

ANNEX A: Extract from the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020

Directions relating to individual premises

4.—(1) subject to regulation 2, a local authority may give a direction imposing prohibitions, requirements or restrictions in relation to the entry into, departure from, or location of persons in, specified premises in the local authority's area.

(2) A direction under paragraph (1) may be given only for the purposes of—

(a) closing the premises,

(b) restricting entry to the premises, or

(c) securing restrictions in relation to the location of persons in the premises.

(3) ...

(4) Before giving a direction under paragraph (1), a local authority must have regard to the need to ensure that members of the public have access to essential public services and goods.

(5) A direction under paragraph (1) may only have the effect of imposing a prohibition, requirement or restriction on—

(a) the owner or any occupier of premises to which the direction relates, and

(b) any other person involved in managing entry into, or departure from, such premises or the location of persons in them.

(6) A direction under paragraph (1) may impose a prohibition, requirement or restriction by reference to, among other things—

(a) the number of persons in the premises,

(b) the purpose for which a person is in the premises, and

(c) the facilities in the premises.

(7) A direction under paragraph (1) must—

(a) state the date and time on which the prohibition, requirement or restriction comes into effect, and the date and time on which it will end, and

(b) give details of the right of appeal to a magistrates' court, and the time within which such an appeal may be brought.

(8) Where a local authority gives a direction under paragraph (1) it must take reasonable steps to give advance notice of the direction to —

(a) a person carrying on a business from the premises to which the direction relates, and

(b) if different, any person who owns or occupies the premises.

(9) ...

(10) ...

Directions relating to events

5.—(1) Subject to regulation 2, a local authority may give a direction imposing prohibitions, requirements or restrictions in relation to the holding of an event in its area.

(2) A direction under paragraph (1) may be given in relation to—

(a) a specified event, or

(b) events of a specified description.

(3) A direction under paragraph (1) may only have the effect of imposing prohibitions, requirements or restrictions on—

(a) the owner or any occupier of premises for an event to which the direction relates,

(b) the organiser of such an event, and

(c) any other person involved in holding such an event.

(4) A direction under paragraph (1) may, among other things, impose requirements about informing persons who may be planning to attend an event of any prohibitions, requirements or restrictions imposed in relation to the holding of it.

(5) For the purposes of paragraph (2), events may be described—

(a) by reference to a number of people attending the event,

(b) by reference to a requirement for medical or emergency services to attend the event, or

(c) in any other way.

(6) The reference in paragraph (3)(c) to a person involved in the holding of an event does not include a person whose only involvement in the event is, or would be, by attendance at the event.

(7) A direction under paragraph (1) imposing a prohibition, requirement or restriction must—

(a) state the date and time on which the prohibition, requirement or restriction comes into effect, and the date and time on which it will end, and

(b) give details of the right of appeal to a magistrates' court, and the time within which such an appeal may be brought.

(8) Where a local authority gives a direction under paragraph (1) it must take reasonable steps to give advance notice of the direction to —

(a) the organiser of the event, and

(b) if different, any person who owns or occupies the premises for the event.

(9) A person on whom a direction under paragraph (1) imposes a prohibition, requirement or restriction may—

(a) appeal against the direction to a magistrates' court by way of complaint for an order and the Magistrates' Courts Act 1980 applies to the proceedings, and

(b) make representations to the Secretary of State about the direction.

(10) On an appeal against a direction under paragraph (1) in a case where the direction was made pursuant to a direction of the Secretary of State under regulation 3, a summons is to be issued to both the Secretary of State and the local authority.

Directions relating to public outdoor places

6.—(1) Subject to regulation 2, a local authority may give a direction imposing prohibitions, requirements or restrictions in relation to access to—

(a) a specified public outdoor place in its area, or

(b) public outdoor places in its area of a specified description.

(2) A direction under paragraph (1) may in particular prohibit access at specified times.

(3) A direction under paragraph (1) must—

(a) specify or describe the public outdoor place or places to which it relates in sufficient detail to enable the boundaries of the place or places to be determined,

(b) state the date and time on which any prohibition, requirement or restriction imposed by the direction comes into effect, and the date and time on which it will end, and

(c) give details of the right of appeal to a magistrates' court, and the time within which such an appeal may be brought.

(4) Where a local authority gives a direction under paragraph (1) it must take reasonable steps—

(a) to give advance notice of the direction to a person carrying on a business from premises within a public outdoor place to which the direction relates, and

(b) to ensure that the direction is brought to the attention of any person who owns, occupies or is responsible for any land or premises in a public outdoor place to which the direction relates.

(5) Any person who owns, occupies or is responsible for land or premises in a public outdoor place to which a direction under paragraph (1) relates may—

(a) appeal against the direction to a magistrates' court by way of complaint for an order and the Magistrates' Courts Act 1980 applies to the proceedings, and

(b) make representations to the Secretary of State about the direction.

(6) On an appeal against a direction under paragraph (1) in a case where the direction was made pursuant to a direction of the Secretary of State under regulation 3, a summons is to be issued to both the Secretary of State and the local authority.