

*Regulations made by the Secretary of State, laid before Parliament under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of each House of Parliament within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution, prorogation or adjournment for more than four days.*

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## STATUTORY INSTRUMENTS

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**2020 No. 1200**

# **PUBLIC HEALTH, ENGLAND**

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

<i>Made</i>	- - - -	<i>at 2.45 p.m. on 3rd November 2020</i>
<i>Laid before Parliament</i>		<i>at 4.10 p.m. on 3rd November 2020</i>
<i>Coming into force</i>	- -	<i>5th November 2020</i>

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

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 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.

### **PART 1**

#### **Introductory**

#### **Citation, commencement and application**

**1.—(1)** These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020.

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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) These Regulations come into force on 5th November 2020.
- (3) These Regulations apply in relation to England only, including English airspace and the English territorial sea.
- (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 that is adjacent to England.

## Interpretation

- 2.—(1) In these Regulations—
- “alcohol” has the meaning given in section 191 of the Licensing Act 2003(2);
- “care home” has the meaning given by section 3 of the Care Standards Act 2000(3);
- “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 in section 18 of the Childcare Act 2006(4);
- “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);
- “criminal justice accommodation” means—
- (a) a prison, within the meaning of the Prison Act 1952(5);
- (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(6);
- (e) a bail hostel, within the meaning of section 2 of the Bail Act 1976(7);
- “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;
- “educational accommodation” means—
- (a) accommodation provided for students whilst they are boarding at school, and

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(2) [2003 c. 17](#). Section 191 was amended by the Policing and Crime Act [2017 \(c. 3\)](#), section 135, and by [S.I. 2006/2407](#).

(3) [2000 c. 14](#). Section 3 was amended by the Health and Social Care Act 2008 (c. 14), paragraph 4(1) of Schedule 5. There are other amendments to section 3 which are not relevant to this instrument.

(4) [2006 c. 21](#). Section 18 was 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](#).

(5) [1952 c. 52](#).

(6) [2007 c. 21](#).

(7) [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.

- (b) halls of residence provided for students attending higher education courses and equivalent accommodation provided for students attending further education courses;
- “elite sportsperson” has the meaning given in regulation 3;
- “the gathering organiser”, in relation to a gathering, means the person responsible for organising the gathering;
- “linked childcare household” has the meaning given in regulation 13;
- “linked household” has the meaning given in regulation 12;
- “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;
- “the manager”, in relation to a gathering, means the person responsible for the management of the premises in which the gathering takes place;
- “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 in section 3 of the Children Act 1989(8);
- “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(9), or
- (b) a political campaigning organisation within the meaning of regulation 2 of the Health and Social Care (Financial Assistance) Regulations 2009(10);
- “private dwelling” has the meaning given in regulation 7(5);
- “public outdoor place” has the meaning given in regulation 7(4);
- “school” has the meaning given in section 4 of the Education Act 1996;
- “support group” has the meaning given in regulation 11(8);
- “vessel” means any ship, boat, barge, lighter or raft and any other description of craft, whether used in navigation or not;
- “vulnerable person” has the meaning given in regulation 4.
- (2) For the purposes of these Regulations—
- (a) references to “a person with a disability” are to be read in accordance with regulation 4(3);
- (b) references to a “local authority” include references to a county council;
- (c) a reference to the “required precautions” is a reference to the requirements set out in regulation 14.

### **Elite sportsperson**

- 3.—(1) In these Regulations, “elite sportsperson” means an individual who—

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(8) 1989 c. 41.

(9) 2000 c. 41.

(10) S.I. 2009/649, to which there are amendments not relevant to these Regulations.

- (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 aged 15 or above and is on an elite development pathway.
- (2) For the purposes of paragraph (1)—
- (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, or, if that sport is not part of the Tokyo Olympic and Paralympic Games programme, 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
    - (ii) England, Wales, Scotland, Northern Ireland, Gibraltar, Guernsey, Jersey or the Isle of Man at the Commonwealth Games to be held in Birmingham in those sports which are not part of the Tokyo Olympic and Paralympic Games programme;
  - (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
    - (ii) England, Wales, Scotland, Northern Ireland, Gibraltar, Guernsey, Jersey or the Isle of Man at the Commonwealth Games to be held in Birmingham in those sports which are not part of the Tokyo Olympic and Paralympic Games programme.

#### **Meaning of vulnerable person and disability**

- 4.—(1) In these Regulations, references to a “vulnerable person” include—
- (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 (2);
  - (c) any person who is pregnant.
- (2) The conditions referred to in paragraph (1)(b) 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.
- (3) For the purposes of these Regulations—
  - (a) a person has a disability if they have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities;
  - (b) regulations 3 to 5 of the Equality Act 2010 (Disability) Regulations 2010(11) apply in considering whether a person has such an impairment.

## PART 2

### Restrictions on movement

#### Restrictions on leaving home

5.—(1) No person may leave or be outside of the place where they are living without reasonable excuse.

- (2) For the purposes of paragraph (1)—
  - (a) the circumstances in which a person has a reasonable excuse include where one of the exceptions set out in regulation 6 applies;
  - (b) the place where a person is living includes the premises where they live together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.
- (3) This regulation does not apply to any person who is homeless.

#### Exceptions: leaving home

6.—(1) These are the exceptions referred to in regulation 5.

#### *Exception 1: leaving home necessary for certain purposes*

(2) Exception 1 is that it is reasonably necessary for the person concerned (“P”) to leave or be outside the place where P is living (“P’s home”)—

- (a) to buy goods or obtain services from any business or service listed in Part 3 of the Schedule, for—
  - (i) P or for those in the same household,
  - (ii) vulnerable persons, or
  - (iii) persons in the same household as a vulnerable person;
- (b) to obtain money from or deposit money with any business listed in paragraph 43 or 44 of the Schedule;
- (c) to take exercise outside—
  - (i) alone,
  - (ii) with—
    - (aa) one or more members of their household, their linked household, or
    - (bb) where exercise is being taken as part of providing informal childcare for a child aged 13 or under, one or more members of their linked childcare household, or

- (iii) in a public outdoor place, with one other person who is not a member of their household, their linked household or their linked childcare household, and paragraph (3) applies in determining whether a person is complying with the limits in this sub-paragraph;
  - (d) to visit a public outdoor place for the purposes of open air recreation—
    - (i) alone,
    - (ii) with—
      - (aa) one or more members of their household, their linked household, or
      - (bb) where exercise is being taken as part of providing informal childcare for a child aged 13 or under, one or more members of their linked childcare household, or
    - (iii) with one other person who is not a member of their household or their linked household, and paragraph (3) applies in determining whether a person is complying with the limits in this sub-paragraph;
  - (e) to attend a place of worship;
  - (f) to attend an event commemorating Remembrance Sunday or to attend the gathering referred in regulation 11(18)(a)(ii);
  - (g) to undertake any of the following activities in connection with the purchase, sale, letting or rental of a residential property—
    - (i) visiting estate or letting agents, developer sales offices or show homes;
    - (ii) viewing residential properties to look for a property to buy or to rent;
    - (iii) preparing a residential property to move in;
    - (iv) moving house;
    - (v) visiting a residential property to undertake any activities required for the rental or sale of that property;
  - (h) to visit a member of a household which is a linked household in relation to P’s household;
  - (i) to collect food, drink or other goods which have been ordered from a business, or to access goods or services which are provided, in any way permitted by regulation 17 or 18;
  - (j) to visit a waste disposal or recycling centre.
- (3) For the purposes of determining whether a person is complying with the limits in—
- (a) paragraph (2)(c)(ii) and (d)(ii), no account is to be taken of any person who is present as a carer for a person with a disability who needs continuous care (a “carer”),
  - (b) paragraph (2)(c)(iii) and (d)(iii), no account is to be taken of a carer or a child below the age of five,
- provided that, in either case, there are no more than two people present in the capacity of carer.

*Exception 2: work, voluntary services, education and training etc*

- (4) Exception 2 is that it is reasonably necessary for P to leave or be outside P’s home—
  - (a) for the purposes of work or to provide voluntary or charitable services, where it is not reasonably possible for P to work, or to provide those services, from home;
  - (b) for the purposes of education or training;

- (c) to provide care or assistance, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006<sup>(12)</sup>, to a vulnerable person;
- (d) to provide emergency assistance to any person;
- (e) to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
- (f) to access critical public services, including—
  - (i) social services;
  - (ii) services provided by the Department for Work and Pensions;
  - (iii) services provided to victims (including victims of crime);
  - (iv) asylum and immigration services and interviews;
- (g) to access services provided by voluntary or charitable services, including food banks.

*Exception 3: elite athletes*

(5) Exception 3 is that 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 or be outside P's home for the purposes of training or competition.

*Exception 4: medical need etc*

- (6) Exception 4 is that it is reasonably necessary for P to leave or be outside P's home—
- (a) to seek medical assistance, including to take any medical tests, be vaccinated or access any of the services referred to in paragraph 47 of the Schedule;
  - (b) to donate blood or attend medical trials;
  - (c) to avoid injury or illness or to escape a risk of harm;
  - (d) to attend a person giving birth ("M") at M's request;
  - (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.

*Exception 5: Support and respite*

- (7) Exception 5 is that it is reasonably necessary for P to leave or be outside P's home—
- (a) to attend a meeting of a support group which is permitted to meet under regulation 11<sup>(6)</sup>;
  - (b) for the following purposes—
    - (i) respite care being provided for a vulnerable person or a person with a disability, or
    - (ii) a short break being provided in respect of a looked after child (within the meaning of section 22 of the Children Act 1989<sup>(13)</sup>).

*Exception 6: Death bed visit*

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<sup>(12)</sup> 2006 c. 47. Paragraph 7(3B) was substituted, with sub-paragraphs (1) to (3) and (3A) to (3E), for sub-paragraphs (1) to (3) by section 66 of the Protection of Freedoms Act 2012 (c. 9).

<sup>(13)</sup> 1989 c. 41.

(8) Exception 6 is that it is reasonably necessary for P to leave or be outside P’s home to visit a person (“D”) whom P reasonably believes is dying, and P is—

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

*Exception 7: funerals etc*

(9) Exception 7 is that it is reasonably necessary for P to leave or be outside P’s home—

- (a) to attend a funeral,
- (b) to attend a commemorative event celebrating the life of a person who has died, or
- (c) to visit a burial ground or garden of remembrance, to pay respects to a member of P’s household, a family member or friend.

*Exception 8: marriages and civil partnerships*

(10) Exception 8 is that it is reasonably necessary for P to leave or be outside P’s home to attend a marriage ceremony, a civil partnership ceremony or an alternative wedding ceremony permitted under regulation 11(11).

(11) For the purposes of this exception an “alternative wedding ceremony” is 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 regulation 11(11)(a)(i) or (ii).

*Exception 9: children*

(12) Exception 9 is that it is reasonably necessary for P to leave or be outside P’s home—

- (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 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(14) 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(15) (see regulation 35(2) of those Regulations);
- (d) to access educational facilities, or to accompany a child to those facilities where P is the parent or has parental responsibility for, or care of, the child in question;
- (e) subject to paragraph (13), for the purposes of—
  - (i) childcare provided by a person registered under Part 3 of the Childcare Act 2006(16);
  - (ii) supervised activities for children;
- (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 (see regulation 13).

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

(15) S.I. 2005/389.

(16) 2006 c. 21.



(13) Paragraph (12)(e) only applies where the childcare is reasonably necessary to enable a parent, or a person who has parental responsibility for, or care of, the child in question, to work, search for work or to undertake training or education.

*Exception 10: Animal welfare*

- (14) Exception 10 is that it is reasonably necessary for P to leave or be outside P's home—
- (a) to attend veterinary services to seek advice about the health and welfare of a pet or other animal owned or cared for by P, or for the treatment of such a pet or animal;
  - (b) to attend to the care of or exercise of a pet or other animal owned or cared for by P.

*Exception 11: Returning home*

(15) Exception 11 is that it is reasonably necessary for P to be outside P's home to enable P to return home from any place where P was on holiday immediately before these Regulations came into force.

*Exception 12: Prison visits*

- (16) Exception 12 is that it is reasonably necessary for P to leave or be outside P's home to visit a person ("VP") living in criminal justice accommodation, where P is—
- (a) a close family member of VP, or
  - (b) a friend of VP.

*Exception 13: Other visits*

(17) Exception 13 is that it is reasonably necessary for P to leave or be outside P's home for the purposes of a visit permitted under regulation 11(10).

## PART 3

### Restrictions on gatherings

#### **Part 3: general interpretation**

- 7.—(1) This paragraph applies for the purposes of this Part.
- (2) A gathering takes place when two or more persons are present together in the same place in order—
- (a) to engage in any form of social interaction with each other, or
  - (b) to undertake any other activity with each other.
- (3) 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(17), under the Smoke-free (Premises and Enforcement) Regulations 2006(18).
- (4) A place is a "public outdoor place" if it 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;

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(17) 2006 c. 28. Section 2 was amended by paragraph 4 of Schedule 2 to the Public Health (Wales) Act 2017 (2017 anaw 2).

(18) S.I. 2006/3368, to which there are amendments which are not relevant to these Regulations.

- (b) land which is “open country” as defined in section 59(2) of the National Parks and Access to the Countryside Act 1949<sup>(19)</sup>, as read with section 16 of the Countryside Act 1968<sup>(20)</sup>;
  - (c) land which is “access land” for the purposes of Part 1 of the Countryside and Rights of Way Act 2000<sup>(21)</sup> (see section 1(1) of that Act)<sup>(22)</sup>;
  - (d) any highway to which the public has access;
  - (e) Crown land to which the public has access.
- (5) References to a “private dwelling”—
- (a) include references to a houseboat and any garden, yard, passage, stair, outhouse or other appurtenance of the dwelling;
  - (b) do not include references to the following—
    - (i) accommodation in a hotel, hostel, campsite, caravan park, members club, boarding house or bed and breakfast accommodation;
    - (ii) care homes;
    - (iii) children’s homes, within the meaning of section 1 of the Care Standards Act 2000<sup>(23)</sup>;
    - (iv) residential family centres, within the meaning of section 4 of that Act;
    - (v) educational accommodation;
    - (vi) accommodation intended for use by the army, navy or air force;
    - (vii) criminal justice accommodation.

### **Participation in indoor gatherings**

- 8.—(1) No person may participate in a gathering which—
- (a) consists of two or more people, and
  - (b) takes place indoors (including indoors within a private dwelling).
- (2) Paragraph (1) does not apply if any of the exceptions set out in regulation 11 apply.

### **Participation in outdoor gatherings**

- 9.—(1) No person may participate in a gathering which—
- (a) takes place in a public outdoor place and consists of more than two people, or
  - (b) takes place in any other outdoor place (including any outdoor part of a private dwelling) and consists of two or more people.
- (2) In determining whether there is a gathering of two or more people, no account is to be taken of any person who is—
- (a) present in the gathering as a carer for a person with a disability who needs continuous care, provided that there are no more than two people present in that capacity, or
  - (b) below the age of five.
- (3) Paragraph (1) does not apply if any of the exceptions set out in regulation 11 apply.

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<sup>(19)</sup> 1949 c. 97.

<sup>(20)</sup> 1968 c. 41. Section 16 was 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.

<sup>(21)</sup> 2000 c. 37.

<sup>(22)</sup> 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).

<sup>(23)</sup> 2000 c. 14. Section 1 has been amended by paragraph 2 of Schedule 5 to the Health and Social Care Act 2008 (c. 14). There are other amendments to that section which are not relevant to these Regulations.

## **Organisation or facilitation of gatherings**

**10.**—(1) No person may hold, or be involved in the holding of, a relevant gathering.

(2) For the purposes of 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 regulation if it falls within paragraph (4) or (5).

(4) A gathering falls within this 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>(24)</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 paragraph if (not falling within paragraph (4)) it—

- (a) consists of more than 30 persons,
- (b) takes place—
  - (i) in a private dwelling,
  - (ii) on a vessel (other than a government vessel, a vessel used for public transport or a houseboat), or
  - (iii) on land which satisfies the condition in paragraph (7),
- (c) is not a gathering in relation to which any of the exceptions set out in regulation 11, so far as capable of applying to the gathering, or the exception in paragraph (6), applies.

(6) This paragraph applies if, in the case of a gathering described in paragraph (5)(b)(ii) or (iii), the person holding the gathering or, if they are not the person responsible for organising that gathering, the gathering organiser—

- (a) is a business, a charitable, benevolent or philanthropic institution, a public body or a political body, and
- (b) has taken the required precautions (see regulation 14).

(7) Land satisfies the condition in this 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.

## **Exceptions in relation to gatherings**

**11.**—(1) These are the exceptions referred to in regulations 8, 9 and 10.

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

(2) Exception 1 is that all the people in the gathering—

- (a) are members of the same household, or
- (b) are members of two households which are linked households in relation to each other (see regulation 12).

### *Exception 2: gatherings necessary for certain purposes*

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<sup>(24)</sup> 1994 c. 33. Section 63(1) was amended by section 58(2) of the Anti-social Behaviour Act 2003 (c. 38).

- (3) Exception 2 is that the gathering is reasonably necessary—
- (a) for work purposes or for the provision of voluntary or charitable services;
  - (b) for the purposes of education or training;
  - (c) to provide emergency assistance;
  - (d) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm;
  - (e) to provide care or assistance to a vulnerable person, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006(25);
  - (f) to facilitate a house move.

*Exception 3: legal obligations and proceedings*

(4) Exception 3 is that the person concerned is fulfilling a legal obligation or participating in legal proceedings.

*Exception 4: criminal justice accommodation*

(5) Exception 4 is that the gathering takes place in criminal justice accommodation.

*Exception 5: support groups*

- (6) Exception 5 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.

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

(8) For the purposes of paragraph (6), “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 facing issues related to their sexuality or identity including those living as lesbian, gay, bisexual or transgender;
- (f) to those who have suffered bereavement;
- (g) to vulnerable young people.

*Exception 6: respite care*

- (9) Exception 6 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 looked after child (within the meaning given in section 22 of the Children Act 1989).

*Exception 7: births and visiting persons receiving treatment etc*

- (10) Exception 7 is that the person concerned (“P”) is—
- (a) attending a person giving birth (“M”) at M’s request, or
  - (b) visiting a person (“V”) receiving treatment in a hospital or staying in a hospice or care home, or accompanying 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.

*Exception 8: marriages and civil partnerships etc*

- (11) Exception 8 is that—
- (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(26);
    - (ii) the solemnisation of a marriage by special licence under the Marriage Act 1949(27), 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(28);
    - (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(29), or
    - (v) an alternative wedding ceremony, where one of the parties to the marriage is seriously ill and not expected to recover, and for these purposes, “alterative wedding ceremony” has the meaning given in regulation 6(11),
  - (b) the gathering consists of no more than 6 people,
  - (c) 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 paragraph (ii) or (iii), and
  - (d) the gathering organiser or manager takes the required precautions in relation to the gathering (see regulation 14).

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(26) 1970 c. 34.

(27) 1949 c. 76.

(28) 2004 c. 33.

(29) S.I. 2014/3181, as amended by S.I. 2016/911.

*Exception 9: visiting a dying person*

(12) Exception 9 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 10: funerals*

(13) 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 at premises, other than a private dwelling, which—
  - (i) are operated by a business, a charitable, benevolent or philanthropic institution or a public body, or
  - (ii) 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 (see regulation 14).

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

(14) 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, scattering ashes or a 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 (see regulation 14).

*Exception 12: elite sports*

(15) 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*

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

- (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 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(30), or

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(30) 1989 c. 41. Section 22 was amended by the Local Government Act 2000 (c. 22), section 107 and Schedule 5, paragraph 19; the Children (Leaving Care) Act 2000 (c. 35), section 2; the Adoption and Children Act 2002 (c. 38), section 116; the Children

- (ii) a relevant child, within the meaning of section 23A(31) 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(32) (see regulation 35(2) of those Regulations);
- (d) subject to paragraph (17), for the purposes of—
  - (i) childcare provided by a person registered under Part 3 of the Childcare Act 2006(33), or
  - (ii) supervised activities for children;
- (e) 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 (see regulation 13).

(17) Paragraph (16)(d) only applies where the childcare is reasonably necessary to enable the parent, or the person who has parental responsibility for, or care of, the child in question, to work, to search for work or to undertake training or education.

*Exception 14: Remembrance Sunday and Armistice Day*

- (18) Exception 14 is that—
- (a) the gathering takes place—
    - (i) outdoors in a place which is not a private dwelling to commemorate Remembrance Sunday, or
    - (ii) in Westminster Abbey on 11th November 2020 to commemorate Armistice Day and the centenary of the burial of the Unknown Soldier;
  - (b) the persons attending the gathering are limited to—
    - (i) persons there as part of their work,
    - (ii) persons providing voluntary services in connection with the event,
    - (iii) members of the armed forces,
    - (iv) veterans of the armed forces or their representatives or carers, and
    - (v) spectators who participate in the gathering alone or only with members of their household, linked household or their linked childcare household, and
  - (c) the gathering organiser or manager takes the required precautions in relation to the gathering (see regulation 14).

**Linked household**

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

(2) Where a household comprises one adult, or one adult and one or more persons who were under the age of 18 on 12th June 2020 (“the first household”), the adult may choose to be linked with one other household (“the second household”).

- (3) But paragraph (2) applies only if—
- (a) all adult members of the second household agree,

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Act 2004 (c. 31), section 52; the Children and Young Persons Act 2008 (c. 23), section 44; the Children and Families Act 2014 (c. 6), section 99; and S.I. 2016/413.

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

(32) S.I. 2005/389.

(33) 2006 c. 21.

- (b) neither the first household nor the second household are linked with any other household for the purposes of these Regulations or any other regulations made under Part 2A of the Public Health (Control of Disease) Act 1984, and
  - (c) neither of those households were, in the period beginning with 14th September 2020 and ending with 5th November 2020, linked with any other household for the purposes of any other regulations made under that Part.
- (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 if neither household satisfies the condition in paragraph (2).
- (7) Once the first and second households have ceased to be linked households, neither the first household nor the second household may be linked with any other household.
- (8) 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 13 or any other regulations made under Part 2A of the Public Health (Control of Disease) Act 1984.

### **Linked childcare household**

**13.**—(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) neither the first household nor the second household are linked with any other household for that purpose in accordance with this regulation, and
- (b) all the adult members of both households agree.

(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 when neither household includes a child aged 13 or under.

(5) Once the first household and the second household cease to be linked childcare households, neither household may be a linked childcare household with any other household.

### **The required precautions**

**14.**—(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 this Part by meeting both of the following requirements.

(2) The first requirement is that the 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>(34)</sup> (whether or not the organiser or manager is subject to those Regulations).

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

- (a) the risk assessment carried out under paragraph (2), and

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<sup>(34)</sup> S.I. 1999/3242, as amended by S.I. 2005/1541, 2015/21 and 2015/1637.



- (b) any guidance issued by the government which is relevant to the gathering.

## PART 4

### Closure of, and restrictions on, businesses

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

**15.—(1)** A person responsible for carrying on a restricted business, or providing a restricted service, 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 paragraph (1) is subject to the exceptions in regulation 17(1) and (2).

(3) For the purposes of 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 paragraph (1), except where paragraph (5) applies, 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 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.

(5) This paragraph applies where the restricted business or services is situated at—

- (a) 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, Folkstone (as referred to in section 1(7)(b) of the Channel Tunnel Act 1987(35)), andthat 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.

(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 paragraph (1) by closing down the restricted business or by ceasing to provide the restricted service.

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

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

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

**16.—(1)** A person responsible for carrying on a restricted business, or providing a restricted service, must cease to carry on that business or provide that service.

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(35) 1987 c. 53.

(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 paragraph (1) by closing down the restricted business or by ceasing to provide the restricted service.

(3) The requirement in paragraph (1)—

- (a) does not apply to any facilities provided in criminal justice accommodation, and
- (b) is subject to the exceptions in regulation 17(6) and (8).

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

- (a) is of a kind specified in Part 2 of the Schedule, or
- (b) is carried on from, or provided at, premises of a kind specified in Part 2 of the Schedule.

### Exceptions

17.—(1) Regulation 15(1) does not prevent the person responsible for carrying on a restricted business, or providing a restricted service, of a kind specified in Part 1 of the Schedule—

- (a) from selling food or drink (but not alcohol) for consumption off the premises between the hours of 05:00 and 22:00;
- (b) from selling food or drink (including alcohol) for consumption off the premises in accordance with paragraph (2).

(2) A person responsible for carrying on a restricted business, or providing a restricted service, referred to in paragraph (1) may only sell the following for consumption off the premises—

- (a) alcohol, by any method permitted by paragraph (3)(a) to (c), and
- (b) food and drink between the hours of 22:00 and 05:00, by any method permitted by paragraph (3)(a) to (c).

(3) The methods of sale permitted under this paragraph are—

- (a) by making deliveries in response to orders received—
  - (i) through a website, or otherwise by on-line communication,
  - (ii) by telephone, including orders by text message, or
  - (iii) by post,
- (b) to a purchaser who collects food or drink that has been pre-ordered by a means mentioned in sub-paragraph (a), provided the purchaser does not enter inside the premises to do so, or
- (c) to a purchaser who collects the food or drink in a vehicle, and to whom the food or drink is passed without the purchaser or any other person leaving the vehicle.

(4) Regulation 15(1) does not prevent the person responsible for a carrying on a restricted business, or providing a restricted service, of a kind specified in Part 1 of the Schedule, 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 paragraph (5)(b)).

(5) In paragraph (4)—

- (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(36), but for these purposes does not include a service provided primarily for dining or other recreational purposes;

- (b) sub-paragraph (c) does not apply in respect of the service of alcohol to persons who are seated on an aircraft.

(6) Regulation 16(1) does not prevent the use of—

- (a) any premises used for a restricted business or restricted service to host blood donation sessions;
- (b) any premises used for the making of a film, television programme, audio programme or audio-visual advertisement;
- (c) facilities for training by elite sportspersons, including stables, indoor gyms, fitness studios, and other indoor sports facilities, and any outdoor facilities for sport;
- (d) indoor fitness and dance studios by professional dancers and choreographers;
- (e) theatres and concert halls for—
- (i) training,
  - (ii) rehearsal, or
  - (iii) performance without an audience for broadcast or recording purposes;
- (f) indoor gyms, fitness studios, indoor sports facilities and other indoor leisure centres for supervised activities for children;
- (g) indoor gyms, fitness studios, indoor swimming pools, indoor sports courts and other indoor leisure centres and outdoor sports courts and swimming pools by schools or providers for post-16 education or training (as defined in paragraph 1(8)(e) of Schedule 17 to the Coronavirus Act 2020);
- (h) stables, for the purposes of any activities referred to in regulation 6(14).

(7) For the purposes of paragraph (6), a person is a professional dancer or choreographer if that person derives their living from dance, or from choreographing dance, as the case may be.

(8) Subject to regulations 15 and 18(1), regulation 16(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 on-line 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 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.

(9) For the purposes of paragraph (8), 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.

### **Further restrictions and closures**

**18.**—(1) A person responsible for carrying on a business, not listed in Part 3 of the Schedule, of offering goods for sale or for hire in a shop, or providing library services 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 on-line communication,
    - (bb) by telephone, including orders by text message, or
    - (cc) by post;
  - (ii) to a purchaser who collects goods that have been pre-ordered by a means mentioned in paragraph (i), provided the purchaser does not enter inside the premises to do so,
- (b) subject to paragraph (2), (3) and (4)—
  - (i) close any premises which are not required to carry out its business or provide its services as permitted by sub-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 sub-paragraph (a).

(2) A person responsible for providing library services 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;
- (c) education or training;
- (d) to provide essential voluntary services or public support services, including digital access to public services.

(3) Paragraph (1) does not prevent any business from continuing to provide—

- (a) hot or cold food for consumption off the premises, or
- (b) goods or services to the homeless.

(4) A person responsible for carrying on a business or providing a service referred to in paragraph (1), may open any premises for the purposes of making a film, television programme, audio programme or audio-visual advertisement.

(5) Subject to paragraph (6), a person responsible for carrying on a business consisting of the provision of holiday accommodation, 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.

(6) A person referred to in paragraph (5) 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 while moving house;
  - (iv) needs accommodation to attend a funeral;

- (v) is isolating themselves from others as required by law;
  - (vi) is an elite athlete, the coach of an elite athlete, or (in the case of an elite athlete who is a child), the parent of an elite athlete, and needs accommodation for the purposes of training or competition,
- (b) to provide accommodation for any person who needs accommodation for the purposes of their work,
  - (c) to provide accommodation for any child who requires accommodation for the purposes of education,
  - (d) to provide accommodation for the purposes of a women’s refuge or a vulnerable person’s refuge,
  - (e) to provide accommodation or support services for the homeless,
  - (f) to provide accommodation for any person who was staying in that accommodation immediately before these Regulations came into force,
  - (g) to host blood donation sessions, or
  - (h) for any purpose requested by the Secretary of State, or a local authority.
- (7) A person who is responsible for a place of worship must ensure that the place of worship is closed, except for uses permitted in paragraph (8) and regulation 11(18).
- (8) A place of worship may be used—
- (a) for funerals,
  - (b) for commemorative events celebrating the life of a person who has died,
  - (c) to broadcast an act of worship, whether over the internet or as part of a radio or television broadcast,
  - (d) 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),
  - (e) for childcare provided by a person registered under Part 3 of the Childcare Act 2006,
  - (f) for individual prayer, and for these purposes, “individual prayer” means prayer by individuals which does not form part of communal worship, or
  - (g) to host any gathering which is permitted under regulation 8 or 9.
- (9) A person who is responsible for a community centre or hall must ensure that the community centre or hall is closed except where it is used—
- (a) to provide 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) for the purposes of education or training,
  - (c) for the purposes of support groups, or
  - (d) for the purposes of—
    - (i) childcare provided by a person registered under Part 3 of the Childcare Act 2006, or
    - (ii) supervised activities for children.
- (10) A person who is responsible for a crematorium or burial ground must ensure that the crematorium or burial ground is closed to members of the public, except—
- (a) for funerals or burials,
  - (b) commemorative events celebrating the life of a person who has died, or

(c) to allow a person to pay respects to a member of their household, a family member or friend.

(11) If a business referred to in paragraph (1) or (5) (“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 paragraph (1) or (3) to cease to carry on its business if it ceases to carry on business A.

## PART 5

### Enforcement

#### Enforcement of restrictions and requirements

**19.**—(1) A relevant person may take such action as is necessary to enforce any restrictions imposed by these Regulations.

(2) 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 or requirement imposed by regulation 15, 16 or 18, 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 or requirement.

(3) Where a relevant person considers that a person is outside the place where they are living in contravention of regulation 5(1), the relevant person may direct that person to return to the place where they are living.

(4) Where the person outside the place where they are living in contravention of the restriction imposed by regulation 5(1) is a child accompanied by an individual who has responsibility for the child—

- (a) the relevant person may direct that 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.

(5) Where a relevant person considers that a number of people are gathered together in contravention of a restriction imposed by regulation 8 or 9, the relevant person may—

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

(6) A relevant person exercising the power in paragraph (5)(c) to remove a person from a gathering may use reasonable force, if necessary, in exercise of the power.

(7) Where a person who is in a gathering in contravention of the restriction imposed by regulation 8 or 9 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.

(8) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with the restriction imposed by regulation 8 or 9, 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.

(9) A relevant person may exercise a power under paragraph (3), (4), (5), (7) or (8) only if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with a restriction imposed by regulation 5, 8 or 9.

(10) A relevant person exercising a power under paragraph (3), (4), (5), (7) or (8) may give the person concerned any reasonable instructions the relevant person considers to be necessary.

(11) 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 (12), 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.

(12) A local authority may designate a person for the purposes of this regulation only in relation to a restriction or requirement imposed by Part 4.

### **Offences and penalties**

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

- (a) contravenes a restriction or requirement imposed under regulation 5, 8, 9, 10, 15, 16 or 18,
- (b) contravenes a requirement imposed, or a direction given, under regulation 19,
- (c) fails to comply with a reasonable instruction or a prohibition notice given by a relevant person under regulation 19, or
- (d) obstructs any person carrying out a function under these Regulations (including any person who is a relevant person for the purposes of regulation 19).

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

(3) 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 prosecuted, proceeded against and punished accordingly.

(4) In paragraph (3), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

(5) Section 24 of the Police and Criminal Evidence Act 1984<sup>(37)</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.

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<sup>(37)</sup> 1984 c. 60. Section 24 was substituted by s. 110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).

### **Fixed penalty notices**

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

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

(6) Except in the cases mentioned in paragraphs (9) and (10), the amount of the fixed penalty to be specified under paragraph (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.

(7) In paragraph (6) “relevant enactment” means—

- (a) these Regulations;



- (b) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020**(38)**;
  - (c) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020**(39)**;
  - (d) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020**(40)**;
  - (e) the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020**(41)**;
  - (f) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020**(42)**;
  - (g) the Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020**(43)**;
  - (h) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020**(44)**;
  - (i) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Luton) Regulations 2020**(45)**;
  - (j) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020**(46)**;
  - (k) the Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020**(47)**;
  - (l) the Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020**(48)**;
  - (m) the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020**(49)**;
  - (n) the Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020**(50)**;
  - (o) the Health Protection (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020**(51)**.
- (8) In determining how many fixed penalty notices have been issued to a person under a relevant enactment for the purposes of paragraph (6)(b), 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 business restriction offence or an offence of contravening a restriction or requirement imposed by regulation 10;
  - (b) 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;

**(38)** S.I. 2020/1103, as amended by S.I. 2020/1154 and 1176.

**(39)** S.I. 2020/1104, as amended by S.I. 2020/1128, 1131, 1154, 1176 and 1189.

**(40)** S.I. 2020/1105, as amended by S.I. 2020/1131, 1154, 1176, 1176 and 1183..

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

**(42)** 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.

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

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

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

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

**(47)** S.I. 2020/824, as amended by S.I. 2020/828, 865, 875, 907, 954, 974, 986, 987, 988, 1010, 1019, 1029 and 1104.

**(48)** S.I. 2020/828, amended by S.I. 2020/846, 865, 897, 931, 1010, 1019, 1029, 1041, 1057 and 1074. The title of the Regulations was changed by S.I. 2020/865.

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

**(50)** S.I. 2020/988, amended by S.I. 2020/1010, 1019 and 1029.

**(51)** S.I. 2020/1010, as amended by S.I. 2020/1012, 1019, 1029, 1057 and 1074. The title of the Regulations was changed by S.I. 2020/1019.

- (c) 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;
  - (d) 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;
  - (e) 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;
  - (f) 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)(52) of those Regulations, committed on or after 14th October 2020.
- (9) In the case of a fixed penalty notice issued in respect of the offence under regulation 20(1)(a) of contravening a restriction imposed under regulation 10, the amount of the fixed penalty to be specified under paragraph (5)(c) is £10,000.
- (10) In the case of a fixed penalty notice issued in respect of a business restriction offence, the amount of the fixed penalty to be specified under paragraph (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.
- (11) In determining how many fixed penalty notices have been issued to a person under a relevant enactment for the purposes of paragraph (10), 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, 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;
  - (b) 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;
  - (c) 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;
  - (d) 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;

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(52) S.I. 2020/750. Regulations 14(7A) to (7D) were inserted by S.I. 2020/1103.

(53) S.I. 2020/684.

- (e) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020<sup>(54)</sup>, 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;
  - (f) the Health Protection (Coronavirus, Collection of Contact Details etc. and Related Requirements) Regulations 2020<sup>(55)</sup>;
  - (g) the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020<sup>(56)</sup>.
- (12) In this regulation, unless otherwise specified, “business restriction offence” means—
- (a) an offence under regulation 20(1)(a) of contravening a restriction or requirement imposed by regulation 15, 16 or 18;
  - (b) an offence under regulation 20(1)(c) of failing to comply with a prohibition notice given under regulation 19(2).
- (13) 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).
- (14) Where a letter is sent as mentioned in paragraph (13), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (15) 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.
- (16) 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 (17), 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.
- (17) 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 a restriction or requirement imposed by regulation 15, 16 or 18, or
  - (b) the obstruction under regulation 20(1)(d) of a person carrying out a function under regulation 19.

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<sup>(54)</sup> S.I. 2020/750.

<sup>(55)</sup> S.I. 2020/1005, as amended by S.I. 2020/1045, 1046 and 1103.

<sup>(56)</sup> S.I.2020/1008, as amended by S.I. 2020/1046, 1057, 1074, 1154, 1103, 1104 and 1105.

## Prosecutions

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

## PART 6

### Final provisions

#### Expiry

23.—(1) These Regulations expire at the end of the period of 28 days beginning with the day on which they come into force.

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

#### Consequential amendments

24.—(1) In regulation 9(9) of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020<sup>(57)</sup>, after sub-paragraph (m), insert—

“(n) the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020.”.

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

“(g) the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020.”.

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

(a) in paragraph (7C), after sub-paragraph (f), insert—

“(g) the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020.”;

(b) in paragraph (8), after sub-paragraph (m), insert—

“(n) the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020.”;

(c) in paragraph (8A), after sub-paragraph (e), insert—

“(f) 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 Part 4 of those Regulations.”.

(4) The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020<sup>(58)</sup> are amended as follows—

(a) in regulation 1—

(i) after paragraph (2), insert—

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<sup>(57)</sup> S.I. 2020/684.

<sup>(58)</sup> S.I. 2020/1008, amended by S.I. 2020/1046.

“(2A) Regulations 1A and 2 do not have effect during in the period in which the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020 are in force.”

(ii) In paragraph (3)(c), for the words from “paragraph 1 of Schedule 1 to the Principal Regulations” substitute “the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020”;

(b) in regulation 4(8A), after sub-paragraph (f), insert—

“(g) the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020, where the fixed penalty notice relates to a business restriction offence as defined by regulation 21(12) of those Regulations.”

### Revocations

25. The following Regulations are revoked—

- (a) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, other than Schedule 3 to those Regulations;
- (b) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020, other than Schedule 3 to those Regulations;
- (c) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020, other than Schedule 3 to those Regulations.

### Transitional provisions

26.—(1) A designation made, or treated as made, in exercise of the powers conferred by the following provisions is to be treated as if it had been made in exercise of the powers conferred by regulations 19(11)(b), 21(3)(b), 21(16)(a) or 22 (as appropriate) of these Regulations—

- (a) regulation 4(9)(b), 6(3)(b), 6(16) or 7 of the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) Regulations 2020;
- (b) regulation 4(9)(b), 6(3)(b), 6(16) or 7 of the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) Regulations 2020;
- (c) regulation 4(9)(b), 6(3)(b), 6(16) or 7 of the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) Regulations 2020.

(2) Despite the revocation by regulation 25 of—

- (a) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020;
- (b) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020;
- (c) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020,

those Regulations continue in force as they had effect immediately before 5th November 2020 in relation to any offence committed under those Regulations before that date.

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At 2.45 p.m. on 3rd November 2020

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

## SCHEDULE

Regulations 15(7), 16(4) and 18(1)

Businesses subject to restrictions or closure, or permitted to remain open

### PART 1

#### Hospitality businesses

1. Restaurants, including restaurants and dining rooms in hotels or members' clubs.
- 2.—(1) Cafes, including workplace canteens (subject to sub-paragraph (2)), but not including—
  - (a) cafes or canteens at a hospital, care home or school, or provider of post-16 education or training (as defined in paragraph 1(8) of Schedule 17 to the Coronavirus Act 2020<sup>(59)</sup>);
  - (b) canteens at criminal justice 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;
  - (c) services providing food and drink or either to the homeless.(2) Workplace canteens may remain open where there is no practical alternative for staff at that workplace to obtain food.
3. Bars, including bars in hotels or members' clubs.
4. Social clubs.
5. Public houses.

### PART 2

#### Other businesses

6. Cinemas.
7. Theatres.
8. Nightclubs, dance halls, discotheques and any other venue which—
  - (a) opens at night,
  - (b) 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
  - (c) provides music, whether live or recorded, for dancing.
9. Bingo halls.
10. Concert halls.
11. Museums and galleries.
12. Casinos.
13. Betting shops and adult gaming centres.
14. Spas.

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<sup>(59)</sup> 2020 c. 7.

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15. Nail, beauty salons, hair salons and barbers.
16. Tanning salons.
17. Massage parlours.
18. Sexual entertainment venues, within the meaning given in paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982<sup>(60)</sup> (“the 1982 Act”).
19. Hostess bars, within the meaning given by paragraph 3B of Schedule 3 to the 1982 Act<sup>(61)</sup>.
20. Tattoo and piercing parlours.
21. Skating rinks.
22. The following indoor facilities: dance studios, fitness studios, gyms, sports courts, swimming pools, bowling alleys, amusement arcades, playgrounds or soft play areas or other indoor leisure centres or facilities, including indoor games, recreation and entertainment venues.
23. Circuses, funfairs and fairgrounds (whether outdoors or indoors), theme parks and adventure parks and activities.
24. Outdoor sports centres or amenities, including water sports, stables, shooting and archery venues, golf courses, driving ranges, outdoor gyms, outdoor swimming pools, water parks and aquaparks.
25. Outdoor markets (except for livestock markets, stalls selling food and any other retailer listed in Part 3).
26. Showrooms and other premises, including outdoor areas, used for the sale or hire of caravans, boats or any vehicle which can be propelled by mechanical means, and car washes.
27. Auction houses (except for auctions of livestock or agricultural equipment).
28. Model villages.
29. Visitor attractions at film studios.
30. Aquariums, zoos, safari parks, farms, wildlife centres and any place where animals are exhibited to the public as an attraction.
- 31.—(1) Indoor attractions at visitor attractions such as—
  - (a) botanical or other gardens, biomes or greenhouses;
  - (b) stately or historic homes, castles or other heritage sites;
  - (c) landmarks, including observation wheels or viewing platforms;
  - (d) sculpture parks.(2) For the purposes of sub-paragraph (1), an “indoor attraction” means those parts of a venue, including visitor centres but not including toilets 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.

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<sup>(60)</sup> 1982 c. 30. Paragraph 2A was inserted by section 27 of the Policing and Crime Act 2009 (c. 26).

<sup>(61)</sup> Paragraph 3B was inserted by section 33 of the London Local Authorities Act 2007 (c. ii).



**32.**—(1) 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 or events which are attended only by employees of the person who owns or is responsible for running the conference centre or exhibition hall.

(2) For the purposes of this paragraph, 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.

## PART 3

### Businesses permitted to remain open

- 33.** Food retailers, including food markets, supermarkets, convenience stores and corner shops.
- 34.** Off licenses and licensed shops selling alcohol (including breweries).
- 35.** Pharmacies (including non-dispensing pharmacies) and chemists.
- 36.** Newsagents.
- 37.** Hardware stores.
- 38.** Building merchants, and building services.
- 39.** Petrol stations.
- 40.** Car repair and MOT services.
- 41.** Bicycle shops.
- 42.** Taxi or vehicle hire businesses.
- 43.** The following businesses—
  - (a) banks;
  - (b) building societies;
  - (c) credit unions;
  - (d) short term loan providers;
  - (e) savings clubs;
  - (f) cash points;
  - (g) 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.
- 44.** Post offices.
- 45.** Funeral directors.
- 46.** Laundrettes and dry cleaners.
- 47.** Dental services, opticians, audiology services, chiropody, chiropractors, osteopaths and other medical or health services, including services relating to mental health.
- 48.** Veterinary surgeons and pet shops.
- 49.** Agricultural supplies shop.
- 50.** Storage and distribution facilities, including delivery drop off or collection points, where the facilities are in the premises of a business included in this Part.

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- 51. Car parks.
- 52. Public toilets.
- 53. Garden centres.

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### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations impose restrictions on the occasions on which a person can leave or be outside of the place where they are living and on gatherings. They also require the closure of a number of businesses, and impose restrictions on businesses.

The restrictions will cease to have effect 28 days from the date on which these Regulations are made.

No impact assessment has been prepared for these Regulations.