

This Statutory Instrument corrects errors in S.I. 2020/1008 and 2021/364 and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2021 No. 585

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, Restrictions) (Steps and Other Provisions) (England) (Amendment) Regulations 2021

Approved by both Houses of Parliament

Made - - - - 14th May 2021

Coming into force - - 17th May 2021

Laid before Parliament at 11.00 a.m. on 17th May 2021

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45B, 45C(1), (3)(c), (4)(b), (4)(d), 45D, 45F(2), (6) and (7), and 45P of the Public Health (Control of Disease) Act 1984(a).

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in England.

The Secretary of State considers that the restrictions and requirements imposed by the Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020(b), the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020(c), the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020(d), the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020(e) and the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021(f), 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.

(a) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).
(b) S.I. 2020/592, amended by S.I. 2020/906, 1021 and 1026.
(c) S.I. 2020/791, amended by S.I. 2020/839, 882, 1021 and 1026. There are other amendments to S.I. 2020/791 which are not relevant to this instrument.
(d) S.I. 2020/1008, amended by S.I. 2020/1046 and 2021/364. There are other amendments to S.I. 2020/1008 which are not relevant to this instrument.
(e) S.I. 2020/1375, amended by S.I. 2020/1046, and 2021/364 and 455.
(f) S.I. 2021/364, amended by S.I. 2021/455.

Citation, commencement, extent and application

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

(2) These Regulations come into force on 17th May 2021.

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

(4) Regulations 2 and 6 to 11 also apply—

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

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

(5) For the purposes of paragraph (4), “English airspace”, “English territorial sea” and “excluded vessel” have the meanings given in regulation 1(4) of the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021.

Amendment of the Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020

2. In regulation 10(1) of the Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020, for the words from “the period of” to the end, substitute “20th June 2021”.

Amendment of the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020

3. In regulation 3(2) of the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020, after sub-paragraph (o), insert—

“(p) to a person who is in premises of a kind mentioned in paragraph 5, 6, 9, 13 or 18 of Schedule 1 (a “community premises”), or a separate and enclosed part of it—

(i) if the person is there to participate in a gathering which is reasonably necessary for any of the purposes referred to in paragraph 3(3)(b), (c), (d), (e), (i), (j), (k), (l) or (m) of Schedule 3 to the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021, and

(ii) at a time when the community premises, or the separate and enclosed part of the community premises, as the case may be, have been set aside for the sole use of people participating in that gathering”.

Amendment of the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020

4. In the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020—

(a) in regulation 1(3)(d)(iii), for “paragraph (2)”, substitute “paragraph 5(2)”;

(b) in regulation 2(1), for sub-paragraph (d), substitute—

“(d) an appropriate distance is maintained between tables occupied by persons who are not—

(i) in the case of a gathering which is held in reliance on exception 1 (permitted organised gatherings) in paragraph 3(2) of Schedule 3 to the Principal Regulations, in the same qualifying group, or

(ii) in any other case, in a single group which is permitted to gather under the Principal Regulations.”.

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

5. In regulation 12(1) of the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020, for the words from “the period of” to the end, substitute “20th June 2021”.

Amendment of the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021

6. The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 are amended as follows.

Part 1

7. In regulation 2(1)—

- (a) omit the definitions of “common travel area”, “embarkation point”, “international terminal” and “travel declaration form”;
- (b) in the definition of “Crown interest”, omit the words from “, and includes” to the end.

Parts 3 and 5

8.—(1) Omit regulation 8.

(2) In regulation 10—

- (a) omit paragraphs (1)(b) and (2) to (5);
- (b) in paragraph (11)—
 - (i) omit “(3), (5),”;
 - (ii) omit “requirement or”;
 - (iii) omit “(2), (4) or”;
- (c) in paragraph (12), omit “(3), (5),”.

(3) In regulation 11, omit paragraphs (1)(b) and (2).

(4) In regulation 12(5)(c), for “13 to 17” substitute “14 to 17”.

(5) Omit regulation 13.

(6) In regulation 17—

- (a) in the opening words of paragraph (1), for “13 to 16” substitute “14 to 16”;
- (b) in paragraph (3)(a), at the end insert “as in force immediately before 17th May 2021”.

(7) Omit regulation 19.

Part 6

9.—(1) In regulation 21, omit paragraph (2).

(2) In regulation 23, omit paragraph (4).

Schedule 3

10.—(1) Schedule 3 is amended as follows.

(2) In paragraph 2—

- (a) in sub-paragraph (3), for “(4) or (5)”, substitute “(4), (5) or (5A)”;
- (b) in sub-paragraph (5)—
 - (i) for paragraph (b), substitute—

- “(b) takes place indoors—
 - (i) in a private dwelling, or
 - (ii) on a vessel, and”;
- (ii) in paragraph (c), after “paragraph 3” insert “or 4”;
- (c) after sub-paragraph (5), insert—
 - “(5A) A gathering falls within this paragraph if it—
 - (a) consists of more than 50 persons,
 - (b) takes place outdoors—
 - (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.”;
- (d) in sub-paragraph (7), for “sub-paragraph (5)(b)(ii)”, substitute “sub-paragraphs (5)(b)(ii) and (5A)(b)(ii)”;
- (e) after sub-paragraph (7), insert—
 - “(7A) In applying for the purposes of sub-paragraph (5)(c) the exceptions set out in paragraph 3, paragraph 3(2)(b) does not apply.”;
- (f) in sub-paragraph (8), for “(5)(c)” substitute “(5A)(c)”.
- (3) In paragraph 3—
 - (a) in sub-paragraph (1) after “2(5)(c)” insert “and (5A)(c)”;
 - (b) in sub-paragraph (12)—
 - (i) in the opening words, for “29th March 2021” substitute “17th May 2021”;
 - (ii) in paragraph (a), for “29th April 2021” substitute “30th June 2021”;
 - (iii) in paragraph (b), after “under” insert “these Regulations or under”;
 - (c) after sub-paragraph (17), insert—
 - “Exception 15: support groups*
 - (18) Exception 15 is that the gathering—
 - (a) is of a support group,
 - (b) consists of no more than 30 persons, and
 - (c) takes place at premises other than a private dwelling.
 - (19) In determining whether the limit in sub-paragraph (18)(b) is complied with, no account is to be taken of any child who is below the age of five.
 - Exception 16: parent and child groups*
 - (20) Exception 16 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
 - (b) consists of no more than 30 persons.
 - (21) In determining whether the limit in sub-paragraph (20)(b) is complied with, no account is to be taken of any child who is below the age of five.
 - Exception 17: funerals*
 - (22) Exception 17 is that—
 - (a) the gathering is for the purposes of a funeral,
 - (b) 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 (in the case of a gathering taking place at premises mentioned in paragraph (b)(i) or (ii)) or the gathering organiser (in the case of a gathering taking place as mentioned in paragraph (b)(iii)) takes the required precautions in relation to the gathering.”.
- (4) In paragraph 4—
- (a) omit sub-paragraphs (5) and (6) and the preceding heading;
 - (b) omit sub-paragraph (12) and the preceding heading;
 - (c) omit sub-paragraphs (16) and (17) and the preceding heading.

Schedules 4, 5 and 6

11.—(1) In Schedule 4—

- (a) in Part 1, for the existing words, substitute “There are no areas within the Step 1 area.”;
- (b) in Part 2, for the existing words, substitute “There are no areas within the Step 2 area.”;
- (c) in Part 3, after “Step 3 area—”, insert—

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

(2) Omit Schedules 5 and 6.

14th May 2021

Bethell
Parliamentary Under-Secretary of State,
Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020 so that persons taking part in certain gatherings for educational purposes in community premises are not required to wear a mask. They amend the Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020 and the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020 to change the date on which those Regulations expire to 20th June 2021, and amend the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020 to clarify the obligations of undertakings under regulation 2 of those Regulations.

They amend the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 (“Steps Regulations”), to move all places in England (including the territorial sea and airspace above England) from the Step 2 area to the Step 3 area, so that the restrictions set out in Schedule 3 to the Steps Regulations apply throughout England with effect from 17th May 2021, the date on which these Regulations come into force.

They amend the Steps Regulations to remove the restrictions on leaving the United Kingdom, and amend the restrictions set out in Schedule 3 to the Steps Regulations to increase the number of people who are able to attend a parent and child group or a support group, to remove the limits on the number of people who may attend a funeral, to permit gatherings necessary to enable a student to move to another household for the purposes of a vacation before 30th June 2021 and to amend the restriction on organising a large gathering outdoors so that it only applies when there are more than 50 people in the gathering. They also amend the Steps Regulations to remove savings provisions in regulations 21 and 23 which are unnecessary because they replicate the effect of section 16 of the Interpretation Act 1978(a).

No impact assessment has been prepared for these Regulations.

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