

*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 was 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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**2021 No. 1416**

**PUBLIC HEALTH, ENGLAND**

**The Health Protection (Coronavirus, Restrictions) (Entry  
to Venues and Events) (England) Regulations 2021**

*Made* - - - - *at 11.56 a.m. on 13th  
December 2021*  
*Laid before Parliament* *-at 3.00 p.m. on 13th  
December 2021*  
*Coming into force in accordance with regulation 1*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45C(1), (3)(c), (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 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.

**Citation, commencement, extent and application**

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (Entry to Venues and Events) (England) Regulations 2021.

(2) These Regulations come into force as follows—

- (a) this regulation and regulation 20 come into force on 14th December 2021;
- (b) all other provisions in these Regulations come into force at 6.00 a.m. on 15th December 2021.

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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).

- (3) These Regulations extend to England and Wales, and apply in relation to England.

## Interpretation

### 2.—(1) In these Regulations—

“authorised vaccine” has the meaning given in regulation 3A (interpretation of Part) of the International Travel Regulations(2);

“clinical trial” has the meaning given in regulation 2(1) (interpretation) of the Medicines for Human Use (Clinical Trials) Regulations 2004(3);

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

“designated” means designated by name or description;

“International Travel Regulations” means the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021(4);

“the licensing authority” has the meaning given in regulation 6(2) (the licensing authority and the Ministers) of the Human Medicines Regulations 2012(5);

“NHS” means the health service continued under section 1(1) of the National Health Service Act 2006(6);

“qualifying test” has the meaning given in regulation 3;

“relevant vessel” is a vessel which departs from, and returns to, a place in England, which does not call at any place outside England;

“responsible person” has the meaning given in regulation 5(7);

“valid notification” has the meaning given in regulation 9(9);

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

### (2) For the purposes of these Regulations—

#### (a) 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 include references to the following—

(aa) accommodation in a hotel, hostel, campsite, caravan park, members’ club, boarding house or bed and breakfast accommodation;

(bb) children’s homes, within the meaning of section 1 of the Care Standards Act 2000(7);

(cc) care homes, within the meaning of section 3 of the Care Standards Act 2000(8);

(dd) residential family centres, within the meaning of section 4 of that Act(9);

(2) S.I. 2021/582, amended by S.I. 2021/589, 670, 682, 731, 766, 795, 865, 914, 923, 966, 974, 1003, 1033, 1066, 1107, 1130, 1155, 1179, 1210, 1213, 1289, 1323, 1331, 1339 and 1367.

(3) S.I. 2004/1031.

(4) Part 1B was inserted by S.I. 2021/1107, and amended by S.I. 2021/1130, 1179, 1210, 1213, 1289 and 1339.

(5) S.I. 2012/1916.

(6) 2006 c. 41. Section 1 was substituted by section 1 of the Health and Social Care Act 2012 (c. 7).

(7) 2000 c. 14. Section 1 was amended by paragraph 2 of Schedule 5 to the Health and Social Care Act 2008 (c. 14) and by paragraph 2 of Schedule 3 to the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) (“the 2016 Act”).

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

(9) The definition of “residential family centre” was amended by paragraph 4 of Schedule 3 to the 2016 Act, to which there are amendments which are not relevant to these Regulations.

- (ee) accommodation provided for students whilst they are boarding at school;
  - (ff) 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;
  - (gg) accommodation intended for use by Her Majesty’s armed forces;
  - (b) “higher education course” means a course of any description mentioned in Schedule 6 to the Education Reform Act 1988<sup>(10)</sup>;
  - (c) “further education” has the meaning given by section 2 of the Education Act 1996<sup>(11)</sup>;
  - (d) “16 to 19 Academy” has the meaning given by section 1B of the Academies Act 2010<sup>(12)</sup>;
  - (e) references to a person “providing services” at a venue or an event—
    - (i) include the provision of services in any capacity, whether as a worker, volunteer or otherwise, whether or not those services are provided to or on behalf of the responsible person,
    - (ii) only include persons who are providing services in person at the venue or event,
    - (iii) are to be read as including a person who attends an event or venue to sell goods to others attending that event or venue, and, in the case of a conference, as including a person who attends that event to distribute information to delegates attending the conference;
  - (f) subject to sub-paragraph (g), 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<sup>(13)</sup>,
  - (g) under the Smoke-free (Premises and Enforcement) Regulations 2006<sup>(14)</sup>;
  - (h) seating, terraces or other standing areas within a stadium or theatre which—
    - (i) are covered, or partly covered and partly uncovered, and
    - (ii) open onto an uncovered pitch, court, track, stage, or other open-air area where an event is taking place,are to be treated as outdoor areas;
  - (i) references to a “local authority” include references to a county council;
  - (j) 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.
- (3) For the purposes of these Regulations, “event” means—
- (a) an occasion such as—
    - (i) an entertainment, a performance or similar occasion,
    - (ii) a competition, race, match or other sporting event,
    - (iii) a celebration, ball, reception, or other organised social event,
    - (iv) a conference, presentation, business reception, trade show, award show or a charitable auction, and
  - (b) subject to paragraph (4), does not include activities which take place every day at a venue as a normal part of the business of that venue.

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<sup>(10)</sup> 1988 c. 40.

<sup>(11)</sup> 1996 c. 56. Section 2 was amended by section 177 of, and Schedule 2 to, the Education Act 2002 (c. 32). There are other amendments to section 2 which are not relevant to this instrument.

<sup>(12)</sup> 2010 c. 32. Section 1B was inserted by section 53(7) of the Education Act 2011 (c. 21).

<sup>(13)</sup> 2006 c. 28. Section 2 was amended by paragraph 4 of Schedule 2 to the Public Health (Wales) Act 2017 (anaw 2).

<sup>(14)</sup> S.I. 2006/3368, to which there are amendments which are not relevant to these Regulations.

(4) Paragraph (3)(b) does not apply to events which are hosted by a venue all or most of whose business consists of the hosting of different events.

(5) For the purposes of paragraph (3)(a)(iv), a “trade show” is an occasion held to bring together members of a particular industry to display, demonstrate and discuss their latest products or services with members of the public or other members of the industry.

### **Qualifying test**

3.—(1) A test is a “qualifying test” if it is a test for coronavirus provided by a public provider.

(2) For the purposes of paragraph (1), “public provider” means a test provider who provides or administers a test under the National Health Service Act 2006, the National Health Services (Wales) Act 2006, the National Health Service (Scotland) Act 1978, or the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(15)</sup>.

### **Venues and events subject to these Regulations**

4.—(1) The following venues and events are subject to restrictions under these Regulations—

- (a) a venue within category A, except where an event which is an exempt event in relation to venues in category A takes place at that venue, and
- (b) an event which—
  - (i) falls within categories B, C or D, and
  - (ii) is not an exempt event in relation to that category of events.

(2) Category A consists of those venues listed in Schedule 1.

(3) Where a venue within category A forms part of a larger premises, the requirements in regulations 5 and 7 only apply in relation to persons attending the category A venue, provided that—

- (a) there is an entrance to the category A venue at which checks can be made for the purposes of regulation 5(3) on persons wishing to attend the venue, and
- (b) persons attending the category A venue are separated from persons using any other part of the premises, except when using shared toilets, corridors, entrances, stairwells, lifts and similar shared facilities.

(4) Category B consists of events where—

- (a) the event—
  - (i) takes place indoors, or partly indoors and partly outdoors, including an event which takes place indoors on a relevant vessel while it is in England, or in the English territorial sea, and for these purposes, “English territorial sea” means that part of the territorial sea of the United Kingdom which is adjacent to England, and
  - (ii) is attended, or likely to be attended, at any point by 500 or more people in those parts of the event which take place indoors, and
- (b) the people attending the event are likely to stand or move around during all or part of the event.

(5) Category C consists of events where—

- (a) the event—
  - (i) takes place outdoors, or partly outdoors, and
  - (ii) is attended, or likely to be attended, at any point by 4,000 or more people, and

<sup>(15)</sup> S.I. 1972/1265 (N.I. 14).

- (b) the people attending the event are likely to stand or move around during all or part of the event.
- (6) Category D consists of events which are attended, or likely to be attended, at any point by 10,000 or more people.
- (7) An event is an “exempt event” in relation to a venue or to a category of events for the purposes of these Regulations, if any of the exemptions in Schedule 2 apply in relation to that event.
- (8) For the purposes of these Regulations—
  - (a) a person who only leaves their seat during an event to use toilet facilities, to obtain food or drink or to leave the event, is not to be treated as moving around for part of the event;
  - (b) in calculating the number of people who are likely to attend an event or a venue for the purposes of—
    - (i) paragraphs (5) and (6), and paragraphs 2, 3 and 4 of Schedule 1, no account is to be taken of people who have assigned seats and are expected to remain in those seats, or stand next to their assigned seat, during the event, or while attending the venue;
    - (ii) paragraphs (5), (6) and (7), and paragraphs 2, 3, 4 and 5 of Schedule 1, no account is to be taken of a person who is only attending a venue or an event because they are providing services at the venue or the event;
  - (c) where two or more events are taking place at the same venue and at the same time, those events are to be treated as a single event unless the events are held in different rooms, and people attending one event are separated from people attending any other event at that venue, except when using shared toilets, corridors, entrances, stairwells, lifts and similar shared facilities.

#### **Requirements: entry to venues or events**

- 5.—(1) The responsible person must take reasonable measures to ensure that no person, except for a person described in paragraph (2)—
- (a) is admitted to a venue or an event to which these Regulations apply, or
  - (b) is permitted to be present in a venue on any occasion when that venue is a Category A venue under paragraph 1(2) of Schedule 1.
- (2) A person (“P”) may be admitted to, or be permitted to be present in, a venue or event, if P—
- (a) satisfies one of the criteria set out in regulation 8(1),
  - (b) comes within one of the exemptions set out in regulation 8(2), or
  - (c) is a person referred to in regulation 10.
- (3) Unless paragraph (4) or regulation 6(1) applies, the measures taken under paragraph (1) must include a check that each person admitted to, or permitted to be present at, the venue or event—
- (a) has evidence that they satisfy the criteria in regulation 8(1),
  - (b) has evidence that they come within an exemption in regulation 8(2), or
  - (c) is a person referred to in regulation 10.
- (4) Paragraphs (1) and (3) do not apply where a person is being admitted to a venue solely to enable that person to avoid injury or escape a risk of harm.
- (5) The responsible person for—
- (a) a venue which has the capacity to be a category A venue referred to in paragraph 2, 3, 4 or 5 of Schedule 1, but which is relying on the thresholds in paragraph 2(2)(b), 3(2), 4(5), or 5(2) of that Schedule (“the relevant thresholds”), or

- (b) a venue which has the capacity to host an event within category B, C or D, but which is not being used for such events,

must take reasonable measures to ensure that the relevant threshold for the venue or threshold applicable to category B, C or D events, as the case may be, is not exceeded by any event held in that venue, and for these purposes, the capacity of a venue is the combined capacity of all rooms at that venue which are available to host an event.

(6) The responsible person for an event which is being held at a venue described in paragraph (5) must take reasonable measures to ensure that the relevant threshold for the venue, or the threshold applicable to category B, C or D events, is not exceeded by that event.

(7) In these Regulations, “responsible person”—

- (a) in relation to an event, means the person responsible for—
  - (i) organising that event, or
  - (ii) the management of the premises in which the event is to be held, if no other person is responsible for organising the event;
- (b) in relation to a venue, means the person responsible for the management of the venue in question.

#### **Entry to events and venues: spot checks**

6.—(1) A responsible person for a Category B, C, or D event, or for a Category A venue other than a venue described in paragraph 1 of Schedule 1, may determine for the purposes of regulation 5(1) that it is not reasonably possible to carry out a check on every person within regulation 5(3) as described in that paragraph, without endangering the safety of any person attending, or providing services at, the venue or event in question, if the following conditions are satisfied—

- (a) a majority of the persons attending are expected to arrive together for the start of an event, or the opening of a venue, at a fixed time,
- (b) it is not possible to set up checkpoints away from the entry points, and carrying out a check on every person would lead to a crowd gathering outside the venue or event,
- (c) that crowd would—
  - (i) present a risk to the safety of the persons in the crowd, or to any other person, or
  - (ii) provide a potential target for terrorist action, and
- (d) the responsible person—
  - (i) has carried out an assessment of—
    - (aa) the potential risks to the safety of persons attending the venue or event in question (“attendees”), or of any other person, which may be caused by carrying out a check on every person, and
    - (bb) what percentage of people within regulation 5(3) it is reasonably possible to check without endangering the safety of attendees and other persons, and
  - (ii) in carrying out that assessment has taken into account any guidance issued by the government which is relevant to the event or venue.

(2) Where the responsible person has made the determination referred to in paragraph (1), the responsible person may, if the local authority in whose area the venue is located, or one of those authorities, (“the relevant local authority”) approves the assessment made by the responsible person under paragraph (1)(d), satisfy its obligations under regulation 5(1) by checking the percentage of attendees assessed under paragraph (1)(d)(i)(bb).

(3) Unless paragraph (4) applies, a responsible person who wishes to rely on this regulation must apply to the relevant local authority at least 10 working days before the date on which the responsible

person wishes to admit people to the event or venue in question, providing a written description of the assessment made under paragraph (1)(d).

(4) Where the date on which the responsible person wishes to admit persons to an event or venue falls before 29th December 2021, the application referred to in paragraph (3) must be made as soon as practicable before the date of the event.

(5) The relevant local authority may—

- (a) approve the assessment provided under paragraph (3) (“the assessment”),
- (b) approve the assessment on condition that the responsible person takes further reasonable measures specified by the local authority, or
- (c) reject the assessment.

(6) If the relevant local authority rejects the assessment, the responsible person must comply with the requirements in regulation 5(3), or close the venue or cancel the event as appropriate.

(7) An assessment submitted with an application under paragraph (3) is to be treated as approved without conditions if—

- (a) the relevant local authority does not reply to the application at all, or does not reply until a day which is less than 5 working days before the date on which the responsible person wishes to admit people to the event or venue, or
- (b) an application has been submitted to the relevant local authority in reliance on paragraph (4) before the date on which the responsible person wishes to admit people to the event or venue in question.

### **Requirements: statements and records**

7.—(1) A responsible person who is subject to a requirement under regulation 5(1) must produce, and keep up to date, a statement setting out—

- (a) the measures they intend to take to satisfy their obligations under regulation 5(1),
- (b) how those measures are to be implemented, and
- (c) how those measures are to be drawn to the attention of every person attending the venue, or the event.

(2) The responsible person in relation to a venue within category A must keep records for each day on which people are admitted to the venue containing the information in paragraph (4).

(3) The responsible person in relation to an event falling within category B, C or D must keep records for each event containing the information in paragraph (4).

(4) The information referred to in paragraphs (2) and (3) is—

- (a) the date of the event, or, in the case of a venue, the date to which the records relate;
- (b) the number of people attending the venue, or the event;
- (c) if the responsible person does not on any occasion adopt the measures set out in the statement referred to in paragraph (1)—
  - (i) the reasons for adopting different measures;
  - (ii) what measures were adopted on that occasion to monitor and manage the numbers of people attending the venue, or the event;
  - (iii) how an individual’s eligibility to enter the venue or the event was checked;
- (d) the number of occasions on which the responsible person has carried out spot checks under regulation 6 to avoid endangering the safety of a person attending the venue or event, and the number of people admitted to the venue or event on each occasion;



- (e) the number of occasions on which a person has been admitted to the event or the venue under regulation 5(4).
- (5) The responsible person must ensure that the records required for the purposes of paragraph (2) and (3) are kept in such a way that it is not possible to determine the identity of any person from them.
- (6) The responsible person referred to in regulation 5(5) and (6) must produce, and keep up to date, a statement setting out the measures they intend to take to ensure that the threshold applicable to category B, C or D events is not exceeded by any event held at the venue.
- (7) The responsible person must—
  - (a) retain the statement referred to in paragraph (1) and, where applicable, paragraph (6) while this regulation is in force;
  - (b) retain the records referred to in paragraphs (2) and (3) for a period of three months starting with the day after—
    - (i) the date of the event referred to, and
    - (ii) in the case of records relating to a venue, the day to which a record refers;
  - (c) produce those records, or the statement referred to in paragraph (1) or (6)—
    - (i) within three working days after the date on which the responsible person receives notice of a requirement imposed under regulation 11(1) from a local authority officer designated for the purpose of that regulation, and
    - (ii) during the course of an inspection carried out under regulation 11(2).

#### **Criteria for entrance and exemptions**

- 8.—(1) The criteria referred to in regulation 5(2)(a) are—
  - (a) that the person (“P”) has completed a course of doses of—
    - (i) an authorised vaccine, or
    - (ii) a vaccine under the United Kingdom vaccine roll-out overseas,
 with the final dose of the vaccine having been received before the start of the period beginning with the 14th day before P attends the event or venue,
  - (b) where—
    - (i) P does not satisfy the criteria in sub-paragraph (a), and
    - (ii) P is not exempt under paragraph (2),
 that P has received a negative result from a qualifying test taken by P, for which the test sample was taken no more than 48 hours before P attends the event or venue.
- (2) A person (“P”) is exempt for the purposes of regulation 5(2)(b) if—
  - (a) P has participated, or is participating, in a relevant clinical trial of a vaccine against coronavirus disease, or
  - (b) for clinical reasons P should not be vaccinated with any authorised vaccine.
- (3) For the purposes of paragraph (1)—
  - (a) P has completed a course of doses of an authorised vaccine if P has received the complete course of doses specified—
    - (i) in the summary of product characteristics approved as part of the marketing authorisation for the authorised vaccine, or
    - (ii) in the instructions for usage approved as part of the authorisation by the licensing authority on a temporary basis under regulation 174 (supply in response to spread of



- pathogenic agents etc) of the Human Medicines Regulations 2012 for the authorised vaccine,
- (b) P has completed a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas if P has received the complete course of doses of the vaccine as specified in the manufacturer’s guidance for that vaccine,
- (c) P is deemed to have completed a course of doses of an authorised vaccine if—
- (i) P has received at least 2 doses of any of the vaccines referred in sub-paragraph (c) (ii) of the definition of “authorised vaccine” in regulation 3A(2) of the International Travel Regulations, or
  - (ii) P has received a dose of one authorised vaccine and a dose of a different authorised vaccine;
- (d) P is deemed to have completed a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas if—
- (i) P has received a dose of an authorised vaccine and a dose of a vaccine under the United Kingdom vaccine roll-out overseas, or
  - (ii) P has received a dose of one vaccine under the United Kingdom vaccine roll-out overseas, and a dose of a different vaccine under the United Kingdom vaccine roll-out overseas.
- (4) For the purposes of paragraph (2), a “relevant clinical trial” means a clinical trial of a vaccine for vaccination against coronavirus which is—
- (a) a clinical trial carried out in the United Kingdom in accordance with the requirements of the Medicines for Human Use (Clinical Trials) Regulations 2004(16),
  - (b) a clinical trial regulated in the United States of America by the Food and Drugs Administration, or
  - (c) phase 2 (therapeutic exploratory studies) or phase 3 (clinical efficacy and safety studies) of a clinical trial regulated by an approved regulator, and for these purposes, “approved regulator” means—
    - (i) the European Medicines Agency, or
    - (ii) a regulatory authority (other than such an authority in the United Kingdom or the United States of America) which is designated as a Stringent Regulatory Authority by the World Health Organization.
- (5) In this regulation—
- “coronavirus disease” means COVID-19 (the official designation of the disease which can be caused by coronavirus);
- “crown servant” has the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989(17);
- “government contractor” has the meaning given in section 12(2) of the Official Secrets Act 1989;
- “marketing authorisation” has the meaning given in regulation 3A of the International Travel Regulations;
- “United Kingdom vaccine roll-out overseas” means the administration of vaccination against coronavirus to—

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(16) S.I. 2004/1031.

(17) 1989 c. 12.

- (a) crown servants, government contractors or other personnel posted or based overseas and their dependants under the scheme known as the Foreign, Commonwealth and Development Office staff COVID-19 vaccination programme, or
- (b) military or civilian personnel, government contractors and their dependants at a military posting overseas, including the British overseas territories, the Channel Islands and the Isle of Man, under the vaccination scheme provided or approved by the UK Defence Medical Services.

### **Acceptable evidence for the purposes of regulation 8**

9.—(1) The items referred to in this regulation may be used as evidence that a person (“P”) satisfies the criteria in regulation 8(1), or comes within an exemption in regulation 8(2).

#### *Evidence of vaccination, participation in a clinical trial or clinical exemption*

- (2) Evidence may be provided in relation to any of the criteria in regulation 8(1) or (2) by—
- (a) the NHS COVID pass for P, or the equivalent from NHS Scotland, NHS Wales or the Department of Health in Northern Ireland,
  - (b) an equivalent electronic application developed by or on behalf of the governments of a British overseas territory, any of the Channel Islands or the Isle of Man, so far as that application provides information as to whether or not P satisfies the criteria set out in regulation 8(1) or the exemptions set out in regulation 8(2), or
  - (c) a letter from any of the governments referred to in paragraph (b), or from a person acting on behalf of any of those governments, which provides information as to whether or not P satisfies the criteria set out in regulation 8(1) or the exemptions set out in regulation 8(2).

#### *Proof of vaccination*

- (3) For the criterion in regulation 8(1)(a), proof may be provided by—
- (a) any form of proof referred to in paragraph (2),
  - (b) the EU Digital COVID Certificate,
  - (c) a North American Certificate,
  - (d) a COVID-19 vaccination certificate issued by an approved third country or territory and considered by the European Commission to be equivalent to an EU Digital COVID Certificate issued in accordance with Regulation (EU) 2021/953,
  - (e) the Centers for Disease Control and Prevention vaccination card,
  - (f) a certificate in English, French or Spanish issued by the competent health authority of a relevant country, other than the United States of America, or any country for which the EU Digital COVID Certificate is available, which contains—
    - (i) P’s full name;
    - (ii) P’s date of birth;
    - (iii) the name and manufacturer of the vaccine that P received;
    - (iv) the date that P received each dose of the vaccine;
    - (v) details of either the identity of the name of the issuer of the certificate or the country of vaccination or both, or
  - (g) subject to paragraph (4), proof that the person concerned has participated in the United Kingdom vaccine roll-out overseas.

(4) Where P has received a dose of an authorised vaccine and a dose of a vaccine under the United Kingdom vaccine roll-out overseas, the proof which P provides must include proof of having received the dose of an authorised vaccine through a form of proof referred to in paragraph (2)(a) or (b), or any of sub-paragraphs (b) to (f) of paragraph (3).

*Proof of a negative test*

(5) For the criterion in regulation 8(1)(b), proof may be provided by—

- (a) any form of proof referred to in paragraph (2)(a) or (b), or
- (b) a valid notification of a negative result from a qualifying test.

*Proof of participation in a clinical trial*

(6) For the exemption in regulation 8(2)(a), subject to paragraph (7), proof of participation in a relevant clinical trial may be provided by any form of proof referred to in paragraph (2).

(7) Proof of participation in a relevant clinical trial referred to in regulation 8(4)(b) or (c) must be provided through—

- (a) a vaccination card issued by the Centers for Disease Control and Prevention, in the case of a clinical trial referred to in regulation 8(4)(b), or,
- (b) a participation document, in the case of a clinical trial referred to in regulation 8(4)(c).

*Proof of clinical exemption*

(8) For the exemption in regulation 8(2)(b), proof must be provided by—

- (a) any form of proof referred to in paragraph (2),
- (b) a letter issued by the NHS in response to an NHS COVID pass medical exemptions application,
- (c) a certification in paper or electronic form issued by NHS Scotland, or
- (d) a maternity certificate which satisfies the requirements of—
  - (i) regulation 2(3) of the Social Security (Medical Evidence) Regulations 1976(18), or
  - (ii) regulation 2 of the Statutory Maternity Pay (Medical Evidence) Regulations 1987(19).

*Interpretation*

(9) In this regulation—

- (a) the “EU Digital COVID Certificate”, and “North American Certificate” have the same meanings as in Part 1B of the International Travel Regulations;
- (b) “NHS COVID pass” means the COVID-19 records available on the NHS smartphone app developed and operated by the Secretary of State, through the website at NHS.uk or a COVID-19 post vaccination letter obtained from the NHS;
- (c) “NHS Scotland” means the health service continued under section 1(1) of the National Health Service (Scotland) Act 1978(20);
- (d) “NHS Wales” means the health service continued under section 1(1) of the National Health Service (Wales) Act 2006(21);

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(18) S.I. 1976/615. Regulation 2(3) has been amended by S.I. 1987/409 and 2001/2931.

(19) S.I. 1987/235. Regulation 2 has been amended by S.I. 2001/2931.

(20) 1978 c. 29.

(21) 2006 c. 42.

- (e) “participation document” means a document in English, French or Spanish issued by the competent health authority of the country or territory in which the relevant clinical trial is being, or was, carried out, or the person who is conducting, or conducted, the relevant clinical trial, which confirms—
  - (i) the full name of the person to whom it relates (“NP”);
  - (ii) NP’s date of birth;
  - (iii) the name and manufacturer of the vaccine;
  - (iv) the country or territory in which the clinical trial is taking, or took, place;
  - (v) the regulatory authority responsible for the regulation of the clinical trial;
  - (vi) the phase of the clinical trial in which NP is participating or participated;
- (f) “relevant country” has the meaning given in regulation 3A of International Travel Regulations;
- (g) “valid notification” means a notification containing the following information—
  - (i) the name of the person from whom the test sample was taken;
  - (ii) the person’s age or date of birth;
  - (iii) the result of the test sample which is negative for coronavirus;
  - (iv) the date on which the test sample was collected or received by the test provider;
  - (v) a statement as to whether the test was a polymerase chain reaction test or a lateral flow test.

### **Exempt persons**

- 10.—**(1) The persons referred to in this regulation are—
- (a) a person under the age of 18;
  - (b) any person providing services in a Category A venue, or at a Category B, C or D event;
  - (c) any person within paragraph (2) who is attending the venue or event as part of their official duties;
  - (d) any person who is attending the venue or event to participate in organised sport or in an organised fitness activity.
- (2) A person comes within this paragraph if that person is—
- (a) a constable;
  - (b) an emergency service responder;
  - (c) a member of a diplomatic mission in the United Kingdom;
  - (d) a member of a consular post in the United Kingdom;
  - (e) an officer or servant of an international organisation;
  - (f) a person employed by an international organisation as an expert or on a mission;
  - (g) a representative to an international organisation;
  - (h) a member of the official staff of a representative to an international organisation, or of a person falling within paragraph (f);
  - (i) a person undertaking essential government work certified as such by the relevant Department;
  - (j) a local authority officer.
- (3) For the purposes of this regulation—

- (a) “consular post” means any consulate-general, consulate, vice-consulate or consular agency;
- (b) “essential government work” means work related to national security which has been designated as such by the relevant Department;
- (c) “international organisation” means an international organisation accorded privileges and immunities in the United Kingdom;
- (d) “member of a consular post” means a “consular officer”, “consular employee” and “member of the service staff” as defined in Schedule 1 to the Consular Relations Act 1968<sup>(22)</sup>, and “head of consular post” has the meaning given in that Schedule;
- (e) “member of a diplomatic mission” means the “head of the mission”, “members of the diplomatic staff”, “members of the administrative and technical staff” and “members of the service staff” as defined in Schedule 1 to the Diplomatic Privileges Act 1964<sup>(23)</sup>.

### **Local authority powers**

**11.**—(1) A local authority officer designated by a local authority for the purposes of this regulation (“local authority designated officer”) may—

- (a) by notice in writing require a responsible person to produce the statement referred to in regulation 7(1) or (6), and the records referred to in regulation 7(2) and (3) within 3 working days after the day on which the notice is received;
- (b) inspect the statements and records kept by a responsible person under regulation 7 during the course of any inspection carried out under paragraph (2).

(2) A local authority designated officer may enter any premises (other than premises used wholly or mainly as a private dwelling) or land, at reasonable hours to carry out an inspection for the purpose of investigating whether there has been a breach of any requirement of these Regulations.

(3) The local authority designated officer must produce suitable identification to the owner and to any occupier of the premises or land, when requested to do so by them.

### **Coronavirus Improvement Notices**

**12.**—(1) A local authority officer designated by a local authority 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 requirements in regulation 5 or 7; and
- (b) the requirement of the notice is necessary and proportionate to ensure that the contravention is, or contraventions are, ended or remedied.

(2) 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 requirements in regulation 5 or 7 that the officer is of the opinion is or are being contravened;
- (e) particulars of the reasons for the officers opinion;

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<sup>(22)</sup> 1968 c. 18. There are amendments but none is relevant.

<sup>(23)</sup> 1964 c. 81. There are amendments but none is relevant.

- (f) a requirement that the person to whom the notice is issued must meet to end or remedy the contravention;
  - (g) the period within which any requirement 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 Restriction Notice or a Coronavirus Immediate Restriction Notice;
  - (j) details of the right to appeal to a magistrates' court, and the time within which any appeal may be brought.
- (3) A Coronavirus Improvement Notice may (but need not) include suggestions as to the measures which could be taken to ensure that any requirement pursuant to paragraph (2)(f) is met.
- (4) 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.
- (5) 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 (2)(f) have been met, that person may request that a local authority designated officer review the notice.
- (6) Where a request is made pursuant to paragraph (5), a local authority designated officer must carry out a review pursuant to paragraph (4), such review to be carried out as soon as practicable but in any event by the end of the period of two working days after the time at which the request is received.
- (7) In carrying out a review pursuant to paragraph (4) 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, a Coronavirus Immediate Restriction Notice or a Coronavirus Restriction Notice to the same person.

### **Coronavirus Immediate Restriction Notices**

**13.—(1)** A local authority officer designated by a local authority 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 requirements in regulation 5 or 7 in circumstances that make it likely that the contravention will continue or be repeated and that contravention involves, or would involve if continued or repeated, a risk of exposure to coronavirus.

- (2) 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, as the case may be, that that person must ensure that the contravention will not be repeated or continued (or both).

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

(4) A requirement pursuant to paragraph (2)—

- (a) takes effect at the end of a period specified in the notice, or
- (b) if no such period is specified, takes effect immediately.

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

(6) 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 requirements in regulation 5 or 7 which 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 (2) 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.

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

(8) 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 (2) are no longer necessary, that person may request that a local authority designated officer carry out a review of the notice.

(9) Where a request is made pursuant to paragraph (8), a local authority designated officer must carry out a review pursuant to paragraph (7), such review to be carried out as soon as practicable.

(10) In carrying out a review pursuant to paragraph (7) the local authority designated officer—

(a) must—

(i) decide whether the requirements in the notice pursuant to paragraph (2) 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 a Coronavirus Restriction Notice pursuant to these Regulations to the same person.



### **Coronavirus Restriction Notices**

14.—(1) A local authority officer designated by a local authority 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) 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 specified in the Coronavirus Improvement Notice.

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

(4) A requirement pursuant to paragraph (2)—

- (a) takes effect at the end of a period specified in the notice, or
- (b) if no such period is specified, takes effect immediately.

(5) A Coronavirus Restriction Notice has effect for a period of time ending seven days after the day on which it is issued.

(6) 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 (2) 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.

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

(8) 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 (2) are no longer necessary, that person may request that a local authority designated officer carry out a review of the notice.

(9) Where a request is made pursuant to paragraph (8) a local authority designated officer must carry out a review pursuant to paragraph (7), 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 two working days beginning with the first working day after the time at which the officer receives that request, and
- (b) the time at which the notice ceases to have effect.

(10) In carrying out a review pursuant to paragraph (7) the local authority designated officer—

- (a) must—
  - (i) decide whether the requirements in the notice pursuant to paragraph (2) 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, a Coronavirus Immediate Restriction Notice or a Coronavirus Improvement Notice pursuant to these Regulations to the same person.

### **Appeals**

**15.**—(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(24) 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).

### **Offences and penalties**

**16.**—(1) A person commits an offence if, without reasonable excuse, that person contravenes a requirement imposed on them by or under regulation 5(1), (5) or (6), 7(1), (2), (3), (5), (6) or (7).

(2) A person (“P”) commits an offence if P makes, adapts, supplies or offers to supply false evidence of COVID status to another person which P knows is false or misleading.

(3) For the purposes of paragraph (2), “evidence of COVID status” means any form of evidence referred to in regulation 9.

- (4) It is an offence for a person to—
  - (a) fail to comply with a notice issued under regulation 11(1)(a), or
  - (b) prevent a local authority officer from carrying out an inspection under regulation 11(1)(b) or (2),

without reasonable excuse.

- (5) It is an offence for a person to fail to comply with—
  - (a) a Coronavirus Improvement Notice,

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(24) 1980 c. 43.

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

without reasonable excuse.

- (6) An offence under this regulation is punishable on summary conviction by a fine.
- (7) 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 proceeded against and punished accordingly.

(8) In paragraph (7) “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

(9) If the affairs of a body corporate are managed by its members, paragraph (7) applies in relation to the acts and defaults of a member in connection with that member’s functions of management as if that member were a director of the body.

(10) Section 24 (arrest without warrant: constable) of the Police and Criminal Evidence Act 1984<sup>(25)</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.

### **Fixed penalty notices**

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

- (a) has committed an offence under regulation 16, and
- (b) is (in the case of an individual) 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 the authority specified in the notice.

- (3) The authority specified in the notice must be—
  - (a) the local authority (or as the case may be, one 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;

<sup>(25)</sup> 1984 c. 60. Section 24 was substituted by section 110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).

- (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 (see paragraphs (6) and (7));
  - (d) state the name and address of the authority to whom the fixed penalty may be paid;
  - (e) specify permissible methods of payment.
- (6) If the fixed penalty notice is issued to a person in respect of an offence under regulation 16(2), the amount of the fixed penalty is £10,000.
- (7) If the fixed penalty notice is issued to a person in respect of an offence other than an offence under regulation 16(2)—
- (a) if the fixed penalty notice is the first one issued to the person, the amount of the fixed penalty is—
    - (i) £500, if that amount is paid before the end of the period of 14 days following the date of the notice, and
    - (ii) otherwise, £1,000.
  - (b) If the fixed penalty notice is not the first fixed penalty notice issued to the person, the amount of the fixed penalty is as follows—
    - (i) if it is the second fixed penalty notice so issued, £2,000,
    - (ii) if it is the third fixed penalty notice so issued, £4,000, and
    - (iii) if it is the fourth or subsequent fixed penalty notice so issued, £10,000.
- (8) In determining how many fixed penalty notices have been issued to a person for the purposes of paragraph (7), a fixed penalty notice issued to the person under the following Regulations are to be taken into account—
- (a) the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021(26), if the notice was issued to the person in respect of a business restriction offence as defined by regulation 16(3) of those Regulations;
  - (b) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020(27), if the notice was issued to the person in respect of a business restriction offence as defined by regulation 12(7) of those Regulations;
  - (c) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020(28), 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, Local COVID-19 Alert Level) (High) (England) Regulations 2020(29), if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations;
  - (e) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020(30), if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations;

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(26) S.I. 2021/364, amended by S.I. 2021/455, 585, 705 and revoked by S.I. 2021/848.

(27) S.I. 2020/1374, amended by S.I. 2020/1518, 1533, 1572, 1611, 1646, 1654, and S.I. 2021/8, 53, 97, 247, and revoked by S.I. 2021/364, with savings.

(28) S.I. 2020/1103, which was revoked by S.I. 2020/1200, with savings.

(29) S.I. 2020/1104, which was revoked by S.I. 2020/1200, with savings.

(30) S.I. 2020/1105, which was revoked by S.I. 2020/1200, with savings.

- (f) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020(31), if the notice was issued to the person in respect of an offence of contravening regulation 4A or 4B of those Regulations;
- (g) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020(32), 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;
- (h) the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020(33), if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 21(12) of those Regulations;
- (i) the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020(34);
- (j) the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020(35).

(9) 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 authority whose name is stated under paragraph (5)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

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

(11) 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.

(12) 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) 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.

## Designations

**18.** A designation made, or treated as made, in exercise of the powers conferred by the following provisions is to be treated as if it is still in force, and as if it had been made in exercise of the

(31) 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 and 1200. These Regulations have ceased to have effect.

(32) S.I. 2020/750, as amended by S.I. 2020/800, 822, 824, 828, 865, 907, 974, 988, 1010, 1019, 1103 and 1200. These Regulations have ceased to have effect.

(33) S.I. 2020/1200, amended by S.I. 2020/1242 and 1326.

(34) S.I. 2020/1005, as amended by S.I. 2020/1045 and 1046, and revoked by S.I. 2021/848.

(35) S.I. 2020/1008, as amended by S.I. 2020/1045, 1046 and 1074 and revoked by S.I. 2020/1046.

powers conferred by regulations [11\(1\)](#), [12\(1\)](#), [13\(1\)](#), [14\(1\)](#) or [17\(12\)\(a\)](#), as appropriate, of these Regulations—

- (a) regulation 3, 4 or 5 of the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020([36](#));
- (b) regulations [10\(13\)\(b\)](#), [12\(3\)\(b\)](#), [12\(9\)\(a\)](#) or 18, as appropriate, of the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021.

### **Prosecutions**

**19.** Proceedings for an offence under these Regulations may be brought by a local authority or the Crown Prosecution Service.

### **Amendment of the Health Protection (Coronavirus, Wearing of Face Coverings) (England) Regulations 2021**

**20.**—(1) The Health Protection (Coronavirus, Wearing of Face Coverings) (England) Regulations 2021([37](#)) are amended as follows.

- (2) In regulation 2—
  - (a) in paragraph (1), before the definition of “emergency responder”, insert—

““business” includes any undertaking, including the provision of public transport services, whether carried on for profit or not;”
  - (b) in paragraph (5)(ba)(i), after “are” insert “covered, or”.
- (3) In regulation 6(5)—
  - (a) in the definition of “responsible person” omit “or providing public transport services”;
  - (b) omit sub-paragraph (b).
- (4) In regulation 7(2), omit sub-paragraph (a).
- (5) In regulation 13, for paragraph (1), substitute—

“(1) In the case of a fixed penalty notice issued to a person in respect of an offence under regulation 10(2), the amount of the fixed penalty notice specified to be under regulation 11(5)(c) must, subject to paragraphs (2) and (3), be £1,000.”.

### **Expiry**

**21.** Regulations 1 to 19 and 21 expire at the end of 26th January 2022, except for regulation 7(7), which expires at the end of 26th April 2022.

At 11.56 a.m. on 13th December 2021

*Maggie Throup*  
Parliamentary Under Secretary of State,  
Department of Health and Social Care

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[\(36\)](#) [S.I. 2020/1375](#), revoked by [S.I. 2021/848](#).

[\(37\)](#) [S.I. 2021/1340](#). Paragraph (5)(ba) was inserted by [S.I. 2021/1400](#).

SCHEDULE 1

Regulation 4(2)

Venues to which requirements apply

- 1.—(1) Nightclubs, dance halls and discotheques.
  - (2) Any other venue (not falling within sub-paragraph (1)) which—
    - (a) is open at any time between 1.00 a.m. and 5.00 a.m.,
    - (b) serves alcohol after 1.00 a.m.,
    - (c) 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
    - (d) provides music, whether live or recorded, for dancing.
  - (3) A venue does not fall within sub-paragraph (1) or (2) on any occasion or during any time when—
    - (a) it does not provide—
      - (i) music for dancing, or
      - (ii) a space for dancing,
    - (b) dancing only takes place during—
      - (i) any performance, as part of that performance, whether amateur or professional, which includes an element of dance, or any rehearsal for such a performance,
      - (ii) dance classes,
      - (iii) exercise classes including dance, or
      - (iv) ballroom dancing,
    - (c) it is hosting an outdoor event attended by fewer than 4,000 people at any point, or
    - (d) it is hosting an exempt event.
  - (4) A private dwelling does not fall within paragraph (2) unless an event is being held in the dwelling—
    - (a) for which a charge is made for entry, or
    - (b) which is ticketed.
  - (5) For the purposes of sub-paragraph (2), “venue” includes a venue on a relevant vessel.
- 2.—(1) Live music venues, theatres or concert halls—
    - (a) which are indoors, and
    - (b) at which 500 or more people are expected to stand or move around during all or part of a performance held at that venue.
  - (2) A venue does not come within this paragraph—
    - (a) unless the venue is used wholly or mainly for hosting performance of live music or theatre, or
    - (b) on any occasion when it is attended by fewer than 500 people at the same time.
- 3.—(1) Exhibition halls, conference centres and other public halls—
    - (a) which are indoors, and
    - (b) at which 500 or more people are expected to stand or move around during all or part of an event held at that venue.



(2) A venue does not come within this paragraph on any occasion when it is attended by fewer than 500 people at the same time.

(3) A person who is attending an event at a venue within this paragraph as a conference delegate is not to be treated as a person providing services to that event for the purposes of regulation 10(1)(b).

**4.—(1)** An indoor sports stadium, arena, centre, pool, rink or sports ground, on any occasion during which 500 or more people are expected to stand or move around at that venue.

(2) An outdoor sports stadium, arena, centre, pool, rink or sports ground, on any occasion during which 4,000 or more people are expected to stand or move around at that venue.

(3) A sports stadium, arena, centre, pool, rink or sports ground which has both indoor and outdoor areas, on any occasion during which—

(a) 500 or more people are expected to stand or move around in the indoor areas of the venue, or

(b) 4,000 or more people are expected to stand or move around in the venue.

(4) For the purposes of paragraph (3)(a), a corridor, stairwell, concourse or other area—

(a) from which it is not possible to view the competition, and

(b) which gives access to an area which is treated as an outdoor area under regulation 2(2)(g), is also to be treated as an outdoor area.

(5) A venue does not come within—

(a) sub-paragraph (1) or (3)(a) on any occasion when it is attended by fewer than 500 people at the same time;

(b) sub-paragraph (2) or (3)(b) on any occasion when it is attended by fewer than 4,000 people at the same time.

**5.—(1)** A venue which has the capacity to host a gathering of 10,000 people, on any occasion during which 10,000 or more people are expected to attend that venue.

(2) A venue does not come within this paragraph on any occasion when it is attended by fewer than 10,000 people at the same time.

## SCHEDULE 2

Regulation 4(7)

### Exempt events

**1.—(1)** An event which is—

(a) the solemnisation of a marriage, formation of a civil partnership or conversion of a civil partnership into a marriage in accordance with the Marriage Act 1949(38), the Marriage (Registrar General's Licence) Act 1970(39), the Civil Partnership Act 2004(40) or the Marriage (Same Sex Couples) Act 2013(41), or

(b) an alternative wedding ceremony,

is an exempt event in relation to category A, category B, category C and category D.

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(38) 1949 c. 76.

(39) 1970 c. 34.

(40) 2004 c. 33.

(41) 2013 c. 30.

*Status: This is the original version (as it was originally made).*

(2) For these purposes, an event is an “alternative wedding ceremony” if it is a ceremony, including 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 sub-paragraph (1)(a).

**2.—(1)** An event within sub-paragraph (2) is an exempt event—

- (a) in relation to category A, provided that it is attended by fewer than 500 people, and
- (b) in relation to categories B and C, provided that the responsible person in relation to the event is not a business, a charitable, benevolent or philanthropic institution or a public body.

(2) The events referred to in sub-paragraph (1) are—

- (a) a reception following the solemnisation of marriage or an alternative wedding ceremony;
- (b) a reception following the formation of a civil partnership or the conversion of a civil partnership into a marriage, or
- (c) a reception celebrating another significant life event.

(3) For these purposes, a “significant life event” is an event held to celebrate a person’s birth, coming of age or full membership of a religion.

**3.** An event which is a funeral is an exempt event in relation to categories A, B, C and D.

**4.** An event which is held to commemorate the life of a person who has died, is an exempt event in relation to categories A (except in relation to venues referred to in paragraph 1 of Schedule 1), and categories B, C and D.

**5.** An event held as part of communal worship is an exempt event in relation to categories A, B, C and D.

**6.** An event which takes place in a private dwelling is an exempt event in relation to categories B, C and D unless—

- (a) a charge is made for entry to that event, or
- (b) the event is ticketed.

**7.—(1)** An event which takes place in a venue specified in sub-paragraph (2) is an exempt event in relation to categories B, C and D unless—

- (a) a charge is made for entry to that event,
- (b) the event is ticketed, or
- (c) the venue, or one or more rooms within the venue, have been hired or reserved for the purpose of holding the event.

(2) The venues specified in this sub-paragraph are—

- (a) restaurants, including restaurants and dining rooms in hotels or members’ clubs;
- (b) cafes and canteens;
- (c) bars, including bars in hotels or members’ clubs;
- (d) public houses;
- (e) social clubs and members’ clubs.

**8.—(1)** An event which—

- (a) takes place outdoors in a public space,
- (b) for which no charge is made, and no tickets are issued,

is an exempt event in relation to categories A, C and D.

(2) For these purposes, a public space is any place to which the public have, or are permitted, access.

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## EXPLANATORY NOTE

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

These Regulations impose obligations on those responsible for organising certain events, or managing certain venues (set out in regulation 4), to take reasonable measures to ensure that they do not admit any person to such events, or venues unless the person concerned has been fully vaccinated or has tested negative for coronavirus within the last 48 hours, is participating (or has participated) in a clinical trial of a coronavirus vaccine or, for clinical reasons, should not be vaccinated with a coronavirus vaccine (regulation 5). They may in addition admit the people listed in regulation 10, including persons under 18 years of age. Responsible persons are required to check every person admitted to the event or venue (regulation 5), unless they are relying on a spot check approach in accordance with regulation 6. Responsible persons are also required to prepare a statement setting out what they propose to do to comply with these obligations (regulation 7), and to keep records of their compliance (regulation 7).

Regulation 8 sets out when a person is considered fully vaccinated, and regulation 9 specifies the acceptable forms of evidence for vaccination, negative test, clinical trial participation or clinical exemption from vaccination.

Regulations 12 to 14 set out the powers of local authorities to enforce these obligations. Regulation 15 gives a right of appeal against the issue of Coronavirus Improvement Notices, Coronavirus Immediate Restriction Notices and Coronavirus Restriction Notices. Regulation 16 creates a new criminal offence of failing, without reasonable excuse, to comply with the obligations in regulations 5 or 7, or to comply with a Coronavirus Improvement Notice, Coronavirus Immediate Restriction Notice or a Coronavirus Restriction Notice. It also makes it an offence to make or supply others with false evidence of COVID status knowing that it is false or misleading.

Regulation 17 provides for fixed penalty notices. Regulation 18 preserves the effect of designations made under the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020 and the Health Protection (Coronavirus, Restrictions) (Steps) Regulations 2021 for the purposes of these Regulations. Regulation 19 provides who may bring prosecutions, and regulation 20 makes minor amendments to the Health Protection (Coronavirus, Wearing of Face Coverings) Regulations 2021, and Regulation 21 provides for the expiry of regulations 1 to 19 at the end of 26th January 2022, except in relation to the requirements in regulation 7(7), which cease at the end of 26th April 2022.

No impact assessment has been prepared for these Regulations.