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COVID 19 – AREA RESTRICTIONS REGULATIONS TOOLKIT – PART 3 - MOVEMENTS AND GATHERINGS RESTRICTIONS – MODEL PROVISIONS

This document is part of the “Covid 19 – Area Restrictions Regulations Toolkit” for provisions to 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. It contains model provisions that could be used where restrictions on movements or gatherings within the protected area are needed.

This document is to be used with the “Covid 19 – Area Restrictions Regulations Toolkit – Core Provisions”.

PART 3

Restrictions on movement or gatherings

[[Regulation 1 makes provision to prevent all movements (including overnight stays) without reasonable excuse]

[Restrictions on movement

1.—(1) During the emergency period—

- (a) no person who lives in the protected area may leave or be outside of the place where they are living in that area without reasonable excuse;
- (b) no person who is staying (but who does not live) in the protected area [**when these Regulations come into force**] may leave or be outside of the place where they are staying in that area without reasonable excuse;
- (c) [no person to whom paragraph (3) applies may be in the protected area without reasonable excuse.]

(2) Paragraph (1)(a) and (b) does not apply to any person who is homeless.

[[Paragraph (3) is only needed if paragraph (1)(c) is included]

(3) This paragraph applies to a person if they are not homeless and—

- (a) do not live in the protected area, or
- (b) are not staying in the protected area [**when these Regulations come into force**].]

(4) For the purposes of paragraph (1), a reasonable excuse includes *[this list is indicative – it must be reviewed before the Regulations are made]*—

- (a) the need to obtain basic necessities, including food and medical supplies for those in the same household (including any pets or animals in the household) or for vulnerable persons and supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person, including from any business listed in Part 3 of Schedule [**BUSINESS AND PREMISES CLOSURE SCHEDULE – VERSION 1**];
- (b) the need to obtain money from or deposit money with any business listed in paragraph [**45 or 46**] of Schedule [**BUSINESS AND PREMISES CLOSURE SCHEDULE – VERSION 1**];
- (c) the need to collect goods which have been ordered from a business in any way permitted under regulation [**FURTHER RESTRICTIONS AND CLOSURES DURING THE EMERGENCY PERIOD**][(1)(a)];
- (d) the need to take exercise—
 - (i) alone, [**or**]
 - (ii) with one or more members of their household[**[, or];**]
 - (iii) [**with one member of another household**];

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- (e) the need to visit a public open space for the purposes of open-air recreation to promote their physical and mental health or emotional wellbeing—
 - (i) alone, [or]
 - (ii) with one or more members of their household[[, or][;]]
 - (iii) [**with one member of another household;**]
- (f) the need to seek medical assistance, including to access any of the services referred to in paragraph [49 or 50] of Schedule [BUSINESS AND PREMISES CLOSURE SCHEDULE – VERSION 1];
- (g) the need to provide care or assistance, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006(a), to a vulnerable person, or to provide emergency assistance;
- (h) the need to donate blood;
- (i) the need to work or to provide voluntary or charitable services, where it is not reasonably possible for that person to work, or to provide those services, from the place where they are living or staying;
- (j) the need to attend a funeral of—
 - (i) a member of the person’s household,
 - (ii) a close family member, or
 - (iii) if no-one within sub-paragraph (i) or (ii) is attending, a friend;
- (k) the need to visit a burial ground or garden of remembrance, to pay respects to a member of the person’s household, a family member or friend;
- (l) the need to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
- (m) the need to access, or to assist another person to access, critical public services, including—
 - (i) childcare;
 - (ii) education or training;
 - (iii) social services;
 - (iv) services provided by the Department for Work and Pensions;
 - (v) services provided to victims (such as victims of crime);
- (n) in relation to children who do not live in the same household as their parents, or one of their parents, the need to continue existing arrangements for access to, and contact between, parents and children;
- (o) in the case of a minister of religion or worship leader, the need to go to their place of worship;
- (p) the need to undertake any of the following activities in connection with the purchase, sale, letting or rental of a residential property—
 - (i) visiting estate or letting agents, developer sales offices or show homes;
 - (ii) viewing residential properties to look for a property to buy or rent;
 - (iii) preparing a residential property to move in;
 - (iv) moving home;
 - (v) visiting a residential property to undertake any activities required for the rental or sale of that property;
- (q) the need to avoid injury or illness or to escape a risk of harm;

(a) 2006 c. 47. Sub-paragraph (3B) was substituted, with sub-paragraphs (1), (3) and (3A) to (3E) for sub-paragraphs (1) to (3) by s. 66(2) of the Protection of Freedoms Act 2012 (c. 9).

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- (r) the need to use a waste or recycling centre;
- (s) where the person concerned (“P”) is an elite sportsperson, a coach of an elite sportsperson, or (in the case of an elite sportsperson who is a child), a parent of the elite sportsperson, P leaves the place where they live or are staying for the purposes of training or competition;

[[sub-paragraph (t) is needed only where provision is made for “support bubbles”]

- (t) where the person concerned is visiting or staying at the place where a linked household lives];
- (u) the need to attend a person (“M”) giving birth, at M’s request;
- (v) where the person concerned (“P”) needs to visit a person P reasonably believes is dying (“D”) and P is—
 - (i) a member of D’s household,
 - (ii) a close family member of D, or
 - (iii) where no-one falling within paragraph (i) or (ii) is visiting D, a friend of D.

(5) For the purposes of paragraph (1), the place where a person is living or staying (as the case may be) includes the premises where they live or are staying together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.

(6) For the purposes of paragraph (4)(e) “public open space” includes—

- (a) land laid out as a public garden or used for the purposes of recreation by members of the public;
- (b) land which is “open country” as defined in section 59(2) of the National Parks and Access to the Countryside Act 1949(a), as read with section 16 of the Countryside Act 1968(b);
- (c) land which is “access land” for the purposes of Part 1 of the Countryside and Rights of Way Act 2000(c) (see section 1(1) of that Act.)

[[Regulation 2 makes provision to prevent those in the protected area staying overnight at a place other than where they live/stay without reasonable excuse]

Restrictions on movement

2.—(1) No person who lives in the protected area may, without reasonable excuse, stay overnight—

- (a) at any place within the protected area other than the place where they are living *[[if provision is made for support bubbles]]* or where their linked household is living], or
- (b) at any place outside the protected area *[[if provision is made for support bubbles [other than a place where their linked household is living]]]*.

[In Paragraph (2) the words in square brackets are only to be used where provision is made for “support bubbles”]

(2) No person who lives outside the protected area may, without reasonable excuse, stay overnight at any place within the protected area [other than the place where their linked household is living].

(3) **[Paragraph (1)]****[Paragraphs (1) and (2)]** do not apply to any person who is homeless.

(4) For the purposes of **[[paragraph (1)] [paragraphs (1) and (2)]]**, the circumstances in which a person (“P”) has a reasonable excuse include cases where *[this list is indicative – it **must** be reviewed before the Regulations are made]*—

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- (a) 1949 c. 97.
 - (b) 1968 c. 41. Section 16 has been amended by section 111 of the Transport Act 1968 (c. 73), Schedule 27 to the Water Act 1989 (c. 15) and S.I. 2012/1659. There are other amendments to section 16 which are not relevant to these Regulations.
 - (c) 2000. c.37.

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- (a) P needs to stay elsewhere to attend a funeral, as—
- (i) a member of the deceased person’s household,
 - (ii) a close family member of the deceased person, or
 - (iii) if no-one within paragraph (i) or (ii) is attending, a friend of the deceased person;
- (b) P is an elite sportsperson, a coach of an elite sportsperson, or (in the case of an elite sportsperson who is a child), a parent of the elite sportsperson, and needs to stay elsewhere for the purposes of training or competition;
- (c) P needs to stay elsewhere while moving house;
- (d) it is reasonably necessary for P to stay elsewhere—
- (i) for work purposes, or for the provision of voluntary or charitable services;
 - (ii) to provide care or assistance to a vulnerable person, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006(a);
 - (iii) to provide emergency assistance;
 - (iv) to avoid injury or illness, or to escape a risk of harm;
 - (v) to obtain medical assistance;
- [[paragraph (vi) should be used if there is also a restriction on gatherings in the Regulations **and** that provision permits gatherings equivalent to those mentioned in paragraphs (vii) to (ix) below]*
- (vi) to enable P to attend a birth or make a visit as permitted by regulation [**CROSS REFERENCE TO THE RELEVANT PROVISIONS OF THE RESTRICTION ON GATHERINGS**] – *[the provisions to be referred to are the ones equivalent paragraphs (vii), (viii) and (ix) below];*
- [[paragraphs (vii) to (ix) should be used if there is no restriction on gatherings in the Regulations but the express exceptions are wanted]*
- (vii) to enable P to attend a person (“M”) giving birth, at M’s request;
- (viii) to enable P to visit a person P reasonably believes is dying (“D”) and P is—
- (aa) a member of D’s household,
 - (bb) a close family member of D, or
 - (cc) where no-one falling within sub-paragraph (aa) or (bb) is visiting D, a friend of D;
- (ix) to enable P to visit a person (“V”) receiving treatment in a hospital or staying in a hospice or care home, or to accompany V to a medical appointment, and P is—
- (aa) a member of V’s household,
 - (bb) a close family member of V, or
 - (cc) a friend of V,
- and for these purposes, “care home” has the meaning given in section 3 of the Care Standards Act 2000(b);]
- (e) P needs to stay elsewhere to fulfil a legal obligation or participate in legal proceedings;
- (f) P is a child that does not live in the same household as their parents, or one of their parents, and the overnight stay is necessary to continue existing arrangements for access to, and contact between, parents and children;

(a) 2006 c. 47. Sub-paragraph (3B) was substituted, with sub-paragraphs (1), (3) and (3A) to (3E) for sub-paragraphs (1) to (3) by s. 66(2) of the Protection of Freedoms Act 2012 (c. 9).

(b) 2000 c. 14. Section 3 has been amended by paragraph 4 of Schedule 5 to the Health and Social Care Act 2008 (c. 14). There are other amendments to section 3 which are no relevant to these Regulations.

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- (g) P is unable to return to the place where P lives, because—
 - (i) it is not safe for P to live there,
 - (ii) P may not lawfully travel there, or is required by law to stay in another place, or
 - (iii) the place where P is living is not available to P for any other reason;
- (h) P does not live at a place in the protected area but is staying at a place within the protected area when these Regulations come into force.

(5) For the purposes of paragraph (1), the place where a person is living or staying (as the case may be) includes the premises where they live or are staying together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.]

[[Regulations 3 and 4 make provision to restrict gatherings within the protected area. They are alternatives]

[Restrictions on gatherings

3. During the emergency period, no person may participate in a gathering in a public place in the protected area of more than two people except *[this list is indicative – it **must** be reviewed before the Regulations are made]*—

- (a) where all the persons in the gathering are members of the same household *[[if provision for “support bubbles” is made] [or members of two households which are linked households in relation to each other]]*;
- (b) where the gathering is essential for work purposes;
- (c) to attend a funeral;
- (d) where reasonably necessary—
 - (i) to facilitate a house move,
 - (ii) to provide care or assistance to a vulnerable person, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006,
 - (iii) to provide emergency assistance, or
 - (iv) to participate in legal proceedings or fulfil a legal obligation.]

OR

[Restrictions on gatherings

4.—(1) During the emergency period, unless paragraph (2) applies, no person may participate in a gathering in the protected area which takes place in a public or private place—

- (a) outdoors, and consists of **[[more than [[INSERT NUMBER]] persons] [members of more than [INSERT NUMBER] different households] [more than [NUMBER OF PERSONS] who are members of no more than [insert number] of different households]]**, or
- (b) indoors, and consists of **[[[INSERT NUMBER] or more] persons] [members of more than [INSERT NUMBER] different households] [more than [NUMBER OF PERSONS] who are members of are members of no more than [insert number] of different households]**.

(2) This paragraph applies where *[this list is indicative – it **must** be reviewed before the Regulations are made]*—

(3) *[[sub-paragraph (a) to be used if paragraph (1) is **not** drafted by reference to households]*

- (a) all the persons in the gathering are members of the same household *[[only needed if provision is made for “support bubbles”] [or members of two households which are linked households in relation to each other;]]*

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- (b) the person is attending a funeral, as—
 - (i) a member of the deceased person’s household,
 - (ii) a close family member of the deceased person, or
 - (iii) if no-one within paragraph (i) or (ii) is attending, a friend of the deceased person;
 - (c) the person concerned is an elite sportsperson, the coach of an elite sportsperson, or (in the case of an elite sportsperson who is a child), the parent of an elite sportsperson, and the gathering is necessary for training or competition;
 - (d) the gathering is reasonably necessary—
 - (i) for work purposes, or for the provision of voluntary or charitable services;
 - (ii) to facilitate a house move;
 - (iii) to provide care or assistance to a vulnerable person, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006;
 - (iv) to provide emergency assistance;
 - (v) for the purposes of childcare;
 - (vi) for the purposes of education or training;
 - (vii) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm;
 - (viii) to continue existing arrangements for access to, and contact between, parents and children where the children do not live in the same household as their parents, or one of their parents;
 - (e) the person concerned is fulfilling a legal obligation or participating in legal proceedings;
 - (f) the person concerned is attending a person giving birth (“M”), at M’s request;
 - (g) the person concerned (“P”) is visiting a person P reasonably believes is dying (“D”), and P is—
 - (i) a member of D’s household,
 - (ii) a close family member of D, or
 - (iii) where no one falling within paragraph (i) or (ii) is visiting D, a friend of D;
 - (h) the person concerned (“P”) is visiting a person (“V”) receiving treatment in a hospital or staying in a hospice or care home, or is accompanying V to a medical appointment and P is—
 - (i) a member of V’s household,
 - (ii) a close family member of V, or
 - (iii) a friend of V,and for these purposes, “care home” has the meaning given in section 3 of the Care Standards Act 2000(a).
- (4) For the purposes of this regulation—
- (a) there is a gathering when two or more people are present together in the same place in order to engage in any form of social interaction with each other, or to undertake any other activity with each other;
 - (b) a place is indoors if it would be considered to be enclosed or substantially enclosed for the purposes of section 2 of the Health Act 2006(b), under the Smoke-free (Premises and Enforcement) Regulations 2006(c).]

(a) 2000 c. 14. Section 3 has been amended by paragraph 4 of Schedule 5 to the Health and Social Care Act 2008 (c. 14). There are other amendments to section 3 which are no relevant to these Regulations.

(b) 2006 c. 28. Section 2 was amended by paragraph 4 of Schedule 2 to the Health (Wales) Act 2017 (2017 anaw 2).

(c) S.I. 2006/3368, to which there are amendments which are not relevant to these Regulations.