

EXPLANATORY MEMORANDUM TO
THE HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (STEPS)
(ENGLAND) REGULATIONS 2021

2021 No. 364

1. Introduction

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

2. Purpose of the instrument

- 2.1 This instrument revokes and replaces the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 ("the All Tiers Regulations") (S.I. 2020/1374) and contains the legislative framework which will implement Steps 1-3 of the Government's Roadmap¹ out of lockdown in England. This instrument enables a number of public health measures to be taken to reduce the public health risks posed by the spread in England of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) which causes the disease Covid-19. This instrument also amends a number of other Coronavirus regulations to further those aims.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 This instrument is made under the emergency procedure set out in section 45R of the Public Health (Control of Disease) Act 1984 (c.22) ("the 1984 Act"). This instrument is made without a draft having been laid and approved by a resolution of each House of Parliament. It is the opinion of the Secretary of State that, by reason of urgency, it is necessary to make this instrument without a draft being so laid and approved so that public health measures can be taken 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).
- 3.2 The instrument was made on 22 March 2021 and was published on www.legislation.gov.uk later that day. It will come into force on 29 March 2021 and will expire at the end of 30 June 2021. This instrument will cease to have effect at the end of the period of 28 days beginning with the day it was made unless, during that period, it is approved by a resolution of each House of Parliament. The Secretary of State must review the need for the restrictions imposed by this instrument at least once every 35 days with the first review taking place by 12 April 2021. Provisions amending existing legislation will be reviewed in accordance with the timescales already provided in those instruments.

¹ COVID-19 Response - Spring 2021 - GOV.UK (www.gov.uk).

- 3.3 In keeping with the commitment made by the Secretary of State to the House of Commons on 30 September 2020 (Hansard cols 288-289), the intention is that this instrument will be debated after it is made and before it comes into force.
- 3.4 This instrument corrects errors in the Health Protection (Coronavirus, International Travel) (England) (Amendment) (No.16) Regulations 2020 (S.I. 2020/1070) and so is being issued free of charge to all known recipients of those Regulations.

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

- 3.5 This instrument applies to England only, including English airspace and the English territorial sea.

4. Extent and Territorial Application

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

5. European Convention on Human Rights

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

“In my view the provisions of the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 are compatible with the Convention rights.”

6. Legislative Context

- 6.1 The 1984 Act, and regulations made under it, provide a legislative framework for health protection in England and Wales.
- 6.2 Part 2A of the 1984 Act, as inserted by the Health and Social Care Act 2008, provides a legal basis to protect the public from threats arising from infectious diseases, or contamination from chemicals or radiation. Part 2A includes powers to impose restrictions or requirements on people, and in relation to things and premises. Overall, the amended 1984 Act sets out a framework for health protection which requires much of the detailed provisions to be delivered through regulations.
- 6.3 Section 45C of the 1984 Act provides a power for the appropriate Minister to make regulations to prevent, protect against, control or provide a public health response to the incidence or spread of infection or contamination in England and Wales. The threat of infection or contamination can come from outside England and Wales.
- 6.4 This instrument is made under section 45C to enable a number of public health measures to be taken for the purpose of reducing the public health risks posed by the incidence and spread of severe acute respiratory coronavirus 2 (SARS-CoV-2).
- 6.5 In accordance with section 45R of the 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.
- 6.6 On 6 January 2021, the Health Protection (Coronavirus, Restrictions) (No. 3) and (All Tiers) (England) (Amendment) Regulations 2021 (S.I. 2021/8) effectively imposed a national lockdown. On 8 March 2021 the All Tiers Regulations were amended by the Health Protection (Coronavirus) (Wearing of Face Coverings in a Relevant Place and Restrictions: All Tiers) (England) (Amendment) Regulations 2021 (S.I. 2021/247) to

implement the first part of Step 1 of the Government’s Roadmap out of lockdown. This instrument revokes and replaces the All Tiers Regulations with a legislative framework to apply the rest of the Step 1 restrictions from 29 March 2021 and set out steps 2 and 3 of the Roadmap out of lockdown.

- 6.7 This instrument also amends various Coronavirus legislation including: the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020 (“the Obligations of Undertakings Regulations”) (S.I. 2020/1008); the Health Protection (Coronavirus, International Travel) (England) Regulations 2020 (S.I. 2020/568); the Health Protection (Coronavirus, Collection of Contact Details etc. and Related Requirements) Regulations 2020 (“the Collection of Contact Details Regulations”) (S.I. 2020/1005); and the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 (“the Self-Isolation Regulations”) (S.I. 2020/1045).

Roadmap

- 6.8 Regulation 1 provides that this instrument comes into force on 29 March 2021 and sets out its application.
- 6.9 Regulation 2 sets out the definitions of terms that are used in this instrument.
- 6.10 Regulation 3 defines the existing concept of a linked household (‘support bubble’), setting out how these can be formed and changed. Regulation 4 defines the existing concept of a linked childcare household (‘childcare bubble’) which permits informal childcare for under-14s.
- 6.11 Regulation 5 sets out when an organised gathering is permitted under this instrument and regulation 6 sets out the precautions that the gathering organiser must take in relation to the gathering.
- 6.12 Regulation 7 provides that the restrictions for Step 1 (set out in Schedule 1) apply to the Step 1 area (all of England); the restrictions for Step 2 (set out in Schedule 2) apply to the Step 2 area; and the restrictions for Step 3 (set out in Schedule 3) apply to the Step 3 area.
- 6.13 Regulation 8 provides that no person may leave England to travel to a destination outside the United Kingdom (“UK”) without a reasonable excuse (set out in Schedule 5). It also provides that a person who is present at an embarkation point for the purpose of travelling to a destination outside the UK must have with them a completed travel declaration form.
- 6.14 Regulation 9 provides the Secretary of State with a direction-making power to disapply any relevant restriction or requirement in relation to a specified premises, event or gathering, for the purpose of a research programme to evidence the potential transmission of Covid-19 in controlled environments. Before making or revoking such a direction, the Secretary of State must consult the Chief Medical Officer or one of the Deputy Chief Medical Officers of DHSC. A direction is made by being published online and must be published in the London Gazette as soon as reasonably practicable after it is made.
- 6.15 Regulation 10 sets out the actions a relevant person may take to enforce any Step 1, 2 or 3 restriction, or any restriction and requirement in regulation 8, and how they should exercise that enforcement.

- 6.16 Regulation 11 sets out how an offence is committed under these Regulations and how such an offence is punishable on summary conviction by a fine.
- 6.17 Regulation 12 provides that a fixed penalty notice ('FPN') may be issued by authorised persons to any person that they reasonably believes has committed an offence under this instrument, and is aged 18 or over. In addition, regulation 12(11) provides that an immigration officer is an authorised person to issue FPNs where the alleged offence relates to the contravention of regulation 8 or a failure to comply with a direction under regulation 10(3) or (5).
- 6.18 Regulations 13 to 18 set out the FPN amounts for offences under this instrument.
- 6.19 Regulation 18 states that proceedings for an offence under this instrument may be brought by the Crown Prosecution Service and any person designated by the Secretary of State and regulation 19 provides that information provided by a person in accordance with regulation 8 may be used as evidence against that person.
- 6.20 Regulation 20 provides that the Secretary of State must review the need for the restrictions imposed by this instrument at least once every 35 days with the first review taking place by 12 April 2021.
- 6.21 Regulation 21 provides that this instrument expires at the end of 30 June 2021.
- 6.22 Regulation 22 revokes the All Tiers Regulations, other than regulation 13 and Schedule 6 and regulation 17 and Schedule 5.
- 6.23 Regulation 23 sets out the consequential and other amendments and transitional and saving provisions.

Schedule 1: Step 1

- 6.24 Part 1 sets out the restrictions on gatherings. Paragraph 1 provides that no person may participate in an indoor gathering which consists of two or more people, unless an exception applies. Paragraph 2 provides that no person may participate in an outdoor gathering which consists of more than six people unless an exception applies.
- 6.25 Paragraph 3 prohibits a person from organising or facilitating a gathering which consists of more than 30 persons and either: takes place indoors and would otherwise be considered a rave; or takes place in a private dwelling, a vessel, or public outdoor space and does not fall within any of the exceptions set out in paragraph 4, 5 or 6.
- 6.26 Paragraph 4 sets out the exceptions to the restrictions on gatherings which include: for education and training; for members of the same or linked household; for work; to provide care or assistance; to attend a support group; for communal worship; to take part in electoral activities; to take part in a protest or picket; to attend a wedding, civil partnership or funeral subject to capacity limits; to attend a birth or a commemorative event following a person's death; to enable elite athletes to train or compete; and to enable students to move from their term-time household to another household.
- 6.27 Paragraph 5 sets out further exceptions to indoor gatherings limits which are: visiting a person who is dying or receiving treatment or accompanying a person to a medical appointment, and for taking part in indoor sports gatherings which meet the criteria in paragraph 5(4)(a). Paragraph 6 sets out exceptions in relation to outdoor gatherings which are: where all people in the gathering are members of no more than two households (linked households are to be treated as a single household); for permitted

outdoor sports gatherings; for outdoor activities; and for parent and child groups of up to 15 people (children under five are not included in the gatherings limits).

- 6.28 Paragraph 7 sets out what is meant by a qualifying group: it only consists of members of the same household; members of two linked households; or members of two linked childcare households if the gathering is for the purpose of providing informal childcare. A qualifying group can also consist of up to six people or two households outdoors. A member of a qualifying group cannot join another qualifying group or mingle with other people outside their qualifying group.
- 6.29 Part 2 sets out the businesses to be closed. Paragraph 13 lists the restricted businesses including hospitality, leisure, entertainment and personal care businesses. Exceptions to these closures are set out at paragraph 10 and include the use of premises to provide essential voluntary services or for filming.
- 6.30 Paragraph 9 provides that any business which serves food and drink for consumption on the premises must close and cease providing food and drink for consumption on the premises. Exceptions to these closures are set out at paragraphs 10 and 11 such as businesses providing take away food and drink, or food and drink provided as part of an extra care housing scheme.
- 6.31 Paragraph 12 sets out that holiday accommodation is required to close. There are some exceptions to this requirement such as to provide accommodation for a person who needs it for work, education or training; for moving house; to facilitate contact between parent and child; or to attend a funeral or medical appointment. Accommodation can also be used for other purposes such as a refuge, to accommodate or support the homeless and for a person providing care or assistance to another person in the same accommodation.
- 6.32 Paragraph 14(1) provides that businesses offering goods for sale or for hire in a shop or providing library services, other than a business listed in paragraph 15, must cease to carry out that business except by making deliveries or providing goods for collection which were ordered through a website, by telephone or by post.
- 6.33 Paragraph 14 also sets out the purposes for which libraries and community centres can remain open including: support groups; the provision of childcare, education or training; the provision of essential voluntary services or public services; and voting in elections or referenda or counting of those votes.
- 6.34 Paragraph 15 lists businesses allowed to remain open at Step 1. This includes food retailers, pharmacies, post offices, vehicle repair and MOT services, banks, funeral directors, garden centres and businesses that provide medical or health services.

Schedule 2: Step 2

- 6.35 Part 1 sets out the restrictions on gatherings. Paragraph 1 provides that no person may participate in an indoor gathering which consists of two or more people unless an exception applies. Paragraph 2 provides that no person may participate in an outdoor gathering which consists of more than six people, unless an exception applies.
- 6.36 Paragraph 3 prohibits a person from organising or facilitating a gathering of the same types as set out in Step 1 which does not fall within any of the exceptions set out in paragraph 4.
- 6.37 Paragraph 4 sets out the exceptions to both the indoor and outdoor gatherings restrictions. These include the same exceptions as set out in Step 1. In addition, there

are new exceptions to general gatherings limits including for: permitted marriages and civil partnerships; commemorative events to celebrate the life of a person who has died; and parent and child groups which are all permitted for up to 15 people.

- 6.38 Further exceptions to indoor gathering limits are set out in paragraph 5, which are: visiting a person who is dying; visiting a person receiving treatment or accompanying a person to a medical appointment; and permitted sports gatherings. Paragraph 6 sets out further exceptions in relation to outdoor gatherings. This includes receptions for weddings or civil partnerships of up to 15 people, provided this takes place in premises other than a private dwelling and the gathering organiser or manager takes the required precautions in relation to the gathering.
- 6.39 Paragraph 7 sets out what is meant by a qualifying group, which is the same as in Step 1.
- 6.40 Part 2 sets out the restrictions on businesses. Paragraph 13 lists the restricted businesses which includes indoor hospitality and entertainment businesses. Exceptions to these closures are set out at paragraph 10 including the use of premises to provide essential voluntary services or urgent public support services, for the purposes of voting, or for filming.
- 6.41 Paragraph 9 provides that any business which serves food and drink for consumption, must close any indoor premises or indoor parts of the premises in which food or drink are provided on those premises. This does not require the closure of toilets, baby changing rooms or breast-feeding rooms and it does not prevent customers from entering premises which do not serve alcohol to order food or non-alcoholic drinks from the counter.
- 6.42 Paragraph 9 also provides that food or drink can be served to a customer who is seated outdoors, provided that all reasonable steps are taken to ensure that the customer remains seated outdoors whilst consuming the food or drink on the premises. Exceptions to these closures are set out at paragraphs 10 and 11 including for takeaway food and drink or food and drink provided as part of an extra care housing scheme.
- 6.43 Paragraph 12 sets out that holiday accommodation must close except to provide accommodation for any person who needs accommodation for a permitted reason. The permitted reasons are the same as in Step 1 and the full list is available in paragraph 12(2). Paragraph 12(5) provides that holiday accommodation may continue to be provided if that accommodation is provided in separate and self-contained premises for members of the same or linked households and which does not share kitchens, sleeping areas, bathrooms or indoor communal areas with members of any other household. Indoor communal areas include in particular corridors, lifts and staircases used to access premises contained in part of a building as well as lounges and sitting areas. Campsites and caravan parks can open with shared washing facilities, toilets, water points and waste disposal points.

Schedule 3: Step 3

- 6.44 Part 1 sets out the restrictions on gatherings. Paragraph 1 provides that no person may participate in an indoor gathering which consists of more than 6 people unless an exception applies or an outdoor gathering that consists of more than 30 people. Paragraph 2 prohibits a person from organising or facilitating a gathering of the same

type as set out in Steps 1 and 2 which do not fall within any of the exceptions set out in paragraph 3.

- 6.45 Paragraph 3 sets out the exceptions to indoor and outdoor gatherings which includes, as in Steps 1 and 2, work, education and training, and childcare. Further exceptions to indoor gathering limits are set out in paragraph 4, including for support groups and parent and child groups of up to 15 people and weddings, funerals and significant event celebrations of no more than 30 people.
- 6.46 Paragraph 5 sets out what is meant by a qualifying group in Step 3. Indoors, groups of up to six people or two households are also permitted. Outdoors a group may consist of no more than 30 people. A member of a qualifying group cannot join another qualifying group or mingle with other people outside their qualifying group.
- 6.47 Part 2 sets out the restrictions on businesses. Paragraph 9 lists the restricted businesses including nightclubs, sexual entertainment venues and businesses which provide waterpipes or devices for recreational inhalation of nicotine as well as some hospitality businesses. Paragraph 8 lists exemptions to these closures such as the use of premises to provide essential voluntary services or urgent public support services, for the purposes of voting, or for filming.
- 6.48 Paragraph 7 provides that businesses which serve alcohol for consumption on the premises may only sell food and drink for consumption on the premises if it is ordered by and served to a customer who is seated and the business ensures that the customer remains seated whilst consuming food and drink. Businesses which do not sell alcohol must also ensure customers remain seated whilst consuming food or drink on the premises. Paragraph 9(2) lists the businesses restricted by this provision.

Schedule 4: Step 1 area, Step 2 area and Step 3 area

- 6.49 Part 1 of Schedule 4 provides that all of England is in the Step 1 area.

Schedule 5: Reasonable excuses to travel outside of the United Kingdom

- 6.50 Schedule 5 sets out the permitted reasonable excuses for a person to travel outside the UK, including where reasonably necessary for work, education, and seeking medical assistance.

Schedule 6: Persons exempt from the restrictions on leaving the United Kingdom, and the requirement to have a travel declaration form

- 6.51 Schedule 6 sets out individuals who are exempt from the restrictions on leaving the UK, including those who are in listed areas of work such as diplomats, pilots and aircraft crew as well as travellers passing through the UK.

Schedule 7: Consequential amendments

- 6.52 Schedule 7 makes consequential amendments to other legislation largely to change references from the All Tiers Regulations to this instrument.

Schedule 8:

Schedule 8: Other amendments to subordinate legislation related to coronavirus

- 6.53 Paragraph 2 amends the International Travel Regulations to provide that the requirement to self-isolate under regulation 4 of those Regulations ceases to apply (other than to a person travelling from a country listed in Schedule B1 to those

Regulations) at the start of the period of self-isolation under the Self-Isolation Regulations and to update cross references as a result of the amendments to the Self-isolation Regulations. Paragraph 3 makes transitional provision so that the amendment will apply to all those who are subject to these Regulations at the time of coming into force despite the date of their arrival in England.

- 6.54 Paragraph 4 amends the Collection of Contact Details Regulations to remove the requirement to ask one member to provide details on behalf of a group where a group of individuals seek to enter premises in the regulations and makes consequential amendments. It also provides that an owner or occupier of the premises must provide individuals entering the venue with a way to provide their contact details which does not require the individual to own a smartphone, laptop or other similar device.
- 6.55 Paragraph 5 makes clear that any FPNs issued under the regulations which existed prior to the date that this instrument comes into force, remain valid.
- 6.56 Paragraph 6 makes a consequential amendment to the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020 (“the LAEP Regulations”) (S.I. 2020/1375) and paragraph 7 makes savings provisions in respect of any offences committed before these amendments come into force.
- 6.57 Paragraphs 9 to 21 make amendments to the Self-Isolation Regulations. Paragraph 9 makes clear that the duty to self-isolate also applies in English territorial seas (except excluded vessels).
- 6.58 Paragraph 10 restructures existing provisions in regulation 2 of the Self-Isolation Regulations. It also includes new exemptions to the duty to self-isolate in order to take or post a coronavirus test, give agreement to participate in a testing scheme and enable a close contact who is self-isolating to support a pregnant person by attending antenatal appointments and the birth.
- 6.59 New Regulations 2A and 2B restructure existing provisions on the requirements of those who have tested positive or been notified as a close contact. New Regulation 2C provides that where a person is advised by one of the bodies in the regulations to take a confirmatory test for the detection of coronavirus, the requirement to self-isolate ends if the confirmatory test is negative. New Regulation 2D provides that a person who is a close contact but participating in a testing scheme approved by the Secretary of State need not self-isolate provided they remain eligible and their latest test result is negative.
- 6.60 Paragraphs 11 and 13 amend cross referencing across the instrument and paragraph 12 amends the Interpretation provisions of Part 1 of the Self-Isolation Regulations so that all main definitions are in one place. The definition of relevant person is also amended to provide that where the person is employed or engaged by a local authority or in the health service, they must be so employed or engaged in communicable disease control.
- 6.61 Regulations 7, 8 and 9 of the Self-Isolation Regulations are amended by paragraphs 14 to 16 to account for the provisions provided in new regulation 2D and in particular to require those taking part in testing schemes to notify employers. Failure to do so is an offence.
- 6.62 Paragraphs 17 to 19 and 21 amend cross referencing across the instrument.

- 6.63 Paragraph 20 amends regulation 14 of the Self-Isolation Regulations to provide an express provision for NHS Test and Trace to share when requested, gender data as part of ‘relevant information’, as well as ‘contextual information’ and information where a notification has ceased following a confirmatory test. Disclosure, use and further disclosure of this information and contextual information is restricted for certain purposes, principally enforcement. Paragraph 22 makes savings and transitional provisions including that any notifications given before the amendments remain valid and that any FPNs issued prior to this instrument coming into force remain valid.
- 6.64 Paragraph 23 makes consequential amendments to the LAEP Regulations.

7. Policy background

What is being done and why?

- 7.1 Since 6 January 2021 a ‘national lockdown’ has been in force to tackle the high number of Covid-19 cases and associated pressure on the NHS. The success of the vaccine programme means that the Government can begin to chart a course out of lockdown and on 22 February 2021 the Government set out the Covid-19 Response – Spring 2021 to provide this roadmap. The roadmap outlines four steps for cautiously easing restrictions and four tests against which the decision to proceed to the next step will be based in order to avoid the risk of a surge in cases which would put unsustainable pressure on the NHS and claim more lives before people have the chance to take a vaccine.
- 7.2 There will be at least 5 weeks between the implementation of each Step. Around four weeks is required to see the impact of the previous step in the data and the Government has committed to provide a further week’s notice to businesses. Though the Government has provided indicative dates for the earliest each Step could be implemented, if a Step is delayed, the timing of subsequent Steps will need to be recalibrated in order to maintain the necessary five-week period to assess the impact of each Step and provide notice of changes.
- 7.3 Step 1 began on 8 March by an amendment to the All Tiers Regulations which reintroduced wraparound childcare, introduced a ‘declaration of travel’ form for anyone leaving the UK, and permitted outdoor recreation within households or with one other person. This instrument introduces the remaining Step 1 provisions and provides for Step 2 and Step 3 as summarised below.

Step 1 – 29 March 2021

Gathering restrictions

- 7.4 Persons are able to meet outside, including in private gardens, in groups up to a maximum of 6 people or with one other household. Applying either limit provides greater flexibility and attempts to address the different situations faced by families and individuals by allowing more people to meet in outdoor spaces. No indoor mixing between households is permitted unless an exemption applies.

Business and activities

- 7.5 Outdoor sports and leisure facilities can re-open and formally organised outdoor sports can also restart. Additionally, outdoor parent and child groups are permitted with up to 15 attendees. Under-5s do not count towards the gathering limit.

Events

- 7.6 Funerals with up to 30 attendees and weddings with up to 6 attendees are permitted.

Travel

- 7.7 Stay in the UK provisions prohibit travel abroad from the UK unless an individual has a legally permitted reason for doing so. In addition, individuals are required to fill out an international declaration of travel form indicating their reason for travelling abroad.

Step 2

Gathering restrictions

- 7.8 Social contact rules in England will remain the same as in Step 1.

Events

- 7.9 Funerals with up to 30 attendees and wakes, weddings and wedding receptions with up to 15 attendees are permitted. Events pilots can also begin.

Businesses and activities

- 7.10 Indoor leisure (including gyms) is permitted to re-open open for use individually or within household groups, alongside libraries, community centres, personal care businesses, all retail, all children's activities and indoor parent and child groups with up to 15 attendees.
- 7.11 Outdoor hospitality will re-open with a requirement to order, eat and drink while seated. Additionally, outdoor attractions may re-open, including zoos, theme parks, drive-in cinemas and drive-in performances events.
- 7.12 Self-contained accommodation - those that do not require shared use of bathing, entry/exit, catering or sleeping facilities - may open for household groups. Campsites and caravan parks may also open (there is an exemption from the closure of shared bathing facilities for campsites and caravan parks).

Travel

- 7.13 Stay in the UK provisions remain but domestic overnight stays are permitted for household groups.

Elections

- 7.14 To facilitate the local elections on 6 May 2021, voting will be permitted and observers to the electoral process are also permitted to observe polls.

Step 3

Gathering restrictions

- 7.15 Six people or two households may gather indoors (subject to review) and gatherings of up to 30 people will be permitted outside.

Events

- 7.16 Most significant life events, including bar mitzvahs and christenings, are permitted with up to 30 attendees and some large indoor and outdoor events will be permitted, subject to capacity limits. Pilots will continue.

Businesses and activities

- 7.17 All remaining outdoor entertainment (including performances) such as outdoor theatres and cinemas may re-open. Indoor entertainment and attractions such as museums, cinemas and children's play areas may also open. Additionally, adult indoor group sports and exercise classes are permitted and indoor hospitality may re-open with the requirement to order, eat and drink while seated.

Travel

- 7.18 Remaining holiday accommodation including hotels, B&Bs and hostels may re-open.

Collection of Contact Details, International Travel and Self-Isolation

- 7.19 This instrument also amends the International Travel Regulations, the Collection of Contact Details and the Self-Isolation Regulations to make minor technical changes and clarify policy. It also makes policy changes as summarised below.

Policy Changes

Amendment to the Collection of Contact Details Regulations – amendment to the 'lead member' rule for providing contact details

- 7.20 The provision whereby one member of a group may provide contact details on behalf of that group is removed. This is more straightforward and will positively impact on compliance. It will support enhanced contact tracing and public health objectives by ensuring public health advice can be given to all individuals who may be at risk following an outbreak at a venue.
- 7.21 The Collection of Contact Details Regulations are also amended to require venues to offer a system which does not require individuals to own a device which can scan a QR code, in order to provide their contact details. This will avoid digital exclusion of those without the appropriate technology and ensure more individuals may be contacted and advised to take appropriate action thus reducing transmission.

Amendments to the Self-Isolation Regulations - exemption to leave self-isolation to attend antenatal appointments and / or to act as a birthing partner, at the request of a pregnant person

- 7.22 This allows a person who is self-isolating as a close contact (at the request of a person who is pregnant) to accompany the person to medical appointments related to the pregnancy and to attend the birth.

Provision whereby a notification may cease to apply

- 7.23 This provides that where an individual is advised by a relevant person to take a further test and the result of that confirmatory test is negative, the notification ceases. This will ensure that notifications may cease following a negative result from a confirmatory test but individuals self-isolate when they have been instructed to do so. This will ensure that breaches committed in the time between the two tests are enforceable and that self-isolation periods are no longer than necessary.

Data sharing for enforcement purposes

- 7.24 This supports enforcement of self-isolation to ensure individuals understand that failing to self-isolate can result in enforcement action. It also provides for data sharing about whether an individual's notification has ceased following a confirmatory test. This is necessary so that those enforcing know if an individual is no longer under a duty to self-isolate. This information and contextual info is only to be disclosed, used and further disclosed for the purposes of carrying out an enforcement function under the regulations or otherwise for the purposes of the prevention, investigation, detection or prosecution of offences under these Regulations.

Contact Testing Schemes in workplaces

- 7.25 This provides an express exemption to the duty to self-isolate for those taking part in contact testing schemes approved by the Secretary of State. This will support an evaluation programme to assess the policy and determine whether a wider roll out would be appropriate. This method will reach some people who would not normally get tested and may not have symptoms and encourages people to share details of all their contacts to further reduce transmission. Each individual will have a choice as to whether they wish to self-isolate or opt into such a testing scheme. Those taking part in a contact testing scheme are under a duty to notify their employer that they are taking part.

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

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act 2018.

9. Consolidation

- 9.1 This instrument does not consolidate any legislation.

10. Consultation outcome

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

11. Guidance

- 11.1 The Government has published guidance in relation to Covid-19 at www.gov.uk/coronavirus and this guidance will include information in relation to the easing of restrictions across the whole of England and closures and restrictions on movements and gatherings under the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 as well as self-isolation and testing.

12. Impact

- 12.1 An Impact Assessment has not been prepared for this instrument because it is a temporary measure which is part of the Government's response to Covid-19. As this instrument will cease to have effect at the end of 30 June 2021, a Regulatory Impact Assessment is not required and would be disproportionate.

13. Regulating small business

- 13.1 This instrument applies to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 This instrument must be reviewed by Secretary of State at least every 35 days.
- 14.2 This instrument will expire and cease to have effect on 30 June 2021.
- 14.3 The amendments to Self-Isolation Regulations, the International Travel Regulations and the Collection of Contact Details Regulations will be reviewed in accordance with the timescales already set out in the Regulations.

15. Contact

- 15.1 Victoria Inchley at the Department of Health and Social Care email: victoria.inchley@dhsc.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Sarah Harriss, Deputy Director for the Social Distancing Strategy Directorate, at the Department of Health and Social Care can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Matt Hancock MP, Secretary of State for Health at the Department of Health and Social Care can confirm that this Explanatory Memorandum meets the required standard.