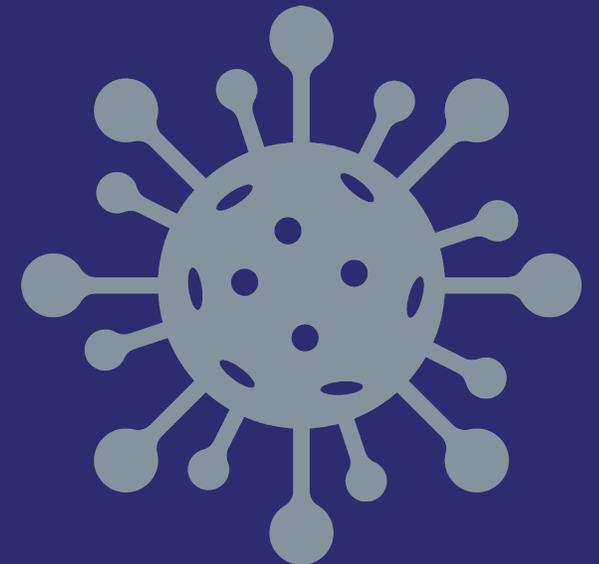


The Health Protection (Coronavirus, Restrictions) (England) (No 4) Regulations 2020

National restrictions



5 November 2020





This pack covers the **Health Protection (Coronavirus, Restrictions) (England) (No 4) Regulations 2020**.

- The Regulations come into force on 5 November 2020 and expire 28 days after they come into force.
- The Regulations apply to England only.

The government tiered model of restrictions – the Local COVID-19 Alert Levels – has been revoked and all areas of England are now covered by these Regulations.

Other national legislation still applies across England and should be viewed separately and includes:

- Requirement to wear face coverings on public transport.
- International Travellers Regulations.
- Requirement to self-isolate.
- Coronavirus Act.

These are available on the **Covid-19 Hub** along with briefings for Wales and advice on PPE.



Police and local authority enforcement

Police will lead enforcement in relation to breaches of requirements placed on **individuals**.

Officers should continue to engage members of the public and explain changes. If necessary they should offer encouragement to comply. However if the individual or group do not respond appropriately, then enforcement can follow without repeated attempts to encourage people to comply with the law.

We police by consent. The initial police response should be to encourage voluntary compliance.

Policing will continue to apply the four-step escalation principles:

- Engage
- Explain
- Encourage and only
- Enforce as a last resort

Enforcement action in relation to breaches by **businesses** will be led by Local Authorities (Environmental Health Officers and Trading Standards Officers). The police should only be required as a last resort and to provide support.



Restrictions on movement – leaving home

No person may leave or be outside of the place where they are living without reasonable excuse*.

* This does not apply to someone who is homeless.

Reasonable excuses to leave the place where a person is living are listed in the regulations as exceptions – these are outlined in the next pages.

The list of reasonable excuses is not exhaustive and it is key that officers exercise judgment in a case where they encounter a person with an excuse that is not included in the list of exceptions.

Note: Exception 11 allows a person to **return home** from any place where they were on holiday immediately before these Regulations came into force.



Restrictions on movement – exceptions

Exception 1 – Leaving home is necessary for certain purposes

These exceptions apply where it is reasonably necessary for a person to leave home to:

- buy goods or obtain services from businesses permitted to trade (for themselves or someone in the same household, vulnerable persons, or for someone living with a vulnerable person)
- obtain or deposit money
- exercise outside or visit a public outdoor place for open air recreation:
 - alone
 - with one or more members of their household, linked household, or linked childcare household
 - with one other person (this can be anyone)
- attend an event commemorating Remembrance Sunday or, on 11 November at Westminster Abbey, to commemorate Armistice Day
- attend a place of worship
- undertake certain activities in connection with the purchase, sale, letting or rental of a residential property, including moving house
- visit a member of a household which is a linked household
- collect food and drink, or goods which have been ordered from a business permitted to trade, or to access permitted services
- visit a waste disposal or recycling centre

Note: No account is to be taken of a carer or a child below the age of five.



Exception 2 – Work, voluntary services, education and training

These exceptions apply where it is reasonably necessary to leave and be outside their home:

- for the purposes of work or to provide voluntary or charitable services, where it isn't reasonably possible to do so from their home
- for the purposes of education or training
- to provide care or assistance to a vulnerable person
- to provide emergency assistance to any person
- to fulfil a legal obligation or participate in legal proceedings
- to access critical public services, including social services, Department for Work and Pensions services, immigration services or victim services
- to access services provided by voluntary or charitable services, including food banks

Exception 3 – Elite athletes

Where a person is an elite sportsperson, a coach of an elite sportsperson, or (where the elite sportsperson is under 18), a parent of the elite sportsperson, and they need to leave and be outside their home for the purposes of training or competition.

Exception 4 – Medical needs

This exception applies where it is reasonably necessary to leave and be outside their home to:

- seek medical assistance
- donate blood
- avoid injury or illness or to escape a risk of harm
- attend a person giving birth at their request
- visit a person receiving treatment in a hospital or staying in a hospice or care home, or accompanying them to a medical appointment (must be a member of their household, close family member or a friend)

Exception 5 – Support and respite

This exception applies where it is reasonably necessary to leave and be outside of their home:

- to attend a meeting of a permitted support group (see [glossary](#))
- for the purposes of respite care, this includes the vulnerable person as well as their carer
- for the purposes of providing a short break for a looked after child



Exception 6: Death bed visits

It is reasonably necessary to leave and be outside of home to visit someone reasonably believed to be dying where they are a member of their household, close family member or a friend.

Exception 7: Funerals

Where it is reasonably necessary to:

- attend a funeral
- attend a commemorative event celebrating the life of someone who has died
- visit a burial ground or garden of remembrance to pay respects to someone from their household, a family member or friend

Restricted to no more than 30, see [Gatherings exceptions](#)

Exception 8: Marriages and civil partnerships

It is reasonably necessary to leave and be outside of home to attend a licensed marriage ceremony, civil partnership ceremony or a permitted alternative wedding ceremony involving **no more than six people**, see [Gatherings exceptions](#)

Exception 9: Children

It is reasonably necessary to leave and be outside of home for the purposes of:

- arrangements for access to, and contact between, parents and a child
- arrangements for contact between siblings where they do not live in the same household (conditions apply)
- arrangements for prospective adopters
- access to educational facilities, or to accompany a child to those facilities – eg, taking a child to and from school
- childcare provided by a registered person or supervised activities for children*
- informal childcare, for children aged 13 or under, provided by a member of a household to a member of their **linked childcare household** (see [glossary](#))

* Only applies where the childcare is reasonably necessary to enable the parent/person who has parental responsibility for, or care of the child, to work, search for work or to undertake training or education.



Exception 10: Animal welfare

It is reasonably necessary to leave and be outside of home to attend veterinary services regarding the health and welfare of an animal a person owns or cares for, or to attend to the care of or exercise of an animal they own or care for.

Exception 11: Returning home

Allows a person to **return home** from any place where they were on holiday immediately before these Regulations came into force.

Exception 12: Prison visits

It is reasonably necessary to leave and be outside of home to visit a person living in criminal justice accommodation where they are a close family member or a friend.

Exception 13: Other visits

- attending a person giving birth at their request
- visiting a person receiving treatment in a hospital or staying in a hospice or care home, or is accompanying them to a medical appointment (where they are a member of their household, close family member or a friend)



Participation in gatherings

Indoors (including private dwellings)

No person may participate in a gathering which:

- consists of **two or more** people, and
- takes place indoors, including in a private dwelling

Outdoors

No person may participate in a gathering which:

- takes place in a public outdoor place and consists of **more than two people**, or
- takes place in any other outdoor place **including outdoor parts of a private dwelling eg, gardens** and consists of **two or more people**

In determining whether there is a gathering of two or more people, no account is to be taken of any person who is:

- present in the gathering as a carer for a person with a disability who needs continuous care, provided that there are no more than two people present in that capacity
- under 5 years old

Exceptions in relation to gatherings apply and are listed on the following pages. Some of these are similar to the reasonable excuse exceptions, but the lists are not identical.

These Regulations include fewer specific exemptions for gatherings, compared with the Tier 1-3 regulations. Notably, specific exemptions for non-elite sport, protest and wedding receptions have been removed.



Restrictions on organisation or facilitation of gatherings

No person may hold, or be involved in the holding of, a **relevant gathering**

A 'relevant' gathering is a gathering which:

- consists of more than 30 persons
- takes place indoors and
- would be of a kind mentioned in section 63(1) of the Criminal Justice and Public Order Act 1994 if it took place in the open air, such as **a rave or other unlicensed music event**

or

- consists of more than 30 persons
- takes place:
 - in a private dwelling
 - on a vessel
 - on land which is a public outdoor place which is not operated by a business, a charitable, benevolent or philanthropic institution or is not part of a premises used for the operation of a business, charitable, benevolent or philanthropic institution or public body
- is not a gathering to which any of the outlined exceptions apply

Note: A person is not involved in the **holding** of a 'relevant' gathering if their only involvement in the gathering is attendance at it.



Restrictions on gatherings – exceptions

Exception 1 – persons are from the same or linked households

Exception 2 – the gathering is reasonably necessary for certain purposes:

- for work purposes or for the provision of voluntary or charitable services
- for the purposes of education or training
- to provide emergency assistance
- to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm
- to provide care or assistance to a vulnerable person,
- to facilitate a house move

Exception 3 – the person concerned is fulfilling a legal obligation or participating in legal proceedings

Exception 4 – the gathering takes place in criminal justice accommodation

Exception 5 – the gathering is of a support group which:

- consists of **no more than 15** persons (children below 5 years old do not count), and
- takes place at premises other than a private dwelling, and
- it is reasonably necessary for members of the group to be physically present at the gathering

Exception 6 – the gathering is reasonably necessary for the purposes of:

- respite care being provided for a vulnerable person or a person with a disability
- a short break being provided in respect of a looked after child

Exception 7 – the gathering is for the purpose of attending a birth or visiting persons receiving treatment:

- attending a person giving birth at their request
- visiting a person receiving treatment in a hospital or staying in a hospice or care home, or accompanying them to a medical appointment (where they are a member of their household, close family member or a friend)



Exception 8 – Marriages and civil partnerships

People can attend the solemnisation of a marriage, formation of a civil partnership, the conversion of a civil partnership or an alternative wedding ceremony (where one of the parties to the marriage is seriously ill and not expected to recover) involving no more than six people and the gathering organiser or manager takes the **required precautions**, see [glossary](#)

Exception 9 – Visiting a dying person

The person concerned is visiting a person they reasonably believe is dying and they are a member of their household, close family member, or a friend.

Exception 10 – Funerals

Where the gathering consists of no more than 30 persons and takes place at premises, other than a private dwelling which:

- is operated by a business, a charitable, benevolent or philanthropic institution or a public body, or are part of those premises, and
- the gathering organiser or manager takes the **required precautions** in relation to the gathering, see [glossary](#)

Exception 11 – Commemorative event following a person's death where:

- the gathering is for the purposes of a commemorative event to celebrate the life of a person who has died (for example, scattering ashes or stone setting ceremony)
- the gathering consists of no more than 15 persons
- the gathering takes place at premises other than a private dwelling, and
- the gathering organiser or manager takes the **required precautions** in relation to the gathering, see [glossary](#)

Exception 12 – Elite sports person:

- where the person attending is an elite sportsperson, a coach of an elite sportsperson, or (where the elite sportsperson is under 18), a parent of the elite sportsperson, and they need to leave and be outside their home for the purposes of training or competition, and
- the gathering is necessary for training or competition



Exception 13 – Children

The gathering is reasonably necessary:

- for the purposes of arrangements for access to, and contact between, parents and a child where the child does not live in the same household as their parents or one of their parents
- for the purposes of arrangements for contact between siblings where they do not live in the same household (conditions apply)
- for the purposes of arrangements for prospective adopters
- for the purposes of:
 - childcare provided by a registered person for the purposes of supervised activities for children*
 - informal childcare, for children aged 13 or under, provided by a member of their linked childcare household

*Only where the childcare is required to enable the parent/person with parental responsibility, or care of, the child to work, search for work, or to undertake training or education.

Exception 14 – Remembrance Sunday and Armistice Day

The gathering takes place outside in a place which is not a private dwelling to commemorate Remembrance Sunday or in Westminster Abbey on 11 November 2020 to commemorate Armistice Day and the centenary of the Unknown soldier:

- the persons attending the gathering are limited to:
 - i. persons there as part of their work
 - ii. persons providing voluntary services in connection with the event
 - iii. members of the armed forces
 - iv. veterans of the armed forces or their representatives or carers
 - v. spectators who participate in the gathering alone or only with members of their household, linked household or linked childcare household, and
- the gathering organiser or manager takes the **required precautions** in relation to the gathering



Closure of, and restrictions on, businesses

The Regulations provide for a number of business restrictions. These are split into 3 main Regulations:

- Restrictions on service of food and drink for consumption on the premises

A person responsible for carrying on a restricted business, or providing a restricted service, must:

- close any premises, or part of premises, in which food or drink are provided for consumption on those premises, and
- cease providing food or drink for consumption on its premises

Exceptions apply.

- Requirement to close premises and businesses

A person responsible for carrying on a restricted business, or providing a restricted service, must cease to carry on that business or provide that service.

Exceptions apply.

- Further restrictions and closures

Police Officers and PCSOs are not expected to lead on the enforcement of business closures. Local authorities (Environmental Health Officers and Trading Standards Officers) will monitor compliance with business restrictions and will enforce them as necessary.

The police should only be required as a last resort and to support partner agencies where requested.

A full briefing on business restrictions is available **here**.



Enforcement options

A **relevant person** may take such action as is necessary to enforce any restrictions imposed by these Regulations.

Where an officer considers that a number of people are **gathered together in contravention of a restriction**, they can:

- direct the people in the gathering to disperse,
- direct any person in the gathering to return to the place where they are living, or
- remove any person from the gathering (an officer may use reasonable force, if necessary, in exercise of the power)

Where an officer considers that a person **is outside the place where they are living in contravention the restriction** they can:

- direct that person to return to the place where they are living

An officer may give the person concerned any reasonable instructions they consider to be necessary in the circumstances.

Business restrictions:

Local authorities (Environmental Health Officers and Trading Standards Officers) will lead enforcement regarding business restrictions. The police should only be required as a last resort.

Offences:

A person commits an offence if, without reasonable excuse, they:

- contravene a restriction
- contravene a requirement imposed, or a direction given in the enforcement of the restrictions
- fail to comply with a reasonable instruction or a prohibition notice given by a constable or PCSO
- obstruct any person carrying out a function under these Regulations

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



Fixed penalty notices (FPNs)

Anyone contravening these requirements commits an offence, punishable on summary conviction by a fine.

a. Participation in gatherings and leaving the place where they are living

Where someone is reasonably believed to have committed an offence under these regulations and is 18 or over, an officer may issue them with an FPN. The amount is **£200** payable within 28 days, but this is reduced to £100 if paid within 14 days. The fixed penalty notice amounts double for each subsequent offence, up to £6,400 for the sixth and subsequent offences.

Note: this will take into account FPNs issued under other Restrictions Regulations

b. Organisation or facilitation of a restricted gathering (either s63 type or other relevant gathering)

The amount is **£10,000** payable within 28 days. Court proceedings may be brought in case of non payment.

Note: such FPNs are not taken into account for the purposes of increased amounts in (a) above.

c. Business restriction offences

Remember – local authorities (Environmental Health Officers and Trading Standards Officers) will monitor compliance with these Regulations and will enforce them as necessary.

- The amount is £1,000 for the first offence, £2,000 for the second, £4,000 for the third and £10,000 for the fourth and subsequent offences. These increases apply only to FPNs issued for these offences.
- All business restriction offences will be taken into account when calculating the amount.



Children

Where the person in contravention of the Regulations is a child and they are accompanied by an individual who has responsibility for them:

- a constable or PCSO may **direct** that individual to take the child to the place where they are living, the responsible individual must, so far as reasonably practicable, ensure that the child complies
- where the child repeatedly fails to comply with requirements, a constable or PCSO may **direct** the responsible individual to secure, so far as is reasonably practicable, that the child complies with the restrictions. A breach of this direction can result in an FPN issued to the responsible individual

Recording

These are non-recordable offences. They can't be punished by imprisonment.

Powers of arrest

The necessity test under Section 24 PACE has been temporarily amended by the Health Protection Regulations to include:

- to maintain public health
- to maintain public order

Usual applications of Section 24 PACE still apply and officers' attention is specifically drawn to the necessity to arrest in relation to ascertaining name and address, and to protect a child or other vulnerable person from the person in question. In this context, this aspect is linked to the spread of infection. Officers may also wish to determine if breach of the peace powers apply.



Participating in gatherings, glossary

Officers may already be familiar with some of the terms used in this briefing, but we have summarised some of the most commonly used terms.

Gathering

A gathering takes place when two or more persons are present together in the same place in order:

- to engage in any form of social interaction with each other, or
- to undertake any other activity with each other

Vulnerable person:

- anyone aged 70 or over
- under 70 who has an underlying health condition
- anyone who is pregnant

Note: A number of health conditions are listed, but are not limited to those listed in the Regulations.

Permitted support group

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

- to victims of crime
- to those with, or recovering from, addictions or addictive patterns of behaviour
- to new parents
- to those with, or caring for persons with, any long-term illness or terminal condition or who are vulnerable
- to those facing issues related to their sexuality or identity
- to those who have suffered bereavement
- to vulnerable young people



Participating in gatherings, glossary (cont.)

Linked households

Where a household comprises one adult, or one adult and one or more children (under the age of 18 on the 12 June 2020), the adult may choose to be linked with a second household (there is no limit on the number of adults and children in the second household).

Conditions:

- neither household can be linked with any other household (other than their linked childcare household)
- all adult members of the second household must agree to link
- the households cease to be linked if the conditions above are not met
- neither household was linked with any other household between the period of 14th September 2020 and 5th November 2020

If the households cease to be linked, neither of them may then link with another household.

Linked childcare households

Where a household includes at least one child aged 13 or under they may choose to link with a second household for the purposes of the second household providing informal childcare to the child.

Conditions:

- neither household can be linked with any other household for the purpose of providing informal childcare
- all adult members of both households must agree to the link
- the households cease to be linked childcare households when neither household includes a child aged 13 or under
- if the households cease to be linked childcare households, neither of them may then link with another childcare household

*Informal childcare is any form of care for a child aged 13 or under provided by someone not doing so in their role as a person registered to provide childcare and includes education and any other supervised activity.



Participating in gatherings, glossary (cont.)

Required precautions

- the organiser or manager of the gathering has carried out a risk assessment*, and
- the gathering organiser or manager has taken all reasonable measures to limit the risk of transmission of the coronavirus, taking into account the risk assessment and any relevant government guidance

*The risk assessment must satisfy the requirements of Regulation 3 of the Management of Health and Safety at Work Regulations 1999, whether or not the gathering organiser is subject to those Regulations.

Relevant Person

A relevant person means

- a constable,
- a police community support officer,
- a person designated by a local authority, or
- a person designated by the Secretary of State



Remember

-  **The Health Protection Regulations** (secondary legislation)
Yes, enforceable. Anyone contravening these requirements commits an offence, punishable on summary conviction by a fine.
-  **The Coronavirus Act 2020** (primary legislation)
Yes, enforceable. There are five main summary offences created by the legislation. These offences are punishable on summary conviction by a fine. You must obtain the advice of a public health officer before exercising these powers unless it is totally impractical to do so.
-  **Government guidance** – is not enforceable. Do not issue fines to people for not adhering to government guidance.