

SCHEDULE 1

Step 1

PART 1

Restrictions on gatherings

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(1) (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(2) or section 100 of the Education and Inspections Act 2006(3),(and for this purpose “suitable education” has the meaning given by section 19(6) of the Education Act 1996)(4);

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

(2) 2002 c. 32. Section 29A was inserted by section 154 of the Education and Skills Act 2008 (c. 25).

(3) 2006 c. 40. Section 100 was amended by paragraph 16 of Schedule 13 to the Education Act 2011 (c. 21).

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

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- (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⁽⁵⁾, 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⁽⁶⁾;
 - (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.

⁽⁵⁾ 2009 c. 22.

⁽⁶⁾ 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).

(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(7)).

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(8), the Marriage (Registrar General’s Licence) Act 1970(9), the Civil Partnership Act 2004(10) or the Marriage (Same Sex Couples) Act 2013(11), 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,
 - (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,

(7) 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.

(8) 1949 c. 76.

(9) 1970 c. 34.

(10) 2004 c. 33.

(11) 2013 c. 30.

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- (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⁽¹²⁾, 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—
- (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,

⁽¹²⁾ S.I. 2014/3181.

- (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(13) 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(14) (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 (15), 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(16), or
 - (d) reasonably necessary to enable a responsible person—

(13) 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.

(14) S.I. 2005/389.

(15) 2006 c. 21.

(16) 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 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.

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- (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.

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(17), 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.