
STATUTORY INSTRUMENTS

2020 No. 1374

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

PART 1

Introductory

Citation, commencement and application

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

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

(3) These Regulations apply—

(a) in England;

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

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

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

(5) In this regulation—

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

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

“excluded vessel” means a vessel which—

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

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

Interpretation

2.—(1) In these Regulations—

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

“alcohol” has the meaning given by section 191 of the Licensing Act 2003(2);

“care home” has the meaning given by section 3 of the Care Standards Act 2000(3);

“charitable, benevolent or philanthropic institution” means—

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

(2) 2003 c. 17. Section 191 was amended by the Policing and Crime Act 2017 (c. 3), section 135, and by S.I. 2006/2407.

(3) 2000 c. 14. Section 3 was amended by the Health and Social Care Act 2008 (c. 14). There are other amendments to section 3 which are not relevant to this instrument.

- (a) a charity, or
- (b) an institution, other than a charity, established for charitable, benevolent or philanthropic purposes;

“child” means a person under the age of 18;

“childcare” has the same meaning as in section 18 of the Childcare Act 2006(4);

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

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

“criminal justice accommodation” means—

- (a) a prison, within the meaning of the Prison Act 1952(5),
- (b) a young offender institution, within the meaning of section 43 of that Act,
- (c) a secure training centre, within the meaning of section 43 of that Act,
- (d) approved premises, within the meaning of section 13 of the Offender Management Act 2007(6), or
- (e) a bail hostel, within the meaning of section 2 of the Bail Act 1976(7);

“Crown interest” means an interest belonging to Her Majesty in right of the Crown, or belonging to a Government department, or held in trust for Her Majesty for the purposes of a Government department, and includes any estate or interest held in right of the Prince and Steward of Scotland;

“Crown land” means land in which there is a Crown interest or a Duchy interest;

“Duchy interest” means an interest belonging to Her Majesty in right of the Duchy of Lancaster, or belonging to the Duchy of Cornwall;

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

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

“educational accommodation” means—

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

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

“elite sportsperson” means an individual who—

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

(4) 2006 c. 21. Section 18 was amended by the Children and Young Persons Act 2008 (c. 23), Schedule 1, paragraph 19, and Schedule 4; the Criminal Justice and Courts Act 2015 (c. 2), Schedule 9, paragraph 21, and S.I. 2010/813.

(5) 1952 c. 52.

(6) 2007 c. 21.

(7) 1976 c. 63. Section 2 was amended by the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), Schedule 9, paragraph 50(3)(a). There are other amendments to section 2 which are not relevant to this instrument.

(8) 2014. c. 6.

(9) 2020 c. 7.

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

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

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

“higher education provider” means—

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

“immigration detention accommodation” means—

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

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

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

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

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

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

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

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

“outdoor sports gathering” means a gathering—

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

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

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

(10) 1996 c. 56.

(11) 1988 c. 40.

(12) 2017 c. 29.

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

(14) 1989 c. 41.

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

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

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

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

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

“person responsible” for carrying on a business includes the owner, proprietor and manager of that business;

“political body” means—

- (a) a political party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000(19), or
- (b) a political campaigning organisation within the meaning of regulation 2 of the Health and Social Care (Financial Assistance) Regulations 2009(20);

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

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

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

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

(15) 2012 c. 10.

(16) S.I. 1998/472.

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

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

(19) 2000 c. 41.

(20) S.I. 2009/649.

(21) 1949 c. 97.

(22) 1968 c. 41. Section 16 was amended by section 111 of the Transport Act 1968 (c. 73), Schedule 27 to the Water Act 1989 (c. 15) and S.I. 2012/1659. There are other amendments to section 16 which are not relevant to this instrument.

(23) 2000 c. 37.

(24) The definition of “access land” has been amended by section 303(2) of, and Part 7 of Schedule 22 to, the Marine and Coastal Access Act 2009 (c. 23).

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

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

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

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

(a) the gathering organiser, or

(b) any person taking part in the activity;

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

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

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

“support group” means a group or one to one support which is organised by a business, a charitable, benevolent or philanthropic institution or a public body to provide mutual aid, therapy or any other form of support to its members or those who attend its meetings, including those providing support—

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

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

(c) to new parents;

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

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

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

(g) to those who have suffered bereavement;

(h) to vulnerable young persons;

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

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

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

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

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

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

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

“vulnerable person” includes—

(a) any person aged 70 or older;

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

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

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

Linked households

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

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

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

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

(28) S.I. 2010/2128.

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

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

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

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

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

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

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

(11) The references in paragraph (3) to neither household being linked with any other household do not include being linked with another household only for the purposes of—

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

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

Linked Christmas households

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

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

(3) Where—

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

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

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

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

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

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

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

Linked childcare households

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

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

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

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

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

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

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

(5) Where—

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

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

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

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

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

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

Permitted organised gatherings

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

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

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

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

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

The required precautions

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

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

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

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

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

PART 2

Tier restrictions

Tier restrictions

- 8.**—(1) Tier 1 restrictions apply in relation to the Tier 1 area in accordance with Schedule 1.
- (2) Tier 2 restrictions apply in relation to the Tier 2 area in accordance with Schedule 2.
- (3) Tier 3 restrictions apply in relation to the Tier 3 area in accordance with Schedule 3.
- (4) In these Regulations—
- (a) references to “Tier 1 restrictions” are references to the restrictions and requirements set out in Schedule 1;
 - (b) references to the “Tier 1 area” are references to every area of England (including the territorial waters adjacent to England and the airspace above England and those territorial waters) other than the Tier 2 area and the Tier 3 area;
 - (c) references to “Tier 2 restrictions” are references to the restrictions and requirements set out in Schedule 2;
 - (d) references to the “Tier 2 area” are references to the area for the time being specified or described in Part 1 of Schedule 4;
 - (e) references to “Tier 3 restrictions” are references to the restrictions and requirements set out in Schedule 3;
 - (f) references to the “Tier 3 area” are references to the area for the time being specified or described in Part 2 of Schedule 4.

PART 3

Enforcement

Enforcement of restrictions and requirements

- 9.**—(1) A relevant person may take such action as is necessary to enforce any Tier 1 restriction, Tier 2 restriction or Tier 3 restriction.
- (2) A relevant person may give a prohibition notice to a person if the relevant person reasonably believes that—
- (a) the person is contravening a restriction imposed by Part 2 or 3 of Schedule 1, Part 2 or 3 of Schedule 2 or Part 2 of Schedule 3, and
 - (b) it is necessary and proportionate to give the prohibition notice for the purpose of preventing that person from continuing to contravene the restriction.
- (3) Where a relevant person considers that a number of people are gathered together in contravention of a restriction imposed by paragraph 1 of Schedule 1, paragraph 1 or 2 of Schedule 2 or paragraph 1 or 2 of Schedule 3, the relevant person may—
- (a) direct the gathering to disperse;
 - (b) direct any person in the gathering to return to the place where they are living;

- (c) where the relevant person is a constable, remove any person from the gathering.
- (4) A constable exercising the power in paragraph (3)(c) to remove a person from a gathering may use reasonable force, if necessary, in exercise of the power.
- (5) Where a person who is in a gathering in contravention of a restriction referred to in paragraph (3) is a child accompanied by an individual who has responsibility for the child—
 - (a) the relevant person may direct the individual to take the child to the place where the child is living, and
 - (b) that individual must, so far as reasonably practicable, ensure that the child complies with any direction or instruction given by the relevant person to the child.
- (6) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with a restriction referred to in paragraph (3), the relevant person may direct any individual who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with the restriction.
- (7) A relevant person may exercise a power under paragraph (3), (5) or (6) only if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with a restriction referred to in paragraph (3).
- (8) A relevant person exercising a power under paragraph (3), (5) or (6) may give the person concerned any reasonable instructions the relevant person considers to be necessary.
- (9) For the purposes of this regulation—
 - (a) an individual has responsibility for a child if the individual—
 - (i) has custody or charge of the child for the time being, or
 - (ii) has parental responsibility for the child;
 - (b) “relevant person” means—
 - (i) a constable,
 - (ii) a police community support officer,
 - (iii) subject to paragraph (10), a person designated by a local authority for the purposes of this regulation, or
 - (iv) a person designated by the Secretary of State for the purposes of this regulation.
- (10) A local authority may designate a person for the purposes of this regulation only in relation to—
 - (a) a Tier 1 restriction imposed by Part 2 or 3 of Schedule 1,
 - (b) a Tier 2 restriction imposed by Part 2 or 3 of Schedule 2, or
 - (c) a Tier 3 restriction imposed by Part 2 of Schedule 3.

Offences and penalties

- 10.**—(1) A person commits an offence if, without reasonable excuse, the person—
- (a) contravenes a Tier 1 restriction, a Tier 2 restriction or a Tier 3 restriction,
 - (b) contravenes a requirement imposed, or a direction given, under regulation 9,
 - (c) fails to comply with a reasonable instruction or a prohibition notice given by a relevant person under regulation 9, or
 - (d) obstructs any person carrying out a function under these Regulations (including any person who is a relevant person for the purposes of regulation 9).
- (2) An offence under this regulation is punishable on summary conviction by a fine.

- (3) If an offence under this regulation committed by a body corporate is proved—
- (a) to have been committed with the consent or connivance of an officer of the body 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 prosecuted, proceeded against and punished accordingly.
- (4) In paragraph (3) “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.
- (5) Section 24 of the Police and Criminal Evidence Act 1984(30) 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

11.—(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 these Regulations, 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 an authority specified in the notice.
- (3) The authority specified in the notice must be—
- (a) the local authority (or as the case may be, any of the local authorities) in whose area the offence is alleged to have been committed (“the relevant local authority”), or
 - (b) an officer designated by the Secretary of State, or by the relevant local authority, for the purposes of this regulation (“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;
 - (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 regulation 12);
 - (d) state the name and address of the person to whom the fixed penalty may be paid;
 - (e) specify permissible methods of payment.
- (6) 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 person whose name is stated under paragraph (5)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(30) 1984 c. 60. Section 24 was substituted by s. 110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).

(7) Where a letter is sent as mentioned in paragraph (6), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(8) 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.

(9) 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) subject to paragraph (10), 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.

(10) The relevant local authority may designate a person for the purposes of this regulation to issue fixed penalty notices only where the alleged offence relates to—

(a) the contravention of—

(i) a Tier 1 restriction imposed by Part 2 or 3 of Schedule 1,

(ii) a Tier 2 restriction imposed by Part 2 of 3 of Schedule 2, or

(iii) a Tier 3 restriction imposed by Part 2 of Schedule 3;

(b) the failure under regulation 10(1)(c) to comply with a prohibition notice given under regulation 9 by a relevant person designated by a local authority under sub-paragraph (9)(b)(iii) of that regulation;

(c) the obstruction under regulation 10(1)(d) of a person carrying out a function under regulation 9.

Amount of fixed penalty

12.—(1) Except in the cases mentioned in paragraphs (4) and (5), the amount of the fixed penalty to be specified under regulation 11(5)(c) is as follows—

(a) if the fixed penalty notice is the first one issued to the person under a relevant enactment, the amount is—

(i) £100, if the amount is paid before the end of the period of 14 days following the date of the notice;

(ii) otherwise, £200;

(b) if the fixed penalty notice is not the first one issued to the person under a relevant enactment, the amount is—

(i) £400, if it is the second fixed penalty notice so issued;

- (ii) £800, if it is the third fixed penalty notice so issued;
- (iii) £1,600, if it is the fourth fixed penalty notice so issued;
- (iv) £3,200, if it is the fifth fixed penalty notice so issued;
- (v) £6,400, if it is the sixth or any subsequent fixed penalty notice so issued.

(2) In paragraph (1) “relevant enactment” means—

- (a) these Regulations;
- (b) the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020**(31)**;
- (c) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020**(32)**;
- (d) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020**(33)**;
- (e) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020**(34)**;
- (f) the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020**(35)**;
- (g) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020**(36)**;
- (h) the Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020**(37)**;
- (i) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020**(38)**;
- (j) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Luton) Regulations 2020**(39)**;
- (k) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020**(40)**;
- (l) the Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020**(41)**;
- (m) the Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020**(42)**;
- (n) the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020**(43)**;
- (o) the Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020**(44)**;
- (p) the Health Protection (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020**(45)**.

(31) [S.I. 2020/1200](#), amended by [S.I. 2020/1242](#) and [1326](#).

(32) [S.I. 2020/1103](#), which was revoked by [S.I. 2020/1200](#), with savings.

(33) [S.I. 2020/1104](#), which was revoked by [S.I. 2020/1200](#), with savings.

(34) [S.I. 2020/1105](#), which was revoked by [S.I. 2020/1200](#), with savings.

(35) [S.I. 2020/350](#), which was revoked by [S.I. 2020/684](#), with savings.

(36) [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](#).

(37) [S.I. 2020/685](#), which was revoked by [S.I. 2020/824](#), with savings.

(38) [S.I. 2020/750](#), as amended by [S.I. 2020/800](#), [822](#), [824](#), [828](#), [865](#), [907](#), [974](#), [988](#), [1010](#), [1019](#), [1103](#) and [1200](#).

(39) [S.I. 2020/800](#), which was revoked by [S.I. 2020/822](#), with savings.

(40) [S.I. 2020/822](#), which was revoked by [S.I. 2020/1019](#), with savings.

(41) [S.I. 2020/824](#), which was revoked with the exception of regulation 2 by [S.I. 2020/1104](#), with savings.

(42) [S.I. 2020/828](#), which was revoked by [S.I. 2020/1104](#), with savings. The title of the Regulations was changed by [S.I. 2020/865](#).

(43) [S.I. 2020/974](#), which was revoked by [S.I. 2020/1074](#).

(44) [S.I. 2020/988](#), which was revoked by [S.I. 2020/1104](#), with savings.

(45) [S.I. 2020/1010](#), which was revoked by [S.I. 2020/1104](#), with savings. The title of the Regulations was changed by [S.I. 2020/1019](#).

(3) For the purposes of determining how many fixed penalty notices have been issued to a person under a relevant enactment, no account is to be taken of any fixed penalty notice issued to the person under—

- (a) these Regulations, if the notice was issued to the person in respect of a business restriction offence or an offence of contravening—
 - (i) the Tier 1 restriction imposed by paragraph 2 of Schedule 1,
 - (ii) the Tier 2 restriction imposed by paragraph 3 of Schedule 2, or
 - (iii) the Tier 3 restriction imposed by paragraph 3 of Schedule 3;
- (b) the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 21(12) of those Regulations or an offence of contravening a restriction or requirement imposed by regulation 10 of those Regulations;
- (c) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations or an offence of contravening a restriction or requirement imposed by paragraph 2 of Schedule 1 to those Regulations;
- (d) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations or an offence of contravening a restriction or requirement imposed by paragraph 3 of Schedule 1 to those Regulations;
- (e) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations or an offence of contravening a restriction or requirement imposed by paragraph 3 of Schedule 1 to those Regulations;
- (f) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, if the notice was issued to the person in respect of an offence of contravening a restriction or requirement imposed by regulation 4A, 4B, 5A or 5B of those Regulations;
- (g) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 14(7D)(46) of those Regulations, committed on or after 14th October 2020.

(4) In the case of a fixed penalty notice issued in respect of the offence under regulation 10(1) (a) of contravening—

- (a) a Tier 1 restriction imposed by paragraph 2 of Schedule 1,
- (b) a Tier 2 restriction imposed by paragraph 3 of Schedule 2, or
- (c) a Tier 3 restriction imposed by paragraph 3 of Schedule 3,

the amount of the fixed penalty to be specified under regulation 11(5)(c) is £10,000.

(5) In the case of a fixed penalty notice issued in respect of a business restriction offence, the amount of the fixed penalty to be specified under regulation 11(5)(c) is—

- (a) £1,000, if the fixed penalty notice is the first one issued to the person in respect of a business restriction offence;
- (b) £2,000, if the fixed penalty notice is the second one issued to the person in respect of a business restriction offence;
- (c) £4,000, if the fixed penalty notice is the third one issued to the person in respect of a business restriction offence;

(46) Regulation 14(7D) was inserted by paragraph 2(5) of Schedule 3 to [S.I. 2020/1103](#).

- (d) £10,000, if the fixed penalty notice is the fourth one, or any subsequent one, issued to the person in respect of a business restriction offence.
- (6) In determining how many fixed penalty notices have been issued to a person for the purposes of paragraph (5), a fixed penalty notice issued to the person under the following Regulations is to be treated as if it were issued in respect of a business restriction offence—
- (a) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations;
 - (b) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations;
 - (c) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020, 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, Restrictions) (No. 2) (England) Regulations 2020, if the notice was issued to the person in respect of an offence of contravening regulation 4A or 4B of those Regulations;
 - (e) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020, 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;
 - (f) the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 21(12) of those Regulations;
 - (g) the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020(47);
 - (h) the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020(48).
- (7) In this regulation, unless otherwise specified “business restriction offence” means—
- (a) an offence under regulation 10(1)(a) of contravening—
 - (i) a Tier 1 restriction imposed by Part 2 or 3 of Schedule 1;
 - (ii) a Tier 2 restriction imposed by Part 2 of 3 of Schedule 2;
 - (iii) a Tier 3 restriction imposed by Part 2 of Schedule 3;
 - (b) an offence under regulation 10(1)(c) of failing to comply with a prohibition notice given under regulation 9.

Prosecutions

13. Proceedings for an offence under these Regulations may be brought by the Crown Prosecution Service and any person designated by the Secretary of State.

(47) S.I. 2020/1005, as amended by S.I. 2020/1045, 1046, 1103, 1104, 1105 and 1200.

(48) S.I. 2020/1008, as amended by S.I. 2020/1046, 1074, 1103, 1104, 1105 and 1200.

PART 4

Final provisions

Review

14.—(1) The Secretary of State must review—

- (a) whether each area that is part of the Tier 2 area or of the Tier 3 area should continue to be part of that area at least once every 14 days, with the first review to be carried out by 16th December 2020;
- (b) the need for each of the Tier 1, Tier 2 and Tier 3 restrictions at least once every 28 days, with the first review to be carried out by 30th December 2020.

(2) In carrying out a review under paragraph (1)(a) the Secretary of State must in particular consider whether it is necessary for each area that is part of the Tier 2 area or of the Tier 3 area to continue to be part of that area for the purposes of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection in England with coronavirus.

(3) In carrying out a review under paragraph (1)(b) the Secretary of State must in particular consider whether each of the restrictions continues to be necessary for the purposes of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection in England with coronavirus.

Expiry

15.—(1) These Regulations expire at the end of 2nd February 2021.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they expire.

Revocation

16. The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020 are revoked, other than regulations 24 to 26.

Consequential amendments and transitional and saving provisions

17.—(1) Part 1 of Schedule 5 contains consequential amendments.

(2) Part 2 of Schedule 5 contains transitional and saving provisions.

Matt Hancock
Secretary of State

Department of Health and Social Care

At 1.30 p.m. on 30th November 2020