

*Regulations made by the Secretary of State, laid before Parliament under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of each House of Parliament within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution, prorogation or adjournment for more than four days.*

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STATUTORY INSTRUMENTS

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**2020 No. 1374**

**PUBLIC HEALTH, ENGLAND**

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

*Made - - - - at 1.30 p.m. on 30th November 2020*

*Laid before Parliament at 3.00 p.m. on 30th November 2020*

*Coming into force - - - - 2nd December 2020*

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

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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).

# PART 1

## Introductory

### Citation, commencement and application

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020.

(2) These Regulations come into force on 2nd December 2020.

(3) These Regulations apply—

- (a) in England;
- (b) in English airspace in relation to aircraft which take off from, or land at, a place in England (subject to paragraph (4));
- (c) in the English territorial sea in relation to vessels that are not excluded vessels (subject to paragraph (4)).

(4) Parts 2 and 3 of Schedule 2, and Part 2 of Schedule 3, do not apply in English airspace or in the English territorial sea.

(5) 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(a);

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

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

“charitable, benevolent or philanthropic institution” means—

- (a) a charity, or
- (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 same meaning as in section 18 of the Childcare Act 2006(d);

“Christmas period” means the period beginning with 23rd December 2020 and ending with 27th December 2020;

“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(e),

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

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

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

(d) 2006 c. 21. Section 18 was 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.

(e) 1952 c. 52.

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

“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(c);

“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(d);

“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;

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

“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(f) 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(g), 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;

“immigration detention accommodation” means—

- (a) a removal centre,

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(a) 2007 c. 21.  
 (b) 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.  
 (c) 2014. c. 6.  
 (d) 2020 c. 7.  
 (e) 1996 c. 56.  
 (f) 1988 c. 40.  
 (g) 2017 c. 29.

(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 by section 147 of the Immigration and Asylum Act 1999(a);

“informal childcare” has the meaning given by regulation 5(8);

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

“linked childcare household” has the meaning given in regulation 5;

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

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

“manager”, in relation to a gathering, means the person responsible for the management of the premises at 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,

(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 in section 3 of the Children Act 1989(b);

“permitted indoor sports gathering” means a gathering which is organised for the purposes of allowing persons who have a disability who are not elite sportspersons to take part in any sport or other fitness related activity, and—

(a) which is organised by a business, a charitable, benevolent or philanthropic institution or a public body,

(b) which takes place indoors on relevant premises (see paragraph (3)), and

(c) in respect of which the gathering organiser or manager of the relevant premises takes the required precautions;

“permitted organised gathering” has the meaning given in regulation 6;

“person 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(c), or

(b) criminal justice accommodation under—

(i) rule 5 of the Secure Training Centre Rules 1998(d);

(ii) rule 9 of the Prison Rules 1999(e);

(iii) rule 5 of the Young Offender Institution Rules 2000(f);

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(a) 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.

(b) 1989 c. 41.

(c) 2012 c. 10.

(d) S.I. 1998/472.

(e) S.I. 1999/728, as amended by S.I. 2018/960, 2020/400 and 2020/508.

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

“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(a), or
- (b) a political campaigning organisation within the meaning of regulation 2 of the Health and Social Care (Financial Assistance) Regulations 2009(b);

“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;

“public outdoor place” means 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(c), as read with section 16 of the Countryside Act 1968(d);
- (c) land which is “access land” for the purposes of Part 1 of the Countryside and Rights of Way Act 2000(e) (see section 1(1) of that Act)(f);
- (d) any highway to which the public has access;
- (e) Crown land to which the public has access;

“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 is required to take in relation to a gathering in accordance with regulation 7;

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

“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;

“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, including 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;

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(a) 2000 c. 41.

(b) S.I. 2009/649.

(c) 1949 c. 97.

(d) 1968 c. 41. Section 16 was 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.

(e) 2000 c. 37.

(f) 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).

(g) 1996 c. 56. Section 4 has been amended by the Education Act 1997 (c. 44), s. 51, Schedule 7, paragraph 10, and Schedule 8, paragraph 1; the Education Act 2002 (c. 32), Part 3 of Schedule 22; the Childcare Act 2006 (c. 21), s. 95; S.I. 2010/1080; the Education Act 2011 (c. 21), Schedule 13, paragraph 9(2); and S.I. 2019/1027. There are other amendments to section 4 which are not relevant to this instrument.

- (d) to those with, or caring for persons with, any long-term illness or terminal condition or who are vulnerable;
  - (e) to those with, 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;
  - (h) to vulnerable young persons;
- “Tier 1 area” has the meaning given by regulation 8(4)(b);
- “Tier 1 restrictions” has the meaning given by regulation 8(4)(a);
- “Tier 2 area” has the meaning given by regulation 8(4)(d);
- “Tier 2 restrictions” has the meaning given by regulation 8(4)(c);
- “Tier 3 area” has the meaning given by regulation 8(4)(f);
- “Tier 3 restrictions” has the meaning given by regulation 8(4)(e);
- “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 (5);
  - (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 sportspeople—
    - (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, or, if that sport is not part of the Tokyo Olympic and Paralympic Games programme, in the Commonwealth Games to be held in Birmingham;
  - (b) “relevant sporting body” means the national governing body of a sport which may nominate sportspeople to represent—
    - (i) Great Britain and Northern Ireland at the Tokyo or Beijing 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 in those sports which are not part of the Tokyo Olympic and Paralympic Games programme;
  - (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
    - (ii) England, Wales, Scotland, Northern Ireland, Gibraltar, Guernsey, Jersey or the Isle of Man at the Commonwealth Games to be held in Birmingham in those sports which are not part of the Tokyo Olympic and Paralympic Games programme.
- (3) In the definition of “permitted indoor sports gatherings”, “relevant premises” means premises (other than a private dwelling)—
- (a) which are operated by a business, a charitable, benevolent or philanthropic institution or a public body, or
  - (b) which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body.

(4) 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.

(5) 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.

(6) 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) references to a “local authority” include references to a county council;
- (d) 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;
- (e) 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;
- (f) 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<sup>(a)</sup>, under the Smoke-free (Premises and Enforcement) Regulations 2006<sup>(b)</sup>;
- (g) 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 6(2) or unless 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;
    - (dd) residential family centres, within the meaning of section 4 of that Act;
    - (ee) educational accommodation;

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

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

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

(7) For the purposes of paragraph (6)(a) regulations 3 to 5 of the Equality Act 2010 (Disability) Regulations 2010(a) 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 children who are under the age of 18 or were under that age on 12th June 2020,
- (d) one or more adults and a child who is under the age of one or was under that age on 2nd December 2020,
- (e) one or more adults and a child who has a disability and requires continuous care who is under the age of five or was 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) neither of those households were, in the period beginning with 14th September 2020 and ending with 2nd December 2020, linked with any other household for the purposes of regulations made under Part 2A of the Public Health (Control of Disease) Act 1984.

(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
- (b) a person who has parental responsibility for 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.

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(a) S.I. 2010/2128.

(9) For the purposes of paragraph (8) the “minimum period” means the period of 14 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) Paragraph (3)(c) does not apply in the case of a linked household formed in accordance with paragraph (8).

(11) 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—

- (a) gathering during the Christmas period in accordance with regulation 4, or
- (b) informal childcare in accordance with regulation 5 or with other regulations made under Part 2A of the Public Health (Control of Disease) Act 1984.

### **Linked Christmas households**

**4.**—(1) For the purposes of these Regulations, a “linked Christmas household” means one or more members of a household who are linked with one or more members of another household in accordance with this regulation for the purpose of gathering during the Christmas period.

(2) One or more members of a household may choose to be linked with one or more members of no more than two other households for the purpose mentioned in paragraph (1) if all members who would be linked in accordance with this regulation agree (subject to paragraph (3)).

(3) Where—

- (a) a person who would be a member of a linked Christmas household is a child, and
- (b) a person who has parental responsibility for the child is a member of the child’s household or is any person with parental responsibility for the child in a case where paragraph (7) applies,

the agreement required by paragraph (2) is to be given by that person (and not the child).

(4) The members of the households that choose to be linked in accordance with this regulation are linked Christmas households in relation to each other.

(5) Where a member of a household is or has been in a linked Christmas household in relation to members of two other households, the person cannot be linked with the members of any other household under this regulation.

(6) Except as provided by paragraph (7), no person may be a member of more than one linked Christmas household.

(7) A child who does not live in the same household as their parents or one of their parents may be a member of a linked Christmas household formed by each parent.

(8) For the purposes of this regulation two households which are linked households in relation to each other count as a single household.

### **Linked childcare households**

**5.**—(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 persons who would be members of the linked childcare households in accordance with this regulation agree (subject to paragraph (5)), and
- (b) neither the first household nor the second household are linked with any other household for that purpose in accordance with this regulation or with any other regulations made under Part 2A of the Public Health (Control of Disease) Act 1984.

(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 person who has parental responsibility for the child (“P”) is a member of the child’s household,

the agreement required by paragraph (2)(a) or (5)(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 14 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**

**6.**—(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 takes the required precautions in relation to the gathering.

### **The required precautions**

**7.**—(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(a) (whether or not the organiser or manager is subject to those Regulations).

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(a) S.I. 1999/3242, as amended by S.I. 2003/2457, S.I. 2005/1541, S.S.I. 2006/457, S.I. 2015/21 and 1637.

(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

### Tier restrictions

#### **Tier restrictions**

- 8.**—(1) Tier 1 restrictions apply in relation to the Tier 1 area in accordance with Schedule 1.
- (2) Tier 2 restrictions apply in relation to the Tier 2 area in accordance with Schedule 2.
- (3) Tier 3 restrictions apply in relation to the Tier 3 area in accordance with Schedule 3.
- (4) In these Regulations—
- (a) references to “Tier 1 restrictions” are references to the restrictions and requirements set out in Schedule 1;
  - (b) references to the “Tier 1 area” are references to every area of England (including the territorial waters adjacent to England and the airspace above England and those territorial waters) other than the Tier 2 area and the Tier 3 area;
  - (c) references to “Tier 2 restrictions” are references to the restrictions and requirements set out in Schedule 2;
  - (d) references to the “Tier 2 area” are references to the area for the time being specified or described in Part 1 of Schedule 4;
  - (e) references to “Tier 3 restrictions” are references to the restrictions and requirements set out in Schedule 3;
  - (f) references to the “Tier 3 area” are references to the area for the time being specified or described in Part 2 of Schedule 4.

## PART 3

### Enforcement

#### **Enforcement of restrictions and requirements**

**9.**—(1) A relevant person may take such action as is necessary to enforce any Tier 1 restriction, Tier 2 restriction or Tier 3 restriction.

(2) 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 or 3 of Schedule 1, Part 2 or 3 of Schedule 2 or Part 2 of Schedule 3, and
- (b) it is necessary and proportionate to give the prohibition notice for the purpose of preventing that person from continuing to contravene the restriction.

(3) Where a relevant person considers that a number of people are gathered together in contravention of a restriction imposed by paragraph 1 of Schedule 1, paragraph 1 or 2 of Schedule 2 or paragraph 1 or 2 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;
- (c) where the relevant person is a constable, remove any person from the gathering.

(4) A constable exercising the power in paragraph (3)(c) to remove a person from a gathering may use reasonable force, if necessary, in exercise of the power.

(5) Where a person who is in a gathering in contravention of a restriction referred to in paragraph (3) 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.

(6) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with a restriction referred to in paragraph (3), 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.

(7) A relevant person may exercise a power under paragraph (3), (5) or (6) only if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with a restriction referred to in paragraph (3).

(8) A relevant person exercising a power under paragraph (3), (5) or (6) may give the person concerned any reasonable instructions the relevant person considers to be necessary.

(9) 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 (10), 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.

(10) A local authority may designate a person for the purposes of this regulation only in relation to—

- (a) a Tier 1 restriction imposed by Part 2 or 3 of Schedule 1,
- (b) a Tier 2 restriction imposed by Part 2 or 3 of Schedule 2, or
- (c) a Tier 3 restriction imposed by Part 2 of Schedule 3.

### **Offences and penalties**

**10.—**(1) A person commits an offence if, without reasonable excuse, the person—

- (a) contravenes a Tier 1 restriction, a Tier 2 restriction or a Tier 3 restriction,
- (b) contravenes a requirement imposed, or a direction given, under regulation 9,
- (c) fails to comply with a reasonable instruction or a prohibition notice given by a relevant person under regulation 9, or
- (d) obstructs any person carrying out a function under these Regulations (including any person who is a relevant person for the purposes of regulation 9).

(2) An offence under this regulation is punishable on summary conviction by a fine.

(3) 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 prosecuted, proceeded against and punished accordingly.

(4) In paragraph (3) “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

(5) Section 24 of the Police and Criminal Evidence Act 1984(a) 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**

**11.**—(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;
- (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 regulation 12);
- (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

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

- (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 designate a person for the purposes of this regulation to issue fixed penalty notices only where the alleged offence relates to—

(a) the contravention of—

- (i) a Tier 1 restriction imposed by Part 2 or 3 of Schedule 1,
- (ii) a Tier 2 restriction imposed by Part 2 of 3 of Schedule 2, or
- (iii) a Tier 3 restriction imposed by Part 2 of Schedule 3;

(b) the failure under regulation 10(1)(c) to comply with a prohibition notice given under regulation 9 by a relevant person designated by a local authority under sub-paragraph (9)(b)(iii) of that regulation;

(c) the obstruction under regulation 10(1)(d) of a person carrying out a function under regulation 9.

### **Amount of fixed penalty**

**12.—**(1) Except in the cases mentioned in paragraphs (4) and (5), 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 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 paragraph (1) “relevant enactment” means—

- (a) these Regulations;
- (b) the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020(a);

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

- (c) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020(a);
- (d) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020(b);
- (e) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020(c);
- (f) the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020(d);
- (g) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020(e);
- (h) the Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020(f);
- (i) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020(g);
- (j) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Luton) Regulations 2020(h);
- (k) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020(i);
- (l) the Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020(j);
- (m) the Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020(k);
- (n) the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020(l);
- (o) the Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020(m);
- (p) the Health Protection (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020(n).

(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 business restriction offence or an offence of contravening—
  - (i) the Tier 1 restriction imposed by paragraph 2 of Schedule 1,
  - (ii) the Tier 2 restriction imposed by paragraph 3 of Schedule 2, or
  - (iii) the Tier 3 restriction imposed by paragraph 3 of Schedule 3;
- (b) 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;
- (c) 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

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- (a) S.I. 2020/1103, which was revoked by S.I. 2020/1200, with savings.
  - (b) S.I. 2020/1104, which was revoked by S.I. 2020/1200, with savings.
  - (c) S.I. 2020/1105, which was revoked by S.I. 2020/1200, with savings.
  - (d) S.I. 2020/350, which was revoked by S.I. 2020/684, with savings.
  - (e) 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.
  - (f) S.I. 2020/685, which was revoked by S.I. 2020/824, with savings.
  - (g) S.I. 2020/750, as amended by S.I. 2020/800, 822, 824, 828, 865, 907, 974, 988, 1010, 1019, 1103 and 1200.
  - (h) S.I. 2020/800, which was revoked by S.I. 2020/822, with savings.
  - (i) S.I. 2020/822, which was revoked by S.I. 2020/1019, with savings.
  - (j) S.I. 2020/824, which was revoked with the exception of regulation 2 by S.I. 2020/1104, with savings.
  - (k) S.I. 2020/828, which was revoked by S.I. 2020/1104, with savings. The title of the Regulations was changed by S.I. 2020/865.
  - (l) S.I. 2020/974, which was revoked by S.I. 2020/1074.
  - (m) S.I. 2020/988, which was revoked by S.I. 2020/1104, with savings.
  - (n) S.I. 2020/1010, which was revoked by S.I. 2020/1104, with savings. The title of the Regulations was changed by S.I. 2020/1019.

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;

- (d) 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;
- (e) 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;
- (f) 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;
- (g) 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)(a) of those Regulations, committed on or after 14th October 2020.

(4) In the case of a fixed penalty notice issued in respect of the offence under regulation 10(1)(a) of contravening—

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

the amount of the fixed penalty to be specified under regulation 11(5)(c) is £10,000.

(5) In the case of a fixed penalty notice issued in respect of a business restriction offence, the amount of the fixed penalty to be specified under regulation 11(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.

(6) In determining how many fixed penalty notices have been issued to a person for the purposes of paragraph (5), 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, 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;
- (b) 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;
- (c) 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;

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(a) Regulation 14(7D) was inserted by paragraph 2(5) of Schedule 3 to S.I. 2020/1103.

- (d) 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 regulation 4A or 4B of those Regulations;
  - (e) 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) of those Regulations, committed on or after 14th October 2020;
  - (f) 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;
  - (g) the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020(a);
  - (h) the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020(b).
- (7) In this regulation, unless otherwise specified “business restriction offence” means—
- (a) an offence under regulation 10(1)(a) of contravening—
    - (i) a Tier 1 restriction imposed by Part 2 or 3 of Schedule 1;
    - (ii) a Tier 2 restriction imposed by Part 2 of 3 of Schedule 2;
    - (iii) a Tier 3 restriction imposed by Part 2 of Schedule 3;
  - (b) an offence under regulation 10(1)(c) of failing to comply with a prohibition notice given under regulation 9.

### Prosecutions

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

## PART 4

### Final provisions

### Review

14.—(1) The Secretary of State must review—

- (a) whether each area that is part of the Tier 2 area or of the Tier 3 area should continue to be part of that area at least once every 14 days, with the first review to be carried out by 16th December 2020;
- (b) the need for each of the Tier 1, Tier 2 and Tier 3 restrictions at least once every 28 days, with the first review to be carried out by 30th December 2020.

(2) In carrying out a review under paragraph (1)(a) the Secretary of State must in particular consider whether it is necessary for each area that is part of the Tier 2 area or of the Tier 3 area to continue to be part of that area 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.

(3) In carrying out a review under paragraph (1)(b) 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.

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(a) S.I. 2020/1005, as amended by S.I. 2020/1045, 1046, 1103, 1104, 1105 and 1200.

(b) S.I. 2020/1008, as amended by S.I. 2020/1046, 1074, 1103, 1104, 1105 and 1200.

## **Expiry**

15.—(1) These Regulations expire at the end of 2nd February 2021.

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

## **Revocation**

16. The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020 are revoked, other than regulations 24 to 26.

## **Consequential amendments and transitional and saving provisions**

17.—(1) Part 1 of Schedule 5 contains consequential amendments.

(2) Part 2 of Schedule 5 contains transitional and saving provisions.

At 1.30 p.m. on 30th November 2020

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

# **SCHEDULE 1**

Regulation 8(4)(a)

## **Tier 1 restrictions**

### **PART 1**

#### **Restrictions on gatherings**

##### **Participation in gatherings**

1.—(1) No person may participate in a gathering in the Tier 1 area which consists of more than six people.

(2) Sub-paragraph (1) does not apply if any of the exceptions set out in paragraph 3 applies.

(3) This paragraph does not permit a person to participate in a gathering in the Tier 1 area in contravention of—

(a) paragraph 1(2) or 2(2) of Schedule 2, or

(b) paragraph 1(2) or 2(2) of Schedule 3.

(4) For the purposes of this Part of this Schedule, a gathering takes place in the Tier 1 area if any part of the place where it takes place is in the Tier 1 area and no part of that place is in the Tier 2 area or the Tier 3 area.

##### **Organisation or facilitation of gatherings**

2.—(1) No person may hold, or be involved in the holding of, a relevant gathering in the Tier 1 area.

(2) For the purposes of sub-paragraph (1) a person who only participates in a gathering by attending it is not to be taken as being involved in the holding of the gathering.

(3) A gathering is a “relevant gathering” for the purposes of this paragraph if it falls within sub-paragraph (4) or (5).

(4) A gathering falls within this sub-paragraph if it—

- (a) consists of more than 30 persons,
  - (b) takes place indoors, and
  - (c) would be a gathering of the kind mentioned in section 63(1) of the Criminal Justice and Public Order Act 1994<sup>(a)</sup> (powers to remove persons attending or preparing for a rave) if it took place in the open air.
- (5) A gathering falls within this sub-paragraph if it does not fall within sub-paragraph (4) and it—
- (a) consists of more than 30 persons,
  - (b) takes place—
    - (i) in a private dwelling,
    - (ii) on a vessel, or
    - (iii) on land which satisfies the condition in sub-paragraph (6), and
  - (c) is not a gathering in relation to which any of the exceptions set out in paragraph 3 (so far as capable of applying to the gathering) apply.
- (6) Land satisfies the condition in this sub-paragraph if it is a public outdoor place which is not—
- (a) operated by a business or a charitable, benevolent or philanthropic institution, or
  - (b) part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body.
- (7) In sub-paragraph (5)(b)(ii) “vessel” does not include government vessels, vessels used for public transport or houseboats.
- (8) In applying for the purposes of sub-paragraph (5)(c) the exceptions set out in paragraph 3, the following do not apply—
- (a) paragraph 3(4)(a), so far as relating to gatherings in public outdoor places operated by public bodies, and
  - (b) paragraph 3(4)(b).

## Exceptions

**3.—**(1) The exceptions referred to in paragraphs 1 and 2(5)(c) are the following.

*Exception 1: same or linked households*

- (2) Exception 1 is that all the people in the gathering—
- (a) are members of the same household (or are treated as members of the same household in accordance with these Regulations), or
  - (b) are members of two households which are linked households in relation to each other.
- (3) A person who has been released on temporary licence is to be treated as a member of the household living at the address to which the person was released.

*Exception 2: permitted organised gatherings*

- (4) Exception 2 is that—
- (a) the gathering is a permitted organised gathering, and
  - (b) the person concerned participates in the gathering alone or as a member of a qualifying group (see paragraph 4).

*Exception 3: education and training*

- (5) Exception 3 is that the gathering is reasonably necessary for the purposes of—
- (a) early years provision;

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<sup>(a)</sup> 1994 c. 33. Section 63(1) was amended by s.58(2) of the Anti-Social Behaviour Act 2003 (c. 38).

- (b) educational activities of a school;
- (c) a course of study or essential life skills training provided by—
  - (i) a 16 to 19 Academy,
  - (ii) a provider of further education, or
  - (iii) a higher education provider;
- (d) activities relating to residing at a school, a 16 to 19 Academy or a provider of further education;
- (e) provision specified in an education, health and care plan;
- (f) the suitable education of a child otherwise than by regular attendance at school arranged by a parent in accordance with section 7 of the Education Act 1996 (and for this purpose “suitable education” has the meaning given by section 436A(3)(a) of the Education Act 1996);
- (g) the suitable education of a child otherwise than by regular attendance at school arranged by—
  - (i) a local authority, as defined by section 579(1) of the Education Act 1996, in accordance with section 19 of that Act, or
  - (ii) the proprietor of a school at which the child is a registered pupil, including where the arrangements are made in connection with section 29A of the Education Act 2002(b) or section 100 of the Education and Inspections Act 2006(c),
 (and for this purpose “suitable education” has the meaning given by section 19(6) of the Education Act 1996);
- (h) activities provided by a business, a charitable, benevolent or philanthropic institution or a public body for the purposes of—
  - (i) obtaining a regulated qualification, within the meaning of section 130 of the Apprenticeships, Skills, Children and Learning Act 2009(d), or
  - (ii) meeting all or part of the entry requirements for an educational institution;
- (i) preparing for work through a skills programme consisting of—
  - (i) a work experience placement, or
  - (ii) work preparation training;
- (j) applying for, and obtaining, work;
- (k) meeting a requirement for a particular area of work;
- (l) professional training that is working towards an external accreditation recognised by a professional body;
- (m) exams and assessments carried out in connection with any of the matters mentioned in paragraphs (a) to (l).

*Exception 4: gatherings necessary for certain purposes*

- (6) Exception 4 is that the gathering is reasonably necessary—
  - (a) for work purposes or for the provision of voluntary or charitable services;
  - (b) to provide emergency assistance;
  - (c) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm;

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(a) Section 436A was inserted by section 4(1) of the Education and Inspections Act 2006 (c. 40).  
 (b) 2002 c. 32. Section 29A was inserted by section 154 of the Education and Skills Act 2008 (c. 25).  
 (c) 2006 c. 40.  
 (d) 2009 c. 22.

- (d) to provide care or assistance to a vulnerable person or to a person who has a disability, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006(a);
- (e) for the purposes of a house move.

*Exception 5: legal obligations and proceedings*

(7) Exception 5 is that the person concerned is fulfilling a legal obligation or participating in legal proceedings.

*Exception 6: criminal justice accommodation and immigration detention accommodation*

(8) Exception 6 is that the gathering takes place in criminal justice accommodation or in immigration detention accommodation.

*Exception 7: support groups*

(9) Exception 7 is that—

- (a) the gathering—
  - (i) is of a support group,
  - (ii) consists of no more than 15 persons, and
  - (iii) takes place at premises other than a private dwelling, and
- (b) it is reasonably necessary for members of the group to be physically present at the gathering.

(10) In determining whether the limit in sub-paragraph (9)(a)(ii) is complied with, no account is to be taken of any child who is below the age of five.

*Exception 8: respite care*

(11) Exception 8 is that the gathering is reasonably necessary for the purposes of—

- (a) respite care being provided for a vulnerable person or a person who has a disability, or
- (b) a short break being provided in respect of a looked after child (within the meaning given in section 22(b) of the Children Act 1989).

*Exception 9: births*

(12) Exception 9 is that the person concerned is attending a person giving birth (“M”) at M’s request.

*Exception 10: marriages and civil partnerships etc.*

(13) Exception 10 is that the gathering meets the conditions in sub-paragraph (14) or (15).

(14) A gathering meets the conditions in this sub-paragraph if it consists of no more than 15 persons and—

- (a) it is for the purposes of—
  - (i) the solemnisation of a marriage, formation of a civil partnership or conversion of a civil partnership into a marriage in accordance with the Marriage Act 1949(c), the Marriage (Registrar General’s Licence) Act 1970(d) or the Civil Partnership Act 2004(e), or
  - (ii) an alternative wedding ceremony,
- (b) in the case of an alternative wedding ceremony, it takes place—

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(a) 2006 c. 47. Paragraph 7(1) to (3E) were substituted for paragraph 7(1) to (3) by section 66(2) of the Protection of Freedoms Act 2012 (c. 9).

(b) Section 22(1) was amended by paragraph 19 of Schedule 5 to the Local Government Act 2000 (c. 22), s. 2(2) of the Children (Leaving Care) Act 2000 (c. 35) and s. 116(2) of the Adoption and Children Act 2002 (c. 38). There are other amendments to this section not relevant to this instrument.

(c) 1949 c. 76.

(d) 1970 c. 34.

(e) 2004 c. 33.

- (i) at premises, other than a private dwelling, which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,
  - (ii) at premises, other than a private dwelling, which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, or
  - (iii) in a public outdoor place not falling within sub-paragraph (i) or (ii), and
  - (c) the gathering organiser or manager takes the required precautions in relation to the gathering.
- (15) A gathering meets the conditions in this sub-paragraph if it consists of no more than 6 persons and—

- (a) the gathering is for the purposes of—
  - (i) the solemnisation of a marriage in accordance with the Marriage (Registrar General’s Licence) Act 1970,
  - (ii) the solemnisation of a marriage by special licence under the Marriage Act 1949, where at least one of the parties to the marriage is seriously ill and not expected to recover,
  - (iii) the formation of a civil partnership under the special procedure provided for in Chapter 1 of Part 2 of the Civil Partnership Act 2004,
  - (iv) the conversion of a civil partnership to a marriage under the special procedure provided for in regulation 9 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014(a), or
  - (v) an alternative wedding ceremony, where at least one of the parties to the marriage is seriously ill and not expected to recover,
- (b) the gathering takes place—
  - (i) at a private dwelling,
  - (ii) at premises which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,
  - (iii) at premises which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, or
  - (iv) in a public outdoor place not falling within sub-paragraph (ii) or (iii),
- (c) it is not reasonably practicable for the gathering to take place in accordance with sub-paragraph (14), and
- (d) the gathering organiser or manager takes the required precautions in relation to the gathering.

(16) In sub-paragraphs (14) and (15), a gathering is for the purposes of an “alternative wedding ceremony” if it is for the purposes of a ceremony, including a ceremony based on a person’s faith or belief or lack of belief, to mark the union of two people, other than a ceremony conducted for a purpose mentioned in sub-paragraph (14)(a)(i) or (15)(a)(i) to (iv).

*Exception 11: wedding and civil partnership receptions*

(17) Exception 11 is that the gathering is for the purposes of a wedding reception, a reception following the formation of a civil partnership or a reception following the conversion of a civil partnership into a marriage and—

- (a) it consists of no more than 15 persons,
- (b) it takes place at premises other than a private dwelling, and
- (c) the gathering organiser or manager takes the required precautions in relation to the gathering.

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(a) S.I. 2014/3181.

*Exception 12: funerals*

(18) Exception 12 is that—

- (a) the gathering is for the purposes of a funeral,
- (b) the gathering consists of no more than 30 persons,
- (c) the gathering takes place—
  - (i) at premises, other than a private dwelling, which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,
  - (ii) at premises, other than a private dwelling, which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, or
  - (iii) in a public outdoor place not falling within sub-paragraph (i) or (ii), and
- (d) the gathering organiser or manager (in the case of a gathering taking place at premises mentioned in paragraph (c)(i) or (ii)) or the gathering organiser (in the case of a gathering taking place as mentioned in paragraph (c)(iii)) takes the required precautions in relation to the gathering.

*Exception 13: commemorative event following a person's death*

(19) Exception 13 is that—

- (a) the gathering is for the purposes of a commemorative event to celebrate the life of a person who has died (for example, a wake or stone setting ceremony),
- (b) the gathering consists of no more than 15 persons,
- (c) the gathering takes place at premises other than a private dwelling, and
- (d) the gathering organiser or manager takes the required precautions in relation to the gathering.

*Exception 14: protests*

(20) Exception 14 is that the gathering is for the purposes of protest and—

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

*Exception 15: elite sports*

(21) Exception 15 is that—

- (a) the person concerned is an elite sportsperson, the coach of an elite sportsperson or (in the case of an elite sportsperson who is a child) the parent of an elite sportsperson, and
- (b) the gathering is reasonably necessary for training or competition.

*Exception 16: other sports*

(22) Exception 16 is that the person concerned is taking part in an outdoor sports gathering or a permitted indoor sports gathering.

(23) For the purposes of sub-paragraph (22), a person taking part in an outdoor sports gathering or a permitted indoor sports gathering does not include a spectator or the parent of a child taking part in the gathering.

*Exception 17: outdoor activities*

(24) Exception 17 is that the gathering takes place outdoors (whether or not in a public outdoor place) and—

- (a) it is for the purposes of a relevant outdoor activity, and
- (b) the gathering organiser takes the required precautions in relation to the gathering.

*Exception 18: children*

(25) Exception 18 is that the gathering is reasonably necessary—

- (a) for the purposes of arrangements for access to, and contact between, parents and children where the children do not live in the same household as their parents or one of their parents;
- (b) for the purposes of arrangements for contact between siblings where they do not live in the same household and one or more of them is—
  - (i) a child looked after by a local authority, within the meaning of section 22 of the Children Act 1989, or
  - (ii) a relevant child, within the meaning of section 23A(a) of that Act;
- (c) for the purposes of arrangements for prospective adopters (including their household) to meet a child or children who may be placed with the prospective adopters as provided for by an adoption placement plan drawn up in accordance with the Adoption Agencies Regulations 2005(b) (see regulation 35(2) of those Regulations);
- (d) for the purposes of placing children, or facilitating children being placed, in the care of another person by social services, whether on a temporary or permanent basis;
- (e) for the purposes of—
  - (i) childcare provided by a person registered under Part 3 of the Childcare Act 2006, or
  - (ii) supervised activities for children or other persons who were under the age of 18 on 31st August 2020;
- (f) for the purposes of informal childcare provided by a member of a household to a member of their linked childcare household.

*Exception 19: parent and child groups*

(26) Exception 19 is that the gathering is of a parent and child group which is organised by a business, a charitable, benevolent or philanthropic institution or a public body for the benefit of children under the age of five and—

- (a) the gathering consists of no more than 15 persons, and
- (b) the gathering takes place at premises other than a private dwelling.

(27) In determining whether the limit in sub-paragraph (26)(a) is complied with, no account is to be taken of any child who is below the age of five.

*Exception 20: students and vacation households*

(28) Exception 20 is that the gathering is reasonably necessary to enable a student who is undertaking a higher education course on 3rd December 2020—

- (a) to move on one occasion from their student household on or after that date but before 8th February 2021 to one other household (“vacation household”) for the purposes of a vacation, or
- (b) to return to their student household after the vacation.

(29) For the purposes of these Regulations—

- (a) a student who has moved to a vacation household is to be treated as a member of that household during the vacation (and not as a member of their student household) until the date on which they return to their student household;
- (b) the inclusion of a student in a vacation household is to be ignored in determining whether that household satisfies the condition in regulation 3(2).

*Exception 21: Christmas period*

(30) Exception 21 is that—

- (a) the gathering takes place during the Christmas period or, where sub-paragraph (31) applies, immediately after the Christmas period,

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(a) Section 23A was inserted by the Children (Leaving Care) Act 2000 (c. 35).  
 (b) S.I. 2005/389.

- (b) the gathering consists of members of no more than three households,
- (c) each of those members is in a linked Christmas household in relation to the others, and
- (d) the gathering takes place in a private dwelling, in a conveyance, in a place of worship or in a public outdoor place that satisfies the conditions in sub-paragraph (32).

(31) This sub-paragraph applies where one or more persons at the gathering have not been able to return to their home because of unforeseen disruption to travel.

(32) A public outdoor place satisfies the conditions in this sub-paragraph if it is not a fairground or a funfair and—

- (a) no payment is required by any member of the public to access that place, or
- (b) the place falls within one of the following categories—
  - (i) outdoor sportsgrounds or sports facilities;
  - (ii) botanical gardens;
  - (iii) gardens or grounds of a castle, stately home, historic house or other heritage site.

(33) Where a person is a member of a linked Christmas household formed for the purposes of gathering during the Christmas period, the person may not gather in a private dwelling during that period with any other persons who are not members of their linked Christmas household.

(34) Sub-paragraph (33) does not prevent a gathering that is permitted by another exception set out in this paragraph.

(35) In sub-paragraph (30)(d) “private dwelling” includes accommodation in a campsite or caravan park and in the following, if used by a member of a linked Christmas household as their main residence—

- (a) accommodation in a hotel, hostel, members’ club, boarding house or bed and breakfast accommodation;
- (b) care homes;
- (c) children’s homes, within the meaning of section 1 of the Care Standards Act 2000;
- (d) residential family centres, within the meaning of section 4 of that Act;
- (e) educational accommodation;
- (f) accommodation intended for use by Her Majesty’s armed forces.

*Exception 22: picketing*

(36) Exception 22 is that—

- (a) the gathering is for the purposes of picketing which is carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992(a), and
- (b) the gathering organiser takes the required precautions in relation to the gathering.

**Qualifying groups**

**4.—**(1) A person participates in a gathering as a member of a qualifying group for the purpose of paragraph 3(4) only if the person is a part of a qualifying group and, whilst participating in the gathering, the person does not—

- (a) become a member of any other group of people participating in the gathering (whether or not that group is a qualifying group), or
- (b) otherwise mingle with any person who is participating in the gathering but is not a member of the same qualifying group as them.

(2) In sub-paragraph (1) “qualifying group”, in relation to a gathering, means a group of people who are participating in that gathering and which—

- (a) consists of no more than 6 persons,

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(a) 1992 c. 52.

- (b) consists only of persons who are members of the same household,
- (c) consists only of persons who are members of two households which are linked households in relation to each other,
- (d) consists only of persons who are members of two households which are linked childcare households in relation to each other and the gathering is for the purposes of informal childcare provided by a member of one of those households to the other, or
- (e) consists only of persons who are members of no more than three households who are in a linked Christmas household in relation to each other and the gathering takes place during the Christmas period in a place of worship or in a public outdoor place which satisfies the conditions in paragraph 3(32).

## PART 2

### Closure of businesses

#### **Requirement to close premises and businesses**

**5.—**(1) A person responsible for carrying on a restricted business, or providing a restricted service, in the Tier 1 area must cease to carry on that business or provide that service.

(2) Where a restricted business or restricted service forms, or is provided as, part of a larger business and that larger business is not itself a restricted business, the person responsible for carrying on the larger business complies with the requirement in sub-paragraph (1) by closing the restricted business or by ceasing to provide the restricted service.

(3) The requirement in sub-paragraph (1) is subject to the exceptions in paragraph 7.

(4) In this Part of this Schedule “restricted business” and “restricted service” means a business or service which—

- (a) is of a kind specified in paragraph 6(1), or
- (b) is carried on from, or provided at, premises of a kind specified in paragraph 6(1).

(5) For the purposes of this Part of this Schedule, premises are in the Tier 1 area if—

- (a) any part of the premises is in the Tier 1 area, and
- (b) no part of the premises is in the Tier 2 area or the Tier 3 area.

#### **Restricted businesses and services for purposes of this Part of this Schedule**

**6.—**(1) The following are restricted businesses and restricted services for the purposes of this Part of this Schedule—

- (a) nightclubs;
- (b) dance halls;
- (c) discotheques;
- (d) any other venue which—
  - (i) opens at night,
  - (ii) has a dance floor or other space for dancing by members of the public (and for these purposes members of the venue in question are to be considered members of the public), and
  - (iii) provides music, whether live or recorded, for dancing;
- (e) sexual entertainment venues;
- (f) hostess bars;
- (g) any business which provides, whether for payment or otherwise—

- (i) a waterpipe to be used for the consumption of tobacco or any other substance on the premises, or
- (ii) a device to be used for the recreational inhalation of nicotine or any other substance on the premises.

(2) A business or service does not fall within sub-paragraph (1)(b), (c) or (d) if it ceases to provide music and dancing.

(3) In sub-paragraph (1)(e) “sexual entertainment venue” has the meaning given in paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982<sup>(a)</sup>.

(4) In sub-paragraph (1)(f) “hostess bar” has the meaning given by paragraph 3B of that Schedule<sup>(b)</sup>.

### **Exceptions from paragraph 5(1)**

**7.—**(1) Paragraph 5(1) does not prevent the use of premises used for a restricted business or restricted service—

- (a) to provide essential voluntary services or urgent public support services, including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions or support in an emergency;
- (b) for the purposes of voting, counting of votes or activities ancillary to voting or the counting of votes in an election or referendum which is held—
  - (i) in accordance with provision made by or under an Act, or
  - (ii) in accordance with the laws or regulations of a country or territory outside the United Kingdom, but in respect of which arrangements are made by a consular post or diplomatic mission in the United Kingdom for persons eligible to vote in that election or referendum to vote in the United Kingdom.

(2) Paragraph 5(1) does not prevent the use of premises used for a restricted business or restricted service for the making of a film, television programme, audio programme or audio-visual advertisement.

(3) Paragraph 5(1) does not prevent a person responsible for carrying on a restricted business or providing a restricted service (“the closed business”) from—

- (a) carrying on a business which is not a restricted business, or providing services which are not restricted services, in premises which are separate from the premises used for the closed business;
- (b) carrying on a business of offering goods for sale or for hire by making deliveries or otherwise providing services in response to orders received—
  - (i) through a website, or otherwise by online communication,
  - (ii) by telephone, including orders by text message, or
  - (iii) by post;
- (c) operating a café or restaurant, if the café or restaurant is separate from the premises used for the closed business.

(4) For the purposes of sub-paragraph (3), a premises, café or restaurant (“PCR”) is separate from premises used for the closed business if—

- (a) the PCR is in a self-contained unit, and
- (b) it is possible for a member of the public to enter the PCR from a place outside the premises used for the closed business.

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

(b) Paragraph 3B was inserted by section 33 of the London Local Authorities Act 2007 (c. ii).

## PART 3

### Other restrictions on businesses

#### Restrictions on opening hours of businesses and services

**8.**—(1) A person responsible for carrying on a restricted business or providing a restricted service (“P”) in the Tier 1 area must not—

- (a) accept, between the hours of 22:00 and 05:00, any orders for food or drink for consumption on the premises, or
- (b) carry on that business or provide that service between the hours of 23:00 and 05:00.

(2) For the purposes of sub-paragraph (1), an area adjacent to the premises of the restricted business or restricted service, where seating is made available for its customers (whether or not by the business or the provider of the service), or which its customers habitually use for consumption of food or drink served by the business or service, is to be treated as part of the premises of that business or service.

(3) Where a restricted business or restricted service forms, or is provided as, part of a larger business and that larger business is not itself a restricted business, the person responsible for carrying on the larger business need only comply with the requirements in sub-paragraph (1) in relation to the restricted business or restricted service.

(4) Sub-paragraph (1) is subject to the exceptions in paragraph 9.

(5) In this Part of this Schedule “restricted business” and “restricted service” mean a business or service which—

- (a) is of a kind specified in paragraph 11(2) or (3), or
- (b) is carried on from, or provided at, premises of a kind specified in paragraph 11(2) or (3).

(6) For the purposes of this Part of this Schedule, premises are in the Tier 1 area if—

- (a) any part of the premises is in the Tier 1 area, and
- (b) no part of the premises is in the Tier 2 area or the Tier 3 area.

#### Exceptions from paragraph 8(1)

**9.**—(1) Paragraph 8(1) does not prevent P selling food or drink for consumption off the premises between the hours of 23:00 and 05:00—

- (a) by making deliveries in response to orders received—
  - (i) through a website, or otherwise by online communication,
  - (ii) by telephone, including orders by text message, or
  - (iii) by post,
- (b) to a purchaser who collects the food or drink that has been pre-ordered by a means mentioned in paragraph (a), provided the purchaser does not enter inside the premises to do so, or
- (c) to a purchaser who collects the food or drink in a vehicle, and to whom the food or drink is passed without the purchaser or any other person leaving the vehicle.

(2) Where P’s restricted business or restricted service is carried on from, or provided at, a cinema, theatre, concert hall or sportsground, paragraph 8(1) does not prevent P carrying on that business or providing that service at or after 23:00 hours for the purpose of concluding a performance or sports event which began before 22:00.

(3) Paragraph 8(1)(b) does not prevent P carrying on a restricted business, or providing a restricted service, of a kind specified in paragraph 11(2)(a) to (c) between the hours of 23:00 and 05:00 if—

- (a) the business or service is carried on or provided within a motorway service area, and

- (b) alcohol is not served between those hours in the carrying on of the business, or the provision of the service, concerned,

and, in relation to any such business or service, paragraph 8(1)(a) does not prevent P accepting orders at or after 22:00 hours for food or drink other than alcohol.

(4) Paragraph 8(1)(b) does not prevent P carrying on a restricted business, or providing a restricted service, of a kind specified in paragraph 11(2)(a) to (e) between the hours of 23:00 and 05:00 if—

- (a) the business or service is carried on or provided within a part of—
  - (i) any airport or maritime port, or
  - (ii) the international rail terminal area within the vicinity of Cheriton, Folkestone (as referred to in section 1(7)(b) of the Channel Tunnel Act 1987(a)),
- (b) that part of the airport, maritime port or terminal area is accessible between those hours to passengers, crew or other authorised persons but not to members of the general public, and
- (c) alcohol is not served between those hours in the carrying on of the business, or the provision of the service, concerned,

and, in relation to any such business or service, paragraph 8(1)(a) does not prevent P accepting orders at or after 22:00 hours for food or drink other than alcohol.

(5) Paragraph 8(1)(b) does not prevent P carrying on a restricted business, or providing a restricted service, of a kind specified in paragraph 11(2)(a) to (e) between the hours of 23:00 and 05:00 if—

- (a) the business or service is carried on or provided in an aircraft, train or vessel,
- (b) the aircraft, train or vessel is providing a public transport service, and
- (c) alcohol is not served between those hours in the carrying on of the business, or the provision of the service, concerned (subject to sub-paragraph (6)(b)),

and, in relation to any such business or service, paragraph 8(1)(a) does not prevent P accepting orders at or after 22:00 hours for food or drink in an aircraft, train or vessel, but not alcohol so far relating to orders from customers on a train or vessel.

(6) In sub-paragraph (5)—

- (a) “public transport service” has the meaning given by regulation 2(2) of the Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020(b), but for these purposes does not include a service provided primarily for dining or other recreational purposes;
- (b) paragraph (c) does not apply in respect of the service of alcohol to persons who are seated on an aircraft.

(7) Where P’s restricted business or restricted service is carried on from, or provided at, a workplace canteen or at premises of a higher education provider, paragraph 8(1)(b) does not prevent P carrying on that business or providing that service between the hours of 23:00 and 05:00 if—

- (a) there is no practical alternative for staff at that workplace, or for staff or students at those premises, to obtain food or drink between those hours, and
- (b) alcohol is not served between those hours in the carrying on of the business, or the provision of the service, concerned,

and, in relation to any such business or service, paragraph 8(1)(a) does not prevent P accepting orders at or after 22:00 hours for food or drink other than alcohol.

(8) Paragraph 8(1) does not prevent the use of premises used for a restricted business or a restricted service to provide essential voluntary services or urgent public support services,

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(a) 1987 c. 53.

(b) S.I. 2020/592, as amended by S.I. 2020/1021.

including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions or support in an emergency.

(9) Paragraph 8(1) does not prevent the use of premises used for a restricted business or restricted service for the making of a film, television programme, audio programme or audio-visual advertisement.

(10) Paragraph 8(1) does not prevent the use of any premises for the purposes of voting, counting of votes or activities ancillary to voting or the counting of votes in an election or referendum which is held—

- (a) in accordance with provision made by or under an Act, or
- (b) in accordance with the laws or regulations of another country or territory, but in respect of which arrangements are made by a consular post or diplomatic mission in the United Kingdom for persons eligible to vote in that election or referendum to vote in the United Kingdom.

### **Restrictions on service of food and drink for consumption on the premises**

**10.—**(1) A person responsible for carrying on a restricted business, or providing a restricted service, in the Tier 1 area that falls within paragraph 11(2) and which serves alcohol for consumption on the premises may sell food or drink for consumption on the premises only if—

- (a) the food or drink is ordered by, and served to, a customer who is seated on the premises, and
- (b) the person takes all reasonable steps to ensure that the customer remains seated whilst consuming the food or drink on the premises.

(2) A person responsible for carrying on a restricted business, or providing a restricted service, in the Tier 1 area that falls within paragraph 11(2) and which does not serve alcohol for consumption on the premises may sell food or drink for consumption on the premises only if the person takes all reasonable steps to ensure that the customer remains seated whilst consuming the food or drink on the premises.

(3) For the purposes of sub-paragraphs (1) and (2), an area adjacent to the premises of the restricted business or restricted service, where seating is made available for its customers (whether or not by the business or the provider of the service), or which its customers habitually use for consumption of food or drink served by the business or service, is to be treated as part of the premises of that business or service.

(4) If a business or service falling within paragraph 11(2) (“business A”) forms part of a larger business (“business B”)—

- (a) sub-paragraph (1)(a) does not apply to the service of food or drink if the condition in sub-paragraph (5) is met;
- (b) the person responsible for carrying on business B complies with the requirement in sub-paragraph (1) or (2) if that person complies with the requirement in relation to business A.

(5) The condition in this sub-paragraph is met (subject to sub-paragraph (6)) if—

- (a) business B is a cinema, theatre, concert hall or sportsground,
- (b) the food or drink is ordered by a customer who has a ticket for an exhibition of a film, a performance or an event of training or competition at the venue, and
- (c) the food or drink is served to the customer to consume in the area where the audience is seated at the venue to watch the exhibition, performance or event.

(6) The condition in sub-paragraph (5) is not met where a customer has a seat in a catered corporate box.

### **Restricted businesses and services for purposes of Part 3 of this Schedule**

**11.**—(1) The restricted businesses and restricted services for the purposes of this Part of this Schedule are those falling within sub-paragraph (2) or (3).

(2) The following businesses and services fall within this sub-paragraph—

- (a) restaurants, including restaurants and dining rooms in hotels or members' clubs;
- (b) businesses providing food or drink prepared on the premises for immediate consumption off the premises, but not including—
  - (i) supermarkets,
  - (ii) convenience stores, corner shops and newsagents,
  - (iii) pharmacists and chemists, or
  - (iv) petrol stations;
- (c) cafes, including workplace canteens, but not including—
  - (i) cafes or canteens at a hospital, care home, school, educational accommodation for students attending higher education courses or provider of post-16 education or training (as defined in paragraph 1(8) of Schedule 17 to the Coronavirus Act 2020),
  - (ii) canteens at criminal justice accommodation, immigration detention accommodation or an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence, or
  - (iii) services providing food or drink to the homeless;
- (d) bars, including bars in hotels or members' clubs;
- (e) public houses;
- (f) social clubs;
- (g) casinos.

(3) The following businesses and services fall within this sub-paragraph—

- (a) bowling alleys;
- (b) cinemas;
- (c) theatres;
- (d) amusement arcades, including adult gaming centres;
- (e) funfairs and fairgrounds (indoors or outdoors), theme parks and adventure parks and activities;
- (f) bingo halls;
- (g) concert halls;
- (h) sportsgrounds.

## **SCHEDULE 2**

Regulation 8(4)(c)

### **Tier 2 restrictions**

#### **PART 1**

#### **Restrictions on gatherings**

##### **Participation in gatherings indoors**

**1.**—(1) No person may participate in a gathering in the Tier 2 area which—

- (a) consists of two or more people, and

- (b) takes place indoors.
- (2) No person living in the Tier 2 area may participate in a gathering outside that area which—
  - (a) consists of two or more people, and
  - (b) takes place indoors.
- (3) Sub-paragraphs (1) and (2) do not apply if any of the exceptions set out in paragraphs 4 or 5 applies.
- (4) For the purposes of this Part of this Schedule, a gathering takes place in the Tier 2 area if—
  - (a) any part of the place where it takes place is in the Tier 2 area, and
  - (b) no part of that place is in the Tier 3 area.

**Participation in gatherings outdoors**

- 2.—(1) No person may participate in a gathering in the Tier 2 area which—
  - (a) consists of more than six people, and
  - (b) takes place outdoors.
- (2) No person living in the Tier 2 area may participate in a gathering outside that area which—
  - (a) consists of more than six people, and
  - (b) takes place outdoors.
- (3) Sub-paragraphs (1) and (2) do not apply if any of the exceptions set out in paragraph 4 or 6 applies.
- (4) This paragraph does not permit a person to participate in a gathering in the Tier 2 area in contravention of paragraph 1(2) or 2(2) of Schedule 3.

**Organisation or facilitation of gatherings**

- 3.—(1) No person may hold, or be involved in the holding of, a relevant gathering in the Tier 2 area.
- (2) For the purposes of sub-paragraph (1) a person who only participates in a gathering by attending it is not to be taken as being involved in the holding of the gathering.
- (3) A gathering is a “relevant gathering” for the purposes of this paragraph if it falls within sub-paragraph (4) or (5).
- (4) A gathering falls within this sub-paragraph if it—
  - (a) consists of more than 30 persons,
  - (b) takes place indoors, and
  - (c) 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 took place in the open air.
- (5) A gathering falls within this sub-paragraph if it does not fall within sub-paragraph (4) and it—
  - (a) consists of more than 30 persons,
  - (b) takes place—
    - (i) in a private dwelling,
    - (ii) on a vessel, or
    - (iii) on land which satisfies the condition in sub-paragraph (6), and
  - (c) is not a gathering in relation to which any of the exceptions set out in paragraph 4, 5 or 6 (so far as capable of applying to the gathering) applies.
- (6) Land satisfies the condition in this sub-paragraph if it is a public outdoor place which is not—

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

(7) In sub-paragraph (5)(b)(ii) “vessel” does not include government vessels, vessels used for public transport or houseboats.

(8) In applying for the purposes of sub-paragraph (5)(c) the exceptions set out in paragraph 4, the following do not apply—

- (a) paragraph 4(4)(a), so far as relating to gatherings in public outdoor places operated by public bodies, and
- (b) paragraph 4(4)(b).

### **General exceptions relating to gatherings**

4.—(1) These are the exceptions referred to in paragraphs 1, 2 and 3(5)(c).

#### *Exception 1: same or linked households*

(2) Exception 1 is that all the people in the gathering—

- (a) are members of the same household (or are treated as members of the same household in accordance with these Regulations), or
- (b) are members of two households which are linked households in relation to each other.

(3) A person who has been released on temporary licence is to be treated as a member of the household living at the address to which the person was released for the purposes of gatherings taking place outdoors, but not gatherings taking place indoors.

#### *Exception 2: permitted organised gatherings*

(4) Exception 2 is that—

- (a) the gathering is a permitted organised gathering, and
- (b) the person concerned participates in the gathering alone or as a member of a qualifying group (see paragraph 7).

#### *Exception 3: education and training*

(5) Exception 3 is that the gathering is reasonably necessary for the purposes of—

- (a) early years provision;
- (b) educational activities of a school;
- (c) a course of study or essential life skills training provided by—
  - (i) a 16 to 19 Academy,
  - (ii) a provider of further education, or
  - (iii) a higher education provider;
- (d) activities relating to residing at a school, a 16 to 19 Academy or a provider of further education;
- (e) provision specified in an education, health and care plan;
- (f) the suitable education of a child otherwise than by regular attendance at school arranged by a parent in accordance with section 7 of the Education Act 1996 (and for this purpose “suitable education” has the meaning given by section 436A(3) of the Education Act 1996);
- (g) the suitable education of a child otherwise than by regular attendance at school arranged by—
  - (i) a local authority, as defined by section 579(1) of the Education Act 1996, in accordance with section 19 of that Act, or

- (ii) the proprietor of a school at which the child is a registered pupil, including where the arrangements are made in connection with section 29A of the Education Act 2002 or section 100 of the Education and Inspections Act 2006,
 

(and for this purpose “suitable education” has the meaning given by section 19(6) of the Education Act 1996);
- (h) activities provided by a business, a charitable, benevolent or philanthropic institution or a public body for the purposes of—
  - (i) obtaining a regulated qualification, within the meaning of section 130 of the Apprenticeships, Skills, Children and Learning Act 2009, or
  - (ii) meeting all or part of the entry requirements for an educational institution;
- (i) preparing for work through a skills programme consisting of—
  - (i) a work experience placement, or
  - (ii) work preparation training;
- (j) applying for, and obtaining, work;
- (k) meeting a requirement for a particular area of work;
- (l) professional training that is working towards an external accreditation recognised by a professional body;
- (m) exams and assessments carried out in connection with any of the matters mentioned in paragraphs (a) to (l).

*Exception 4: gatherings necessary for certain purposes*

- (6) Exception 4 is that the gathering is reasonably necessary—
- (a) for work purposes or for the provision of voluntary or charitable services;
  - (b) to provide emergency assistance;
  - (c) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm;
  - (d) to provide care or assistance to a vulnerable person or a person who has a disability, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006;
  - (e) for the purposes of a house move.

*Exception 5: legal obligations and proceedings*

(7) Exception 5 is that the person concerned is fulfilling a legal obligation or participating in legal proceedings.

*Exception 6: criminal justice accommodation and immigration detention accommodation*

(8) Exception 6 is that the gathering takes place in criminal justice accommodation or in immigration detention accommodation.

*Exception 7: support groups*

- (9) Exception 7 is that—
- (a) the gathering—
    - (i) is of a support group,
    - (ii) consists of no more than 15 persons, and
    - (iii) takes place at premises other than a private dwelling, and
  - (b) it is reasonably necessary for members of the group to be physically present at the gathering.
- (10) In determining whether the limit in sub-paragraph (9)(a)(ii) is complied with, no account is to be taken of any child who is below the age of five.

*Exception 8: respite care*

- (11) Exception 8 is that the gathering is reasonably necessary for the purposes of—

- (a) respite care being provided for a vulnerable person or a person who has a disability, or
- (b) a short break being provided in respect of a looked after child (within the meaning given in section 22 of the Children Act 1989).

*Exception 9: births*

(12) Exception 9 is that the person concerned is attending a person giving birth (“M”) at M’s request.

*Exception 10: marriages and civil partnerships etc.*

(13) Exception 10 is that the gathering meets the conditions in sub-paragraph (14) or (15).

(14) A gathering meets the conditions in this sub-paragraph if it consists of no more than 15 persons and—

- (a) it is for the purposes of—
  - (i) the solemnisation of a marriage, formation of a civil partnership or conversion of a civil partnership into a marriage in accordance with the Marriage Act 1949(a), the Marriage (Registrar General’s Licence) Act 1970(b) or the Civil Partnership Act 2004(c), or
  - (ii) an alternative wedding ceremony,
- (b) in the case of an alternative wedding ceremony, it takes place—
  - (i) at premises, other than a private dwelling, which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,
  - (ii) at premises, other than a private dwelling, which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, or
  - (iii) in a public outdoor place not falling within sub-paragraph (i) or (ii), and
- (c) the gathering organiser or manager takes the required precautions in relation to the gathering.

(15) A gathering meets the conditions in this sub-paragraph if it consists of no more than 6 persons and—

- (a) the gathering is for the purposes of—
  - (i) the solemnisation of a marriage in accordance with the Marriage (Registrar General’s Licence) Act 1970,
  - (ii) the solemnisation of a marriage by special licence under the Marriage Act 1949, where at least one of the parties to the marriage is seriously ill and not expected to recover,
  - (iii) the formation of a civil partnership under the special procedure provided for in Chapter 1 of Part 2 of the Civil Partnership Act 2004,
  - (iv) the conversion of a civil partnership to a marriage under the special procedure provided for in regulation 9 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014, or
  - (v) an alternative wedding ceremony, where at least one of the parties to the marriage is seriously ill and not expected to recover,
- (b) the gathering takes place—
  - (i) at a private dwelling,
  - (ii) at premises which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,

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(a) 1949 c. 76.  
 (b) 1970 c. 34.  
 (c) 2004 c. 33.

- (iii) at premises which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, or
- (iv) in a public outdoor place not falling within sub-paragraph (ii) or (iii),
- (c) it is not reasonably practicable for the gathering to take place in accordance with sub-paragraph (14), and
- (d) the gathering organiser or manager takes the required precautions in relation to the gathering.

(16) In sub-paragraphs (14) and (15), a gathering is for the purposes of an “alternative wedding ceremony” if it is for the purposes of a ceremony, including a ceremony based on a person’s faith or belief or lack of belief, to mark the union of two people, other than a ceremony conducted for a purpose mentioned in sub-paragraph (14)(a)(i) or (15)(a)(i) to (iv).

*Exception 11: wedding and civil partnership receptions*

(17) Exception 11 is that the gathering is for the purposes of a wedding reception, a reception following the formation of a civil partnership or a reception following the conversion of a civil partnership into a marriage and—

- (a) it consists of no more than 15 persons,
- (b) it takes place in premises other than a private dwelling, and
- (c) the gathering organiser or manager takes the required precautions in relation to the gathering.

*Exception 12: funerals*

(18) Exception 12 is that—

- (a) the gathering is for the purposes of a funeral,
- (b) the gathering consists of no more than 30 persons,
- (c) the gathering takes place—
  - (i) at premises, other than a private dwelling, which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,
  - (ii) at premises, other than a private dwelling, which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, or
  - (iii) in a public outdoor place not falling within sub-paragraph (i) or (ii), and
- (d) the gathering organiser or manager (in the case of a gathering taking place at premises mentioned in paragraph (c)(i) or (ii)) or the gathering organiser (in the case of a gathering taking place as mentioned in paragraph (c)(iii)) takes the required precautions in relation to the gathering.

*Exception 13: commemorative event following a person’s death*

(19) Exception 13 is that—

- (a) the gathering is for the purposes of a commemorative event to celebrate the life of a person who has died (for example, a wake or stone setting ceremony),
- (b) the gathering consists of no more than 15 persons,
- (c) the gathering takes place at premises other than a private dwelling, and
- (d) the gathering organiser or manager takes the required precautions in relation to the gathering.

*Exception 14: protests*

(20) Exception 14 is that the gathering is for the purposes of protest and—

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

*Exception 15: elite sports*

(21) Exception 15 is that—

- (a) the person concerned is an elite sportsperson, the coach of an elite sportsperson or (in the case of an elite sportsperson who is a child) the parent of an elite sportsperson, and
- (b) the gathering is necessary for training or competition.

*Exception 16: children*

(22) Exception 16 is that the gathering is reasonably necessary—

- (a) for the purposes of arrangements for access to, and contact between, parents and children where the children do not live in the same household as their parents or one of their parents;
- (b) for the purposes of arrangements for contact between siblings where they do not live in the same household and one or more of them is—
  - (i) a child looked after by a local authority, within the meaning of section 22 of the Children Act 1989, or
  - (ii) a relevant child, within the meaning of section 23A of that Act;
- (c) for the purposes of arrangements for prospective adopters (including their household) to meet a child or children who may be placed with the prospective adopters as provided for by an adoption placement plan drawn up in accordance with the Adoption Agencies Regulations 2005 (see regulation 35(2) of those Regulations);
- (d) for the purposes of placing children, or facilitating children being placed, in the care of another person by social services, whether on a temporary or permanent basis;
- (e) for the purposes of—
  - (i) childcare provided by a person registered under Part 3 of the Childcare Act 2006, or
  - (ii) supervised activities for children or other persons who were under the age of 18 on 31st August 2020;
- (f) for the purposes of informal childcare provided by a member of a household to a member of their linked childcare household.

*Exception 17: parent and child groups*

(23) Exception 17 is that the gathering is of a parent and child group which is organised by a business, a charitable, benevolent or philanthropic institution or a public body for the benefit of children under the age of five and—

- (a) the gathering consists of no more than 15 persons, and
- (b) the gathering takes place at premises other than a private dwelling.

(24) In determining whether the limit in sub-paragraph (23)(a) is complied with, no account is to be taken of any child who is below the age of five.

*Exception 18: students and vacation households*

(25) Exception 18 is that the gathering is reasonably necessary to enable a student who is undertaking a higher education course on 3rd December 2020—

- (a) to move on one occasion from their student household on or after that date but before 8th February 2021 to one other household (“vacation household”) for the purposes of a vacation, or
- (b) to return to their student household after the vacation.

(26) For the purposes of these Regulations—

- (a) a student who has moved to a vacation household is to be treated as a member of that household during the vacation (and not as a member of their student household) until the date on which they return to their student household;
- (b) the inclusion of a student in a vacation household is to be ignored in determining whether that household satisfies the condition in regulation 3(2).

*Exception 19: Christmas period*

(27) Exception 19 is that—

- (a) the gathering takes place during the Christmas period or, where sub-paragraph (28) applies, immediately after the Christmas period,
- (b) the gathering consists of members of no more than three households,
- (c) each of those members is in a linked Christmas household in relation to the others, and
- (d) the gathering takes place in a private dwelling, in a conveyance, in a place of worship or in a public outdoor place that satisfies the conditions in sub-paragraph (29).

(28) This sub-paragraph applies where one or more persons at the gathering has not been able to return to their home because of unforeseen disruption to travel.

(29) A public outdoor place satisfies the conditions in this sub-paragraph if it is not a fairground or a funfair and—

- (a) no payment is required by any member of the public to access that place, or
- (b) the place falls within one of the following categories—
  - (i) outdoor sportsgrounds or sports facilities;
  - (ii) botanical gardens;
  - (iii) gardens or grounds of a castle, stately home, historic house or other heritage site.

(30) In sub-paragraph (27)(d) “private dwelling” includes accommodation in a campsite or caravan park and in the following, if used by a member of a linked Christmas household as their main residence—

- (a) accommodation in a hotel, hostel, members’ club, boarding house or bed and breakfast accommodation;
- (b) care homes;
- (c) children’s homes, within the meaning of section 1 of the Care Standards Act 2000;
- (d) residential family centres, within the meaning of section 4 of that Act;
- (e) educational accommodation;
- (f) accommodation intended for use by Her Majesty’s armed forces.

*Exception 20: picketing*

(31) Exception 20 is that—

- (a) the gathering is for the purposes of picketing which is carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992(a), and
- (b) the gathering organiser takes the required precautions in relation to the gathering.

**Exceptions in relation to indoor gatherings**

**5.—**(1) These are the exceptions relating only to indoor gatherings.

*Exception 1: visiting a dying person*

(2) Exception 1 is that the person concerned (“P”) is visiting a person whom P reasonably believes is dying (“D”), and P is—

- (a) a member of D’s household,
- (b) a close family member of D, or
- (c) a friend of D.

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(a) 1992 c. 52.

*Exception 2: visiting persons receiving treatment etc.*

(3) Exception 2 is that the person concerned (“P”) is visiting a person (“V”) receiving treatment in a hospital or staying in a hospice or care home, or is accompanying V to a medical appointment and P is—

- (a) a member of V’s household,
- (b) a close family member of V, or
- (c) a friend of V.

*Exception 3: indoor sports*

(4) Exception 3 is that the person concerned is taking part in a permitted indoor sports gathering, and for these purposes, a person taking part in a permitted indoor sports gathering does not include a spectator or the parent of a child taking part in the gathering.

### **Exceptions in relation to outdoor gatherings**

**6.**—(1) These are the exceptions relating only to outdoor gatherings.

*Exception 1: outdoor sports*

(2) Exception 1 is that the person concerned is taking part in an outdoor sports gathering, and for these purposes a person taking part in an outdoor sports gathering does not include a spectator or the parent of a child taking part in the gathering.

*Exception 2: outdoor activities*

(3) Exception 2 is that the gathering—

- (a) is for the purposes of a relevant outdoor activity, and
- (b) the gathering organiser takes the required precautions in relation to the gathering.

### **Qualifying groups**

**7.**—(1) A person participates in a gathering as a member of a qualifying group only if the person is a part of a qualifying group and, whilst participating in the gathering, the person does not—

- (a) become a member of any other group of people participating in the gathering (whether or not that group is a qualifying group), or
- (b) otherwise mingle with any person who is participating in the gathering but is not a member of the same qualifying group as them.

(2) In sub-paragraph (1) “qualifying group”, in relation to a gathering, means—

- (a) in the application of this paragraph for the purposes of indoor gatherings, a group of people who are participating in the gathering which consists only of persons who are—
  - (i) members of the same household,
  - (ii) members of two households which are linked households in relation to each other,
  - (iii) members of two households which are linked childcare households in relation to each other and the gathering is for the purposes of informal childcare provided by a member of one of those households to the other, or
  - (iv) members of no more than three households who are in a linked Christmas household in relation to each other and the gathering takes place during the Christmas period in a place of worship;
- (b) in the application of this paragraph for the purposes of outdoor gatherings, a group of people who are participating in the gathering which consists of no more than 6 persons or only of persons who are—
  - (i) members of the same household,
  - (ii) members of two households which are linked households in relation to each other,

- (iii) members of two households which are linked childcare households in relation to each other and the gathering is for the purposes of informal childcare provided by a member of one of those households to the other, or
- (iv) members of no more than three households who are in a linked Christmas household in relation to each other and the gathering takes place during the Christmas period in a place of worship or in a public outdoor place that satisfies the conditions in paragraph 4(29).

## PART 2

### Closure of businesses

#### **Requirement to close premises and businesses**

**8.**—(1) A person responsible for carrying on a restricted business, or providing a restricted service, in the Tier 2 area must cease to carry on that business or provide that service.

(2) Where a restricted business or restricted service forms, or is provided as, part of a larger business and that larger business is not itself a restricted business, the person responsible for carrying on the larger business complies with the requirement in sub-paragraph (1) by closing the restricted business or by ceasing to provide the restricted service.

(3) The requirement in sub-paragraph (1) is subject to the exceptions in paragraph 10.

(4) In this Part of this Schedule “restricted business” and “restricted service” means a business or service which—

- (a) is of a kind specified in paragraph 9(1), or
- (b) is carried on from, or provided at, premises of a kind specified in paragraph 9(1).

(5) For the purposes of this Part of this Schedule, premises are in the Tier 2 area if—

- (a) any part of the premises is in the Tier 2 area, and
- (b) no part of the premises is in the Tier 3 area.

#### **Restricted businesses and services for purposes of Part 2 of this Schedule**

**9.**—(1) The following are restricted businesses and restricted services for the purposes of this Part of this Schedule—

- (a) nightclubs;
- (b) dance halls;
- (c) discotheques;
- (d) any other venue which—
  - (i) opens at night,
  - (ii) has a dance floor or other space for dancing by members of the public (and for these purposes members of the venue in question are to be considered members of the public), and
  - (iii) provides music, whether live or recorded, for dancing;
- (e) sexual entertainment venues;
- (f) hostess bars;
- (g) any business which provides, whether for payment or otherwise—
  - (i) a waterpipe to be used for the consumption of tobacco or any other substance on the premises, or
  - (ii) a device to be used for the recreational inhalation of nicotine or any other substance on the premises.

(2) A business or service does not fall within sub-paragraph (1)(b), (c) or (d) if it ceases to provide music and dancing.

(3) In sub-paragraph (1)(e) “sexual entertainment venue” has the meaning given in paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

(4) In sub-paragraph (1)(f) “hostess bar” has the meaning given by paragraph 3B of that Schedule.

### **Exceptions from paragraph 8(1)**

**10.**—(1) Paragraph 8(1) does not prevent the use of premises used for a restricted business or a restricted service—

- (a) to provide essential voluntary services or urgent public support services, including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions or support in an emergency;
- (b) for the purposes of voting, counting of votes or activities ancillary to voting or the counting of votes in an election or referendum which is held—
  - (i) in accordance with provision made by or under an Act, or
  - (ii) in accordance with the laws or regulations of a country or territory outside the United Kingdom, but in respect of which arrangements are made by a consular post or diplomatic mission in the United Kingdom for persons eligible to vote in that election or referendum to vote in the United Kingdom.

(2) Paragraph 8(1) does not prevent the use of premises used for a restricted business or restricted service for the making of a film, television programme, audio programme or audio-visual advertisement.

(3) Paragraph 8(1) does not prevent a person responsible for carrying on a restricted business or providing a restricted service (“the closed business”) from—

- (a) carrying on a business which is not a restricted business, or providing services which are not restricted services, in premises which are separate from the premises used for the closed business,
- (b) carrying on a business of offering goods for sale or for hire by making deliveries or otherwise providing services in response to orders received—
  - (i) through a website, or otherwise by online communication,
  - (ii) by telephone, including orders by text message, or
  - (iii) by post, or
- (c) operating a café or restaurant, if the café or restaurant is separate from the premises used for the closed business.

(4) For the purposes of sub-paragraph (3), a premises, café or restaurant (“PCR”) is separate from premises used for the closed business if—

- (a) the PCR is in a self-contained unit, and
- (b) it is possible for a member of the public to enter the PCR from a place outside those premises used for the closed business.

## **PART 3**

### **Other restrictions on businesses**

#### **Restrictions on opening hours of businesses and services**

**11.**—(1) A person responsible for carrying on a restricted business or providing a restricted service (“P”) in the Tier 2 area must not—

- (a) accept, between the hours of 22:00 and 05:00, any orders for food or drink for consumption on the premises,
- (b) carry on that business or provide that service between the hours of 23:00 and 05:00.

(2) For the purposes of sub-paragraph (1), an area adjacent to the premises of the restricted business or restricted service, where seating is made available for its customers (whether or not by the business or the provider of the service), or which its customers habitually use for consumption of food or drink served by the business or service, is to be treated as part of the premises of that business or service.

(3) Where a restricted business or restricted service forms, or is provided as, part of a larger business and that larger business is not itself a restricted business, the person responsible for carrying on the larger business need only comply with the requirements in sub-paragraph (1) in relation to the restricted business or restricted service.

(4) Sub-paragraph (1) is subject to the exceptions in paragraph 12.

(5) In this Part of this Schedule “restricted business” and “restricted service” mean a business or service which—

- (a) is of a kind specified in paragraph 15(2) or (3), or
- (b) is carried on from, or provided at, premises of a kind specified in paragraph 15(2) or (3).

(6) For the purposes of this Part of this Schedule, premises are in the Tier 2 area if—

- (a) any part of the premises is in the Tier 2 area, and
- (b) no part of the premises is in the Tier 3 area.

#### **Exceptions from paragraph 11(1)**

**12.—**(1) Paragraph 11(1) does not prevent P selling, between the hours of 23:00 and 05:00, food or drink for consumption off the premises—

- (a) by making deliveries in response to orders received—
  - (i) through a website, or otherwise by online communication,
  - (ii) by telephone, including orders by text message, or
  - (iii) by post,
- (b) to a purchaser who collects the food or drink that has been pre-ordered by a means mentioned in paragraph (a), provided the purchaser does not enter inside the premises to do so, or
- (c) to a purchaser who collects the food or drink in a vehicle, and to whom the food or drink is passed without the purchaser or any other person leaving the vehicle.

(2) Where P’s restricted business or restricted service is carried on from, or provided at, a cinema, theatre, concert hall or sportsground, paragraph 11(1) does not prevent P carrying on that business or providing that service at or after 23:00 hours for the purpose of concluding a performance or a sports event which began before 22:00.

(3) Paragraph 11(1)(b) does not prevent P carrying on a restricted business, or providing a restricted service, of a kind specified in paragraph 15(2)(a) to (c) between the hours of 23:00 and 05:00 if—

- (a) the business or service is carried on or provided within a motorway service area, and
- (b) alcohol is not served between those hours in the carrying on of the business, or the provision of the service, concerned,

and, in relation to any such business or service, paragraph 11(1)(a) does not prevent P accepting orders at or after 22:00 hours for food or drink other than alcohol.

(4) Paragraph 11(1)(b) does not prevent P carrying on a restricted business, or providing a restricted service, of a kind specified in paragraph 15(2)(a) to (e) between the hours of 23:00 and 05:00 if—

- (a) the business or service is carried on or provided within a part of—

- (i) any airport or maritime port, or
- (ii) the international rail terminal area within the vicinity of Cheriton, Folkestone (as referred to in section 1(7)(b) of the Channel Tunnel Act 1987),
- (b) that part of the airport, maritime port or terminal area is accessible between those hours to passengers, crew or other authorised persons but not to members of the general public, and
- (c) alcohol is not served between those hours in the carrying on of the business, or the provision of the service, concerned,

and, in relation to any such business or service, paragraph 11(1)(a) does not prevent P accepting orders at or after 22:00 hours for food or drink other than alcohol.

(5) Paragraph 11(1)(b) does not prevent P carrying on a restricted business, or providing a restricted service, of a kind specified in paragraph 15(2)(a) to (e) between the hours of 23:00 and 05:00 if—

- (a) the business or service is carried on or provided in an aircraft, train or vessel,
- (b) the aircraft, train or vessel is providing a public transport service, and
- (c) alcohol is not served between those hours in the carrying on of the business, or the provision of the service, concerned (subject to sub-paragraph (6)(b)),

and, in relation to any such business or service, paragraph 11(1)(a) does not prevent P accepting orders at or after 22:00 hours for food or drink in an aircraft, train or vessel, but not alcohol so far relating to orders from customers on a train or vessel.

(6) In sub-paragraph (5)—

- (a) “public transport service” has the meaning given by regulation 2(2) of the Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020, but for these purposes does not include a service provided primarily for dining or other recreational purposes;
- (b) paragraph (c) does not apply in respect of the service of alcohol to persons who are seated on an aircraft.

(7) Where P’s restricted business or restricted service is carried on from, or provided at, a workplace canteen or premises at a higher education provider, paragraph 11(1)(b) does not prevent P carrying on that business or providing that service between the hours of 23:00 and 05:00 if—

- (a) there is no practical alternative for staff at that workplace, or for staff or students at those premises, to obtain food or drink between those hours, and
- (b) alcohol is not served between those hours in the carrying on of the business, or the provision of the service, concerned,

and, in relation to any such business or service, paragraph 11(1)(a) does not prevent P accepting orders at or after 22:00 hours for food or drink other than alcohol.

(8) Paragraph 11(1) does not prevent the use of premises used for a restricted business or a restricted service to provide essential voluntary services or urgent public support services, including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions or support in an emergency.

(9) Paragraph 11(1) does not prevent the use of premises used for a restricted business or restricted service for the making of a film, television programme, audio programme or audio-visual advertisement.

(10) Paragraph 11(1) does not prevent the use of any premises for the purposes of voting, counting of votes or activities ancillary to voting or the counting of votes in an election or referendum which is held—

- (a) in accordance with provision made by or under an Act, or
- (b) in accordance with the laws or regulations of another country or territory, but in respect of which arrangements are made by a consular post or diplomatic mission in the United

Kingdom for persons eligible to vote in that election or referendum to vote in the United Kingdom.

### **Restrictions on service of food and drink for consumption on the premises**

**13.**—(1) A person responsible for carrying on a restricted business, or providing a restricted service, in the Tier 2 area that falls within paragraph 15(2) and which serves alcohol for consumption on the premises may sell food or drink for consumption on the premises only if—

- (a) the food or drink is ordered by, and served to, a customer who is seated on the premises, and
- (b) the person takes all reasonable steps to ensure that the customer remains seated whilst consuming the food or drink on the premises.

(2) A person responsible for carrying on a restricted business, or providing a restricted service, in the Tier 2 area that falls within paragraph 15(2) and which does not serve alcohol for consumption on the premises may sell food or drink for consumption on the premises only if the person takes all reasonable steps to ensure that the customer remains seated whilst consuming the food or drink on the premises.

(3) For the purposes of sub-paragraphs (1) and (2), an area adjacent to the premises of the restricted business or restricted service, where seating is made available for its customers (whether or not by the business or the provider of the service), or which its customers habitually use for consumption of food or drink served by the business or service, is to be treated as part of the premises of that business or service.

(4) If a business or service falling within paragraph 15(2) (“business A”) forms part of a larger business (“business B”)—

- (a) sub-paragraph (1)(a) does not apply to the service of food or drink if the condition in sub-paragraph (5) is met, and
- (b) the person responsible for carrying on business B complies with the requirement in sub-paragraph (1) or (2) if that person complies with the requirement in relation to business A.

(5) The condition in this sub-paragraph is met (subject to sub-paragraph (6)) if—

- (a) business B is a cinema, theatre, concert hall or sportsground,
- (b) the food or drink is ordered by a customer who has a ticket for an exhibition of a film, a performance or an event of training or competition at the venue, and
- (c) the food or drink is served to the customer to consume in the area where the audience is seated at the venue to watch the exhibition, performance or event.

(6) The condition in sub-paragraph (5) is not met where a customer has a seat in a catered corporate box.

### **Requirement to close businesses selling alcohol for consumption on the premises**

**14.**—(1) A person responsible for carrying on a business of a public house, bar or other business involving the provision of alcohol for consumption on the premises must cease to carry on that business, unless sub-paragraph (2) applies.

(2) This sub-paragraph applies if alcohol is only served for consumption on the premises as part of a table meal, and the meal is such as might be expected to be served as breakfast, the main midday or main evening meal, or as a main course at such a meal.

(3) For the purposes of sub-paragraph (1)—

- (a) alcohol provided by a hotel or other accommodation as part of room service is not to be treated as being provided for consumption on its premises;
- (b) an area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business), or which customers habitually

use for consumption of food or drink served by the business, is to be treated as part of the premises of that business.

(4) For the purposes of this paragraph, a “table meal” is a meal eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purposes of a table.

(5) Sub-paragraph (1) does not apply—

- (a) where alcohol is being provided to a customer at a cinema, theatre, concert hall or sportsground, and
- (b) the alcohol is ordered by, and served to, a customer who has a ticket for an exhibition of a film, a performance or an event of training or competition at the venue, to consume in the area where the audience is seated to watch the exhibition, performance or event.

(6) The condition in sub-paragraph (5)(b) is not satisfied where a customer has a seat in a catered corporate box.

(7) Sub-paragraph (1) does not prevent the use of any premises for the purposes of voting, counting of votes or activities ancillary to voting or the counting of votes in an election or referendum which is held—

- (a) in accordance with provision made by or under an Act, or
- (b) in accordance with the laws or regulations of another country or territory, but in respect of which arrangements are made by a consular post or diplomatic mission in the United Kingdom for persons eligible to vote in that election or referendum to vote in the United Kingdom.

(8) Sub-paragraph (1) does not prevent the use of premises to provide essential voluntary services or urgent public support services, including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions or support in an emergency.

(9) Sub-paragraph (1) does not prevent the use of premises for the making of a film, television programme, audio programme or audio-visual advertisement

(10) For the purposes of sections 172F to 172J(a) of the Licensing Act 2003, where a restricted business or restricted service is carried on from, or provided at, licenced premises, the premises are to be treated as open for the purposes of selling alcohol at any time when the premises licence for those premises would, but for sub-paragraph (1), authorise the sale by retail of alcohol for consumption on the premises.

### **Restricted businesses and services for the purposes of Part 3 of this Schedule**

**15.**—(1) The restricted businesses and restricted services for the purposes of this Part of this Schedule are those falling within sub-paragraph (2) or (3).

(2) The following businesses and services fall within this sub-paragraph—

- (a) restaurants, including restaurants and dining rooms in hotels or members’ clubs;
- (b) businesses providing food or drink prepared on the premises for immediate consumption off the premises, but not including—
  - (i) supermarkets,
  - (ii) convenience stores, corner shops and newsagents,
  - (iii) pharmacists and chemists, or
  - (iv) petrol stations;
- (c) cafes, including workplace canteens, but not including—

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(a) Sections 172F to 172J were inserted by the Business and Planning Act 2020 (c. 16), section 11(2).

- (i) cafes or canteens at a hospital, care home, school, educational accommodation for students attending higher education courses or provider of post-16 education or training (as defined in paragraph 1(8) of Schedule 17 to the Coronavirus Act 2020),
  - (ii) canteens at criminal justice accommodation, immigration detention accommodation or an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence, or
  - (iii) services providing food or drink to the homeless;
  - (d) bars, including bars in hotels or members' clubs;
  - (e) public houses;
  - (f) social clubs;
  - (g) casinos.
- (3) The following businesses and services fall within this sub-paragraph—
- (a) bowling alleys;
  - (b) cinemas;
  - (c) theatres;
  - (d) amusement arcades, including adult gaming centres;
  - (e) funfairs and fairgrounds (indoors or outdoors), theme parks and adventure parks and activities;
  - (f) bingo halls;
  - (g) concert halls;
  - (h) sportsgrounds.

## SCHEDULE 3

### Tier 3 restrictions

Regulation 8(4)(e)

## PART 1

### Restrictions on gatherings

#### **Participation in gatherings in private dwellings and other indoor spaces**

- 1.—(1) No person may participate in a gathering in the Tier 3 area which—
- (a) consists of two or more people, and
  - (b) takes place in a private dwelling or in any indoor space.
- (2) No person living in the Tier 3 area may participate in a gathering outside that area which—
- (a) consists of two or more people, and
  - (b) takes place in a private dwelling or in any indoor space.
- (3) Sub-paragraphs (1) and (2) do not apply if any of the exceptions set out in paragraph 4 or 5 applies.
- (4) For the purposes of this Part of this Schedule, a gathering takes place in the Tier 3 area if any part of the place where it takes place is in the Tier 3 area.

#### **Participation in gatherings outdoors**

- 2.—(1) No person may participate in a gathering in the Tier 3 area which—
- (a) takes place outdoors in a place which satisfies the conditions in sub-paragraph (4) and consists of more than six people, or

- (b) takes place in any other outdoor place and consists of two or more people.
- (2) No person living in the Tier 3 area may participate in a gathering outside that area which—
  - (a) takes place outdoors in a place which satisfies the conditions in sub-paragraph (4) and consists of more than six people, or
  - (b) takes place in any other outdoor place and consists of two or more people.
- (3) Sub-paragraphs (1) and (2) do not apply if any of the exceptions set out in paragraph 4 or 6 applies.
- (4) A place satisfies the conditions in this sub-paragraph if it is a public outdoor place other than a fairground or a funfair and—
  - (a) no payment is required by any member of the public to access that place, or
  - (b) the place falls within one of the following categories—
    - (i) outdoor sportsgrounds or sports facilities;
    - (ii) botanical gardens;
    - (iii) gardens or grounds of a castle, stately home, historic house or other heritage site.

### **Organisation or facilitation of gatherings**

- 3.—**(1) No person may hold, or be involved in the holding of, a relevant gathering in the Tier 3 area.
- (2) For the purposes of sub-paragraph (1) a person who only participates in a gathering by attending it is not to be taken as being involved in the holding of the gathering.
- (3) A gathering is a “relevant gathering” for the purposes of this paragraph if it falls within sub-paragraph (4) or (5).
- (4) A gathering falls within this sub-paragraph if it—
- (a) consists of more than 30 persons,
  - (b) takes place indoors, and
  - (c) 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 took place in the open air.
- (5) A gathering falls within this sub-paragraph if (not falling within sub-paragraph (4)) it—
- (a) consists of more than 30 persons,
  - (b) takes place—
    - (i) in a private dwelling,
    - (ii) on a vessel, or
    - (iii) on land which satisfies the condition in sub-paragraph (6), and
  - (c) is not a gathering in relation to which any of the exceptions set out in paragraph 4, 5 or 6 (so far as capable of applying to the gathering) applies.
- (6) Land satisfies the condition in this sub-paragraph if it is a public outdoor place which is not—
- (a) operated by a business, a charitable, benevolent or philanthropic institution, or
  - (b) part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution, or a public body.
- (7) In sub-paragraph (5)(b)(ii) “vessel” does not include government vessels, vessels used for public transport or houseboats.
- (8) In applying for the purposes of sub-paragraph (5)(c) the exceptions set out in paragraph 4, the following do not apply—
- (a) paragraph 4(3)(a), so far as relating to gatherings in public outdoor places operated by public bodies;

- (b) paragraph 4(3)(b).

### **General exceptions in relation to gatherings**

**4.—**(1) These are the exceptions referred to in paragraphs 1, 2 and 3(5)(c).

*Exception 1: same or linked households*

(2) Exception 1 is that all the people in the gathering—

- (a) are members of the same household (or are treated as members of the same household in accordance with these Regulations), or
- (b) are members of two households which are linked households in relation to each other.

*Exception 2: permitted organised gatherings*

(3) Exception 2 is that—

- (a) the gathering is a permitted organised gathering, and
- (b) the person concerned participates in the gathering alone or as a member of a qualifying group (see paragraph 7).

*Exception 3: education and training*

(4) Exception 3 is that the gathering is reasonably necessary for the purposes of—

- (a) early years provision;
- (b) educational activities of a school;
- (c) a course of study or essential life skills training provided by—
  - (i) a 16 to 19 Academy,
  - (ii) a provider of further education, or
  - (iii) a higher education provider;
- (d) activities relating to residing at a school, a 16 to 19 Academy or a provider of further education;
- (e) provision specified in an education, health and care plan;
- (f) the suitable education of a child otherwise than by regular attendance at school arranged by a parent in accordance with section 7 of the Education Act 1996 (and for this purpose “suitable education” has the meaning given by section 436A(3) of the Education Act 1996);
- (g) the suitable education of a child otherwise than by regular attendance at school arranged by—
  - (i) a local authority, as defined by section 579(1) of the Education Act 1996, in accordance with section 19 of that Act, or
  - (ii) the proprietor of a school at which the child is a registered pupil, including where the arrangements are made in connection with section 29A of the Education Act 2002 or section 100 of the Education and Inspections Act 2006,  
(and for this purpose “suitable education” has the meaning given by section 19(6) of the Education Act 1996);
- (h) activities provided by a business, a charitable, benevolent or philanthropic institution or a public body for the purposes of—
  - (i) obtaining a regulated qualification, within the meaning of section 130 of the Apprenticeships, Skills, Children and Learning Act 2009, or
  - (ii) meeting all or part of the entry requirements for an educational institution;
- (i) preparing for work through a skills programme consisting of—
  - (i) a work experience placement, or
  - (ii) work preparation training;

- (j) applying for, and obtaining, work;
- (k) meeting a requirement for a particular area of work;
- (l) professional training that is working towards an external accreditation recognised by a professional body;
- (m) exams and assessments carried out in connection with any of the matters mentioned in paragraphs (a) to (l).

*Exception 4: gatherings necessary for certain purposes*

- (5) Exception 4 is that the gathering is reasonably necessary—
- (a) for work purposes or for the provision of voluntary or charitable services;
  - (b) to provide emergency assistance;
  - (c) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm;
  - (d) to provide care or assistance to a vulnerable person or a person who has a disability, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006;
  - (e) for the purposes of a house move.

*Exception 5: legal obligations and proceedings*

(6) Exception 5 is that the person concerned is fulfilling a legal obligation or participating in legal proceedings.

*Exception 6: criminal justice accommodation and immigration detention accommodation*

(7) Exception 6 is that the gathering takes place in criminal justice accommodation or in immigration detention accommodation.

*Exception 7: support groups*

- (8) Exception 7 is that—
- (a) the gathering—
    - (i) is of a support group,
    - (ii) consists of no more than 15 persons, and
    - (iii) takes place at premises other than a private dwelling, and
  - (b) it is reasonably necessary for members of the group to be physically present at the gathering.

(9) In determining whether the limit in sub-paragraph (8)(a)(ii) is complied with, no account is to be taken of any child who is below the age of five.

*Exception 8: respite care*

- (10) Exception 8 is that the gathering is reasonably necessary for the purposes of—
- (a) respite care being provided for a vulnerable person or a person who has a disability, or
  - (b) a short break being provided in respect of a looked after child (within the meaning given in section 22 of the Children Act 1989).

*Exception 9: births*

(11) Exception 9 is that the person concerned is attending a person giving birth (“M”) at M’s request.

*Exception 10: marriages and civil partnerships etc.*

- (12) Exception 10 is that the gathering meets the conditions in sub-paragraph (13) or (14).
- (13) A gathering meets the conditions in this sub-paragraph if it consists of no more than 15 persons and—
- (a) it is for the purposes of—

- (i) the solemnisation of a marriage, formation of a civil partnership or conversion of a civil partnership into a marriage in accordance with the Marriage Act 1949<sup>(a)</sup>, the Marriage (Registrar General’s Licence) Act 1970<sup>(b)</sup> or the Civil Partnership Act 2004<sup>(c)</sup>, or
  - (ii) an alternative wedding ceremony,
- (b) in the case of an alternative wedding ceremony, it takes place—
- (i) at premises, other than a private dwelling, which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,
  - (ii) at premises, other than a private dwelling, which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, or
  - (iii) in a public outdoor place not falling within sub-paragraph (i) or (ii), and
- (c) the gathering organiser or manager takes the required precautions in relation to the gathering.
- (14) A gathering meets the conditions in this sub-paragraph if it consists of no more than 6 persons and—
- (a) the gathering is for the purposes of—
    - (i) the solemnisation of a marriage in accordance with the Marriage (Registrar General’s Licence) Act 1970,
    - (ii) the solemnisation of a marriage by special licence under the Marriage Act 1949, where at least one of the parties to the marriage is seriously ill and not expected to recover,
    - (iii) the formation of a civil partnership under the special procedure provided for in Chapter 1 of Part 2 of the Civil Partnership Act 2004,
    - (iv) the conversion of a civil partnership to a marriage under the special procedure provided for in regulation 9 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014, or
    - (v) an alternative wedding ceremony, where at least one of the parties to the marriage is seriously ill and not expected to recover,
  - (b) the gathering takes place—
    - (i) at a private dwelling,
    - (ii) at premises which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,
    - (iii) at premises which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, or
    - (iv) in a public outdoor place not falling within sub-paragraph (ii) or (iii),
  - (c) it is not reasonably practicable for the gathering to take place in accordance with sub-paragraph (13), and
  - (d) the gathering organiser or manager takes the required precautions in relation to the gathering.

(15) In sub-paragraphs (13) and (14), a gathering is for the purposes of an “alternative wedding ceremony” if it is for the purposes of a ceremony, including a ceremony based on a person’s faith or belief or lack of belief, to mark the union of two people, other than a ceremony conducted for a purpose mentioned in sub-paragraph (13)(a)(i) or (14)(a)(i) to (iv).

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(a) 1949 c. 76.  
 (b) 1970 c. 34.  
 (c) 2004 c. 33.

*Exception 11: funerals*

(16) Exception 11 is that—

- (a) the gathering is for the purposes of a funeral,
- (b) the gathering consists of no more than 30 persons,
- (c) the gathering takes place—
  - (i) at premises, other than a private dwelling, which are operated by a business, a charitable, benevolent or philanthropic institution or a public body,
  - (ii) at premises, other than a private dwelling, which are part of premises used for the operation of a business, a charitable, benevolent or philanthropic institution or a public body, or
  - (iii) in a public outdoor place not falling within sub-paragraph (i) or (ii), and
- (d) the gathering organiser or manager (in the case of a gathering taking place at premises mentioned in paragraph (c)(i) or (ii)), or the gathering organiser (in the case of a gathering taking place as mentioned in paragraph (c)(iii)) takes the required precautions in relation to the gathering.

*Exception 12: commemorative event following a person's death*

(17) Exception 12 is that—

- (a) the gathering is for the purposes of a commemorative event to celebrate the life of a person who has died (for example, a wake or stone setting ceremony),
- (b) the gathering consists of no more than 15 persons,
- (c) the gathering takes place at premises other than a private dwelling, and
- (d) the gathering organiser or manager takes the required precautions in relation to the gathering.

*Exception 13: protests*

(18) Exception 13 is that the gathering is for the purposes of protest and—

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

*Exception 14: elite sports*

(19) Exception 14 is that—

- (a) the person concerned is an elite sportsperson, the coach of an elite sportsperson or (in the case of an elite sportsperson who is a child) the parent of an elite sportsperson, and
- (b) the gathering is reasonably necessary for training or competition.

*Exception 15: children*

(20) Exception 15 is that the gathering is reasonably necessary—

- (a) for the purposes of arrangements for access to, and contact between, parents and children where the children do not live in the same household as their parents or one of their parents;
- (b) for the purposes of arrangements for contact between siblings where they do not live in the same household and one or more of them is—
  - (i) a child looked after by a local authority, within the meaning of section 22 of the Children Act 1989, or
  - (ii) a relevant child, within the meaning of section 23A of that Act;
- (c) for the purposes of arrangements for prospective adopters (including their household) to meet a child or children who may be placed with the prospective adopters as provided for by an adoption placement plan drawn up in accordance with the Adoption Agencies Regulations 2005 (see regulation 35(2) of those Regulations);

- (d) for the purposes of placing children, or facilitating children being placed, in the care of another person by social services, whether on a temporary or permanent basis;
- (e) for the purposes of—
  - (i) childcare provided by a person registered under Part 3 of the Childcare Act 2006, or
  - (ii) supervised activities for children or other persons who were under the age of 18 on 31st August 2020;
- (f) for the purposes of informal childcare provided by a member of a household to a member of their linked childcare household.

*Exception 16: parent and child groups*

(21) Exception 16 is that the gathering is of a parent and child group which is organised by a business, a charitable, benevolent or philanthropic institution or a public body for the benefit of children under the age of five and—

- (a) the gathering consists of no more than 15 persons, and
- (b) the gathering takes place at premises other than a private dwelling.

(22) In determining whether the limit in sub-paragraph (21)(a) is complied with, no account is to be taken of any child who is below the age of five.

*Exception 17: students and vacation households*

(23) Exception 17 is that the gathering is reasonably necessary to enable a student who is undertaking a higher education course on 3rd December 2020—

- (a) to move on one occasion from their student household on or after that date but before 8th February 2021 to one other household (“vacation household”) for the purposes of a vacation, or
- (b) to return to their term time accommodation after the vacation.

(24) For the purposes of these Regulations—

- (a) a student who has moved to a vacation household is to be treated as a member of that household during the vacation (and not as a member of their student household) until the date on which they return to their student household;
- (b) the inclusion of a student in a vacation household is to be ignored in determining whether that household satisfies the condition in regulation 3(2).

*Exception 18: Christmas period*

(25) Exception 18 is that—

- (a) the gathering takes place during the Christmas period or, where sub-paragraph (26) applies, immediately after the Christmas period,
- (b) the gathering consists of members of no more than three households,
- (c) each of those members is in a linked Christmas household in relation to the others, and
- (d) the gathering takes place in a private dwelling, in a conveyance, in a place of worship or in a public outdoor place that satisfies the conditions in sub-paragraph (27).

(26) This sub-paragraph applies where one or more persons at the gathering has not been able to return to their home because of unforeseen disruption to travel.

(27) A public outdoor place satisfies the conditions in this sub-paragraph if it is not a fairground or a funfair and—

- (a) no payment is required by any member of the public to access that place, or
- (b) the place falls within one of the following categories—
  - (i) outdoor sportsgrounds or sports facilities;
  - (ii) botanical gardens;
  - (iii) gardens or grounds of a castle, stately home, historic house or other heritage site.

(28) In sub-paragraph (25)(d) “private dwelling” includes accommodation in a campsite or caravan park and in the following, if used by a member of a linked Christmas household as their main residence—

- (a) accommodation in a hotel, hostel, members’ club, boarding house or bed and breakfast accommodation;
- (b) care homes;
- (c) children’s homes, within the meaning of section 1 of the Care Standards Act 2000;
- (d) residential family centres, within the meaning of section 4 of that Act;
- (e) educational accommodation;
- (f) accommodation intended for use by Her Majesty’s armed forces.

*Exception 19: picketing*

(29) Exception 19 is that—

- (a) the gathering is for the purposes of picketing which is carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992(a), and
- (b) the gathering organiser takes the required precautions in relation to the gathering.

**Exceptions in relation to indoor gatherings and certain outdoor gatherings**

**5.**—(1) These are the exceptions relating only to indoor gatherings and outdoor gatherings in a place which does not satisfy the conditions set out in paragraph 2(4).

*Exception 1: visiting a dying person*

(2) Exception 1 is that the person concerned (“P”) is visiting a person whom P reasonably believes is dying (“D”), and P is—

- (a) a member of D’s household,
- (b) a close family member of D, or
- (c) a friend of D.

*Exception 2: visiting persons receiving treatment etc.*

(3) Exception 2 is that the person concerned (“P”) is visiting a person (“V”) receiving treatment in a hospital or staying in a hospice or care home, or is accompanying V to a medical appointment and P is—

- (a) a member of V’s household,
- (b) a close family member of V, or
- (c) a friend of V.

*Exception 3: indoor sports*

(4) Exception 3 is that the person concerned is taking part in a permitted indoor sports gathering, and for these purposes a person taking part in a permitted indoor sports gathering does not include a spectator or the parent of a child taking part in the gathering.

**Exceptions in relation to outdoor gatherings**

**6.**—(1) These exceptions relate only to outdoor gatherings.

*Exception 1: outdoor sports*

(2) Exception 1 is that the person concerned is taking part in an outdoor sports gathering, and for these purposes a person taking part in an outdoor sports gathering does not include a spectator or the parent of a child taking part in the gathering.

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(a) 1992 c. 52.

*Exception 2: outdoor activities*

(3) Exception 2 is that—

- (a) the gathering is for the purposes of a relevant outdoor activity, and
- (b) the gathering organiser takes the required precautions in relation to the gathering.

**Qualifying groups**

7.—(1) A person participates in a gathering as a member of a qualifying group only if the person is a part of a qualifying group and, whilst participating in the gathering, the person does not—

- (a) become a member of any other group of people participating in the gathering (whether or not that group is a qualifying group), or
- (b) otherwise mingle with any person who is participating in the gathering but is not a member of the same qualifying group as them.

(2) In sub-paragraph (1) “qualifying group”, in relation to a gathering, means—

- (a) in the application of this paragraph for the purposes of indoor gatherings or outdoor gatherings in a place which does not satisfy the conditions in paragraph 2(4), a group of people who are participating in the gathering which consists only of persons who are—
  - (i) members of the same household,
  - (ii) members of two households which are linked households in relation to each other,
  - (iii) members of two households which are linked childcare households in relation to each other and the gathering is for the purposes of informal childcare provided by a member of one of those households to the other, or
  - (iv) members of no more than three households who are in a linked Christmas household in relation to each other and the gathering takes place during the Christmas period in a place of worship or a public outdoor place that satisfies the conditions in paragraph 4(27);
- (b) in the application of this paragraph for the purposes of outdoor gatherings in a place which satisfies the conditions in paragraph 2(4), a group of people who are participating in that gathering and which—
  - (i) consists of no more than 6 persons, or
  - (ii) consists only of persons as mentioned in paragraph (a)(i) to (iv).

## PART 2

### Closure of, and restrictions on, businesses

**Requirement to close premises and businesses**

8.—(1) A person responsible for carrying on a restricted business, or providing a restricted service, in the Tier 3 area must cease to carry on that business or provide that service.

(2) Where a restricted business or restricted service forms, or is provided as, part of a larger business and that larger business is not itself a restricted business, the person responsible for carrying on the larger business complies with the requirement in sub-paragraph (1) by closing the restricted business or by ceasing to provide the restricted service.

(3) The requirement in sub-paragraph (1) is subject to the exceptions in paragraph 10.

(4) In this paragraph “restricted business” and “restricted service” means a business or service which—

- (a) is of a kind specified in paragraph 13(2) or (7), or
- (b) is carried on from, or provided at, premises of a kind specified in paragraph 13(2) or (7).

(5) For the purposes of this Part of this Schedule, premises are in the Tier 3 area if any part of the premises is in the Tier 3 area.

### **Restrictions on service of food and drink for consumption on the premises**

**9.**—(1) A person responsible for carrying on a restricted business, or providing a restricted service, must—

- (a) close any premises, or part of the premises, in which food or drink are provided for consumption on those premises, and
- (b) cease providing food or drink for consumption on its premises.

(2) The requirement in sub-paragraph (1) is subject to the exceptions in paragraphs 10 and 11.

(3) For the purposes of sub-paragraph (1)(a), food or drink provided by a hotel or other accommodation as part of room service is not to be treated as being provided for consumption on its premises.

(4) For the purposes of sub-paragraph (1), references to food or drink being for consumption on premises include references to consumption on an area adjacent to the premises of the restricted business or restricted service—

- (a) where seating is made available for its customers (whether or not by the business or the provider of the service), or
- (b) which its customers habitually use for consumption of food or drink served by the business or service.

(5) Sub-paragraph (4) does not apply where the restricted business or restricted service is situated or provided—

- (a) at a motorway service area, or
- (b) within a part of—
  - (i) an airport or maritime port, or
  - (ii) the international rail terminal area within the vicinity of Cheriton, Folkestone (as referred to in section 1(7)(b) of the Channel Tunnel Act 1987),and that part of the airport, maritime port or terminal area is accessible to passengers, crew or other authorised persons but not to members of the general public.

(6) Where a restricted business or restricted service forms, or is provided as, part of a larger business and that larger business is not itself a restricted business, the person responsible for carrying on the larger business complies with the requirement in sub-paragraph (1) by closing the restricted business or by ceasing to provide the restricted service.

(7) In this paragraph, “restricted business” and “restricted service” mean a business or service which—

- (a) is of a kind specified in paragraph 13(6), or
- (b) is carried on from, or provided at, premises of a kind specified in paragraph 13(6).

### **Exceptions to paragraphs 8 and 9**

**10.**—(1) Paragraphs 8(1) and 9(1) do not prevent the use of—

- (a) any premises used for a restricted business or restricted service—
  - (i) to provide essential voluntary services or urgent public support services, including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions or support in an emergency;
  - (ii) for the purposes of voting, counting of votes or activities ancillary to voting or the counting of votes in an election or referendum which is held—
    - (aa) in accordance with provision made by or under an Act, or

- (bb) in accordance with the laws or regulations of a country or territory outside the United Kingdom, but in respect of which arrangements are made by a consular post or diplomatic mission in the United Kingdom for persons eligible to vote in that election or referendum to vote in the United Kingdom;
  - (b) any premises used for the making of a film, television programme, audio programme or audio-visual advertisement;
  - (c) facilities for training by elite sportspersons, professional dancers and choreographers, including trampoline parks, indoor skating rinks and snooker or pool halls (and for this purpose a person is a professional dancer or choreographer if the person derives their living from dance or from choreographing dance);
  - (d) theatres and concert halls for—
    - (i) education and training of a kind mentioned in paragraph 4(4),
    - (ii) rehearsal, or
    - (iii) performance without an audience for broadcast or recording purposes;
  - (e) theatres, conference centres and exhibition halls for use, at the request of the Secretary of State in connection with a government programme responding to the incidence and spread of coronavirus in England.
- (2) Paragraph 8(1) does not prevent the use of indoor play areas, indoor play centres, indoor skating rinks and indoor trampoline parks by persons who have a disability.
- (3) Paragraph 8(1) does not prevent the use of indoor skating rinks and indoor trampoline parks for—
- (a) education and training of a kind mentioned in paragraph 4(4),
  - (b) supervised activities for children or other persons under the age of 18 on 31st August 2020.
- (4) Paragraph 8(1) does not prevent a person responsible for carrying on a restricted business or providing a restricted service (“the closed business”) from—
- (a) carrying on a business which is not a restricted business, or providing services which are not restricted services—
    - (i) in premises which are separate from the premises used for the closed business,
    - (ii) by making deliveries or otherwise providing services in response to orders received—
      - (aa) through a website, or otherwise by online communication,
      - (bb) by telephone, including orders by text message, or
      - (cc) by post, or
    - (iii) to a purchaser who collects goods that have been pre-ordered by a means mentioned in sub-paragraph (ii), provided the purchaser does not enter inside the premises to do so, or
  - (b) operating a café or restaurant solely to sell food or drink for consumption off the premises, if the café or restaurant is separate from the premises used for the closed business.
- (5) For the purposes of sub-paragraph (3), a premises, café or restaurant (“PCR”) is separate from premises used for the closed business if—
- (a) the PCR is in a self-contained unit, and
  - (b) it is possible for a member of the public to enter the PCR from a place outside the premises used for the closed business.

### **Exceptions to paragraph 9**

**11.—**(1) Paragraph 9(1) does not prevent the person responsible for carrying on a restricted business, or providing a restricted service, of a kind specified in paragraph 13(6)—

- (a) from selling food or drink for consumption off the premises between the hours of 05:00 and 23:00;
  - (b) from selling food or drink for consumption off the premises between the hours of 23:00 and 05:00 by a method of sale permitted by sub-paragraph (2).
- (2) The methods of sale permitted under this sub-paragraph are—
- (a) making deliveries in response to orders received—
    - (i) through a website, or otherwise by online communication,
    - (ii) by telephone, including orders by text message, or
    - (iii) by post,
  - (b) providing food or drink to a purchaser who collects the food or drink that has been pre-ordered by a means mentioned in sub-paragraph (a), provided the purchaser does not enter inside the premises to do so, or
  - (c) providing food or drink to a purchaser who collects the food or drink in a vehicle, and to whom the food or drink is passed without the purchaser or any other person leaving the vehicle.
- (3) Paragraph 9(1) does not prevent the person responsible for a carrying on a restricted business, or providing a restricted service, of a kind specified in paragraph 13(6)(a) to (e) from carrying on that business, or providing that service, if—
- (a) the business or service is carried on or provided in an aircraft, train or vessel,
  - (b) the aircraft, train or vessel is providing a public transport service, and
  - (c) alcohol is not served in the carrying on of the business, or the provision of the service, concerned (subject to sub-paragraph (4)(b)).
- (4) In sub-paragraph (3)—
- (a) “public transport service” has the meaning given by regulation 2(2) of the Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020, but for these purposes does not include a service provided primarily for dining or other recreational purposes;
  - (b) paragraph (c) does not apply in respect of the service of alcohol to persons who are seated on an aircraft.
- (5) Paragraph 9(1) does not prevent the person responsible for carrying on a restricted business, or providing a restricted services of a kind specified in paragraph 13(6)(a) to (e) from selling food or drink for consumption off the premises if—
- (a) the business or service is carried on or provided within—
    - (i) a motorway service area,
    - (ii) a part of—
      - (aa) any airport or maritime port, or
      - (bb) the international rail terminal within the vicinity of Cheriton, Folkestone (as referred to in section 1(7)(b) of the Channel Tunnel Act 1987),
  - (b) in the case of a business or service falling within paragraph (a)(ii), that part of the airport, maritime port or terminal area is accessible to passenger, crew or other authorised persons but not to members of the general public, and
  - (c) alcohol is not served between the hours of 23:00 and 05:00 in the carrying on of the business, or the provision of the service, concerned.
- (6) Where a restricted business or restricted service of a kind specified in paragraph 13(6)(a) or (b) is carried on or provided as part of an extra care housing scheme, paragraph 9(1) does not prevent the person responsible for carrying on that business, or providing that service, from providing food or drink for consumption on the premises by a relevant person where it is reasonably necessary to do so for the purpose of safeguarding the mental or physical health of the relevant person.

(7) For the purposes of sub-paragraph (6) and this sub-paragraph—

- (a) “extra care housing scheme” means a scheme—
  - (i) that provides accommodation intended for occupation by adults with needs for care and support (“designated extra care accommodation”), and
  - (ii) with an on-site care service;
- (b) “relevant person” means, in relation to a business or service carried on or provided as part of an extra care housing scheme or for use by residents of an extra care housing scheme, a resident of the designated extra care accommodation;
- (c) “on-site care service” means regulated personal or nursing care provided to residents as part of the scheme by—
  - (i) the extra care housing scheme provider, or
  - (ii) another registered care provider who maintains an on-site presence in accordance with an agreement with either or both of the extra care housing scheme provider or the local social services authority in which the scheme is situated;
- (d) “registered care provider” means a person registered as a service provider in respect of regulated personal or nursing care in accordance with Chapter 2 of Part 1 of the Health and Social Care Act 2008(a);
- (e) “local social services authority” means the council of a non-metropolitan county, of a county borough or of a metropolitan district or London borough, or the Common Council of the City of London.

(8) For the purposes of sections 172F to 172J of the Licensing Act 2003, where a restricted business or restricted service is carried on from, or provided at, licenced premises, the premises are to be treated as open for the purposes of selling alcohol at any time when the premises licence for those premises would, but for paragraph 9(1), authorise the sale by retail of alcohol for consumption on the premises.

### **Closure of holiday accommodation**

**12.—**(1) Subject to sub-paragraph (2), a person responsible for carrying on a business consisting of the provision of holiday accommodation situated in the Tier 3 area, whether in a hotel, hostel, bed and breakfast accommodation, holiday apartment, home, cottage or bungalow, campsite, caravan park or boarding house, canal boat or any other vessel, must cease to carry on that business.

(2) A person referred to in sub-paragraph (1) may continue to carry on their business and keep any premises used in that business open—

- (a) to provide accommodation for any person who—
  - (i) is unable to return to their main residence;
  - (ii) uses that accommodation as their main residence;
  - (iii) needs accommodation for the purposes of a house move;
  - (iv) needs accommodation to attend a funeral or following a bereavement of a close family member or friend;
  - (v) needs accommodation to attend a commemorative event to celebrate the life of a person who has died;
  - (vi) needs accommodation to attend a medical appointment, or to receive treatment;
  - (vii) is a carer of a vulnerable person or a person who has a disability and needs respite;
  - (viii) is isolating themselves from others as required by law;

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(a) 2008 c. 14.

- (ix) is an elite athlete or the coach of an elite athlete and needs accommodation for the purposes of training or competition or, where an elite athlete is a child, their parent,
- (b) to provide accommodation for any person who needs accommodation for the purposes of their work or to provide voluntary or charitable services,
- (c) to provide accommodation for any person who needs accommodation for the purposes of education or training of a kind mentioned in paragraph 4(4) or, where that person is a child, their parent,
- (d) to provide accommodation for the purposes of a women's refuge or a vulnerable person's refuge,
- (e) to provide accommodation or support services for the homeless,
- (f) to provide accommodation for any person who was staying in that accommodation immediately before these Regulations came into force or (if later) immediately before the time when the area in which the accommodation is located became part of the Tier 3 area,
- (g) to provide accommodation for any person who is staying in that accommodation in order to provide care or assistance to a vulnerable person or a person who has a disability who is staying in the same accommodation,
- (h) to host blood donation sessions or food banks, or
- (i) for any purpose requested by the Secretary of State or a local authority.

(3) Sub-paragraph (1) does not prevent the use of any accommodation for the purposes of voting, counting of votes or activities ancillary to voting or the counting of votes in an election or referendum which is held—

- (a) in accordance with provision made by or under an Act, or
- (b) in accordance with the laws or regulations of another country or territory, but in respect of which arrangements are made by a consular post or diplomatic mission in the United Kingdom for persons eligible to vote in that election or referendum to vote in the United Kingdom.

(4) Sub-paragraph (1) does not prevent the person responsible for carrying on the business of providing accommodation from offering any business or providing any service from those premises which is not a restricted business or restricted service for the purposes of this Part of this Schedule.

(5) Sub-paragraph (1) does not apply during the period beginning with 22nd December 2020 and ending with 28th December 2020.

### **Restricted businesses and services for purposes of Part 2 of this Schedule**

**13.**—(1) The restricted businesses and restricted services for the purposes of this Part of this Schedule are those falling within sub-paragraph (2), (6) or (7).

(2) The following businesses and services fall within this sub-paragraph—

- (a) nightclubs;
- (b) dance halls;
- (c) discotheques;
- (d) any other venue (not falling within paragraph (b) or (c)) which—
  - (i) opens at night,
  - (ii) has a dance floor or other space for dancing by members of the public (and for these purposes members of the venue in question are to be considered members of the public), and
  - (iii) provides music, whether live or recorded, for dancing;
- (e) sexual entertainment venues;
- (f) hostess bars;

- (g) any business which provides, whether for payment or otherwise—
  - (i) a waterpipe to be used for the consumption of tobacco or any other substance on the premises, or
  - (ii) a device to be used for the recreational inhalation of nicotine or any other substance on the premises.

(3) A business or service does not fall within sub-paragraph (2)(b), (c) or (d) if it ceases to provide music and dancing.

(4) In sub-paragraph (2)(e) “sexual entertainment venue” has the meaning given in paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

(5) In sub-paragraph (2)(f) “hostess bar” has the meaning given by paragraph 3B of that Schedule.

(6) The following businesses and services fall within this sub-paragraph—

- (a) restaurants, including restaurants and dining rooms in hotels or members’ clubs;
- (b) cafes, including workplace canteens, but not including—
  - (i) cafes or canteens at a hospital, care home, school, educational accommodation for students attending higher education courses or provider of post-16 education or training (as defined in paragraph 1(8) of Schedule 17 to the Coronavirus Act 2020),
  - (ii) canteens at criminal justice accommodation, immigration detention accommodation or an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence,
  - (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) 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
  - (v) services providing food or drink to the homeless;
- (c) bars, including bars in hotels or members’ clubs;
- (d) public houses;
- (e) businesses providing food or drink prepared on the premises for immediate consumption off the premises, but not including—
  - (i) supermarkets,
  - (ii) convenience stores, corner shops and newsagents,
  - (iii) pharmacists and chemists, or
  - (iv) petrol stations;
- (f) social clubs.

(7) The following businesses and services fall within this sub-paragraph—

- (a) indoor play areas and indoor play centres, including soft play centres, soft play areas, trampoline parks and inflatable parks;
- (b) casinos;
- (c) bingo halls;
- (d) bowling alleys;
- (e) snooker and pool halls;
- (f) amusement arcades, including adult gaming centres;
- (g) laser quest and escape rooms;
- (h) cinemas, except drive-in cinemas;
- (i) theatres, except drive-in theatres;
- (j) concert halls;

- (k) indoor skating rinks;
- (l) circuses;
- (m) indoor attractions at—
  - (i) water parks and aqua parks;
  - (ii) theme parks, fairgrounds and funfairs;
  - (iii) adventure parks and activities;
  - (iv) aquariums, and zoos, including safari parks;
  - (v) animal attractions at farms and any other place where animals are exhibited to the public as an attraction;
  - (vi) botanical or other gardens, biomes or greenhouses;
  - (vii) stately or historic homes, castles or other heritage sites;
  - (viii) museums and galleries but not including retail galleries where the majority of the art on display is for sale;
  - (ix) sculpture parks;
  - (x) landmarks, including observation wheels or viewing platforms;
  - (xi) model villages;
  - (xii) visitor attractions at film studios;
- (n) conference centres and exhibition halls, so far as they are used to host conferences, exhibitions, trade shows, private dining events or banquets, other than conferences, trade shows or events which are attended only by employees of the person who owns or is responsible for running the conference centre or exhibition hall.

(8) For the purposes of sub-paragraph (7)(m), an “indoor attraction” means those parts of a venue, including visitor centres but not including toilets for visitors, which—

- (a) would be considered to be enclosed or substantially enclosed for the purposes of section 2 of the Health Act 2006 under the Smoke-free (Premises and Enforcement) Regulations 2006, and
- (b) are in normal times open for members of the public to visit for the purposes of recreation, whether or not for payment.

(9) For the purposes of sub-paragraph (7)(n), a “trade show” is an event held to bring together members of a particular industry to display, demonstrate and discuss their latest products or services with members of the public or other members of the industry.

### **Restrictions on opening hours of businesses and services**

**14.—(1)** A person responsible for carrying on a restricted business or providing a restricted service (“P”) in the Tier 3 area must not carry on that business or provide that service between the hours of 23:00 and 05:00.

(2) Where a restricted business or restricted service forms, or is provided as, part of a larger business and that larger business is not itself a restricted business, the person responsible for carrying on the larger business need only comply with the requirements in sub-paragraph (1) in relation to the restricted business or restricted service.

(3) Sub-paragraph (1) does not prevent P carrying on a restricted business or providing a restricted service at or after 23:00 hours for the purpose of concluding a performance which began before 22:00.

(4) In this paragraph “restricted business” and “restricted service” mean—

- (a) drive-in cinemas;
- (b) drive-in theatres;
- (c) outdoor concert venues;
- (d) outdoor attractions at—

- (i) theme parks,
- (ii) fairgrounds and funfairs.

## SCHEDULE 4

### Tier 2 area and Tier 3 area

Regulation 8(4)(d) and (f)

### PART 1

#### Tier 2 area

The areas of the following are within the Tier 2 area—

*North West:*

Cheshire East Council  
Cheshire West and Chester Council  
Cumbria County Council  
Halton Borough Council  
Knowsley Metropolitan Borough Council  
Liverpool City Council  
Sefton Borough Council  
St. Helens Borough Council  
Warrington Borough Council  
Wirral Metropolitan Borough Council

*Yorkshire and The Humber:*

City of York Council  
North Yorkshire County Council

*East Midlands:*

Northamptonshire County Council  
Rutland County Council

*West Midlands:*

Herefordshire Council  
Shropshire Council  
Telford and Wrekin Borough Council  
Worcestershire County Council

*East of England:*

Bedford Borough Council  
Cambridgeshire County Council  
Central Bedfordshire Council  
Essex County Council  
Hertfordshire County Council  
Luton Borough Council

Milton Keynes Borough Council  
Norfolk County Council  
Peterborough City Council  
Southend-on-Sea Borough Council  
Suffolk County Council  
Thurrock Borough Council

*South East:*

Bracknell Forest Council  
Brighton and Hove City Council  
Buckinghamshire Council  
East Sussex County Council  
Hampshire County Council  
Oxfordshire County Council  
Portsmouth City Council  
Reading Borough Council  
Royal Borough of Windsor and Maidenhead  
Southampton City Council  
Surrey County Council  
West Berkshire Council  
West Sussex County Council  
Wokingham Borough Council

*London:*

City of Westminster  
London Borough of Barking and Dagenham  
London Borough of Barnet  
London Borough of Bexley  
London Borough of Brent  
London Borough of Bromley  
London Borough of Camden  
London Borough of Croydon  
London Borough of Ealing  
London Borough of Enfield  
London Borough of Hackney  
London Borough of Hammersmith and Fulham  
London Borough of Haringey  
London Borough of Harrow  
London Borough of Havering  
London Borough of Hillingdon  
London Borough of Hounslow  
London Borough of Islington  
London Borough of Lambeth  
London Borough of Lewisham

London Borough of Merton  
London Borough of Newham  
London Borough of Redbridge  
London Borough of Richmond upon Thames  
London Borough of Southwark  
London Borough of Sutton  
London Borough of Tower Hamlets  
London Borough of Waltham Forest Council  
London Borough of Wandsworth Council  
Royal Borough of Greenwich  
Royal Borough of Kensington and Chelsea  
Royal Borough of Kingston upon Thames  
The Common Council, in respect of the City of London  
The Sub-Treasurer, in respect of the Inner Temple and the Under Treasurer, in respect of the Middle Temple

*South West:*

Bath and North East Somerset Council  
Bournemouth, Christchurch and Poole Council  
Devon County Council  
Dorset Council  
Gloucestershire County Council  
Plymouth City Council  
Somerset County Council  
Swindon Borough Council  
Torbay Council  
Wiltshire Council

## PART 2

### Tier 3 area

The areas of the following are within the Tier 3 area—

*North West:*

Blackburn with Darwen Borough Council  
Blackpool Council  
Bolton Metropolitan Borough Council  
Bury Metropolitan Borough Council  
Lancashire County Council  
Manchester City Council  
Oldham Metropolitan Borough Council  
Rochdale Borough Council  
Salford City Council

Stockport Metropolitan Borough Council  
Tameside Metropolitan Borough Council  
Trafford Metropolitan Borough Council  
Wigan Metropolitan Borough Council

*North East:*

Darlington Borough Council  
Durham County Council  
Gateshead Borough Council  
Hartlepool Borough Council  
Middlesbrough Council  
Newcastle upon Tyne City Council  
North Tyneside Borough Council  
Northumberland County Council  
Redcar and Cleveland Borough Council  
South Tyneside Borough Council  
Stockton-on-Tees Borough Council  
Sunderland City Council

*Yorkshire and The Humber:*

Barnsley Metropolitan Borough Council  
Calderdale Metropolitan Borough Council  
City of Bradford Metropolitan District Council  
Doncaster Metropolitan Borough Council  
East Riding of Yorkshire Council  
Hull City Council  
Kirklees Metropolitan Borough Council  
Leeds City Council  
North Lincolnshire Council  
Rotherham Metropolitan Borough Council  
Sheffield City Council  
Wakefield Metropolitan District Council  
North East Lincolnshire Council

*East Midlands:*

Derby City Council  
Derbyshire County Council  
Leicester City Council  
Leicestershire County Council  
Lincolnshire County Council  
Nottingham City Council  
Nottinghamshire County Council

*West Midlands:*

Birmingham City Council  
Coventry City Council  
Dudley Metropolitan Borough Council  
Sandwell Metropolitan Borough Council  
Solihull Metropolitan Borough Council  
Staffordshire County Council  
Stoke-on-Trent Borough Council  
Walsall Metropolitan Borough Council  
Warwickshire County Council  
Wolverhampton Borough Council

*South East:*

Kent County Council  
Medway Council  
Slough Borough Council

*South West:*

Bristol City Council  
North Somerset Council  
South Gloucestershire Council

## SCHEDULE 5

Regulation 17

### Consequential amendments and transitional and saving provisions

#### PART 1

##### Consequential amendments

**1.** In the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, in regulation 9(9), after sub-paragraph (n) insert—

“(o) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, other than notices issued in respect of a business restriction offence as defined by regulation 12(7) of those Regulations or an offence of contravening a restriction or requirement imposed by paragraph 2 of Schedule 1, paragraph 3 of Schedule 2 or paragraph 3 of Schedule 3 to those Regulations.”.

**2.**—(1) Regulation 14 of the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 is amended as follows.

(2) In paragraph (7C), after sub-paragraph (g) insert—

“(h) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, if the notice was issued in respect of a business restriction offence as defined by regulation 12(7) of those Regulations.”.

(3) In paragraph (8), after sub-paragraph (n) insert—

“(o) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020.”.

(4) In paragraph (8A), after sub-paragraph (f) insert—

“(g) 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 a restriction or requirement imposed by paragraph 2 of Schedule 1, paragraph 3 of Schedule 2 or paragraph 3 of Schedule 3 to those Regulations.”.

**3.** In the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020, in regulation 18(7A), after sub-paragraph (g) insert—

“(h) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, where the fixed penalty notice relates to a business restriction offence as defined by regulation 12(7) of those Regulations.”.

**4.—(1)** The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020 are amended as follows.

(2) In regulation 1—

(a) omit paragraph (2A);

(b) in paragraph (3)—

(i) in sub-paragraph (b), for “the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020” substitute “the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020”;

(ii) in sub-paragraph (c), for “the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020 ceases” substitute “the Principal Regulations cease”;

(iii) in sub-paragraph (d), for “5(5) of Schedule 1” substitute “4(2) of Schedule 1, or (in relation to the Tier 2 area) paragraph 7(2) of Schedule 2,”;

(iv) for sub-paragraphs (fa) and (fb) substitute—

“(fa) “Tier 2 area” has the meaning given by regulation 8(4)(d) of the Principal Regulations;

(fb) “Tier 3 area” has the meaning given by regulation 8(4)(f) of the Principal Regulations;”;

(v) in sub-paragraph (h) omit “for the purposes of the Tier 2 Regulations” and “for the purposes of the Tier 3 Regulations”.

(3) In regulation 1A—

(a) in paragraph (1), in the opening words, omit “for the purposes of the Tier 2 Regulations” and “for the purposes of the Tier 3 Regulations”;

(b) in paragraph (1A)—

(i) in the opening words, omit “for the purposes of the Tier 2 Regulations”;

(ii) in sub-paragraph (a)(i), for “paragraph 5 of Schedule 1 to the Tier 2 Regulations” substitute “paragraph 4 of Schedule 2 to the Principal Regulations”;

(iii) in sub-paragraph (a)(ii), for “paragraph 4 of Schedule 1 to the Tier 2 Regulations” substitute “paragraph 4 or 5 of Schedule 2 to the Principal Regulations”;

(iv) in sub-paragraph (b)(i), for “paragraph 5 of Schedule 1 to the Tier 2 Regulations” substitute “paragraph 4 of Schedule 2 to the Principal Regulations”;

(v) in sub-paragraph (b)(ii), for “paragraph 4 of Schedule 1 to the Tier 2 Regulations” substitute “paragraph 4 or 5 of Schedule 2 to the Principal Regulations”;

(vi) in sub-paragraph (c) for “Tier 2” substitute “Principal”;

(c) omit paragraph (1B).

(4) In regulation 4, in paragraph (8A)—

- (a) in sub-paragraph (d), for “the Principal Regulations” substitute “the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020”;
  - (b) in sub-paragraph (e), for “the Tier 2 Regulations” substitute “the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020”;
  - (c) in sub-paragraph (f), for “the Tier 3 Regulations” substitute “the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020”;
  - (d) after sub-paragraph (g) insert—
    - “(h) the Principal Regulations, where the fixed penalty notice relates to a business restriction offence as defined by regulation 12(7) of those Regulations.”.
- (5) In regulation 8, for “6(16) or 7” substitute “11(9) or 13”.

## PART 2

### Transitional and savings provisions

**5.—**(1) A designation made, or treated as made, in exercise of the powers conferred by the following provisions is to be treated as if it had been made in exercise of the powers conferred by regulations 9(9)(b), 11(3)(b), 11(9)(a) or 13, as appropriate, of these Regulations—

- (a) regulation 7(10)(b), 9(3)(b), 9(13) or 10 of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020;
- (b) regulation 8(9)(b), 10(3)(b), 10(13) or 11 of the Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020;
- (c) regulation 8(9)(c), 10(3)(b), 10(13) or 11 of the Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020;
- (d) regulation 7(9)(c), 9(3), 9(14) or 10 of the Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020;
- (e) regulation 8(9)(b)(iii) or (iv), 10(3)(b), 10(14)(a) or 11 of the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020;
- (f) regulation 8(9)(b), 10(3)(b), 10(14)(a) or 11 of the Health Protection (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020;
- (g) regulation 4(9)(b), 6(3)(b), 6(16) or 7 of the Health Protection (Coronavirus, COVID-19 Alert Level) (Medium) (England) Regulations 2020;
- (h) regulation 4(9)(b), 6(3)(b), 6(16) or 7 of the Health Protection (Coronavirus, COVID-19 Alert Level) (High) (England) Regulations 2020;
- (i) regulation 4(9)(b), 6(3)(b), 6(16) or 7 of the Health Protection (Coronavirus, COVID-19 Alert Level) (Very High) (England) Regulations 2020;
- (j) regulation 19(11)(b), 21(3)(b), 21(16)(a) or 22 of the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020.

(2) Despite the revocation by these Regulations of the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020, those Regulations continue in force as they had effect immediately before 2nd December 2020 in relation to any offence committed under those Regulations before that date.

### EXPLANATORY NOTE

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

These Regulations impose restrictions on gatherings and on businesses in England. Areas which are not specified in Schedule 4 are subject to the restrictions set out in Schedule 1. Areas specified in Part 1 of Schedule 4 (those areas in Tier 2) are subject to the restrictions set out in Schedule 2. Areas specified in Part 2 of Schedule 4 (those areas in Tier 3) are subject to the restrictions in

Schedule 3. The restrictions on businesses include the imposition of restricted hours for certain businesses and closure of certain businesses.

The need for the restrictions in these Regulations must be reviewed by the Secretary of State every 28 days.

No impact assessment has been prepared for these Regulations.