

This Statutory Instrument corrects errors in S.I. 2020/1374 as amended by S.I. 2020/1611 and is being issued free of charge to all known recipients of S.I. 2020/1611.

STATUTORY INSTRUMENTS

2020 No. 1646

PUBLIC HEALTH, ENGLAND

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

Approved by both Houses of Parliament

Made - - - - 24th December 2020

Coming into force - - 26th December 2020

Laid before Parliament 29th December 2020

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45C(1), (3)(c), (4)(b) and (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 the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020⁽²⁾ as amended by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 45R of the Public Health (Control of Disease) Act 1984, the Secretary of State is of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, each House of Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) (Amendment) (No. 3) Regulations 2020.

(2) These Regulations come into force on 26th December 2020.

(1) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).
(2) S.I. 2020/1374 amended by S.I. 2020/1533, 1572 and 1611.

Amendments to the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

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

- (2) In regulation 2(1), omit the definition of “permitted outdoor sports gathering”.
- (3) In regulation 2(2)—
- (a) in sub-paragraph (a)(ii)—
 - (i) after “Games”, in the first place it occurs, insert “, or at the Paris Olympic or Paralympic Games”;
 - (ii) after “programme” insert “or the Paris Olympic and Paralympic Games programme”;
 - (b) in sub-paragraph (b)(i), after “Games” insert “, or at the Paris Olympic or Paralympic Games”;
 - (c) in sub-paragraph (b)(ii), after “programme” insert “or the Paris Olympic and Paralympic Games programme”;
 - (d) in sub-paragraph (c)(i), after “Games” insert “or at the Paris Olympic or Paralympic Games”;
 - (e) in sub-paragraph (c)(ii), after “programme” insert “or the Paris Olympic and Paralympic Games programme”.
- (4) In regulation 3(2)—
- (a) in sub-paragraph (d), for “a child who is under the age of one or was” substitute “one or more children who are under the age of one or were”;
 - (b) for sub-paragraph (e) substitute—
 - “(e) one or more adults and one or more children who have a disability and require continuous care who are under the age of five or were under that age on 2nd December 2020, or”.
- (5) In Schedule 3, in paragraph 12(2)(a), after sub-paragraph (vi) insert—
- “(via) needs accommodation for the purposes of 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;”.
- (6) In Schedule 3A—
- (a) in paragraph 1, after sub-paragraph (3) insert—
 - “(4) For the purposes of this Part of this Schedule, a person lives in the Tier 4 area if any part of the place where that person lives is in the Tier 4 area.”;
 - (b) in paragraph 2(2)(a)—
 - (i) in the opening words, for “Part 3 of this Schedule” substitute “paragraph 17”;
 - (ii) in sub-paragraph (ii), after “persons” insert “or persons who have a disability”;
 - (iii) in sub-paragraph (iii), after “person” insert “or a person who has a disability”;
 - (c) in paragraph 2(2)(d)(ii)(bb), for “exercise” substitute “open air recreation”;
 - (d) in paragraph 2(2), after paragraph (d) insert—
 - “(da) to visit outdoor attractions at an aquarium, zoo or safari park or outdoor animal attractions at a farm, wildlife centre or any other place where animals are exhibited to the public as an attraction;”;
 - (e) in paragraph 2(5)(c), after “person” insert “or to a person who has a disability”;

- (f) in paragraph 2(12), for “6(13)(a)(i) or (ii)” substitute “6(12)(a)(i) or (13)(a)(i) to (iv)”;
- (g) in paragraph 2(13)(e)(ii), after “children” insert “or other persons who were under the age of 18 on 31st August 2020”;
- (h) in paragraph 2(13), omit paragraph (h);
- (i) in paragraph 2, for sub-paragraph (14) substitute—
 - “(14) Sub-paragraph (13)(e)(ii) only applies where the supervised activities are reasonably necessary to enable a parent, or a person who has parental responsibility for, or care of, the child or other person in question—
 - (a) to work or search for work,
 - (b) to undertake training or education, or
 - (c) to attend a medical appointment or address a medical need.”;
- (j) in paragraph 2(17), for “and” substitute “or”;
- (k) in paragraph 2(19), in the opening words, after “related activity and” insert “the gathering”;
- (l) in paragraph 2(23), for “22” substitute “(22)”;
- (m) in paragraph 2, at the end insert—

“Exception 17: picketing

(24) Exception 17 is that it is reasonably necessary for P to leave or be outside P’s home for the purposes of attending a gathering permitted under paragraph 6(25).”;

- (n) in paragraph 5, omit sub-paragraph (8);
- (o) in paragraph 6(3), after paragraph (a) insert—
 - “(aa) educational activities of a school.”;
- (p) in paragraph 6(13)(c), for “(13)” substitute “(12)”;
- (q) in paragraph 6(14), for “(13)(a)(i) or 14(a)(i) to (iv)” substitute “(12)(a)(i) or (13)(a)(i) to (iv)”;
- (r) in paragraph 6(18), omit paragraph (g);
- (s) in paragraph 6, for sub-paragraph (19) substitute—
 - “(19) Sub-paragraph (18)(e)(ii) only applies where the supervised activities are reasonably necessary to enable a parent, or a person who has parental responsibility for, or care of, the child or other person in question—
 - (a) to work or search for work,
 - (b) to undertake training or education, or
 - (c) to attend a medical appointment or address a medical need.”;
- (t) in paragraph 6(24)(b), for “7” substitute “9”;
- (u) in paragraph 6, at the end insert—

“Exception 17: picketing

(25) Exception 17 is that—

- (a) the gathering is for the purposes of picketing which is carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, and
 - (b) the gathering organiser takes the required precautions in relation to the gathering.”;
- (v) in paragraph 12(1)(e)—

- (i) after “studios,” insert “skating rinks,”;
 - (ii) for “supervised activities for children” substitute “childcare provided by a person registered under Part 3 of the Childcare Act 2006 or for supervised activities for children or other persons who were under the age of 18 on 31st August 2020”;
 - (w) in paragraph 12(1)(f), after “studios,” insert “skating rinks,”;
 - (x) in paragraph 12(1), at the end insert—
 - “(i) indoor arenas at riding centres, for the purposes of any of the activities referred to in paragraph 2(15);
 - (j) tanning, nail, beauty or hair salons, barbers, spas, massage parlours, tattoo and piercing parlours, so far as used for the purposes of providing any of the services listed in paragraph 17(o).”;
 - (y) in paragraph 14(2)(a), after sub-paragraph (vi) insert—
 - “(via) needs accommodation for the purposes of 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;”;
 - (z) in paragraph 15(7)(e), after “indoor” insert “arenas at”;
 - (aa) in paragraph 15(7), omit paragraphs (o) and (p);
 - (bb) in paragraph 15(7)(t), after sub-paragraph (iv) insert—
 - “(v) aquariums and zoos, including safari parks,
 - (vi) animal attractions at farms, wildlife centres and any other place where animals are exhibited to the public as an attraction;”;
 - (cc) in paragraph 15(7)(gg), omit “outdoor”;
 - (dd) in paragraph 15(10), after “(7)(ff)” insert “and (gg)”;
 - (ee) in paragraph 16(2)(b), after “children” insert “or other persons who were under the age of 18 on 31st August 2020”;
 - (ff) in paragraph 16(2), after paragraph (b) insert—
 - “(ba) parent and child groups;”;
 - (gg) in paragraph 16(5)(d), after “children” insert “or other persons who were under the age of 18 on 31st August 2020”;
 - (hh) in paragraph 16(5), after paragraph (d) insert—
 - “(da) parent and child groups;”;
 - (ii) in paragraph 17(o), after “including” insert “services which incorporate personal care services and treatments required by those with disabilities and”.
- (7) In Part 1 of Schedule 4—
- (a) under the heading “North West:” omit the following entries—
 - Cheshire East Council
 - Cheshire West and Chester Council
 - Warrington Borough Council;
 - (b) under the heading “East Midlands:” omit the entry for Northamptonshire County Council;
 - (c) under the heading “West Midlands:” before the entry for Shropshire Council insert—
 - “Herefordshire Council”;
 - (d) under the heading “East of England:” omit the following entries—

- Cambridgeshire County Council
Colchester Borough Council
Norfolk County Council
Suffolk County Council
Tendring District Council
Uttlesford District Council;
- (e) under the heading “South East:” omit following entries—
Basingstoke and Deane Borough Council
Brighton and Hove City Council
Eastbourne Borough Council
Eastleigh Borough Council
East Hampshire District Council
Fareham Borough Council
Hart District Council
Lewes District Council
New Forest District Council
Oxfordshire County Council
Rushmoor Borough Council
Southampton City Council
Test Valley Borough Council
Waverley Borough Council
Wealden District Council
West Sussex County Council
Winchester City Council;
- (f) under the heading “South West:” omit the following entries—
Bristol City Council
Gloucestershire County Council
North Somerset Council
Somerset County Council
Swindon Borough Council;
- (g) under the heading “South West:”, after the entry for Bournemouth, Christchurch and Poole Council insert—
“Cornwall Council”.
- (8) In Part 2 of Schedule 4—
- (a) under the heading “North West:”—
- (i) after the entry for Bury Metropolitan Borough Council insert—
“Cheshire East Council
Cheshire West and Chester Council”;
- (ii) after the entry for Trafford Metropolitan Borough Council insert—
“Warrington Borough Council”;

- (b) under the heading “East Midlands:”, after the entry for Lincolnshire County Council insert—
 - “Northamptonshire County Council”;
 - (c) under the heading “South East:” insert—
 - “Isle of Wight Council
New Forest District Council”;
 - (d) under the heading “South West:”, before the entry for South Gloucestershire Council insert—
 - “Bristol City Council
Gloucestershire County Council
North Somerset Council
Somerset County Council”;
 - (e) under the heading “South West:”, after the entry for South Gloucestershire Council insert—
 - “Swindon Borough Council”.
- (9) In Part 3 of Schedule 4—
- (a) under the heading “South East”—
 - (i) omit the following entries—
 - Elmbridge Borough Council
 - Epsom and Ewell Borough Council
 - Guildford Borough Council
 - Mole Valley District Council
 - Reigate and Banstead Borough Council
 - Runnymede Borough Council
 - Spelthorne Borough Council
 - Surrey Heath Borough Council
 - Tandridge District Council
 - Woking Borough Council
 - Hastings Borough Council
 - Rother District Council;
 - (ii) after the entry for Slough Borough Council insert—
 - “Oxfordshire County Council
Surrey County Council
Brighton and Hove City Council
East Sussex County Council
West Sussex County Council”;
 - (iii) before the entry for Gosport Borough Council insert—
 - “Basingstoke and Deane Borough Council
East Hampshire District Council
Eastleigh Borough Council

- Fareham Borough Council”;
- (iv) after the entry for Gosport Borough Council insert—
“Hart District Council”;
- (v) after the entry for Portsmouth City Council insert—
“Rushmoor Borough Council
Test Valley Borough Council
Southampton City Council
Winchester City Council”;
- (b) under the heading “East of England”—
- (i) omit the following entries—
Basildon Borough Council
Braintree Borough Council
Brentwood Borough Council
Castle Point Borough Council
Chelmsford City Council
Epping Forest District Council
Harlow District Council
Maldon District Council
Rochford District Council;
- (ii) after the entry for Peterborough City Council insert—
“Cambridgeshire County Council;
Essex County Council”;
- (iii) after the entry for Thurrock Council insert—
“Norfolk County Council
Suffolk County Council”.

Amendment to the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020

3. In regulation 9(9) of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020(3), in sub-paragraph (o)(4) for “or paragraph 3 of Schedule 3” substitute “, paragraph 3 of Schedule 3 or paragraph 5 of Schedule 3A”.

Amendment to the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020

4. In regulation 14(8A) of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020(5), in sub-paragraph (g)(6) for “or paragraph 3 of Schedule 3” substitute “, paragraph 3 of Schedule 3 or paragraph 5 of Schedule 3A”.

(3) [S.I. 2020/684](#).

(4) Sub-paragraph (o) was inserted by [S.I. 2020/1374](#), Sch. 5 paragraph 1.

(5) [S.I. 2020/750](#).

(6) Sub-paragraph (g) was inserted by [S.I. 2020/1374](#), Sch. 5 paragraph 2(4).

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

5. In regulation 2 of the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020(7), after paragraph (n) insert—

“(na) paragraph 10 (requirement to close premises and businesses) of Schedule 3A to the All Tiers Regulations, but only in relation to a business mentioned in paragraph 15(2)(g) of that Schedule;

(nb) paragraph 11 (restrictions on service of food and drink for consumption on the premises) of Schedule 3A to the All Tiers Regulations;”.

24th December 2020

Matt Hancock
Secretary of State
Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Schedule 4 to the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 so as to make changes to the areas that are subject to Tier 1, Tier 2, Tier 3 and Tier 4 restrictions for the purposes of those Regulations.

These Regulations also make minor correcting and other amendments to those Regulations together with consequential amendments to other legislation.

No impact assessment has been prepared for these Regulations.