

SCHEDULES

SCHEDULE 22

POWERS TO ISSUE DIRECTIONS RELATING TO EVENTS, GATHERINGS AND PREMISES

PART 2

POWERS RELATING TO EVENTS, GATHERINGS AND PREMISES IN ENGLAND

Declaration of threat to public health in England due to coronavirus

- 3 (1) If at any time the Secretary of State is of the view that—
- (a) the incidence or transmission of coronavirus constitutes a serious and imminent threat to public health in England, and
 - (b) the powers conferred by this Part of this Schedule will be an effective means of—
 - (i) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus in England, or
 - (ii) facilitating the most appropriate deployment of medical or emergency personnel and resources in England,
- the Secretary of State may make a declaration to that effect.
- (2) If, having made a declaration under this paragraph, the Secretary of State ceases to be of the view mentioned in sub-paragraph (1), the Secretary of State must revoke the declaration.
- (3) A declaration or the revocation of a declaration under this paragraph—
- (a) is to be made by being published online, and
 - (b) must, as soon as reasonably practicable after it is made, also be published in the London Gazette.
- (4) Before making or revoking a declaration under this paragraph, the Secretary of State must consult the Chief Medical Officer or any of the Deputy Chief Medical Officers of the Department of Health and Social Care.
- (5) The Secretary of State may make a declaration under this paragraph on more than one occasion.
- 4 In this Part of this Schedule, “public health response period” means a period which—
- (a) begins when the Secretary of State makes a declaration under paragraph 3(1), and
 - (b) ends when the Secretary of State revokes the declaration.

Power to prohibit or otherwise restrict events or gatherings in England

- 5 (1) The Secretary of State may, for the purpose of—

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- (a) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus, or
 - (b) facilitating the most appropriate deployment of medical or emergency personnel and resources,
- issue a direction prohibiting, or imposing requirements or restrictions in relation to, the holding of an event or gathering in England.
- (2) A direction under sub-paragraph (1) may be issued in relation to—
- (a) a specified event or gathering, or
 - (b) events or gatherings of a specified description.
- (3) A direction under sub-paragraph (1) may only have the effect of imposing prohibitions, requirements or restrictions on—
- (a) the owner or occupier of premises for an event or gathering to which the direction relates;
 - (b) the organiser of such an event or gathering;
 - (c) any other person involved in holding such an event or gathering.
- (4) A direction under sub-paragraph (1) may only be issued during a public health response period.
- (5) A direction under sub-paragraph (1) may, among other things, impose requirements about informing persons who may be planning to attend an event or gathering of its prohibition or any requirements or restrictions imposed in relation to the holding of it.
- (6) For the purposes of sub-paragraph (2), events or gatherings may be described—
- (a) by reference to a number of people attending the event or gathering,
 - (b) by reference to a requirement for medical or emergency services to attend the event or gathering, or
 - (c) in any other way.
- (7) The reference in sub-paragraph (3)(c) to a person involved in the holding of an event or gathering does not include a person whose only involvement in the event or gathering is, or would be, by attendance at the event or gathering.

Power to close premises in England or impose restrictions on persons entering or remaining in them

- 6 (1) The Secretary of State may, for the purpose of—
- (a) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus, or
 - (b) facilitating the most appropriate deployment of medical or emergency personnel and resources,
- issue a direction imposing prohibitions, requirements or restrictions in relation to the entry into, departure from, or location of persons in, premises in England.
- (2) A direction under sub-paragraph (1) may be issued in relation to—
- (a) specified premises, or
 - (b) premises of a specified description.
- (3) A direction under sub-paragraph (1) may only have the effect of imposing prohibitions, requirements or restrictions on—

- (a) the owner or occupier of premises to which the direction relates;
 - (b) any other person involved in managing entry into, or departure from, such premises or the location of persons in them.
- (4) A direction under sub-paragraph (1) may only be issued during a public health response period.
- (5) A direction under sub-paragraph (1) may, among other things, impose requirements for the purpose of—
- (a) closing the premises;
 - (b) restricting entry into the premises;
 - (c) securing restrictions in relation to the location of persons in the premises.
- (6) A direction under sub-paragraph (1) may impose prohibitions, requirements or restrictions by reference to (among other things)—
- (a) the number of persons in the premises;
 - (b) the size of the premises;
 - (c) the purpose for which a person is in the premises;
 - (d) the facilities in the premises;
 - (e) a period of time.

Variations and revocations

- 7 The Secretary of State may vary or revoke to any extent a direction issued under this Part of this Schedule.

Procedure

- 8 (1) Before issuing a direction under this Part of this Schedule, the Secretary of State must have regard to any relevant advice given to the Secretary of State by the Chief Medical Officer or any of the Deputy Chief Medical Officers of the Department of Health and Social Care.
- (2) Where a direction imposes prohibitions, requirements or restrictions on a person specified by name, the direction—
- (a) must be given in writing to that person, and
 - (b) may be published in such manner as the Secretary of State considers appropriate to bring it to the attention of other persons who may be affected by it.
- (3) In any other case, the direction must be published in such manner as the Secretary of State considers appropriate to bring it to the attention of persons who may be affected by it.
- (4) Where the Secretary of State varies or revokes a direction which imposes prohibitions, requirements or restrictions on a person specified by name, notice of the variation or revocation—
- (a) must be given in writing to that person, and
 - (b) may be published in such manner as the Secretary of State considers appropriate to bring it to the attention of other persons who may be affected by it.

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- (5) Where the Secretary of State varies or revokes any other direction, notice of the variation or revocation must be published in such manner as the Secretary of State considers appropriate to bring it to the attention of persons who may be affected by the variation or revocation.

Offences

- 9 (1) A person commits an offence if the person fails without reasonable excuse to comply with a prohibition, requirement or restriction imposed on the person by a direction issued under this Part of this Schedule.
- (2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine.
- 10 (1) If an offence under paragraph 9 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.
- (2) In sub-paragraph (1), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

Enforcement and prosecutions

- 11 (1) A person, or description of person, designated in writing for the purpose of this sub-paragraph by the Secretary of State may take such action as is necessary to enforce compliance with a direction issued under this Part of this Schedule.
- (2) Proceedings for an offence under this Part of this Schedule may be brought by a person, or description of person, designated in writing for the purpose of this sub-paragraph by the Secretary of State.
- (3) The powers conferred by or under this paragraph do not affect any other power to enforce compliance with a direction issued under this Part of this Schedule or to bring proceedings for an offence under this Part of this Schedule.

End of public health response period

- 12 When a public health response period comes to an end, a direction under this Part of this Schedule issued during that period ceases to have effect in respect of times after the end of the period.