

**EXPLANATORY MEMORANDUM TO**  
**THE HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (LEICESTER)**  
**(AMENDMENT) REGULATIONS 2020**

**2020 No. 754**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by Department of Health and Social Care and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

**2. Purpose of the instrument**

- 2.1 This instrument makes provision for the purpose of amending the protected area as defined in Schedule 1 of the Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020 (“Original Regulations”), which provided for a number of public health measures to be taken to reduce the public health risks posed by the spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Leicestershire, England which causes the disease Covid-19.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 The instrument is made under the emergency procedure set out in section 45R of the Public Health (Control of Disease) Act 1984 (c. 22). The Regulations are made without a draft having been laid and approved by a resolution of each House of Parliament. It is the opinion of the Secretary of State that, by reason of urgency, it is necessary to make the order without a draft being so laid and approved so that the public health measures continue to be necessary and proportionate 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). The Original Regulations came into force at midnight on 4 July 2020 and were published on [www.legislation.gov.uk](http://www.legislation.gov.uk) on 3 July 2020. The Original Regulations cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament. Further, the Original Regulations themselves provide that they expire at the end of the period of six months beginning with the day on which they came into force.
- 3.2 The entire instrument applies to England only.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

**4. Extent and Territorial Application**

- 4.1 The territorial extent of this instrument is England and Wales.

4.2 The territorial application of the Original Regulations as amended by this instrument is the areas of Leicester City Council and the Borough of Oadby and Wigston falling within the protected area as defined in Regulation 1 of the Original Regulations (as amended).

## **5. European Convention on Human Rights**

5.1 The Secretary for State for Health and Social Care Matt Hancock MP, has made the following statement regarding Human Rights:

“In my view the provisions of The Health Protection (Coronavirus, Restrictions) (Leicester) (Amendment) Regulations 2020 are compatible with the Convention rights.”

## **6. Legislative Context**

6.1 The Public Health (Control of Disease) Act 1984 (“the 1984 Act”) and regulations made under it provide a legislative framework for health protection in England and Wales.

6.2 Part 2A of the 1984 Act, as inserted by the Health and Social Care Act 2008 (“the 2008 Act”), provides a legal basis to protect the public from threats arising from infectious disease or contamination from chemicals or radiation, and includes powers to impose restrictions or requirements on people, and in relation to things and premises. Overall, the amended 1984 Act sets out a framework for health protection which requires much of the detailed provisions to be delivered through regulations.

6.3 Section 45C of the 1984 Act provides a power for the appropriate Minister to make regulations to prevent, protect against, control or provide a public health response to the incidence or spread of infection or contamination in England and Wales. The threat can come from outside England and Wales.

6.4 A number of regulations under section 45C have been made, including regulations relating to (SARS-CoV-2) and Covid-19, such as the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (S.I. 2020/350), (the Restrictions Regulations”) its subsequent amending regulations, and the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 (“the England Regulations”) which were made at the same time as the Original Regulations.

6.5 This instrument is made under section 45C to amend the geographical area to which the public health measures, which have been taken for the purpose of reducing the public health risks posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARSCoV-2), apply.

6.6 Regulation 3 of this instrument amends the geographical area falling within the protected area, as defined in Regulation 1 of the Original Regulations, to reflect the revised Local Authority areas to which the public health measures apply.

6.7 Regulations 4 to 7 of this instrument amend the Original Regulations to be clear that premises or places are within the protected area if any part of the premises or place is in the protected area.

## **7. Policy background**

### *What is being done and why?*

- 7.1 In response to the high number of positive Covid-19 tests in Leicester in June 2020, the government announced a local lockdown in order to limit the further spread of the disease. The Original Regulations came into force on 4 July 2020, with restrictions that apply to the protected area in Leicester and to those who live within it. From that date the restrictions in the England Regulations 2020, did not apply to the protected area in Leicester.
- 7.2 The Original Regulations required all non-essential businesses to close, except a limited number of exceptions such as, garden centres and vehicle showrooms and their outdoor areas. All leisure and recreational facilities other than outdoor sports courts or amenities, were also required to close, except for elite athletes to utilise for training. Food and drink establishments are not permitted to sell food and drink for consumption on the premises. The Original Regulations required places of worship to close other than for notable exceptions including, for individual private prayer. The Original Regulations also prohibits anyone staying overnight in the protected area in a place other than the place where they live, or where their linked household lives, without reasonable excuse. Individuals living outside the protected area are also prohibited from staying overnight at any place within the protected area other than the place where their linked household is living, without reasonable excuse. The Original Regulations also bans certain indoor and outdoor gatherings.
- 7.3 The measures were put in place for public health reasons to combat the spread of Covid-19 in the geographic area the measures were applied to. There is a legal duty to remove the restrictions once they are no longer necessary and to review them at least every 14 days. The first date for review was 18<sup>th</sup> July 2020.
- 7.4 Meetings between Government Ministers, Leicester leaders and officials took place on 16<sup>th</sup> July, which considered a range of evidence including public health, health service and non-health metrics. As a result of considering this evidence a decision was made to amend the geographic boundary of the protected area to include the city of Leicester and the Borough of Oadby and Wigston, removing Blaby and Charnwood from the protected area. The geographic boundaries were decided based on epidemiological evidence and the recommendation from the Director of Public Health in Leicestershire. It was decided that the geographic boundary of the protected area would be amended with effect from Saturday 18th July.
- 7.5 This instrument amends the Original Regulations to give effect to that decision.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

## **9. Consolidation**

- 9.1 Not Applicable.

## **10. Consultation outcome**

- 10.1 There has been no public consultation in relation to this instrument.

## **11. Guidance**

- 11.1 The Government has published guidance in relation to Covid-19 at [www.gov.uk/coronavirus](http://www.gov.uk/coronavirus) and this guidance will include information in relation to closures and restrictions on movements and gatherings in Leicester, England under the Original Regulations as amended by this instrument.

## **12. Impact**

- 12.1 The Original Regulations as amended by this instrument is a temporary provision as part of the Government's response to Covid-19, lasting only six months. As this instrument will cease to have effect after less than 12 months, a Regulatory Impact Assessment is not required and would be disproportionate.

## **13. Regulating small business**

- 13.1 The legislation applies to activities that are undertaken by small businesses.
- 13.2 To minimise the impact of the requirements on small businesses (employing up to 50 people), the approach taken is to use these regulations to change the boundaries of the protected area at the earliest opportunity, so that those small businesses whose activities were restricted by being in the protected area can, like other businesses, reopen at the earliest opportunity.
- 13.3 The basis for the final decision on what action to take to assist small businesses: we judge that there is no such action needed, since one of the effects of the regulations is to assist businesses including small businesses.

## **14. Monitoring & review**

- 14.1 The approach to monitoring of this legislation is to review every two weeks.
- 14.2 A statutory review clause is included in the Original Regulations (as amended by this instrument). The Original Regulations (as amended by this instrument) cease to have effect at the end of the period of six months from the date they came into force. Prior to their expiry, the Secretary of State must review the need for restrictions and requirements imposed by these Original Regulations (as amended by this instrument) every 14 days.

## **15. Contact**

- 15.1 Incident Response Team at the Department of Health and Social Care.  
Email: [IncidentResponse@dhsc.gov.uk](mailto:IncidentResponse@dhsc.gov.uk) can be contacted with any queries regarding the instrument.
- 15.2 Paul McCloghrie, Director at the Department of Health and Social Care; Email: [Paul.Mccloughrie@Go-Science.gov.uk](mailto:Paul.Mccloughrie@Go-Science.gov.uk) can confirm that this Explanatory Memorandum meets the required standard
- 15.3 Matt Hancock MP, Secretary of State for Health at the Department of Health and Social Care can confirm that this Explanatory Memorandum meets the required standard.