providers;
- (v) savings clubs;
- (vi) cash points;
- (vii) undertakings which by way of business operate currency exchange offices, transmit money (or any representation of money) by any means or cash cheques which are made payable to customers;
- (l) post offices;
- (m) funeral directors;
- (n) laundrettes and dry cleaners;
- (o) dental services, opticians, audiology services, chiropody, chiropractors, osteopaths and other medical or health services, including services which incorporate personal care services and treatments required by those with disabilities and services relating to mental health;
- (p) veterinary surgeons and pet shops;
- (q) agricultural supplies shops;
- (r) storage and distribution facilities, including delivery drop off or collection points, where the facilities are in the premises of a business included in this paragraph;
- (s) car parks;
- (t) public toilets;
- (u) garden centres;
- (v) automatic car washes;
- (w) mobility and disability support shops.

## SCHEDULE 2

Regulation 7(2)

### Step 2

## PART 1

### Restrictions on gatherings

#### **Participation in gatherings indoors**

- 1.—(1) No person may participate in a gathering in the Step 2 area which—
  - (a) consists of two or more people, and
  - (b) takes place indoors.
- (2) Sub-paragraph (1) do not apply if any of the exceptions set out in paragraphs 4 or 5 apply.
- (3) For the purposes of this Part of this Schedule, a gathering takes place in the Step 2 area if any part of the place where it takes place is in the Step 2 area.

#### **Participation in gatherings outdoors**

- 2.—(1) No person may participate in a gathering in the Step 2 area which—

- (a) consists of more than six people, and
  - (b) takes place outdoors.
- (2) Sub-paragraph (1) does not apply if any of the exceptions set out in paragraph 4 or 6 apply.

### **Organisation or facilitation of gatherings**

3.—(1) No person may hold, or be involved in the holding of, a relevant gathering in the Step 2 area.

(2) For the purposes of sub-paragraph (1) a person who only participates in a gathering by attending it is not to be taken as being involved in the holding of the gathering.

(3) A gathering is a “relevant gathering” for the purposes of this paragraph if it falls within sub-paragraph (4) or (5).

(4) A gathering falls within this sub-paragraph if it—

- (a) consists of more than 30 persons,
- (b) takes place indoors, and
- (c) would be a gathering of the kind mentioned in section 63(1) of the Criminal Justice and Public Order Act 1994<sup>(90)</sup> (powers to remove persons attending or preparing for a rave) if it took place in the open air.

(5) A gathering falls within this sub-paragraph if it does not fall within sub-paragraph (4) and it—

- (a) consists of more than 30 persons,
- (b) takes place—
  - (i) in a private dwelling,
  - (ii) on a vessel, or
  - (iii) on land which satisfies the condition in sub-paragraph (6), and
- (c) is not a gathering in relation to which any of the exceptions set out in paragraph 4, 5 or 6 (so far as capable of applying to the gathering) applies.

(6) Land satisfies the condition in this sub-paragraph if it is a public outdoor place which is not—

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

(7) In sub-paragraph (5)(b)(ii) “vessel” does not include government vessels, vessels used for public transport or houseboats.

(8) In applying for the purposes of sub-paragraph (5)(c) the exceptions set out in paragraph 6, the following do not apply—

- (a) paragraph 6(4)(a), so far as relating to gatherings in public outdoor places operated by public bodies, and
- (b) paragraph 6(4)(b).

### **General exceptions relating to gatherings**

4.—(1) These are the exceptions referred to in paragraphs 1, 2 and 3(5)(c).

#### *Exception 1: same or linked households*

(2) Exception 1 is that all the people in the gathering are members of the same household.

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<sup>(90)</sup> 1994 c. 33.

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

(3) For these purposes, two households which are linked households in relation to each other are to be treated as a single household.

(4) For the purposes of these Regulations, a person who has been released on temporary licence is to be treated as a member of the household living at the address identified on the licence.

*Exception 2: education and training*

- (5) Exception 2 is that the gathering is reasonably necessary for the purposes of—
- (a) early years provision;
  - (b) educational activities of a school;
  - (c) a course of study or essential life skills training provided by—
    - (i) a 16 to 19 Academy,
    - (ii) a provider of further education, or
    - (iii) a higher education provider;
  - (d) activities relating to residing at a school, a 16 to 19 Academy or a provider of further education;
  - (e) provision specified in an education, health and care plan;
  - (f) the suitable education of a child otherwise than by regular attendance at school arranged by a parent in accordance with section 7 of the Education Act 1996 (and for this purpose “suitable education” has the meaning given by section 436A(3) of the Education Act 1996<sup>(91)</sup>);
  - (g) the suitable education of a child otherwise than by regular attendance at school arranged by—
    - (i) a local authority, as defined by section 579(1) of the Education Act 1996, in accordance with section 19 of that Act, or
    - (ii) the proprietor of a school at which the child is a registered pupil, including where the arrangements are made in connection with section 29A of the Education Act 2002<sup>(92)</sup> or section 100 of the Education and Inspections Act 2006<sup>(93)</sup>,
 (and for this purpose “suitable education” has the meaning given by section 19(6) of the Education Act 1996);
  - (h) activities provided by a business, a charitable, benevolent or philanthropic institution or a public body for the purposes of—
    - (i) obtaining a regulated qualification, within the meaning of section 130 of the Apprenticeships, Skills, Children and Learning Act 2009<sup>(94)</sup>, or
    - (ii) meeting all or part of the entry requirements for an educational institution;
  - (i) preparing for work through a skills programme consisting of—
    - (i) a work experience placement, or
    - (ii) work preparation training;
  - (j) applying for, and obtaining, work;
  - (k) meeting a requirement for a particular area of work;
  - (l) professional training that is working towards an external accreditation recognised by a professional body;

<sup>(91)</sup> Section 436A was inserted by section 4(1) of the Education and Inspections Act 2006 (c. 40).

<sup>(92)</sup> 2002 c. 32. Section 29A was inserted by section 154 of the Education and Skills Act 2008 (c. 25).

<sup>(93)</sup> 2006 c. 40.

<sup>(94)</sup> 2009 c. 22.

- (m) exams and assessments carried out in connection with any of the matters mentioned in paragraphs (a) to (l).

*Exception 3: gatherings necessary for certain purposes*

- (6) Exception 3 is that the gathering is reasonably necessary—
  - (a) for work purposes or for the provision of voluntary or charitable services;
  - (b) to provide emergency assistance;
  - (c) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm;
  - (d) to provide care or assistance to a vulnerable person or a person who has a disability, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006<sup>(95)</sup>;
  - (e) for the purposes of a house move.

*Exception 4: legal obligations and proceedings*

- (7) Exception 4 is that the person concerned is fulfilling a legal obligation or participating in legal proceedings.

*Exception 5: criminal justice accommodation and immigration detention accommodation*

- (8) Exception 5 is that the gathering takes place in criminal justice accommodation or in immigration detention accommodation.

*Exception 6: support groups*

- (9) Exception 6 is that—
  - (a) the gathering—
    - (i) is of a support group,
    - (ii) consists of no more than 15 persons, and
    - (iii) takes place at premises other than a private dwelling, and
  - (b) it is reasonably necessary for members of the group to be physically present at the gathering.
- (10) In determining whether the limit in sub-paragraph (9)(a)(ii) is complied with, no account is to be taken of any child who is below the age of five.

*Exception 7: respite care*

- (11) Exception 7 is that the gathering is reasonably necessary for the purposes of—
  - (a) respite care being provided for a vulnerable person or a person with a disability, or
  - (b) a short break being provided in respect of a child looked after by a local authority (within the meaning given in section 22 of the Children Act 1989).

*Exception 8: births*

- (12) Exception 8 is that the person concerned is attending an expectant mother giving birth (“M”) at M’s request.

*Exception 9: marriages and civil partnerships etc*

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<sup>(95)</sup> 2006 c. 47. Paragraph 7(1) to (3E) was substituted for paragraph 7(1) to (3) by section 66(2) of the Protection of Freedoms Act 2012 (c. 9).

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

- (13) Exception 9 is that the gathering meets the conditions in sub-paragraph (14) or (15).
- (14) A gathering meets the conditions in this sub-paragraph if it consists of no more than 15 persons and—
- (a) the gathering is for the purposes of—
    - (i) the solemnisation of a marriage, formation of a civil partnership or conversion of a civil partnership into a marriage, in accordance with the Marriage Act 1949<sup>(96)</sup>, the Marriage (Registrar General’s Licence) Act 1970<sup>(97)</sup>, the Civil Partnership Act 2004<sup>(98)</sup> or the Marriage (Same Sex Couples) Act 2013<sup>(99)</sup>, or
    - (ii) an alternative wedding ceremony,
  - (b) in the case of an alternative wedding ceremony, the gathering takes place—
    - (i) at premises, other than a private dwelling, which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,
    - (ii) 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
    - (iii) in a public outdoor place not falling within sub-paragraph (i) or (ii), and
  - (c) the gathering organiser or manager takes the required precautions in relation to the gathering.
- (15) A gathering meets the conditions in this sub-paragraph if it consists of no more than 15 persons and—
- (a) the gathering is for the purposes of—
    - (i) the solemnisation of a marriage in accordance with the Marriage (Registrar General’s Licence) Act 1970,
    - (ii) the solemnisation of a marriage by special licence under the Marriage Act 1949, where at least one of the parties to the marriage is seriously ill and not expected to recover,
    - (iii) the formation of a civil partnership under the special procedure provided for in Chapter 1 of Part 2 of the Civil Partnership Act 2004,
    - (iv) the conversion of a civil partnership to a marriage under the special procedure provided for in regulation 9 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014<sup>(100)</sup>, or
    - (v) an alternative wedding ceremony, where at least one of the parties to the marriage is seriously ill and not expected to recover,
  - (b) the gathering takes place—
    - (i) at a private dwelling,
    - (ii) at premises which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,
    - (iii) at premises which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, or
    - (iv) in a public outdoor place not falling within sub-paragraph (ii) or (iii),

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<sup>(96)</sup> 1949 c. 76.

<sup>(97)</sup> 1970 c. 34.

<sup>(98)</sup> 2004 c. 33.

<sup>(99)</sup> 2013 c. 30.

<sup>(100)</sup> S.I. 2014/3181.



- (c) it is not reasonably practicable for the gathering to take place in accordance with sub-paragraph (14), and
- (d) the gathering organiser or manager takes the required precautions in relation to the gathering.

(16) In sub-paragraphs (14) and (15), a gathering is for the purposes of an “alternative wedding ceremony” if it is for the purposes of a ceremony, including a ceremony based on a person’s faith or belief or lack of belief, to mark the union of two people, other than a ceremony conducted for a purpose mentioned in sub-paragraph (14)(a)(i), or (15)(a)(i) to (iv).

*Exception 10: funerals*

(17) Exception 10 is that—

- (a) the gathering is for the purposes of a funeral,
- (b) the gathering consists of no more than 30 persons,
- (c) the gathering takes place—
  - (i) at premises, other than a private dwelling, which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,
  - (ii) 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
  - (iii) in a public outdoor place not falling within sub-paragraph (i) or (ii), and
- (d) the gathering organiser or manager (in the case of a gathering taking place at premises mentioned in paragraph (c)(i) or (ii)) or the gathering organiser (in the case of a gathering taking place as mentioned in paragraph (c)(iii)) takes the required precautions in relation to the gathering.

*Exception 11: commemorative event following a person’s death*

(18) Exception 11 is that—

- (a) the gathering is for the purposes of a commemorative event to celebrate the life of a person who has died (for example, a wake or stone setting ceremony),
- (b) the gathering consists of no more than 15 persons,
- (c) the gathering takes place at premises other than a private dwelling, and
- (d) the gathering organiser or manager takes the required precautions in relation to the gathering.

*Exception 12: elite sports*

(19) Exception 12 is that—

- (a) 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
- (b) the gathering is necessary for training or competition.

*Exception 13: children*

(20) Exception 13 is that the gathering is reasonably necessary—

- (a) 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;
- (b) for the purposes of arrangements for contact between siblings where they do not live in the same household and one or more of them is—

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- (i) a child looked after by a local authority, within the meaning of section 22 of the Children Act 1989(101), or
- (ii) a relevant child, within the meaning of section 23A(102) of that Act;
- (c) for the purposes of arrangements for prospective adopters (including their household) to meet a child or children who may be placed with the prospective adopters as provided for by an adoption placement plan drawn up in accordance with the Adoption Agencies Regulations 2005(103) (see regulation 35(2) of those Regulations);
- (d) for the purposes of placing children, or facilitating children being placed, in the care of another person by social services, whether on a temporary or permanent basis;
- (e) for the purposes of—
  - (i) later years provision, within the meaning of section 96(6) of the Childcare Act 2006(104), or;
  - (ii) supervised activities for children or other persons who were under the age of 18 on 31st August 2020;
- (f) for the purposes of informal childcare, for children aged 13 or under, provided by a member of a household to a member of their linked childcare household.

*Exception 14: parent and child groups*

- (21) Exception 14 is that the gathering—
  - (a) is of a parent and child group which is organised by a business, a charitable, benevolent or philanthropic institution or a public body for the benefit of children under the age of five,
  - (b) does not take place in a private dwelling, and
  - (c) consists of no more than 15 persons.
- (22) In determining whether the limit in sub-paragraph (21)(c) is complied with, no account is to be taken of any child who is below the age of five.

*Exception 15: students and vacation households*

- (23) Exception 15 is that the gathering is reasonably necessary to enable a student who is undertaking a higher education course on 29th March 2021—
  - (a) to move on one occasion from their student household on or after that date but before 29th April 2021 to one other household (“vacation household”) for the purposes of a vacation, or
  - (b) to return to their term time accommodation after the vacation or any earlier vacation during which the student returned home as permitted under the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020.
- (24) For the purposes of these Regulations—
  - (a) a student who has moved to a vacation household is to be treated as a member of that household (and not as a member of their student household) until the date on which they return to their student household;
  - (b) the inclusion of a student in a vacation household is to be ignored in determining whether that household satisfies the condition in regulation 3(2).

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(101) 1989 c. 41.

(102) Section 23A was inserted by the Children (Leaving Care) Act 2000 (c. 35).

(103) S.I. 2005/389.

(104) 2006 c. 21.

*Exception 16: communal worship*

(25) Exception 16 is that—

- (a) the gathering is for the purposes of communal worship in a place of worship,
- (b) the person concerned participates in the gathering alone or as a member of a qualifying group (see paragraph 7), and
- (c) the gathering organiser or premises manager takes the required precautions in relation to the gathering.

*Exception 17: picketing*

(26) Exception 17 is that—

- (a) the gathering is for the purposes of picketing which is carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992(105), and
- (b) the gathering organiser takes the required precautions in relation to the gathering.

*Exception 18: protests*

(27) Exception 18 is that the gathering is for the purposes of protest and—

- (a) it has been organised by a business, a charitable, benevolent or philanthropic institution, a public body or a political body, and
- (b) the gathering organiser takes the required precautions in relation to the gathering.

*Exception 19: nomination of candidates or petitioning for a referendum*

(28) Exception 19 is that the gathering—

- (a) consists of no more than two people, and
- (b) is reasonably necessary for the purposes of participating in the process of—
  - (i) the nomination of (including but not limited to the subscription of the nomination paper of) a candidate in an election held in accordance with provision made by or under an Act, or
  - (ii) petitioning for a referendum which is so held.

*Exception 20: campaigning*

(29) Exception 20 is that—

- (a) the gathering consists of no more than two people, at least one of whom is a campaigner (“C”),
- (b) where the gathering takes place at the private dwelling of a person (“P”), C remains, for the duration of the gathering—
  - (i) outside P’s private dwelling,
  - (ii) in an outdoor part of P’s private dwelling, or
  - (iii) in a common part of the building of which P’s private dwelling forms a part, and
- (c) the gathering is reasonably necessary for the purposes of campaigning in an election or a referendum held in accordance with provision made by or under an Act.

*Exception 21: observing an election or referendum*

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

(30) Exception 21 is that the gathering is reasonably necessary for the purposes of observing voting, opening postal votes or counting votes, in an election or a referendum held in accordance with provision made by or under an Act, and where such observation is in accordance with provision made by or under an Act.

*Exception 22: Secretary of State's direction*

(31) Exception 22 is that the gathering is permitted by a direction made by the Secretary of State under regulation 9.

**Exceptions in relation to indoor gatherings**

5.—(1) These are the exceptions relating only to indoor gatherings.

*Exception 1: visiting a dying person*

(2) Exception 1 is that the person concerned (“P”) is visiting a person whom P reasonably believes is dying (“D”), and P is—

- (a) a member of D’s household,
- (b) a close family member of D, or
- (c) a friend of D.

*Exception 2: visiting persons receiving treatment etc*

(3) Exception 2 is that the person concerned (“P”) is visiting a person (“V”) receiving treatment in a hospital or staying in a hospice or care home, or is accompanying V to a medical appointment and P is—

- (a) a member of V’s household,
- (b) a close family member of V, or
- (c) a friend of V.

*Exception 3: other sports*

(4) Exception 3 is that the person concerned is participating in a gathering—

- (a) which is organised by a business, a charitable, benevolent or philanthropic institution or a public body for the purposes of allowing persons under the age of 18, or who were under the age of 18 on 31st August 2020, or persons who have a disability, who are not elite sportspeople to take part in any sport or other fitness related activity;
- (b) which takes place in relevant premises (see paragraph (6)), and
- (c) in respect of which the organiser or manager takes the required precautions.

(5) Sub-paragraph (4) does not permit spectators, including the parent of a child participating in the gathering, to attend the gathering.

(6) In sub-paragraph (4), “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.

**Exceptions in relation to outdoor gatherings**

6.—(1) These are the exceptions relating only to outdoor gatherings.

*Exception 1: two households or linked households*

(2) Exception 1 is that all the people in the gathering are members of no more than two households.

(3) For these purposes two households which are linked households in relation to each other are to be treated as a single household.

*Exception 2: permitted organised gatherings*

(4) Exception 2 is that—

- (a) the gathering is a permitted organised gathering, and
- (b) the person concerned participates in the gathering alone or as a member of a qualifying group (see paragraph 7(2)).

*Exception 3: outdoor sports*

(5) Exception 3 is that the person concerned is participating in an outdoor sports gathering.

(6) Sub-paragraph (5) does not permit spectators, including the parent of a child participating in the gathering, to attend the gathering.

*Exception 4: outdoor activities*

(7) Exception 4 is that—

- (a) the gathering is for the purposes of a relevant outdoor activity, and
- (b) the gathering organiser takes the required precautions in relation to the gathering.

*Exception 5: weddings and civil partnership receptions*

(8) Exception 5 is that the gathering is for the purposes of a wedding reception, a reception following the formation of a civil partnership or a reception following the conversion of a civil partnership into a marriage and—

- (a) it consists of no more than 15 persons,
- (b) it takes place in premises other than a private dwelling, and
- (c) the gathering organiser or manager takes the required precautions in relation to the gathering.

**Qualifying groups**

7.—(1) A person participates in a gathering as a member of a qualifying group only if the person is a part of a qualifying group and, whilst participating in the gathering, the person does not—

- (a) become a member of any other group of persons participating in the gathering (whether or not that group is a qualifying group), or
- (b) otherwise mingle with any person who is participating in the gathering but is not a member of the same qualifying group as them.

(2) In sub-paragraph (1) “qualifying group”, in relation to a gathering, means—

- (a) in the application of this paragraph for the purposes of indoor gatherings, a group of people who are participating in the gathering which consists only of persons who are—
  - (i) members of the same household, or
  - (ii) members of two households which are linked households in relation to each other, or

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- (iii) members of two households which are linked childcare households in relation to each other and the gathering is for the purposes of informal childcare provided by a member of one of those households to the other;
- (b) in the application of this paragraph for the purposes of outdoor gatherings, a group of people who are participating in that gathering and which—
  - (i) consists of no more than 6 persons, or
  - (ii) consists of the members of no more than two households.
- (3) For the purposes of sub-paragraph (2)(b)(ii) two households which are linked households in relation to each other are to be treated as a single household.

## PART 2

### Closure of, and restrictions on, businesses

#### **Requirement to close premises and businesses**

- 8.—**(1) A person responsible for carrying on a restricted business, or providing a restricted service, in the Step 2 area must cease to carry on that business or provide that service.
- (2) Where a restricted business or restricted service forms, or is provided as, part of a larger business and that larger business is not itself a restricted business, the person responsible for carrying on the larger business complies with the requirement in sub-paragraph (1) by closing down the restricted business or by ceasing to provide the restricted service.
- (3) The requirement in sub-paragraph (1) is subject to the exceptions in paragraph 10.
- (4) In this paragraph “restricted business” and “restricted service” means a business or service which—
- (a) is of a kind specified in paragraph 13(2) or (5), or
  - (b) is carried on from, or provided at, premises of a kind specified in paragraph 13(2) or (5).
- (5) For the purposes of this Part of this Schedule, premises are in the Step 2 area if any part of the premises is in the Step 2 area.

#### **Restrictions on service of food and drink for consumption on the premises**

- 9.—**(1) A person responsible for carrying on a restricted business, or providing a restricted service, in the Step 2 area, must—
- (a) close any indoor premises, or indoor part of the premises, in which food or drink are provided for consumption on those premises, and
  - (b) cease providing food or drink for consumption indoors on its premises.
- (2) The requirement in sub-paragraph (1)—
- (a) does not require the closure of toilets, baby changing rooms or breast feeding rooms,
  - (b) does not prevent customers entering any indoor premises which do not serve alcohol—
    - (i) to order food or drinks, or
    - (ii) to pay for food and drink, and
  - (c) is subject to the exceptions in paragraphs 10 and 11.

(3) For the purposes of sub-paragraph (1), food or drink provided by a hotel or other accommodation as part of room service is not to be treated as being provided for consumption on its premises.

(4) A person responsible for carrying on a restricted business, or providing a restricted service, in the Step 2 area which serves alcohol for consumption on the premises may sell food or drink for consumption on the premises only if—

- (a) the food or drink is ordered by, and served to, a customer who is seated outdoors on the premises, and
- (b) the person takes all reasonable steps to ensure that the customer remains seated outdoors whilst consuming the food or drink on the premises.

(5) A person responsible for carrying on a restricted business, or providing a restricted service, in the Step 2 area and which does not serve alcohol for consumption on the premises may sell food or drink for consumption on the premises only if the person takes all reasonable steps to ensure that the customer remains seated outdoors whilst consuming the food or drink on the premises.

(6) For the purposes of sub-paragraphs (1), (4) and (5), references to food or drink being for consumption on premises include a reference to consumption on an area adjacent to the premises of the restricted business or restricted service—

- (a) where seating is made available for its customers (whether or not by the business or the provider of the service), or
- (b) which its customers habitually use for consumption of food or drink served by the business or service.

(7) Sub-paragraph (6) does not apply where the restricted business or services is situated or provided—

- (a) at a motorway service area, or
- (b) within a part of—
  - (i) an airport or maritime port, or
  - (ii) the international rail terminal area within the vicinity of Cheriton, Folkestone (as referred to in section 1(7)(b) of the Channel Tunnel Act 1987(106)),and that part of the airport, maritime port or terminal area is accessible to passengers, crew or other authorised persons but not to members of the general public.

(8) Notwithstanding sub-paragraph (7), a person responsible for carrying on a restricted business, or providing a restricted service at a motorway service area in the Step 2 area which serves alcohol for consumption on the premises, may only serve alcohol for consumption on the premises if—

- (a) the alcohol is ordered by, and served to, a customer who is seated outdoors on the premises, and
- (b) the person takes all reasonable steps to ensure that the customer remains seated outdoors whilst consuming the alcohol on the premises.

(9) Where a restricted business or restricted service (“business A”) forms, or is provided as, part of a larger business (“business B”) and business B is not itself a restricted business, the person responsible for carrying on business B complies with the requirement in sub-paragraph (1), (4) or (5) if that person complies with the requirement in relation to business A.

(10) In this paragraph, “restricted business” and “restricted service” mean a business or service which—

- (a) is of a kind specified in paragraph 13(4), or

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(106) 1987 c. 53.

(b) is carried on from, or provided at, premises of a kind specified in paragraph 13(4).

### Exceptions to paragraph 8 and 9

10.—(1) Paragraph 8(1) and 9(1) do not prevent the use of—

- (a) any premises used for a restricted business or restricted service—
    - (i) to provide essential voluntary 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;
    - (ii) for the purposes of voting, counting of votes or activities ancillary to voting or the counting of votes in an election or a referendum which is held—
      - (aa) in accordance with provision made by or under an Act, or
      - (bb) in accordance with the laws or regulations of another country or territory outside the United Kingdom, but in respect of which arrangements are made by a consular post or diplomatic mission in the United Kingdom for persons eligible to vote in that election or referendum to vote in the United Kingdom;
  - (b) any premises used for the making of a film, television programme, audio programme or audio-visual advertisement;
  - (c) facilities for training or competition by elite sportspersons, including trampoline parks, indoor skating rinks and snooker or pool halls;
  - (d) indoor skating rinks, for—
    - (i) professional dancers or choreographers, and for this purpose a person is a professional dancer or choreographer if the person derives their living from dance or from choreographing dance,
    - (ii) education or training of a kind mentioned in paragraph 4(5),
    - (iii) supervised activities for children or other persons under the age of 18 on 31st August 2020, or
    - (iv) persons having a disability;
  - (e) theatres and concert halls for—
    - (i) education or training of a kind mentioned in paragraph 4(5),
    - (ii) rehearsal, or
    - (iii) performance without an audience for broadcast or recording purposes.
- (2) Paragraph 8(1) does not prevent the use of indoor play areas, indoor play centres and indoor trampoline parks by persons who have a disability.
- (3) Paragraph 8(1) does not prevent the use of indoor trampoline parks for—
- (a) education and training of a kind mentioned in paragraph 4(5), or
  - (b) supervised activities for children or other persons under the age of 18 on 31st August 2020.
- (4) Paragraph 8(1) does not prevent a person responsible for carrying on a restricted business or providing a restricted service (“the closed business”), from—
- (a) carrying on a business which is not a restricted business, or providing services which are not restricted services—
    - (i) in premises which are separate from the premises used for the closed business,
    - (ii) by making deliveries or otherwise providing services in response to orders received—
      - (aa) through a website, or otherwise by online communication,



- (bb) by telephone, including orders by text message, or
  - (cc) by post, or
  - (iii) to a purchaser who collects goods that have been pre-ordered by a means mentioned in paragraph (ii), provided the purchaser does not enter inside the premises used for the closed business to do so, or
  - (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 premises used for the closed business.
- (5) Paragraphs 8(1) and 9(1) do not prevent the use of any premises which are permitted to open by a direction made by the Secretary of State under regulation 9, for purposes specified in that direction.
- (6) For the purposes of sub-paragraph (4), a premises, café or restaurant (“PCR”) is separate from premises used for the closed business if—
- (a) the PCR is in a self-contained unit, and
  - (b) it is possible for a member of the public to enter the PCR from a place outside the premises used for the closed business.

### **Exceptions to paragraph 9**

**11.**—(1) Paragraph 9(1) does not prevent the person responsible for carrying on a restricted business, or providing a restricted service of a kind specified in paragraph 13(4) from selling food or drink for consumption off the premises.

(2) Paragraph 9(1) does not prevent the person responsible for a carrying on a restricted business, or providing a restricted service, of a kind specified in paragraph 13(4)(a) to (d), from carrying on that business, or providing that service, if—

- (a) the business or service is carried on or provided in an aircraft, train or vessel,
- (b) the aircraft, train or vessel is providing a public transport service, and
- (c) alcohol is not served in the carrying on of the business, or the provision of the service, concerned (subject to sub-paragraph (3)(b)).

(3) In sub-paragraph (2)—

- (a) “public transport service” has the meaning given by regulation 2(2) of the Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020(107), but for these purposes does not include a service provided primarily for dining or other recreational purposes;
- (b) paragraph (c) does not apply in respect of the service of alcohol to persons who are seated on an aircraft.

(4) Where a restricted business or a restricted service of a kind specified in paragraph 13(4) (a) or (b) is being carried on or provided as part of an extra care housing scheme, paragraph 9(1) does not prevent the person responsible for carrying on that business, or providing that service, from providing food or drink for consumption on the premises indoors by a relevant person where it is reasonably necessary to do so to safeguard the mental or physical health of the relevant person.

(5) For the purposes of sub-paragraph (4) and this sub-paragraph—

- (a) “extra care housing scheme” means a scheme—
  - (i) that provides accommodation intended for occupation by adults with needs for care and support (“designated extra care accommodation”), and

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- (ii) with an on-site care service;
- (b) “relevant person” means, in relation to a business or service carried on or provided as part of an extra care housing scheme, a resident of the designated extra care accommodation;
- (c) “on-site care service” means regulated personal or nursing care provided to residents as part of the scheme by—
  - (i) the extra care housing scheme provider, or
  - (ii) another registered care provider who maintains an on-site presence pursuant to an agreement with either or both of the extra care housing scheme provider or the local social services authority for the area in which the scheme is situated;
- (d) “registered care provider” means a person registered as a service provider in respect of regulated personal or nursing care in accordance with Chapter 2 of Part 1 of the Health and Social Care Act 2008(108);
- (e) “local social services authority” means—
  - (i) the council of—
    - (aa) a non-metropolitan county,
    - (bb) a non-metropolitan district for which there is no county council,
    - (cc) a county borough, or
    - (dd) a metropolitan district or London borough,
  - (ii) the Common Council of the City of London, or
  - (iii) the Council of the Isles of Scilly.

(6) Paragraphs 9(4) and (5) do not apply in relation to any premises for which those provisions are disapplied in a direction made by the Secretary of State under regulation 9.

(7) For the purposes of sections 172F to 172J of the Licensing Act 2003(109), where a restricted business or restricted service is carried on from, or provided at, licensed premises, the premises are to be treated as open for the purposes of selling alcohol at any time when the premises licence for those premises would, but for sub-paragraph (1), authorise the sale by retail of alcohol for consumption on the premises.

### **Closure of holiday accommodation**

**12.—**(1) Subject to sub-paragraphs (2) to (5), a person responsible for carrying on a business consisting of the provision of holiday accommodation situated in the Step 2 area, whether in a hotel, hostel, bed and breakfast accommodation, holiday apartment, home, cottage or bungalow, campsite, caravan park or boarding house, canal boat or any other vessel must cease to carry on that business.

(2) A person referred to in sub-paragraph (1) may continue to carry on their business and keep any premises used in that business open—

- (a) to provide accommodation for any person, who—
  - (i) is unable to return to their main residence;
  - (ii) uses that accommodation as their main residence;
  - (iii) needs accommodation for the purposes of a house move;
  - (iv) needs accommodation to attend a funeral, or following a bereavement of a close family member or friend;

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(108) 2008 c. 14.

(109) 2003 c. 17. Sections 172F to 172J were inserted by the Business and Planning Act 2020 (c. 16).

- (v) needs accommodation to attend a commemorative event to celebrate the life of a person who has died;
  - (vi) needs accommodation to attend a medical appointment, or to receive treatment;
  - (vii) needs accommodation for the purposes of access to, and contact between, parents and a child where the child does not live in the same household as their parents or one of their parents;
  - (viii) is a carer of a vulnerable person or a person who has a disability and needs respite;
  - (ix) is isolating themselves from others as required by law;
  - (x) is an elite athlete or the coach of an elite athlete and needs accommodation for the purposes of training or competition or, where an elite athlete is a child, their parent;
  - (xi) needs accommodation to visit a person who is dying,
- (b) to provide accommodation for any person who needs accommodation for the purposes of their work, or to provide voluntary or charitable services,
  - (c) to provide accommodation for any person who needs accommodation for the purposes of education or training of a kind mentioned in paragraph 4(5) or, where that person is a child, their parent,
  - (d) to provide accommodation for the purposes of a women's refuge or a vulnerable persons' refuge,
  - (e) to provide accommodation or support services for the homeless,
  - (f) to provide accommodation for any person who is staying there in order to provide care or assistance to a vulnerable person or a person who has a disability who is staying in the same accommodation,
  - (g) to host blood donation sessions or food banks, or
  - (h) for any purpose requested by the Secretary of State or a local authority.
- (3) Sub-paragraph (1) does not prevent the use of any accommodation for the purposes of voting, counting of votes or activities ancillary to voting or the counting of votes in an election or a referendum which is held—
- (a) in accordance with provision made by or under an Act, or
  - (b) in accordance with the laws or regulations of another country or territory outside the United Kingdom, but in respect of which arrangements are made by a consular post or diplomatic mission in the United Kingdom for persons eligible to vote in that election or referendum to vote in the United Kingdom.
- (4) Sub-paragraph (1) does not prevent the person responsible for carrying on the business of providing accommodation from offering any business or providing any service from those premises which is not a restricted business or service for the purposes of this Part of this Schedule.
- (5) Holiday accommodation referred to in sub-paragraph (1) may continue to be provided if that accommodation is provided—
- (a) in a campsite or caravan park, provided that the only shared facilities used by guests at the campsite or caravan park are washing facilities, toilets, water points and waste disposal points, or
  - (b) in separate and self-contained premises.
- (6) Premises are separate and self-contained for the purposes of this paragraph only if—
- (a) they are provided for persons who are —
    - (i) members of the same household, or

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- (ii) members of two households which are linked households in relation to each other, and
- (b) none of the following are shared with the members of any other household—
  - (i) kitchens,
  - (ii) sleeping areas,
  - (iii) bathrooms, or
  - (iv) indoor communal areas.
- (7) In this paragraph—
  - (a) a reception area is not to be treated as a shared facility for the purposes of sub-paragraph (5) (a), or an indoor communal area for the purposes of sub-paragraph (6)(b);
  - (b) “communal areas” includes in particular corridors, lifts and staircases used to access premises contained in part of a building, lounges or sitting areas.

**Restricted business and services for purposes of this Part**

**13.—**(1) The restricted businesses and restricted services for the purposes of this Part of this Schedule are those falling within sub-paragraph (2), (4) or (5).

- (2) The following businesses and services fall within this sub-paragraph—
  - (a) nightclubs;
  - (b) dance halls;
  - (c) discotheques;
  - (d) any other venue (not falling within paragraph (a), (b) or (c)) which—
    - (i) opens at night,
    - (ii) 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
    - (iii) provides music, whether live or recorded, for dancing;
  - (e) sexual entertainment venues;
  - (f) hostess bars;
  - (g) any business which provides, whether for payment or otherwise—
    - (i) a waterpipe to be used for the consumption of tobacco or any other substance on the premises, or
    - (ii) a device to be used for the recreational inhalation of nicotine or any other substance on the premises.
- (3) A business or service does not fall within sub-paragraph (2)(b), (c) or (d) if it ceases to provide music and dancing.
- (4) The following businesses and services fall within this sub-paragraph—
  - (a) restaurants, including restaurants and dining rooms in hotels or members’ clubs;
  - (b) cafes, including workplace canteens, but not including—
    - (i) cafes or canteens at a hospital or care home,
    - (ii) cafes or canteens at a school, a provider of post-16 education or training (as defined in paragraph (e) of the definition of “relevant institution” in paragraph 1(8) of Schedule 17 to the Coronavirus Act 2020) or educational accommodation for students attending higher education courses,

- (iii) cafes or canteens at a higher education provider, where there is no practical alternative for staff and students at that institution to obtain food or drink, and alcohol is not served for consumption on the premises,
  - (iv) canteens at criminal justice accommodation, immigration detention accommodation or an establishment intended for use for Her Majesty's armed forces or for the purposes of the Department of the Secretary of State responsible for defence,
  - (v) workplace canteens where there is no practical alternative for staff at that workplace to obtain food or drink and alcohol is not served for consumption on the premises, or
  - (vi) services providing food or drink to the homeless;
  - (c) bars, including bars in hotels or members' clubs;
  - (d) public houses;
  - (e) social clubs.
- (5) The following businesses and services fall within this sub-paragraph—
- (a) indoor play areas and indoor play centres, including soft play centres, soft play areas, trampoline parks and inflatable parks;
  - (b) casinos;
  - (c) bingo halls;
  - (d) bowling alleys;
  - (e) snooker and pool halls;
  - (f) amusement arcades and adult gaming centres;
  - (g) laser quest and escape rooms;
  - (h) cinemas, except drive-in cinemas;
  - (i) theatres, except drive in theatres;
  - (j) concert halls;
  - (k) indoor skating rinks;
  - (l) circuses, except drive in circuses;
  - (m) indoor attractions at—
    - (i) water parks and aqua parks;
    - (ii) theme parks, fairgrounds and funfairs;
    - (iii) adventure parks and activities;
    - (iv) aquariums and zoos, including safari parks;
    - (v) animal attractions at farms, wildlife centres and any other place where animals are exhibited to the public as an attraction;
    - (vi) botanical or other gardens, biomes or greenhouses;
    - (vii) stately or historic homes, castles or other heritage sites;
    - (viii) museums and galleries but not including retail galleries where the majority of the art on display is for sale;
    - (ix) sculpture parks;
    - (x) landmarks, including observation wheels or viewing platforms;
    - (xi) model villages;
    - (xii) visitor attractions at film studios;

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- (n) conference centres and exhibition halls, so far as they are used to host conferences, exhibitions, trade shows, private dining events or banquets, other than conferences, trade shows or events which are attended only by employees of the person who owns or is responsible for running the conference centre or exhibition hall;
  - (o) saunas and steam rooms.
- (6) For the purposes of sub-paragraph (5)(m), an “indoor attraction” means those parts of a venue, including visitor centres but not including toilets, baby changing rooms and breast feeding rooms 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.
- (7) For the purposes of sub-paragraph (5)(n), 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 or other members of the industry.

## SCHEDULE 3

Regulation 7(3)

### Step 3

## PART 1

### Restrictions on gatherings

#### **Participation in gatherings**

- 1.—(1) No person may participate in a gathering in the Step 3 area which—
- (a) consists of more than six people, and
  - (b) takes place indoors.
- (2) Sub-paragraph (1) does not apply if any of the exceptions set out in paragraph 3 or 4 apply.
- (3) No person may participate in a gathering in the Step 3 area which—
- (a) consists of more than 30 people, and
  - (b) takes place outdoors.
- (4) Sub-paragraph (3) does not apply if any of the exceptions set out in paragraph 3 apply.
- (5) For the purposes of this Part of this Schedule, a gathering takes place in the Step 3 area if any part of the place where it takes place is in the Step 3 area.

#### **Organisation or facilitation of gatherings**

- 2.—(1) No person may hold, or be involved in the holding of, a relevant gathering in the Step 3 area.
- (2) For the purposes of sub-paragraph (1) a person who only participates in a gathering by attending it is not to be taken as being involved in the holding of the gathering.

(3) A gathering is a “relevant gathering” for the purposes of this paragraph if it falls within sub-paragraph (4) or (5).

(4) A gathering falls within this sub-paragraph if it—

- (a) consists of more than 30 persons,
- (b) takes place indoors, and
- (c) would be a gathering of the kind mentioned in section 63(1) of the Criminal Justice and Public Order Act 1994(110) (powers to remove persons attending or preparing for a rave) if it took place in the open air.

(5) A gathering falls within this sub-paragraph if it does not fall within sub-paragraph (4) and it—

- (a) consists of more than 30 persons,
- (b) takes place—
  - (i) in a private dwelling,
  - (ii) on a vessel, or
  - (iii) on land which satisfies the condition in sub-paragraph (6), and
- (c) is not a gathering in relation to which any of the exceptions set out in paragraph 3 (so far as capable of applying to the gathering) apply.

(6) Land satisfies the condition in this sub-paragraph if it is a public outdoor place which is not—

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

(7) In sub-paragraph (5)(b)(ii) “vessel” does not include government vessels, vessels used for public transport or houseboats.

(8) In applying for the purposes of sub-paragraph (5)(c) the exceptions set out in paragraph 3, the following do not apply—

- (a) paragraph 3(2)(a), so far as relating to gatherings in public outdoor places operated by public bodies, and
- (b) paragraph 3(2)(b).

### **General exceptions relating to gatherings**

**3.—**(1) The exceptions referred to in paragraphs 1 and 2(5)(c) are the following.

#### *Exception 1: permitted organised gatherings*

(2) Exception 1 is that—

- (a) the gathering is a permitted organised gathering, and
- (b) the person concerned participates in the gathering alone or as a member of a qualifying group (see paragraph 5(2)).

#### *Exception 2: education and training*

(3) Exception 2 is that the gathering is reasonably necessary for the purposes of—

- (a) early years provision;
- (b) educational activities of a school;
- (c) a course of study or essential life skills training provided by—

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(110) 1994 c. 33.

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- (i) a 16 to 19 Academy,
- (ii) a provider of further education, or
- (iii) a higher education provider;
- (d) activities relating to residing at a school, a 16 to 19 Academy or a provider of further education;
- (e) provision specified in an education, health and care plan;
- (f) the suitable education of a child otherwise than by regular attendance at school arranged by a parent in accordance with section 7 of the Education Act 1996 (and for this purpose “suitable education” has the meaning given by section 436A(3) of the Education Act 1996);
- (g) the suitable education of a child otherwise than by regular attendance at school arranged by—
  - (i) a local authority, as defined by section 579(1) of the Education Act 1996, in accordance with section 19 of that Act, or
  - (ii) the proprietor of a school at which the child is a registered pupil, including where the arrangements are made in connection with section 29A of the Education Act 2002<sup>(111)</sup> or section 100 of the Education and Inspections Act 2006<sup>(112)</sup>,  
(and for this purpose “suitable education” has the meaning given by section 19(6) of the Education Act 1996);
- (h) activities provided by a business, a charitable, benevolent or philanthropic institution or a public body for the purposes of—
  - (i) obtaining a regulated qualification, within the meaning of section 130 of the Apprenticeships, Skills, Children and Learning Act 2009<sup>(113)</sup>, or
  - (ii) meeting all or part of the entry requirements for an educational institution;
- (i) preparing for work through a skills programme consisting of—
  - (i) a work experience placement, or
  - (ii) work preparation training;
- (j) applying for, and obtaining, work;
- (k) meeting a requirement for a particular area of work;
- (l) professional training that is working towards an external accreditation recognised by a professional body;
- (m) exams and assessments carried out in connection with any of the matters mentioned in paragraphs (a) to (l).

*Exception 3: gatherings necessary for certain purposes*

- (4) Exception 3 is that the gathering is reasonably necessary—
  - (a) for work purposes or for the provision of voluntary or charitable services;
  - (b) to provide emergency assistance;
  - (c) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm;

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<sup>(111)</sup> 2002 c. 32. Section 29A was inserted by section 154 of the Education and Skills Act 2008 (c. 25).

<sup>(112)</sup> 2006 c. 40.

<sup>(113)</sup> 2009 c. 22.



- (d) to provide care or assistance to a vulnerable person or to a person who has a disability, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006(**114**);
- (e) for the purposes of a house move.

*Exception 4: legal obligations and proceedings*

(5) Exception 4 is that the person concerned is fulfilling a legal obligation or participating in legal proceedings.

*Exception 5: criminal justice accommodation and immigration detention accommodation*

(6) Exception 5 is that the gathering takes place in criminal justice accommodation or in immigration detention accommodation.

*Exception 6: elite sports*

- (7) Exception 6 is that—
  - (a) 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
  - (b) the gathering is necessary for training or competition.

*Exception 7: other sports*

- (8) Exception 7 is that the person concerned is participating in a gathering—
  - (a) which is organised by a business, a charitable, benevolent or philanthropic institution or a public body for the purposes of allowing persons who are not elite sportspersons to take part in any sport or other fitness related activity, and
  - (b) in respect of which the organiser or manager takes the required precautions.
- (9) Sub-paragraph (8) does not permit spectators, including the parent of a child participating in the gathering, to attend the gathering.

*Exception 8: outdoor activities*

- (10) Exception 8 is that the gathering takes place outdoors (whether or not in a public outdoor place) and—
  - (a) it is for the purposes of a relevant outdoor activity, and
  - (b) the gathering organiser takes the required precautions in relation to the gathering.

*Exception 9: children*

- (11) Exception 9 is that the gathering is reasonably necessary—
  - (a) 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;
  - (b) for the purposes of arrangements for contact between siblings where they do not live in the same household and one or more of them is—
    - (i) a child looked after by a local authority, within the meaning of section 22 of the Children Act 1989(**115**), or
    - (ii) a relevant child, within the meaning of section 23A(**116**) of that Act;

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(114) 2006 c. 47. Paragraph 7(1) to (3E) were substituted for paragraph 7(1) to (3) by section 66(2) of the Protection of Freedoms Act 2012 (c. 9).

(115) 1989 c. 41.

(116) Section 23A was inserted by the Children (Leaving Care) Act 2000 (c. 35).

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- (c) for the purposes of arrangements for prospective adopters (including their household) to meet a child or children who may be placed with the prospective adopters as provided for by an adoption placement plan drawn up in accordance with the Adoption Agencies Regulations 2005<sup>(117)</sup> (see regulation 35(2) of those Regulations);
- (d) for the purposes of placing children, or facilitating children being placed, in the care of another person by social services, whether on a temporary or permanent basis;
- (e) for the purposes of—
  - (i) later years provision, within the meaning of section 96(6) of the Childcare Act 2006<sup>(118)</sup>, or
  - (ii) supervised activities for children or other persons who were under the age of 18 on 31st August 2020;
- (f) for the purposes of informal childcare, for children aged 13 or under, provided by a member of a household to a member of their linked childcare household.

*Exception 10: students and vacation households*

(12) Exception 10 is that the gathering is reasonably necessary to enable a student who is undertaking a higher education course on 29th March 2021—

- (a) to move on one occasion from their student household on or after that date but before 29th April 2021 to one other household (“vacation household”) for the purposes of a vacation, or
  - (b) to return to their term time accommodation after a vacation, or any earlier vacation during which the student returned home as permitted under the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020<sup>(119)</sup>.
- (13) For the purposes of these Regulations—
- (a) a student who has moved to a vacation household is to be treated as a member of that household (and not as a member of their student household) until the date on which they return to their student household;
  - (b) the inclusion of a student in a vacation household is to be ignored in determining whether that household satisfies the condition in regulation 3(2).

*Exception 11: picketing*

(14) Exception 11 is that—

- (a) the gathering is for the purposes of picketing which is carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992<sup>(120)</sup>, and
- (b) the gathering organiser takes the required precautions in relation to the gathering.

*Exception 12: protests*

(15) Exception 12 is that the gathering is for the purposes of protest and—

- (a) it has been organised by a business, a charitable, benevolent or philanthropic institution, a public body or a political body, and
- (b) the gathering organiser takes the required precautions in relation to the gathering.

*Exception 13: observing an election or referendum*

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<sup>(117)</sup> S.I. 2005/389.  
<sup>(118)</sup> 2006 c. 21.  
<sup>(119)</sup> S.I. 2020/1374.  
<sup>(120)</sup> 1992 c. 52.

(16) Exception 13 is that the gathering is reasonably necessary for the purposes of observing voting, opening postal votes or counting votes, in an election or a referendum held in accordance with provision made by or under an Act, and where such observation is in accordance with provision made by or under an Act.

*Exception 14: Secretary of State's direction*

(17) Exception 14 is that the gathering is permitted by a direction made by the Secretary of State under regulation 9.

**Exceptions in relation to indoor gatherings**

4.—(1) These are the exceptions relating only to indoor gatherings.

*Exception 1: two households or linked households*

(2) Exception 1 is that all the people in the gathering are members of no more than two households.

(3) For these purposes two households which are linked households in relation to each other are to be treated as a single household.

(4) For the purposes of these Regulations, a person who has been released on temporary licence is to be treated as a member of the household living at the address identified on the licence.

*Exception 2: support groups*

(5) Exception 2 is that—

(a) the gathering—

(i) is of a support group,

(ii) consists of no more than 15 persons, and

(iii) takes place at premises other than a private dwelling, and

(b) it is reasonably necessary for members of the group to be physically present at the gathering.

(6) In determining whether the limit in sub-paragraph (5)(a)(ii) is complied with, no account is to be taken of any child who is below the age of five.

*Exception 3: marriages and civil partnerships etc*

(7) Exception 3 is that the gathering meets the conditions in sub-paragraph (8) or (9).

(8) A gathering meets the conditions in this sub-paragraph if it consists of no more than 30 persons and—

(a) the gathering is for the purposes of—

(i) the solemnisation of a marriage, formation of a civil partnership or conversion of a civil partnership into a marriage, in accordance with the Marriage Act 1949(121), the Marriage (Registrar General's Licence) Act 1970(122), the Civil Partnership Act 2004(123), or the Marriage (Same Sex Couples) Act 2013(124), or

(ii) an alternative wedding ceremony,

(b) in the case of an alternative wedding ceremony, the gathering takes place—

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(121) 1949 c. 76.

(122) 1970 c. 34.

(123) 2004 c. 33.

(124) 2013 c. 30.

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- (i) at premises, other than a private dwelling, which are operated by a business, a charitable, benevolent or philanthropic institution or a public body, or
  - (ii) 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, and
  - (c) the gathering organiser or manager takes the required precautions in relation to the gathering.
- (9) A gathering meets the conditions in this sub-paragraph if it consists of no more than 30 persons and—
- (a) the gathering is for the purposes of—
    - (i) the solemnisation of a marriage in accordance with the Marriage (Registrar General’s Licence) Act 1970,
    - (ii) the solemnisation of a marriage by special licence under the Marriage Act 1949, where at least one of the parties to the marriage is seriously ill and not expected to recover,
    - (iii) the formation of a civil partnership under the special procedure provided for in Chapter 1 of Part 2 of the Civil Partnership Act 2004,
    - (iv) the conversion of a civil partnership to a marriage under the special procedure provided for in regulation 9 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014(125), or
    - (v) an alternative wedding ceremony, where at least one of the parties to the marriage is seriously ill and not expected to recover,
  - (b) the gathering takes place—
    - (i) at a private dwelling,
    - (ii) at premises which are operated by a business, a charitable, benevolent or philanthropic institution or a public body, or
    - (iii) at premises which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body,
  - (c) it is not reasonably practicable for the gathering to take place in accordance with sub-paragraph (8), and
  - (d) the gathering organiser or manager takes the required precautions in relation to the gathering.
- (10) In sub-paragraph (8) and (9), a gathering is for the purposes of an “alternative wedding ceremony” if it is for the purposes of a ceremony, including a ceremony based on a person’s faith or belief or lack of belief, to mark the union of two people, other than a ceremony conducted for a purpose mentioned in sub-paragraph (8)(a)(i), or (9)(a)(i) to (iv).

*Exception 4: wedding and civil partnership receptions*

- (11) Exception 4 is that the gathering is for the purposes of a wedding reception, a reception following the formation of a civil partnership or a reception following the conversion of a civil partnership into a marriage and—
- (a) it consists of no more than 30 persons,
  - (b) it takes place in premises other than a private dwelling, and

- (c) the gathering organiser or manager takes the required precautions in relation to the gathering.

*Exception 5: funerals*

- (12) Exception 5 is that—
  - (a) the gathering is for the purposes of a funeral,
  - (b) the gathering consists of no more than 30 persons,
  - (c) the gathering takes place—
    - (i) at premises, other than a private dwelling, which are operated by a business, a charitable, benevolent or philanthropic institution or a public body, or
    - (ii) 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, and
  - (d) the gathering organiser or manager takes the required precautions in relation to the gathering.

*Exception 6: commemorative event following a person's death*

- (13) Exception 6 is that—
  - (a) the gathering is for the purposes of a commemorative event to celebrate the life of a person who has died (for example, a wake or stone setting ceremony),
  - (b) the gathering consists of no more than 30 persons,
  - (c) the gathering takes place at premises other than a private dwelling, and
  - (d) the gathering organiser or manager takes the required precautions in relation to the gathering.

*Exception 7: significant event celebration*

(14) Exception 7 is that the gathering is for the purposes of a ceremony, rite or ritual to mark or celebrate a significant milestone in a person's life, according to their religion or belief, such as an event to celebrate a rite of passage or entry into a particular faith (other than a birthday) or coming of age, and—

- (a) it consists of no more than 30 persons,
  - (b) it takes place—
    - (i) at premises, other than a private dwelling, which are operated by a business, a charitable, benevolent or philanthropic institution or a public body, or
    - (ii) 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, and
  - (c) the manager or the gathering organiser, takes the required precautions in relation to the gathering.
- (15) In sub-paragraph (14), a reference to belief includes a reference to lack of belief.

*Exception 8: parent and child groups*

- (16) Exception 8 is that the gathering—
  - (a) is of a parent and child group which is organised by a business, a charitable, benevolent or philanthropic institution or a public body for the benefit of children under the age of five, and—

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(b) consists of no more than 15 persons.

(17) In determining whether the limit in sub-paragraph (16)(b) is complied with, no account is to be taken of any child who is below the age of five.

### **Qualifying groups**

5.—(1) A person participates in a gathering as a member of a qualifying group for the purpose of paragraph 3(2) only if the person is a part of a qualifying group and, whilst participating in the gathering, the person does not—

- (a) become a member of any other group of persons participating in the gathering (whether or not that group is a qualifying group), or
- (b) otherwise mingle with any person who is participating in the gathering but is not a member of the same qualifying group as them.

(2) In sub-paragraph (1) “qualifying group”, in relation to a gathering, means—

- (a) in the application of this paragraph for the purposes of indoor gatherings, a group of people who are participating in that gathering and which—
  - (i) consists of no more than 6 persons, or
  - (ii) consists of the members of no more than two households;
- (b) in the application of this paragraph for the purposes of outdoor gatherings, a group of people who are participating in that gathering and which consists of no more than 30 persons.

(3) For the purposes of sub-paragraph (2)(a)(ii), two households which are linked households in relation to each other are to be treated as a single household.

## **PART 2**

### **Closure of, and restrictions on, businesses**

#### **Requirement to close premises and businesses**

6.—(1) A person responsible for carrying on a restricted business, or providing a restricted service, in the Step 3 area must cease to carry on that business or provide that service.

(2) Where a restricted business or restricted service forms, or is provided as, part of a larger business and that larger business is not itself a restricted business, the person responsible for carrying on the larger business complies with the requirement in sub-paragraph (1) by closing down the restricted business or by ceasing to provide the restricted service.

(3) The requirement in sub-paragraph (1) is subject to the exceptions in paragraph 8.

(4) In this paragraph “restricted business” and “restricted service” means a business or service which—

- (a) is of a kind specified in paragraph 9(1), or
- (b) is carried on from, or provided at, premises of a kind specified in paragraph 9(1).

(5) For the purposes of this Part of this Schedule, premises are in the Step 3 area if any part of the premises is in the Step 3 area.

### **Restrictions on service of food and drink for consumption on the premises**

7.—(1) A person responsible for carrying on a restricted business, or providing a restricted service, in the Step 3 area which serves alcohol for consumption on the premises may sell food or drink for consumption on the premises only if—

- (a) the food or drink is ordered by, and served to, a customer who is seated on the premises, and
- (b) the person takes all reasonable steps to ensure that the customer remains seated whilst consuming the food or drink on the premises.

(2) A person responsible for carrying on a restricted business, or providing a restricted service, in the Step 3 area which does not serve alcohol for consumption on the premises may sell food or drink for consumption on the premises only if the person takes all reasonable steps to ensure that the customer remains seated whilst consuming the food or drink on the premises.

(3) For the purposes of sub-paragraphs (1) and (2), an area adjacent to the premises of the restricted business or restricted service, where seating is made available for its customers (whether or not by the business or the provider of the service), or which its customers habitually use for consumption of food or drink served by the business or service, is to be treated as part of the premises of that business or service.

(4) Sub-paragraph (3) does not apply where the restricted business or services is situated or are provided—

- (a) at a motorway service area, or
- (b) within a part of—
  - (i) an airport or maritime port, or
  - (ii) the international rail terminal area within the vicinity of Cheriton, Folkestone (as referred to in section 1(7)(b) of the Channel Tunnel Act 1987(**126**)),

and that part of the airport, maritime port or terminal area is accessible between the restricted hours to passengers, crew or other authorised persons but not to members of the general public.

(5) Where a restricted business or restricted service (“business A”) forms part of a larger business (“business B”)—

- (a) sub-paragraph (1)(a) does not apply to the service of food or drink if the condition in sub-paragraph (6) is met;
- (b) the person responsible for carrying on business B otherwise complies with the requirement in sub-paragraph (1) or (2) if that person complies with the requirement in relation to business A.

(6) The condition in this sub-paragraph is met (subject to sub-paragraph (7)) if—

- (a) business B is a cinema, theatre, concert hall or sportsground,
- (b) the food or drink is ordered by a customer who has a ticket for an exhibition of a film, a performance or an event of training or competition at the venue, and
- (c) the food or drink is served to the customer to consume in the area where the audience is seated at the venue to watch the exhibition, performance or event.

(7) The condition in sub-paragraph (6) is not satisfied where a customer has a seat in a corporate box.

(8) In this paragraph “restricted business” and “restricted service” means a business or service which—

- (a) is of a kind specified in paragraph 9(3), or

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(b) is carried on from, or provided at, premises of a kind specified in paragraph 9(3).

(9) Paragraphs (1) and (2) do not apply in relation to any premises for which they are disapplied in a direction made by the Secretary of State under regulation 9.

### **Exceptions from paragraph 6(1)**

8.—(1) Paragraph 6(1) does not prevent the use of premises used for a restricted business or restricted service—

- (a) to provide essential voluntary 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;
- (b) for the purposes of voting, counting of votes or activities ancillary to voting or the counting of votes in an election or a referendum which is held—
  - (i) in accordance with provision made by or under an Act, or
  - (ii) in accordance with the laws or regulations of another country or territory outside the United Kingdom, but in respect of which arrangements are made by a consular post or diplomatic mission in the United Kingdom for persons eligible to vote in that election or referendum to vote in the United Kingdom.

(2) Paragraph 6(1) does not prevent the use of premises used for a restricted business or restricted service for the making of a film, television programme, audio programme or audio-visual advertisement.

(3) Paragraph 6(1) does not prevent the use of any premises permitted to open by a direction made by the Secretary of State under regulation 9, for any purposes specified in that direction.

(4) Paragraph 6(1) does not prevent a person responsible for carrying on a restricted business or providing a restricted service (“the closed business”) from—

- (a) carrying on a business which is not a restricted business, or providing services which are not restricted services, in premises which are separate from the premises used for the closed business;
- (b) carrying on a business of offering goods for sale or for hire by making deliveries or otherwise providing services in response to orders received—
  - (i) through a website, or otherwise by online communication,
  - (ii) by telephone, including orders by text message, or
  - (iii) by post;
- (c) operating a café or restaurant, if the café or restaurant is separate from the premises used for the closed business.

(5) For the purposes of sub-paragraph (4), a premises, café or restaurant (“PCR”) is separate from premises used for the closed business if—

- (a) the PCR is in a self-contained unit, and
- (b) it is possible for a member of the public to enter the PCR from a place outside those premises.

### **Restricted businesses and services for purposes of paragraph 6 and 7**

9.—(1) The following are restricted businesses and restricted services for the purposes of paragraph 6—

- (a) nightclubs;
- (b) dance halls;



- (c) discotheques;
  - (d) any other venue which—
    - (i) opens at night,
    - (ii) 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
    - (iii) provides music, whether live or recorded, for dancing;
  - (e) sexual entertainment venues;
  - (f) hostess bars;
  - (g) any business which provides, whether for payment or otherwise—
    - (i) a waterpipe to be used for the consumption of tobacco or any other substance on the premises, or
    - (ii) a device to be used for the recreational inhalation of nicotine or any other substance on the premises.
- (2) A business or service does not fall within sub-paragraph (1)(b), (c) or (d) if it ceases to provide music and dancing.
- (3) The restricted businesses and restricted services for the purposes of paragraph 7 are—
- (a) restaurants, including restaurants and dining rooms in hotels or members' clubs;
  - (b) cafes, including workplace canteens, but not including—
    - (i) cafes or canteens at a hospital, care home or school, a provider of post-16 education or training (as defined in paragraph (e) of the definition of “relevant institution” in paragraph 1(8) of Schedule 17 to the Coronavirus Act 2020), or educational accommodation for students attending higher education courses,
    - (ii) canteens at criminal justice accommodation, immigration detention accommodation 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, or
    - (iii) services providing food or drink to the homeless;
  - (c) bars, including bars in hotels or members' clubs;
  - (d) public houses;
  - (e) social clubs;
  - (f) casinos.

#### SCHEDULE 4

Regulation 7(4)

Step 1 area, Step 2 area and Step 3 area

### PART 1

#### Step 1 area

The areas of the following are within the Step 1 area—

Every area of England (including the territorial waters adjacent to England and the airspace above England and those territorial waters).

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## PART 2

### Step 2 area

The areas of the following are within the Step 2 area—

## PART 3

### Step 3 area

The areas of the following are within the Step 3 area—

## SCHEDULE 5

Regulation 8

### Reasonable excuses to travel outside the United Kingdom

**1.** Where P is travelling to a destination in the common travel area (unless that destination is not P's final destination).

**2.** Where it is reasonably necessary for a person ("P") to leave the United Kingdom for the purposes of P's work, if it is not reasonably possible for P to work from a location within the United Kingdom.

**3.** Where it is reasonably necessary for P to leave the United Kingdom to provide voluntary or charitable services, where it is not reasonably possible for those services to be provided from a location within the United Kingdom.

**4.** Where P is enrolled on a course of study—

(a) at an institution outside the United Kingdom on the date on which this Schedule came into force, and it is reasonably necessary for P to leave the United Kingdom to attend that course;

(b) at an educational institution in the United Kingdom, and—

(i) it is reasonably necessary for P to travel outside the United Kingdom to satisfy one or more requirements of their course of study, or

(ii) P needs to travel outside the United Kingdom to return home on one occasion on or after 29th March but before 29th April 2021 for the purposes of a vacation.

**5.** Where P is an elite sportsperson, a coach of an elite sportsperson, or (in the case of an elite sportsperson who is under the age of 18), a parent of the elite sportsperson, and it is reasonably necessary for P to leave the United Kingdom for the purposes of training or competition.

**6.** Where it is reasonably necessary for P to leave the United Kingdom to fulfil a legal obligation or to participate in legal proceedings.

**7.** Where it is reasonably necessary for P to leave the United Kingdom to undertake any of the following activities in connection with the purchase, sale, letting or rental of a residential property—

(a) visiting estate or letting agents, developer sales offices or show homes;

(b) viewing residential properties to look for a property to buy or to rent;

(c) preparing a residential property to move in;

(d) moving house;

- (e) to visit a residential property to undertake any activities required for the rental or sale of that property.
- 8.** Where it is reasonably necessary for P to leave the United Kingdom—
- (a) to seek medical assistance,
  - (b) to attend a clinical appointment,
  - (c) to avoid illness, injury or to escape a risk of harm,
  - (d) to attend an expectant mother giving birth (“M”), at M’s request, or
  - (e) to visit a person (“V”) receiving treatment in a hospital or staying in a hospice or care home, or to accompany V to a medical appointment and P is—
    - (i) a member of V’s household,
    - (ii) a close family member of V, or
    - (iii) a friend of V.
- 9.** Where it is reasonably necessary for P to leave the United Kingdom—
- (a) to provide care and assistance to a vulnerable person,
  - (b) to provide emergency assistance to any person,
  - (c) to visit a person (“D”) whom P reasonably believes is dying, and P is—
    - (i) a member of D’s household,
    - (ii) a close family member of D, or
    - (iii) a friend of D,
  - (d) to attend a funeral.
- 10.** Where it is reasonably necessary for P to leave the United Kingdom to attend a wedding or a civil partnership ceremony where—
- (a) P is one of the persons getting married or becoming civil partners, or a close family member of one of the persons getting married or becoming civil partners, and
  - (b) one or both of the persons getting married or becoming civil partners live outside the United Kingdom.
- 11.** Where it is reasonably necessary for P to leave the United Kingdom—
- (a) for the purposes of arrangements for access to, and contact between, parents and a child where the child does not live in the same country as their parents or one of their parents,
  - (b) for the purposes of arrangements for contact between siblings where they do not live in the same country and one or more of them—
    - (i) is a child looked after by a local authority, within the meaning of section 22 of the Children Act 1989, or a relevant child, within the meaning of section 23A of that Act, or
    - (ii) is a child having equivalent status under the law of a country outside the United Kingdom, or
  - (c) for the purposes of arrangements for prospective adopters (including their household) to meet a child or children who may be placed with the prospective adopters.
- 12.** Where it is reasonably necessary for P to travel outside the United Kingdom in order to vote in an election or a referendum being held in a state outside the United Kingdom, where it is not possible for P to vote in the United Kingdom.

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13. Where P is only in the United Kingdom on a temporary basis, and is not resident in the United Kingdom.

14. Where P is the child or dependent of a person who has a reasonable excuse to travel outside the United Kingdom, and it is not reasonably possible for alternative arrangements to be made for P's care.

## SCHEDULE 6

Regulation 8(3)

### Persons exempt from the restrictions on leaving the United Kingdom, and the requirement to have a travel declaration form

- 1.—(1) A person (“P”) who is—
- (a) a member of a diplomatic mission in the United Kingdom,
  - (b) a member of a consular post in the United Kingdom,
  - (c) an officer or servant of an international organisation,
  - (d) employed by an international organisation as an expert or on a mission,
  - (e) a representative to an international organisation,
  - (f) a representative at an international or United Kingdom conference who is granted privileges and immunities in the United Kingdom,
  - (g) a member of the official staff of a representative to an international organisation, or of a person falling within paragraph (f),
  - (h) described in paragraph (a) or (b) who is passing through the United Kingdom to commence or continue their functions at a diplomatic mission or consular post in another country or territory, or to return to the country of their nationality,
  - (i) a representative of a foreign country or territory travelling to the United Kingdom to conduct official business with the United Kingdom,
  - (j) a representative of the government of a British overseas territory,
  - (k) a diplomatic courier or a consular courier, or
  - (l) a member of the family forming part of the household of a person falling within any of paragraphs (a) to (k).
- (2) For the purposes of this paragraph—
- (a) “consular courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a consular courier in accordance with Article 35(5) of the Vienna Convention on Consular Relations of 1963;
  - (b) “consular post” means any consulate-general, consulate, vice-consulate or consular agency;
  - (c) “diplomatic courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a diplomatic courier in accordance with Article 27(5) of the Vienna Convention on Diplomatic Relations of 1961;
  - (d) “international organisation” means an international organisation accorded privileges and immunities in the United Kingdom;

- (e) “member of a consular post” means a “consular officer”, “consular employee” and “member of the service staff” as defined in Schedule 1 to the Consular Relations Act 1968(127), and “head of consular post” has the meaning given in that Schedule;
- (f) “member of a diplomatic mission” means the “head of the mission”, “members of the diplomatic staff”, “members of the administrative and technical staff” and “members of the service staff” as defined in Schedule 1 to the Diplomatic Privileges Act 1964(128).

2.—(1) A Crown servant or government contractor where they are undertaking essential government work related to the United Kingdom border outside of the United Kingdom.

(2) For the purposes of sub-paragraph (1) and paragraph 3—

- (a) “Crown servant” has the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989(129);
- (b) “essential government work” means work which has been designated as such by the relevant Department or employer;
- (c) “government contractor” has the meaning given in section 12(2) of the Official Secrets Act 1989.

3.—(1) A person who is a Crown servant, a government contractor, or a member of a visiting force, who—

- (a) is required to undertake work necessary to the delivery of essential defence activities;
- (b) is travelling on a vessel or aircraft operated by, or in support of, Her Majesty’s armed forces or by, or in support of, a visiting force.

(2) For the purposes of sub-paragraph (1)—

- (a) “defence” has the meaning given in section 2(4) of the Official Secrets Act 1989;
- (b) “visiting force” means any body, contingent or detachment of the forces of a country, being a body, contingent or detachment for the time being present in the United Kingdom (including United Kingdom territorial waters), on the invitation of her Majesty’s Government for the United Kingdom.

4. An official of a foreign Government, who came to the United Kingdom to undertake essential border security duties, or a contractor directly supporting these essential border security duties.

5.—(1) A transit passenger.

(2) For the purposes of sub-paragraph (1), “transit passenger” means a person who, on arrival in the United Kingdom—

- (a) passes through to another country or territory outside the common travel area without entering the United Kingdom, or
- (b) enters the United Kingdom for the sole purpose of continuing a journey to a country or territory outside the common travel area and—
  - (i) remains within their port of entry until their departure from England, or
  - (ii) travels directly from their port of entry to another port of departure in England.

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(127) 1968 c. 18. There are amendments but none is relevant.

(128) 1964 c. 81. There are amendments but none is relevant.

(129) 1989 c. 6. Section 12 was amended by paragraph 22 of Schedule 10 to the Reserve Forces Act 1996 (c. 14), by paragraph 30 of Schedule 12 to the Government of Wales Act 1998 (c. 38), by paragraph 26 of Schedule 8 to the Scotland Act 1998 (c. 46), by paragraph 9 of Schedule 13 to the Northern Ireland Act 1998 (c. 47), by paragraph 9 of Schedule 6 to the Police (Northern Ireland) Act 2000 (c. 32), by paragraph 6 of Schedule 14 to the Energy Act 2004 (c. 20), by paragraph 58 of Schedule 4 to the Serious Organised Crime and Police Act 2005 (c. 15), by paragraph 34 of Schedule 10, and paragraph 1 of Schedule 12, to the Government of Wales Act 2006 (c. 32) and by paragraph 36 of Schedule 8 to the Crime and Courts Act 2013 (c. 22).

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- 6.—(1) A road haulage worker or a road passenger transport worker.
- (2) For the purposes of this paragraph—
- (a) “driver” includes a person who is travelling in a vehicle as a relief driver;
  - (b) “goods vehicle” has the meaning given in section 192 of the Road Traffic Act 1988(130);
  - (c) “road haulage worker” means—
    - (i) the driver of a goods vehicle that is being used in connection with the carriage of goods, other than goods for non-commercial personal use by the driver, or
    - (ii) a person who is employed by the holder of a Community licence issued under Article 4 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council(131), and who is acting in the course of their employment;
  - (d) “public service vehicle” has the meaning given in section 1 of the Public Passenger Vehicles Act 1981(132);
  - (e) “road passenger transport worker” means—
    - (i) the driver of a public service vehicle, or
    - (ii) a person who is employed by the holder of a Community licence issued under Article 4 of Regulation (EC) No 1073/2009(133) of the European Parliament and of the Council, and who is acting in the course of their employment.

7.—(1) Seamen and masters, as defined in section 313(1) of the Merchant Shipping Act 1995(134), where they are travelling from the United Kingdom in the course of their work or are being repatriated from the United Kingdom in accordance with the Maritime Labour Convention, 2006 or the Work in Fishing Convention, 2007.

- (2) For the purposes of sub-paragraph (1)—
- (a) “the Maritime Labour Convention, 2006” means the Convention adopted on 23rd February 2006 by the General Conference of the International Labour Organisation(135);
  - (b) “the Work in Fishing Convention, 2007” means the Convention adopted at Geneva on 14th June 2007 by the International Labour Organisation(136).

8. A pilot, as defined in paragraph 22(1) of Schedule 3A to the Merchant Shipping Act 1995(137), where they are travelling from the United Kingdom in the course of their work or are being repatriated from the United Kingdom.

9. An inspector, or a surveyor of ships, appointed under section 256 of the Merchant Shipping Act 1995(138), or by a government of a relevant British possession as defined in section 313(1) of that Act, where they are travelling from the United Kingdom in the course of their work.

10.—(1) A member of aircraft crew where they are travelling from the United Kingdom in the course of their work or are otherwise required to travel from the United Kingdom for work purposes.

- (2) In sub-paragraph (1)—
- (a) “member of aircraft crew” means a person who—

(130) 1988 c. 52. There are amendments to section 192 but none is relevant.

(131) OJ No. L 300, 14.11.2009, p. 72.

(132) 1981 c. 14. Section 1 was amended by section 139(3) of the Transport Act 1985 (c.67).

(133) OJ No. L 300, 14.11.2009, p. 88.

(134) 1995 c. 21. There are amendments to section 313(1) but none is relevant.

(135) Cm. 7049. ISBN 978 010 1889 766.

(136) Cm 7375.

(137) Schedule 3A was inserted by Schedule 1 to the Marine Safety Act 2003 (c. 16).

(138) There are amendments to section 256 but none is relevant.

- (i) acts as a pilot, flight navigator, flight engineer or flight radiotelephony operator of the aircraft;
  - (ii) is carried on the flight deck and is appointed by the operator of the aircraft to give or to supervise the training, experience, practice and periodical tests required for the flight crew under article 114(2) of the Air Navigation Order 2016<sup>(139)</sup> or under Annex III or Annex VI of the Air Operations Regulation, or
  - (iii) is carried on the flight for the purpose of performing duties to be assigned by the operator or the pilot in command of the aircraft in the interests of the safety of passengers or of the aircraft;
- (b) travel for work purposes includes, in particular—
- (i) where the member of the aircraft crew resides outside of the United Kingdom, travelling to the United Kingdom to work on an aircraft departing from the United Kingdom,
  - (ii) travelling to attend work-related training in the United Kingdom,
  - (iii) returning to the United Kingdom following work-related training outside of the United Kingdom;
- (c) “Air Operations Regulation” has the meaning given in paragraph 1 of Schedule 1 to the Air Navigation Order 2016.

**11.** Civil aviation inspectors, as defined in Annex 9 to the Convention on International Civil Aviation signed at Chicago on 7th December 1944<sup>(140)</sup>, where they are travelling from the United Kingdom when engaged on inspection duties.

**12.—(1)** Any of the following who are travelling from the United Kingdom in the course of their work—

- (a) drivers and crews on shuttle services and on services for the carriage of passengers or goods by way of the tunnel system;
  - (b) operational, rail maintenance, safety and security workers working on the tunnel system;
  - (c) other workers carrying out essential roles for the safe or efficient operation of the tunnel system, shuttle services or services for the carriage of passengers or goods by way of the tunnel system, or relating to the security of the tunnel system or any such services.
- (2) For the purposes of sub-paragraph (1)—
- (a) “shuttle service” has the meaning given in section 1(9) of the Channel Tunnel Act 1987<sup>(141)</sup>;
  - (b) “tunnel system” has the meaning given in section 1(7) of that Act.

**13.** A person designated by the relevant Minister under section 5(3) of the Repatriation of Prisoners Act 1984<sup>(142)</sup>.

**14.** A person being removed from the United Kingdom pursuant to a warrant issued under section 1 of the Repatriation of Prisoners Act 1984.

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<sup>(139)</sup>S.I. 2016/765.

<sup>(140)</sup>The latest edition of Annex 9, which is published by the International Civil Aviation Organization, is the 15th edition, which applied from 23rd February 2018 (ISBN 978-92-9258-301-9).

<sup>(141)</sup>1987 c. 53.

<sup>(142)</sup>1984 c. 47.

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15. A person responsible for escorting a person sought for extradition pursuant to a warrant issued under Part 3 of the Extradition Act 2003(143) or sought for extradition pursuant to any other extradition arrangements.

16. A representative of any territory who travelled to the United Kingdom in order to take into custody a person whose surrender has been ordered pursuant to any provision of the Extradition Act 2003.

17. A person who is being extradited or deported from the United Kingdom, and any person who is being removed from, or voluntarily departing from, the United Kingdom, because they do not have leave to enter or remain in the United Kingdom.

18.—(1) A specialist aerospace engineer, or a specialist aerospace worker, where they are travelling from the United Kingdom in the course of their work.

(2) For the purposes of sub-paragraph (1)—

- (a) “specialist aerospace engineer” means a person who is employed or otherwise engaged to provide engineering services for the purpose of ensuring the continued operation of aviation activities (including but not limited to the provision of maintenance and repair services for production lines, aviation components, grounded aircraft and new aircraft);
- (b) “specialist aerospace worker” means a person who is employed or otherwise engaged to provide services for the purpose of ensuring safety management and quality assurance as required by relevant standards, guidance and publications on aviation safety produced by the Civil Aviation Authority or the European Union Aviation Safety Agency(144).

## SCHEDULE 7

Regulation 23(1)

### Consequential amendments

1.—(1) Regulation 14 of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 is amended as follows.

(2) In paragraph (7C), after sub-paragraph (h) insert—

“(i) the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021, if the notice was issued in respect of a business restriction offence as defined by regulation 16(3) of those Regulations.”.

(3) In paragraph (8), after sub-paragraph (o) insert—

“(p) the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021.”.

(4) In paragraph (8A), after sub-paragraph (g) insert—

“(h) the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021, if the notice was issued to the person in respect of—

(i) a travel offence as defined by regulation 13(2) of those Regulations;

(143)2003 c. 41.

(144)The Civil Aviation Authority was established under section 1(1) of the Civil Aviation Act 1971 (c.75). That Act was replaced by a consolidating statute, the Civil Aviation Act 1982 (c.16), section 2(1) of which provides for the continued existence of the Civil Aviation Authority. There are amendments to section 2 but none is relevant. The European Union Aviation Safety Agency was established by Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91.



- (ii) a large gathering offence as defined by regulation 14(3) of those Regulations, or
- (iii) a business restriction offence as defined by regulation 16(3) of those Regulations,
- (iv) an offence of contravening a restriction or requirement imposed by paragraph 3 of Schedule 1, paragraph 3 of Schedule 2 or paragraph 2 of Schedule 3 to those Regulations.”

2. In regulation 3(10) of the Health Protection (Coronavirus, Public Health Information for International Passengers) (England) Regulations 2020(145), in the definition of “relevant time”, for “paragraph 2A(1) (requirement to carry travel declaration) of Schedule 3A to the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020” substitute “regulation 8(4) (requirement to carry travel declaration) of the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021”.

3. In the Health Protection (Coronavirus, International Travel) (England) Regulations 2020, in paragraph 4E of Schedule 2(146)—

- (a) in sub-paragraph (2)(a)(ii), for “provision of EU-OPS” substitute “under Annex III or Annex VI of the Air Operations Regulation”;
- (b) in sub-paragraph (2)(c), for “EU-OPS” substitute “Air Operations Regulation”.

4. In the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020, in regulation 18(7A), after sub-paragraph (h) insert—

- “(i) the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021, where the fixed penalty notice relates to a business restriction offence as defined by regulation 16(3) of those Regulations.”

5.—(1) The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020 are amended as follows.

(2) In regulation 1(3)—

- (a) in sub-paragraph (b), for “the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020” substitute “the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021”;
- (b) for sub-paragraph (d), substitute—
  - “(d) “qualifying group” has the meaning given—
    - (i) in relation to the Step 1 area, in paragraph 7(2) of Schedule 1 to the Principal Regulations,
    - (ii) in relation to the Step 2 area, in paragraph 7(2) of Schedule 2 to the Principal Regulations,
    - (iii) in relation to the Step 3 area, in paragraph (2) of Schedule 3 to the Principal Regulations.”;
- (c) for sub-paragraphs (fa), (fb) and (fc) substitute—
  - “(fa) “Step 1 area” has the meaning given by regulation 7(4)(b) of the Principal Regulations;
  - (fb) “Step 2 area” has the meaning given by regulation 7(4)(d) of the Principal Regulations;
  - (fc) “Step 3 area” has the meaning given by regulation 7(4)(f) of the Principal Regulations;”;

(145) S.I. 2020/567, amended by S.I. 2020/1090. The definition of “relevant time” was inserted by S.I. 2021/252.

(146) S.I. 2020/568. Paragraph 4E was substituted by 2021/252.

- (d) for sub-paragraph (h), substitute—
  - “(h) premises are located in—
    - (i) the Step 1 area if any part of the premises is located in the Step 1 area;
    - (ii) the Step 2 area if any part of the premises is located in the Step 2 area;
    - (iii) the Step 3 area if any part of the premises is located in the Step 3 area;”.
- (3) For regulation 1A substitute—

**“Restrictions in relation to relevant premises**

**1A.—**(1) A person who operates or occupies relevant premises in the Step 1 area or the Step 2 area must, during the emergency period, take all reasonable steps to ensure that—

- (a) no bookings are accepted for, and no persons are admitted to the premises in, a group of more than six persons, where the group is to be located outdoors, unless one of the exceptions in paragraph 4 or 6 of Schedule 1 to the Principal Regulations (in the case of the Step 1 area) or paragraph 4 or 6 of Schedule 2 to those Regulations (in the case of the Step 2 area) applies;
- (b) no bookings are accepted for, and no persons are admitted to the premises in, a group of two or more persons, where the group is to be located indoors, unless one of the exceptions in paragraph 4 or 5 of Schedule 1 to the Principal Regulations (in the case of the Step 1 area) or paragraph 4 or 5 of Schedule 2 to those Regulations (in the case of the Step 2 area) applies;
- (c) no person joins another group or otherwise acts in a way which would contravene the Principal Regulations.

(2) A person who operates or occupies relevant premises in the Step 3 area must, during the emergency period, take all reasonable steps to ensure that—

- (a) no bookings are accepted for, and no persons are admitted to the premises in, a group of more than 30 persons, where the group is to be located outdoors, unless one of the exceptions in paragraph 3 of Schedule 3 to the Principal Regulations applies;
- (b) no bookings are accepted for, and no persons are admitted to the premises in, a group of more than six persons, where the group is to be located indoors, unless one of the exceptions in paragraph 3 or 4 of Schedule 3 to the Principal Regulations applies;
- (c) no person joins another group or otherwise acts in a way that would contravene the Principal Regulations.

(3) In this regulation, “relevant premises” has the same meaning as in the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020.”

- (4) After regulation 2A, insert—

**“Secretary of State’s direction**

**2AA.** The restrictions and requirements in regulations 1A, 2(1) and 2A do not apply in relation to any premises for which they are disapplied in a direction made by the Secretary of State under regulation 9 of the Principal Regulations.”

- (5) In regulation 4, in paragraph (8A)—

- (a) after sub-paragraph (g) insert—

“(ga) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, where the fixed penalty notice relates to a business restriction offence as defined by 12(7) of those Regulations.”;

- (b) in sub-paragraph (h), for “12(7)” substitute “16(3)”.
- (6) In regulation 8, for “11(9) or 13” substitute “12(9) or 18”.
6. In regulation 3 of the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) England) Regulations 2020(147), after paragraph (2B), insert—
- “(2C) The requirement in paragraph (1) does not apply in relation to any premises for which it is disappplied in a direction made by the Secretary of State under regulation 9 of the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021.”.
7. In regulation 17 of the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 (148)—
- (a) in paragraphs (2) and (3), for “Principal Regulations” substitute “All Tiers Regulations”;
- (b) after paragraph (3), insert—
- “(4) A designation made, or treated as made, in exercise of the powers conferred by regulation 12(9)(a) of the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 (“the Steps Regulations”) is to be treated as a designation of a person as an authorised person for the purposes of regulation 12 of these Regulations.
- (5) A designation made, or treated as made, in exercise of the powers conferred by regulation 12(3)(b) of the Steps Regulations is to be treated as a designation of a person as a designated officer for the purposes of regulation 12 of these Regulations.”
- 8.—(1) The Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020(149) are amended as follows.
- (2) In regulation 1(3), after the definition of “the Self-Isolation Regulations” insert—
- ““the Steps Regulations” means the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021.”
- (3) In regulation 2—
- (a) omit paragraphs (e) to (nb);
- (b) after paragraph (v), insert—
- “(w) paragraph 8 (requirement to close premises and businesses) of Schedule 1 to the Steps Regulations;
- (x) paragraph 9 (restrictions on service of food and drink for consumption on the premises) of Schedule 1 of the Steps Regulations;
- (y) paragraph 8 (requirement to close premises and businesses) of Schedule 2 to the Steps Regulations;
- (z) paragraph 9 (restrictions on service of food and drink for consumption on the premises) of Schedule 2 to the Steps Regulations;
- (z1) paragraph 6 (requirement to close premises and businesses) of Schedule 3 to the Steps Regulations;
- (z2) paragraph 7 (restrictions on service of food and drink for consumption on the premises) of Schedule 3 to the Steps Regulations.”
- (4) In regulation 10, after paragraph (d), insert—
- “(e) regulations 10(13)(b), 12(3)(b), 12(9)(a) or 18, as appropriate, of the Steps Regulations.”

(147) S.I. 2020/791, amended by S.I. 2020/1021 and 1026.

(148) S.I. 2020/1045, amended by S.I. 2020/1375.

(149) S.I. 2020/1375, amended by S.I. 2020/1646.

## SCHEDULE 8

Regulation 23(2)

Other amendments to subordinate legislation relating to coronavirus

## PART 1

## Introductory

**General interpretation****1.** In this Schedule—

“commencement day” means the day these Regulations come into force;

“the Contact Details Regulations” means the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020;

“the Self-Isolation Regulations” means the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020.

## PART 2

## Amendment of the Health Protection (Coronavirus, International Travel) (England) Regulations 2020 and related provisions

**Amendment of the Health Protection (Coronavirus, International Travel) (England) Regulations 2020**

**2.**—(1) The Health Protection (Coronavirus, International Travel) (England) Regulations 2020 are amended as follows.

## (2) In regulation 4 (requirement to self-isolate)—

(a) for paragraph (7)(c)(**150**) substitute—

“(c) the beginning of P’s period of self-isolation, where P or R, where P is a child, is notified under regulation 2A or 2B of the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 (“the 2020 Regulations”)(**151**).”;

(b) after paragraph (7)(**152**) insert—

“(7ZA) In paragraph (7)(c) “period of self-isolation” and “R” have the meanings given for the purposes of Part 1 of the 2020 Regulations (see regulations 3 and 5 of those Regulations).”.

(3) In Schedule 2C(**153**) (mandatory testing after arrival in England)—

## (a) in paragraph 3(1)(a)(ii), for “regulation 2” substitute “regulation 2A”;

## (b) in paragraph 3(2), for “regulation 2” substitute “regulation 2A”;

## (c) in paragraph 5(2), for “regulation 2” substitute “regulation 2A”.

(**150**) Paragraph (7)(c) was inserted by [S.I. 2020/1070](#).

(**151**) A person notified, or a child in respect of whom a notification is given, under regulation 2A or 2B of the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 will be required to self-isolate in accordance with those Regulations from the moment the notification is given.

(**152**) Paragraph (7A) was inserted by [S.I. 2020/1644](#) and omitted by [S.I. 2021/150](#).

(**153**) Schedule 2C was inserted by [S.I. 2021/150](#).

### **Transitional provision in connection with paragraph 2(2)**

3. The amendments made by paragraph 2(2) apply in relation to a person irrespective of whether they arrived in England before, on or after commencement day.

## **PART 3**

### **Amendment of the Contact Details Regulations and related provisions**

#### **Amendment of the Contact Details Regulations**

- 4.—(1) The Contact Details Regulations are amended as follows.
- (2) In regulation 2 (commencement), in paragraph (2) omit “8(4),”.
- (3) In regulation 7—
- (a) in paragraph (1), after “seeks” insert “(whether alone or as a member of a group)”;
- (b) in paragraph (2), after “10” insert (“requested details”);
- (c) after paragraph (2) insert—
- “(2A) For the purposes of paragraph (2), the relevant person must provide A with a means of providing the requested details which does not require A to be in possession of a smartphone, laptop, notebook or tablet computer, or other similar device.”.
- (4) Omit regulation 8 (requirement to request certain details of those in a group).
- (5) In regulation 9 (cases to which requirements in regulations 6 to 8 apply)—
- (a) in the heading, for “6 to 8” substitute “6 and 7”;
- (b) in paragraph (1), in the words before sub-paragraph (a), for “, 7(1) and 8(1)” substitute “and 7(1)”.
- (6) In regulation 10 (details to be requested under regulations 7 and 8)—
- (a) in the heading, for “regulations 7 and 8” substitute “regulation 7”;
- (b) in paragraph (1)—
- (i) in the words before sub-paragraph (a) for “regulations 7 and 8” substitute “regulation 7”;
- (ii) omit sub-paragraph (f);
- (c) omit paragraphs (2) and (3).
- (7) In regulation 12 (requirement to retain and disclose details), in paragraph (a) omit “or 8”.
- (8) In regulation 16 (requirement to refuse entry)—
- (a) omit paragraphs (2) and (4);
- (b) in paragraph (5), for “paragraphs (3) and (4)” substitute “paragraph (3)”;
- (c) omit paragraph (6).
- (9) In regulation 17 (offences and penalties), in paragraph (1) omit sub-paragraph (c).

#### **Savings in connection with paragraph 2**

5.—(1) Despite the amendments made to the Contact Details Regulations by paragraph 4, regulations 17 (offences and penalties) and 18 (fixed penalty notices) of those Regulations continue in force as they had effect immediately before commencement day in relation to any group notification offence committed under those Regulations before that day.

(2) In this paragraph “group notification offence” means an offence under regulation 17 of the Contact Details Regulations of contravening, without reasonable excuse, a requirement imposed by regulation 8 of those Regulations.

### **Consequential amendment of the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020**

6.—(1) The Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020(154) are amended as follows.

(2) In regulation 2 (relevant statutory provisions) omit paragraph (q).

(3) In the Schedule omit paragraph 16 (amendment of regulation 8 of the Contact Details Regulations).

### **Savings in connection with paragraph 6**

7.—(1) Despite the amendment made to regulation 2 of the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020 (“the 2020 Regulations”) by paragraph 6, those Regulations continue in force as they had effect immediately before commencement day in relation to any relevant offence committed under those Regulations before that day.

(2) In this paragraph “relevant offence” means an offence under regulation 6(1) of the 2020 Regulations of failing to comply, without reasonable excuse, with—

- (a) a Coronavirus Improvement Notice or a Coronavirus Immediate Restriction Notice relating to the contravention of regulation 8 of the Collection of Contact Details Regulations, or
- (b) a Coronavirus Restriction Notice issued following a failure to comply with a Coronavirus Improvement Notice mentioned in paragraph (a).

## **PART 4**

### **Amendment of the Self-Isolation Regulations and related provisions**

#### **Introductory**

8. The Self-Isolation Regulations are amended in accordance with paragraphs 9 to 21.

#### **Amendment of regulation 1 (citation, commencement and application)**

9. In regulation 1, for paragraph (3) substitute—

“(3) These Regulations apply—

- (a) in England;
- (b) in the English territorial sea, but not in relation to excluded vessels.

(4) In this regulation—

“the English territorial sea” means the part of the territorial sea of the United Kingdom which is adjacent to England;

“excluded vessel” means a vessel which—

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(154)S.I. 2020/1375, to which there are amendments but none is relevant.

- (a) departed from a place other than a place in England, and
- (b) is to dock in a place other than a place in England.”.

## **New regulations 2 to 2D**

### **10. For regulation 2 substitute—**

#### **“Meaning of self-isolate**

**2.—(1)** For the purposes of this Part “self-isolate” means P is subject to the following restrictions—

- (a) P must remain in—
  - (i) P’s home,
  - (ii) the home of a friend or family member of P or of R, where P is a child,
  - (iii) bed and breakfast accommodation,
  - (iv) accommodation provided or arranged under section 4, 95 or 98 of the Immigration and Asylum Act 1999<sup>(155)</sup>, or
  - (v) another suitable place, and
- (b) P must not leave the place specified in sub-paragraph (a) except where paragraph (2) applies.

(2) This paragraph applies where it is necessary for P to leave the place specified in paragraph (1)(a)—

- (a) to seek medical assistance, where this is required urgently or on the advice of a registered medical practitioner, including to access—
  - (i) services from dentists, opticians, audiologists, chiropodists, chiropractors, osteopaths and other medical or health practitioners, or
  - (ii) services relating to mental health;
- (b) to access veterinary services, where this is required urgently or on the advice of a veterinary surgeon;
- (c) to fulfil a legal obligation, including attending court or satisfying bail conditions, or participating in legal proceedings;
- (d) to escape a risk of harm;
- (e) to attend a funeral of a close family member;
- (f) to obtain basic necessities, such as food and medical supplies for those in the same household (including any pets or animals in the household) where it is not possible to obtain these provisions in any other manner;
- (g) to access critical public services, including social services, and services provided to victims (such as victims of crime);
- (h) where paragraph (1)(a) or (b) of regulation 2B applies to P but P is not exempt from the duty to self-isolate by virtue of paragraph (2)(b) or (3)(b) of that regulation, to take part in coronavirus related research as a close contact;

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<sup>(155)</sup>1999 c. 33. Section 4 was amended by section 49 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (“the 2002 Act”), by section 10(1) of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004 (c. 19), by section 43(7) of the Immigration and Asylum Act 2016 (c. 13) and by paragraph 1 of Schedule 11 to the Immigration Act 2016 (c. 19) (“the 2016 Act”). Section 95 was amended by section 50(1) of the 2002 Act and paragraph 29 of Schedule 10 to the 2016 Act.

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- (i) to move to a different place specified in paragraph (1)(a), where it becomes impracticable to remain at the place at which they are;
  - (j) to attend a testing site to take a test for the detection of coronavirus;
  - (k) to accompany a child (“C”) for whom P is a responsible adult to a testing site, so that C can take a test for the detection of coronavirus;
  - (l) to post a completed home test for the detection of coronavirus carried out by P, or any person living in the same household as P, in accordance with the postal testing scheme operated on behalf of the Secretary of State;
  - (m) to agree to participate, or give agreement on behalf of a child for whom P is a responsible adult for that child to participate, in a testing scheme (within the meaning of regulation 2D), where that agreement cannot be given from the place where P is self-isolating;
  - (n) where paragraph (1)(a) or (b) of regulation 2B applies to P—
    - (i) to accompany an expectant mother (“K”) to any medical appointment related to the pregnancy throughout the antenatal period, at K’s request, or
    - (ii) to attend an expectant mother giving birth (“M”), at M’s request.
- (3) For the purposes of paragraph (2)—
- “the antenatal period” means the period beginning with the start of the pregnancy and ending with the onset of labour;
- “testing site” means a site operated by, or on behalf of, the Secretary of State for the carrying out of tests for the detection of coronavirus.

**Requirements on person notified of positive test result for coronavirus**

**2A.—**(1) This regulation applies where an adult is notified by a relevant person, other than by means of the NHS Covid 19 smartphone app developed and operated by the Secretary of State, that—

- (a) they have tested positive for coronavirus, or
  - (b) a child in respect of whom they are a responsible adult has tested positive for coronavirus.
- (2) Where paragraph (1)(a) applies, the person notified must—
- (a) self-isolate for the period of self-isolation, and
  - (b) notify the relevant person of the name of each person living in the same household as P.
- (3) Where paragraph (1)(b) applies, R must—
- (a) secure, so far as reasonably practicable, that the child self-isolates for the period of self-isolation, and
  - (b) notify the relevant person of the name of each person living in the same household as the child.
- (4) But paragraph (2) or (3) (as the case may be) does not apply if—
- (a) the person in respect of whom the notification is given under paragraph (1) (“NP”) is taking part in coronavirus related research,
  - (b) NP, or R where NP is a child, has previously been given a relevant notification (see paragraph 6), and



- (c) the test pursuant to which NP or R is now being notified under paragraph (1)(a) or (b) (as the case may be) was carried out within the relevant period determined in accordance with paragraph (5).
- (5) For the purposes of paragraph (4)(c), the relevant period is—
  - (a) the period of 90 days beginning with the date of the first test pursuant to which NP or R, where NP is a child, was previously given a relevant notification;
  - (b) where the period in sub-paragraph (a) (“the original period”) has ended, the period of 90 days beginning with the date of the first test pursuant to which—
    - (i) NP was previously given a relevant notification, or
    - (ii) where NP is a child, R was previously given a relevant notification, after the end of the original period;
  - (c) where the period in sub-paragraph (b) (“the subsequent period”) has ended, the period of 90 days beginning with the date of the first test pursuant to which—
    - (i) NP was previously given a relevant notification, or
    - (ii) where NP is a child, R was previously given a relevant notification, after the end of the subsequent period, and so on.
- (6) For the purposes of paragraphs (4) and (5) “relevant notification” means—
  - (a) a notification under paragraph (1)(a), or
  - (b) where NP is a child, a notification under paragraph (1)(b) that NP has tested positive for coronavirus.
- (7) In addition, P, or R where P is a child, must, if requested by a relevant person, notify that person of the address at which P will remain pursuant to the requirement in regulation 2(1)(a).
- (8) If a relevant person notifies P, or R where P is a child, that a notification referred to in paragraph (1) in respect of P is withdrawn, such notification is deemed never to have been given for the purposes of these Regulations.
- (9) This regulation is subject to regulation 2C.

**Requirements on person notified as a close contact of a person who has tested positive for coronavirus**

- 2B.**—(1) This regulation applies where an adult is notified by a relevant person, other than by means of the NHS Covid 19 smartphone app developed and operated by the Secretary of State, that—
- (a) they have had close contact with someone who has tested positive for coronavirus, or
  - (b) a child in respect of whom they are a responsible adult has come into close contact with someone who has tested positive for coronavirus.
- (2) Where paragraph (1)(a) applies, the person notified must self-isolate for the period of self-isolation unless—
- (a) they are taking part in coronavirus related research, and
  - (b) that research cannot be completed if they self-isolate.
- (3) Where paragraph (1)(b) applies, R must secure, so far as reasonably practicable, that the child self-isolates for the period of self-isolation unless—
- (a) the child is taking part in coronavirus related research, and

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(b) that research cannot be completed if the child self-isolates.

(4) In addition, P, or R where P is a child, must if, requested by a relevant person, notify that person of the address at which P will remain pursuant to the requirement in regulation 2(1)(a).

(5) If a relevant person notifies P, or R where P is a child, that a notification referred to in paragraph (1) in respect of P is withdrawn, such notification is deemed never to have been given for the purposes of these Regulations.

**Circumstances in which the requirement to self-isolate in regulation 2A ceases to apply**

**2C.—**(1) This regulation applies where—

- (a) paragraph (1)(a) or (b) of regulation 2A applies to P,
- (b) P is not taking part in coronavirus related research, and
- (c) before the end of the period of self-isolation—
  - (i) P, or R where P is a child, is advised by a relevant person, other than by means of the NHS Covid 19 smartphone app developed and operated by the Secretary of State (“the app”), that P should take a further test to confirm the result of the test that triggered the application of paragraph (1)(a) or (b) of regulation 2A to P,
  - (ii) P takes that further test, and
  - (iii) P or R (as the case may be) is notified by a relevant person, other than by means of the app, that the result of that test is negative.

(2) Where this regulation applies, paragraph (2) or (3) of regulation 2A (as the case may be) ceases to apply from the time when P or R (as the case may be) is notified as described in paragraph (1)(c)(iii).

**Requirements on persons who are close contacts of persons who have tested positive for coronavirus: exceptions for participants in a testing scheme**

**2D.—**(1) This regulation applies where—

- (a) paragraph (1)(a) or (b) of regulation 2B applies to P,
- (b) P is not taking part in coronavirus related research,
- (c) P was not, immediately before the relevant notification was given to P, or R where P is a child, subject to the requirement to self-isolate in regulation 4 of the Health Protection (Coronavirus, International Travel) (England) Regulations 2020,
- (d) P is eligible to participate in a testing scheme, and
- (e) P agrees to participate, or R, where P is a child, agrees to P participating, in that testing scheme.

(2) Regulation 2B(2)(a) or (3)(a) (as the case may be) does not apply, whilst P—

- (a) remains eligible to participate in the testing scheme, and
- (b) is participating in it in accordance with the requirements of the scheme.

(3) Paragraph (2) ceases to apply to P from the relevant time if—

- (a) the result of a test taken by P under the testing scheme is positive for coronavirus,  
or

- (b) after the agreement is given as described in paragraph (1)(e), P receives a further notification, or R, where P is a child, receives a further notification in respect of P, given under regulation 2B(1).
- (4) For the purposes of paragraph (3) “the relevant time” is the time when P, or R where P is a child, receives the result of the test or the notification given under regulation 2B(1).
- (5) Where—
  - (a) the result of the last test that P is required to take in accordance with the testing scheme is negative, and
  - (b) P, or R where P is a child, receives the result of that test before the end of P’s relevant period of self-isolation,that period ends at the time when P or R (as the case may be) is notified of the result.
- (6) For the purposes of this regulation—
  - “the relevant period of self-isolation” means the period of self-isolation which began when P or R (as the case may be) received the relevant notification;
  - “the relevant notification” means the notification given under regulation 2B which triggers the application of paragraph (1)(a) or (b) of that regulation to P;
  - “testing scheme” means a scheme—
    - (a) under which participants take a test for the detection of coronavirus at such intervals as are specified in the scheme for a period specified in the scheme, and at a place and in a manner specified in the scheme, and
    - (b) which is approved by, or on behalf of, the Secretary of State.”.

### **Amendment of regulation 3 (period of self-isolation)**

- 11.**—(1) Regulation 3 is amended as follows.
- (2) For paragraph (1) substitute—
    - “(1) The period of self-isolation for the purposes of this Part is calculated as follows.”.
  - (3) In paragraph (3)—
    - (a) in the words before sub-paragraph (a), for “regulation 2(1)(a)(i) or (b)(i)” substitute “regulation 2A(1)(a) or (b)”;
    - (b) in sub-paragraph (a)—
      - (i) in the words before paragraph (i), for “person specified in regulation 2(4)” substitute “relevant person”;
      - (ii) in paragraph (ii), for “regulation 2(1)” substitute “regulation 2A(1)”;
    - (c) in sub-paragraph (b), for “regulation 2(1)” substitute “regulation 2A(1)”.
  - (4) In paragraph (4)—
    - (a) in the words before sub-paragraph (a), for “regulation 2(1)(a)(ii) or (b)(ii)” substitute “regulation 2B(1)(a) or (b)”;
    - (b) in sub-paragraph (a)(i), in the words before sub-paragraph (aa), for “person specified in regulation 2(4)” substitute “relevant person”;
    - (c) in each of the following places, for “regulation 2(1)” substitute “regulation 2B(1)”—
      - (i) sub-paragraph (a)(i)(bb);
      - (ii) sub-paragraph (a)(ii);
      - (iii) sub-paragraph (b);

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- (d) in sub-paragraph (b), for “person specified in regulation 2(4)” substitute “relevant person”.

**Amendment of regulation 5 (interpretation of Part 1)**

- 12.**—(1) Regulation 5 is amended as follows.
- (2) In the heading, for “Interpretation” substitute “General interpretation”.
- (3) In paragraph (1)—
- (a) in the definition of “close contact”, in paragraph (b), after “individual,” insert “or”;
- (b) after the definition of “close contact” insert—
- ““coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);
- “coronavirus related research” has the meaning given in paragraph (4);”;
- (c) in the definition of “P” for “regulation 2(2), (2C), (2D) or (2G)” substitute “regulation 2A(2)(a), 2A(3)(a), 2B(2) or 2B(3)”;
- (d) after the definition of “R” and “responsible adult” insert—
- ““relevant person” means—
- (a) the Secretary of State,
- (b) a person who is employed or engaged for the purposes of the health service (within the meaning of section 275 of the National Health Service Act 2006<sup>(156)</sup>) in communicable disease control, or
- (c) a person employed or engaged by a local authority in communicable disease control;
- “self-isolate” has the meaning given in regulation 2;”.
- (4) After paragraph (2) insert—
- “(3) For the purposes of regulations 2A, 2B and 2C a notification or, as the case may be, advice has effect if given—
- (a) orally (either in person or by telephone),
- (b) by text message,
- (c) by email, or
- (d) by letter.
- (4) “Coronavirus related research” means health research (within the meaning given in section 110(3) of the Care Act 2014<sup>(157)</sup>) which—
- (a) relates to the transmission, diagnosis or prevention of coronavirus, and
- (b) is carried out by, or on behalf of, a person who has approval from an ethics review body to carry out that research.
- (5) For the purposes of paragraph (4) “ethics review body” means—
- (a) a research ethics committee recognised or established by the Health Research Authority under the Care Act 2014 (see section 109 of that Act), or
- (b) a body appointed by any of the following for the purposes of assessing the ethics of research involving individuals—
- (i) the Secretary of State;

<sup>(156)</sup>2006 c. 41. There are amendments to section 275 but none is relevant to these Regulations.

<sup>(157)</sup>2014 c. 23.

- (ii) the Secretary of State acting jointly with the Scottish Ministers, the Welsh Ministers or a Northern Ireland department;
- (iii) an institution that is a research institution for the purposes of Chapter 4A of Part 7 of the Income Tax (Earnings and Pensions) Act 2003(158) (see section 457 of that Act).”.

#### **Amendment of regulation 6 (interpretation of Part 2)**

**13.** In regulation 6, in paragraph (1)—

- (a) in the definition of “designated place”, for “either regulation 2” substitute “regulation 2A or 2B”;
- (b) in the definition of “isolation requirements”, for “regulation 2” substitute “Part 1”;
- (c) omit “and” following the definition of “self-isolating agency worker”;
- (d) in the definition of “self-isolating worker”, for “either regulation 2” substitute “regulation 2A or 2B”;
- (e) after the definition of “self-isolating worker” insert—  
““testing scheme” has the meaning given in regulation 2D.”.

#### **Amendment of regulation 7 (requirement on employers of workers required to self-isolate)**

**14.** In regulation 7, for paragraph (2) substitute—

- “(2) An employer is not in breach of the requirement in paragraph (1) where the self-isolating worker or self-isolating agency worker attends any place—
- (a) in accordance with the isolation requirements, or
  - (b) where the worker is participating in a testing scheme, at any time when regulation 2D(2) applies to the worker or agency worker.”.

#### **Amendment of regulation 8 (notification by workers of requirement to self-isolate)**

**15.—(1)** Regulation 8 is amended as follows.

(2) In the heading, after “self-isolation” insert “and of matters related to participation in a testing scheme”.

(3) After paragraph (2) insert—

“(3) But a worker is not required to provide the notification required by paragraph (1) if the worker ceases to be subject to the requirement to self-isolate in accordance with regulation 2A or 2B (otherwise than by virtue of regulation 2D(2)) before the worker is next due to start work during what would have been the isolation period.

(4) A worker to whom paragraph (5) applies must notify their employer that—

- (a) they are participating in a relevant testing scheme, and
- (b) the requirement to self-isolate in accordance with regulation 2B does not apply to them whilst they are participating in that scheme.

(5) This paragraph applies to a worker who was required to provide a notification under paragraph (1) and who—

- (a) agrees to participate in a relevant testing scheme, and

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- (b) after that agreement is given, is due to work or undertake any other activities related to the worker’s employment during what would have been the isolation period, other than at the relevant place.
- (6) The worker must provide the notification required by paragraph (4)—
  - (a) as soon as reasonably practicable, and
  - (b) in any event, before the worker is next due to start work after they agree to participate in the testing scheme.
- (7) A worker to whom paragraph (8) applies must also notify their employer if regulation 2D(2) ceases to apply to them before the end of the isolation period.
- (8) This paragraph applies to a worker who—
  - (a) is, or was, participating in a relevant testing scheme, and
  - (b) is due to work or undertake any other activities related to the worker’s employment during the isolation period, other than at the designated place.
- (9) The worker must provide the notification required by paragraph (7)—
  - (a) as soon as is reasonably practicable, and
  - (b) in any event, before the worker is next due to start work after regulation 2D(2) ceases to apply to them.
- (10) In this regulation—
  - “relevant place”, in relation to a worker, means the place at which the worker would self-isolate in accordance with the requirement to self-isolate in regulation 2B, if that requirement applied to the worker;
  - “relevant testing scheme” means a testing scheme which is not being provided by or on behalf of the worker’s employer.”.

**Amendment of regulation 9 (notification in respect of agency workers)**

- 16.—**(1) Regulation 9 is amended as follows.
- (2) In paragraph (1)(a) for “either regulation 2” substitute “regulation 2A or 2B”.
  - (3) In paragraph (2), after “principal” insert “(“the relevant person”)
  - (4) After paragraph (3) insert—
    - (3A) But an agency worker is not required to provide the notification required by paragraph (2) if the agency worker ceases to be subject to the requirement to self-isolate in regulation 2A or 2B (otherwise than by virtue of regulation 2D(2)) before the agency worker is next due to start work during what would have been the isolation period.
    - (3B) An agency worker to whom paragraph (3C) applies must notify the relevant person that—
      - (a) they are participating in the relevant testing scheme, and
      - (b) the requirement to self-isolate in accordance with regulation 2B does not apply to them whilst they are participating in that scheme.
    - (3C) This paragraph applies to an agency worker who was required to provide a notification under paragraph (1) and who—
      - (a) agrees to participate in a relevant testing scheme, and
      - (b) after that agreement is given, is due to work or undertake any other activities related to the self-isolating agency worker’s employment during what would have been the isolation period, other than at the relevant place.

- (3D) The agency worker must provide the notification required by paragraph (3B)—
  - (a) as soon as reasonably practicable, and
  - (b) in any event, before the worker is next due to start work after they agree to participate in the testing scheme.
- (3E) An agency worker to whom paragraph (3F) applies must notify the relevant person if regulation 2D(2) ceases to apply to them before the end of the period of self-isolation.
- (3F) This paragraph applies to an agency worker who—
  - (a) is, or was, participating in a relevant testing scheme, and
  - (b) is due to work or undertake any other activities related to the agency worker’s employment during the isolation period, other than at the designated place.
- (3G) The agency worker must provide the notification required by paragraph (3E)—
  - (a) as soon as is reasonably practicable, and
  - (b) in any event, before the worker is next due to start work after regulation 2D(2) ceases to apply to them.”.
- (5) In paragraph (4), after “paragraph (2)” insert “, (3B) or (3E)”.
- (6) In paragraph (5)(c), after “8(1)” insert “, (4) or (7)”.
- (7) After paragraph (6) insert—
  - “(7) For the purposes of paragraph (4) “self-isolating agency worker” includes an agency worker to whom paragraph (3C) applies.
  - (8) For the purposes of paragraph (5) “self-isolating worker” includes a worker to whom regulation 8(5) applies.
  - (9) In this regulation—
    - “relevant place”, in relation to an agency worker, means the place at which the agency worker would self-isolate in accordance with the requirement to self-isolate in regulation 2B, if that requirement applied to the agency worker;
    - “relevant testing scheme” means a testing scheme which is not being provided by or on behalf of the agency worker’s employer.”.

#### **Amendment of regulation 10 (enforcement)**

- 17.—(1) Regulation 10 is amended as follows.
  - (2) In paragraph (1), in the words before sub-paragraph (a), for “regulation 2” substitute “regulation 2A or 2B”.
  - (3) In paragraph (4), for “regulation 2” substitute “regulation 2A or 2B”.
  - (4) In paragraph (5), for “regulation 2” substitute “regulation 2A or 2B”.

#### **Amendment of regulation 11 (offences)**

- 18.—(1) Regulation 11 is amended as follows.
  - (2) In paragraph (1), for “regulations 2” substitute “regulation 2A, 2B”.
  - (3) In paragraph (2), for “regulation 2” substitute “regulation 2A or 2B”.
  - (4) In paragraph (7)—
    - (a) in sub-paragraph (a), for “regulation 2(2)(b), (2D)(b) or (2H)” substitute “regulation 2A(2)(b), 2A(3)(b), 2A(7) or 2B(4)”;
    - (b) in sub-paragraph (b), for “person specified in regulation 2(4)” substitute “relevant person”.

(5) After paragraph (10) insert—

“(11) In paragraph (7), “relevant person” has the same meaning as in Part 1 of these Regulations.”.

**Amendment of regulation 12 (fixed penalty notices)**

19. In regulation 12—

- (a) in paragraph (5)(a), for “regulation 2” substitute “regulation 2A or 2B”;
- (b) in paragraph (8A), for “or 9(2)” substitute “9(2), (3B) or (3E)”.

**Amendment of regulation 14 (power to use and disclose information)**

20.—(1) Regulation 14 is amended as follows.

(2) In paragraph (1), in the words before sub-paragraph (a), for the words from “A person” to “person”)” substitute “A relevant person”.

(3) In paragraph (2)(a)—

- (a) in the words before paragraph (i), for “regulation 2” substitute “regulation 2A or 2B”;
- (b) in paragraph (i), after “individual” insert “and, where the relevant person holds the information, that individual’s gender”;
- (c) for paragraph (ii) substitute—
  - “(ii) the date that the notification under regulation 2A or 2B was received by the individual or R, where the individual is a child,”;

(d) in paragraph (iib), for “regulation 2(6))” substitute “regulation 5(4)) or a testing scheme (within the meaning given in regulation 2D)”.

(e) in paragraph (iiia)—

- (i) for “regulation 2(1)” substitute “regulation 2A(1) or 2B(1)”;
- (ii) after “individual” insert “, or R where the individual is a child”.

(4) In paragraph (2)(b) for “regulation 2” substitute “regulation 2A or 2B”.

(5) In paragraph (4A), in the words before sub-paragraph (a), after “notification information” insert “, any contextual information or the regulation 2C information”.

(6) In paragraph (4B), in the words before sub-paragraph (a), after “notification information” insert “, contextual information or regulation 2C information”.

(7) In paragraph (4C), in the words before sub-paragraph (a) after “notification information” insert “, contextual information or regulation 2C information”.

(8) In paragraph (4D)—

- (a) in the words before sub-paragraph (a), for “where an individual is notified under regulation 2(1)” substitute “where an individual is required to self-isolate under regulation 2A or 2B”;
- (b) in sub-paragraph (a)(i), for “regulation 2(1)(a)(i) or (b)(i)” substitute “regulation 2A(1)(a) or (b)”;
- (c) in sub-paragraph (a)(ii), for “regulation 2(1)(a)(ii) or (b)(ii)” substitute “regulation 2B(1)(a) or (b)”;
- (d) in sub-paragraph (b), after “individual” insert “, or R where the individual is a child,”.

(9) After paragraph (4D) insert—

“(4E) For the purposes of this regulation “contextual information” means—



- (a) where the relevant person has reasonable grounds to believe that an individual is not complying, or will not comply, with any of the requirements in regulation 2A, 2B, 8 or 9 that apply in relation to that individual, that belief and the grounds for it;
- (b) if when contacted by the relevant person for the purposes of, or in connection with, a function under these Regulations an individual has been violent, threatening, abusive or otherwise behaved in such a way as to make the relevant person fear for their safety or the safety of any other person carrying out a function under, or in connection with, these Regulations, that fact and the details of the relevant act or behaviour;
- (c) if the relevant person has reasonable grounds to believe that an individual is, or may be, vulnerable, that belief and the grounds for it.

(4F) For the purposes of this regulation “the regulation 2C information” means, where an individual is notified under regulation 2C(1)(c)(iii)—

- (a) the date the individual received that notification,
- (b) the means by which that notification was given, and
- (c) where that notification was given otherwise than in person, a copy of the notification that was given.”.

(10) In paragraph (8), after sub-paragraph (c) insert—

- “(d) “R” and “relevant person” have the meanings given in regulation 5(1).”.

#### **Amendment of regulation 15 (self-incrimination)**

**21.** In regulation 15(1) for “regulation 2” substitute “regulation 2A or 2B”.

#### **Related savings and transitional provisions**

**22.**—(1) A notification given to a person under regulation 2(1)(a)(i) or (b)(i) of the Self-Isolation Regulations before commencement day—

- (a) is to be treated on and after commencement day as a notification given under regulation 2A(1)(a) or (b) (as appropriate) of those Regulations, and
- (b) where the notification was given by a general NHS or LA employee, is to be treated on and after commencement day as a notification given by a person employed or engaged for the purposes of the health service or by the relevant local authority (as appropriate) in communicable disease control.

(2) A notification given to a person under regulation 2(1)(a)(ii) or (b)(ii) of the Self-Isolation Regulations before commencement day—

- (a) is to be treated on and after commencement day as a notification given under regulation 2B(1)(a) or (b) (as appropriate) of those Regulations, and
- (b) where the notification was given by a general NHS or LA employee, is to be treated on and after that day as a notification given by a person employed or engaged for the purposes of the health service or by the relevant local authority (as appropriate) in communicable disease control.

(3) Despite the amendments made to the Self-Isolation Regulations by these Regulations, regulations 11 (offences) and 12 (fixed penalty notices) of the Self-Isolation Regulations continue in force as they had effect immediately before commencement day in relation to any offence committed under the Self-Isolation Regulations before that day.

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(4) For the purposes of regulation 12 of the Self-Isolation Regulations, a relevant fixed penalty notice is to be treated on and after commencement day as a fixed penalty notice issued in respect of a self-isolation requirement offence.

(5) In this paragraph—

“general NHS or LA employee” means—

- (a) a person employed or engaged for the purposes of the health service otherwise than in communicable disease control, or
- (b) a person employed or engaged by a local authority otherwise than in communicable disease control;

“the health service” means the health service within the meaning of section 275 of the National Health Service Act 2006;

“relevant fixed penalty notice” means a fixed penalty notice issued in respect of an offence—

- (a) described in regulation 11(1) of the Self-Isolation Regulations of contravening, without reasonable excuse, regulation 2 of those Regulations, and
- (b) which was committed before commencement day;

“self-isolation requirement offence” means the offence described in regulation 11(1) of the Self-Isolation Regulations (as amended by these Regulations) of contravening, without reasonable excuse, a requirement in regulation 2A or 2B of those Regulations.

### **Consequential amendment of the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020**

**23.** In the Schedule to the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020 omit—

- (a) paragraph 26 (amendment of regulation 2 of the Self-Isolation Regulations);
- (b) paragraph 27(a)(ii) (amendment of regulation 3(1) of the Self-Isolation Regulations);
- (c) paragraph 28(3) (amendment of definition of “P” in regulation 5(1) of the Self-Isolation Regulations);
- (d) paragraph 30 (amendment of regulation 11 of the Self-Isolation Regulations).

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations impose restrictions on gatherings and businesses in England. Areas specified in Part 1 of Schedule 4 (those areas in Step 1) are subject to the restrictions set out in Schedule 1. Areas specified in Part 2 of Schedule 4 (those areas in Step 2) are subject to the restrictions in Schedule 2. Areas specified in Part 3 of Schedule 4 (those areas in Step 3) are subject to the restrictions set out in Schedule 3. The provisions for each Step include restrictions on a person’s right to participate in gatherings, and restrictions on business. The restrictions are at their most severe in Step 1. The restrictions on businesses include the closure of certain businesses, and restrictions on the service of food and drink for consumption on the premises of a business.

The Regulations also impose restrictions on leaving the United Kingdom without a reasonable excuse (regulation 8). Schedule 5 lists a number of reasonable excuses for travel outside the United Kingdom, and Schedule 6 lists those people who are exempt from the restrictions on travel outside the United Kingdom.

The Health Protection (Coronavirus, International Travel Regulations) (England) Regulations 2020 are amended so that the requirement to self-isolate under regulation 4 of those Regulations ceases to apply to a person (other than a person travelling from a country listed in Schedule B1) who is required to self-isolate under Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 (“the Self-Isolation Regulations”).

The Health Protection (Coronavirus, Collection of Contact Details etc. and Related Requirements) Regulations 2020 are amended to clarify the means by which a person can be required to provide their contact details, as well as to remove the requirement to request contact details from a lead member of a group seeking to enter premises.

The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 are amended to clarify the territorial application of the Regulations, as well as to create new exceptions from the requirement to self-isolate, or remain in the place where a person is self-isolating, under those Regulations (including for participants in serial testing schemes). There are also various drafting and consequential amendments to the Self-Isolation Regulations.

The need for the restrictions in these Regulations must be reviewed by the Secretary of State every 35 days.

No impact assessment has been prepared for these Regulations.