

This document sets out the core provisions that **must** be included in Regulations made under Part 2A of the Public Health (Control of Disease) Act 1984 in response to the threat posed by SARS-CoV-2 in a particular area or particular areas of England. There are separate documents setting out example restrictions or provisions that could be included in the final “area restrictions” Regulations (see Parts 2 to 6 of this Document).

[[One of these *headnotes* must be used]

[[*MADE AFFIRMATIVE SI*] 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.] **or**

[[*DRAFT AFFIRMATIVE SI*] Draft Regulations 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]]

[“*draft*” must be included in the banner below for a draft affirmative SI]

[D R A F T] S T A T U T O R Y I N S T R U M E N T S

[2020] No.

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, Restrictions) ([NAME OF PROTECTED AREA]) Regulations [YEAR]

| | | |
|------------------------|---------|-----|
| Made | - - - - | *** |
| Laid before Parliament | | *** |
| Coming into force | - - | *** |

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*[The first three paragraphs below **must** be used in all cases. The powers cited in the first paragraph **must** be reviewed before the Regulations are made to ensure the correct powers are cited]*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections [45B(1), 45C(1), (3)(c), (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 these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

[[Only one of the following two paragraphs to be used – determined by the applicable Parliamentary scrutiny procedure]

[[FOR MADE AFFIRMATIVE] 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.]

or

[[FOR DRAFT AFFIRMATIVE] In accordance with section 45R of that Act, a draft of these Regulations has 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).

PART 1

Introductory provision

Citation, commencement and application *[This regulation must be included in all cases]*

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (**[name of protected area]**) Regulations [**YEAR**] and come into force on [**DATE**].

(2) These Regulations apply in England only.

[[Where restrictions on travel or the use of transport services are included, paragraph (3) is a marker for a provision making clear that a person who has already started a journey when these Regulations come into force will not be caught by the relevant restrictions. Provision to be reviewed before the Regulations are made. Consideration should be given to whether similar provision is needed in relation to any other restrictions or requirements in the Regulations.]]

(3) Nothing in regulation **[[travel to or from or within the protected area restriction(s)]** **[[,]** **[or]** **[restrictions on use of transport services]** **[[,][or]]** of these Regulations **[[applies][apply]]** to a person who is completing a journey which they started before **[INSERT DATE ON WHICH THESE REGULATIONS COME INTO FORCE]**.

Meaning of “the protected area” *[This regulation must be included in all cases]*

[[There are three model options given below or an equivalent provision could be used]

[[option 1]

2. In these Regulations, “the protected area” means the area comprising—

- (a) the areas in, and surrounding, **[name of city/town]** identified by the postcode districts set out in Part 1 of Schedule **[PROTECTED AREA SCHEDULE]**, and
- (b) the addresses set out in Part 2 of Schedule **[PROTECTED AREA SCHEDULE]**.

OR

[[option 2]

2. In these Regulations, “the protected area” means **[[the area comprising **[[NAME OF LOCAL AUTHORITY AREA]** or [the area comprising the following areas **[LIST RELEVANT LOCAL AUTHORITY AREAS]**]] or [the area comprising the areas set out in Schedule **[PROTECTED AREA]**]] or [the area falling within **[NAME OF LOCAL AUTHORITY AREA]**].]**

[[option 3]

2.—(1) In these Regulations, “the protected area” means the area identified on the map in Schedule **[PROTECTED AREA SCHEDULE]** as the protected area.

[[Paragraph (2) is indicative only - it must be reviewed before Regulations are made]

(2) Where the boundary of the area is shown on the map as running along a road, railway line, footway, watercourse or similar geographical feature, it is to be treated as running along the centre line of the feature.]]]

Interpretation: general *[This regulation must be included in all cases]*

[Definitions which are underlined are likely to be needed in all cases. However, the list of definitions must be reviewed to ensure that all definitions are correct and that all definitions needed are included / superfluous definitions are removed]

3.—(1) In these Regulations—

“child” means a person under the age of 18;

“childcare” means—

(a) childcare (within the meaning of section 18 of the Childcare Act 2006(a) provided by a person registered under Part 3 of that Act), [or

(b) supervised activities provided for children];

“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

[[Definition of “elite sportsperson” only needed if an exception/reasonable excuse from a business/premises restriction, movement restriction or travel restriction is included in relation to “elite sportspersons”, their parents or coaches]

“elite sportsperson” means an individual who—

(a) derives a living from competing in a sport,

(b) is a senior representative nominated by a relevant sporting body,

(c) is a member of the senior training squad for a relevant sporting body, or

(d) is aged 16 or above and on an elite development pathway;]

[[Definition of linked household needed only if provision made for support bubbles]

“linked household” has the meaning given in regulation [5];]

“parent” of a child includes any person who is not a parent of the child but who has parental responsibility for, or who has care of, the child;

“parental responsibility” has the meaning given in section 3 of the Children Act 1989(b);

“person responsible for carrying on a business” includes the owner, proprietor, and manager of that business;

[[Definitions of “professional choreographer” and “professional dancer” are needed only if specific reasonable excuses / exceptions are included for them in any of the restrictions imposed by the Regulations]

“professional choreographer” means a person who derives their living from choreographing dance;

“professional dancer” means a person who derives their living from dance;]

“the protected area” has the meaning given in regulation [2];

*[[the definition of “public transport service” is needed if provisions are made relating to public transport services or referring to such services **and** a single definition can be used for all the purposes of the Regulations – if a single definition cannot be used across all provisions of the Regulations, a specific definition of “public transport service” should be provided for the purposes of each Part in which the term is used]*

“public transport service” has the meaning given in paragraph (3);]

[[the definition of “relevant place” is only needed if a requirement to wear a face covering in a relevant place is included in the Regulations]

“relevant place” has the meaning given in Schedule [REQUIREMENT TO WEAR A FACE COVERING IN A RELEVANT PLACE];]

[[the definition of “taxi or private hire vehicle” is needed if provisions are made in the Regulations to restrict the use of public transport services which are taxi/PHV services or these services need to be carved out of the definition of “public transport services”]

“taxi or private hire vehicle” means a vehicle licensed under—

(a) section 37 of the Town Police Clauses Act 1847(c),

(b) section 6 of the Metropolitan Public Carriage Act 1869(d),

(a) 2006 c. 21. Section 18 has been amended by the Children and Young Persons Act 2008 (c. 23), Schedule 1, paragraph 19, and Schedule 4; the Criminal Justice and Courts Act 2015 (c. 2), Schedule 9, paragraph 21, and S.I. 2010/813.

(b) 1989 c. 41.

(c) 1847 c. 89 (Regnal. 10 & 11 Vict).

(d) 1869 c. 115 (32 & 33 Vict). Section 6 was substituted by the Greater London Authority Act 1999 (c. 29), Schedule 20, paragraph 5(3) and amended by S.I. 2014/1560.

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- (c) section 48 of the Local Government (Miscellaneous Provisions) Act 1976(a),
- (d) section 10 of the Civic Government (Scotland) Act 1982(b),
- (e) section 7 of the Private Hire Vehicles (London) Act 1998(c), or
- (f) the Plymouth City Council Act 1987(d) or any other similar local enactment.]

[[Definitions of “TfL” and “TfL contractor” are only needed if any restriction included in the Regulations will affect services provided by or on behalf of TfL or premises from which such services are provided or TfL staff/TfL contractor staff are to be given enforcement powers]

“TfL” means—

- (a) Transport for London(e), or
- (b) a subsidiary (within the meaning of section 1159 of the Companies Act 2006(f)) of Transport for London;

“TfL contractor” means a contractor who provides a public transport service on behalf of TfL;]

[[Definition of “TfL officer” is only needed if TfL staff or staff of TfL contractors are to be given enforcement powers under the Regulations]

“TfL officer” means any of the following whilst acting in the course of their duties—

- (a) an employee or agent of TfL;
- (b) an employee or agent of a TfL contractor;]

[[the definition of “transport hub” is only needed in this regulation if a requirement to close transport hubs, or a restriction on the use of transport hubs, or a requirement to wear face coverings in a transport hub, is included in the Regulations and a single definition of transport hub can be used for all purposes of the Regulations – if a single definition cannot be used across all provisions of the Regulations, then a specific definition of “transport hub” must be provided for the purposes of each Part in which the term is used]

“transport hub” means [...]

[[the definition of “vehicle” is needed if provisions are made in the Regulations restricting the use of vehicles or public transport services provided by means of vehicles – the definition must be reviewed before the Regulations are made]

“vehicle” includes an aircraft, a cable car, a train and a vessel(g);]

“vulnerable person” includes—

- (a) any person aged 70 or older;
- (b) any person under 70 who has an underlying health condition, including but not limited to, the conditions listed in Schedule [UNDERLYING MEDICAL CONDITIONS SCHEDULE];
- (c) any person who is pregnant.

[[Paragraph (2) is needed if any restriction in the Regulations includes an exception/reasonable excuse for elite sportspersons, their coaches or their parents. Event details must be checked and updated as necessary before the Regulations are made (e.g. if a games mentioned has already taken place or the time for selection for a games has passed)]

(2) For the purposes of the definition of “elite sportsperson”, in paragraph (1)—

-
- (a) 1976 c.57. Section 48 was amended by the Road Traffic (Consequential Provisions) Act 1988 (c.54), Schedule 3, paragraph 16(1).
 - (b) 1982 c. 45. Section 10 was amended by the Civil Procedure (Scotland) Act 1975 (c. 21), section 289G, the Transport Act 1985 (c. 67), Schedule 7, paragraph 25, the Disability Discrimination Act 1995 (c. 50), section 39, and the Air Weapons and Licensing (Scotland) Act 2015 (asp 10), section 63.
 - (c) 1998 c. 34. Section 7 was amended by the Greater London Authority Act 1999, Schedule 21, paragraphs 2 and 4.
 - (d) 1987 c. iv. See in particular section 20 of that Act.
 - (e) Transport for London is a body corporate established by section 154 of the Greater London Authority Act 1999 (c. 29).
 - (f) 2006 c. 46.
 - (g) See section 74 of the Public Health (Control of Disease) Act 1984 for the meaning of “vessel”.

- (a) “elite development pathway” means a development pathway established by the national governing body of a sport to prepare sportspersons—
- (i) so that they may derive a living from competing in that sport, or
 - (ii) to compete at that sport at [**the Tokyo or Beijing**] Olympic or Paralympic Games, or, if that sport is not part of the [**Tokyo**] Olympic and Paralympic Games programme, in the Commonwealth Games to be held in [**Birmingham**];
- (b) “relevant sporting body” means the national governing body of a sport which may nominate sportspersons to represent—
- (i) Great Britain and Northern Ireland at [**Tokyo or Beijing**] Olympic or Paralympic Games, or
 - (ii) England, Wales, Scotland, Northern Ireland, Gibraltar, Guernsey, Jersey or the Isle of Man at the Commonwealth Games to be held in [**Birmingham**] in those sports which are not part of the [**Tokyo**] Olympic and Paralympic Games programme;
- (c) “senior representative” means an individual who is considered by a relevant sporting body to be a candidate to qualify to compete on behalf of—
- (i) Great Britain and Northern Ireland at the [**Tokyo or Beijing**] Olympic or Paralympic Games;
 - (ii) England, Wales, Scotland, Northern Ireland, Gibraltar, Guernsey, Jersey or the Isle of Man at the Commonwealth Games to be held in [**Birmingham**] in those sports which are not part of the [**Tokyo**] Olympic and Paralympic Games programme.]]

*[[Paragraph (3) is needed if “public transport service” is to be defined for the purposes of the Regulations as whole – the words in square brackets in that paragraph and paragraph (4) are needed if “school transport services” are to be excluded from the definition. The exclusion in paragraph (3)(b) **must** be used if provision is made to restrict use of public transport hubs – taxi and PHV use restrictions **must** be made without reference to a hub. Further exceptions may be required depending on the services to be captured by the restrictions. If different definitions are needed in different Parts of the Regulations, paragraphs (3) and (4) could be adapted for those cases]*

(3) “Public transport service” means any service for the carriage of passengers from place to place which is available to the general public (whether or not for payment, whether or not all of the places connected by the service are in England and whether or not there are breaks in the journey) [but does not include—

- (a) [a school transport service];
- (b) [a service provided by means of a taxi or private hire vehicle]].

(4) For the purposes of paragraph (3), “school transport service” means any transport provided solely for the purpose of—

- (a) facilitating a person’s attendance at a school or other place at which they receive education or training, or
- (b) otherwise than for the reason in paragraph (a), carrying a person to and from the school or other place at which they receive education or training.]

*[[Paragraph (5) is needed if specific provisions are made in relation to local authorities **and** all or part of the protected area covers part of a county council in a “two tier area”]*

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

[[Paragraphs (6) and (7) are needed if there are any restrictions imposed in the Regulations which do not apply to a person who is making a transit journey or where “making a transit journey” is a reasonable excuse]

(6) For the purposes of these Regulations, a person is “making a transit journey” where they are making a journey by means of a vehicle from one place outside the protected area to another place outside the protected area which passes through, but does not break within, the protected area.

(7) For the purposes of paragraph [(6)], a person (“P”) is to be treated as if they have not broken their journey within the protected area where [*this list is indicative only – it **must** be reviewed before the Regulations are made*]

- (a) P is using a public transport service and the service stops within the protected area for any reason, including—
 - (i) where the service has planned stops within the protected area to allow passengers (other than P) to board or disembark from the service,
 - (ii) where the service stops to allow the driver of the vehicle to take a rest break or to allow a relief driver to take over, or
 - (iii) where it is necessary to refuel or recharge the vehicle;
- (b) P is required to change vehicle for any reason within the protected area (including where it is necessary for P to change modes of transport or public transport services within the protected area in order to complete their journey);
- (c) P takes a rest break, in circumstances in which it would be unlawful or unsafe for P not to do so;
- (d) P needs to allow a relief driver to take over, or the vehicle on which P is travelling stops to allow P to take over as the relief driver;
- (e) there would have been no break in the journey but for—
 - (i) a medical emergency involving P or another person;
 - (ii) P needing to provide, or be provided with, emergency medical assistance;
 - (iii) the vehicle in which P is travelling becoming unusable for any reason;
 - (iv) it being necessary to refuel or recharge the vehicle in which P is travelling;
 - (v) the vehicle in which P is travelling being required to stop by a constable.]

The emergency period and review of need for restrictions [*This regulation **must** be included in all cases*]

4.—(1) For the purposes of these Regulations, the “emergency period”—

- (a) starts when these Regulations come into force, and
- (b) ends in relation to a restriction or requirement imposed by these Regulations on the day and at the time specified in a direction published by the Secretary of State terminating the requirement or restriction.

(2) The Secretary of State must review the need for restrictions and requirements imposed by these Regulations at least once every [**INSERT TIME PERIOD**], with the first review being carried out by [**DATE**].

(3) As soon as the Secretary of State considers that any restrictions or requirements set out in these Regulations are no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in England with the coronavirus, the Secretary of State must publish a direction terminating that restriction or requirement.

(4) A direction published under this regulation may—

- (a) terminate any one or more requirements or restrictions;
- (b) terminate a requirement or restriction in relation to a specified business or service or a specified description of business or service, or in relation to [**a specified postcode or address**] [**a specified local authority area or part of a local authority area**] [**a specified area on the map**].

(5) Section 16 of the Interpretation Act 1978(a) applies in relation to the termination of a restriction or requirement by a direction as it applies in relation to the repeal of an enactment.

(a) 1978 c. 30.

(6) In this regulation—

[[The definition of “the map” is needed only if the map is being used to identify the area in relation to which restrictions or requirements are being terminated]

“the map” means a copy of the map in Schedule [PROTECTED AREA];]

“specified” means specified in a direction published under this regulation.

Linked households *[This provision is only needed if provision is to be made for “support bubbles”]*

5.—(1) Where a household comprises one adult, or one adult and one or more persons who are under the age of [INSERT AGE] on [INSERT DATE] (“the first household”), the adult may choose to be linked with one other household (“the second household”), provided that—

- (a) neither the first household nor the second household are linked with any other household or were linked with any other household for the purposes of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020(a), and
- (b) all the adult members of the second household agree.

(2) There is no limit on the number of adults or children which may be in the second household.

(3) The first and second households are “linked households” in relation to each other.

(4) The first and second households cease to be linked households if neither household satisfies the condition in the opening words of paragraph (1).

(5) Once the first and second households have ceased being linked households, neither the first household nor the second household may be linked with any other household.]]

(a) S.I. 2020/350; to which there are amendments not relevant to these Regulations. S.I. 2020/350 was revoked by S.I. 2020/684, with savings.

[PART 2

Closure of premises and businesses

*This Part is optional – model provisions are set out in **COVID 19 – AREA RESTRICTIONS REGULATIONS TOOLKIT – BUSINESS AND PREMISES CLOSURES - MODEL PROVISIONS**]*

[PART 3

Restrictions on movement or gatherings

*This Part is optional – model provisions are set out in **COVID 19 – AREA RESTRICTIONS REGULATIONS TOOLKIT – MOVEMENTS AND GATHERINGS RESTRICTIONS – MODEL PROVISIONS**]*

[PART 4

Restrictions on entering or leaving or travelling within the protected area

*This Part is optional – model provisions are set out in **COVID 19 – AREA RESTRICTIONS REGULATIONS TOOLKIT – TRAVEL RESTRICTIONS – MODEL PROVISIONS**]*

[PART 5

Restrictions on transport services, transport hubs and roads

*This Part is optional – model provisions are set out in **COVID 19 – AREA RESTRICTIONS REGULATIONS TOOLKIT – TRANSPORT SERVICES AND ROADS RESTRICTIONS – MODEL PROVISIONS**]*

[PART 6

Use of face coverings

*This Part is optional – model provisions are set out in **COVID 19 – AREA RESTRICTIONS REGULATIONS TOOLKIT – FACE COVERINGS– MODEL PROVISIONS**]*

*[Part 7 (enforcement) **must** be included in all cases – the content of the individual provisions must be reviewed to ensure they reflect the content of the Regulations]*

PART 7

Enforcement

Enforcement of requirement

*[It may be possible to consolidate some or all of the provisions below in the final version of the Regulations – the enforcement provisions **must** be reviewed before the Regulations are made]*

*[[Paragraph (1) **must** be used if there is a business or premises closure provision, a restriction on gatherings, a restriction on travel within or through the protected area or a restriction on use of transport services or transport hubs or a restriction on use of roads]*

6.—(1) A relevant person may take such action as is necessary to enforce any requirement imposed by regulation **[[CROSS REFERENCE(S) TO BUSINESS/PREMISES CLOSURE PROVISION(S)]** **[[,][or]** **[[CROSS REFERENCE(S) TO RESTRICTION ON GATHERINGS PROVISION(S)]** **[[,][or]]** **[[CROSS REFERENCE TO TRAVEL WITHIN RESTRICTION]** **[[,][or]]** **[[CROSS REFERENCE TO RESTRICTION ON ENTERING/LEAVING THE PROTECTED AREA]** **[[,][or]]** **[[CROSS REFERENCE TO USE OF TRANSPORT RESTRICTION]** **[[,][or]]** **[[CROSS REFERENCE TO USE OF TRANSPORT HUBS RESTRICTION]** **[or]** **[[CROSS REFERENCE TO RESTRICTION ON USE OF ROADS].]**

*[[Paragraph (2) **must** be used if there are any business or premises closure provisions or restrictions on provision of transport services (passenger or goods)/Taxi or PHV services or a requirement to close transport hubs]*

(2) A relevant person may give a prohibition notice to a person if the relevant person reasonably believes that—

- (a) the person is contravening a requirement in regulation **[[CROSS REFERENCE(S) TO BUSINESS/PREMISES CLOSURE PROVISION(S)]** **[[,][or]]** **[[CROSS REFERENCE TO TRANSPORT SERVICES RESTRICTION(S)]** **[[,][or]]** **[[CROSS REFERENCE TO REQUIREMENT TO CLOSE TRANSPORT HUBS]** and
- (b) it is necessary and proportionate to give the prohibition notice for the purpose of preventing that person from continuing to contravene the requirement.]

*[[Paragraph (3) **must** be used if there is restriction on all movements away from the place where a person lives or is staying (i.e. not a restriction on overnight stays only) without reasonable excuse]*

(3) Where a relevant person considers that a person is outside the place where they are **[[living or staying][living]]** in contravention of regulation **[[CROSS REFERENCE TO RESTRICTION ON MOVEMENT PROVISION]]****[(1)(a) or (b)]** the relevant person may—

- (a) direct that person to return to the place where they are **[[living or staying][living]]** (whether or not that place is within the protected area), or
- (b) remove that person to the place where they are **[[living or staying][living]]** (whether or not that place is within the protected area).]

*[[Paragraph (4) **must** be used if there is a prohibition on people who do not live/are not staying in the protected area being there without a reasonable excuse]*

(4) Where a relevant person considers that a person is in the protected area in contravention of regulation **[[CROSS REFERENCE TO RESTRICTION ON MOVEMENT PROVISION]]****[(1)(c)]**, the relevant person may—

- (a) direct that person—
 - (i) to return to the place where they are living, or
 - (ii) to leave the protected area;
- (b) remove that person—
 - (i) to the place where they are living;
 - (ii) from the protected area.

*[[Paragraphs (5) and (6) **must** also be included if there is restriction on all movements away from the place where a person lives or is staying (i.e. not a restriction on overnight stays only) without reasonable excuse or a prohibition on people who do not live/are not staying in the protected area being there without a reasonable excuse]*

(5) Where the person **[[outside the place where they are [[living or staying][living]] [or] [in the protected area]]**, without reasonable excuse is a child accompanied by an individual who has responsibility for the child—

- (a) the relevant person may direct that individual—
 - (i) to take the child to the place where they are **[[living or staying][living]]**, or
 - (ii) to take the child out of the protected area, and
- (b) that individual must, so far as reasonably practicable, ensure that the child complies with any direction or instruction given by the relevant person to the child.

(6) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with the restriction in regulation **[CROSS REFERENCE TO RESTRICTION ON MOVEMENT PROVISION][[(1)][(a), (b), or (c)]**, the relevant person may direct any individual who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with that restriction.]]

[[Paragraphs (7) to (9) must be used if there is a restriction on overnight stays]

(7) Where a relevant person considers that a person is staying overnight at a place other than the place where they are living in contravention of regulation **[CROSS REFERENCE TO RESTRICTION ON OVERNIGHT STAYS]** the relevant person may—

- (a) direct that person—
 - (i) to leave the protected area,
 - (ii) to return to the place where they are living (whether or not it is within the protected area), or
 - (iii) to return to the protected area;
- (b) remove that person—
 - (i) to the protected area,
 - (ii) to the place where they are living (whether or not it is within the protected area), or
 - (iii) from the protected area.

(8) Where the person staying overnight at a place other than the place where they are living without reasonable excuse is a child accompanied by an individual who has responsibility for the child—

- (a) the relevant person may direct that individual to take the child to the place where the child is living, and
- (b) that individual must, so far as reasonably practicable, ensure that the child complies with any direction or instruction given by the relevant person to the child.

(9) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with the restriction in regulation **[CROSS REFERENCE TO RESTRICTION ON OVERNIGHT STAYS PROVISION][[(1)]** the relevant person may direct any individual who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with that restriction.]

[[Paragraphs (10) to (12) must be used if there is a restriction on gatherings]

(10) Where a relevant person considers that **[[a number of] [any]]** people are gathered together in contravention of regulation **[CROSS REFERENCE TO RESTRICTION ON GATHERING]**, the relevant person may—

- (a) direct the gathering to disperse;
- (b) direct any person in the gathering to return to the place where they are **[[living or staying][living]]**;
- (c) remove any person in a gathering in a public place to the place where they are **[[living or staying][living]]**.

(11) Where a person who is in a gathering in contravention of regulation [**CROSS REFERENCE TO RESTRICTION ON GATHERING**] is a child accompanied by an individual who has responsibility for the child—

- (a) the relevant person may direct that individual to take the child to the place where the child is **[[living or staying][living]]**, and
- (b) that individual must, so far as reasonably practicable, ensure that the child complies with any direction or instruction given by the relevant person to the child.

(12) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with the restriction in regulation [**CROSS REFERENCE TO RESTRICTION ON GATHERING**], the relevant person may direct any individual who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with that restriction.]

*[[Paragraph (13) **must** be included where there is a restriction entering or leaving the protected area]*

(13) Where a relevant person considers that a person is attempting to enter or leave the protected area in contravention of regulation [**CROSS REFERENCE TO RESTRICTION ON ENTERING/LEAVING THE PROTECTED AREA**], the relevant person may deny the person entry to or exit from the protected area].

*[[Paragraphs (14) to (16) **must** also be included where there is a restriction entering or leaving the protected area **OR** a restriction on making journeys by conveyance within the protected area]*

(14) [Where a relevant person considers that a person **[[has entered or left the protected area in contravention of regulation [CROSS REFERENCE TO RESTRICTION ON ENTERING/LEAVING THE PROTECTED AREA] [or] [is making a journey within the protected area in contravention of regulation [CROSS REFERENCE TO RESTRICTION ON MAKING JOURNEYS WITHIN THE PROTECTED AREA]]** the relevant person may *[the list of directions is indicative – it **must** be checked to ensure that it reflects the restrictions in the Regulations]*—

- (a) direct that person (as the case may be)—
 - (i) to return to the protected area,
 - (ii) to return to the place where they are living or staying (whether or not it is within the protected area), or
 - (iii) to leave the protected area;
- (b) remove that person (as the case may be)—
 - (i) to the protected area,
 - (ii) to the place where they are living or staying (whether or not it is within the protected area), or
 - (iii) from the protected area.

(15) Where the person who **[[has entered or left the protected area][, or is making a journey within it,]]** without reasonable excuse is a child accompanied by an individual who has responsibility for the child *[the list of directions is indicative – it **must** be checked to ensure that it reflects the restrictions in the Regulations]*—

- (a) the relevant person may direct that individual (as the case may be)—
 - (i) to take the child back to the protected area,
 - (ii) to take the child to the place where they are living or staying (whether or not it is within the protected area), or
 - (iii) to take the child out of the protected area, and
- (b) that individual must, so far as reasonably practicable, ensure that the child complies with any direction or instruction given by the relevant person to the child.

(16) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with the restriction in regulation [**CROSS REFERENCE TO RESTRICTION ON ENTERING/LEAVING OR LEAVING THE PROTECTED AREA**][(1)] [or] [**CROSS REFERENCE TO RESTRICTION ON JOURNEY WITHIN THE PROTECTED AREA**][(1)], the relevant person may direct any individual who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with that restriction.]

*[[Paragraphs (17) to (22) **must** be used if there is a restriction on the use of transport services or entry to transport hubs]*

(17) Where a relevant person considers that a person is attempting to board, or disembark from, a public transport service in contravention of regulation [**CROSS REFERENCE TO USE OF PUBLIC TRANSPORT RESTRICTION – SERVICES FROM/TO TRANSPORT HUBS**], the relevant person may deny boarding, or disembarking from, the vehicle to that person.

(18) Where the person (“A”) providing a transport service by means of a taxi or private hire vehicle considers that another person (“B”) is attempting to use that service in contravention of regulation [**CROSS REFERENCE TO USE OF PUBLIC TRANSPORT RESTRICTION – TAXI/PHV USE**], A may refuse to provide to provide the service, or deny boarding of the service, to B.

(19) Where a relevant person considers that a person is attempting to board or has boarded, or is attempting to disembark or has disembarked from, a public transport service in contravention of [**CROSS REFERENCE TO RESTRICTION ON USE OF PUBLIC TRANSPORT SERVICES**], or is within a relevant transport hub, in contravention of [**CROSS REFERENCE TO RESTRICTION ON USE OF TRANSPORT HUBS**] the relevant person may (as the case may be) direct that person—

- (a) to disembark from the relevant vehicle,
- (b) not to disembark from the relevant vehicle,
- (c) not to board the relevant vehicle,
- (d) to re-board the relevant vehicle (or an equivalent service), or
- (e) to leave the relevant transport hub.

(20) Where a person does not comply with a direction given to them by a constable under paragraph [(19)(c) or (e)], the constable may remove them from the relevant vehicle, or the relevant transport hub, to the place where they are living.

(21) Where the person within the transport hub without reasonable excuse is a child accompanied by an individual who has responsibility for the child—

- (a) the relevant person may direct that individual to take the child out of the hub, and
- (b) that individual must, so far as reasonably practicable, ensure that the child complies with any direction or instruction given by the relevant person to the child.

(22) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with the restriction in regulation [**CROSS REFERENCE TO RESTRICTION ON USE OF TRANSPORT HUBS**][(1)], the relevant person may direct any individual who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with that restriction.]]

*[[Paragraphs (23) to (26) **must** be included if there is a requirement to wear a face covering in a relevant place]*

(23) Where a relevant person considers that a person is, at the time of entering the relevant place, not wearing a face covering, in contravention of the requirement in regulation [**CROSS REFERENCE TO REQUIREMENT TO WEAR A FACE COVERING IN A RELEVANT PLACE**], the relevant person may deny entry to the relevant place to that person.

(24) Where a relevant person considers that a person is not wearing a face covering, in contravention of the requirement in regulation [**CROSS REFERENCE TO REQUIREMENT TO WEAR A FACE COVERING IN A RELEVANT PLACE**], the relevant person may—

- (a) direct that person to wear such a covering, or
- (b) direct that person to leave the relevant place.

(25) Where a person does not comply with a direction given to them by a constable under paragraph [(24)(b)], the constable may remove them from the relevant place.

(26) Where a relevant person has reasonable grounds to believe that a child who is aged 11 or over is failing to comply with the requirement in regulation 3, the relevant person may direct any individual who has responsibility for the relevant child to secure, so far as reasonably practicable, that the child complies with the requirement.]

*[[Paragraphs (27) and (28) **must** be included where any power to direct a person is conferred on a relevant person]*

(27) A relevant person may only exercise the power in paragraph **[INSERT REFERENCES TO (PARAGRAPHS) OF THIS REGULATION WHICH CONFER A POWER TO GIVE DIRECTIONS]** if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with the requirement.

(28) A relevant person exercising a power under paragraph **[INSERT REFERENCES TO (PARAGRAPHS) OF THIS REGULATION WHICH CONFER A POWER TO GIVE DIRECTIONS]** may give the person concerned any reasonable instructions they consider to be necessary.]

*[[Paragraph (29) **must** be included in any case where a relevant person is given a power to remove a person to any place (including a power conferred only on a constable)]*

(29) A relevant person exercising the power in paragraph **[INSERT REFERENCES TO (PARAGRAPHS) OF THIS REGULATION WHICH CONFER A POWER TO REMOVE A PERSON]** **[[to place where they are living or staying] [,][or]] [from a relevant place] [,][or]] [from a transport hub] [,][or]] [from or to the protected area]]** may use reasonable force, if necessary, in exercise of the power.]

*[[Paragraph (30) **must** be included in any case where there is a power to give a direction to a person who has responsibility for a child]*

(30) For the purposes of this regulation, an individual has responsibility for a child if the individual—

- (a) has custody or charge of the child for the time being, or
- (b) has parental responsibility for the child.]

*[[Paragraph (31) **must** be included in all cases]*

(31) For the purposes of this regulation—

- (a) a “relevant person” means—
 - (i) a constable,
 - (ii) a police community support officer,

[paragraphs (iii) and (iv) are needed only if there is restriction on the use of public transport services – (iii) is only needed if the restriction affects services provided by or on behalf of TfL – THIS PROVISION CAN NOT BE MADE IN RESPECT OF THE ENFORCEMENT OF SERVICE RESTRICTIONS PLACED ON TFL OR TFL CONTRACTORS OR ANY OTHER TRANSPORT SERVICE OPERATOR

- (iii) [in relation to a public transport service provided by TfL or a TfL contractor, a TfL officer,]
- (iv) in relation to a public transport service provided by any **[other]** operator—
 - (aa) the operator, or

- (bb) an employee or agent of the operator who is authorised by the operator for the purposes of this regulation,]

[[paragraph (v) is only needed if there is a restriction on entry to transport hubs or a requirement to wear face coverings in a relevant place (as the case may be) and paragraph (vi) is only needed if either restriction applies to premises to or from which a transport service provided by or on behalf of TfL is provided]

- (v) in relation to **[a transport hub or a relevant place]**—
 - (aa) the person who is responsible for those premises, or
 - (bb) any employee or agent of the responsible person who is authorised by the responsible person for the purposes of this regulation,]
 - (vi) in relation to **[a transport hub or a relevant place]** from or to which public transport services provided by TfL or a TfL contractor are provided, a TfL officer;]
 - (vii) [subject to paragraph **[(32)]**], a person designated by a local authority for the purposes of this regulation, or
 - (viii) a person designated by the Secretary of State for the purposes of this regulation;
- (b) references to a requirement include references to a restriction.

*[Paragraph (32) **must** be included if there are other restrictions AS WELL AS business/premises closure provisions*

(32) [A local authority may only designate a person for the purposes of this regulation in relation to a requirement in regulation **[CROSS REFERENCE(S) TO THE BUSINESS CLOSURE PROVISION(S)]**.]

Offences and penalties

7.—(1) A person who—

- (a) without reasonable excuse contravenes a requirement in regulation **[CROSS REFERENCE TO ALL PROVISIONS OF REGULATIONS WHICH IMPOSE RELEVANT REQUIREMENTS]**, or
- (b) contravenes a requirement in regulation **[CROSS REFERENCE TO ALL PROVISIONS OF REGULATIONS WHICH IMPOSE RELEVANT REQUIREMENTS]**,

commits an offence.

(2) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations, including any person who is a relevant person for the purposes of regulation **[6]** commits an offence.

(3) A person who, without reasonable excuse, contravenes a direction given under regulation **[6]**, or fails to comply with a reasonable instruction or a prohibition notice given by a relevant person under regulation **[6]**, commits an offence.

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

(5) 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.

(6) In paragraph (5), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

(7) Section 24 of the Police and Criminal Evidence Act 1984(a) 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.

(8) For the purposes of this regulation, references to a requirement include references to a restriction.

Fixed penalty notices

8.—(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 £100.

(7) Unless paragraph (8) applies, a fixed penalty notice must specify that if £50 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 or the Regulations referred to in paragraph (9)—

- (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, £200;
 - (ii) in the case of the third fixed penalty notice received, £400;
 - (iii) in the case of the fourth fixed penalty notice received, £800;
 - (iv) in the case of the fifth fixed penalty notice received, £1,600;

(a) 1984 c. 60. Section 24 was substituted by s. 110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).

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(v) in the case of the sixth and subsequent fixed penalty notices, £3,200.

(9) In determining how many fixed penalty notices a person has previously received, fixed penalty notices received by that person under the legislation mentioned in paragraph (10) are to be taken into account.

[[Paragraph (10) to be reviewed and updated as necessary]

(10) The legislation is—

- (a) the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020(a);
- (b) the Health Protection (Coronavirus, Restrictions) (No 2) (England) Regulations 2020(b);
- (c) the Health Protection (Coronavirus, Restrictions) (No 3) (England) Regulations 2020(c);
- (d) the Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020(d).]

(11) 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).

(12) Where a letter is sent as mentioned in paragraph (11), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(13) 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.

(14) In this regulation—

- (a) “authorised person” means—
 - (i) a constable;
 - (ii) a police community support officer;

[Paragraph (iii) is only to be included where there is a restriction on the use of any service provided by or on behalf of TfL or if there is a requirement to wear a face covering in a transport hub from or to which TfL services are provided – IT IS NOT TO BE INCLUDED IN RESPECT OF ANY RESTRICTIONS ON SERVICES IMPOSED ON SERVICES PROVIDED BY OR ON BEHALF OF TfL]

- (iii) in relation to a public transport service provided by TfL or by a TfL contractor [or in relation to any transport hub from which such a service is provided], a TfL officer;]
- (iv) a person designated by the Secretary of State for the purposes of this regulation;
- (v) [subject to paragraph (15),] 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.

[Paragraph 15 only to be included if there are business/premises closure provisions AS WELL AS other restrictions]

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- (a) S.I. 2020/350; to which there are amendments not relevant to these Regulations. S.I. 2020/350 was revoked by S.I. 2020/684, with savings.
 - (b) S.I. 2020/684.
 - (c) S.I. 2020/750.
 - (d) S.I. 2020/685

(15) [The relevant local authority may only designate a person for the purposes of this regulation to issue fixed penalty notices where the alleged offence relates to the contravention of a requirement or restriction in regulation [**CROSS REFERENCE(S) TO BUSINESS/PREMISES CLOSURE PROVISION(S)**] or the obstruction under regulation [7] of a person carrying out a function under regulation [6].]

Prosecutions

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

PART 8

Miscellaneous

[**Designations** *[This provision is optional]*]

10.[...]

[Consideration will need to be given to whether any designations which are made for the purposes of any national Regulations remaining in force should be carried over for the purposes of these Regulations – see for example regulation 13 of SI 2020/750.]

Expiry *[This provision must be included]*

11.—(1) — These Regulations expire at the end of the period of [**INSERT PERIOD**] 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.

PART 9

Consequential amendments

[[Regulation 12 or 13 (or equivalent provision if SI 2020/684 is revoked and replaced) must be included to avoid conflict between the national and local provisions on business closures and gatherings.

SI 2020/684 (or its replacement at a national level) must be reviewed to see if there will be conflict between the provisions of that SI and any other provision of these Regulations. Further restrictions will need to be added to the National Regulations if needed – using the regulation 12 or 13 model as a guide. This may be needed, for example, where a specific requirement to wear face coverings is needed in these Regulations but there is an existing (and conflicting) requirement that applies nationally.

Amendments could be consolidated into single provisions – so, for example, the amendments set out in regulation 13 and those set out in regulation 14 could be consolidated into a single provision.]

Amendment of regulation 1 of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020

[[For first set of Regional Regulations after SI 2020/685]

12. [In regulation 1 of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020(a), after paragraph (4), insert—

“(4A) Regulations [4 and 5] do not apply in relation to those areas which form the “protected area” under the [INSERT TITLE OF THESE REGIONAL REGULATIONS].”]

OR

[[For second and subsequent sets of area Regulations after SI 2020/685]

13. In regulation 1 of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020(b), after paragraph ([CORRECT PARAGRAPH NUMBER FROM REGULATION 1]), insert—

“([NEXT (PARAGRAPH) NUMBER IN SEQUENCE IN REGULATION 1]) Regulations [4 and 5] do not apply in relation to those areas which form the “protected area” under the [INSERT TITLE OF THESE REGIONAL REGULATIONS].”]

[Other consequential amendments]

[Consideration will need to be given to whether any other consequential amendments are needed to SI 2020/684 or other secondary legislation. This could, in particular, include updates to provisions equivalent to regulation 8(10) of these Regulations in other legislation to add references to the new Regional Regulations. A sample provision for this case is:

14. In regulation 9(9) of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, after “(No. 3) Regulations 2020” insert “and under the Health Protection (Coronavirus, Restrictions) ([name of protected area]) Regulations [YEAR].”

| | |
|---------|--------------|
| Address | [Name] |
| Date | [Position] |
| | [Department] |

SCHEDULE 1

Regulation [2]

The protected area

[[PART 1

Postcode Districts

[LIST RELEVANT POSTCODE DISTRICTS]

PART 2

Addresses where part of a postcode district is in the protected area

[LIST RELEVANT ADDRESSES]

OR

(a) S.I. 2020/684 [COMPLETE WITH RELEVANT AMENDMENTS].

(b) S.I. 2020/684 [COMPLETE WITH RELEVANT AMENDMENTS].

[LIST RELEVANT LOCAL AUTHORITY AREAS]

OR

[INSERT THE MAP SHOWING BOUNDARY]

[Schedule 2 *must* be included in all cases as it is used for the definition of “vulnerable person”]

SCHEDULE 2

Regulation [3(1)]

Underlying Medical Conditions

1. Chronic (long-term) respiratory diseases, such as asthma, chronic obstructive pulmonary disease, emphysema or bronchitis.
2. Chronic heart disease, such as heart failure.
3. Chronic kidney disease.
4. Chronic liver disease, such as hepatitis.
5. Chronic neurological conditions, such as Parkinson’s disease, motor neurone disease, multiple sclerosis, a learning disability or cerebral palsy.
6. Diabetes.
7. Problems with the spleen, such as sickle cell disease or removal of the spleen.
8. A weakened immune system as the result of conditions such as HIV and AIDS, or medicines such as steroid tablets or chemotherapy.
9. Being seriously overweight, with a body mass index of 40 or above.

[SCHEDULE 3

Regulation [cross reference]

Closures of businesses and other premises

See COVID 19 – AREA RESTRICTIONS REGULATIONS TOOLKIT – BUSINESS AND PREMISES CLOSURES - MODEL PROVISIONS]

[SCHEDULE 4

Regulation [cross reference]

Restrictions on use of transport services

See COVID 19 – AREA RESTRICTIONS REGULATIONS TOOLKIT – RESTRICTIONS ON USE OF TRANSPORT SERVICES, HUBS OR ROADS - MODEL PROVISIONS]

[SCHEDULE 5

Regulation [cross reference]

Restrictions on transport hubs

See COVID 19 – AREA RESTRICTIONS REGULATIONS TOOLKIT – RESTRICTIONS ON USE OF TRANSPORT SERVICES, HUBS OR ROADS - MODEL PROVISIONS]

[SCHEDULE 6 Regulation [cross reference]

Closure of transport hubs

See COVID 19 – AREA RESTRICTIONS REGULATIONS TOOLKIT – RESTRICTIONS ON USE OF TRANSPORT SERVICES, HUBS OR ROADS - MODEL PROVISIONS]

[SCHEDULE 7 Regulation [cross reference]

Relevant places

See COVID 19 – AREA RESTRICTIONS REGULATIONS TOOLKIT – REQUIREMENT TO WEAR FACE COVERING IN RELEVANT PLACES - MODEL PROVISIONS]

MODEL PROVISIONS ONLY