

2020 No. 1008

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, Restrictions) (Obligations of ... Undertakings) (England) Regulations 2020

INCLUDING ALL AMENDMENTS AS OF 28 SEPTEMBER 2020

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Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (Obligations of ... Undertakings) (England) Regulations 2020 and come into force on 18th September 2020.

(2) These Regulations apply in relation to England only.

(3) In these Regulations—

(a) “business” includes any undertaking, whether carried on for profit or not;

(b) the “Principal Regulations” means the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020;

(c) “emergency period” has the same meaning as in regulation 5(1) of the Principal Regulations;

(ca) “face covering” has the meaning given in regulation 2(1) of the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) Regulations 2020;

(d) “qualifying group” has the meaning given in regulation 5(2B)(a) of the Principal Regulations.

(e) “relevant area” means any place where a person is required to wear a face covering under the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) Regulations 2020;

(f) “responsible person” means a person responsible for carrying on a business in a relevant area.

(4) For the purposes of these Regulations, references to a “local authority” include references to a county council.

Restrictions in relation to relevant premises

1A.—(1) A person who operates or occupies relevant premises must, during the emergency period, take all reasonable measures to ensure that—

(a) no bookings are accepted for a group of more than six persons unless one of the exemptions in regulation 5 of the Principal Regulations applies;

(b) no persons are admitted to the premises in a group of more than six, unless one of the exemptions in regulation 5 of the Principal Regulations applies;

(c) no person joins another group or otherwise acts in a way which would contravene the Principal Regulations.

(2) In this regulation, “relevant premises” has the same meaning as in the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020.

Restrictions on hospitality undertakings

2.—(1) A person responsible for carrying on a business of a public house, café, restaurant or other relevant business must, during the emergency period, take all reasonable measures to ensure that—

(a)

(b)

(c)

(d) an appropriate distance is maintained between tables occupied by persons who are not in the same qualifying group.

(1A) A person responsible for carrying on a business of a public house, café, restaurant or bar (including a bar in a hotel or members’ club) must, during the emergency period, take all reasonable measures to stop—

(a) singing on the premises by customers in groups of more than six; or

(b) dancing on the premises by customers.

(1B) Paragraph (1A)(b) does not apply in relation to dancing—

(a) at a wedding ceremony or wedding reception by the couple to whom the wedding relates; or

(b) at a civil partnership ceremony or reception following a civil partnership ceremony by the couple to whom the civil partnership ceremony relates.

(1C) A person responsible for carrying on a business of a public house, café, restaurant or bar (including a bar in a hotel or members’ club) must, during the emergency period, ensure that no music is played on the premises which exceeds 85db(A) when measured at the source of the music.

(1D) Paragraph (1C) does not apply to any performance of live music.

(1E) In paragraph (1C), “db(A)” means A-weighted decibels.

(2) For the purposes of this regulation—

(a) an “appropriate distance” means a distance between tables of—

(i) at least two metres, or

(ii) at least one metre, if—

(aa) there are barriers or screens between tables;

(bb) the tables are arranged with back to back seating, or otherwise arranged to ensure that persons sitting at one table do not face any person sitting at another table at a distance of less than two metres; or

(cc) other measures are taken to limit the risk of transmission of the coronavirus between people sitting at different tables;

(b) a “relevant business” is a business which provides food or drink for consumption on its premises.

Requirements relating to signage and information

2A.—(1) A responsible person must, during the emergency period—

(a) display a notice providing the information in paragraph (2); or

(b) take other measures to ensure that any person who enters the relevant area without wearing a face covering is given the information specified in paragraph (4).

(2) The information referred to in paragraph (1)(a) is that any person present at the relevant area is required to wear a face covering under the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) Regulations 2020 unless an exemption under those Regulations applies to the person or the person has a reasonable excuse under those Regulations not to wear a face covering; and

(3) A notice under paragraph (1)(a) must be displayed in a conspicuous location at the relevant area

(4) The information to be given to the person under paragraph (1)(b) is that the person is required to wear a face covering unless an exemption applies to the person or the person has a reasonable excuse not to wear a face covering

(5) For the purposes of this regulation, a business is carried on in a relevant area if any part of the premises from which the business operates is in the relevant area.

Prohibition on preventing a person from wearing a face covering

2B.—(1) A responsible person must not, during the emergency period, prevent, or seek to prevent, any relevant person from wearing a face covering while the relevant person is present at the relevant area.

(2) In this regulation, a “relevant person” is a person required to wear a face covering under regulation 3(1) of the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) Regulations 2020 while present at the relevant area.

Offences and penalties

3.—(1) A person who without reasonable excuse contravenes a requirement in regulation 1A, 2, 2A or 2B commits an offence.

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

(3) If an offence under this regulation committed by a body corporate is proved—

(a) to have been committed with the consent or connivance of an officer of the body,
or

(b) to be attributable to any neglect on the part of such an officer,

the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.

(4) In paragraph (3), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

(5) Section 24 of the Police and Criminal Evidence Act 1984 applies in relation to an offence under this regulation as if the reasons in subsection (5) of that section included—

(a) to maintain public health;

(b) to maintain public order.

Fixed penalty notices

4.—(1) An authorised person may issue a fixed penalty notice to anyone that the authorised person reasonably believes—

(a) has committed an offence under these Regulations; and

(b) is aged 18 or over.

(2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to an authority specified in the notice.

(3) The authority specified in the notice must be—

- (a) the local authority (or as the case may be, any of the local authorities) in whose area the offence is alleged to have been committed (“the relevant local authority”), or
- (b) an officer designated by the Secretary of State, or by the relevant local authority, for the purposes of this regulation (“the designated officer”).

(4) Where a person is issued with a notice under this regulation in respect of an offence—

- (a) no proceedings may be taken for the offence before the end of the period of 28 days following the date of the notice;
- (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

(5) A fixed penalty notice must—

- (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;
- (b) state the period during which (because of paragraph (4)(a)) proceedings will not be taken for the offence;
- (c) specify the amount of the fixed penalty;
- (d) state the name and address of the person to whom the fixed penalty may be paid;
- (e) specify permissible methods of payment.

(6) The amount specified under paragraph (5)(c) must, subject to paragraph (7), be £1,000.

(7) Unless paragraph (8) applies, a fixed penalty notice must specify that if £500 is paid before the end of the period of 14 days following the date of the notice that is the amount of the fixed penalty.

(8) If the person to whom a fixed penalty notice is given has already received a fixed penalty notice under these Regulations—

- (a) paragraph (7) does not apply, and
- (b) the amount specified as the fixed penalty is to be—
 - (i) in the case of the second fixed penalty notice received, £2,000;
 - (ii) in the case of the third fixed penalty notice received, £4,000.
 - (iii) in the case of the fourth and subsequent fixed penalty notices received, £10,000.

(8A) In determining how many fixed penalty notices a person has received, fixed penalty notices issued to that person under the following Regulations are to be taken into account—

- (a) the Principal Regulations, where the fixed penalty notice relates to an offence for contravening a requirement in regulation 4A or 4B of those Regulations;
- (b) the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020.

(9) Whatever other method may be specified under paragraph (5)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (5)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(10) Where a letter is sent as mentioned in paragraph (9), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(11) In any proceedings, a certificate—

(a) that purports to be signed by or on behalf of—

(i) the chief finance officer of the relevant local authority, where the authority to which payment is made is a local authority, or

(ii) the designated officer, where that officer is the authority to which payment is made; and;

(b) states that the payment of a fixed penalty was, or was not, received by the date specified in the certificate;

is evidence of the facts stated.

(12) In this regulation—

(a) “authorised person” means—

(i) a constable;

(ii) a police community support officer;

(iii) a person designated by the Secretary of State for the purposes of this regulation;

(iv) a person designated by the relevant local authority for the purposes of this regulation;

(b) a “chief finance officer”, in relation to a local authority, means the person with responsibility for the authority's financial affairs.

Prosecutions

5. Proceedings for an offence under these Regulations may be brought by the Crown Prosecution Service and any person designated by the Secretary of State.

Review

6. The Secretary of State must review the need for the requirements imposed by these Regulations before the end of the period of six months beginning with the day on which they come into force.

Expiry

7.—(1) These Regulations expire at the end of the period of 364 days beginning with the day on which they come into force.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they expire.

Designations

8. A person who is designated for the purposes of regulation 9(13) or 10 of the Principal Regulations is to be treated as if they were designated for the purposes of regulation 4(12)(a) or 5 as appropriate, of these Regulations.