
STATUTORY INSTRUMENTS

2020 No. 822

**The Health Protection (Coronavirus, Restrictions)
(Blackburn with Darwen and Bradford) Regulations 2020**

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020.

(2) These Regulations come into force on 1st August 2020.

(3) These Regulations apply in relation to England only.

(4) In these Regulations—

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

“childcare” has the same meaning as in section 18 of the Childcare Act 2006(1);

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

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

“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;

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

“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 aged 16 or above and on an elite development pathway;

“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(2);

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

“protected area” means the area falling within—

- (a) the area of Blackburn with Darwen Borough Council, or
- (b) the area of the City of Bradford Metropolitan District Council;

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

(1) 2006 c. 21. Section 18 has been 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.

(2) 1989 c. 41.

- (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(3), as read with section 16 of the Countryside Act 1968(4);
 - (c) land which is “access land” for the purposes of Part 1 of the Countryside and Rights of Way Act 2000(5) (see section 1(1) of that Act(6));
 - (d) any highway to which the public has access;
 - (e) Crown land to which the public has access.
- (5) For the purposes of the definition of “elite sportsperson”, in paragraph (4)—
- (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 at 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;
 - (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.
- (6) For the purposes of these Regulations, references to a “local authority” include references to a county council.

The emergency period and review of need for restrictions

- 2.—(1) For the purposes of these Regulations, the “emergency period”—
- (a) starts when these Regulations come into force, and
 - (b) ends in relation to a restriction or requirement imposed by these Regulations on the day and at the time specified in a direction published by the Secretary of State terminating the requirement or restriction.

(3) 1949 c. 97.

(4) 1968 c. 41. Section 16 has been 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.

(5) 2000 c. 37.

(6) 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).

(2) The Secretary of State must review the need for restrictions and requirements imposed by these Regulations at least once every 14 days, with the first review being carried out by 15th August 2020.

(3) As soon as the Secretary of State considers that any restrictions or requirements set out in these Regulations are no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in England with the coronavirus, the Secretary of State must publish a direction terminating that restriction or requirement.

(4) A direction published under this regulation may—

- (a) terminate any one or more requirement or restriction;
- (b) terminate a requirement or restriction in relation to a specified business or service or a specified description of business or service.

(5) Section 16 of the Interpretation Act 1978(7) applies in relation to the termination of a restriction or requirement by a direction as it applies in relation to the repeal of an enactment.

(6) In this regulation, “specified” means specified in a direction published under this regulation.

Requirement to close premises and businesses during the emergency

3.—(1) A person responsible for carrying on a business or providing a service which is listed in the Schedule in the protected area must cease to carry on that business or to provide that service in the protected area during the emergency period.

(2) Paragraph (1) does not prevent the use of—

- (a) any suitable premises in the protected area used for the businesses or services listed in the Schedule to host blood donation sessions;
- (b) facilities for training by elite sportspersons, including indoor fitness studios, gyms, sports courts, indoor or outdoor swimming pools and other indoor leisure centres;
- (c) indoor fitness and dance studios by professional dancers and choreographers.

(3) For the purposes of paragraph (2), a person is a professional dancer or choreographer if that person derives their living from dance, or from choreographing dance, as the case may be.

(4) If a business listed in the Schedule (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in paragraph (1) if it closes down business A.

(5) Paragraph (1) does not prevent a person responsible for carrying on a business or providing a service listed in the Schedule in the protected area (“the closed business”)—

- (a) carrying on a business of offering goods for sale or for hire—
 - (i) in a shop in the protected area which is separate from the premises used for the closed business; or
 - (ii) by making deliveries or otherwise providing services in the protected area in response to orders received—
 - (aa) through a website, or otherwise by on-line communication,
 - (bb) by telephone, including orders by text message, or
 - (cc) by post;
- (b) operating a café or restaurant in the protected area, if the café or restaurant is separate from the premises used for the closed business.

(6) For the purposes of paragraph (5), a shop, café or restaurant (“SCR”) is separate from premises used for the closed business if—

- (a) the SCR is in a self-contained unit, and
- (b) it is possible for a member of the public to enter the SCR from a place outside those premises.

(7) For the purposes of this regulation, premises are in the protected area if any part of the premises is in the protected area.

Restrictions on gatherings

4.—(1) During the emergency period, unless paragraph (3) applies, no person may participate in a gathering in the protected area which—

- (a) consists of more than thirty persons, and
 - (b) takes place—
 - (i) in a private dwelling, including a houseboat,
 - (ii) on a vessel, other than a houseboat or a vessel used for public transport, or
 - (iii) on land which satisfies the condition in paragraph (2).
- (2) Land satisfies this condition if it is a public outdoor place, which is not—
- (a) operated by a business, a charitable, benevolent or philanthropic institution or a public body as a visitor attraction, or
 - (b) part of premises used for the operation of a business, charitable, benevolent or philanthropic institution or a public body.
- (3) This paragraph applies where—
- (a) in the case of a gathering described in paragraph (1)(b)(ii) or (iii)—
 - (i) the gathering has been organised by a business, a charitable, benevolent or philanthropic institution, a public body, or a political body,
 - (ii) the person responsible for organising the gathering (“the gathering organiser”) has carried out a risk assessment which would satisfy the requirements of regulation 3 of the Management of Health and Safety at Work Regulations 1999⁽⁸⁾, whether or not the gathering organiser is subject to those Regulations, and
 - (iii) the gathering organiser has taken all reasonable measures to limit the risk of transmission of the coronavirus, taking into account the risk assessment carried out under paragraph (ii),
 - (b) the person concerned is an elite sportsperson, the coach of an elite sportsperson, or (in the case of an elite sportsperson who is a child), the parent of an elite sportsperson, and the gathering is necessary for training or competition,
 - (c) the gathering is reasonably necessary—
 - (i) for work purposes, or for the provision of voluntary or charitable services,
 - (ii) for the purposes of education or training,
 - (iii) for the purposes of childcare provided by a person registered under Part 3 of the Childcare Act 2006, or as part of supervised activities provided for children,
 - (iv) to provide emergency assistance,

(8) S.I. 1999/3242, amended by S.I. 2005/1541; 2015/21; 2015/1637.

- (v) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm, or
 - (d) the person concerned is fulfilling a legal obligation.
- (4) During the emergency period, no person may participate in a gathering in the protected area which—
- (a) consists of more than thirty persons,
 - (b) takes place indoors, and
 - (c) would be a gathering of a kind mentioned in section 63(1) of the Criminal Justice and Public Order Act 1994(9) if it took place on land in the open air.
- (5) In determining whether all reasonable measures have been taken to limit the risk of transmission of the coronavirus for the purposes of paragraph (3)(a)(iii), any guidance issued by the government relevant to the gathering in question must be taken into account.
- (6) For the purposes of this regulation—
- (a) there is a gathering when two or more people are present together in the same place in order to engage in any form of social interaction with each other, or to undertake any other activity with each other;
 - (b) 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(10), under the Smoke-free (Premises and Enforcement) Regulations 2006(11);
 - (c) a “private dwelling” includes any garden, yard, passage, stair, outhouse or other appurtenance of the dwelling, and does not include—
 - (i) accommodation in a hotel, hostel, campsite, caravan park, members club, boarding house or bed and breakfast accommodation,
 - (ii) care homes, within the meaning of section 3 of the Care Standards Act 2000(12),
 - (iii) children’s homes, within the meaning of section 1 of the Care Standards Act 2000,
 - (iv) Residential Family Centres, within the meaning of section 4 of the Care Standards Act 2000,
 - (v) educational accommodation,
 - (vi) accommodation intended for use by the army, navy or air force, or
 - (vii) criminal justice accommodation;
 - (d) a “charitable, benevolent or philanthropic institution” means—
 - (i) a charity, or
 - (ii) an institution, other than a charity, established for charitable, benevolent or philanthropic purposes;
 - (e) “vessel” means any ship, boat, barge, lighter or raft and any other description of craft, whether used in navigation or not, but does not include government vessels;
 - (f) a gathering is a gathering in the protected area if any part of the place where it takes place is in the protected area.
- (7) For the purposes of paragraph (6)(c)—

(9) 1994 (c. 33). Section 63 has been amended by s. 58 of, and Schedule 3 to the Anti-social Behaviour Act 2003 (c. 38); and Schedule 26 to the Criminal Justice Act 2003 (c. 44); Schedule 7 to the Licensing Act 2003 (c. 17) and s. 111 of, and paragraph 31 of Schedule 7 and Part 1 of Schedule 17 to, the Serious Organised Crime and Police Act 2005 (c. 15).

(10) 2006 c. 28. Section 2 was amended by paragraph 4 of Schedule 2 to the Health (Wales) Act 2017 (2017 anaw 2).

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

(12) 2000 c. 14.

- (a) “educational accommodation” means—
 - (i) accommodation provided for students whilst they are boarding at school;
 - (ii) halls of residence provided for students attending higher education courses, and equivalent accommodation provided for students attending further education courses;
- (b) “criminal justice accommodation” means—
 - (i) a prison, within the meaning of the Prison Act 1952⁽¹³⁾;
 - (ii) a young offender institution, within the meaning of section 43 of the Prison Act 1952;
 - (iii) a secure training centre, within the meaning of section 43 of the Prison Act 1952;
 - (iv) approved premises, within the meaning of section 13 of the Offender Management Act 2007⁽¹⁴⁾;
 - (v) a bail hostel, within the meaning of section 2 of the Bail Act 1976⁽¹⁵⁾;
- (c) “political body” means—
 - (i) a political party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000, or
 - (ii) a political campaigning organisation within the meaning of regulation 2 of the Health and Social Care (Financial Assistance) Regulations 2009⁽¹⁶⁾.

Enforcement of requirement

5.—(1) A relevant person may take such action as is necessary to enforce any requirement imposed by regulation 3 or 4.

(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 requirement in regulation 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 requirement.

(3) Where a relevant person considers that a number of people are gathered together in contravention of regulation 4, 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, or
- (c) remove a person from the gathering.

(4) A relevant person 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 regulation 4 is a child accompanied by an individual who has responsibility for the child—

- (a) the relevant person may direct that 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.

⁽¹³⁾ 1952 c. 52.

⁽¹⁴⁾ 2007 c. 21.

⁽¹⁵⁾ 1976 c. 63.

⁽¹⁶⁾ S.I. 2009/649.

(6) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with the restrictions in regulation 4, 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 that restriction.

(7) A relevant person may only exercise the power in paragraph (3), (5) or (6) if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with the restriction in regulation 4.

(8) A relevant person exercising a power under paragraph (3), (5) or (6) may give the person concerned any reasonable instructions they consider 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) a “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;

(c) references to a requirement include references to a restriction.

(10) A local authority may only designate a person for the purposes of this regulation in relation to a requirement in regulation 3.

Offences and penalties

6.—(1) A person who without reasonable excuse contravenes a requirement in regulation 3, 4 or 5 commits an offence.

(2) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations, including any person who is a relevant person for the purposes of regulation 5, commits an offence.

(3) A person who, without reasonable excuse, contravenes a direction given under regulation 5, or fails to comply with a reasonable instruction or a prohibition notice given by a relevant person under regulation 5, commits an offence.

(4) An offence under this regulation is punishable on summary conviction by a fine.

(5) 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, 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.

(6) In paragraph (5), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

(7) Section 24 of the Police and Criminal Evidence Act 1984⁽¹⁷⁾ applies in relation to an offence under this regulation as if the reasons in subsection (5) of that section included—

⁽¹⁷⁾ 1984 c. 60. Section 24 was substituted by s. 110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).

- (a) to maintain public health;
- (b) to maintain public order.

(8) For the purposes of this regulation, references to a requirement include references to a restriction.

Fixed penalty notices

7.—(1) An authorised person may issue a fixed penalty notice to anyone that the authorised person reasonably believes—

- (a) has committed an offence under these Regulations; and
- (b) is 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;
- (d) state the name and address of the person to whom the fixed penalty may be paid;
- (e) specify permissible methods of payment.

(6) The amount specified under paragraph (5)(c) must, subject to paragraph (7), be £100.

(7) Unless paragraph (8) applies, a fixed penalty notice must specify that if £50 is paid before the end of the period of 14 days following the date of the notice that is the amount of the fixed penalty.

(8) If the person to whom a fixed penalty notice is given has already received a fixed penalty notice under these Regulations—

- (a) paragraph (7) does not apply, and
- (b) the amount specified as the fixed penalty is to be—
 - (i) in the case of the second fixed penalty notice received, £200;
 - (ii) in the case of the third fixed penalty notice received, £400;
 - (iii) in the case of the fourth fixed penalty notice received, £800;
 - (iv) in the case of the fifth fixed penalty notice received, £1,600;
 - (v) in the case of the sixth and subsequent fixed penalty notices received, £3,200.

(9) In determining how many fixed penalty notices a person has received, fixed penalty notices issued to that person under the following instruments are to be taken into account—

- (a) these Regulations,
- (b) the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020(18),
- (c) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020(19),
- (d) the Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020(20),
- (e) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020(21), and
- (f) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Luton) Regulations 2020(22).

(10) 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).

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

(12) 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) 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.

(13) 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 (14), a person designated by the relevant local authority for the purposes of this regulation;
- (b) a “chief finance officer”, in relation to a local authority, means the person with responsibility for the authority’s financial affairs.

(14) The relevant local authority may only designate a person for the purposes of this regulation to issue fixed penalty notices where the alleged offence relates to the contravention of a requirement or restriction in regulation 3 or the obstruction under regulation 6(2) of a person carrying out a function under regulation 5.

(18) S.I. 2020/350; amended by S.I. 2020/447; 2020/500; 2020/558; 2020/588.

(19) S.I. 2020/684, amended by S.I. 2020/719 and 2020/800.

(20) S.I. 2020/685, amended by S.I. 2020/754, 2020/787 and 2020/800.

(21) S.I. 2020/750.

(22) S.I. 2020/800.

Prosecutions

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

Designations

9. A person who is designated for the purposes of regulations 7(10)(b), 9(3)(b), 9(13) or 10 of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 is to be treated as if they were designated for the purposes of regulation 5(9)(b), 7(3)(b), 7(13)(a) or 8 as appropriate of these Regulations.

Revocation of the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Luton) Regulations 2020 and savings

10.—(1) The Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Luton) Regulations 2020 (“the first Protected Area Regulations”) are revoked.

(2) Despite the revocation of the first Protected Area Regulations, they continue in force in relation to any offence committed under the first Protected Area Regulations before these Regulations came into force.

(3) A designation made in exercise of the powers conferred by regulation 5(9)(b), 7(3)(b), 7(13)(a) or 8 of the first Protected Area Regulations in so far as they applied in, or in relation to, the relevant area is to be treated as if it had been made in exercise of the powers conferred by regulation 5(9)(b), 7(3)(b), 7(13)(a) or 8 as appropriate of these Regulations.

(4) In this regulation “the relevant area” means the area of Blackburn with Darwen Borough Council.

Other amendments of secondary legislation

11.—(1) In the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020—

- (a) in regulation 1(4), for sub-paragraph (b), substitute—
 - “(b) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020.”;
- (b) in regulation 9(9)—
 - (i) at the end of sub-paragraph (c), omit “and”;
 - (ii) at the end of sub-paragraph (d), insert—
 - “, and
 - (e) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020.”.

(2) In regulation 14(8) of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020—

- (a) at the end of sub-paragraph (d), omit “and”;
- (b) at the end of sub-paragraph (e), insert—
 - “, and
 - (f) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020.”.

(3) In regulation 10(9) of the Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020—

(a) at the end of sub-paragraph (c), omit “and”;

(b) at the end of sub-paragraph (d), insert—

“, and

(e) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020.”.

Expiry

12.—(1) These Regulations expire at the end of the period of six months beginning with the day on which they come into force.

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

At 12.00 p.m. on 31st July 2020

Matt Hancock
Secretary of State,
Department for Health and Social Care