Twitter Thread by Charles Holland

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(1) Here are the amendments to the All Tiers Regs to implement Lockdown 3

(2) Made at 4.30 pm today, laid before Parliament at 5.30 pm, published on https://t.co/ZtYk9EHWsF at 5.44 pm, come into force at 00.01 tomorrow, 6 Jan.

(3) As predicted they tweak the rules for Tier 4 and put the whole country into it - so just a mere 5 pages to do this

(4) So, some specific changes - on the restriction of movement, which prohibits leaving / being away from home without a reasonable excuse, the following circumstances which are deemed to be a reasonable excuse are deleted...

(5) recreation, visting a zoo etc is out

(6) A public outdoor place no longer includes "outdoor sportsgrounds or sports facilities" - so you can't go there to exercise (one of the deemed reasonable excuses for leaving home)

(7) The reasons deemed reasonable for placing a child in childcare / supervised activities were complex - they are now more complex - here is the old and the new - one wonders how realistic it is that parents are going to scrutinise this granular level of detail

(8) And - a point I've made before - why is it (specifically) ok to put a child in childcare to attend a job interview but not to attend a funeral (for instance)

(9) Permitted outdoor sports gathering for children is out as a deemed reasonable excuse - see the old and the amendment to it

(10) Parent and child group exception is deleted

(11) Moving on to the gathering exceptions, outdoor sportsgrounds or sports facilities no longer are public outdoor places where you can have an excepted gathering.

(12) Similar amendments to the gathering exceptions to tie into the changes to the deemed reasonable excuses to leave home - I won't recite them all here.

(13) On to business closures, outdoor gyms, outdoor sports facilities and sports grounds, outdoor rinks etc to close

(14) As for the beleaguered hospitality trade, they can't sell alcohol by any method other than deliveries - so, no walk-ins, no click and collect, no drive-thru

(15) Riding centres have to shut (previously it was indoor arenas at riding centres), as do aquariums, zoos, safari parks, animal attractions

(16) I should have identified earlier the location of the regulations these regulation amend - it's here - at some point https://t.co/FmcmSm1hiG will show the amendments made but at the minute you need both instruments to follow what is going on: https://t.co/3Uc34uECZg

(17) Back to the grindstone and some more categories of businesses that have to close:

(18) As the parent and child group excuse has gone there are consequential amendments to the exceptions that used to permit (but no longer permit) libraries and community centres to open for such groups.

(19) Bad news for people seeking a post Christmas Christmas tree bargain - businesses selling or supplying natural Christmas trees have to (legally) close

(20) I groaned inwardly (ok outwardly and very loudly) when the regs got sufficiently sophisticated to include English territorial waters and airspace (for boats docking in England and planes landing or taking off from England respectively) - now both out of the regulatory scope

(21) So, turning to what isn't in - there is no express travel ban on domestic or international travel - legal source of that is the prohibition on leaving home without a reasonable excuse

(22) The regulations still legally deem (reasonably necessary) exercise outside alone, with household or one other to be reasonable excuse

(23) Whilst the guidance says that exercise should be limited to once per day and you should not travel outside your local area to take it, that is guidance only rather than any express provision in the regulations, however.....

(24) ... it should be borne in mind that if exercise is being taken more than is reasonably necessary or involves a trip that is more than is reasonable to reach a place of exercise, a court may consider that the deemed reasonable excuse not made out.

(25) Because they provide for so many examples of "reasonable excuse" for leaving home and exceptions for gathering, the regulations have got bogged down in verbiage - an appeal to common sense (the June approach poss better) - but common

sense still very relevant

(26) If an individual is taking the mickey, then the reality (like it or not) is that a court will strive to achieve what it considers the right result on the facts, and likely to be unimpressed by sophisticated legal arguments

(27) Hints in the guidance that people were going to be banned from own gardens not made out. Nothing in the old or the new regs about allotments - to leave home visit an allotment you a reasonable excuse to be there - some might say "I'm going to my allotment" to suffice

(28) However, would seem to me that working on an allotment is exercise and I can't imagine that any magistrate would think that it was unreasonable to tend to one.

(29) Here is the mighty @AdamWagner1's analysis - as ever he's spotted stuff I haven't https://t.co/Pi1MUHtwGT

> \U0001f6a8New lockdown regulations just published, in force tomorrow
>
> The Health Protection (Coronavirus, Restrictions) (No. 3) and (All Tiers) (England) (Amendment) Regulations 2021https://t.co/L5jwlTDaIE
>
> (Thread) pic.twitter.com/dXfDWn7EKu
>
> — Adam Wagner (@AdamWagner1) January 5, 2021

(30) NHS App already treating it as in force