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STATUTORY INSTRUMENTS

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**2020 No. 988**

**The Health Protection (Coronavirus, Restrictions)  
(Birmingham, Sandwell and Solihull) Regulations 2020**

**Restrictions on gatherings in private dwellings**

- 5.—(1) During the emergency period, unless paragraph (2) applies—
- (a) no person may participate in a gathering in the protected area which consists of two or more persons and takes place in a private dwelling, including a houseboat,
  - (b) no person living in the protected area may participate in a gathering which consists of two or more persons and takes place in a private dwelling, including a houseboat, outside the protected area.
- (2) This paragraph applies where—
- (a) all the persons in the gathering are members of the same household or members of two households which are linked households in relation to each other,
  - (b) the person concerned is attending a person giving birth (“M”), at M’s request,
  - (c) the person concerned (“P”) is visiting a person P reasonably believes is dying (“D”), and P is—
    - (i) a member of D’s household,
    - (ii) a close family member of D,
    - (iii) a friend of D, or
    - (iv) where no-one falling within paragraphs (i) to (iii) is visiting D, any other person,
  - (d) the person concerned is fulfilling a legal obligation,
  - (e) 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(1),
    - (iv) to provide emergency assistance,
    - (v) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm,
    - (vi) to facilitate a house move,
    - (vii) to provide care or assistance to a vulnerable person, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006(2), or

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(1) 2006 c. 21.

(2) 2006 c. 47. Sub-paragraphs (1) to (3) and (3A) to (3E) of paragraph 7 were substituted for sub-paragraphs (1) to (3) as enacted by s. 66 of the Protection of Freedoms Act 2012 (c. 9).

- (viii) for the purposes of arrangements for access to, and contact between, parents and children where the children do not live in the same household as their parents, or one of their parents.
- (3) For the purposes of this regulation—
- (a) 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(3),
  - (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,
- (b) “linked household” has the meaning given in regulation 6;
- (c) 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,
- (d) a gathering is in the protected area if any part of the place where it takes place is in the protected area.
- (4) For the purposes of paragraph (3)—
- (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(4),
  - (ii) a young offender institution, within the meaning of section 43 of the Prison Act 1952(5),
  - (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(6),

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(3) 2000 c. 14. Section 1 was amended by the Health and Social Care Act 2008 (c. 14) (“the 2008 Act”), Schedule 5, paragraph 2, and by the Regulation and Inspection of Social Care (Wales) Act 2016 (2016 anaw 2) (“the 2016 Wales Act”), Schedule 3, paragraph 2. Section 3 was amended by the 2008 Act, Schedule 5, paragraph 4, and the 2016 Wales Act, Schedule 3, paragraph 3. There are amendments to section 4 which are not relevant to these Regulations.

(4) 1952 c. 52.

(5) Section 43(1) has been amended by paragraph 11 of Schedule 15 to the Criminal Justice Act 1988 (c. 33), s. 18(3) of the Criminal Justice and Public Order Act 1994 (c. 33), paragraph 5 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), and paragraph 3 of Schedule 26 to the Criminal Justice and Immigration Act 2008 (c. 4) and paragraph 4 of Schedule 12 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10). There are other amendments to s. 43 which are not relevant to these Regulations.

(6) 2007 c. 21.

(v) a bail hostel, within the meaning of section 2 of the Bail Act 1976(7).

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(7) [1976 c. 63](#). The definition of “bail hostel” has been substituted by paragraph 50 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000.