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STATUTORY INSTRUMENTS

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**2021 No. 364**

The Health Protection (Coronavirus,  
Restrictions) (Steps) (England) Regulations 2021

PART 1

Introductory

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021.

(2) These Regulations come into force on 29th March 2021.

(3) These Regulations extend to England and Wales, and apply—

(a) in England;

(b) in English airspace in relation to aircraft which take off from, or land at, a place in England;

(c) in the English territorial sea in relation to vessels that are not excluded vessels.

(4) In this regulation—

“English airspace” means the airspace above England or above the English territorial sea;

“the English territorial sea” means the part of the territorial sea of the United Kingdom which is adjacent to England;

“excluded vessel” means a vessel which—

(a) departed from a place other than a place in England, and

(b) is to dock in a place other than a place in England.

**Interpretation**

2.—(1) In these Regulations—

“16 to 19 Academy” has the meaning given by section 1B of the Academies Act 2010(1);

“alcohol” has the meaning given by section 191 of the Licensing Act 2003(2);

“campaigning” means undertaking activities for election purposes or for referendum purposes, and “campaigner” means a person who undertakes such activities;

“care home” has the meaning given by section 3 of the Care Standards Act 2000(3);

“charitable, benevolent or philanthropic institution” means—

(a) a charity, or

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(1) 2010 c. 32. Section 1B was inserted by section 53(7) of the Education Act 2011 (c. 21).

(2) 2003 c. 17. Section 191 was amended by section 135 of the Policing and Crime Act 2017 (c. 3) and by S.I. 2006/2407.

(3) 2000 c. 14. Section 3 was amended by paragraph 4 of Schedule 5 to the Health and Social Care Act 2008 (c. 14). There are other amendments to section 3 which are not relevant to this instrument.

(b) an institution, other than a charity, established for charitable, benevolent or philanthropic purposes;

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

“childcare” has the meaning given by section 18 of the Childcare Act 2006(4);

“common travel area” has the meaning given by section 1(3) of the Immigration Act 1971(5);

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

“criminal justice accommodation” means—

(a) a prison, within the meaning of the Prison Act 1952(6),

(b) a young offender institution, within the meaning of section 43 of that Act,

(c) a secure training centre, within the meaning of section 43 of that Act,

(d) approved premises, within the meaning of section 13 of the Offender Management Act 2007(7), or

(e) a bail hostel, within the meaning of section 2 of the Bail Act 1976(8);

“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;

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

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

“early years provision” has the meaning given by section 96(2) of the Childcare Act 2006;

“education, health and care plan” means an EHC plan within the meaning of section 37(2) of the Children and Families Act 2014(9);

“educational accommodation” means—

(a) accommodation provided for students whilst they are boarding at school, or

(b) halls of residence provided for students attending higher education courses and equivalent accommodation provided for students attending further education courses or courses at 16 to 19 Academies;

“educational institution” has the meaning given by paragraph 1(11) of Schedule 16 to the Coronavirus Act 2020(10);

“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 on an elite development pathway;

(4) 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.

(5) 1971 c. 77.

(6) 1952 c. 52.

(7) 2007 c. 21.

(8) 1976 c. 63. Section 2 was amended by the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), Schedule 9, paragraph 50(3)(a). There are other amendments to section 2 which are not relevant to this instrument.

(9) 2014 c. 6. Section 37(2) was amended by S.I. 2015/94.

(10) 2020 c. 7.

“embarkation point” means an international terminal or any other place in England from which a person may travel to a destination outside the United Kingdom;

“further education” has the meaning given by section 2 of the Education Act 1996(11);

“gathering organiser”, in relation to a gathering, means the person responsible for organising the gathering;

“higher education course” means a course of any description mentioned in Schedule 6 to the Education Reform Act 1988(12) or an equivalent course undertaken outside England and Wales;

“higher education provider” means—

- (a) a higher education provider within the meaning of section 83(1) of the Higher Education and Research Act 2017(13), or
- (b) a provider of higher education, within the meaning of section 83(1) of the Higher Education and Research Act 2017, which is not an institution (within the meaning of that section), whether or not it is designated under section 84 of that Act;

“hostess bar” has the meaning given by paragraph 3B of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982(14);

“immigration detention accommodation” means—

- (a) a removal centre,
- (b) a short-term holding facility, or
- (c) pre-departure accommodation,

and for these purposes, “removal centre”, “short-term holding facility” and “pre-departure accommodation” have the meanings given in section 147 of the Immigration and Asylum Act 1999(15);

“informal childcare” has the meaning given by regulation 4(8);

“international terminal” means an aerodrome, maritime port or international rail terminal, and for these purposes, “aerodrome” has the meaning given in Schedule 1 to the Air Navigation Order 2016(16);

“licensed premises” has the meaning given by section 193(1) of the Licensing Act 2003;

“linked childcare household” has the meaning given by regulation 4;

“linked household” has the meaning given by regulation 3;

“manager”, in relation to a gathering, means the person responsible for the management of the premises on which the gathering takes place;

“outdoor sports gathering” means a gathering—

- (a) which is organised by a business, a charitable, benevolent or philanthropic institution or a public body for the purposes of allowing persons who are not elite sportspersons to take part in any sport or other fitness related activity,

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(11) 1996 c. 56. Section 2 was amended by s. 177 of, and Schedule 2 to, the Education Act 2002 (c. 32). There are other amendments to s. 2 which are not relevant to this instrument.

(12) 1988 c. 40.

(13) 2017 c. 29.

(14) 1982 c. 30. Paragraph 3B was inserted by s. 33 of the London Local Authorities Act 2007 (c. ii).

(15) 1999 c. 33. The definition of “removal centre” was inserted into section 147, by s. 66(1) of the Nationality, Immigration and Asylum Act 2002 (c. 41), and amended by s. 6(2) of Immigration Act 2014 (c. 22); the definition of “short-term holding facility” was amended by s. 25 of the Borders, Citizenship and Immigration Act 2009 (c. 11), and section 6(2) of the Immigration Act 2014; the definition of “pre-departure accommodation” was inserted by s. 6(2) of the Immigration Act 2014. There are other amendments to section 147 which are not relevant to this instrument.

(16) S.I. 2016/765.

- (b) which takes place outdoors, and
- (c) in respect of which the gathering organiser or manager takes the required precautions;
- “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 by section 3 of the Children Act 1989(17);
- “permitted organised gathering” has the meaning given by regulation 5;
- “person who has been released on temporary licence” means a person who has been temporarily released from—
- (a) a secure children’s home, as defined by section 102(11) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(18), or
- (b) criminal justice accommodation under—
- (i) rule 5 of the Secure Training Centre Rules 1998(19);
- (ii) rule 9 of the Prison Rules 1999(20);
- (iii) rule 5 of the Young Offender Institution Rules 2000(21);
- “person responsible” for carrying on a business includes the owner, proprietor and manager of that business;
- “political body” means—
- (a) a political party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000(22), or
- (b) a political campaigning organisation within the meaning of regulation 2 of the Health and Social Care (Financial Assistance) Regulations 2009(23);
- “premises licence” has the meaning given by section 11 of the Licensing Act 2003;
- “proprietor”, in relation to a school, has the meaning given by section 579(1) of the Education Act 1996(24);
- “public outdoor place” is an outdoor place to which the public have, or are permitted, access (whether on payment or otherwise) and includes—
- (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(25), as read with section 16 of the Countryside Act 1968(26);
- (c) land which is “access land” for the purposes of Part 1 of the Countryside and Rights of Way Act 2000(27) (see section 1(1) of that Act)(28);

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(17) 1989 c. 41.

(18) 2012 c. 10. Subsection (11) of s. 192 was substituted by S.I. 2018/195.

(19) S.I. 1998/472, as amended by S.I. 2003/3005, 2016/211 and 2020/664.

(20) S.I. 1999/728, as amended by S.I. 2014/2169, S.I. 2018/960, 2020/400 and 2020/508. There are other amending instruments, but none is relevant.

(21) S.I. 2000/3371, as amended by S.I. 2014/2169, 2018/960, 2020/400 and 2020/508.

(22) 2000 c. 41.

(23) S.I. 2009/649. There are amendments to regulation 2 not relevant to this instrument.

(24) The definition of “proprietor” in section 579(1) of the Education Act 1996 has been amended by the School Standards and Framework Act 1998 (c. 31), Schedule 30, paragraph 183, by the Education Act 2011 (c. 21), Schedule 13, paragraph 9, and by S.I. 2003/2045 and 2005/2913.

(25) 1949 c. 97.

(26) 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.

(27) 2000 c. 37.

(d) any highway to which the public has access;

(e) Crown land to which the public has access;

“registered political party” has the meaning given by section 202(1) of the Representation of the People Act 1983(29);

“registered pupil” has the meaning given by section 434(5) of the Education Act 1996;

“relevant outdoor activity” means a physical activity which is carried on outdoors and for which a licence, permit or certificate issued by a public body to carry on the activity, or for any equipment used for the purposes of the activity, must be held by—

(a) the gathering organiser, or

(b) any person taking part in the activity;

“required precautions” means the precautions which a gathering organiser or manager is required to take in relation to a gathering in accordance with regulation 6;

“school” has the meaning given by section 4 of the Education Act 1996(30);

“sexual entertainment venue” has the meaning given by paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982(31);

“sportsground” means any location in which elite sports training or competition takes place for the purpose of, or for purposes which include the purpose of, entertaining spectators;

“Step 1 area” has the meaning given by regulation 7(4)(b);

“Step 1 restrictions” has the meaning given by regulation 7(4)(a);

“Step 2 area” has the meaning given by regulation 7(4)(d);

“Step 2 restrictions” has the meaning given by regulation 7(4)(c);

“Step 3 area” has the meaning given by regulation 7(4)(f);

“Step 3 restrictions” has the meaning given by regulation 7(4)(e);

“support group” means a group or one to one support which is organised by a business, a charitable, benevolent or philanthropic institution or a public body to provide mutual aid, therapy or any other form of support to its members or those who attend its meetings, for example those providing support—

(a) to victims of crime (including domestic abuse);

(b) to those with, or recovering from, addictions (including alcohol, narcotics or other substance addictions) or addictive patterns of behaviour;

(c) to new parents;

(d) to those with, or caring for persons with, any long-term illness or terminal condition or who are vulnerable;

(e) to those with a disability, or caring for persons with a disability;

(f) to those facing issues related to their sexuality or identity including those living as lesbian, gay, bisexual or transgender;

(g) to those who have suffered bereavement;

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(28) 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).

(29) 1983 c. 2. The definition of “registered political party” was inserted by paragraph 38 of Schedule 3 to the Greater London Authority Act 1999 (c. 29), and amended by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

(30) 1996 c. 56. The definition of “school” in section 4 has been amended by section 51 of the Education Act 1997 (c. 44), Part 3 of Schedule 22 to the Education Act 2002 (c. 32), section 95 of the Childcare Act 2006 (c. 21), paragraph 9 of Schedule 13 to the Education Act 2011 (c. 21) and S.I. 2019/1027.

(31) 1982 c. 30. Paragraph 2A was inserted by section 27 of the Policing and Crime Act 2009 (c. 26).

- (h) to vulnerable young persons;
- “travel declaration form” means the form referred to in regulation 8(4);
- “vessel” means any ship, boat, barge, lighter or raft and any other description of craft, whether used in navigation or not;
- “vulnerable person” includes—
- (a) any person aged 70 or older;
  - (b) any person aged under 70 who has an underlying health condition, including (but not limited to) the conditions listed in paragraph (4);
  - (c) any person who is pregnant.
- (2) In the definition of “elite sportsperson”—
- (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 in that sport at the Tokyo or Beijing Olympic or Paralympic Games, at the Paris Olympic or Paralympic Games, or 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 at the Paris 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;
  - (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 or at the Paris 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.
- (3) In the definition of “relevant outdoor activity”, the reference to a licence does not include a licence to drive a motor vehicle in the United Kingdom or to serve food or alcohol.
- (4) The conditions referred to in the definition of “vulnerable person” are—
- (a) chronic (long-term) respiratory diseases, such as asthma, chronic obstructive pulmonary disease, emphysema or bronchitis;
  - (b) chronic heart disease, such as heart failure;
  - (c) chronic kidney disease;
  - (d) chronic liver disease, such as hepatitis;
  - (e) chronic neurological conditions, such as Parkinson’s disease, motor neurone disease, multiple sclerosis, a learning disability or cerebral palsy;
  - (f) diabetes;
  - (g) problems with the spleen, such as sickle cell disease or removal of the spleen;
  - (h) a weakened immune system as a result of conditions such as HIV and AIDS, or medicines such as steroid tablets or chemotherapy;
  - (i) being seriously overweight with a body mass index of 40 or above.

- (5) For the purposes of these Regulations—
- (a) references to a person who has a disability are to a person who has a physical or mental impairment which has a substantial and long-term adverse effect on that person’s ability to carry out normal day-to-day activities;
  - (b) references to a “consular post” means a consulate-general, consulate, vice-consulate or consular agency;
  - (c) activities are undertaken “for election purposes” if they are undertaken—
    - (i) for the purposes of or in connection with—
      - (aa) promoting or procuring electoral success for a registered political party, or
      - (bb) promoting or procuring a candidate’s election, or
    - (ii) with a view to prejudicing the electoral prospects at an election of a registered political party or candidate;
  - (d) activities are undertaken “for referendum purposes” if they are undertaken—
    - (i) for the purposes of or in connection with promoting or procuring a particular outcome in relation to the question asked in a referendum, or
    - (ii) with a view to prejudicing the prospects of another particular outcome in relation to the question asked in a referendum;
  - (e) references to a “local authority” include references to a county council;
  - (f) a county council for an area for which there is also a district council is to be regarded, with respect to its functions under these Regulations, as a relevant health protection authority for the purposes of the Public Health (Control of Disease) Act 1984;
  - (g) a gathering takes place when two or more persons are present together in the same place in order—
    - (i) to engage in any form of social interaction with each other, or
    - (ii) to undertake any other activity with each other;
  - (h) 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(32), under the Smoke-free (Premises and Enforcement) Regulations 2006(33);
  - (i) references to a “private dwelling”—
    - (i) include references to a houseboat and any garden, yard, passage, stair, outhouse or other appurtenance of the dwelling;
    - (ii) do not, except in regulation 5(2), or as otherwise specified, include references to the following—
      - (aa) accommodation in a hotel, hostel, campsite, caravan park, members’ club, boarding house or bed and breakfast accommodation;
      - (bb) care homes;
      - (cc) children’s homes, within the meaning of section 1 of the Care Standards Act 2000(34);
      - (dd) residential family centres, within the meaning of section 4 of that Act(35);
      - (ee) educational accommodation;

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(32) 2006 c. 28. Section 2 was amended by paragraph 4 of Schedule 2 to the Public Health (Wales) Act 2017 (2017 anaw 2).

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

(34) 2000 c. 14. Section 1 was amended by paragraph 2 of Schedule 5 to the Health and Social Care Act 2008 (c. 14) and by paragraph 2 of Schedule 3 to the Regulation and Inspection of Social Care (Wales) Act 2016 (2016 anaw 2) (“the 2016 Act”).

(35) The definition of “residential family centre” was amended by paragraph 4 of Schedule 5 to the 2016 Act.

(ff) accommodation intended for use by Her Majesty's armed forces.

(6) For the purposes of paragraph (5)(a), regulations 3 to 5 of the Equality Act 2010 (Disability) Regulations 2010<sup>(36)</sup> apply in considering whether a person has an impairment.

### **Linked households**

3.—(1) For the purposes of these Regulations, a “linked household” means a household that is linked with another household in accordance with this regulation.

(2) Where a household (“the first household”) comprises—

- (a) one adult,
- (b) one or more children and no adults,
- (c) one adult and one or more persons who were under the age of 18 on 12th June 2020,
- (d) one or more adults and one or more children who are under the age of one or were under that age on 2nd December 2020,
- (e) one or more adults and one or more children who have a disability and who require continuous care who are under the age of five, or were under that age on 2nd December 2020, or
- (f) one or more persons who have a disability and who require continuous care, on their own or together with—
  - (i) one individual who does not have a disability, or
  - (ii) more than one such individual but including no more than one adult who was aged 18 or over on 2nd December 2020,

the individuals in the first household may choose to be linked with one other household (“the second household”).

(3) But paragraph (2) applies only if—

- (a) all persons who would be members of the linked households in accordance with this regulation agree (subject to paragraph (7)),
  - (b) neither the first household nor the second household are linked with any other household for the purposes of these Regulations, and
  - (c) no members of either the first household or the second household have participated in a gathering in reliance on their household being a linked household with any other household for the purposes of the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020<sup>(37)</sup> in the period of ten days ending on the day before the day on which the first and second households choose to become linked households under paragraph (2).
- (4) There is no limit on the number of adults or children who may be in the second household.
- (5) The first and second households are “linked households” in relation to each other.
- (6) The first and second households cease to be linked households—
- (a) if neither household satisfies the condition in paragraph (2), or
  - (b) at any time when all members of one or both of the households agree to cease to be linked with the other (subject to paragraph (7)).
- (7) Where—
- (a) a person who would be, or is, a member of a linked household is a child, and

<sup>(36)</sup> S.I. 2010/2128.

<sup>(37)</sup> S.I. 2020/1374, amended by S.I. 2020/1518, 1533, 1572, 1611, 1646 and 1654, and S.I. 2021/8, 53, 97 and 247.



(b) a parent of the child (“P”) is a member of the child’s household,  
the agreement required by paragraph (3)(a) or (6)(b) is to be given by P (and not the child).

(8) If a household (household A) ceases to be linked with another household (household B), household A may choose to be linked with another household after the expiry of the minimum period if the conditions in paragraphs (2) and (3)(a) and (b) are met.

(9) For the purposes of paragraph (8) the “minimum period” means the period of 10 days beginning with the day on which any member of household A last participated in a gathering with a member of household B in reliance on being a linked household.

(10) The references in paragraph (3) to neither household being linked with any other household do not include being linked with another household only for the purposes of informal childcare in accordance with regulation 4 or any other regulations made under Part 2A of the Public Health (Control of Disease) Act 1984.

### **Linked childcare household**

4.—(1) For the purposes of these Regulations, a “linked childcare household” means a household that is linked with another household for the purposes of informal childcare in accordance with this regulation.

(2) Where a household includes at least one child aged 13 or under (“the first household”), that household may link with one other household (“the second household”) for the purpose of the second household providing informal childcare to the child aged 13 or under in the first household if—

- (a) all the persons who would be members of the linked childcare households in accordance with this regulation agree (subject to paragraph (5)), and
- (b) no members of either the first household or the second household have participated in a gathering in reliance on their household being part of a linked childcare household with any other household for the purposes of the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 in the period of ten days ending on the day before the day on which the first and second households choose to become linked childcare households under this paragraph.

(3) The first household and the second household are “linked childcare households” in relation to each other.

(4) The first household and the second household cease to be linked childcare households—

- (a) if neither household includes a child aged 13 or under, or
- (b) at any time when all members of one or both of the households agree to cease to be linked with the other (subject to paragraph (5)).

(5) Where—

- (a) a person who would be, or is, a member of a linked childcare household is a child, and
- (b) a parent of the child (“P”) is a member of the child’s household,

the agreement required by paragraph (2)(a) or (4)(b) is to be given by P (and not the child).

(6) If a linked childcare household (“household A”) ceases to be linked with another linked childcare household (“household B”), household A may choose to be linked with another household under this regulation after the expiry of the minimum period.

(7) For the purposes of paragraph (6), the “minimum period” means the period of 10 days beginning with the day on which any member of household A last participated in a gathering with a member of household B in reliance on being a linked childcare household.

(8) In these Regulations, “informal childcare” means any form of care for a child aged 13 or under provided by anybody other than a person providing childcare in their role as a person registered to provide childcare under Part 3 of the Childcare Act 2006, including—

- (a) education provided for a child aged 13 or under, and
- (b) supervised activities for a child aged 13 or under.

### **Permitted organised gatherings**

5.—(1) A gathering is a permitted organised gathering for the purposes of these Regulations if paragraph (2) or (3) applies.

(2) This paragraph applies to a gathering if it takes place on or at premises, other than a private dwelling, which are—

- (a) operated by a business, a charitable, benevolent or philanthropic institution or a public body, or
- (b) part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body.

(3) This paragraph applies to a gathering if it takes place in a public outdoor place not falling within paragraph (2) and—

- (a) the gathering has been organised by a business, a charitable, benevolent or philanthropic institution, a public body or a political body, and
- (b) the gathering organiser or manager takes the required precautions in relation to the gathering.

### **The required precautions**

6.—(1) The gathering organiser or (as the case may be) the manager in relation to a gathering takes the required precautions for the purposes of these Regulations by meeting both of the following requirements.

(2) The first requirement is that the gathering organiser or manager has carried out a risk assessment that would satisfy the requirements of regulation 3 of the Management of Health and Safety at Work Regulations 1999<sup>(38)</sup> (whether or not the organiser or manager is subject to those Regulations).

(3) The second requirement is that the gathering organiser or manager has taken all reasonable measures to limit the risk of transmission of coronavirus, taking into account—

- (a) the risk assessment carried out under paragraph (2), and
- (b) any guidance issued by the government which is relevant to the gathering.

## **PART 2**

### **Step restrictions**

#### **Step restrictions**

7.—(1) Step 1 restrictions apply in relation to the Step 1 area in accordance with Schedule 1.

(2) Step 2 restrictions apply in relation to the Step 2 area in accordance with Schedule 2.

<sup>(38)</sup> [S.I. 1999/3242](#). Regulation 3 has been amended by [S.I. 2003/2457](#), [S.I. 2005/1541](#) and [S.I. 2015/21](#) and [1637](#). There are other amendments to regulation 3 which are not relevant to this instrument.

- (3) Step 3 restrictions apply in relation to the Step 3 area in accordance with Schedule 3.
- (4) In these Regulations—
  - (a) references to “Step 1 restrictions” are references to the restrictions and requirements set out in Schedule 1;
  - (b) references to the “Step 1 area” are references to the area for the time being specified or described in Part 1 of Schedule 4;
  - (c) references to “Step 2 restrictions” are references to the restrictions and requirements set out in Schedule 2;
  - (d) references to the “Step 2 area” are references to the area for the time being specified or described in Part 2 of Schedule 4;
  - (e) references to “Step 3 restrictions” are references to the restrictions and requirements set out in Schedule 3;
  - (f) references to the “Step 3 area” are references to the area for the time being specified or described in Part 3 of Schedule 4.

## PART 3

### Restrictions on leaving the United Kingdom

#### **Restrictions on leaving the United Kingdom**

- 8.**—(1) No person may, without a reasonable excuse—
- (a) leave England to travel to a destination outside the United Kingdom, or
  - (b) travel to, or be present at, an embarkation point for the purpose of travelling from there to a destination outside the United Kingdom.
- (2) For the purposes of paragraph (1), the circumstances where a person (“P”) has a reasonable excuse to travel outside the United Kingdom include those set out in Schedule 5.
- (3) Paragraph (1) does not apply to a person listed in Schedule 6.
- (4) A person (“P”) who is travelling to, or present at, an embarkation point for the purpose of travelling from there directly or indirectly to a destination outside the United Kingdom must have with them a completed travel declaration form.
- (5) The travel declaration form referred to in paragraph (4) must—
- (a) include the following information—
    - (i) P’s full name,
    - (ii) P’s date of birth and nationality,
    - (iii) P’s passport number, or travel document reference number (as appropriate),
    - (iv) P’s home address,
    - (v) P’s destination,
    - (vi) the reason P is leaving the United Kingdom,
    - (vii) a statement that P certifies that the information P provides is true, and
    - (viii) the date on which the declaration is completed, and

- (b) be in the form published by the Secretary of State<sup>(39)</sup>.
- (6) Where P is travelling with a relevant individual (“C”) for whom P has responsibility, P must also complete a travel declaration form containing—
  - (a) the information referred to in paragraph (5)(a), in the form required by paragraph (5)(b), on behalf of C, and
  - (b) a statement that P certifies that the information provided in relation to C is true to the best of P’s knowledge and belief.
- (7) Paragraphs (4) and (6) do not apply—
  - (a) to a relevant individual, or
  - (b) to any person referred to in Schedule 6.
- (8) In this regulation, “relevant individual” means—
  - (a) a child, or
  - (b) a person who lacks capacity (within the meaning of section 2 of the Mental Capacity Act 2005<sup>(40)</sup>) to complete the travel declaration form.

## PART 4

### Disapplication of restrictions and requirements

#### Disapplication by the Secretary of State

9.—(1) The Secretary of State may, for the purposes set out in paragraph (2), by direction disapply any relevant restriction or requirement in relation to specified premises, a specified event or a specified gathering.

(2) The Secretary of State may only make a direction under paragraph (1) for the purposes of a research programme to evidence the potential transmission of coronavirus in controlled environments.

(3) If the Secretary of State disapplies a relevant restriction or requirement by direction made under paragraph (1) in relation to specified premises, and the effect of the direction is to permit those premises to open, the direction must specify the purposes for which the premises may open.

(4) Before making or revoking any direction under paragraph (1), the Secretary of State must—

- (a) consult the Chief Medical Officer (“CMO”) or one of the Deputy Chief Medical Officers (“DCMO”) of the Department of Health and Social Care;
- (b) have regard to any advice given by the CMO or DCMO to the Secretary of State.

(5) A direction made under paragraph (1)—

- (a) is to be made by being published online, and
- (b) must, as soon as reasonably practicable after it is made, also be published in the London Gazette.

(6) In this regulation—

- (a) “relevant restriction or requirement” means—
  - (i) a Step 2 or Step 3 restriction;

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<sup>(39)</sup> The form can be found at <https://www.gov.uk/guidance/coronavirus-covid-19-declaration-form-for-international-travel>. A hard copy of the form may be obtained from the Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR.

<sup>(40)</sup> 2005 c. 9.

- (ii) the requirement in regulation 3(1) of the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020(41);
  - (iii) any of the requirements in regulations 1A, 2(1) or 2A(1) of the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020(42);
- (b) “specified” means specified in the direction.

## PART 5

### Enforcement

#### Enforcement of restrictions and requirements

10.—(1) A relevant person may take such action as is necessary to enforce—

- (a) any Step 1 restriction, Step 2 restriction or Step 3 restriction,
- (b) any restriction or requirement in regulation 8.

(2) Paragraph (3) applies where a relevant person considers that—

- (a) a person (“P”) is travelling to, or present at, an embarkation point for the purpose of travelling from there to a destination outside the United Kingdom, and
- (b) P is not exempt from the requirement to have a completed travel declaration form.

(3) The relevant person may direct P—

- (a) to produce the completed travel declaration form, or
- (b) if P does not have a completed travel declaration form, to complete a travel declaration form,

and the relevant person may specify a time by which the form is to be completed under subparagraph (b).

(4) Paragraph (5) applies where—

- (a) a relevant person considers that the restriction in regulation 8(1) applies in the case of a person (“P”) who is present at an embarkation point, and

(b) P either—

- (i) fails to produce the completed travel declaration form in compliance with a direction given under paragraph (3)(a), and does not complete the travel declaration form when directed to do so by a relevant person under paragraph (3)(b), or
- (ii) produces a travel declaration form which the relevant person considers does not disclose a reasonable excuse.

(5) The relevant person may direct P to leave the embarkation point without leaving the United Kingdom.

(6) A relevant person may give a prohibition notice to a person if the relevant person reasonably believes that—

- (a) the person is contravening a restriction imposed by Part 2 of Schedule 1, Part 2 of Schedule 2 or Part 2 of Schedule 3, and

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(41) S.I. 2020/791, amended by S.I. 2020/839, 882, 906, 1021, 1026 and 1028, and S.I. 2021/247.

(42) S.I. 2020/1008, amended by S.I. 2020/1046, 1057, 1103, 1104, 1105, 1154, 1200, 1374, 1611.

- (b) it is necessary and proportionate to give the prohibition notice for the purpose of preventing that person from continuing to contravene the restriction.
- (7) Where a relevant person considers that a number of people are gathered together in contravention of a restriction imposed by paragraph 1 or 2 of Schedule 1, paragraph 1 or 2 of Schedule 2, or paragraph 1 of Schedule 3, 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) where the relevant person is a constable, remove any person from the gathering.
- (8) A constable exercising the power in paragraph (7)(c) to remove a person from a gathering may use reasonable force, if necessary, in exercise of the power.
- (9) Where a person who is in a gathering in contravention of a restriction referred to in paragraph (7) is a child accompanied by an individual who has responsibility for the child—
- (a) the relevant person may direct the 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.
- (10) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with a restriction referred to in paragraph (7) 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 the restriction.
- (11) A relevant person may exercise a power under paragraph (3), (5), (7), (9) or (10) only if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with the requirement or restriction referred to in paragraph (2), (4) or (7).
- (12) A relevant person exercising a power under paragraph (3), (5), (7), (9) or (10) may give the person concerned any reasonable instructions the relevant person considers to be necessary.
- (13) 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) “relevant person” means—
    - (i) a constable,
    - (ii) a police community support officer,
    - (iii) subject to paragraph (14), 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.
- (14) A local authority may designate a person for the purposes of this regulation only in relation to—
- (a) a Step 1 restriction imposed by Part 2 of Schedule 1,
  - (b) a Step 2 restriction imposed by Part 2 of Schedule 2, or
  - (c) a Step 3 restriction imposed by Part 2 of Schedule 3.

### **Offences and penalties**

- 11.—**(1) A person commits an offence if, without reasonable excuse, the person—
- (a) contravenes a Step 1 restriction, a Step 2 restriction or a Step 3 restriction,

- (b) contravenes a restriction or requirement in regulation 8,
  - (c) contravenes a requirement imposed, or a direction given, under regulation 10,
  - (d) fails to comply with a reasonable instruction or a prohibition notice given by a relevant person under regulation 10, or
  - (e) obstructs any person carrying out a function under these Regulations (including any person who is a relevant person for the purposes of regulation 10).
- (2) A person who intentionally or recklessly provides false or misleading information on a travel declaration form, except for reasons of national security, commits an offence.
- (3) An offence under this regulation is punishable on summary conviction by a fine.
- (4) 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 corporate, 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 proceeded against and punished accordingly.
- (5) In paragraph (4) “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.
- (6) If the affairs of a body corporate are managed by its members, subsection (4) applies in relation to the acts and defaults of a member in connection with that member’s functions of management as if that member were a director of the body.
- (7) Section 24 (arrest without warrant: constable) of the Police and Criminal Evidence Act 1984(43) applies in relation to an offence under this regulation as if the reasons in subsection (5) of that section included—
- (a) to maintain public health;
  - (b) to maintain public order.

### **Fixed penalty notices**

- 12.**—(1) An authorised person may issue a fixed penalty notice to any person that the authorised person reasonably believes—
- (a) has committed an offence under these Regulations, and
  - (b) is (in the case of an individual) 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;

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(43) 1984 c. 60. Section 24 was substituted by s. 110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).

- (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 (see regulations 13 to 17);
  - (d) state the name and address of the person to whom the fixed penalty may be paid;
  - (e) specify permissible methods of payment.
- (6) 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).
- (7) Where a letter is sent as mentioned in paragraph (6), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (8) 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) that 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.
- (9) 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 (10), 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.
- (10) 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—
- (a) the contravention of—
    - (i) a Step 1 restriction imposed by Part 2 of Schedule 1,
    - (ii) a Step 2 restriction imposed by Part 2 of Schedule 2, or
    - (iii) a Step 3 restriction imposed by Part 2 of Schedule 3,
  - (b) the failure under regulation 11(1)(d) to comply with a prohibition notice given under regulation 10 by a relevant person designated by a local authority under paragraph (13)(b)(iii) of that regulation, or
  - (c) the obstruction under regulation 11(1)(e) of a person carrying out a function under regulation 10.



### **Amount of fixed penalty: travel offences**

**13.**—(1) In the case of a fixed penalty notice issued to a person in respect of a travel offence, the amount of the fixed penalty to be specified under regulation 12(5)(c) is—

- (a) £5,000, where the offence consists of a contravention of regulation 8(1)(a);
- (b) £5,000, where the offence consists of a contravention of regulation 8(1)(b);
- (c) £200, where the offence consists of—
  - (i) a contravention of regulation 8(4),
  - (ii) failure to comply with a direction given under regulation 10(3) or (5),
  - (iii) a contravention of regulation 11(2).

(2) In this regulation, “travel offence” means an offence under—

- (a) regulation 11(1)(b) of contravening a restriction or requirement imposed by regulation 8,
- (b) regulation 11(1)(c) of contravening a direction given under regulation 10(3) or (5), or
- (c) regulation 11(2).

### **Amount of fixed penalty: large gathering offences**

**14.**—(1) In the case of a fixed penalty notice issued to a person in respect of a large gathering offence, the amount of the fixed penalty to be specified under regulation 12(5)(c) is as follows—

- (a) if the fixed penalty notice is the first one issued to the person in respect of a large gathering offence, the amount is—
  - (i) £400, if the amount is paid before the end of the period of 14 days following the date of the notice;
  - (ii) otherwise, £800;
- (b) if the fixed penalty notice is not the first one issued to the person in respect of a large gathering offence, the amount is—
  - (i) £1,600, if it is the second fixed penalty notice so issued;
  - (ii) £3,200, if it is the third fixed penalty notice so issued;
  - (iii) £6,400, if it is the fourth or any subsequent fixed penalty notice so issued.

(2) In determining how many fixed penalty notices have been issued to a person for the purposes of paragraph (1), a fixed penalty notice issued to a person under the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 is to be taken into account, if the notice was issued to the person in respect of a large gathering offence, as defined by regulation 12(3B) of those Regulations.

(3) In this regulation, except in paragraph (2), a “large gathering offence” means an offence under regulation 11(1)(a) of contravening a gathering restriction, where the contravention consists of participation in a gathering which—

- (a) consists of more than 15 people, and
- (b) takes place indoors—
  - (i) in a private dwelling,
  - (ii) in educational accommodation, or
  - (iii) any other place indoors if the gathering would be a gathering of the kind mentioned in section 63(1) of the Criminal Justice and Public Order Act 1994<sup>(44)</sup> (powers to

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<sup>(44)</sup> 1994 c. 33. Section 63 was amended by section 58 of the Anti-social Behaviour Act 2003 (c. 38), paragraph 111 of Schedule 6 to the Licensing Act 2003 (c. 17), and Schedule 17 to the Serious Organised Crime and Police Act 2005 (c. 15).

remove persons attending or preparing for a rave) if it consisted of more than 20 people and took place in the open air.

- (4) In paragraph (3), a “gathering restriction” means—
- (a) a Step 1 restriction imposed by paragraph 1 or 2 of Schedule 1,
  - (b) a Step 2 restriction imposed by paragraph 1 or 2 of Schedule 2, or
  - (c) a Step 3 restriction imposed by paragraph 1 of Schedule 3.

#### **Amount of fixed penalty: organised gathering offences**

**15.** In the case of a fixed penalty notice issued to a person in respect of an offence under regulation 11(1)(a) of contravening—

- (a) the Step 1 restriction imposed by paragraph 3 of Schedule 1,
- (b) the Step 2 restriction imposed by paragraph 3 of Schedule 2, or
- (c) the Step 3 restriction imposed by paragraph 2 of Schedule 3,

the amount of the fixed penalty to be specified under regulation 12(5)(c) is £10,000.

#### **Amount of fixed penalty: business restriction offences**

**16.—(1)** In the case of a fixed penalty notice issued to a person in respect of a business restriction offence, the amount of the fixed penalty to be specified under regulation 12(5)(c) is—

- (a) £1,000, if the fixed penalty notice is the first one issued to the person in respect of a business restriction offence;
- (b) £2,000, if the fixed penalty notice is the second one issued to the person in respect of a business restriction offence;
- (c) £4,000, if the fixed penalty notice is the third one issued to the person in respect of a business restriction offence;
- (d) £10,000, if the fixed penalty notice is the fourth one, or any subsequent one, issued to the person in respect of a business restriction offence.

(2) In determining how many fixed penalty notices have been issued to a person for the purposes of paragraph (1), a fixed penalty notice issued to the person under the following Regulations is to be treated as if it were issued in respect of a business restriction offence—

- (a) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020(45), if the notice was issued to the person in respect of a business restriction offence as defined by regulation 12(7) of those Regulations;
- (b) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020(46), if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations;
- (c) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020(47), if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations;
- (d) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020(48), if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations;

(45) S.I. 2020/1374, amended by S.I. 2020/1518, 1533, 1572, 1611, 1646, 1654, and S.I. 2021/8, 53, 97, 247.

(46) S.I. 2020/1103, which was revoked by S.I. 2020/1200, with savings.

(47) S.I. 2020/1104, which was revoked by S.I. 2020/1200, with savings.

(48) S.I. 2020/1105, which was revoked by S.I. 2020/1200, with savings.

- (e) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020(49), if the notice was issued to the person in respect of an offence of contravening regulation 4A or 4B of those Regulations;
  - (f) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020(50), if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 14(7D) of those Regulations, committed on or after 14th October 2020;
  - (g) the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020(51), if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 21(12) of those Regulations;
  - (h) the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020(52);
  - (i) the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020(53).
- (3) In this regulation, unless otherwise specified “business restriction offence” means—
- (a) an offence under regulation 11(1)(a) of contravening—
    - (i) a Step 1 restriction imposed by Part 2 of Schedule 1;
    - (ii) a Step 2 restriction imposed by Part 2 of Schedule 2;
    - (iii) a Step 3 restriction imposed by Part 2 of Schedule 3;
  - (b) an offence under regulation 11(1)(d) of failing to comply with a prohibition notice given under regulation 10.

**Amount of fixed penalty: general offences**

17.—(1) Except in the cases mentioned in regulations 13 to 16, the amount of the fixed penalty to be specified under regulation 12(5)(c) is as follows—

- (a) if the fixed penalty notice is the first one issued to the person under a relevant enactment, the amount is—
    - (i) £100, if the amount is paid before the end of the period of 14 days following the date of the notice;
    - (ii) otherwise, £200;
  - (b) if the fixed penalty notice is not the first one issued to the person under a relevant enactment, the amount is—
    - (i) £400, if it is the second fixed penalty notice so issued;
    - (ii) £800, if it is the third fixed penalty notice so issued;
    - (iii) £1,600, if it is the fourth fixed penalty notice so issued;
    - (iv) £3,200, if it is the fifth fixed penalty notice so issued;
    - (v) £6,400, if it is the sixth or any subsequent fixed penalty notice so issued.
- (2) In this regulation, “relevant enactment” means—
- (a) these Regulations;
  - (b) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020;

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(49) S.I. 2020/684, as amended by S.I. 2020/719, 750, 788, 800, 822, 824, 828, 863, 865, 907, 974, 986, 988, 1010, 1019, 1029, 1046, 1057, 1103, 1104, 1105 and 1200.

(50) S.I. 2020/750, as amended by S.I. 2020/800, 822, 824, 828, 865, 907, 974, 988, 1010, 1019, 1103 and 1200.

(51) S.I. 2020/1200, amended by S.I. 2020/1242 and 1326.

(52) S.I. 2020/1005, as amended by S.I. 2020/1045 and 1046.

(53) S.I. 2020/1008, as amended by S.I. 2020/1045, 1046 and 1074.

- (c) the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020;
- (d) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020;
- (e) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020;
- (f) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020;
- (g) the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020**(54)**;
- (h) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020;
- (i) the Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020**(55)**;
- (j) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020;
- (k) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Luton) Regulations 2020**(56)**;
- (l) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020**(57)**;
- (m) the Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020**(58)**;
- (n) the Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020**(59)**;
- (o) the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020**(60)**;
- (p) the Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020**(61)**;
- (q) the Health Protection (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020**(62)**.

(3) For the purposes of determining how many fixed penalty notices have been issued to a person under a relevant enactment, no account is to be taken of any fixed penalty notice issued to the person under—

- (a) these Regulations, if the notice was issued to the person in respect of a travel offence, as defined in regulation 13(2);
- (b) these Regulations, if the notice was issued to the person in respect of a business restriction offence, as defined in regulation 16(3), or an offence of contravening—
  - (i) the Step 1 restriction imposed by paragraph 3 of Schedule 1,
  - (ii) the Step 2 restriction imposed by paragraph 3 of Schedule 2, or
  - (iii) the Step 3 restriction imposed by paragraph 2 of Schedule 3;
- (c) these Regulations, if the notice was issued to the person in respect of a large gathering offence, as defined in regulation 14(3);

**(54)** S.I. 2020/350, which was revoked by S.I. 2020/684, with savings.

**(55)** S.I. 2020/685, which was revoked by S.I. 2020/824, with savings.

**(56)** S.I. 2020/800, which was revoked by S.I. 2020/822, with savings.

**(57)** S.I. 2020/822, which was revoked by S.I. 2020/1019, with savings.

**(58)** S.I. 2020/824, which was revoked by S.I. 2020/1104, save for regulation 2.

**(59)** S.I. 2020/828, which was revoked by S.I. 2020/1104, with savings.

**(60)** S.I. 2020/974, which was revoked by S.I. 2020/1074.

**(61)** S.I. 2020/988, which was revoked by S.I. 2020/1104, with savings.

**(62)** S.I. 2020/1010, which was revoked by S.I. 2020/1104 with savings.

- (d) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 12(7) of those Regulations, or an offence of contravening—
  - (i) a Tier 1 restriction imposed by paragraph 2 of Schedule 1 to those Regulations,
  - (ii) a Tier 2 restriction imposed by paragraph 3 of Schedule 2 to those Regulations,
  - (iii) a Tier 3 restriction imposed by paragraph 3 of Schedule 3 to those Regulations, or
  - (iv) a Tier 4 restriction imposed by paragraph 5 of Schedule 3A to those Regulations;
- (e) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, if the notice was issued to the person in respect of a large gathering offence, as defined by regulation 12(3B) of those Regulations;
- (f) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, if the notice was issued to the person in respect of a travel declaration offence, as defined by regulation 12(8) of those Regulations;
- (g) the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 21(12) of those Regulations or an offence of contravening a restriction or requirement imposed by regulation 10 of those Regulations;
- (h) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations or an offence of contravening a restriction or requirement imposed by paragraph 2 of Schedule 1 to those Regulations;
- (i) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations or an offence of contravening a restriction or requirement imposed by paragraph 3 of Schedule 1 to those Regulations;
- (j) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations or an offence of contravening a restriction or requirement imposed by paragraph 3 of Schedule 1 to those Regulations;
- (k) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, if the notice was issued to the person in respect of an offence of contravening a restriction or requirement imposed by regulation 4A, 4B, 5A or 5B of those Regulations;
- (l) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 14(7D)(63) of those Regulations, committed on or after 14th October 2020.

### **Prosecutions**

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

### **Self-incrimination**

**19.—**(1) Information provided by a person in accordance with regulation 8 may be used in evidence against the person, subject to paragraphs (2) to (4).

(2) In criminal proceedings against the person—

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(63) Regulation 14(7D) was inserted by [S.I. 2020/1103](#).

- (a) no evidence relating to the information may be adduced by or on behalf of the prosecution, and
- (b) no question relating to the information may be asked by or on behalf of the prosecution.
- (3) Paragraph (2) does not apply if the proceedings are for an offence under these Regulations.
- (4) Paragraph (2) does not apply if, in the proceedings—
  - (a) evidence relating to the information is adduced by or on behalf of the person who provided it, or
  - (b) a question relating to the information is asked by or on behalf of that person.

## PART 6

### Final provisions

#### Review

**20.**—(1) The Secretary of State must review the need for the restrictions imposed by these Regulations by 12th April 2021 and thereafter at least once every 35 days from that date.

(2) In carrying out a review under paragraph (1) the Secretary of State must in particular consider whether each of the restrictions continues to be necessary for the purposes of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection in England with coronavirus.

#### Expiry

**21.**—(1) These Regulations expire at the end of 30th June 2021.

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

#### Revocation

**22.** The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 are revoked, other than—

- (a) regulation 13 and Schedule 6,
- (b) regulation 17 and Schedule 5.

#### Consequential and other amendments and transitional and saving provisions

**23.**—(1) Schedule 7 contains consequential amendments.

(2) Schedule 8 contains other amendments to subordinate legislation relating to coronavirus and related transitional provisions and savings.

(3) A designation made, or treated as made in exercise of the powers conferred by regulations 9(9)(b), 11(3)(b), 11(9)(a) or 13, as appropriate of the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 is to be treated as if it had been made in exercise of the powers conferred by regulations 10(13)(b), 12(3)(b), 12(9)(a) or 18, as appropriate, of these Regulations.

(4) Despite the revocation of the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, those Regulations continue in force as they had effect immediately before 29th March 2021 in relation to any offence committed under those Regulations before that date.

At 9.00 a.m. on 22nd March 2021

*Matt Hancock*  
Secretary of State  
Department of Health and Social Care