



The new English COVID-19 emergency regulations

8 July 2020

By: Paul Hardy | Jonathan Blunden | George McLellan | Sarah Burton

Background

The Health Protection (Coronavirus, Restrictions) (No.2) (England) Regulations 2020 (the “Second Restrictions Regulations”) came into force on 4 July 2020.

The Second Restrictions Regulations revoke the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (the First Restrictions Regulations) and all of the subsequent amendment Regulations. They have effect in England, though Regulations 4 and 5 do not apply in relation to parts of Leicester designated the “protected area” under the Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020. Access our summary of the Restrictions Regulations in place for Leicester.

These Second Restrictions Regulations mean, in essence, that most of England (except Leicester) has returned to the pre-23 March 2020 position, except a limited number of businesses that remain closed, and except large gatherings, which remain restricted, as explained below.

The Second Restrictions Regulations

New Regulation 4 – closed premises and businesses

The new Regulation 4 refers to Schedule 2, which lists the businesses and premises that must remain closed. These “closed businesses and premises” include:

- nightclubs, dance halls and discos;
- massage and tattoo parlours, nail bars and beauty and tanning salons;
- indoor and outdoor swimming pools;
- indoor skating rings and bowling alleys;
- casinos;
- indoor sports courts, fitness studios and gyms; and
- conference centres and exhibition halls (except where used only for employees of the owner of the centre or hall).

There are exceptions for the use of any of these closed business and premises to host blood donation sessions. There are also exceptions for facilities used by elite sportspeople and professional dancers. As before, closed businesses are not prevented from making deliveries or providing services via online orders, and it is also permissible to operate a shop, café or restaurant if it is separate from the closed business or premises.

New Regulation 5 – restrictions on gatherings

The new Regulation 5 bans gatherings of more than 30 people and applies to private dwellings (including gardens) and to public outdoor places. There are a number of exceptions listed in paragraph (3) of Regulation 5.

For example, there are exceptions for certain kinds of outdoor events organised by bodies including businesses, charities and public bodies if those organisers have complied with safety requirements such as carrying out a risk assessment and taking all reasonable measures to limit the risk of transmission of COVID-19.

Again, there are also exceptions for elite sportspeople and for gatherings deemed reasonably necessary in certain circumstances, such as for work or education purposes.

New Regulation 6 – the power to restrict access to public places

The new Regulation 6 gives the health secretary the power by direction to restrict or prohibit access to any public outdoor place, or a category of public places, in response to the incidence or spread of infection of COVID-19 in England.

Only owners and occupiers of the relevant outdoor place can appeal against this direction to a magistrates' court. When an outdoor place becomes a "restricted area", a person can only enter or remain inside it if they have reasonable excuse.

Examples of reasonable excuse are listed in paragraph 12, and include to obtain access to the place where they live and in order to avoid injury or illness.

Offences and penalties

As before, breaching the requirements of these Second Restrictions Regulations is a criminal offence that can be punished with a fine.

Review and Expiry

These Second Restrictions Regulations have to be reviewed by the Health Secretary every 28 days and expire after six months.

Conclusion

We're 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.

AUTHORS



Paul Hardy

Partner

London | T: +44 (0)20 7349 0296 [UK Switchboard]

Paul.Hardy@dlapiper.com



Jonathan Blunden

Senior Associate

London | T: +44 (0)20 7349 0296 [UK Switchboard]

jonathan.blunden@dlapiper.com



George McLellan

Legal Director

London | T: +44 (0)20 7349 0296 [UK Switchboard]

george.mclellan@dlapiper.com



Sarah Burton

Associate

London | T: +44 (0)20 7349 0296 [UK Switchboard]

sarah.burton@dlapiper.com
