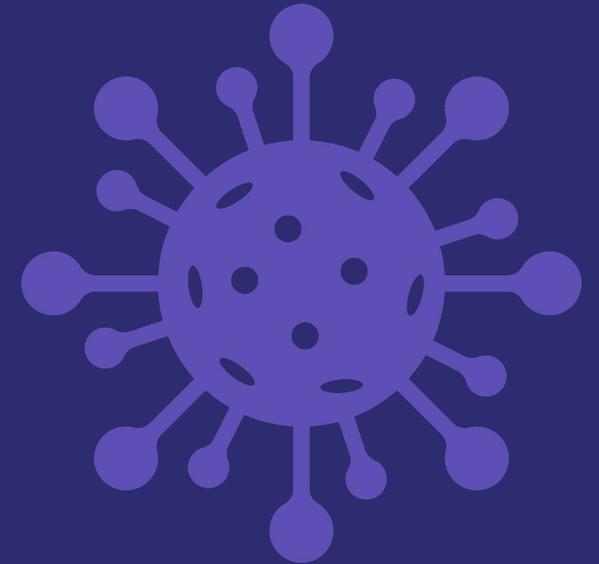


## Tier 4 National lockdown



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

6 January 2021





This pack covers the **Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020** as amended by the **Health Protection (Coronavirus, Restrictions) (No.3) and (All Tiers) (England) (Amendment) Regulations 2020**.

- The amendments come into force on 6 January 2021.
- This briefing covers the restrictions and requirements for the Tier 4 areas.
- This briefing covers the changes made by the government in relation to the new national lockdown and advice to stay at home.
- The previous Tier 4 regulations and Regulations in respect of premises, events and outdoor spaces (no. 3 Regulations) have been updated to take account of the new lockdown measures.
- All local authorities in England are subject to the same Tier 4 measures.

Other national legislation still applies across England and should be viewed separately and are available on the **Covid-19 Hub** along with briefings for Wales and advice on PPE.



## Tier 4 explained including changes from 6 January 2021

As before, Tier 4 Regulations are the highest level of restriction in England and have been amended from 6 January to set out the restrictions now applicable to the national lockdown.

Tier 4 Regulations apply restrictions on movement and gatherings, prohibiting households from mixing indoors and in gardens/other private outdoor settings, as well as stipulating the closure and restrictions on businesses and service provision. The purpose of Tier 4 has not changed, but some of the provisions have been strengthened.

### 1. Movement and gatherings

Everyone is required to 'stay at home' except where they have a reasonable excuse, which includes the limited set of exceptions listed in the regulations. People are prohibited from gathering, except for in a limited set of circumstances. The main changes include:

- prohibiting visits to outdoor places for the purposes of open air recreation (exercise is still permitted)
- attendance at parent and child groups is no longer an exception
- prohibiting use of sports grounds and sports facilities with exceptions for elite athletes and people with disabilities

### 2. Businesses

- In addition to businesses already closed, the following must now close:
  - aquariums and zoos, including safari parks, animal attractions at farms, wildlife centres and any other place where animals are exhibited to the public as an attraction (previously only the indoor part was required to close)
  - outdoor sportsgrounds and facilities, including outdoor gyms, sports courts, swimming pools, water sports, shooting, archery venues, golf courses and driving ranges (exceptions exist for elite athletes, non elite sports persons with a disability and for schools and education providers that remain open)
  - retail travel agents
- Sale of food and drink for consumption off the premises:
  - this is still permitted, however (with the exception of delivery) alcohol may not be sold at any time



## Police and local authority enforcement

Police will lead enforcement in relation to breaches of requirements placed on **individuals in particular restrictions on movement and restrictions on gatherings**.

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 place where a person is living includes the premises where they live together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.

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 of restrictions on movement 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: 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 or disabled persons, or for someone living with a vulnerable or disabled person)
- obtain or deposit money
- take exercise outside:
  - alone
  - with one or more members of the same household, linked household or linked childcare household
  - in a public outdoor place, with one other person who does not have to be a member of the same household, linked household or linked childcare household
- 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.

A place is 'a public outdoor place' if it is a public outdoor place other than a fairground or funfair and:

- no payment is required by any member of the public to access that place, or
- the place falls within one of the following categories
  - i. botanical gardens
  - ii. gardens or grounds of a castle, stately home, historic house or other heritage site



### **Exception:** 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 or disabled 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:** 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:** Medical needs

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

- seek medical assistance
- donate blood or attend medical trials
- 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:** 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
- for the purposes of respite care, for the purposes of providing a short break for a looked after child



### Exception: 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: 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: Marriages and civil partnerships

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

### Exception: 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 – for example, taking a child to and from school
- childcare (ie, early or later years provision) or supervised activities for children or those under 18 on 31 August 2020\*
- placing (of facilitating the placing of) children in the care of another person by social services
- informal childcare, for children aged 13 or under, provided by a member of a household to a member of their **linked childcare household**

### Exception: 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.

\*The exceptions for later years provision or supervised activities only apply where the child or young person is vulnerable, or where the responsible person is described as a critical worker, and the provision or activities are reasonably necessary to enable the parent/person who has parental responsibility for, or care of the child, to work, search for work, to undertake training or education, or to attend to a medical need.



### Exception: Returning home

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

### Exception: Prison visits

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

### Exception: Voting

It is reasonably necessary to leave or be outside of home for the purposes of voting, counting of votes or activities ancillary to voting or the counting of votes in an election.

### Exception: Permitted outdoor sports gatherings

It is reasonably necessary to leave or be outside the home for the purposes of taking part in an outdoor sports gathering for persons who have a disability, are not elite sportspersons and are taking part in any sport or fitness related activity and the gathering:

- is organised by a business, charitable, benevolent or philanthropic institution or a public body
- takes place in an outdoor place other than a private dwelling, and
- organiser or manager takes the required precautions

### Exception: Students and vacation households

It is reasonably necessary for a student undertaking a higher education course to leave or be outside the home to move on one occasion from a student household before 8 February 2021 to one other household ('vacation household') for the purposes of a vacation, or to return to the term time accommodation after the vacation.

### Exception: Picketing

Pickets are permitted where:

- they are carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992 and
- the gathering organiser takes the required precautions in relation to the gathering



## Participating in gatherings in private dwellings and other indoor spaces

No person may participate in a gathering in the Tier 4 area which:

- consists of two or more people, and
- takes place in a private dwelling or any indoor space

No person living in the Tier 4 area may participate in a gathering **outside that area** which:

- consists of two or more people, and
- takes place in a private dwelling or any indoor space

These regulations prohibit all indoor gatherings. No person living in a Tier 4 area can meet with any person indoors, whether in a Tier 4 area or in a Tier 1, 2 or 3 area, unless specific exceptions apply.

**Exceptions** apply to all gatherings, see the [full list on page 18](#), and include, but are not limited to:

- persons are from the same or **linked households**
- provisions for children, attending a birth and fulfilling legal obligation
- communal worship (conditions apply)

Some exceptions have limits to the number of people permitted:

- Marriages, civil partnerships and alternative weddings: **No more than 6 people**
- Commemorative events following a person's death: **No more than 6 people**
- Support groups: **No more than 15 people**
- Funerals: **No more than 30 people**

**Specific exceptions** apply to indoor gatherings (and specified outdoor gatherings):

- where the person is visiting a person who is reasonably believed to be dying (conditions apply)
- where the person is visiting a person receiving treatment in hospital or staying in a hospice or care home or is accompanying them to a medical appointment (conditions apply)

**Note:** Gatherings and premises are in the Tier 4 area if any part of the premises is in the Tier 4 area.



## Participating in outdoor gatherings

No person may participate in a gathering in the Tier 4 area which:

- takes place in a **specified outdoor place** and consists of more than **two** people
- takes place in any other outdoor space and consists of two or more people

No person living in the Tier 4 area may participate in a gathering **outside that area** which:

- takes place in a **specified outdoor place** and consists of more than **two** people
- takes place in any outdoor place and consists of two or more people

These regulations permit participation in outdoor gathering of up to two people in specific places in any area. Outside of these specified places, participation in gatherings is not permitted in any area unless an exception applies.

**Specified outdoor place:** An outdoor gathering of two people is permitted if it takes place in a public outdoor place (other than a funfair or a fairground) and

- no payment is required to enter or
- the place falls within one of the following categories:
  - botanical gardens
  - gardens or grounds of a castle, stately home, historic house or other heritage site

**Exceptions apply** to all gatherings (see [full list on page 18](#))

**Specific exceptions** apply to outdoor gatherings only:

**Outdoor sports gatherings\*** to allow non elite sportspeople with a disability to take part in any sport or fitness related activity:

- organised by a business, a charitable, benevolent or philanthropic institution, or a public body
- that takes place outdoors, and
- the gathering organiser or manager takes the **required precautions**

\*This does not include a spectator or a parent of a child taking part in the gathering.

**Note:** Protests are not an exception in a Tier 4 area.



## Restrictions on organisation or facilitation of gatherings

No person may hold, or be involved in the holding of, a **relevant gathering** in a Tier 4 area.

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, or
  - on land which is a public outdoor place which is not operated by a business, a charitable, benevolent or philanthropic institution and 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.



## Enforcement options – leaving home and gatherings

A constable or PCSO may take such action as is necessary to enforce any restrictions imposed by these Regulations.

Where a constable or PCSO considers that a number of people are **gathered together in contravention of a restriction**, they can:

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

A constable or PCSO can give any reasonable instruction they feel is necessary to ensure compliance with the Regulations.



## Enforcement options

### 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 with the direction

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 constable or PCSO can issue a fixed penalty notice to an adult who fails to secure compliance of a child for whom they are responsible.

**Officers cannot issue a fixed penalty notice to anyone under 18 years old.**



## Enforcement options

### Offences

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

- contravene a Tier 4 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 relevant person
- obstruct any person carrying out a function under these Regulations

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

### Powers of arrest

Section 24(5) of the Police and Criminal Evidence Act 1984 applies in relation to an offence under this regulation as if the reasons for arrest without warrant include:

- to maintain public health
- to maintain public order



## Fixed penalty notices (FPNs)

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

### 1. Participation in gatherings

A constable or PCSO may issue a fixed penalty notice to any person that the authorised person reasonably believes:

- has committed an offence under these regulations
- is 18 or over

The amount is **£100** if paid within 14 days, otherwise £200.

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 Coronavirus Regulations.

### 2. 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 (1) above.

**Operational note:** Please remember FPNs cannot be issued to someone under 18 years old.



## APPENDIX:

- Full list of general exceptions relating to restrictions on gatherings.
- Definitions for restrictions on gatherings.
- Requirements and restrictions on businesses and services.



## Restrictions on gatherings: general exceptions

1. Persons are from the **same or linked households**

2. The gathering is reasonably necessary for the purpose of **education or training** (conditions apply)

3. The gathering is **reasonably necessary**:

- for work purposes or for the provision of voluntary or charitable services
- to provide emergency assistance
- to avoid injury or illness or to escape a risk of harm
- to provide care or assistance to a vulnerable person,
- for the purpose of a house move

4. The person concerned is **fulfilling a legal obligation or participating in legal proceedings**

5. The gathering takes place in **criminal justice accommodation** or immigration detention accommodation

6. The gathering is of a **support group** which:

- consists of no more than 15 persons (children below 5 years old do not count)
- 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

7. The gathering is reasonably necessary for the purposes of **respite care** of a vulnerable person or a person who has a disability or a short break in respect of a looked after child

8. The gathering is for the purpose of **attending a birth** at the request of the person giving birth

9. **Marriage and civil partnerships (and conversion of a civil partnership into a marriage) and alternative weddings**

- consists of no more than **6** people
- the gathering organiser or manager takes the **required precautions**
- further conditions apply to alternative weddings

10. **Funerals**

- consists of no more than **30** people
- takes place in a premises other than a private dwelling (further conditions apply), and
- the gathering organiser or manager takes the **required precautions**

11. **A commemorative event following a person's death**

- consists of no more than **6** people
- takes place in a place other than a private dwelling, and
- the gathering organiser or manager takes the **required precautions**



## Restrictions on gatherings: general exceptions

12. **Elite Sports.** 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 the gathering is reasonably necessary for training or competition

13. **Children.** The gathering is reasonably necessary:

- for the purposes of arrangements for access to, and contact between, parents and children where children do 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 arrangements by a local authority for placing a child in care of another (conditions apply)
- for the purposes of childcare provided by a registered person, or supervised activities for children or for persons under the age of 18 on 31 August 2020 (the exceptions for later years provision or supervised activities only apply where the child or young person is vulnerable, or where the responsible person is described as a critical worker, and the provision or activities are reasonably necessary to enable the parent/person who has parental responsibility for, or care of the child, to work, search for work, to undertake training or education, or to attend to a medical need)
- for the purposes of informal childcare provided by a member of their **linked childcare household**

14. **Students and vacation households.** The gathering is reasonably necessary to enable a student who is undertaking a higher education course on 20 December 2020

- to move (on one occasion) from their student household on or after that date but before 8 February 2021 to their vacation household
- to return to their student household after the vacation
- they will be treated as a member of their vacation household until they return to their student household

15. **Communal worship.** The gathering is permitted if it is at a place of worship, the person is attending alone or part of a qualifying group and the gathering organiser takes the required precautions.

16. **Picketing.** Pickets are permitted where:

- they are carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992 and
- the gathering organiser takes the required precautions in relation to the gathering



## Linked households

Where a household (the **first household**) comprises:

- one adult
- one or more children, and no adults
- one adult and one or more children (under the age of 18 or were under that age on the 12 June 2020)
- one or more adults and a child (under the age of one or was under that age on 2 December 2020)
- one or more adults and a child who has a disability and requires continuous care (under the age of five or was under that age on 2 December 2020)
- one or more persons who have a disability and require continuous care, on their own or together with:
  - one individual who does not have a disability, or
  - more than one such individual but including no more than one adult (who was aged 18 or over on 2 December 2020)

The individuals in the first household may choose to be linked with a second household.

There is no limit to the number of adults or children in the second household.

The first and second households are linked in relation to each other.

### Conditions:

- all adult members of both households must agree
- neither household are linked with any other household

References to neither household being linked with another do not include being linked with another household for the purposes **linked childcare households**

Households cease to be linked if the conditions are not met or all members of one or both households agree to cease being linked.

If the first and second households cease to be linked, either of them may choose to be linked with another household but only after 10 days from the last meeting between a member from each household.



## Linked childcare households

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

### Conditions apply:

- Neither household can be linked with any other household for the purpose of providing informal childcare.
- All members of both households must agree.
- The households cease to be linked childcare households if neither household includes a child aged 13 or under.
- The households cease to be linked childcare households when all members of one or both of the households agree to cease to be linked.

If the first and second households cease to be linked, either of them may choose to be linked with another household but only after 10 days from the last meeting between a member from each household.



## Required precautions

- the gathering organiser or manager 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 or manager is subject to those Regulations.

## Qualifying groups

A qualifying group means a group of people who are participating in that gathering and which consists of:

- only persons who are members of the same household, or who are members of two households which are linked households in relation to each other
- only persons who are members of two households which are linked childcare households in relation to each other (for the purpose of informal childcare arrangements)

However, they must not:

- become a member of any other group of persons participating in the gathering
- mingle with others at the gathering not in their qualifying group



## Business restrictions and requirements

- Requirement to close premises and businesses.
- Restriction on service of food and drink for consumption on the premises.
- Closure of holiday accommodation.
- Enforcement.

Local authorities (environmental health officers and Trading Standards officers) will monitor compliance with these Regulations and will enforce them as necessary.

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



## Closure of premises and businesses

A person responsible for carrying on a restricted business, or providing a restricted service, in a Tier 4 area must cease to carry on that business or provide that service. See also [page 27](#)

### Restricted businesses and services for Tier 4 areas include but are not limited to:

- nightclubs
- dance halls, discotheques and any venue which opens at night, has a dance floor or other space for dancing by members of the public, and plays music (live or recorded) for dancing
- sexual entertainment venues
- hostess bars
- any business which provides, whether for payment or otherwise:
  - water pipe to be used for the consumption of tobacco or any other substance on the premises, or
  - a device to be used for the recreational inhalation of nicotine or any other substance on the premises
- casinos
- bingo halls
- bowling alleys
- riding centres
- amusement arcades including adult gaming centres
- cinemas, theatres and concert halls
- skating rinks
- circuses
- water parks and aqua parks
- theme parks, fairgrounds and funfairs
- adventure parks and activities
- aquariums, zoos, including safari parks
- animal attractions at farms, wildlife centres and any other place where animals are exhibited to the public as an attraction
- model villages
- kitchen, bathroom, tile and glazing showrooms
- museums and galleries and indoor attractions and visitor attractions
- visitor attractions at film studios
- conference centres and exhibition halls (exceptions apply)
- betting shops
- indoor facilities including dance studios, skating rinks, fitness studios, gyms, sports courts, swimming pools, playgrounds, soft play centres and play areas, and other indoor leisure centres
- spas, tanning, nail, beauty and hair salons and barbers
- massage parlours
- tattoo and piercing parlours
- carpet stores
- showrooms and other premises, including outdoor areas, used for the sale or hire of caravans, boats or any vehicle which can be propelled by mechanical means
- car washes (except automatic car washes)
- auction houses (except for auctions of livestock or agricultural equipment)
- markets (except for livestock markets, stalls selling food, other exceptions apply)
- outdoor sportsgrounds and facilities, including outdoor gyms, sports courts, swimming pools, water sports, shooting and archery venues, golf courses and driving ranges
- retail travel agents



## Businesses that may remain open

The following businesses are allowed to remain open in the Tier 4 area:

- food retailers, including food markets, supermarkets, convenience stores and corner shops
- off licenses and licensed shops selling alcohol (including breweries)
- pharmacies (including non-dispensing pharmacies) and chemists
- newsagents
- animal rescue centres and animal boarding facilities
- building merchants and suppliers of products and tools used in building work and repairs
- petrol stations
- vehicle repair and MOT services
- bicycle shops
- taxi or vehicle hire businesses
- banks, building societies, credit unions, short term loan providers, savings clubs, cash points, and businesses providing currency exchange, that transmit money or cash cheques
- post offices
- funeral directors
- launderettes and dry cleaners
- dental services, opticians, audiology services, chiropody, chiropractors, osteopaths and other medical or health services, including services for the disabled or relating to mental health
- veterinary surgeons and pet shops
- agricultural supplies shops
- storage and distribution facilities, including delivery drop off or collection points, where the facilities are in the premises of a business included in this part
- car parks
- public toilets
- garden centres
- automatic car washes
- mobility and disability support shops

The premises is in a Tier 4 area if any part of the premises is in a Tier 4 area.



## Closure of premises and businesses

A person responsible for carrying on a restricted business, or providing a restricted service, in a Tier 4 area must cease to carry on that business or provide that service.

**Exceptions.** The restricted business premises may be used:

- for essential voluntary or urgent public support services (eg, food banks or blood donation)
- for voting, counting votes or any ancillary voting activities in an election or referendum (conditions apply)
- for the making of a film, television programme, audio programme or audio-visual advertisement
- for training by elite sportspersons, including indoor and outdoor gyms, fitness studios, skating rinks, snooker and pool halls, indoor or outdoor sports facilities and sports grounds
- by professional dancers and choreographers as indoor fitness and dance studios and skating rinks
- as indoor and outdoor gyms, fitness studios, skating rinks, indoor sports facilities and other indoor leisure centres and outdoor facilities and sports grounds for childcare by a registered person or supervised activities for children or persons with a disability
- as indoor and outdoor gyms, fitness studios, skating rinks, outdoor and indoor swimming pools, indoor sports facilities and other indoor leisure centres and outdoor sports facilities and sports grounds by schools or providers for post-16 education or training or in criminal justice or immigration accommodation, or for use by the armed forces
- for training, rehearsal or performance, without an audience, for broadcast or recording purposes at theatres and concert halls
- for uses related to COVID at theatres, conference centres and exhibition halls (conditions apply)
- for the purposes of animal welfare at riding centres
- as tanning, hair, nail or beauty salons, barbers, spas, massage parlours, tattoo and piercing parlours, for specifically permitted health services
- as outdoor sports facilities for outdoor sports activity for non elite sports persons who have a disability or other persons who were under the age of 18 on 31 August 2020 (conditions apply)

**Closed businesses may:**

- continue to carry on a non restricted business or service
  - in premises which are separate from the closed business
  - by making deliveries or provide services in response to orders received through a website or other online communication, phone or post
  - by providing goods for collection provided the purchaser does not enter the premises
- operate a café or restaurant that is separate from the closed business, but only for take away (consumption of food and drink off the premises)



## 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

**Note:** this does not include food or drink provided by a hotel or other accommodation as part of room service.

In this regulation, 'restricted business' and 'restricted service' mean a business or service which includes:

- restaurants, including restaurants and dining rooms in hotels or members' clubs
- cafes, including workplace canteens (conditions and exemptions apply)
- bars, including bars in hotels or members' clubs
- social clubs
- public houses
- businesses providing food or drink prepared on the premises for immediate consumption off the premises but not including supermarkets, convenience stores, corner shops, newsagents, pharmacies, chemists or petrol stations

Food or drink for consumption on premises includes an area adjacent to the premises 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.



## Exceptions – service of food and drink for consumption on the premises

Restrictions regarding the selling of food and drink on premises does not prevent the person responsible for carrying on a restricted business, or providing a restricted service:

1. from selling food or drink (but not alcohol) for consumption **off the premises** between the hours of 05:00-23:00.
2. from selling food or drink (but not alcohol) for consumption **off the premises** between the hours of 23:00-05:00:
  - by making deliveries in response to orders received (in this case alcohol may be sold):
    - through a website, or otherwise by on-line communication
    - by telephone, including orders by text message
    - by post
  - to a purchaser who collects food or drink that has been pre-ordered provided the purchaser does not enter inside the premises to do so
  - 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. where the business or service is carried on or provided in an aircraft, train or vessel:
  - the aircraft, train or vessel is providing a public transport service
  - alcohol is not served in the carrying on of the business, or the provision of the service, with the exception of persons seated on board an aircraft
4. where the restricted business or services is situated at:
  - a motorway service area, or
  - within a part of an airport or maritime port, or the international rail terminal area within the vicinity of Cheriton, Folkestone and where the area is accessible, between the restricted hours, to passengers, crew or other authorised persons but not to members of the general public and,
    - where alcohol is not served at any time
5. where it is provided as part of an extra care housing scheme and it is reasonably necessary to do so for the purpose of safeguarding the mental or physical health of the relevant person



## Closure of holiday accommodation in a Tier 4 area

A person responsible for the provision of holiday accommodation (including but not limited to hotel, hostel, bed and breakfast, apartment, home, cottage or bungalow, campsite, caravan park) must cease to carry on that business unless:

- to provide accommodation for any person, who:
  - is unable to return to their main residence
  - uses that accommodation as their main residence
  - needs accommodation while moving house
  - needs accommodation to attend a funeral or to attend a commemorative event to celebrate the life of a person who has died
  - needs accommodation to attend a medical appointment, or to receive treatment
  - needs accommodation for the purpose of access to, and contact between, parents and a child (conditions apply)
  - is the carer of a vulnerable person or person who has a disability and needs respite
  - is isolating themselves from other as required by law
  - is an elite athlete, the coach of an elite athlete, or (in the case of an elite athlete who is a child), the parent of an elite athlete, and needs accommodation for the purposes of training or competition
  - needs accommodation to visit a person who is dying
- to provide accommodation:
  - for any person who needs it for the purposes of their work
  - for any child who needs it for the purposes of education or training (conditions apply)
  - for a woman's refuge or a vulnerable person's refuge
  - for support services for the homeless
  - for any person who was staying in that accommodation immediately before these Regulations came into force
- 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
- to host blood donation sessions
- for any purpose requested by the Secretary of State, or a local authority
- for voting, counting votes or any ancillary voting activities in an election or referendum (conditions apply)



## Enforcement options

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, the person:

- contravenes a restriction or requirement
- contravenes a requirement imposed, or a direction given in the enforcement of the restrictions
- fails to comply with a reasonable instruction or a prohibition notice given by a relevant person
- obstructs 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)

Local authorities (environmental health officers and Trading Standards officers) will monitor compliance with business restriction 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.