

2021 No. 8

PUBLIC HEALTH, ENGLAND

**The Health Protection (Coronavirus, Restrictions) (No. 3) and
(All Tiers) (England) (Amendment) Regulations 2021**

Approved by both Houses of Parliament

Made - - - - at 4.30 p.m. on 5th January 2021

Laid before Parliament at 5.30 p.m. on 5th January 2021

Coming into force - - 6th January 2021

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

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

The Secretary of State considers that the restrictions and requirements imposed by the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020(b), as amended by these Regulations, are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 45R of that Act, the Secretary of State is of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, each House of Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (No. 3) and (All Tiers) (England) (Amendment) Regulations 2021.

(2) They come into force on 6th January 2021.

The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020

2.—(1) The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020(c) are amended as follows.

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

(b) S.I. 2020/1374, amended by S.I. 2020/1518, 1533, 1572, 1611, 1646 and 1654.

(c) S.I. 2020/750, amended by S.I. 2020/800, 822, 824, 828, 865, 907, 974, 988, 1010, 1019, 1103, 1200, 1374, 1375 and 1646.

(2) In regulation 1(4), in the definition of “constable”, after ““constable””, insert “, except in regulation 12,”.

(3) In regulation 12—

(a) in paragraph (1), after “officer”, insert “, a police community support officer (“PCSO”);

(b) in paragraph (3)—

(i) after “constable”, in the first place it occurs, insert “or PCSO”;

(ii) for the words from “, the constable may”, to the end, substitute—

“—

(a) the constable or the PCSO may—

(i) direct the event to stop, and

(ii) direct a person to leave the event, and

(b) the constable may remove a person from the event.”;

(c) in paragraph (4)—

(i) after “constable”, in the first place it occurs, insert “or PCSO”;

(ii) for the words from “, the constable may”, to the end, substitute—

“—

(a) the constable or the PCSO may direct that person to leave the place, and

(b) the constable may remove that person from the place.”;

(d) in paragraph (5), for “(3)(c)” substitute “(3)(b)”;

(e) in paragraphs (6), (7) and (8), after “constable”, each time it occurs, insert “or PCSO”.

(4) In regulation 19(1), for “17 January 2021”, substitute “17th July 2021”.

The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

3.—(1) The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 are amended as follows.

(2) In regulation 15(1), for “2nd February 2021” substitute “31st March 2021”.

(3) Schedule 3A is amended in accordance with paragraphs (4) to (12).

(4) In paragraph 2—

(a) in sub-paragraph (2), omit paragraphs (d) and (da);

(b) in sub-paragraph (3)—

(i) in paragraph (a), omit “and (d)(ii)”;

(ii) in paragraph (b), omit “and (d)(iii)”;

(c) in sub-paragraph (4)(b), omit sub-paragraph (i);

(d) in sub-paragraph (13)(e)—

(i) for sub-paragraph (i), substitute—

“(i) later years provision, within the meaning of section 96(6) of the Childcare Act 2006(a), or”;

(e) for sub-paragraph (14), substitute—

“(14) Sub-paragraph (13)(e) only applies where—

(a) the responsible person is described as a critical worker in the relevant guidance, and the later years provision or supervised activities are reasonably necessary to enable the responsible person —

(a) 2006 c. 21.

- (i) to work or search for work,
 - (ii) to undertake training or education, or
 - (iii) to attend a medical appointment or address a medical need, or
- (b) the later years provision or supervised activities are provided for a child described in the relevant guidance as a vulnerable child or young person.
- (14A) For the purposes of sub-paragraph (14)—
 - (a) “responsible person” means a parent or a person who has parental responsibility for, or care of, the child or other person in question, and
 - (b) “relevant guidance” is the guidance titled “Critical workers and vulnerable children who can access schools or educational settings” published by the Cabinet Office and the Department for Education and updated on 5th January 2021(a).”;
- (f) in sub-paragraph (19), omit “or are aged under 18 or were under 18 on 31st August 2020.”;
- (g) omit sub-paragraph (21) and the preceding heading.
- (5) In paragraph 4(4)(b), omit sub-paragraph (i).
- (6) In paragraph 6—
 - (a) in sub-paragraph (18)(e), for sub-paragraph (i), substitute—
 - “(i) later years provision, within the meaning of section 96(6) of the Childcare Act 2006, or”;
 - (b) for sub-paragraph (19), substitute—
 - “(19) Sub-paragraph (18)(e) only applies where—
 - (a) the responsible person is described as a critical worker in the relevant guidance, and the later years provision or supervised activities are reasonably necessary to enable the responsible person—
 - (i) to work or search for work,
 - (ii) to undertake training or education, or
 - (iii) to attend a medical appointment or address a medical need, or
 - (b) the later years provision or supervised activities are provided for a child described in the relevant guidance as a vulnerable child or young person.
- (19A) For the purposes of sub-paragraph (19)—
 - (a) “responsible person” means a parent or a person who has parental responsibility for, or care of, the child or other person in question, and
 - (b) “relevant guidance” is the guidance titled “Critical workers and vulnerable children who can access schools or educational settings” published by the Cabinet Office and the Department for Education and updated on 5th January 2021.”;
- (c) omit sub-paragraphs (20) and (21) and the preceding heading.
- (7) In paragraph 8(1), omit “are aged under 18 or were under 18 on 31st August 2020.”.
- (8) In paragraph 12(1)—
 - (a) in paragraph (c)—
 - (i) for “indoor gyms” substitute “indoor or outdoor gyms.”;
 - (ii) for “and other indoor sports facilities” substitute “, indoor or outdoor sports facilities and sports grounds”;

(a) A copy of this guidance may be found at <https://www.gov.uk/government/publications/coronavirus-covid-19-maintaining-educational-provision/guidance-for-schools-colleges-and-local-authorities-on-maintaining-educational-provision>. A hard copy may be obtained from the Department for Education, Sanctuary Buildings, 20 Great Smith Street, London, SW1P 3BT.

- (b) in paragraph (d), omit “indoor”;
 - (c) in paragraph (e)—
 - (i) for “indoor gyms” substitute “indoor or outdoor gyms,”;
 - (ii) after “leisure centres”, insert “, and outdoor sports facilities and sports grounds”;
 - (d) in paragraph (f)—
 - (i) for “indoor gyms”, substitute “indoor or outdoor gyms”;
 - (ii) after “rinks”, insert “outdoor and”;
 - (iii) after “leisure centres”, insert “, and outdoor sports facilities and sports grounds”;
 - (e) in paragraph (i), omit “indoor arenas at”;
 - (f) after paragraph (j), insert—
 - “(k) outdoor sports facilities for outdoor sports gatherings permitted under paragraph 8.”.
- (9) In paragraph 13—
- (a) in sub-paragraph (1)—
 - (i) in paragraph (a), after “drink”, insert “(but not alcohol)”;
 - (ii) in paragraph (b), after “drink”, insert “(but not alcohol)”;
 - (iii) after paragraph (b), insert—
 - “(c) from selling alcohol by a method of sale permitted by sub-paragraph (2)(a)”;
 - (b) in sub-paragraph (5)(c), for “between the hours of 23:00 and 05:00” substitute “at any time”.
- (10) In paragraph 15(7)—
- (a) in paragraph (e), omit “indoor arenas at”;
 - (b) after paragraph (n), insert—
 - “(o) aquariums and zoos, including safari parks;
 - (p) animal attractions at farms, wildlife centres and any other place where animals are exhibited to the public as an attraction”;
 - (c) in paragraph (t), omit sub-paragraphs (v) and (vi);
 - (d) after paragraph (gg), insert—
 - “(hh) outdoor sports grounds and facilities, including outdoor gyms, sports courts, swimming pools, water sports, shooting and archery venues, golf courses, and driving ranges;
 - (ii) retail travel agents.”.
- (11) In paragraph 16—
- (i) in sub-paragraph (2), omit paragraph (ba);
 - (ii) in sub-paragraph (5), omit paragraph (da).
- (12) In paragraph 17, omit sub-paragraph (x).
- (13) Schedule 4 is amended as follows—
- (a) in Part 2 (Tier 3 area), omit all the entries under each of the following headings: “North West”; “Yorkshire and The Humber”; “East Midlands”; “West Midlands” and “South West”;
 - (b) for the words in Part 3 (Tier 4 area) substitute—
 - “Every area of England, apart from the territorial waters adjacent to England and the airspace above England and those territorial waters, is within the Tier 4 area.”.

At 4.30 p.m. on 5th January 2021

Matt Hancock
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, Restrictions) (England) (No. 3) Regulations 2020 to clarify the powers of a police community support officer, and amend the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 to strengthen the Tier 4 restrictions, and to apply those restrictions to every area in England. In addition, the expiry date for the Regulations is extended in each case.

No impact assessment has been prepared for these Regulations.

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