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COVID 19 – AREA RESTRICTIONS REGULATIONS TOOLKIT – PART 5 – TRANSPORT SERVICES AND ROADS 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 are needed on transport services or the use of roads.

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

PART 5

Restrictions on transport services, transport hubs and roads

[[Regulation 1 and the accompanying Schedule are provisions to restrict access to public transport services and premises to or from which public transport services are provided]]

Restrictions on use of public transport

- 1.—(1) During the emergency period, no person may without reasonable excuse—
 - (a) enter, or remain in, any part of a transport hub which is open to the public;
 - (b) board a relevant vehicle for the purposes of travel, or disembark from a relevant vehicle, at a transport hub;
 - [[sub-paragraph (c) must be included if restrictions on use of taxis or PHVs are needed – these services are not necessarily tied to hubs]]*
 - (c) make a journey by means of a taxi or private hire vehicle within the protected area.]
- (2) Paragraph (1) does not apply to a person who is making a transit journey.
- (3) Paragraph (1)(a) and (b) does not apply to—
 - (a) the person who is responsible for the transport hub or an employee of that person acting in the course of their employment;
 - (b) any person providing services to the person who is responsible for the transport hub;
 - (c) an employee of an operator of a public transport service acting in the course of their employment;
 - (d) a constable or police community support officer acting in the course of their duty;
 - (e) an emergency responder (other than a constable) acting in their capacity as an emergency responder;
 - (f) a relevant official acting in the course of their employment or their duties;
 - (g) where a person (“P”) is responsible for the provision of essential services within the protected area (including electricity, gas, water or sanitation) and it is necessary to access the transport hub in order to ensure those services continue to be provided—
 - (i) P, or
 - (ii) an employee of P acting in the course of their employment.
- (4) In this regulation—

“emergency responder” has the same meaning as for the purposes of section 153A of the Inheritance Tax Act 1984(a);

(a) 1984 c. 51. Section 153A was inserted by the Finance Act 2015 (c.11), section 75.

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*[[Definition of “relevant official” is indicative – it **must** be reviewed before the Regulations are made]*

“relevant official” means—

- (a) an inspector or surveyor of ships;
- (b) a person appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974 or an officer of the Health and Safety Executive;
- (c) a local authority officer;
- (d) a pilot (within the meaning given in paragraph 22(1) of Schedule 3A to the Merchant Shipping Act 1995);
- (e) a civil aviation inspector, as defined in Annex 9 to the Convention on International Civil Aviation signed at Chicago on 7th December 1944;
- (f) a border force officer (within the meaning given in paragraph 7 of Schedule 20 to the Coronavirus Act 2020);]

[[A definition of “public transport service” will only be needed here if a single definition cannot be provided for the purposes of the Regulations as a whole (see the Core Provisions)]]

“public transport service” means [...];]

“relevant vehicle” means a vehicle by means of which a public transport service is provided;

*[[A definition of “transport hub” will only be needed here if a single definition cannot be provided for the purposes of the Regulations as a whole (see the Core Provisions) **OR** the single definition to be used for the purposes of the Regulations is to be provided by reference to the Use of Public Transport Schedule]*

“transport hub” has the meaning given in paragraph 1 of Schedule **[USE OF PUBLIC TRANSPORT]**.]

(5) Part 2 of the Schedule **[USE OF PUBLIC TRANSPORT]** makes further provision about reasonable excuses.

SCHEDULE **[USE OF PUBLIC TRANSPORT] Regulation [1]**

Restrictions on use of public transport services and access to transport hubs

PART 1

Meaning of “transport hub”

[[Paragraphs 1 and 2 are alternatives – only one is to be used]

[[Option 1]

1.—(1) [For the purposes of regulation [1] “transport hub” means any listed premises—

- (a) which are, or any part of which is, within in the protected area, and
- (b) from or to which any public transport services are provided.

(2) The listed premises are *[this list is indicative – it **must** be reviewed before the Regulations are made]*—

- (i) a railway station;
- (ii) an airport;
- (iii) an airfield;
- (iv) a heliport;
- (v) a port;

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- (vi) a jetty, a marina, a pier or a quay;
- (vii) a bus, coach or tram station or terminus;
- (viii) a bus, coach or tram stop or shelter.]

OR

[[Option 2]

2. For the purposes of regulation [1] “transport hub” means— [list out premises within the protected area by name].]

PART 2

Reasonable excuses

3. For the purposes of regulation [1], a reasonable excuse includes [this is an indicative list only – 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;
- (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 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];
- (e) 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;
- (f) the need to donate blood;
- (g) 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;
- (h) 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;
- (i) 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;
- (j) the need to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
- (k) the need to access, or to assist another person to access, critical public services, including—
 - (i) childcare;

(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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- (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);
- (l) 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;
- (m) in the case of a minister of religion or worship leader, the need to go to their place of worship;
- (n) 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;
- (o) the need to avoid injury or illness or to escape a risk of harm;
- (p) the need to use a waste or recycling centre;
- (q) 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, the need of P to attend training or any competition;
- [[sub-paragraph (r) is needed only where provision is made for support bubbles]*
- (r) the need to visit, or return from a visit to, the place where a linked household lives;]
- (s) where the person concerned lives in a place which is part of, or can only be accessed through, a transport hub;
- [[sub-paragraph (t) should be used if there is also a restriction on gatherings in the Regulations and that provision permits gatherings equivalent to those mentioned in sub-paragraphs (u) to (w) below]*
- (t) the need 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 to sub-paragraphs (u), (v) and (w) below];*
- [[sub-paragraphs (u) to (w) should be used if there is no restriction on gatherings in the Regulations but the express exceptions are wanted]*
- (u) where the person concerned is attending a person (“M”) giving birth, at M’s request;
- (v) where 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;
- (w) where 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,

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and for these purposes, “care home” has the meaning given in section 3 of the Care Standards Act 2000(a).]]

[[Regulation 2 and the accompanying Schedule are provisions to enable restrictions to be placed on public transport services and services carrying goods]

Restrictions on services for the carriage of goods or passengers

2.—(1) During the emergency period—

- (a) [an operator may only operate public transport services which arrive at, depart from or pass through a transport hub in accordance with **[Part 2]** of Schedule **[TRANSPORT SERVICE SCHEDULE]**];
- (b) [no person may provide a service for the carriage of passengers by taxi or private hire vehicle within the protected area otherwise than in accordance with **[Part 3]** of Schedule **[TRANSPORT SERVICE SCHEDULE]**];
- (c) [an operator may only operate services for the carriage of goods which arrive at, depart from or pass through a transport hub in accordance with **[Part 4]** of Schedule **[TRANSPORT SERVICE SCHEDULE]**.]

[[Definition of “public transport service” will only be needed here if a single definition cannot be provided for the purposes of the Regulations as a whole (see the Core Provisions) **OR** the single definition for the purposes of the Regulations is to be provided by reference to the Transport Service Schedule.

Definition of “transport hub” will only be needed here if a single definition of that term cannot be provided for the purposes of the Regulations (see the Core Provisions) **OR** the single definition for the purposes of the Regulations is to be provided by reference to the Transport Service Schedule]

(2) In this paragraph—

“public transport service” means [...];

“transport hub” has the meaning given in Part 1 of Schedule **[TRANSPORT SERVICE]**.]

SCHEDULE **[TRANSPORT SERVICE]** Regulation [2]

Restrictions on services for the carriage of goods or passengers

PART 1

Transport hubs

[[Paragraphs 1 and 2 are alternatives – only one is to be used]

[[Option 1]

1. For the purposes of regulation [2] “transport hub” means any of the following which is, or any part of which is within, the protected area [*this list is indicative only – it **must** be reviewed before the Regulations are made*]

- (a) a railway station;
- (b) a rail freight terminal;

(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.

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- (c) a port;
- (d) an airport;
- (e) an airfield;
- (f) a heliport;
- (g) a bus, coach or tram station or terminus;
- (h) a bus, coach or tram stop or shelter;
- (i) a jetty, a marina, a pier or a quay.]

OR

[[Option 2]

2. [For the purposes of regulation [2] “relevant public transport hub” means— [list out premises in the protected area by name].]

PART [2]

Provisions relevant to public transport services

[This Part of the Schedule **must** set out the requirements / restrictions that are to apply to, or in relation to, public transport services (as defined for the purposes of regulation 2 above).

It **must** set out which services are affected and what the restrictions or requirements are. These might include:

- (a) restrictions on the places from or to which the services might be provided,
- (b) restrictions on the types of services,
- (c) restrictions on the frequency of services, or
- (d) requirements to divert services.

This Part should include any necessary exceptions – which could, for example, include provisions to ensure key workers can travel to and from work.]

PART [3]

Provisions relevant to services for the carriage of passengers by taxi or private hire vehicle

[This Part of the Schedule **must** set out the requirements or restrictions that are to apply to services for the carriage of passengers by taxi or private hire vehicle.

It **must** set out which services are affected and what the restrictions or requirements are. These might include:

- (a) restrictions on the places from or to which the services might be provided,
- (b) restrictions on the types of services,
- (c) restrictions on the frequency of services, or
- (d) requirements to divert services.

This Part should include any necessary exceptions – which could for example include provisions to ensure key workers can travel to and from work.]

PART [4]

Provisions relevant to services for the carriage of goods

[This Part of the Schedule **must** set out the requirements or restrictions that are to apply to services for the carriage of goods.

It **must** set out which services are affected and what the restrictions are. These might include:

- (a) restrictions on the places from or to which the services might be provided,
- (b) restrictions on the types of services, or
- (c) restrictions on the frequency of services.

This Part should also include any necessary exceptions – which could for example include provision allow freight to pass through the protected area in certain cases.]]

[[Regulation 3 and the accompanying Schedule are provisions which can be used to require the closure of transport hubs]

Closure of transport hubs to passengers and services

3.—(1) During the emergency period—

[[Sub-paragraphs (a) and (b) are alternative options – only one should be used]

- (a) [the person who is responsible for a transport hub must close any part of it which is open to members of the public;]
- (b) [the person who is responsible for a transport hub must close it;]
- (c) [no operator may operate any **[public transport service or service for the carriage of goods]** which departs from, arrives at or passes through a transport hub;]
- (d) [no person may board, or disembark from, a public transport service at a transport hub.]

(2) [In this regulation—

[[Definition of “public transport service” will only be needed here if a single definition cannot be provided for the purposes of the Regulations as a whole (see the Core Provisions) **OR** the single definition for the purposes of the Regulations is to be provided by reference to the Closure of Transport Hubs Schedule.

Definition of “transport hub” only needed if a single definition of that term cannot be provided for the purposes of the Regulations (see the Core Provisions) **OR** the single definition for the purposes of the Regulations is to be provided by reference to the Closure of Transport Hubs Schedule]

“public transport service” means [...];

“transport hub” has the meaning given in paragraph [[1][2]] of Schedule [**CLOSURE OF TRANSPORT HUBS**].]

(3) Paragraph (1) is subject to the exemptions set out in Schedule [**CLOSURE OF TRANSPORT HUBS**].

SCHEDULE [CLOSURE OF TRANSPORT HUBS**]**Regulation [3]

Closure of transport hubs

[[Paragraphs 1 and 2 are alternatives – only one should be used]

[[Option 1]

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Meaning of “transport hub”

1. For the purposes of regulation [3] “transport hub” means any of the following which is, or any part of which is within, the protected area [*this list is indicative only – it **must** be reviewed before the Regulations are made*]—

- (a) a railway passenger station or terminal;
- (b) a rail freight terminal;
- (c) a port;
- (d) an airport;
- (e) an airfield;
- (f) a heliport;
- (g) a jetty, a pier, a marina or a quay;
- (h) a bus, tram or coach station or terminus;
- (i) a bus, coach or tram stop or shelter.]

OR

[[*Option 2*]

2. For the purposes of regulation [3] “transport hub” means— [*list out premises in the protected area by name*].]

Exemptions from the restriction in regulation [3]

3. Paragraph (1) of regulation [3] does not apply—

[This paragraph **must** list the necessary exemptions from the requirement: (a) to close a transport hub, or any part of a transport hub, (b) not to operate services from or to a transport hub, or (c) not to allowing boarding of, or disembarkation from, public transport services at a transport hub (as the case may be).

The exemptions could include (but are not limited to):

- (a) provision to allow access to ensure the safety or security of the transport hub – including to allow services which may pass through to continue to run;
 - (b) provision to allow access for maintenance of the transport hub or any connected network;
 - (c) provision to allow access to emergency services or to provide emergency assistance;
 - (d) provision to allow services to pass through a transport hub without stopping;
 - (e) provision to allow passengers to transit through the protected area in certain cases including transiting to another mode of transport or transiting to or from an international service entering or leaving the United Kingdom;
 - (f) provision to ensure that freight/goods/medical supplies/human organs or tissues can move within England or from England to any place which is outside of England;
 - (g) provision to allow “lifeline” transport from England or through the UK;
 - (h) provision to allow for “border control services”;
 - (i) provision to allow for services operated under a public service obligation to continue;
 - (j) provision to allow for the possibility of an aircraft needing to make an emergency landing;
 - (k) provision to allow for crew to be changed so as to avoid contravening any requirement in relation to working time or similar.]
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[[Regulation 4 and the accompanying Schedule make provision which could be used to restrict the use of roads]

Restrictions on use of public highways

4.—(1) During the emergency period, no person may use a vehicle on **[[a relevant highway] [a specified road] [any road within the protected area which is in a specified class]]** without reasonable excuse.

(2) Paragraph (1) does not apply to a person who is making a transit journey.

(3) For the purposes of this regulation **[[“relevant highway” means a highway within the protected area to which the public has access.] OR [“specified” means specified in Schedule [USE OF PUBLIC HIGHWAYS].]**

(4) Schedule **[USE OF PUBLIC HIGHWAYS]** makes further provision about reasonable excuses.

SCHEDULE **[USE OF PUBLIC HIGHWAYS]** Regulation [4]

Restrictions on the use of public highways

[[Paragraphs 1 and 2 are alternatives – only one is to be used]

[[Specified roads

1. [The following roads are specified for the purposes of regulation [4](1) *[list here the specific publicly accessible highways within the protected area which are to be used only by those who have a reasonable excuse]*—

- (a) [...];
- (b) [...].]

OR

[Specified classes of road

2. The following classes of road are specified for the purposes of regulation [4] *[list here the classes of publicly accessible highways the use of which are to be used only by those who have a reasonable excuse]*—

- (a) [...];
- (b) [...].]

Reasonable excuse

3. For the purposes of regulation **[[4](1)]**, a reasonable excuse includes *[this list is indicative only – 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;
- (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)]**;

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- (d) the need to seek medical assistance;
 - (e) 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;
 - (f) the need to donate blood;
 - (g) 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;
 - (h) 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;
 - (i) 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;
 - (j) the need to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
 - (k) 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);
 - (l) 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;
 - (m) in the case of a minister of religion or worship leader, the need to go to their place of worship;
 - (n) 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;
 - (o) the need to avoid injury or illness or to escape a risk of harm;
 - (p) the need to use a waste or recycling centre;
 - (q) 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, where P needs to travel by road for the purposes of training or competition;
- [[Sub-paragraph (r) is only needed if provision is made for “support bubbles”]
- (r) where the person concerned is visiting or returning to the place where a linked household lives;]

(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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*[[sub-paragraph (s) should be used if there is also a restriction on gatherings in the Regulations **and** that provision permits gatherings equivalent to those mentioned in sub-paragraphs (t) to (v) below]*

- (s) the need 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 sub-paragraphs (t), (u) and (v) below];*

[[sub-paragraphs (t) to (v) should be used if there is no restriction on gatherings in the Regulations but the express exceptions are wanted]

- (t) where the person concerned is attending a person (“M”) giving birth, at M’s request;
- (u) where 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;
- (v) where 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);]
- (w) the need to ensure that **[[freight] [goods] [medical supplies] [human organs or tissue]]** can move within England or from England to any place outside of England.]

(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.