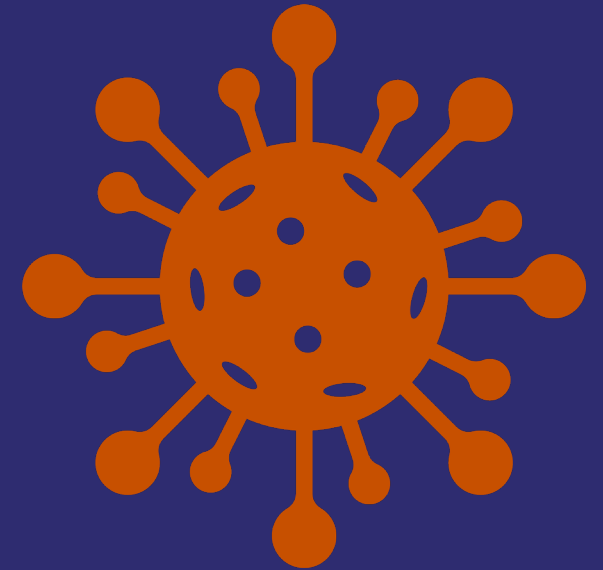


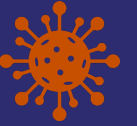
**Tier 2**



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

**2 December 2020**





This pack covers the **Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 – Tier 2**

- The Regulations come into force on 2 December 2020 and expire at the end of 2 February 2021
- A review of whether each area in Tier 2 or 3 should remain in that Tier will take place at least once every 14 days
- The need for each of the Tier 1, 2 and 3 restrictions will be reviewed at least once every 28 days
- These Regulations apply to England only

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 latest Regulations – Tier 2 at a glance

There are 3 Tiers of restriction in England, which are covered by one set of Health Protection Regulations. Each Tier has a separate set of restrictions and exceptions for gatherings and requirements for business operations. The information below is an overview. The rest of the briefing should be viewed for detailed information.

<b>Gatherings indoors</b>	Prohibited in private dwellings or indoor space
<b>Gatherings outdoors</b>	Maximum of <b>6 people</b>
Tier 2 restrictions also apply to people living in Tier 2 areas when participating in gatherings in Tier 1. This does not permit attending gatherings in a Tier 3 area.	
<b>Business operations</b>	Enforcement led by local authorities and Trading Standards, save for exceptional circumstances

### New exceptions of note (gatherings):

**Christmas:** Up to three households can form a linked Christmas Household between 23 and 27 December inclusive.

**Students:** Allows a gathering to enable/help a student in higher education on 3 December to move from their student accommodation for the festive break.

**Enforcement options (gatherings):** a constable may take such action as is necessary to enforce any restrictions imposed by these Regulations (PCSOs can give directions but not use force). An offence under this regulation is punishable on summary conviction by a fine.



## 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.



## Participating in indoor gatherings

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

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

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

**Exceptions** apply to all gatherings. A [full list is on page 14](#) and includes, but is not limited to:

- persons are from the same or [linked households](#)
- the gathering is a [permitted organised gathering](#) and the person participates alone or as part of a [qualifying group](#)
- the gathering is reasonably necessary for the purpose of education or training (conditions apply)

Some exceptions have limits to the number of people permitted in a gathering.

**No more than 15 people:**

- Support groups and parent and child groups
- Marriages, civil partnerships and alternative weddings
- Wedding and civil partnership receptions

- Commemorative events following a persons death

**No more than 30 people:**

- Funerals

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

- 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)
- where the gathering is a [permitted indoor sports gathering](#) and the person concerned is taking part



## Participating in outdoor gatherings

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

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

These Regulations permit a maximum of six people to gather outdoors (inside or outside the tier 2 area). However, this does not permit attending any gatherings outdoors in a Tier 3 area.

**General exceptions** apply to all gatherings – [full list page 14](#) and include, but are not limited to:

- persons are from the same or [linked households](#)
- the gathering is a [permitted organised gathering](#) and the person participates alone or as part of a [qualifying group](#)

Some exceptions have limits to the number of people permitted in a gathering.

**No more than 15 people:** Support groups and parent and child groups; Marriages, civil partnerships and alternative weddings; Wedding and civil partnership receptions and Commemorative events following a persons death

**No more than 30 people:** Funerals

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

An **outdoor sports gathering** to allow non elite sportspeople 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](#)

**Outdoor activity:**

- the gathering is for the purposes of a [relevant outdoor activity](#) and
- the gathering organiser takes the required precautions in relation to the gathering



## Exception for Christmas

### Linked Christmas households

Between 23 December – 27 December 2020 inclusive, up to three households may link to form linked Christmas households if the adults in each household agree.

#### Conditions:

- no member of a linked Christmas household may link with any other households under this Regulation
- no person may be a part of more than one linked Christmas household
- children who do not live in the same household as their parents or one of their parents, can be a part of both parents' linked Christmas households

There is provision for the period to be extended due to unforeseen travel disruption preventing someone returning home, exceptions have also been made for gatherings where the gathering takes place in a private dwelling, in a conveyance, in a place of worship, or in certain public outdoor places (conditions apply).



## Restrictions on organisation or facilitation of gatherings

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

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, or
- 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 can give any reasonable instruction which is necessary to ensure compliance with the above.

\*PCSOs do not have the power to remove.



## 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 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.

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

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 Tier 2 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

### Recording

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



## 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 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.

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



## Appendix:

- Full list of general exceptions relating to restrictions on gatherings
- Glossary of 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 a **permitted organised gathering** and the person participates alone or as part of a **qualifying group**

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

4. 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

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

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

7. 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

8. The gathering is reasonably necessary for the purposes of **respite care** or a short break in respect of a looked after child

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

10. **Marriage and civil partnerships and alternative weddings**

- consists of no more than **15** people
- the gathering organiser or manager takes the **required precautions**
- further conditions apply to alternative weddings
- consists of up to 6 people in a private dwelling (conditions apply)

11. **Wedding and civil partnership receptions**

- consists of no more than 15 people
- takes place at premises other than a private dwelling, and
- the gathering organiser or manager takes the **required precautions**

12. **Funerals.**

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

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

- consists of no more than **15** people
- takes place at premises other than a private dwelling, and
- the gathering organiser or manager takes the **required precautions**



## Restrictions on gatherings: general exceptions

14. **Protests.** The gathering is for the purposes of protest and

- it 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 in relation to the gathering.

15. **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

16. **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 (conditions apply)
- for the purposes of childcare provided by a registered person, or supervised activities for children or for persons who were under the age of 18 on 31 August 2020
- for the purposes of informal childcare provided by a member of their **linked childcare household**

17. **Parent and child groups.** Organised by a business, a charitable, benevolent or philanthropic institution or a public body for the benefit of children under the age of five:

- consists of no more than 15 persons (not counting those under 5), and
- takes place at premises other than a private dwelling

18. **Students and vacation households.** The gathering is reasonably necessary to enable a student who is undertaking a higher education course on 3 December 2020

- to move (on one occasion) from their student household on or after that date 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

19. **Christmas period.** **See slide 7**

20. **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 (who is under the age of five or was 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.

If the first and second households cease to be linked, either of them may choose to be linked with another household but only after 14 days from the last meeting between a member from each household.

### Conditions:

- all adult members of both households must agree
- neither household are linked with any other household
- neither household was linked with any other household between 14 September 2020 and 2 December 2020

References to neither household being linked with another do not include **linked Christmas households** or **linked childcare households**.

If the first and second households cease to be linked, either of them may choose to be linked with another household but only after 14 days from the last meeting between a member from each household. Households cease to be linked if the conditions are not met and all members of one or both households agree to cease being linked.





## 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 14 days from the last meeting between a member from each household.



## 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 (other than as part of the above), 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**.

### 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 be such that would 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 in relation to a permitted organised gathering, means a group of people who are participating in that gathering and which consists of:

- Indoors:
  - 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 (for the purpose of informal childcare arrangements)
  - only persons who are members of linked Christmas households
- outdoors:
  - any of the above, or
  - No more than 6 persons

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



## 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 those who have disabilities and 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
- takes place indoors on relevant premises
- 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.



## Business restrictions and requirements:

- Requirement to close premises and businesses
- Requirement to close of businesses selling alcohol for consumption on the premises
- Restrictions on opening hours of businesses and services
- Restriction on service of food and drink for consumption on the premises

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.



## Business restrictions: requirement to close premises and businesses

A person responsible for carrying on a restricted business, or providing a restricted service, in a Tier 2 area must cease to carry on that business or provide that service.

### Businesses and services required to close are:

- nightclubs
- dance halls\*
- discotheques\*
- any venue which opens at night, has a dance floor or other space for dancing by members of the public, and plays music for dancing (whether live or recorded)\*
- 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

\*These may remain open if they cease to provide music and dancing.

### Exceptions

The restricted business premises may:

- be used for essential voluntary or urgent public support services (eg, food banks or blood donation)
- be used for voting, counting votes or any ancillary voting activities (conditions apply)
- be used for the making of a film, television programme, audio programme or audio-visual advertisement
- carry on a business or a service which is not restricted in a premises which is separate from the premises used for the closed business
- continue to provide goods for sale or hire by making deliveries providing services for orders received through a website/online, phone or post
- operate a café or restaurant if it is separate from the premises used for the closed business



## Business requirement: closure of businesses selling alcohol for consumption on the premises

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 (exception applies).

### Exception

- The requirement to close does not apply 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.
  - at a cinema, theatre, concert hall or sportsground to a person with a ticket, to consume in the audience seating area (excludes catered corporate boxes)
- Alcohol served as part of room service is not considered as being sold for consumption on the premises.

**Note:** an area adjacent to the premises where seating is provided for customers of the business (by the business or not) or where people gather to drink outside of the business are considered to be part of the premises.

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.



## Business restrictions: opening hours of businesses and services

A person responsible for carrying on a restricted business or providing a restricted service in a Tier 2 area must not

- between the hours of 22:00 and 05:00 accept orders for food and drink for consumption on the premises
- carry on that business or provide that service between the hours of 23:00 and 05:00

Businesses and services subject to restricted hours include:

- restaurants, including restaurants and dining rooms in hotels or members' clubs
- businesses providing food and drink take away services (exceptions apply)
- bars, including bars in hotels or members' clubs
- cafes (exceptions apply)
- public houses
- social clubs
- casinos
- bowling alleys
- cinemas, theatres and concert halls
- amusement arcades, including adult gaming centres funfairs and fairgrounds (indoors and outdoors), theme parks and adventure parks and activities
- bingo halls
- sportsgrounds

\*Theatres, cinemas, concert halls and sports grounds may carry on the business or service at or after 23:00 for the purpose of concluding a performance or event that began before 22:00. They may continue to serve food and drink but not alcohol after 22:00.



## Business restrictions: opening hours of businesses and services

### Exceptions

A restricted business can sell food or drink for **consumption off the premises** between 23:00 and 05:00:

- 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
- by providing good for collection in a vehicle providing no person leave the vehicle

Specific exemptions apply to:

- motorway service areas (conditions apply)
- airports, maritime ports, international rail terminal at Folkestone (conditions apply)
- public transport (conditions apply)
- workplace canteens or premises of higher education provider (conditions apply)

Note: these businesses may continue to serve food and drink but not alcohol after 22:00.

During the restricted hours, a restricted business premises may be used for:

- essential voluntary or urgent public support services (eg, food banks or blood donation)
- voting, counting votes or any ancillary voting activities (conditions apply)
- the making of a film, television programme, audio programme or audio-visual advertisement





## Business restrictions: 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 constable or PCSO
- obstructs any person carrying out a function under these Regulations

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

### Enforcement and Fixed Penalty Notices

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.
- All business restriction offences will be taken into account when calculating the amount.