

## **The Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020**

Coming in to force on 18 Sept – to be reviewed after six months. Only applicable in England.

Key extracts are below

The “Principal Regulations” means the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020.

### **Restrictions on undertakings**

A person responsible for carrying on a business of a public house, café, restaurant or other relevant business must, during the emergency period, take all reasonable measures to ensure that—

- (a) no bookings for a table are accepted for a group of more than six persons unless one of the exemptions in regulation 5 of the Principal Regulations applies;
- (b) no persons are admitted to the premises in a group of more than six, unless one of the exemptions in regulation 5 of the Principal Regulations applies;
- (c) no person in one qualifying group mingles with any person in another qualifying group where this is not permitted under the Principal Regulations;
- (d) an appropriate distance is maintained between tables occupied by different qualifying groups.

For the purposes of this regulation an “appropriate distance” means a distance between tables of—

- (i) at least two metres, or
- (ii) at least one metre, if—
  - (aa) there are barriers or screens between tables;
  - (bb) the tables are arranged with back to back seating, or otherwise arranged to ensure that persons sitting at one table do not face any person sitting at another table at a distance of less than two metres; or
  - (cc) other measures are taken to limit the risk of transmission of the coronavirus between people sitting at different tables;

### **Offences and penalties**

A person who without reasonable excuse contravenes a requirement in regulation 2 commits an offence.

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

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 and proceeded against and punished accordingly.

An “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

### **Fixed Penalty Notices**

An “authorised person” may issue a fixed penalty notice to anyone that the authorised person reasonably believes has committed an offence under these Regulations and is aged 18 or over.

The authority specified 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”).

The amount of the first fine will be £1,000, payable within 28 days. This reduces to £500 if paid within 14 days. The second fine will be £2,000. The third and any subsequent fines will be £4,000 each.

In this regulation “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;