

This Statutory Instrument corrects errors in S.I. 2020/1045 and is being issued free of charge to all known recipients of those Regulations.

STATUTORY INSTRUMENTS

2021 No. 97

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, Restrictions) (All Tiers and Self-Isolation) (England) (Amendment) Regulations 2021

Approved by both Houses of Parliament

<i>Made</i>	- - - -	<i>28th January 2021</i>
		<i>at 11.00 a.m. on 29th</i>
<i>Laid before Parliament</i>		<i>January 2021</i>
		<i>at 5.00 p.m. on 29th</i>
<i>Coming into force</i>	- -	<i>January 2021</i>

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

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) (All Tiers) (England) Regulations 2020⁽²⁾, the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020⁽³⁾ and the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020⁽⁴⁾, 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 and commencement

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (All Tiers and Self-Isolation) (England) (Amendment) Regulations 2021.

(1) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).

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

(3) S.I. 2020/750. Paragraph (8A) was substituted by S.I. 2020/1103, and amended by S.I. 2020/1200, 1374 and 1646.

(4) S.I. 2020/1045, amended by S.I. 2020/1375 and 1518.

(2) They come into force at 5.00 p.m. on 29th January 2021.

The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

2.—(1) The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 are amended as follows.

(2) In regulation 12—

- (a) in paragraph (1), in the opening words, after “paragraphs” insert “(3A),”;
- (b) in paragraph (2), for “paragraph (1)” substitute “this regulation”;
- (c) in paragraph (3), after sub-paragraph (a), insert—
 - “(aa) these Regulations, if the notice was issued to the person in respect of a large gathering offence;”;
- (d) after paragraph (3), insert—

“(3A) 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 11(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.

(3B) In this regulation, a “large gathering offence” means an offence under regulation 10(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—
 - (i) in a private dwelling,
 - (ii) in educational accommodation, or
 - (iii) 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 (powers to remove persons attending or preparing for a rave) if it consisted of more than 20 people and took place in the open air.

(3C) In paragraph (3B), a “gathering restriction” means—

- (a) a Tier 1 restriction imposed by paragraph 1 of Schedule 1,
- (b) a Tier 2 restriction imposed by paragraph 1 or 2 of Schedule 2,
- (c) a Tier 3 restriction imposed by paragraph 1 or 2 of Schedule 3, or
- (d) a Tier 4 restriction imposed by paragraph 3 or 4 of Schedule 3A.”.

(3) In regulation 13, after “these Regulations” insert “or under any of the Regulations listed in Schedule 6”.

- (4) In paragraph 1(3) of Schedule 1—
- (a) at the end of paragraph (a), omit “or”;
 - (b) at the end of paragraph (b), insert—
“or
(c) paragraph 3(2) or 4(2) of Schedule 3A.”.
- (5) After Schedule 5, insert—

“SCHEDULE 6

Regulation 13

Prosecutions

1. The Health Protection (Coronavirus, Restrictions) (England) (No.4) Regulations 2020(5).
2. The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020(6).
3. The Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020(7).
4. The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020(8).
5. The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020(9).
6. The Health Protection (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020(10).
7. The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020(11).
8. The Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020(12).
9. The Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) Regulations 2020(13).
10. The Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020(14).
11. The Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020(15).
12. The Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020(16).”

(5) S.I. 2020/1200.
(6) S.I. 2020/1105, revoked in part by S.I. 2020/1200.
(7) S.I. 2020/1104, revoked in part by S.I. 2020/1200.
(8) S.I. 2020/1103, revoked in part by S.I. 2020/1200.
(9) S.I. 2020/1045.
(10) S.I. 2020/1010, revoked by S.I. 2020/1104.
(11) S.I. 2020/1005.
(12) S.I. 2020/988, revoked by S.I. 2020/1104.
(13) S.I. 2020/828, revoked by S.I. 2020/1104.
(14) S.I. 2020/824, revoked by S.I. 2020/1104.
(15) S.I. 2020/822, revoked by S.I. 2020/1019.
(16) S.I. 2020/685, revoked by S.I. 2020/824.

The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020

3. In regulation 14(8A) of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020, for sub-paragraph (g), substitute—

- “(g) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, if the notice was issued to the person in respect of—
- (i) a large gathering offence, as defined by regulation 12(3B) of those Regulations,
 - (ii) a business restriction offence, as defined by regulation 12(7) of those Regulations, or
 - (iii) an offence of contravening a restriction or requirement imposed by paragraph 2 of Schedule 1, paragraph 3 of Schedule 2, paragraph 3 of Schedule 3 or paragraph 5 of Schedule 3A to those Regulations.”.

The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020

4.—(1) The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 are amended as follows.

(2) In regulation 2(3), in the words before sub-paragraph (a), for “in paragraph (2)” substitute “In this regulation”.

(3) In regulation 3—

(a) in paragraph (3)(a)—

(i) in the words before paragraph (i)—

(aa) for “of the date” substitute “the date”, and

(bb) after “developed” insert “(“the reported date”);

(ii) for paragraph (i) substitute—

“(i) the date after the reported date, or”;

(iii) in paragraph (ii), for “that” substitute “the”;

(b) in paragraph (4)(a)(i)—

(i) in the words before sub-paragraph (aa)—

(aa) for “report” substitute “reports”,

(bb) for “of the date” substitute “the date”, and

(cc) after “developed” insert “(“the reported date”);

(ii) for sub-paragraph (aa) substitute—

“(aa) the date after the reported date, or”;

(iii) in sub-paragraph (bb), for “that” substitute “the”.

(4) In regulation 14—

(a) in paragraph (1), after “2(4)” insert “(a “relevant person”);

(b) in paragraph (2)(a)—

(i) in paragraph (i), after “details” insert “ and date of birth”;

(ii) after paragraph (ii) insert—

“(iia) the means by which that notification was given, and the postal address, telephone number or email address (as the case may be) used;

- (iib) if the relevant person holds the information, whether the individual is participating in coronavirus related research (within the meaning given in regulation 2(6));”;
- (iii) after paragraph (iii) insert—
 - “(iia) where the notification under regulation 2(1) was given to the individual otherwise than in person, a copy of the notification that was given but redacted to remove any information falling within paragraph (4D)(a);”;
- (c) after paragraph (4) insert—
 - “(4A) In addition, a relevant person may disclose the notification information to H where it is necessary for H to have the information—
 - (a) for the purpose of carrying out a function under regulation 10, 12 or 13, or
 - (b) otherwise for the purpose of the prevention, investigation, detection or prosecution of offences under these Regulations.
 - (4B) H may only use notification information where—
 - (a) it is necessary for the purposes of carrying out a function under regulation 10, 12 or 13, or
 - (b) otherwise for the purpose of the prevention, investigation, detection or prosecution of offences under these Regulations.
 - (4C) Subject to paragraph (6), H may only disclose notification information to another person (“the recipient”) where it is necessary for the recipient to have the information—
 - (a) for the purpose of carrying out a function under regulation 10, 12 or 13, or
 - (b) otherwise for the purpose of the prevention, investigation, detection or prosecution of offences under these Regulations.
 - (4D) For the purposes of this regulation “notification information” means, where an individual is notified under regulation 2(1)—
 - (a) whether—
 - (i) regulation 2(1)(a)(i) or (b)(i) applies to the individual, because they have tested positive for coronavirus, or
 - (ii) regulation 2(1)(a)(ii) or (b)(ii) applies to the individual, because they have had, or come into, close contact with someone who has tested positive for coronavirus;
 - (b) where the notification was given to the individual otherwise than in person, a copy of the notification that was given.”;
- (d) in paragraph (8)(c) for “and telephone number” substitute “and, where available, the telephone number and email address”.

28th January 2021

Matt Hancock
Secretary of State
Department of Health and Social Care

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 (S.I. 2020/1374) to introduce higher penalties for participating in a gathering of more than 15 people in a private dwelling or certain other places, make a consequential amendment to the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 (S.I. 2020/750), and to give the Secretary of State's power to designate the prosecuting authority in relation to offences committed under a number of specified Regulations related to the coronavirus.

They also amend the Public Health (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 (S.I. 2020/1045).

They correct a number of errors in regulations 2 and 3 of those Regulations. They also amend regulation 14 to update the information which may be shared for the purposes of carrying out functions under the Regulations or preventing danger to the health of the public from the spread of coronavirus, and to allow certain information to be shared only where necessary for specified law enforcement purposes.

No impact assessment has been prepared for these Regulations.