

Regulations made by the Secretary of State, laid before Parliament under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of each House of Parliament within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution, prorogation or adjournment for more than four days.

STATUTORY INSTRUMENTS

2020 No. 1183

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium, High and Very High) (England) (Amendment) (No. 3) Regulations 2020

Made - - - - at 12.45 p.m. on 29th October 2020

Laid before Parliament at 3.00 p.m. on 29th October 2020

Coming into force - - - - 30th October 2020

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45C(1), (3)(c), (4)(b), (4)(d), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984(a).

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in England.

The Secretary of State considers that the restrictions and requirements imposed by the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020(b), the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020(c) and the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020(d) as amended by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 45R of that Act, the Secretary of State is of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, each House of Parliament.

(a) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).

(b) S.I. 2020/1103, amended by S.I. 2020/1154 and 1176.

(c) S.I. 2020/1104, amended by S.I. 2020/1128, 1154 and 1176.

(d) S.I. 2020/1105, as amended by S.I. 2020/1131, 1154 and 1176.

Citation and commencement

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium, High and Very High) (England) (Amendment) (No. 3) Regulations 2020.

(2) These Regulations come into force on 30th October 2020.

Amendment to the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020

2. In Schedule 1 to the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, in paragraph 13(7), for the words from “there is no practical alternative” to the end, substitute—

“—

- (a) there is no practical alternative for staff at that workplace to obtain food or drink between those hours, and
- (b) alcohol is not served between those hours in the carrying on of the business, or the provision of the service, concerned.”.

Amendments to the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020

3. In the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020—

- (a) in Schedule 1, in paragraph 16(7), for the words from “there is no practical alternative” to the end, substitute—

“—

- (a) there is no practical alternative for staff at that workplace to obtain food or drink between those hours, and
- (b) alcohol is not served between those hours in the carrying on of the business, or the provision of the service, concerned.”;
- (b) in Schedule 2, omit “Nottinghamshire”, and the entries under that heading from “Ashfield District Council” to “Rushcliffe Borough Council”.

Amendments to the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020

4.—(1) The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020 are amended as follows.

(2) In regulation 2(1), after the opening words, insert—

““alcohol” has the meaning given in section 191 of the Licensing Act 2003(a);”.

(3) In Schedule 1—

(a) in paragraph 14—

- (i) in sub-paragraph (7), for the words from “there is no practical alternative” to the end, substitute—

“—

- (a) there is no practical alternative for staff at that workplace to obtain food or drink between those hours, and

(a) 2003 c. 17. Section 191 has been amended by s. 135 of the Policing and Crime Act 2017 (c. 3), s. 135, and S.I. 2006/2407.

- (b) alcohol is not served between those hours in the carrying on of the business, or the provision of the service, concerned.”;
 - (ii) omit sub-paragraph (8);
 - (b) in paragraph 16—
 - (i) in sub-paragraph (1), for “sale” substitute “provision”;
 - (ii) in sub-paragraph (2)—
 - (aa) after “served as” insert “breakfast,”;
 - (bb) for “either such” substitute “such a”;
 - (iii) in sub-paragraph (3)(a), for “sold” both times it occurs, substitute “provided”;
 - (c) in paragraph 17(3), at the end insert “and any exceptions specified in Schedule 2A in relation to an area specified in that Schedule”.
- (4) In Schedule 2, after “Wirral Metropolitan Borough Council”, insert—

“Nottinghamshire

Ashfield District Council
 Bassetlaw District Council
 Broxtowe Borough Council
 Gedling Borough Council
 Mansfield District Council
 Newark & Sherwood District Council
 Nottingham City Council
 Rushcliffe Borough Council”.

- (5) In Schedule 2A—
- (a) in paragraphs 1(2), 2(2), 3(2), 4(2), after “play areas” insert “and soft play centres”;
 - (b) after paragraph 5, insert—

“Nottinghamshire

6. The businesses and services set out paragraphs 7 to 11 are restricted businesses and restricted services in those areas listed in Schedule 2 in relation to Nottinghamshire, subject to the exceptions set out in paragraph 12.

7.—(1) The following businesses and services are restricted businesses and restricted services unless sub-paragraph (2) applies—

- (a) restaurants, including restaurants and dining rooms in hotels or members’ clubs;
- (b) cafes, including workplace canteens, but not including—
 - (i) cafes or canteens at a hospital, care home or school,
 - (ii) canteens at criminal justice accommodation or an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence, or
 - (iii) services providing food or drink to the homeless;
- (c) bars, including bars in hotels or members’ clubs;
- (d) public houses;
- (e) social clubs.

(2) This sub-paragraph applies if—

- (a) food and drink is only served for consumption on the premises as, or 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, and

- (b) the business does not provide (whether for payment or otherwise)—
 - (i) a waterpipe to be used for the consumption of tobacco or any other substance on the premises, or
 - (ii) a device to be used for the inhalation of nicotine or any other substance on the premises.

(3) For the purposes of this paragraph—

- (a) food or drink provided by a hotel or other accommodation as part of room service is not to be treated as being provided for consumption on the premises;
- (b) an area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business), or where customers gather to eat or drink outside the business, is to be treated as part of the premises of that business;
- (c) “table meal” has the meaning given in paragraph 16 of Schedule 1.

(4) The businesses and services referred to in this paragraph are also restricted businesses and restricted services for the purposes of paragraphs 13 and 15 of Schedule 1, notwithstanding paragraph 19(8) of that Schedule.

8.—(1) The sale of alcohol for consumption off the premises between the hours of 21:00 and 05:00, and paragraph 7(3)(b) applies to determine the extent of the premises for these purposes.

(2) Betting shops and adult gaming centres.

(3) Casinos.

(4) Bingo halls.

(5) Car boot sales and auction houses (except for auctions of livestock or agricultural equipment).

9.—(1) Indoor amusement arcades.

(2) Indoor bowling alleys.

(3) Indoor play centres and indoor play areas, including soft play areas and soft play centres.

(4) Indoor games, recreation and entertainment venues, such as laser quests and escape rooms (and for these purposes, “entertainment venue” does not include a cinema, theatre or concert hall).

(5) Indoor skating rinks (other than ice-skating rinks).

(6) Indoor attractions at—

(a) visitor attractions such as—

(i) botanical or other gardens, biomes or greenhouses;

(ii) stately homes, castles or other heritage sites;

(iii) model villages;

(iv) landmarks, including observation wheels or viewing platforms;

(b) aquariums, zoos, safari parks, farms, wildlife centres and any other place where animals are exhibited to the public as an attraction;

(c) centres for adventure activities, theme parks, circuses, funfairs and fairgrounds;

(d) museums and galleries.

(7) For the purposes of sub-paragraph (6), an “indoor attraction” means those parts of a venue, including visitor centres but not including toilets for visitors, which—

- (a) would be considered to be enclosed or substantially enclosed for the purposes of section 2 of the Health Act 2006 under the Smoke-free (Premises and Enforcement) Regulations 2006(a), and
- (b) are, in normal times, open for members of the public to visit for the purposes of recreation, whether or not for payment.

10.—(1) Spas and beauty salons—

- (a) including any premises providing beauty services;
- (b) but not including a hairdresser or barber, provided that it does not provide any services within paragraph (a).

(2) Tanning booths and salons.

(3) Nail bars and salons.

(4) Tattoo parlours.

(5) Piercing parlours.

(6) Sauna and steam rooms (including saunas and steam rooms in gyms or leisure centres).

11.—(1) Conference centres and exhibition halls, so far as they are used to host conferences, exhibitions, trade shows, private dining events or banquets, other than conferences or events which are attended only by employees of the person who owns or is responsible for running the conference centre or exhibition hall.

(2) For the purposes of this paragraph, a “trade show” is an event held to bring together members of a particular industry to display, demonstrate and discuss their latest products and services with members of the public.

Exceptions

12.—(1) Subject to paragraph 8(1), paragraph 17(1) of Schedule 1 and paragraph 7 do not prevent any person from selling food or drink for consumption off the premises.

(2) Where a person (“P”) is carrying on a restricted business from, or providing a restricted service at, a workplace canteen, paragraph 17(1) of Schedule 1 and paragraph 7 do not prevent P from carrying on that business, or providing that service, if there is no practical alternative for staff at that workplace to obtain food or drink, whether or not the condition in paragraph 7(2)(a) is satisfied.

(3) Subject to sub-paragraph (4), paragraph 17(1) of Schedule 1 and paragraph 8(1) do not prevent a person from selling alcohol for consumption off the premises between the hours of 21:00 and 05:00—

- (a) by making deliveries in response to orders received—
 - (i) through a website, or otherwise by on-line communication,
 - (ii) by telephone, including orders by text message, or
 - (iii) by post, or
- (b) to a purchaser who collects the alcohol that has been pre-ordered by a means mentioned in paragraph (a).

(4) Between the hours of 22:00 and 05:00, a person carrying on a business which is a restricted business or restricted service for the purposes of paragraph 13 of Schedule 1 may only sell alcohol in a way permitted by paragraph 14(1) of Schedule 1.”.

(a) S.I. 2006/3368, to which there are amendments not relevant to these Regulations.

At 12.45 p.m. on 29th October 2020

Bethell
Parliamentary Under-Secretary of State,
Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations subject a number of areas to the restrictions set out in the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020 and make corresponding amendments to remove those areas from the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020 (the “High Regulations”). They also impose closures on additional businesses and services in specified areas, and make minor amendments to the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020 and the High Regulations.

No impact assessment has been prepared for these Regulations.