

# Return of the tiers: The All Tiers and Enforcement Powers Regulations

The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, The Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020 and associated guidance

**Charles Holland**

Issue 1.0  
1 December 2020

## 1. The All Tiers Regulations

At around 3.38pm on Monday 30 November 2020, The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 (SI 2020 No. 1374)<sup>1</sup> (“**the All Tiers Regulations**” or “**ATR**”) appeared on the Legislation.gov website, some 38 minutes after they had been laid before Parliament and just over 2 hours after they had been made by Matt Hancock MP, the Secretary of State for Health and Social Care.

The All Tiers Regulations are due to be debated in the House of Commons tomorrow, 1 December 2020 and - if passed - will come into force on 2 December 2020.

---

<sup>1</sup> <https://www.legislation.gov.uk/uksi/2020/1374/contents/made>

The All Tiers Regulations set out a code of restrictions on gatherings and businesses (including the closure of certain business), superseding those species of restrictions as well as the restrictions on movement found in The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020 (SI 2020 No. 1200)<sup>2</sup> (“**the No. 4 Regulations**”), which brought Lockdown 2.0 into force.

As with all “lockdown” regulations, the enabling Act is the Public Health (Control of Disease) Act 1984<sup>3</sup> (“the 1984 Act”).

Talking of 1984, the All Tiers Regulations run for 70 pages, with about 31,000-odd words: so a thousand or so more than George Orwell’s Animal Farm.

There are 17 regulations within 4 parts, together with 5 schedules. The schedules themselves are sub-divided into parts (for some reason in an inconsistent fashion).

The structure is as follows:

Part 1 (regs 1-7):	<b>Introductory</b>	Commencement, territorial application, interpretation (i.e. definitions)
Part 2 (reg 8)	<b>Tier Restrictions</b>	This farms out the restrictions to Schedules 1-3 for Tiers 1-3
Part 3 (regs 9-13)	<b>Enforcement</b>	(Now) routine provisions empowering enforcement, criminalising breaches, and providing for fixed penalty notices and prosecutions
Part 4 (regs 14-17)	<b>Final Provisions</b>	Review and expiry provisions, revocation of the No 4 Regulations, consequential amendments and transitional and savings provisions
Schedule 1	<b>Tier 1 restrictions</b>	Restrictions on gatherings, closure of businesses, other restrictions on businesses.
Schedule 2	<b>Tier 2 restrictions</b>	
Schedule 3	<b>Tier 3 restrictions</b>	
Schedule 4	<b>Tier 2 and Tier 3 area</b>	Local authorities that are in Tier 2 and 3
Schedule 5	<b>Consequential provisions</b>	Consequential amendments and transitional and savings provisions that were too technical to go in Part 4

Is this much simpler than the previous 3 tier approach when there was a regulation for each tier? Not really, because rather than set out a base level of restrictions and then add to it, each of Schedules 1-3 sets out a code for Tiers 1-3 respectively.

## 2. Guidance

<sup>2</sup> <https://www.legislation.gov.uk/uksi/2020/1200/contents/made>

<sup>3</sup> <https://www.legislation.gov.uk/ukpga/1984/22>

Each Tier - Medium, High and Very High - gets its own Guidance. At the date of writing there has been very little amendment of this Guidance since it was initially published on 23 November 2020, suggesting that the All Tier Regulations was well-established in format at that point.

### 3. Interrelation with overarching regulations

As with all previous regulations restricting gatherings and business operation, the All Tiers Regulations need to be read in conjunction with the following “overarching” (i.e. all-England) regulations:

- The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020<sup>4</sup> (“**the Face Coverings Regulations**”)
- The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020<sup>5</sup> (“**the Collection of Contact Details Regulations**”)
- The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020<sup>6</sup> (“**the Obligations of Undertakings Regulations**”) (which require various businesses to effectively police customer compliance with other regulations)
- The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020<sup>7</sup> (“**the No. 3 Regulations**”) (which include hitherto important provisions about individual premises directions which can be made by local authorities).
- The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020 (“**the Self-Isolation Regulations**”).
- The Health Protection (Coronavirus, International Travel) (England) Regulations 2020 (“**the International Travel Regulations**”).
- The Health Protection (Coronavirus, Restrictions) (England) (No. 2) Regulations 2020<sup>8</sup> (“**the No. 2 Regulations**”) (which have nearly all been revoked but which still retain a provision giving the Secretary of State a power to restrict access to public places).

---

<sup>4</sup> <https://www.legislation.gov.uk/uksi/2020/791/contents>

<sup>5</sup> <https://www.legislation.gov.uk/uksi/2020/1005/contents>

<sup>6</sup> <https://www.legislation.gov.uk/uksi/2020/1008/contents>

<sup>7</sup> <https://www.legislation.gov.uk/uksi/2020/750/contents>

<sup>8</sup> <https://www.legislation.gov.uk/uksi/2020/684/contents>

#### 4. Restrictions on gatherings

As always, the best starting point is the restrictions on gatherings. Each tier has its own schedule, the logic no doubt being that persons in any given tier can consult their relevant schedule for the rules - a logic that slightly breaks down because of the restrictions on ambulatory residents of Tiers 2 and 3, who are subject to enhanced rules wherever in England they may be.

##### Participation in gatherings: the rules

In Tier 1, the rule of 6 applies: no person may participate in a gathering in a Tier 1 area which consists of more than 6 people, unless an exception applies.

A certain amount of geographical pedantry appears to have crept into the All Tiers Regulations. The regulations apply not just in England but also in English *airspace* (in relation to aircraft which take off from or land at a place in England) and in the English territorial sea in relation to vessels (but not those who which have departed from somewhere other than England and which are to dock somewhere other than England) (although the Tier 2 and 3 business closure/restrictions do not apply in airspace or at sea, which is good news for anyone running the trolley service on a plane).

This pedantry raises its head again in the specific (but factually unlikely exception) of a gathering in place a Tier 1 area which also includes part of a Tier 2 or Tier 3 area. If that happens, it is not a Tier 1 area.

In Tier 2, the rule of 6 applies outdoors. Indoors, it is the rule of two. Persons “living in” the Tier 2 area (whatever that means) may also not participate in an indoor gathering of two or more. All of this subject to the exceptions, to which I shall return.

As under previous regulations, what is “indoors” is defined by reference to the smoke-free legislation - a place is indoors if it is “enclosed or substantially enclosed” for the purposes of the Smoke-free (Premises and Enforcement) Regulations 2006: essentially (I summarise) any place with a roof (including a retractable roof) and 50% or more solid (counting doors and windows as solid walls) is indoors.

If an *indoor* place is partly in Tier 2 and partly in Tier 3, then it is Tier 3. That rule (curiously) does not apply to outdoor gatherings.

In Tier 3, the rule of two applies indoors and in a private dwelling (which includes any garden, yard, passage, stair, outhouse or other appurtenance of the dwelling). Outdoors, the rule of 6 applies to a public outdoor place (other than a fairground or a funfair) where no payment is required for access *or* payment is required and the place is an outdoor sportsground or sports facility, botanical garden or the gardens or grounds of a castle, stately home, historic house or other heritage site. Otherwise it is the rule of two. Anyone “living in” a Tier 3 area basically has to comply with Tier 3 rules anywhere in England.

I have not heard of a single example of enforcement action being taken against a Tier 2/3 resident for breaching gathering restrictions in a lower tier area. I would be surprised if enforcement action could be taken because of the near impossibility of any enforcement agency being aware of an offence. If the restrictions are unenforceable then why make them? Perhaps the government has simply taken the view that some will voluntarily comply, and some is better than none.

Enforcement aside, even before we have got on to the exceptions, the restrictions on gatherings might already be fairly described as highly complex and - some might say - quixotic.

### Exceptions to the rules

There are 22 categories of exemption to the Tier 1 gatherings. These general categories of exemption reduces to 20 for Tier 2 and to 19 for Tier 3, but then additional categories are added to take account of the more restrictive provisions on gatherings in the higher tiers.

<b>Tier 1</b>	<b>Tier 2</b>	<b>Tier 3</b>
Same or linked households		
Permitted organised gatherings		
Education and training		
Gatherings necessary for certain purposes		
Legal obligations and proceedings		
Criminal justice accommodation and immigration detention accommodation		
Support groups		
Respite care		
Births		
Marriages and civil partnerships		
Wedding etc receptions		No
Funerals		
Wakes		
Protests		
Elite sports		
Other sports	(See below)	(See below)
Outdoor activities	(See below)	(See below)
Children		
Parent and child groups		
Students and vacation households		
Christmas period		
Picketing		

	Visiting a dying person indoors	Visiting a dying person indoors
	Visiting a person receiving treatment indoors	Visiting a person receiving treatment indoors
	Indoor sports	Indoor sports
	Outdoor sports	Outdoor sports
	Outdoor activities	Outdoor activities

As hopefully appears from this table, the main differences between the tiers when it comes to gatherings relate to the rule of 6 / rule of two. The exceptions are broadly similar, the ban on wedding receptions in tier 3 being the main change.

Some variations seem quite extraordinarily pettifogging. In Tier 2, a person who has been released on temporary licence is to be treated as a member of the household at the address to which the person was released. In Tier 3 that person is only to be treated as a member of the household for the purposes of gatherings taking place outdoors, but not gatherings taking place indoors.

As with the No. 4 Regulations, the restrictions on gatherings are subject to specific exceptions rather than a widely drafted “reasonable excuse” of which the exceptions are examples (c.f. the now disbanded restrictions on movement).

There has been a tightening up of the exceptions - perhaps to deal with some of the constant criticism of people like me (although not necessarily me) that the guidance went further than the regulations.

So, for instance, under the No. 4 Regulations, an exception to the restriction on gatherings was that the gathering was “reasonably necessary for the purposes of education or training”.

Guidance doggedly insisted that this meant “formal” training and didn’t include “extra-curricular” activities and didn’t mean “driving lessons”, all of which propositions were unsupported by any legal basis that I could see.

Here, by contrast, is the new “education and training” exception:

***Exception 3: education and training***

*Exception 3 is that the gathering is reasonably necessary for the purposes of—*

- (a) early years provision;*
- (b) educational activities of a school;*
- (c) a course of study or essential life skills training provided by—*
  - (i) a 16 to 19 Academy,*

- (ii) a provider of **further education**, or
- (iii) **a higher education provider**;
- (d) activities relating to residing at a school, a 16 to 19 Academy or a provider of further education;
- (e) provision specified in an **education, health and care plan**;
- (f) the suitable education of a child otherwise than by regular attendance at school arranged by a parent in accordance with section 7 of the Education Act 1996 (and for this purpose “suitable education” has the meaning given by section 436A(3) of the Education Act 1996);
- (g) the suitable education of a child otherwise than by regular attendance at school arranged by—
  - (i) a local authority, as defined by section 579(1) of the Education Act 1996, in accordance with section 19 of that Act, or
  - (ii) the proprietor of a school at which the child is a registered pupil, including where the arrangements are made in connection with section 29A of the Education Act 2002 or section 100 of the Education and Inspections Act 2006, (and for this purpose “suitable education” has the meaning given by section 19(6) of the Education Act 1996);
- (h) activities provided by a business, a charitable, benevolent or philanthropic institution or a public body for the purposes of—
  - (i) obtaining a regulated qualification, within the meaning of section 130 of the Apprenticeships, Skills, Children and Learning Act 2009, or
  - (ii) meeting all or part of the entry requirements for an **educational institution**;
- (i) preparing for work through a skills programme consisting of—
  - (i) a work experience placement, or
  - (ii) work preparation training;
- (j) applying for, and obtaining, work;
- (k) meeting a requirement for a particular area of work;

- (l) *professional training that is working towards an external accreditation recognised by a professional body;*
- (m) *exams and assessments carried out in connection with any of the matters mentioned in paragraphs (a) to (l).*

(defined terms in bold)

So a short sentence has been replaced with 12 sub-exceptions. Some of which do not - to my eyes - relate to “education or training”: applying for work, for instance?

There is still of course plenty of scope for debate as to whether the educational activities of a school include extra-curricular activities, and yet the (current) guidance still insists it does not:

*... for registered childcare, education or training – meaning education related to a formal curriculum, or training that relates to work or obtaining work.*

I cannot see any authority for this limitation of education to a “formal curriculum”. Some might say that the persistent publication of guidance that bears no relation to the regulations it seeks to explain does a real disservice to the confidence the public should be able to place in the role of law.

Education and training was previously found in the “gatherings necessary for certain purposes” exception, but has been strip out. Its former companions remain, including the very wide “for work purposes or for the provision of voluntary or charitable services”.

New exceptions include of course “Christmas period” which runs from 23 to 27 December (or longer in the case where one or more persons at the gathering has not been able to return to their home because of unforeseen disruption to travel, where 3 households can gather in a private dwelling, in a conveyance, in a place of worship or a public outdoor place that satisfies the extraordinary prescriptive conditions that either no payment is required or if payment is required it is an outdoor sportsground or sports facility, botanical garden or gardens or grounds of a castle, stately home, historic house or other heritage site. The 3 households must be “linked Christmas households” which means a further 306 words of definition which I am not going to attempt to summarise beyond saying that the 3 must link with each other and no others but there are exceptions for children who do not live with one or both of their parents.

Other new exceptions included “permitted organised gatherings” and “outdoor sports gathering” - we know from the guidance that these include things like performances at theatres, concert halls and music venues, and watching sport at sports stadia, and that they are subject to percentage and numerical capacity limits. None of these limits are in the regulations.

A “protest” exception has re-arrived following its (unexplained) exclusion from the No. 4 Regulations. To be within the exception, protests need to be organised by a business, a **charitable, benevolent or philanthropic organisation**, a public body or a **political body**



(bolded matters the subject of definition) and the gathering organiser has taken the **required precautions** (defined) in relation to the gathering.

There is also now an exception for “picketing”, carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992 where the required precautions are taken.

Whilst the purpose of this article is just to give a legal overview of the regulations, one has to wonder whether anyone seriously thinks these provisions are going to be understood, let alone adhered to, by the people they purport to control (all 56m of them). The move away from “common sense” as announced on 23 June by the Prime Minister to this Dungeons & Dragons Rulebook style drafting is, will, I fear, devalue (or further devalue) the legislative currency.

### Organisation or facilitation of gatherings

As with the previous regulations, it is prohibited or organised or facilitate various large (30+) gatherings. For some reason there is no express prohibition against organising or facilitation other gatherings that are not within the exceptions: so a wedding reception for 29 people is not going to fit within the organising/facilitation provisions (although on commercial premises to accept a booking for one and to allow admittance will constitute breaches of the Obligations of Undertakings Regulations).

## 5. Business closures and restrictions

As with the restrictions on gatherings, each the restrictions on businesses (including business closures) are found for each tier in that tier’s schedule. The overall structure (Tier 2) is as follows

- Closure of businesses: businesses that must close
- Exceptions to closure
- Restrictions on opening hours of business and services (the curfew)
- Exceptions to the curfew
- Restrictions on service of food and drink for consumption on the premises
- Requirement to close businesses selling alcohol for consumption on the premises

Exasperatingly, Tier 3 takes a different structure. In essence there is however a stepped level of restriction and so it is good practice not just to look at the applicable tier’s schedule but to see how that compares to other tier’s rules.

Due to pressure of time a review of the various business restrictions will have to come in a later version of this article.

## 6. Local Authority Enforcement Powers Regulations

Five minutes after the All Tiers Regulations were made, Mr Hancock made The Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020 (SI 2020 No. 1375)<sup>9</sup> (“**the Enforcement Powers Regulations**” or “**EPR**”).

These too come into force on 2 December 2020 and (presumably) will be debated by Parliament tomorrow.

Running to some 25 pages and about 10,000 words, they give a suite of new powers to local authorities, as well as making miscellaneous amendments to the overarching regulations.

The new powers are available for breaches of 22 categories of existing regulatory provisions (“**the relevant statutory provisions**”) (some of those containing a multiplicity of restrictions and requirements).

Worryingly, the Enforcement Powers Regulations use the same abbreviations for the overarching regulations that I came up with for a previous article, which makes me wonder... “I’m not one of them, am I...?” Anyway, using the abbreviations which the government stole from me without attribution, the categories of the relevant statutory provisions are found in:

- the Obligations of Undertakings Regulations,
- the All Tiers Regulations (business closure and restrictions in all three tiers),
- the Collection of Contact Details Regulations and
- the Self-Isolation Regulations.

These seem to be in the main business-focused obligations, and so it follows that the main targets of the new enforcement powers will be businesses and other bodies rather than private individuals or private dwellings.

Under the Enforcement Powers Regulations, designated local authority officers may issue the following species of notice:

- Coronavirus Improvement Notice (“CIN”)
- Coronavirus Immediate Restriction Notice (“CIRN”)
- Coronavirus Restriction Notice (“CRN”).

### Coronavirus Improvement Notice (“CIN”)

A CIN may be issued to a person where the officer is of the opinion that the person is contravening one or more of the relevant statutory provisions and the requirements or or

---

<sup>9</sup> <https://www.legislation.gov.uk/uksi/2020/1375/contents/made>

requirements of the notice are necessary and proportionate to ensure that the contravention(s) is/are remedied/ended.

Note that there is no express provision that the issue of the CIN itself has to be necessary or proportionate - the CIN may be a given - it is its requirement(s) that must satisfy this test.

A CIN must state various things including the period for compliance which must be at least 48 hours. It can include suggestions for compliance with its requirements (but does not have to).

A CIN must be reviewed at, or as soon as practicable after, its expiry. When a review at this point is carried out, if it has been complied with it must be withdrawn. If it hasn't been complied with it, the officer can issue another CIN, or a CIRN or a CRN.

An earlier review can be requested by the recipient *if* he/she believes that the requirements in the CIN have been met (so not if they believe the requirements were never necessary) (and if it is that review must be carried out as soon as practicable and no later than 48 hours after it is requested). Strangely the Regulations do not provide any structured discretion for a requested review (as opposed to an automatic review).

### Coronavirus Restriction Notice ("CRN")

A CRN may only be issued by an officer to a person who has been issued with a CIN where the officer is of the opinion that the CIN has not been complied with *and* the non-compliance involves a risk of exposure to coronavirus. A CRN requires the closure of premises (or part thereof) and/or requirement that contraventions in the CIN are ended or remedied. Any requirement of a CRN (including closure) must be necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus.

A CRN has effect for a period of time ending 7 days after the day on which it is served. There does not appear to be any discretion to issue a shorter notice, which seems odd.

A CRN takes effect at the end of a period specified in the notice or - if no such period is specified - immediately. So a CRN can be immediate (indeed that is the default position) even though it doesn't have "immediate" in the title.

A CRN must be reviewed *before* the notice ceases to have effect (c.f. CINs, where the review is after). On the review, the officer must decide whether the requirements remain necessary. If they don't, then the notice must be withdrawn. If they do (or some of them do) a new (amended if necessary) a new notice must be issued. This can either be a CIN, a CRN or a CIRN.

A request for a review can be made by the recipient at any time *if* the person to whom it has been issued believes its requirements "are no longer necessary" (which might predicate an earlier belief that they were necessary). If a review is requested it must be carried out as soon as practicable but in any event at the earlier at the end of the period of 48 hours from when the review was requested or the time when the CRN ceases to have effect (when a review should be carried out anyway). Again the Regulations do not provide any structured discretion for a requested review (as opposed to an automatic review).

## Coronavirus Immediate Restriction Notice (“CIRN”)

Finally there is a CIRN. This does not have to be preceded by a CIN. It may be issued by an officer who is of the opinion that a person is contravening one or more of the relevant statutory provisions “in circumstances that make it likely that the contravention or contraventions will continue or be repeated and that contravention or those contraventions involve, or would involve or continued or repeated, a risk of exposure to coronavirus”.

As with a CRN, a CIRN requires the closure of premises (or part thereof) and/or requirement that contraventions in the CIN are ended or remedied. As with a CRN, any requirement of a CRN (including closure) must be necessary and proportionate for the purpose of minimising the risk of exposure to coronavirus.

A CIRN lasts for 48 hours. As with the 7 day period for a CRN, there is no discretion to issue it for a shorter period.

Like a CRN, a CIRN must be reviewed by an officer *before* it ceases to have effect. The structured discretion for a review is the same as with a CRN - so if all is fine, no notice, if not, then it's an amended CIRN or a CIN or a CRN.

And as with a CRN, the recipient of a CIRN who believes that its requirements are no longer necessary may seek a review.

## Offences

Failing to comply with a CIN or a CIRN or a CRN without reasonable excuse constitutes an offence punishable on summary conviction by an (unlimited) fine. A constable may arrest without warrant for the reasons in s.24 of the Police and Criminal Evidence Act 1984 plus for the reasons of maintaining public health and maintaining public order.

There is a fixed penalty notice regime. Only one FPN may be issued in relation to a failure to comply with a single CIN, CIRN or CRN. The penalty is £2,000 for breach of a CIN and £4,000 for breach of a CIRN or CRN. As with all FPNs these are not “fines”, but rather options which if exercised prevent a prosecution.

Prosecutions may be brought by a local authority, the CPS and anyone else the Secretary of State designates.

## Appeals

There are rights of appeal to the magistrates' court against decisions to issue CINs, CIRNs and CRNs and against decisions on reviews. Appeals have to be brought within 28 days. The obvious point is that any appeal against any notice is likely to be academic by the time it gets to the court.

### How is this an extension of powers?

All previous iterations of “lockdown” regulations have included enforcement powers for local authority officers which has allowed them to take “such action as is necessary” to enforce the business restriction and closure provisions. This has included giving a “prohibition notice” where necessary and proportionate to do so. Non-compliance with a prohibition notice is a specific offence.

What the regulations now do is give 3 new types of notice not just for the business restriction and closure provisions but also for various provisions within the Obligations of Undertakings Regulations, the Collection of Contact Details Regulations and the Self-Isolation Regulations.

Somewhat counter-intuitively, many of the breaches a business may commit in relation to an unlawful gathering (so hosting a party on its premises) are more comfortably breaches of the Obligations of Undertakings Regulations rather than the regulations containing restrictions on gatherings.

So it perhaps makes (enforcement) sense to widen the regulations to cover this.

However, local authorities already had an existing power to make an “individual premises direction” under the No. 3 Regulations, which could include a direction closing the premises. An individual premises direction required a certain number of hoops to be gone through:

- there needs be consultation with the director of public health (or interim or acting director of public health or (by virtue of amendments in the Enforcement Powers Regulations) a registered public health consultant (approved by the director of public health);
- three conditions have to be met, namely:
  - that the giving of such a direction responds to a serious and imminent threat to public health;
  - that the direction is necessary for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus in the local authority's area, and
  - that the prohibitions, requirements or restrictions imposed by the direction are a proportionate means of achieving that purpose;
- the Secretary of State needs to be notified.

A CIRN is obviously far, far easier to dish out than an individual premises direction.

### Does it go far enough?

The problem is with a premises that simply ignores any form of “closure” paper shoved at it, whether that be a prohibition notice (whether issued in respect of business closure/restriction regulations or for breach of an individual premises notice under the No. 3 Regulations), a CIRN or a CRN. What can a local authority officer do?

Well, not much. There are no powers of entry under any of the regulations, including the new Enforcement Powers Regulations.

This is to be compared with a closure order made by the magistrates’ court under s.80 of the Anti-social Behaviour, Crime and Policing Act 2014, which permits an authorised person (including, where the order flowed from a closure notice issued by a local authority) a person authorised by a local authority, to *enter premises* in respect of which a closure order is in force and *do anything necessary to secure the premises against entry*.

It is of course eminently arguable that running a premises in such a fashion that persons are exposed to coronavirus is use of premises that has resulted or is likely to soon result in nuisance to members of the public, thus triggering the jurisdiction to issue a closure notice under s.76(1) of the 2014 Act, and setting in motion the application for a closure order and then a power of entry.

Perhaps the government thought that an automatic power of entry without the sanction of a court was a step too far? I can only speculate.

## 7. Amendments

The full title of the Enforcement Powers Regulations includes the word “Amendment” and there are miscellany of amending provisions in the Schedule. In summary, they are:

- An amendment to the enforcement provisions of the Self-Isolation Regulations, the No. 2 Regulations and the International Travel Regulations to remove the power to remove a person and use reasonable force when doing so from persons other than constables.
- An amendment to the FPN provisions of the No. 2 regulations.
- Amendments to the No. 3 Regulations to widen the pool of consultees prior to local authority directions, and other changes to the appeal procedure and FPNs.
- Various amendments to the collection of contact details regulations including the exclusion of venues not accessible to the public, the addition of betting shops and the removal of art fairs from its scope. Other amendments concern multi-purpose venues, polling stations and correction of drafting errors.
- Various amendments to self-isolation regulations including changes to the FPN scheme, designation of both authorities in two-tier systems, and providing an

exemption from the self-isolation requirements for the purpose of appropriately authorised research into the transmission, diagnosis or prevention of coronavirus.

CHARLES HOLLAND

Newcastle upon Tyne,  
1 December 2020

[www.cholland.com](http://www.cholland.com)

The usual disclaimer - this article looks at the framework of the (proposed) law and various points of interest arising. It does not purport to give a comprehensive account of the regulations (as to which readers are directed at the regulations themselves) nor does it give any specific legal advice. It has also been produced at speed and will (doubtless) be updated over time. The article relates to England only. corrections and comments are welcomed .

**FTB BARRISTERS  
FRANCIS TAYLOR BUILDING  
INNER TEMPLE  
LONDON  
EC4 7BY**

**TRINITY CHAMBERS  
THE CUSTOM HOUSE  
QUAYSIDE  
NEWCASTLE UPON TYNE  
NE1 3DE**