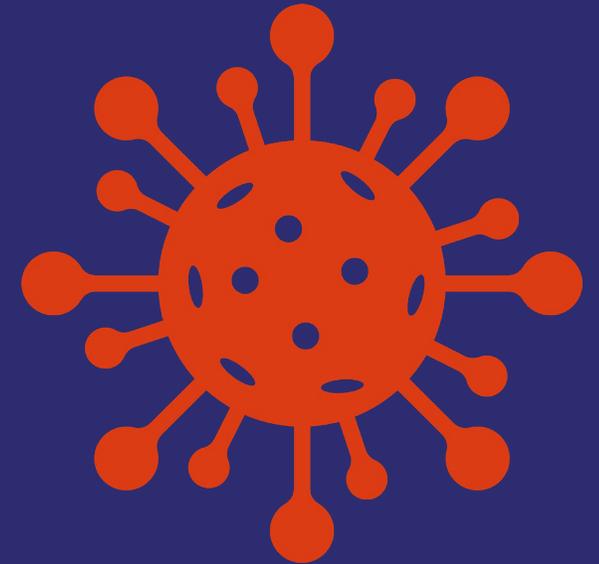


**Step 2**



# The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021

**12 April 2021**





This pack covers **The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021**.

It contains:

1. **Step 2 restrictions**
2. **Restrictions on leaving the United Kingdom**
3. **Disapplication of restrictions and requirements**
  - Step 2 restrictions apply from 12 April 2021.
  - Step 2 restrictions apply to all of England.
  - The Regulations will be reviewed at least once every 35 days, following the first review by 12 April 2021.
  - The Regulations apply to England only.
  - The Regulations will expire on 30 June 2021.

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

- Face covering Regulations.
- International Travel Regulations.
- Self Isolation Regulations.
- Coronavirus Act.

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



## The road map

The government has announced a four step road map in England to gradually ease restrictions post lockdown. Each step has a separate set of restrictions and exceptions for gatherings and requirements for business operations. From 12 April the whole of England will be subject to the restrictions set out in Step 2.

Only when the government is sure that it is safe to move from one step to the next will the final decision be made to move on. The government will apply a series of tests to determine whether the next step will be enacted. The indicative schedule is as follows:

Step 1 – from 29 March

Step 2 – not before 12 April

Step 3 – not before 17 May

Step 4 – not before 21 June

### Latest Regulations – Step 2 at a glance

The information below is an overview of **Step 2**. The rest of the briefing should be viewed for detailed information.

|                              |   |
|------------------------------|---|
| <b>Gatherings</b> (indoors)  | Not permitted (exceptions apply)  |
| <b>Gatherings</b> (outdoors) | Maximum <b>six people</b> (rule of six) or <b>two households</b> (exceptions apply)   |
| <b>Business operations</b>   | Some businesses and services can open, food and drink can be served on premises <b>outdoors only</b> , self contained holiday accommodation can open (conditions apply)<br>Enforcement led by local authorities and Trading Standards, save for exceptional circumstances |



## Police and local authority enforcement

### Policing approach

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

Officers should continue to engage members of the public and explain restrictions. 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**

### Business restrictions

The Step 2 Regulations also include the following business restrictions and requirements:

- Food and drink can be served for consumption at the premises **outdoors only** (conditions apply)
- Businesses and services may open apart from those **restricted** (conditions apply)
- A full list of **restricted businesses and services** which must remain closed can be found in **Schedule 2 para 13 (2)-(5)**
- Holiday accommodation may open if the accommodation is provided:
  - in separate and self-contained premises or
  - on caravan park or campsite can open (conditions apply)
- All other holiday accommodation must remain closed (exceptions apply)

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

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



## Participating in gatherings – indoors

No person may participate in a gathering in a Step 2 area which takes place indoors. Exceptions apply.

There are specific exceptions that only apply to indoor gatherings:

- Where a person is visiting a dying person (conditions apply).
- Where a person is visiting a person receiving treatment (conditions apply).
- For indoor sports that do not permit spectators, including the parents of a child participating (conditions apply).

## Participating in gatherings – outdoors

No person may participate in a gathering in a Step 2 area which consists of more than **six people** (rule of six) or more than **two households**.

There are specific exceptions that only apply for outdoor gatherings:

- Where people are members of no more than two households (**linked households** are regarded as a single household).
- Where the gathering is a **permitted organised gathering** and the person attends alone or as a member of a qualifying group (conditions apply).
- For outdoor sports that do not permit spectators, including the parents of a child participating (conditions apply).
- For outdoor activities (conditions apply).
- For weddings and civil partnership receptions, limited to 15 people (conditions apply).



## Participating in gatherings – general exceptions

These exceptions apply to both indoor and outdoor gatherings.

A full list of exceptions is available in [Schedule 2, Part 1, para 4](#).

Exceptions include, but are not limited to where the:

- people are from the same or **linked households**
- gathering is reasonably necessary for the purpose of education or training (conditions apply)
- gathering is reasonably necessary to enable a student to move once, before 29 April, from their student household to their vacation household and to return after the vacation (conditions apply)
- gathering is for the purposes of protest, providing:
  - 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
- gathering is reasonably necessary for certain arrangements linked to childcare (conditions apply)
- gathering is reasonably necessary (conditions apply):
  - for the nomination of candidates or petitioning for a referendum for no more than two people

- for campaigning
- for observing an election or referendum
- for work purposes or the provision of voluntary/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 or a person who has a disability
- for the purposes of a house move

Some exceptions have limits to the number of people permitted in a gathering (conditions apply).

### No more than 15 people:

- Marriages, civil partnerships and alternative weddings.
- Commemorative events following a person's death.
- Parent and child groups.
- Support groups.

### No more than 30 people:

- Funerals.

Note: Points a) and b) are not limited to protests. See conditions for all other exceptions to see where applicable.



## Restrictions on organisation or facilitation of gatherings

No person may hold, or be involved in the holding of, a **relevant gathering** in a Step 2 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
  - 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

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 – 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
- remove any person from the gathering and use reasonable force if necessary in the exercise of the power (only a **constable\*** may use this power)

A constable or PCSO can give any reasonable instruction which is necessary to ensure compliance with the above.

\*PCSOs do not have the power to remove.

**Note:** Powers should only be exercised if considered a necessary and proportionate means of ensuring compliance with a requirement or restriction.

No specific power of entry is attached to this offence.



## Enforcement options – gatherings

### Children

Where the person in contravention of the Regulations is under the age of 18 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 any direction or instruction given

Where a constable or PCSO has reasonable grounds to believe a child is repeatedly failing to comply with the restriction on gathering, they may direct any individual who has responsibility for the child to secure, so far as is reasonably practicable, that the child complies with the restriction.

A constable can give any reasonable instruction which is necessary to ensure compliance with the above.

A breach of this direction or reasonable instruction can result in an FPN issued to the responsible individual.

**Officers should not 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 Step 2 restriction
- contravene a requirement imposed, or a direction given in the enforcement of the restrictions
- fail to comply with a reasonable instruction given by a relevant person
- obstruct any person carrying out a function under these Regulations

An offence under these Regulations are punishable on summary conviction by a fine.

#### Points to prove

An officer's statement will need to include:

- a. the date, time and location of the gathering
  - b. the number of persons in the gathering
  - c. the details of the person committing the offence
  - d. evidence as to why the gathering is prohibited:
    - that they did not qualify for one of the permitted exceptions
    - that they did not have a reasonable excuse
- and/or
- e. specific details of the requirement, direction given or reasonable instruction given
  - f. evidence to support the contravention or obstruction of duties carried out under these Regulations:
    - that they did not have a reasonable excuse

#### 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

#### Recording

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

#### Single Justice Procedure (SJP)

All these offences can be subject to the SJP. This requires officers to clearly document the circumstances of the incident on the FPN standard form at the time of the offence.



## Fixed penalty notices (FPNs)

### 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.

If the gathering consists of more than 15 people and takes place in:

- a private dwelling
- educational accommodation, or is an indoor rave

The amount is £400 if paid within 14 days, otherwise £800.

FPN amounts double for each subsequent offence up to £6,400.

**Note:** This will take into account FPNs issued under some other Coronavirus Regulations.

### 2. Organisation or facilitation of a relevant gathering (either s63 type or other relevant gathering)

The amount is **£10,000** payable within 28 days.

**Note:** Such FPNs are not taken into account for the purposes of increased amounts in (1) above.

Court proceedings may be brought in case of non payment.

Remember FPNs should not be issued to someone under 18 years old.



## Restrictions on leaving the United Kingdom

No person may leave England to travel to a destination outside the United Kingdom, or travel to, or be present at, an embarkation point\* for the purpose of travel to a destination outside of the United Kingdom, without reasonable excuse.

Anyone intending to travel must have with them a completed travel declaration form. The declaration form must be completed in full in the form published by the Secretary of State.

Where the person is travelling with a child or a person who lacks capacity in accordance with the Mental Capacity Act 2005 for whom they have responsibility they must present a declaration form for them in addition to a statement that certifies that they believe the information provided is correct.

Certain persons are exempt from this provision. This includes, but is not limited to:

- a member of a diplomatic mission in the UK
- a transit passenger
- a crown servant or government worker while undertaking essential government work (conditions apply)

- someone who is travelling in the course of their work eg, drivers, air crew etc.

Reasonable excuses include:

- where travel is reasonably necessary for work
- to provide charitable or voluntary services
- for study
- elite sports
- to seek medical assistance
- to attend a birth
- to provide care and assistance to a vulnerable person
- to attend a funeral
- to attend a wedding or civil partnership

The list provided above is not exhaustive and conditions apply for most categories. See **Schedule 5** for full details.

\***Embarkation point** is an international terminal or any other place in England from which a person may travel to a destination outside the United Kingdom.



## Travel offences

A person commits an offence:

- if they contravene any of the requirements under these Regulations
- intentionally or recklessly provide false or misleading information (except for reasons of national security)
- Fail to comply with any direction or reasonable instruction
- Where officers reasonably believe that someone has committed a travel declaration offence they may issue a fixed penalty notice.

### FPN amounts

£200, where the offence consists of:

- failing to have a travel declaration form, where required
- failure to comply with a direction given under the Regulations to produce or complete a travel declaration form, or to leave an embarkation point without leaving the UK
- intentionally or recklessly providing false or misleading information (except for reasons of national security)

The fine amount **for leaving** England to travel to a destination outside the UK, or for travelling to/being present at an embarkation point, is £5,000, where a reasonable excuse does not apply.

### Points to prove

An officer's statement will need to include:

- a. the date, time and location of the incident
- b. details of those travelling and their intentions regarding their journey
- c. evidence as to why the individuals concerned did not have a reasonable excuse and/or were not exempt from the provisions

Where applicable:

- d. specific details of the requirement, direction given or reasonable instruction given
- e. evidence to support the contravention or obstruction of duties carried out under these Regulations
- f. details regarding the false information provided and evidence to substantiate your opinion that false or misleading information was deliberately provided



## Disapplication of restrictions and requirements by the Secretary of State

Under these Regulations the Secretary of State may, for the purposes of a research programme to evidence the potential transmission of coronavirus in controlled environments, by direction disapply any relevant restriction or requirement in relation to specified premises, a specified event or a specified gathering. Conditions apply.

Officers and staff should be aware that a direction made under this provision

- a. is to be published online, and
- b. must also, as soon as reasonably practicable after it is made, be published in the London Gazette.

The disapplication of restrictions or requirements can also apply to current wearing of face covering Regulations.



## Appendix: Linked households

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

- one adult
- one or more children, and no adults
- one adult and one or more persons who were under the age of 18 on the 12 June 2020
- one or more adults and one or more children (at least one of whom is under the age of one or was under that age on 2 December 2020)
- one or more adults and one or more children whom has a disability, requires continuous care (who is 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 this (first) household may choose to be linked with a second household. The first and second households are linked in relation to each other.

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

household.

### Conditions:

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

References to linked households do not include linked childcare households.

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



## Appendix: 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.



## Appendix: Sports gatherings and relevant outdoor activity

An **outdoor sports gathering** is a gathering organised to allow non elite sportspeople to take part in any sport or other 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**

A **permitted indoor sports gathering** is a gathering which is organised to allow persons under the age of 18 (or who were under 18 on 31 August 2020), or those who have disabilities, who are not elite sports persons to take part in any sport or other fitness related activity:

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

**Relevant outdoor activity.** Physical activity which is carried on outdoors and for which a licence, permit certificate is issued by a public body to do the activity or the use of the equipment.



## Appendix: Permitted organised gatherings

Restrictions on gatherings do not apply to a person participating alone or as a member of a '**qualifying group**' in the following circumstances:

- Gatherings at premises other than private dwellings are permitted if the gathering takes place on or at premises which is operated by (or part of a premises used for) a business, a charitable, benevolent or philanthropic institution or a public body.
- Where the gathering takes place in a public outdoor place, has been organised by a business, a charitable, benevolent or philanthropic institution, a public body or a political body, and the gathering organiser takes the **required precautions**.

Note: Permitted organised gatherings are only allowed outdoors.

### Qualifying groups

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

- no more than 6 persons, or
- consists of the members of no more than two households

Note: Two households which are linked households in relation to each other are to be treated as a single household.

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



## Appendix: Required precautions

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:

- 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(1)**
- has taken all reasonable measures to limit the risk of transmission of coronavirus, taking into account:
  - a. the risk assessment
  - b. any guidance issued by the government which is relevant to the gathering