
STATUTORY INSTRUMENTS

2020 No. 1375

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

PART 1

Introductory

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020 and come into force on 2nd December 2020.

(2) These Regulations apply in relation to England only.

(3) In these Regulations—

“the All Tiers Regulations” means the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020(1);

“the Collection of Contact Details Regulations” means the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020;

“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“Coronavirus Improvement Notice” means a notice issued pursuant to regulation 3;

“Coronavirus Immediate Restriction Notice” means a notice issued pursuant to regulation 4;

“Coronavirus Restriction Notice” means a notice issued pursuant to regulation 5;

“designated” means designated by name or description;

“the Obligations of Undertakings Regulations” means the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020;

“relevant statutory provisions” means the provisions set out in regulation 2;

“the Self-Isolation Regulations” means the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020.

(4) For the purposes of these Regulations, other than Part 3, references to a “local authority” include references to a county council.

(5) A county council for an area for which there is also a district council is to be regarded, with respect to its functions pursuant to these Regulations, as a relevant health protection authority for the purposes of the Public Health (Control of Disease) Act 1984.

PART 2

Enforcement Powers

Relevant statutory provisions

2. For the purposes of this Part, the relevant statutory provisions are—
- (a) regulation 1A (size of bookings)⁽²⁾ of the Obligations of Undertakings Regulations;
 - (b) regulation 2(1)(d) (appropriate distance between tables)⁽³⁾ of the Obligations of Undertakings Regulations;
 - (c) regulation 2A (signage and information relating to face covering requirements)⁽⁴⁾ of the Obligations of Undertakings Regulations;
 - (d) regulation 2B (prohibition on preventing a person from wearing a face covering)⁽⁵⁾ of the Obligations of Undertakings Regulations;
 - (e) paragraph 5 (requirement to close premises and businesses) of Schedule 1 to the All Tiers Regulations, but only in relation to a business mentioned in paragraph 6(1)(g) of that Schedule;
 - (f) paragraph 8 (restrictions on opening hours of businesses and services) of Schedule 1 to the All Tiers Regulations;
 - (g) paragraph 10 (restrictions on service of food and drink for consumption on the premises) of Schedule 1 to the All Tiers Regulations;
 - (h) paragraph 8 (requirement to close premises and businesses) of Schedule 2 to the All Tiers Regulations, but only in relation to a business mentioned in paragraph 9(1)(g) of that Schedule;
 - (i) paragraph 11 (restrictions on opening hours of businesses and services) of Schedule 2 to the All Tiers Regulations;
 - (j) paragraph 13 (restrictions on service of food and drink for consumption on the premises) of Schedule 2 to the All Tiers Regulations;
 - (k) paragraph 14 (requirement to close businesses selling alcohol for consumption on the premises) of Schedule 2 to the All Tiers Regulations;
 - (l) paragraph 8 (requirement to close premises and businesses) of Schedule 3 to the All Tiers Regulations, but only in relation to a business mentioned in paragraph 13(2)(g) of that Schedule;
 - (m) paragraph 9 (restrictions on service of food and drink for consumption on the premises) of Schedule 3 to the All Tiers Regulations;
 - (n) paragraph 14 (restrictions on opening hours of businesses and services) of Schedule 3 to the All Tiers Regulations;
 - (o) regulation 6 (requirement to display QR code) of the Collection of Contact Details Regulations;
 - (p) regulation 7 (requirement to request certain details of individuals) of the Collection of Contact Details Regulations;
 - (q) regulation 8 (requirement to request certain details of those in a group) of the Collection of Contact Details Regulations;

(2) Regulation 1A was amended by S.I. 2020/1046, S.I. 2020/1057, S.I. 2020/1103, S.I. 2020/1104 and S.I. 2020/1105.

(3) Regulation 2 was amended by S.I. 2020/1046. Other amendments were made but none is relevant.

(4) Regulation 2A was inserted by S.I. 2020/1046.

(5) Regulation 2B was inserted by S.I. 2020/1046.

- (r) regulation 11 (additional details to be recorded by a relevant person) of the Collection of Contact Details Regulations;
- (s) regulation 13 (requirement to retain details) of the Collection of Contact Details Regulations;
- (t) regulation 14 (requirement to disclose details upon request)(**6**) of the Collection of Contact Details Regulations;
- (u) regulation 16 (requirement to refuse entry) of the Collection of Contact Details Regulations;
- (v) regulation 7 (requirement on employers of workers required to self-isolate) of the Self-Isolation Regulations.

Coronavirus Improvement Notices

3.—(1) A local authority officer designated for the purposes of this regulation (“local authority designated officer”) may issue to a person a Coronavirus Improvement Notice where the officer is of the opinion that—

- (a) the person is contravening one or more of the relevant statutory provisions; and
- (b) the requirement or requirements of the notice are necessary and proportionate to ensure that the contravention is, or contraventions are, ended or remedied.

(2) But a Coronavirus Improvement Notice may not be issued in relation to premises which form part of essential infrastructure.

(3) A Coronavirus Improvement Notice must state—

- (a) the name of the person to whom it is issued or, where it is not possible to obtain the name, the premises to which it relates;
- (b) the date on, and time at, which the notice is issued;
- (c) the local authority designated officer’s opinion pursuant to paragraph (1);
- (d) the relevant statutory provision or provisions that the officer is of the opinion is or are being contravened;
- (e) particulars of the reasons for the officer’s opinion;
- (f) a requirement or requirements that the person to whom the notice is issued must meet to end or remedy the contravention or contraventions;
- (g) the period within which any requirement or requirements pursuant to sub-paragraph (f) must be met, such period ending not earlier than 48 hours from the time at which the notice is issued;
- (h) the date on and time at which the notice ceases to have effect, being the date on and time at which the last of any periods specified in sub-paragraph (g) ends;
- (i) a statement explaining that failure to comply with the notice—
 - (i) is an offence, conviction for which is punishable by a fine;
 - (ii) may result in the serving of a Coronavirus Immediate Restriction Notice or a Coronavirus Restriction Notice;
- (j) details of the right to appeal to a magistrates’ court, and the time within which any appeal may be brought.

(6) Regulation 14 was amended by [S.I. 2020/1045](#).

(4) A Coronavirus Improvement Notice may (but need not) include suggestions as to the measures which could be taken to ensure that any requirement or requirements pursuant to paragraph (3)(f) is or are met.

(5) A Coronavirus Improvement Notice must be reviewed by a local authority designated officer at, or as soon as practicable after, the end of the period for which the notice has effect.

(6) Where, before the end of the period for which the notice has effect, a person to whom a Coronavirus Improvement Notice has been issued believes that all requirements in the notice pursuant to paragraph (3)(f) have been met, that person may request that a local authority designated officer review the notice.

(7) Where a request is made pursuant to paragraph (6), a local authority designated officer must carry out a review pursuant to paragraph (5), such review to be carried out as soon as practicable but in any event by the end of the period of 48 hours beginning with the time at which the request is received.

(8) In carrying out a review pursuant to paragraph (5) the local authority designated officer—

(a) must—

(i) decide whether the Coronavirus Improvement Notice has been complied with and, if so, withdraw the notice; and

(ii) notify the person to whom the notice was issued of that decision and that person's right of appeal to a magistrates' court, and the time within which such an appeal may be brought;

(b) may issue a new Coronavirus Improvement Notice or a Coronavirus Immediate Restriction Notice or a Coronavirus Restriction Notice to the same person.

Coronavirus Immediate Restriction Notices

4.—(1) A local authority officer designated for the purposes of this regulation ("local authority designated officer") may issue to a person a Coronavirus Immediate Restriction Notice where the officer is of the opinion that the person is contravening one or more of the relevant statutory provisions in circumstances that make it likely that the contravention or contraventions will continue or be repeated and that contravention or those contraventions involve, or would involve if continued or repeated, a risk of exposure to coronavirus.

(2) But a Coronavirus Immediate Restriction Notice may not be issued in relation to premises which form part of essential infrastructure.

(3) A Coronavirus Immediate Restriction Notice must require either or both of the following—

(a) the closure of the premises, or part of the premises;

(b) that the person to whom the notice is issued must end or remedy the contravention or contraventions or, as the case may be, that that person must ensure that the contravention or contraventions will not be repeated or continued (or both).

(4) Any requirement in a Coronavirus Immediate Restriction Notice must be necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus.

(5) A requirement pursuant to paragraph (3)—

(a) takes effect at the end of a period specified in the notice, or

(b) if no such period is specified, takes effect immediately.

(6) A Coronavirus Immediate Restriction Notice has effect for a period ending 48 hours after the time at which it is issued.

(7) A Coronavirus Immediate Restriction Notice must state—

- (a) the name of the person to whom it is issued or, where it is not possible to obtain the name, the premises to which it relates;
- (b) the date on, and time at, which the notice is issued;
- (c) the date on, and time at, which the notice ceases to have effect;
- (d) particulars of the reasons for the officer's opinion that the relevant statutory provision or provisions which is or are being contravened involves, or would involve if continued or repeated, a risk of exposure to coronavirus;
- (e) details of any requirement or requirements pursuant to paragraph (3) and the time at which it or they take effect;
- (f) that failure to comply with the notice is an offence, conviction for which is punishable by a fine; and
- (g) details of the right of appeal to a magistrates' court, and the time within which such an appeal may be brought.

(8) A Coronavirus Immediate Restriction Notice must be reviewed by a local authority designated officer before the notice ceases to have effect.

(9) Where, before the end of the period during which the Coronavirus Immediate Restriction Notice has effect, a person to whom the notice has been issued believes that the requirements in the notice pursuant to paragraph (3) are no longer necessary, that person may request that a local authority designated officer carry out a review of the notice.

(10) Where a request is made pursuant to paragraph (9), a local authority designated officer must carry out a review pursuant to paragraph (8), such review to be carried out as soon as practicable.

(11) In carrying out a review pursuant to paragraph (8) the local authority designated officer—

- (a) must—
 - (i) decide whether the requirements in the notice pursuant to paragraph (3) remain necessary and—
 - (aa) if none of them remain necessary, withdraw the notice;
 - (bb) if some, but not all, of them remain necessary, amend the notice or withdraw the notice and issue a new notice;
 - (ii) notify the person to whom the notice was issued of that decision and that person's right of appeal to a magistrates' court, and the time within which such an appeal may be brought;
- (b) may issue a new Coronavirus Immediate Restriction Notice or a Coronavirus Improvement Notice or Coronavirus Restriction Notice pursuant to these Regulations to the same person.

Coronavirus Restriction Notices

5.—(1) A local authority officer designated for the purposes of this regulation ("local authority designated officer") may issue to a person a Coronavirus Restriction Notice where that person has been issued with a Coronavirus Improvement Notice and the officer is of the opinion that the person has failed to comply with the notice and the non-compliance involves a risk of exposure to coronavirus.

(2) But a Coronavirus Restriction Notice may not be issued in relation to premises which form part of essential infrastructure.

(3) A Coronavirus Restriction Notice must require either or both of the following—

- (a) the closure of the premises, or part of the premises;

- (b) that the person to whom the notice is issued must end or remedy the contravention or contraventions specified in the Coronavirus Improvement Notice.
- (4) Any requirement in a Coronavirus Restriction Notice must be necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus.
- (5) A requirement pursuant to paragraph (3)—
 - (a) takes effect at the end of a period specified in the notice, or
 - (b) if no such period is specified, takes effect immediately.
- (6) A Coronavirus Restriction Notice has effect for a period of time ending seven days after the day on which it is issued.
- (7) A Coronavirus Restriction Notice must state—
 - (a) the name of the person to whom it is issued or, where it is not possible to obtain the name, the premises to which it relates;
 - (b) the date on, and time at, which the notice is issued;
 - (c) the date on, and time at, which the notice ceases to have effect;
 - (d) the date on which the Coronavirus Improvement Notice was issued;
 - (e) particulars of the reasons for the officer’s opinion that the person to whom that notice was issued has not complied with it and that non-compliance involves a risk of exposure to coronavirus;
 - (f) details of any requirement or requirements pursuant to paragraph (3) and the time at which it or they take effect;
 - (g) a statement explaining that failure to comply with the notice is an offence, conviction for which is punishable by a fine; and
 - (h) details of the right of appeal to a magistrates’ court, and the time within which such an appeal may be brought.
- (8) A Coronavirus Restriction Notice must be reviewed by a local authority designated officer before the notice ceases to have effect.
- (9) Where, before the end of the period during which the Coronavirus Restriction Notice has effect, a person to whom the notice has been issued believes that the requirements in the notice pursuant to paragraph (3) are no longer necessary, that person may request that a local authority designated officer carry out a review of the notice.
- (10) Where a request is made pursuant to paragraph (9) a local authority designated officer must carry out a review pursuant to paragraph (8), such review to be carried out as soon as practicable but in any event by the earlier of—
 - (a) the end of the period of 48 hours beginning with the time at which the officer receives that request; and
 - (b) the time at which the notice ceases to have effect.
- (11) In carrying out a review pursuant to paragraph (8) the local authority designated officer—
 - (a) must—
 - (i) decide whether the requirements in the notice pursuant to paragraph (3) remain necessary and—
 - (aa) if none of them remain necessary, withdraw the notice;
 - (bb) if some, but not all, of them remain necessary, amend the notice or withdraw the notice and issue a new notice;

- (ii) notify the person to whom the notice was issued of that decision and that person's right of appeal to a magistrates' court, and the time within which such an appeal may be brought;
- (b) may issue a new Coronavirus Restriction Notice or a Coronavirus Improvement Notice or Coronavirus Immediate Restriction Notice pursuant to these Regulations to the same person.

Offence of failing to comply with a Coronavirus Improvement Notice, Coronavirus Immediate Restriction Notice or Coronavirus Restriction Notice

6.—(1) It is an offence for a person to fail to comply with—

- (a) a Coronavirus Improvement Notice;
- (b) a Coronavirus Immediate Restriction Notice; or
- (c) a Coronavirus Restriction Notice,

without reasonable excuse.

(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, 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 and 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⁽⁷⁾ applies in relation to an offence pursuant to this regulation as if the reasons in subsection (5) of that section included—

- (a) to maintain public health, and
- (b) to maintain public order.

Prosecutions

7. Proceedings for an offence pursuant to this Part may be brought by a local authority, the Crown Prosecution Service and any person designated by the Secretary of State (but this does not affect any other power to bring proceedings for such an offence).

Fixed Penalty Notice

8.—(1) A local authority officer designated for the purposes of this regulation (“local authority designated officer”) may issue a fixed penalty notice to any person that the officer reasonably believes—

- (a) has committed an offence under this Part; and
- (b) is (in the case of an individual) aged 18 or over.

(2) But no more than one fixed penalty notice may be issued in relation to a failure to comply with a single Coronavirus Improvement Notice, Coronavirus Immediate Restriction Notice or Coronavirus Restriction Notice.

(7) 1984 c. 60. Section 24 was substituted by section 110 of the Serious Organised Crime Act 2005 (c. 15).

(3) 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 the amount specified in paragraph (4) to an authority specified in the notice.

(4) The amount is—

- (a) £2,000 where the offence is described in regulation 6(1)(a);
- (b) £4,000 where the offence is described in regulation 6(1)(b) or (c).

(5) 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.

(6) Where a person is issued with a notice pursuant to 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 beginning with the day after 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.

(7) 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 (6)(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; and
- (e) specify permissible methods of payment.

(8) Whatever other method may be specified pursuant to paragraph (7)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated pursuant to paragraph (7)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(9) Where a letter is sent as mentioned in paragraph (8), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(10) In any proceedings, a certificate that—

- (a) 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 officer referred to in paragraph (5)(b), where that officer is the authority to which payment is made; and
- (b) 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.

(11) In this regulation “chief finance officer”, in relation to a local authority, means the person with responsibility for the authority’s financial affairs.

Appeals

9.—(1) In this regulation a “notice” means a Coronavirus Improvement Notice, a Coronavirus Immediate Restriction Notice or a Coronavirus Restriction Notice.

- (2) A person to whom a notice is issued may appeal to a magistrates' court against—
 - (a) the notice; or
 - (b) the decision on a review of that notice.
- (3) An appeal must be made—
 - (a) in accordance with the Magistrates' Courts Act 1980⁽⁸⁾ and that Act applies to the proceedings, and
 - (b) within the period of 28 days beginning with—
 - (i) the day on which the notice is issued in the case of an appeal pursuant to paragraph (2)(a);
 - (ii) the day on which the person to whom the notice was issued is notified of the decision of the review in the case of an appeal pursuant to paragraph (2)(b).

Continuity of designations

10. 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 3, 4, 5, 7 or 8, as appropriate, of these Regulations—

- (a) regulation 9(9)(b), 11(3)(b), 11(9)(a) or 13, as appropriate, of the All Tiers Regulations;
- (b) regulation 8⁽⁹⁾ of the Obligations of Undertakings Regulations;
- (c) regulation 18(11) of the Collection of Contact Details Regulations;
- (d) regulation 12(12) of the Self-Isolation Regulations.

PART 3

Amendments

11. The Schedule contains amendments and saving provisions.

PART 4

Expiry

Expiry of Part 2

12.—(1) Part 2 expires at the end of the period of six months beginning with the day on which it comes into force.

(2) The expiry of Part 2 does not affect the validity of anything done pursuant to Part 2 before it expires.

⁽⁸⁾ 1980 c. 43.

⁽⁹⁾ Regulation 8 was amended by [S.I. 2020/1374](#).

At 1.35 p.m. on 30th November 2020

Matt Hancock
Secretary of State,
Department of Health and Social Care