

2020 No. 865

PUBLIC HEALTH, ENGLAND

**The Health Protection (Coronavirus, Restrictions on Gatherings)
(North of England) (Amendment) (No. 2) Regulations 2020**

Approved by both Houses of Parliament

Made - - - - at 10.45 a.m. on 14th August 2020

Laid before Parliament at 3.00 p.m. on 14th August 2020

Coming into force - - 15th August 2020

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45C(1), (3)(c), (4)(d), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984(a).

These Regulations are made in response 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) in England.

The Secretary of State considers that the restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 45R of that Act the Secretary of State is of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) (Amendment) (No. 2) Regulations 2020 and come into force on 15th August 2020.

Amendment of the Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) Regulations 2020

2.—(1) The Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) Regulations 2020(b) are amended as follows.

(2) In the title to the Regulations omit “on Gatherings”.

(a) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).
(b) S.I.2020/828, as amended by S.I. 2020/846.

- (3) In regulation 1(1) (citation) omit “on Gatherings”.
- (4) In the heading to Part 2 (restrictions on gatherings in the North of England (other than in Blackburn with Darwen or Bradford)) for “on gatherings” substitute “and requirements”.
- (5) In regulation 3 (interpretation of Part 2)—
- (a) in paragraph (1) after the definition of “parental responsibility” insert—
 - ““person responsible for carrying on a business” includes the owner, proprietor, and manager of that business;”,
 - (b) after paragraph (2) insert—
 - “(3) For the purposes of these Regulations, references to a “local authority” include references to a county council.”.
- (6) In regulation 4 (the emergency period and review of need for restrictions)—
- (a) in paragraph (1)(b) after “restriction”, in both places, insert “or requirement”,
 - (b) in paragraph (2) after “restrictions” insert “and requirements”,
 - (c) in paragraph (3) after “restriction”, in both places, insert “or requirement”,
 - (d) in paragraph (4)—
 - (i) in sub-paragraph (a) for “restrictions” substitute “restriction or requirement”,
 - (ii) after paragraph (b) insert—
 - “;
 - (c) terminate a restriction or requirement in relation to a specified business or service or a specified description of business or service”,
 - (e) in paragraph (6) for “requirement” substitute “restriction or requirement”.
- (7) After regulation 7 (restrictions on other gatherings) insert—

“Requirement to close premises and businesses during the emergency period

7A.—(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 leisure centres.

(3) 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.

(4) 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.

(5) For the purposes of paragraph (4), 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.

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

(8) In regulation 8 (enforcement of restrictions in this Part)—

- (a) in the heading, after “restrictions” insert “and requirements”,
- (b) in paragraph (1)—
 - (i) after “restriction” insert “or requirement”,
 - (ii) for “5 or 7” substitute “5, 7 or 7A”,
- (c) after paragraph (1) insert—

“(1A) 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 7A, 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.”,
- (d) in paragraph (9)—
 - (i) after sub-paragraph (b) omit “or”,
 - (ii) after sub-paragraph (c) insert—

“, or

 - (d) subject to paragraph (10), a person designated by a local authority for the purposes of this regulation”,
- (e) after paragraph (9) insert—

“(10) A local authority may only designate a person for the purposes of this regulation in relation to a requirement in regulation 7A.”.

(9) In regulation 9 (offences and penalties)—

- (a) in paragraph (1) after “7,” insert “7A,”,
- (b) after paragraph (4) insert—

“(4A) 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.

(4B) In paragraph (4A), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.”.

(10) In regulation 10 (fixed penalty notices)—

- (a) for paragraph (3) substitute—

“(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”).”.

- (b) for paragraph 12(a) substitute—
- “(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”,
- (c) for paragraph (13) substitute—
- “(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) “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 in regulation 7A or the obstruction under regulation 9(2) of a person carrying out a function under regulation 8.”.
- (11) In regulation 12 (designations)—
- (a) for “8(9)(c)” substitute “8(9)(c) or (d)”,
 - (b) for “10(3)” substitute “10(3)(b)”.
- (12) At the end insert—

“SCHEDULE

Regulation 7A

Businesses subject to closure

1. Nightclubs.

2.—(1) Dance halls, discotheques, and any other venue which—

- (a) opens at night,
- (b) has a dance floor or other space for dancing by members of the public (and for these purposes members of the venue in question are to be considered members of the public),
- (c) provides music, whether live or recorded, for dancing.

(2) A business does not fall within sub-paragraph (1) if it ceases to provide music and dancing.

3.—(1) Sexual entertainment venues and hostess bars.

(2) For the purposes of this paragraph—

- (a) “sexual entertainment venue” has the meaning given in paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982(a),
- (b) “hostess bar” has the meaning given in paragraph 3B of that Schedule.

(a) 1982 (c. 30). Paragraph 2A was inserted by section 27 of the Policing and Crime Act 2009 (c. 26).

4. Casinos.

5. Indoor skating rinks.

6. Indoor play areas, including soft play areas.

7. Bowling alleys.

8.—(1) Conference centres and exhibition halls, so far as they are used to host conferences, exhibitions or trade shows other than conferences or events which are attended only by employees of the person who owns or is responsible for running the conference centre or exhibition hall.

(2) For the purposes of this paragraph, a “trade show” is an event held to bring together members of a particular industry to display, demonstrate and discuss their latest products and services with members of the public.”.

Consequential amendment of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020

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

(a) in regulation 1 (citation, commencement, application and interpretation)—

(i) in paragraph (4) after sub-paragraph (b) insert—

“;

(c) the Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020”,

(ii) omit paragraph (4A),

(b) in regulation 9 (fixed penalty notices), in paragraph (9)(g) omit “on Gatherings”.

Consequential amendment of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020

4. In the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 (b), in regulation 14 (fixed penalty notices), in paragraph (8)(h) omit “on Gatherings”.

Consequential amendment of the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020

5. In the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020 (c), in regulation 7 (fixed penalty notices), in paragraph (9)(h) omit “on Gatherings”.

(a) S.I. 2020/684, as amended by S.I. 2020/719, 788, 800, 822, 824, 828 and 863.

(b) S.I. 2020/750, as amended by S.I. 2020/800, 822, 824 and 828.

(c) S.I. 2020/822, as amended by S.I. 2020/824 and 828.

Consequential amendment of the Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020

6. In the Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020 (a), in regulation 10 (fixed penalty notices), in paragraph (9)(g) omit “on Gatherings”.

Edward Argar
Minister of State,

At 10.45 a.m. on 14th August 2020

Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) Regulations 2020. They require the closure of businesses listed in the Schedule, except for limited permitted uses, in order to protect against the risks to public health arising from coronavirus.

No impact assessment has been carried out for these Regulations.

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(a) S.I. 2020/824, as amended by S.I. 2020/828.

£6.90

UK0865

10/2020

www.legislation.gov.uk/uksi/2020/0865

ISBN 978-0-11-130152-4



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