
STATUTORY INSTRUMENTS

2020 No. 1374

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

PART 1

Introductory

Citation, commencement and application

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020.

(2) These Regulations come into force on 2nd December 2020.

(3) These Regulations apply—

(a) in England;

(b) in English airspace in relation to aircraft which take off from, or land at, a place in England (subject to paragraph (4));

(c) in the English territorial sea in relation to vessels that are not excluded vessels (subject to paragraph (4)).

(4) Parts 2 and 3 of Schedule 2, and Part 2 of Schedule 3, do not apply in English airspace or in the English territorial sea.

(5) In this regulation—

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

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

“excluded vessel” means a vessel which—

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

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

Interpretation

2.—(1) In these Regulations—

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

“alcohol” has the meaning given by 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—

(1) 2010 c. 32. Section 1B was inserted by section 53(7) the Education Act 2011 (c. 21).

(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). There are other amendments to section 3 which are not relevant to this instrument.

- (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 same meaning as in section 18 of the Childcare Act 2006(4);

“Christmas period” means the period beginning with 23rd December 2020 and ending with 27th December 2020;

“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), or
- (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;

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

“education, health and care plan” means an EHC plan within the meaning of section 37(2) of the Children and Families Act 2014(8);

“educational accommodation” means—

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

“educational institution” has the meaning given by paragraph 1(11) of Schedule 16 to the Coronavirus Act 2020(9);

“elite sportsperson” means an individual who—

- (a) derives a living from competing in a sport,
- (b) is a senior representative nominated by a relevant sporting body,
- (c) is a member of the senior training squad for a relevant sporting body, or
- (d) is on an elite development pathway;

(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.

(8) 2014. c. 6.

(9) 2020 c. 7.

“further education” has the meaning given by section 2 of the Education Act 1996⁽¹⁰⁾;

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

“higher education course” means a course of any description mentioned in Schedule 6 to the Education Reform Act 1988⁽¹¹⁾ or an equivalent course undertaken outside England and Wales;

“higher education provider” means—

- (a) a higher education provider within the meaning of section 83(1) of the Higher Education and Research Act 2017⁽¹²⁾, or
- (b) a provider of higher education, within the meaning of section 83(1) of the Higher Education and Research Act 2017, which is not an institution (within the meaning of that section), whether or not it is designated under section 84 of that Act;

“immigration detention accommodation” means—

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

and for these purposes, “removal centre”, “short-term holding facility” and “pre-departure accommodation” have the meanings given by section 147 of the Immigration and Asylum Act 1999⁽¹³⁾;

“informal childcare” has the meaning given by regulation 5⁽⁸⁾;

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

“linked childcare household” has the meaning given in regulation 5;

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

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

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

“outdoor sports gathering” means a gathering—

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

“parent” of a child includes any person who is not a parent of the child but who has parental responsibility for, or who has care of, the child;

“parental responsibility” has the meaning given in section 3 of the Children Act 1989⁽¹⁴⁾;

(10) 1996 c. 56.

(11) 1988 c. 40.

(12) 2017 c. 29.

(13) 1999 c. 33. The definition of “removal centre” was inserted into section 147, by s. 66(1) of the Nationality, Immigration and Asylum Act 2002 (c. 41), and amended by s. 6(2) of Immigration Act 2014 (c. 22); the definition of “short-term holding facility” was amended by s. 25 of the Borders, Citizenship and Immigration Act 2009 (c. 11), and section 6(2) of the Immigration Act 2014; the definition of “pre-departure accommodation” was inserted by s. 6(2) of the Immigration Act 2014. There are other amendments to section 147 which are not relevant to this instrument.

(14) 1989 c. 41.

“permitted indoor sports gathering” means a gathering which is organised for the purposes of allowing persons who have a disability who are not elite sportspersons to take part in any sport or other fitness related activity, and—

- (a) which is organised by a business, a charitable, benevolent or philanthropic institution or a public body,
- (b) which takes place indoors on relevant premises (see paragraph (3)), and
- (c) in respect of which the gathering organiser or manager of the relevant premises takes the required precautions;

“permitted organised gathering” has the meaning given in regulation 6;

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

- (a) a secure children’s home, as defined by section 102(11) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(15), or
- (b) criminal justice accommodation under—
 - (i) rule 5 of the Secure Training Centre Rules 1998(16);
 - (ii) rule 9 of the Prison Rules 1999(17);
 - (iii) rule 5 of the Young Offender Institution Rules 2000(18);

“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(19), or
- (b) a political campaigning organisation within the meaning of regulation 2 of the Health and Social Care (Financial Assistance) Regulations 2009(20);

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

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

“public outdoor place” means an outdoor place to which the public have, or are permitted, access (whether on payment or otherwise) and includes—

- (a) land laid out as a public garden or used for the purpose of recreation by members of the public;
- (b) land which is “open country” as defined in section 59(2) of the National Parks and Access to the Countryside Act 1949(21), as read with section 16 of the Countryside Act 1968(22);
- (c) land which is “access land” for the purposes of Part 1 of the Countryside and Rights of Way Act 2000(23) (see section 1(1) of that Act)(24);

(15) 2012 c. 10.

(16) S.I. 1998/472.

(17) S.I. 1999/728, as amended by S.I. 2018/960, 2020/400 and 2020/508.

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

(19) 2000 c. 41.

(20) S.I. 2009/649.

(21) 1949 c. 97.

(22) 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.

(23) 2000 c. 37.

(24) 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).

(d) any highway to which the public has access;

(e) Crown land to which the public has access;

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

“relevant outdoor activity” means a physical activity which is carried on outdoors and for which a licence, permit or certificate issued by a public body to carry on the activity, or for any equipment used for the purposes of the activity, must be held by—

(a) the gathering organiser, or

(b) any person taking part in the activity;

“required precautions” means the precautions which a gathering organiser is required to take in relation to a gathering in accordance with regulation 7;

“school” has the meaning given by section 4 of the Education Act 1996⁽²⁵⁾;

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

“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, including those providing support—

(a) to victims of crime (including domestic abuse);

(b) to those with, or recovering from, addictions (including alcohol, narcotics or other substance addictions) or addictive patterns of behaviour;

(c) to new parents;

(d) to those with, or caring for persons with, any long-term illness or terminal condition or who are vulnerable;

(e) to those with, or caring for persons with, a disability;

(f) to those facing issues related to their sexuality or identity including those living as lesbian, gay, bisexual or transgender;

(g) to those who have suffered bereavement;

(h) to vulnerable young persons;

“Tier 1 area” has the meaning given by regulation 8(4)(b);

“Tier 1 restrictions” has the meaning given by regulation 8(4)(a);

“Tier 2 area” has the meaning given by regulation 8(4)(d);

“Tier 2 restrictions” has the meaning given by regulation 8(4)(c);

“Tier 3 area” has the meaning given by regulation 8(4)(f);

“Tier 3 restrictions” has the meaning given by regulation 8(4)(e);

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

“vulnerable person” includes—

(a) any person aged 70 or older;

(25) 1996 c. 56. Section 4 has been amended by the Education Act 1997 (c. 44), s. 51, Schedule 7, paragraph 10, and Schedule 8, paragraph 1; the Education Act 2002 (c. 32), Part 3 of Schedule 22; the Childcare Act 2006 (c. 21), s. 95; S.I. 2010/1080; the Education Act 2011 (c. 21), Schedule 13, paragraph 9(2); and S.I. 2019/1027. There are other amendments to section 4 which are not relevant to this instrument.

- (b) any person aged under 70 who has an underlying health condition, including (but not limited to) the conditions listed in paragraph (5);
 - (c) any person who is pregnant.
- (2) In the definition of “elite sportsperson”—
- (a) “elite development pathway” means a development pathway established by the national governing body of a sport to prepare sportspersons—
 - (i) so that they may derive a living from competing in that sport, or
 - (ii) to compete in that sport at the Tokyo or Beijing Olympic or Paralympic Games, 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.
- (3) In the definition of “permitted indoor sports gatherings”, “relevant premises” means premises (other than a private dwelling)—
- (a) which are operated by a business, a charitable, benevolent or philanthropic institution or a public body, or
 - (b) which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body.
- (4) In the definition of “relevant outdoor activity”, the reference to a licence does not include a licence to drive a motor vehicle in the United Kingdom or to serve food or alcohol.
- (5) The conditions referred to in the definition of “vulnerable person” are—
- (a) chronic (long-term) respiratory diseases, such as asthma, chronic obstructive pulmonary disease, emphysema or bronchitis;
 - (b) chronic heart disease, such as heart failure;
 - (c) chronic kidney disease;
 - (d) chronic liver disease, such as hepatitis;
 - (e) chronic neurological conditions, such as Parkinson’s disease, motor neurone disease, multiple sclerosis, a learning disability or cerebral palsy;
 - (f) diabetes;
 - (g) problems with the spleen, such as sickle cell disease or removal of the spleen;
 - (h) a weakened immune system as a result of conditions such as HIV and AIDS, or medicines such as steroid tablets or chemotherapy;

- (i) being seriously overweight with a body mass index of 40 or above.
- (6) For the purposes of these Regulations—
 - (a) references to a person who has a disability are to a person who has a physical or mental impairment which has a substantial and long-term adverse effect on that person’s ability to carry out normal day-to-day activities;
 - (b) references to a “consular post” means a consulate-general, consulate, vice-consulate or consular agency;
 - (c) references to a “local authority” include references to a county council;
 - (d) a county council for an area for which there is also a district council is to be regarded, with respect to its functions under these Regulations, as a relevant health protection authority for the purposes of the Public Health (Control of Disease) Act 1984;
 - (e) a gathering takes place when two or more persons are present together in the same place in order—
 - (i) to engage in any form of social interaction with each other, or
 - (ii) to undertake any other activity with each other;
 - (f) 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(26), under the Smoke-free (Premises and Enforcement) Regulations 2006(27);
 - (g) references to a “private dwelling”—
 - (i) include references to a houseboat and any garden, yard, passage, stair, outhouse or other appurtenance of the dwelling;
 - (ii) do not, except in regulation 6(2) or unless otherwise specified, include references to the following—
 - (aa) accommodation in a hotel, hostel, campsite, caravan park, members’ club, boarding house or bed and breakfast accommodation;
 - (bb) care homes;
 - (cc) children’s homes, within the meaning of section 1 of the Care Standards Act 2000;
 - (dd) residential family centres, within the meaning of section 4 of that Act;
 - (ee) educational accommodation;
 - (ff) accommodation intended for use by Her Majesty’s armed forces.
- (7) For the purposes of paragraph (6)(a) regulations 3 to 5 of the Equality Act 2010 (Disability) Regulations 2010(28) apply in considering whether a person has an impairment.

Linked households

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

- (2) Where a household (“the first household”) comprises—
 - (a) one adult,
 - (b) one or more children and no adults,

(26) 2006 c. 28. Section 2 was amended by paragraph 4 of Schedule 2 to the Public Health (Wales) Act 2017 (2017 anaw 2).

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

(28) S.I. 2010/2128.

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

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

- (3) But paragraph (2) applies only if—
 - (a) all persons who would be members of the linked households in accordance with this regulation agree (subject to paragraph (7)),
 - (b) neither the first household nor the second household are linked with any other household for the purposes of these Regulations, and
 - (c) neither of those households were, in the period beginning with 14th September 2020 and ending with 2nd December 2020, linked with any other household for the purposes of regulations made under Part 2A of the Public Health (Control of Disease) Act 1984.
- (4) There is no limit on the number of adults or children who may be in the second household.
- (5) The first and second households are “linked households” in relation to each other.
- (6) The first and second households cease to be linked households—
 - (a) if neither household satisfies the condition in paragraph (2), or
 - (b) at any time when all members of one or both of the households agree to cease to be linked with the other (subject to paragraph (7)).
- (7) Where—
 - (a) a person who would be, or is, a member of a linked household is a child, and
 - (b) a person who has parental responsibility for the child (“P”) is a member of the child’s household,

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

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

(9) For the purposes of paragraph (8) the “minimum period” means the period of 14 days beginning with the day on which any member of household A last participated in a gathering with a member of household B in reliance on being a linked household.

(10) Paragraph (3)(c) does not apply in the case of a linked household formed in accordance with paragraph (8).

(11) 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—

- (a) gathering during the Christmas period in accordance with regulation 4, or

- (b) informal childcare in accordance with regulation 5 or with other regulations made under Part 2A of the Public Health (Control of Disease) Act 1984.

Linked Christmas households

4.—(1) For the purposes of these Regulations, a “linked Christmas household” means one or more members of a household who are linked with one or more members of another household in accordance with this regulation for the purpose of gathering during the Christmas period.

(2) One or more members of a household may choose to be linked with one or more members of no more than two other households for the purpose mentioned in paragraph (1) if all members who would be linked in accordance with this regulation agree (subject to paragraph (3)).

(3) Where—

- (a) a person who would be a member of a linked Christmas household is a child, and
- (b) a person who has parental responsibility for the child is a member of the child’s household or is any person with parental responsibility for the child in a case where paragraph (7) applies,

the agreement required by paragraph (2) is to be given by that person (and not the child).

(4) The members of the households that choose to be linked in accordance with this regulation are linked Christmas households in relation to each other.

(5) Where a member of a household is or has been in a linked Christmas household in relation to members of two other households, the person cannot be linked with the members of any other household under this regulation.

(6) Except as provided by paragraph (7), no person may be a member of more than one linked Christmas household.

(7) A child who does not live in the same household as their parents or one of their parents may be a member of a linked Christmas household formed by each parent.

(8) For the purposes of this regulation two households which are linked households in relation to each other count as a single household.

Linked childcare households

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

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

- (a) all persons who would be members of the linked childcare households in accordance with this regulation agree (subject to paragraph (5)), and
- (b) neither the first household nor the second household are linked with any other household for that purpose in accordance with this regulation or with any other regulations made under Part 2A of the Public Health (Control of Disease) Act 1984.

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

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

- (a) if neither household includes a child aged 13 or under, or

- (b) at any time when all members of one or both of the households agree to cease to be linked with the other (subject to paragraph (5)).

(5) Where—

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

the agreement required by paragraph (2)(a) or (5)(b) is to be given by P (and not the child).

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

(7) For the purposes of paragraph (6) the “minimum period” means the period of 14 days beginning with the day on which any member of household A last participated in a gathering with a member of household B in reliance on being a linked childcare household.

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

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

Permitted organised gatherings

6.—(1) A gathering is a permitted organised gathering for the purposes of these Regulations if paragraph (2) or (3) applies.

(2) This paragraph applies to a gathering if it takes place on or at premises, other than a private dwelling, which are—

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

(3) This paragraph applies to a gathering if it takes place in a public outdoor place not falling within paragraph (2) and—

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

The required precautions

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

(2) The first requirement is that the gathering organiser or manager has carried out a risk assessment that would satisfy the requirements of regulation 3 of the Management of Health and Safety at Work Regulations 1999⁽²⁹⁾ (whether or not the organiser or manager is subject to those Regulations).

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

(29) S.I. 1999/3242, as amended by S.I. 2003/2457, S.I. 2005/1541, S.S.I. 2006/457, S.I. 2015/21 and 1637.

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