

*This Statutory Instrument corrects errors in S.I. 2021/364 and is being issued free of charge to all known recipients of that Statutory Instrument.*

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STATUTORY INSTRUMENTS

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**2021 No. 455**

**PUBLIC HEALTH, ENGLAND**

**The Health Protection (Coronavirus, Restrictions) (Steps and Local Authority Enforcement Powers) (England) (Amendment) Regulations 2021**

*Approved by both Houses of Parliament*

*Made - - - - at 10.30 a.m. on 9th April 2021*

*Laid before Parliament at 1.00 p.m. on 9th April 2021*

*Coming into force - - 12th April 2021*

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

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in England.

The Secretary of State considers that the restrictions and requirements imposed by the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 (b) as amended by these Regulations, are proportionate to what they seek to achieve, which is a public health response to that threat.

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

**Citation, commencement, extent and application**

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (Steps and Local Authority Enforcement Powers) (England) (Amendment) Regulations 2021.

(2) These Regulations come into force on 12th April 2021.

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

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(a) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).  
(b) S.I. 2021/364.

(4) Regulation 2 also applies—

- (a) in English airspace in relation to aircraft which take off from, or land at, a place in England;
- (b) in the English territorial sea in relation to vessels that are not excluded vessels.

(5) For the purposes of paragraph (4), “English airspace”, “English territorial sea” and “excluded vessel” have the meanings given in regulation 1(4) of the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021.

### **Amendment of the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021**

2.—(1) The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 are amended as follows.

(2) In regulation 2(5)—

- (a) in sub-paragraph (d)(ii), for “another” substitute “a”;
- (b) in sub-paragraph (i)(ii), omit “or as otherwise specified.”.

(3) In regulation 3(2)—

- (a) in sub-paragraph (d), for the words from “who are” to the end, substitute “, at least one of whom is under the age of one or was under that age on 2nd December 2020,”;
- (b) in sub-paragraph (e), for the words from “who have” to the end, substitute “, at least one of whom has a disability, requires continuous care and is under the age of five, or was under that age on 2nd December 2020, or”.

(4) In regulation 14(3)(b)(iii), for “any other place indoors” substitute “in any other place”.

(5) In Schedule 1, in paragraph 11(7), for “sub-paragraph (1)” substitute “paragraph 9(1)”.

(6) In Schedule 2—

(a) in paragraph 9—

(i) in sub-paragraph (2)(b)—

- (aa) at the beginning, insert “subject to sub-paragraph (4),”;
- (bb) omit “which do not serve alcohol”;

(ii) in sub-paragraph (6), in the opening words, for “and (5)” substitute “, (5) and (8)”;

(iii) in sub-paragraph (7), in the opening words, for “Sub-paragraph” substitute “Except for the purposes of sub-paragraph (8), sub-paragraph”;

(iv) in sub-paragraph (8), for “Notwithstanding sub-paragraph (7), a” substitute “A”;

(b) in paragraph 11(7), for “sub-paragraph (1)” substitute “paragraph 9(1)”;

(c) in paragraph 12—

(i) in sub-paragraph (5)(a), for the words from “washing facilities” to the end, substitute—

“—

- (i) reception areas,
- (ii) washing facilities, including facilities for laundering clothes,
- (iii) toilets,
- (iv) baby changing rooms,
- (v) breast feeding rooms,
- (vi) water points,
- (vii) waste disposal points, or
- (viii) facilities offered or provided as part of a permitted business or service, or”;

(ii) in sub-paragraph (7)—

- (aa) omit paragraph (a);
- (bb) in paragraph (b), at the end, insert—
  - “but does not include—
  - (i) reception areas,
  - (ii) toilets,
  - (iii) baby changing rooms,
  - (iv) breast feeding rooms,
  - (v) facilities for laundering clothes,
  - (vi) areas used for the provision of permitted businesses or services, or
  - (vii) areas used by guests in accommodation provided in separate and self-contained premises solely to access a room, facility or area referred to in sub-paragraphs (i) to (vi), whether or not those areas are used by any other person for any other purpose;”;
- (cc) after paragraph (b), insert—
  - “(c) a “permitted business or service” means a business or service which the person responsible for carrying on the business of providing accommodation is permitted to offer or provide under sub-paragraph (4).”;
- (d) in paragraph 13(5), for paragraph (g), substitute—
  - “(g) indoor games and recreation venues, including laser quest, escape rooms, paintballing and recreational driving facilities;”.
- (7) In Schedule 3, in paragraph 9(3), for sub-paragraphs (i) to (iii) of paragraph (b), substitute—
  - “(i) cafes or canteens at a hospital or care home,
  - (ii) cafes or canteens at a school, a provider of post-16 education or training (as defined in paragraph (e) of the definition of “relevant institution” in paragraph 1(8) of Schedule 17 to the Coronavirus Act 2020) or educational accommodation for students attending higher education courses,
  - (iii) cafes or canteens at a higher education provider, where there is no practical alternative for staff and students at that institution to obtain food or drink, and alcohol is not served for consumption on the premises,
  - (iv) canteens at criminal justice accommodation, immigration detention accommodation or an establishment intended for use for Her Majesty’s armed forces or for the purposes of the Department of the Secretary of State responsible for defence,
  - (v) workplace canteens where there is no practical alternative for staff at that workplace to obtain food or drink and alcohol is not served for consumption on the premises, or
  - (vi) services providing food or drink to the homeless;”.
- (8) In Schedule 4—
  - (a) in Part 1, omit the words from “Every area” to the end of the sentence;
  - (b) in Part 2, after “Step 2 area—”, insert—
    - “Every area of England (including the territorial waters adjacent to England and the airspace above England and those territorial waters).”.
- (9) In Schedule 6, for paragraph 1(1), after paragraph (j), insert—
  - “(ja) a representative of the government of Jersey, Guernsey, Alderney, Sark or the Isle of Man,”.

## **Amendment of the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020**

3. In regulation 2 of the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020(a), after paragraph (z), insert—

“(za) paragraph 12 (closure of holiday accommodation) of Schedule 2 to the Steps Regulations;”.

*Matt Hancock*  
Secretary of State

At 10.30 a.m. on 9th April 2021

Department of Health and Social Care

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 (“Steps Regulations”), to move England from the Step 1 area to the Step 2 area, so that the restrictions set out in Schedule 2 to the Steps Regulations apply in England with effect from 12th April 2021, the date on which these Regulations come into force. They also make minor amendments to the definition of “linked household” in regulation 3 of the Steps Regulations, amend paragraph 9 of Schedule 2 to clarify that customers may enter premises serving alcohol to pay for their food and drink, and paragraph 12 of that Schedule to clarify which facilities may remain open in campsites, caravan parks and self-contained holiday accommodation, and make other minor amendments to the Steps Regulations. In addition, they amend the Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020, to extend the powers of local authorities designated officers to issue notices under Part 2 of those Regulations to include contraventions of paragraph 12 of Schedule 2 to the Steps Regulations.

No impact assessment has been prepared for these Regulations.

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(a) S.I. 2020/1375, amended by S.I. 2020/1646 and S.I. 2021/364.

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