



Loosening the lockdown: 1 June 2020 amendments to the English COVID-19 emergency regulations

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The UK government and the UK devolved administrations have enacted emergency legislation to address the effects of the coronavirus pandemic. In England, regulations were originally laid and came into force from 26 March 2020 under the Public Health (Control of Disease) Act 1984. These are the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (the Restrictions Regulations), which impose, among other things, a lockdown on residents and businesses in England.

The Restrictions Regulations were previously updated with various amendments on 21 April 2020 and on 13 May 2020.

Latest amendments

On 31 May 2020, the UK government laid the most recent and, in some respects, the most significant, set of amendment regulations: the Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 3) Regulations 2020. The changes came into force at 11:30am BST on 1 June 2020.

The changes are in summary as follows:

- The core offence (in regulation 6) – of being outside your home without a reasonable excuse – is replaced with a new offence of staying overnight at any place other than your home without a reasonable excuse. This is a relaxation of the scope of the lockdown restrictions. Before 11:30am on 1 June 2020, it was an offence to merely be outside your home without a reasonable excuse; a person was otherwise confined to their residence. After 11:30am on 1 June 2020, a person can be outside their home for any reason – no reasonable excuse is required – as long as this does not contravene any of the other prohibitions in the Restrictions Regulations, for example on public gatherings (see below).
- The restrictions on public gatherings are relaxed. Under a new regulation 7, a person will be able to lawfully participate in an outdoor public gathering of up to six people and an indoor public gathering of up to two people. Larger gatherings are permitted for, among other things, work purposes, for the provision of voluntary or charitable services, or at an educational facility where the gathering is reasonably necessary for the purposes of education.
- More clarity is provided on which entities must remain closed. For example:
 - Schedule 2 paragraph 18 of the Restrictions Regulations is amended to make clear that the restrictions on opening that previously applied to “indoor fitness studios, gyms, swimming pools, bowling alleys, amusement arcades or soft play areas or other indoor leisure centres or facilities” include facilities providing “indoor games, recreation and entertainment venues.”
 - Entities such as “model villages, aquariums and zoos,” and “visitor attractions at farms” are expressly listed as subject to the closure requirements under the Restrictions Regulations.

- Restrictions on openings of certain types of businesses are removed. For example, “outdoor markets” and “showrooms and other premises, including outdoor areas, used for the sale or hire of caravans, boats, or any vehicle which can be propelled by mechanical means” may operate after 11:30am on 1 June 2020.
- New provision is made for “elite athletes” (defined as an individual who derives a living from competing in a sport, is a senior representative nominated by a relevant sporting body, is a member of the senior training squad for a relevant sporting body, or is aged 16 or above and on an elite development pathway), as follows:
 - Regulation 6(2)(b) makes provision for an elite athlete, a coach of an elite athlete, or (in the case of an elite athlete who is under the age of 18), a parent of the elite athlete, to stay overnight at any place other than the place where they are living for the purposes of training or competition.
 - Regulation 7(2)(c) makes provision for a person to participate in a gathering which takes place in a public or private place where the person concerned is an elite athlete, the coach of an elite athlete, or (in the case of an elite athlete under the age of 18), the parent of an elite athlete, and the gathering is necessary for training or competition.

Next review of the Restrictions Regulations

A further review of the restrictions, including business closures, will take place within 28 days of the last review – so by 25 June 2020.

Criminal offence for non-compliance

Failure to comply with the Restrictions Regulations remains a criminal offence. Individuals and businesses in England should, therefore, ensure they understand the rules, including the latest amendments.

Conclusion

We are supporting businesses and public sector bodies affected by the new emergency measures enacted in response to the COVID-19 pandemic. Please get in touch with Paul Stone or Paul Hardy, or your usual DLA Piper contact, for more help and advice.

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