



College of
Policing



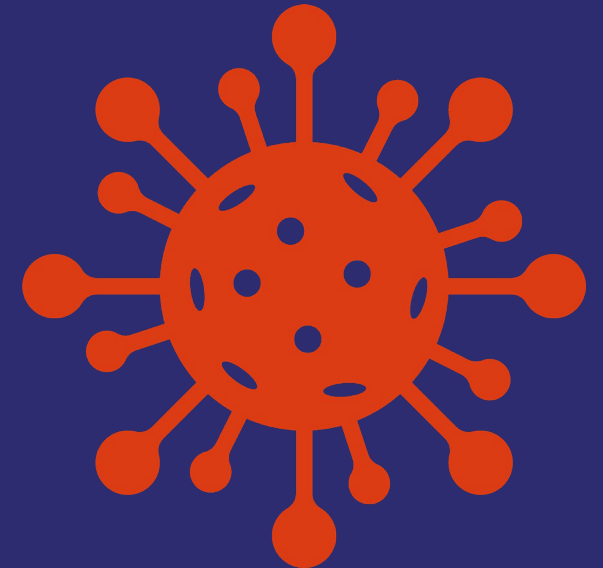
Working together
to keep people safe

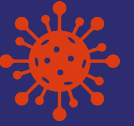
Tier 3



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 3**

- 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 3 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.

Gatherings indoors	Prohibited in private dwellings or indoor space
Gatherings in specific outdoor spaces (requiring no payment to enter, or the place falls within specified categories)	Maximum six people
Gatherings of other outdoor space	Prohibited
Tier 3 restrictions also apply to people living in Tier 3 areas when participating in gatherings in Tier 1 and Tier 2 areas	
Business operations	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 gatherings in private dwellings and other indoor spaces

No person may participate in a gathering in the Tier 3 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 3 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 3 area can meet with any person indoors, whether in a Tier 3 area or in a Tier 1 or 2 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**

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
- Commemorative events following a persons death

No more than 30 people:

- Funerals

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)
- where the person is participating in a **permitted indoor sports gathering** and the person concerned is taking part

Gatherings and premises are in the Tier 3 area if any part of the premises is in the Tier 3 area.



Participating in outdoor gatherings

No person may participate in a gathering in the Tier 3 area which:

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

No person living in the Tier 3 area may participate in a gathering **outside that area** which:

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

These regulations permit participation in outdoor gathering of up to six 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 up to six 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:
 - outdoor sportsgrounds or sports facilities
 - 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 14](#)).

Specific exceptions apply to outdoor gatherings only:

Outdoor sports gatherings 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 3 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 3 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. **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**

12. **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

13. **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.

14. **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

15. **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**

16. **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

17. **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

18. **Christmas period.** See slide 7

19. **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:

- indoor and outdoor (other than certain public outdoor places):
 - 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

In **specified outdoor places** qualifying groups are as above or can be up to 6 people.

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
- Restriction on opening hours
- 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.



Business requirement: closure of premises and businesses

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

Restricted businesses and services for Tier 3 areas are:

- 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
- indoor play areas and centres
- casinos
- bingo halls
- bowling alleys, snooker and pool halls
- amusement arcades including adult gaming centres
- laser quest and escape rooms
- cinemas, except drive-in cinemas
- theatres, except drive in theatres
- concert halls
- indoor skating rinks
- circuses
- indoor attractions (including at water parks, museums – see full list)
- conference centres and exhibition halls (exceptions apply)

*These may remain open if music and dancing is not provided.



Business requirement: closure of premises and businesses

A person responsible for carrying on a restricted business, or providing a restricted service, in a Tier 3 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
- to provide facilities for training of elite athletes etc

Theatres and concert halls may continue to be used for training, rehearsal and performance (broadcast or recording).

Indoor play areas, centres, skating rinks and trampoline parks can continue to be used by people with disabilities.

Theatres, conference centres and exhibition hall for use related to COVID (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)



Business restriction: Service of food and drink for consumption on the premises

A person responsible for carrying on a restricted business, or providing a restricted service, in a Tier 3 area must:

- Close any premises (or part of) where food or drink are provided for consumption on the premises and
- Cease providing food or drink for consumption on the premises*

The restrictions apply to the following businesses:

- restaurants, including restaurants and dining rooms in hotels or members' clubs
- bars, including bars in hotels or members' clubs
- businesses providing food and drink prepared on the premises for immediate consumption off the premises (exceptions apply)
- cafes, including workplace canteens (exceptions apply)
- public houses
- social clubs

Note: This includes areas adjacent to the premises where seating is made available for customers of the business (whether or not by the business) or is habitually used for consumption of food or drink served by the business.

*Alcohol served as part of room service is not considered as being sold for consumption on the premises.

Exceptions:

The same exceptions apply as with closed businesses (see previous slide).

In addition takeaway services are permitted:

- between 05:00 and 23:00 from their premises and
- between 23:00 and 05:00
 - a. by making deliveries for orders received through a website by telephone or text or by post
 - b. for collection provided the person collecting does not enter the premises
 - c. or to a purchaser who collects food or drink in a vehicle without anyone leaving the vehicle

Specific exemptions apply to:

- motorway service areas
- airports, maritime ports, international rail terminal at Folkestone
- public transport
- workplace canteens (conditions apply)



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 3 area must not 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:

- drive in cinemas
- drive in theatres
- concert venues
- outdoor attractions at
 - theme parks
 - fairgrounds and funfairs

Operators may carry on the business or service at or after 23:00 for the purpose of concluding a performance that began before 22:00.



Business requirement: closure of holiday accommodation in a Tier 3 area

A person responsible for the provision of holiday accommodation situated in the Tier 3 area (including but not limited to a hotel, hostel, bed and breakfast, holiday 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 for the purpose of moving house
 - needs accommodation to attend a medical appointment or receive treatment
 - needs accommodation for a funeral, following a bereavement commemorative event
 - is isolating themselves from others 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
- to provide accommodation:
 - for any person who needs it for the purposes of their work, voluntary or charitable services
 - for the purposes of education (where the person is a child, for the child's parents)
 - for a woman's refuge or a vulnerable person's refuge
 - for accommodation or support services for the homeless
 - for any person who was staying in that accommodation immediately before these Regulations came into force
 - to host blood donation sessions or food banks
 - for any person providing care or assistance to a vulnerable or disabled person
 - for any purpose requested by the Secretary of State, or a local authority
- for the purpose of voting, counting votes or ancillary voting activity for elections and referendums (conditions apply)

Requirement to cease to carry on the business does not apply between 22 and 28 December (inclusive).



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 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.

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.