

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

STATUTORY INSTRUMENTS

2020 No. 1019

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, Restrictions) (Protected Areas and Linked Childcare Households) (Amendment) Regulations 2020

Made - - - - 21st September 2020

Coming into force at 12.01 a.m. on 22nd September 2020

Laid before Parliament at 10.30 a.m. on 22nd September 2020

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45C(1), (3)(c), (4)(b) and (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.

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.

Citation and commencement

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (Protected Areas and Linked Childcare Households) (Amendment) Regulations 2020.

(2) They come into force at 12.01 a.m. on 22nd September 2020.

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

Amendment of Protected Areas

2.—(1) In regulation 1(4) of the Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020(a), for the definition of “protected area”, substitute—

““protected area” means—

- (a) the area of Leicester City Council;
- (b) the area of Oadby and Wigston Borough Council;”.

(2) In regulation 2(1) of the Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020(b)—

- (a) omit sub-paragraphs (m) and (ma), and the heading “Lancashire” preceding them;
- (b) before sub-paragraph (o) but after the heading “West Yorkshire”, insert—
“(mb) the area of the City of Bradford Metropolitan District Council;”;
- (c) for sub-paragraph (o), substitute—
“(o) the area of Calderdale Metropolitan Borough Council;”;
- (d) for sub-paragraph (p), substitute—
“(p) the area of Kirklees Metropolitan Council.”.

(3) In regulation 2(1) of the Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020(c)—

- (a) at the end of sub-paragraph (b), omit “or”;
- (b) after sub-paragraph (c), insert—
“or
(d) the area of City of Wolverhampton Council.”.

(4) In the Health Protection (Coronavirus, Restrictions) (North East of England) Regulations 2020(d)—

- (a) in the title to the Regulations after “East” insert “and North West”;
- (b) in regulation 1(1) after “East” insert “and North West”;
- (c) in regulation 1(4)—
 - (i) before sub-paragraph (a), insert—
“(za) the area of Blackburn with Darwen Borough Council;
(zb) the area of Burnley Borough Council;
(zc) the area of Chorley Borough Council;”;
 - (ii) after sub-paragraph (a), insert—
“(ab) the area of Fylde Borough Council;”;
 - (iii) after sub-paragraph (b), insert—
“(ba) the area of Halton Borough Council;
(bb) the area of Hyndburn Borough Council;
(bc) the area of Knowsley Metropolitan District Council;
(bd) the area of Lancaster City Council;
(be) the area of Liverpool City Council;”;
 - (iv) after sub-paragraph (e), insert—

(a) S.I. 2020/824, amended by S.I. 2020/875, 2020/828, 2020/865, 2020/907, 2020/954, 2020/974, 2020/986, 2020/987 and 2020/1010.

(b) S.I. 2020/828, amended by S.I. 2020/828, 2020/846; 2020/865; 2020/897; 2020/907; 2020/931; 2020/954; 2020/974, 2020/986 and 2020/1010.

(c) S.I. 2020/988, amended by S.I. 2020/1010.

(d) S.I. 2020/1010, amended by S.I. 2020/1012.

- “(ea) the area of Pendle Borough Council;
- (eb) the area of Preston City Council;
- (ec) the area of Ribble Valley Borough Council;
- (ed) the area of Rossendale Borough Council;
- (ee) the area of Sefton Borough Council;
- (ef) the area of South Ribble Borough Council;”;
- (v) at the end of sub-paragraph (f), omit “and”;
- (vi) after sub-paragraph (f), insert—
 - “(fa) the area of St Helens Borough Council;”;
- (vii) after sub-paragraph (g), insert—
 - “(h) the area of Warrington Borough Council;
 - (i) the area of West Lancashire Borough Council;
 - (j) the area of Wirral Metropolitan District Council;
 - (k) the area of Wyre Borough Council.”.

Amendments relating to provision of childcare

3.—(1) In the Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020—

- (a) in regulation 3(1)—
 - (i) after the definition of “elite sportsperson” insert—
 - ““informal childcare” means any form of care for a child aged 13 or under provided by someone other than a person doing so in their role as a person registered to provide childcare under Part 3 of the Childcare Act 2006 and includes education for a child aged 13 or under and any other supervised activity for a child aged 13 or under;
 - “linked childcare household” has the meaning given in regulation 6A;”;
- (b) in regulation 5(2)(e)(iii), after “2006” insert “or informal childcare provided by a member of a household to a member of their linked childcare household”;
- (c) in regulation 6(1)(a), after “1984” insert “, except where the households are linked for the purpose of being linked childcare households”;
- (d) after regulation 6 insert—

“Linked childcare households

6A.—(1) Where a household includes at least one child aged 13 or under (“the first household”), that household may link with one other household (“the second household”) for the purpose of the second household providing informal childcare to the child aged 13 or under in the first household provided that—

- (a) neither the first household nor the second household are linked with any other household for the purpose of providing informal childcare for the purpose of these Regulations or any other Regulations made under the Public Health (Control of Disease) Act 1984; and
- (b) all the adult members of both households agree.

(2) The first household and the second household are “linked childcare households” in relation to each other.

(3) The first household and the second household cease to be linked childcare households when neither household includes a child aged 13 or under.

(4) Once the first household and the second household cease to be linked childcare households, neither household may be a linked childcare household with any other household.”.

(2) In the Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020—

- (a) in regulation 3(1), after the definition of “elite sportsperson” insert—
 - ““informal childcare” means any form of care for a child aged 13 or under provided by someone other than a person doing so in their role as a person registered to provide childcare under Part 3 of the Childcare Act 2006 and includes education for a child aged 13 or under and any other supervised activity for a child aged 13 or under;
 - “linked childcare household” has the meaning given in regulation 6A;”;
- (b) in regulation 5(2)(e)(iii), after “2006” insert “or informal childcare provided by a member of a household to a member of their linked childcare household”;
- (c) in regulation 6(1)(a), after “1984” insert “, except where the households are linked for the purpose of being linked childcare households”;
- (d) after regulation 6 insert—

“Linked childcare households

6A.—(1) Where a household includes at least one child aged 13 or under (“the first household”), that household may link with one other household (“the second household”) for the purpose of the second household providing informal childcare to the child aged 13 or under in the first household provided that—

- (a) neither the first household nor the second household are linked with any other household for the purpose of providing informal childcare for the purpose of these Regulations or any other Regulations made under the Public Health (Control of Disease) Act 1984; and
- (b) all the adult members of both households agree.

(2) The first household and the second household are “linked childcare households” in relation to each other.

(3) The first household and the second household cease to be linked childcare households when neither household includes a child aged 13 or under.

(4) Once the first household and the second household cease to be linked childcare households, neither household may be a linked childcare household with any other household.”.

(3) In the Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020—

- (a) in regulation 1(4), after the definition of “elite sportsperson” insert—
 - ““informal childcare” means any form of care for a child aged 13 or under provided by someone other than a person doing so in their role as a person registered to provide childcare under Part 3 of the Childcare Act 2006 and includes education for a child aged 13 or under and any other supervised activity for a child aged 13 or under;
 - “linked childcare household” has the meaning given in regulation 6A;”;
- (b) in regulation 5(2)(e)(iii), after “2006” insert “or informal childcare provided by a member of a household to a member of their linked childcare household”;
- (c) in regulation 6(1)(a), after “1984” insert “, except where the households are linked for the purpose of being linked childcare households”;
- (d) after regulation 6 insert—

“Linked childcare households

6A.—(1) Where a household includes at least one child aged 13 or under (“the first household”), that household may link with one other household (“the second household”) for the purpose of the second household providing informal childcare to the child aged 13 or under in the first household provided that—

- (a) neither the first household nor the second household are linked with any other household for the purpose of providing informal childcare for the purpose of these Regulations or any other Regulations made under the Public Health (Control of Disease) Act 1984; and
- (b) all the adult members of both households agree.

(2) The first household and the second household are “linked childcare households” in relation to each other.

(3) The first household and the second household cease to be linked childcare households when neither household includes a child aged 13 or under.

(4) Once the first household and the second household cease to be linked childcare households, neither household may be a linked childcare household with any other household.”.

(4) In the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020(a)—

- (a) in regulation 1(3), after the definition of “elite sportsperson” insert—

““informal childcare” means any form of care for a child aged 13 or under provided by someone other than a person doing so in their role as a person registered to provide childcare under Part 3 of the Childcare Act 2006 and includes education for a child aged 13 or under and any other supervised activity for a child aged 13 or under;

“linked childcare household” has the meaning given in regulation 6A;”.

- (b) in regulation 5(2)(e)(iii), after “2006” insert “or informal childcare provided by a member of a household to a member of their linked childcare household”;
- (c) in regulation 6(1)(a), after “1984” insert “, except where the households are linked for the purpose of being linked childcare households”;
- (d) after regulation 6 insert—

“Linked childcare households

6A.—(1) Where a household includes at least one child aged 13 or under (“the first household”), that household may link with one other household (“the second household”) for the purpose of the second household providing informal childcare to the child aged 13 or under in the first household provided that—

- (a) neither the first household nor the second household are linked with any other household for the purpose of providing informal childcare for the purpose of these Regulations or any other Regulations made under the Public Health (Control of Disease) Act 1984; and
- (b) all the adult members of both households agree.

(2) The first household and the second household are “linked childcare households” in relation to each other.

(3) The first household and the second household cease to be linked childcare households when neither household includes a child aged 13 or under.

(4) Once the first household and the second household cease to be linked childcare households, neither household may be a linked childcare household with any other household.”.

(a) S.I. 2020/974; amended by S.I. 2020/986, 2020/988, 2020/1010

(5) In the Health Protection (Coronavirus, Restrictions) (North East of England) Regulations 2020—

- (a) in regulation 1(3), after the definition of “elite sportsperson” insert—
 - ““informal childcare” means any form of care for a child aged 13 or under provided by someone other than a person doing so in their role as a person registered to provide childcare under Part 3 of the Childcare Act 2006 and includes education for a child aged 13 or under and any other supervised activity for a child aged 13 or under;
 - “linked childcare household” has the meaning given in regulation 7A;”.
- (b) in regulation 6(2)(e)(iii), after “2006” insert “, provided by a member of a household to a member of their linked childcare household;”;
- (c) in regulation 7(1)(a), after “1984” insert “, except where the households are linked for the purpose of being linked childcare households”;
- (d) after regulation 7 insert—

“Linked childcare households

7A.—(1) Where a household includes at least one child aged 13 or under (“the first household”), that household may link with one other household (“the second household”) for the purpose of the second household providing informal childcare to the child aged 13 or under in the first household provided that—

- (a) neither the first household nor the second household are linked with any other household for the purpose of providing informal childcare for the purpose of these Regulations or any other Regulations made under the Public Health (Control of Disease) Act 1984; and
- (b) all the adult members of both households agree.

(2) The first household and the second household are “linked childcare households” in relation to each other.

(3) The first household and the second household cease to be linked childcare households when neither household includes a child aged 13 or under.

(4) Once the first household and the second household cease to be linked childcare households, neither household may be a linked childcare household with any other household.”.

Amendment to the title of the Health Protection (Coronavirus, Restrictions) (North East of England) Regulations 2020

4. A reference in any legislation to the Health Protection (Coronavirus, Restrictions) (North East of England) Regulations 2020 is to be treated as a reference to the Health Protection (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020.

Further amendments

5. The Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020 are amended as follows—

- (a) in regulation 1—
 - (i) in the heading, for “, application and general interpretation” substitute “and application”;
 - (ii) omit paragraph (4);
- (b) in the heading to Part 2, omit the words from “(other” to the end;
- (c) omit regulation 13;
- (d) omit regulation 17;

- (e) omit paragraphs 4 to 8 of the Schedule.

Revocation

- 6.—(1) The following instruments are revoked—
- (a) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020(a);
 - (b) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) (Amendment) Regulations 2020(b);
 - (c) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) (Amendment) (No. 2) Regulations 2020(c);
 - (d) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) (Amendment) (No. 3) Regulations 2020(d).

Savings

7. Notwithstanding the revocation of the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020 (the “first Regulations”), they continue in force, as amended, in relation to any offence committed under the first Regulations before these Regulations came into force.

Edward Argar
Minister of State

21st September 2020

Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the protected areas in the Health Protection (Coronavirus, Restrictions) (Leicester) (No 2) Regulations 2020 (S.I. 2020/824), the Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020 (S.I. 2020/828), the Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020 (S.I. 2020/988) and the Health Protection (Coronavirus, Restrictions) (North East of England) Regulations 2020 (S.I. 2020/1010).

In relation to those instruments and the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020, the Regulations also enable households to be “linked childcare households” for the purpose of providing informal childcare. This has the effect of exempting those households from the rules on restrictions of gathering in private dwellings where reasonably necessary for the provision of informal childcare.

The Regulations also make an amendment consequential on the change of name of the Health Protection (Coronavirus, Restrictions) (North East of England) Regulations 2020 to Health Protection (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020, and revoke the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020 (S.I. 2020/822) and its amending instruments.

A full regulatory impact assessment has not been prepared for these Regulations.

(a) S.I. 2020/822, amended by S.I. 2020/824; 2020/828; 2020/898; 2020/907; 2020/930; 2020/935; 2020/954; 2020/974, 2020/986 and 2020/1010.

(b) S.I. 2020/898.

(c) S.I. 2020/930.

(d) S.I. 2020/935.