

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. 1005

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020

Made - - - - *at 10.45 a.m. on*
17th September 2020
Laid before Parliament *at 3.00 p.m. on 17th*
September 2020
Coming into force in accordance with regulation 2

The Secretary of State, in exercise of the powers conferred by sections 45C(1), 45C(3)(c), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984(1), makes the following Regulations.

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, commencement and application

1. These Regulations may be cited as the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020.

2.—(1) Subject to paragraph (2), these Regulations come into force on 18th September 2020.

(2) Regulations 4 (but only insofar as it defines a QR Code), 6, 7(3), 8(4), and 17(1)(a) come into force on 24th September 2020.

(1) 1984 c. 22 (“the 1984 Act”). Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14). See section 45T of the 1984 Act for the definition of “the appropriate Minister”.

3. These Regulations apply in relation to England only.

Interpretation

4. In these Regulations—

“emergency responder” has the meaning given by section 153A of the Inheritance Tax Act 1984⁽²⁾;

“local authority” means—

- (a) a county council in England,
- (b) a district council in England for an area in which there is no county council,
- (c) a London borough council,
- (d) the Common Council of the City of London in its capacity as a local authority, and
- (e) the Council of the Isles of Scilly;

“Public Health Officer” has the meaning given by paragraph 3(2)(a) of Schedule 21 to the Coronavirus Act 2020⁽³⁾;

“QR Code” means a dynamic quick response (QR) code developed by, or on behalf of, and issued by, the Secretary of State⁽⁴⁾;

“the Schedule” means the Schedule to these Regulations;

“relevant person” means—

- (a) a company, partnership, charity, corporation, unincorporated association, sole trader or other organisation having legal personality;
- (b) a person, other than one falling within paragraph (a), who has overall responsibility for the provision of a service or activity listed in the Schedule;

“relevant premises” means a set of premises, whether indoors or outdoors, that are operated or occupied wholly or partly for the purpose of providing a service or an activity listed in the Schedule directly to an individual who wishes to access that service or participate in that activity.

Application of requirements to certain persons or premises

5.—(1) Subject to paragraphs (2) and (3), these regulations apply to a relevant person who operates or occupies relevant premises.

(2) Regulation 16 does not apply to a relevant person where the relevant premises are operated or occupied for the purpose of providing a service or activity listed in Part 2 of the Schedule.

(3) These regulations apply to a relevant person who hires or otherwise uses relevant premises on a temporary basis for the period of time during which those premises are hired or used by that person.

Requirement to display QR Code

6.—(1) A relevant person must in an appropriate place display and make available a QR Code at relevant premises that they occupy or operate with a view to achieving the aim in paragraph (2).

(2) The aim is to enable an individual who seeks to enter the relevant premises in a case set out in regulation 9 and has a smartphone in their possession to scan the QR code with that smartphone as, or immediately after, they enter the premises.

(2) 1984 c. 51. Section 153A was inserted by the Finance Act 2015 (c. 11), section 75.

(3) 2020 c. 7.

(4) A QR Code issued by the Secretary of State may be obtained from <https://www.gov.uk/create-coronavirus-qr-poster>.

Requirement to request certain details of individuals

7.—(1) This regulation applies where an individual (“A”) seeks to enter relevant premises in a case set out in regulation 9.

(2) Subject to paragraphs (3) and (4), the relevant person who operates or occupies those premises must request that A provides to them the details set out in regulation 10.

(3) The requirement in paragraph (2) does not apply where A has scanned the QR Code displayed and made available in accordance with regulation 6(2).

(4) The requirement in paragraph (2) does not apply where the relevant person has reason to believe that A is—

- (a) unable to provide the details set out in regulation 10 owing to a physical or mental disability or other reason related to their health, or
- (b) under the age of 16.

Requirement to request certain details of those in a group

8.—(1) This regulation applies where a group of individuals seeks to enter relevant premises together in a case set out in regulation 9.

(2) A relevant person must request that—

- (a) every member of the group provides the details set out in regulation 10, or
- (b) that a single member of the group provides those details in place of any other member of the group doing so.

(3) Where it is lawful for a group of more than six individuals to enter the premises together as a group the relevant person must—

- (a) treat that group as if it consisted of a number of smaller sub-groups of no more than six individuals in each sub-group, and
- (b) make a request in accordance with paragraph (2) in respect of each such sub-group as if that sub-group were a separate group.

(4) An individual is not to be treated as being a member of a group or sub-group for the purposes of paragraphs (2) or (3) where they have scanned the QR Code displayed and made available in accordance with regulation 6(2).

(5) An individual is not to be treated as being a member of a group or sub-group for the purposes of paragraphs (2) or (3) where the relevant person has reason to believe that the individual is—

- (a) unable to provide the details set out in regulation 10 owing to a physical or mental disability or other reason related to their health, or
- (b) under the age of 16.

Cases to which requirements in regulations 6 to 8 apply

9.—(1) A case falls within regulations 6(2), 7(1) and 8(1) if an individual (whether alone or as a member of a group), seeks to enter relevant premises in order to—

- (a) access a service or participate in an activity provided by or on behalf of the relevant person,
- (b) provide a service or an activity by or on behalf of a relevant person, whether as a member of staff, as a volunteer, or otherwise, or
- (c) visit those premises for any other purpose, except where the purpose is an exempt purpose.

(2) A visit is made for an exempt purpose within paragraph (1)(c) if it is made—

- (a) by a constable or police community support officer acting in the course of their duty;

- (b) by an emergency responder (other than a constable) acting in their capacity as an emergency responder;
- (c) for the sole purpose of making postal, courier or other deliveries and collections, including of documents, food or physical goods.

Details to be requested under regulations 7 and 8

10.—(1) The following information must be requested under regulations 7 and 8—

- (a) the name of the individual;
- (b) a telephone number on which the individual may be contacted;
- (c) an e-mail address if the individual is unable to provide a telephone number;
- (d) a postal address if the individual is unable to provide an email address;
- (e) the date and time that the individual entered the relevant premises;
- (f) where the individual is a member of a group seeking permission to enter relevant premises together, the number of people in that group (including any member of the group that has scanned a QR Code when seeking to enter the relevant premises).

(2) Where a person is treated as being a member of a sub-group under regulation 8(3)(a), the reference to the number of people in a group in paragraph (1)(f) is to be read as a reference to the number of people in the sub-group.

(3) Until these regulations come fully into force, paragraph (1)(f) is to be read as if the words in brackets were omitted.

Additional details to be recorded by a relevant person

11.—(1) This regulation applies if an individual—

- (a) seeks to enter relevant premises in a case set out in regulation 9(1)(a),
- (b) provides the details set out in regulation 10, having been requested to do so in accordance with regulation 7, and
- (c) is assessed by the relevant person as likely to come into contact with only one member of staff, volunteer, or other person who provides a service or activity by or on behalf of the relevant person who operates or occupies those premises.

(2) The relevant person must record in one place the name of that member of staff, volunteer or other person together with the name of the individual to whom the service or activity was provided.

Requirement to retain and disclose details

12. The requirements in regulations 13 and 14 apply if—

- (a) the details in regulation 10 are provided by an individual following a request made by a relevant person in accordance with regulation 7 or 8, or
- (b) the relevant person creates a record in accordance with regulation 11.

13. The relevant person must—

- (a) retain, securely, the details provided to, or recorded by, them for a period of 21 days beginning with the day on which the details are provided;
- (b) destroy those details as soon as reasonably practicable after the expiry of the period in paragraph (a) unless there is another basis outside these Regulations on which the details may lawfully be retained.

14. A relevant person who retains details in accordance with regulation 12 must disclose, as soon as reasonably practicable, some or all of those details where requested to do so, by the Secretary of State.

15. The Secretary of State or a Public Health Officer may make a request for the disclosure of details retained in accordance with regulation 13 where the Secretary of State or Public Health Officer considers that their disclosure is necessary for the exercise of a function relating to contact tracing as part of the public health response to coronavirus.

Requirement to refuse entry

16.—(1) Where paragraph (3) applies a relevant person must take all reasonable steps to prevent entry by an individual to the relevant premises that they occupy or operate.

(2) Where paragraph (4) applies a relevant person must take all reasonable steps to prevent entry by every member of a group which seeks to enter those premises.

(3) This paragraph applies where the relevant person becomes aware that an individual has not provided the details in regulation 10, having been requested to do so in accordance with regulation 7.

(4) This paragraph applies where the relevant person becomes aware that no member of a group has provided the details set out in regulation 10, at least one of them having been requested to do so in accordance with regulation 8.

(5) For the purposes of paragraphs (3) and (4), a case in which the details set out in regulation 10 are to be treated as not having been provided includes one where the details provided are incomplete or the relevant person has reason to believe that the details provided are inaccurate.

(6) A reference in this regulation to a “group” includes a “sub-group” as referred to in regulation 8(3).

Offences and Penalties

17.—(1) A relevant person commits an offence if they contravene, without reasonable excuse, a requirement imposed upon them by—

- (a) regulation 6;
- (b) regulation 7;
- (c) regulation 8;
- (d) regulation 10;
- (e) regulation 11;
- (f) regulation 13;
- (g) regulation 15.

(2) An offence under this regulation is punishable on summary conviction by a fine.

(3) If an offence under this regulation committed by a body corporate is proved—

- (a) to have been committed with the consent or connivance of an officer of the body, or
- (b) to be attributable to any neglect on the part of such an officer,

the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted accordingly.

(4) In paragraph (3), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

(5) Section 24 of the Police and Criminal Evidence Act 1984⁽⁵⁾ applies in relation to an offence under this regulation as if the reasons in subsection (5) of that section included—

- (a) to maintain public health;
- (b) to maintain public order.

Fixed penalty notices

18.—(1) An authorised person may issue a fixed penalty notice to anyone that the authorised person reasonably believes—

- (a) has committed an offence under these Regulations, and
- (b) is aged 18 or over.

(2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to an authority specified in the notice.

(3) The authority in the notice must be—

- (a) the local authority, (or as the case may be, any of the local authorities), in whose area the offence is alleged to have been committed (“the relevant local authority”), or
- (b) an officer designated by the Secretary of State, or by the relevant local authority, for the purposes of this regulation (“the designated officer”).

(4) If a person is issued with a notice under this regulation in respect of an offence—

- (a) no proceedings may be taken for the offence before the end of the period of 28 days beginning with the day after the date of the notice;
- (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

(5) A fixed penalty notice must—

- (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence,
- (b) state the period during which (because of paragraph (4)(a)) proceedings will not be taken for the offence,
- (c) specify the amount of the fixed penalty (as to which, see paragraphs (6) and (7)),
- (d) state the name and address of the person to whom the fixed penalty may be paid, and
- (e) specify permissible methods of payment.

(6) If the fixed penalty notice is the first issued to the person, the amount of the fixed penalty is—

- (a) £500, if that amount is paid before the end of the period of 14 days following the date of the notice, and
- (b) otherwise, £1000.

(7) If the fixed penalty notice is not the first fixed penalty notice issued to the person, the amount of the fixed penalty is as follows—

- (a) if it is the second fixed penalty notice so issued, £2000,
- (b) if it is the third fixed penalty notice so issued, £3000,
- (c) if it is the fourth fixed penalty notice so issued, and for any subsequent fixed penalty notice so issued, £4000.

(5) 1984 c. 60. Section 24 was substituted by section 110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).

(8) Whatever other method may be relevant under paragraph (5)(e) payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (5)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(9) If a letter is sent as mentioned in paragraph (8), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(10) In any proceedings, a certificate that—

(a) purports to be signed by or on behalf of—

- (i) the chief finance officer of the local authority, where the authority to which payment is made is a local authority, or
- (ii) the officer referred to in paragraph (3)(b), where that officer is the authority to which payment is made, and

(b) states that the payment of a fixed penalty was, or was not, received by the date relevant in the certificate,

is evidence of the facts stated.

(11) In this regulation—

(a) “authorised person” means

- (i) a constable;
- (ii) a police community support officer;
- (iii) a person designated by the Secretary of State for the purposes of this regulation;
- (iv) a person designated by the relevant local authority for the purposes of this regulation;

(b) a “chief finance officer”, in relation to a local authority, means the person with responsibility for the authority’s financial affairs.

Prosecutions

19. Proceedings for an offence under these Regulations may be brought by a local authority and the Crown Prosecution Service.

Review

20. The Secretary of State must review the need for the requirements imposed by these Regulations before the end of the period of six months beginning with the day on which they come fully into force.

Expiry

21.—(1) These Regulations expire at the end of the period of 12 months beginning with the day on which they come fully into force.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they expire.

At 10.45 a.m. on 17th September 2020

Matt Hancock
Secretary of State,
Department of Health and Social Care

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SCHEDULE

Regulation 5

Listed Services

PART 1

1.—(1) Subject to paragraph (2), services provided for the purposes of consuming food or drink on the premises, (including in seating made available adjacent to the premises) including by—

- (a) restaurants, including restaurants and dining rooms in hotels or members' clubs;
- (b) cafes, including workplace canteens;
- (c) bars, including bars in hotels or members' clubs;
- (d) public houses.

(2) Paragraph (1) does not include services provided to an individual who is homeless, within the meaning of section 175 of the Housing Act 1996(6).

PART 2

2. Leisure and tourism services, provided by or at—

- (a) amusement arcades;
- (b) art fairs;
- (c) betting and bingo halls;
- (d) casinos;
- (e) clubs providing team sporting activities;
- (f) facilities for use by elite and professional sportspeople (including sports stadia);
- (g) heritage locations and attractions open to the public (including castles, stately homes and other historic houses);
- (h) hotels and other guest accommodation provided on a commercial basis, including in Bed & breakfast accommodation, boats, campsites, caravans, chalets, guest houses, holiday parks, hostels, motels, pubs, sleeper trains and yurts;
- (i) indoor sport and leisure centres;
- (j) outdoor swimming pools and lidos;
- (k) museums and galleries;
- (l) music recording studios open for public hire or other public use;
- (m) public libraries.

3. Close physical contact services, including those provided by—

- (a) barbers;
- (b) beauticians (including those providing cosmetic, aesthetic and wellness treatments);
- (c) dress fitters, tailors and fashion designers;
- (d) hairdressers;
- (e) nail bars and salons;

(6) c. 52. Section 175 was amended by section 1(2) of the Homelessness Reduction Act 2017 (c. 13).

- (f) skin and body piercing services;
 - (g) sports and massage therapists;
 - (h) tattooists.
4. Services provided for social, cultural and recreational purposes in the following premises—
- (a) community centres;
 - (b) youth and community centres;
 - (c) village halls.
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations impose a number of obligations on relevant persons, in order to protect against the risks arising from coronavirus. These obligations are as follows.

Regulation 5 provides who the regulations apply to, in particular to a relevant person (as defined in regulation 4) who occupies relevant premises (also as defined in regulation 4). The regulation makes clear that where relevant premises are hired or used by more than one relevant person on a temporary basis, any obligations under the regulations will apply to that person for the time during which they hire or use the premises. The regulation also provides that the requirements in regulation 16 do not apply to relevant persons providing services in Part 2 of the Schedule.

Regulation 6 provides that relevant persons must display and make available a QR code at relevant premises they occupy or operate to enable certain individuals who seek to enter the premises (in the circumstances in regulation 9) to scan that QR code.

Regulation 7 provides the requirement to request certain details (as set out in regulation 10), where an individual seeks to enter relevant premises (in a case set out in regulation 9), unless that individual is under 16 or has a mental or physical disability that means they are unable to provide the details.

Regulation 8 provides the requirement to request details where a group of individuals seek to enter relevant premises. In particular, the relevant person must request that where a member of the group has not scanned the QR code, every member of the group provides the details, (up to a maximum of 6 members), or one person does so in place of any other member. Again there are exemptions for individuals who are under 16 or who have a physical or mental disability that means they are unable to provide the details.

Regulation 9 sets out the circumstances in which the requirements apply together with a number of exemptions.

Regulation 10 provides the details to be requested and regulation 11 provides additional requirements where an individual is accessing services from only one person at the relevant premises.

Regulations 12 to 15 provide that any information collected must be retained securely for a period of 21 days and disclosed to the Secretary of State at his request for the purpose of contact tracing. This is to enable the Secretary of State to contact those who may have been infected by, or exposed to, coronavirus, and to receive relevant advice.

Regulation 16 provides that where certain services are provided, as listed in Part 1 of the Schedule, the person providing the service must take all reasonable steps to prevent access to an individual

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who refuses to provide the requisite details, or where none of the group has done so in accordance with the regulations. This requirement applies where the information collected is incomplete or the relevant person believes it to be inaccurate. Regulation 17 provides that it is an offence to contravene an obligation imposed by these regulations and regulation 18 provides for the imposition of fixed penalty notices.

The Secretary of State must carry out a review of the needs for the requirements imposed by these Regulations within the period of six months of them coming fully into force. The regulations expire within the period of twelve months of that date.

No regulatory impact assessment has been provided for these Regulations.