
EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 2 of these Regulations enable local authority designated officers to issue notices to people who are contravening or have contravened various statutory provisions in place to minimise exposure to Coronavirus.

Part 3 of these Regulations make various amendments to existing Regulations made under the Public Health (Control of Disease) Act 1984, and related savings provisions.

Regulation 2 lists the statutory provisions contravention of which may lead to the serving of a notice under these Regulations.

Regulation 3 enables a local authority designated officer to issue a Coronavirus Improvement Notice, requiring a person who is breaching, or has breached, one of those provisions to end that breach and ensure it will not be repeated. Such a notice is not to be issued in relation to essential infrastructure. The regulation lists what the notice must include and provides for review of the notice which may lead to withdrawal of the notice or the issue of a further notice under these Regulations.

Regulation 4 enables a local authority designated officer to issue a Coronavirus Immediate Restriction Notice to a person the officer believes is breaching, or has breached, one of the statutory provisions and there is a future risk of exposure to coronavirus. Such a notice is not to be issued in relation to essential infrastructure. The notice is to require either closure or part-closure of the premises and/or the breach to be stopped. Any requirement must be necessary and proportionate for the purpose of minimising the risk of exposure to Coronavirus. The notice has effect for 48 hours. The regulation lists what the notice must include and provides for review of the notice which may lead to amendment or withdrawal of the notice or the issue of a further notice under these Regulations.

Regulation 5 enables a local authority designated officer to issue a Coronavirus Restriction Notice to a person the officer believes has not complied with a Coronavirus Improvement Notice and that non-compliance involves a risk of exposure to coronavirus. Such a notice is not to be issued in relation to essential infrastructure. The notice is to require either closure or part-closure of the premises and/or the breach to be stopped. Any requirement must be necessary and proportionate for the purpose of minimising the risk of exposure to Coronavirus. The notice has effect for 7 days. The regulation lists what the notice must include and provides for review of the notice which may lead to amendment or withdrawal of the notice or the issue of a further notice under these Regulations.

Regulation 6 provides that it is an offence, punishable on summary conviction by a fine, to contravene a notice under these Regulations without reasonable excuse. It provides that a company and officer of the company can be found guilty of an offence and provides that provisions of the Police and Criminal Evidence Act 1984 in relation to police constable powers to arrest apply in relation to offences under this regulation.

Regulation 7 provides that prosecutions of an offence under Part 2 may be brought by a local authority, the Crown Prosecution Service and any person designated by the Secretary of State.

Regulation 8 provides that a local authority designated officer may issue a fixed penalty notice to a person the officer reasonably believes has committed an offence under regulation 6. Payment of that fixed penalty discharges liability to conviction for the offence. It provides that proceedings for the offence cannot be brought until 28 days after the date of the notice. It lists the details that such a notice must include and how payment can be made.

Regulation 9 provides that an appeal against a Coronavirus Improvement Notice, Coronavirus Immediate Restriction Notice or a Coronavirus Restriction Notice issued under these Regulations,

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

or a review of such a notice, can be made to a magistrates' court within 28 days of the notice being issued or the review decisions being notified to the person to whom the notice was issued. It provides that the provisions of the Magistrates' Court Act 1980 (c. 43) apply to that appeal.

Regulation 10 provides that a person designated by a local authority or the Secretary of State for the purposes of various provisions in other Regulations is to be treated as if they were so designated for the purposes of various provisions within these Regulations.

Regulation 11 introduces the Schedule.

Regulation 12 provides for the expiry of Part 2 six months after it comes into force but that such expiry does not affect the validity of anything done under that Part prior to that day.

The Schedule contains amendments and saving provisions and in particular amends, the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 (S.I. 2020/684) ("the No. 2 Regulations"), the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 (S.I. 2020/750) ("the No. 3 Regulations"), the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020 (S.I. 2020/1005) ("the Collection of Contact Details Regulations"), the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020 (S.I. 2020/1008) and the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 (S.I. 2020/1045) ("the Self-Isolation Regulations") to clarify that fixed penalty notices can be issued to persons other than individuals in connection with offences committed under those Regulations.

The No. 2 Regulations, the Health Protection (Coronavirus, International Travel) (England) Regulations 2020 (S.I. 2020/568) and the Self-Isolation Regulations are amended so that only constables have powers to remove persons or to use reasonable force.

The No. 3 Regulations are also amended:

- (a) to require a local authority to have regard to any advice given to it by either its director of public health (or interim or acting director of public health) or a registered public health consultant (approved by its director of public health for the purposes of regulation 2(4)) when determining whether to give a direction under regulation 4(1), 5(1) or 6(1) or to revoke such a direction;
- (b) to require a county council to have regard to any advice given to it by either its director of public health (or interim or acting director of public health) or a registered public health consultant (approved by its director of public health for the purposes of regulation 17) when determining whether to give, vary or revoke a direction under regulation 17;
- (c) to revise the time limits within which appeals against or representations about directions, or decisions not to revoke such directions, must be made;
- (d) to allow persons designated by local authorities to issue fixed penalty notices in connection with offences under regulation 13(1)(e) (offence of contravening a prohibition notice).

The Collection of Contact Details Regulations are also amended:

- (a) to update the definition of "relevant premises" for the purposes of those Regulations, and in particular, to clarify what is to happen in cases where premises are used to provide more than one type of service or activity listed in the Schedule to those Regulations;
- (b) to provide an exemption from the requirement to collect contact details where relevant premises contain a polling station for certain elections or referendums;
- (c) to allow certain persons who are designated, or treated as designated, under the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 to be treated as designated for certain purposes of the Collection of Contact Details Regulations;
- (d) to correct a number of errors.

The Self-Isolation Regulations are also amended:

- (a) to take account of people's participation in certain research related to the transmission, diagnosis or prevention of coronavirus;
- (b) to clarify which forms of notification of the requirement to self-isolate are effective, and who may give those notifications;
- (c) to make clear that only constables and police community support officers have powers under regulation 10 (enforcement);
- (d) to allow for fixed penalty notices to be issued in respect of offences described in regulation 11(3) and (4) of those Regulations, and to update the way in which the amount of the fixed penalty is calculated;
- (e) to allow certain persons who are designated, or treated as designated, under the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 to be treated as designated for certain purposes of the Self-Isolation Regulations;
- (f) to correct a number of errors.