Twitter Thread by Adam Wagner



Adam Wagner
@AdamWagner1

■New lockdown regulations just published, in force tomorrow

The Health Protection (Coronavirus, Restrictions) (No. 3) and (All Tiers) (England) (Amendment) Regulations 2021

https://t.co/L5jwlTDaIE

(Thread)

2021 No. 8

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, Restrictions) (No. 3) and (All Tiers) (England) (Amendment) Regulations 2021

Made - - - -	*at 4.30 p.m. on 5th January 2021*
Laid before Parliament	*at 5.30 p.m. on 5th January 2021*
Coming into force - -	*6th January 2021*

These are not a new set of regulations: they are amendments an old set of regulations

Which we thought were gone! But they are back

Welcome back No.3 regulations

A quick thing before we continue!

I have been analysing these laws for free for 9 months now - if you want to say thanks and have a few £ to spare please give to my @LawCentres fundraiser

They give free legal advice to people who need it most

https://t.co/NqjdiiAjqW

They also amend the All Tiers regulations

Oh god it's all amendments by paragraph references

Basically all of England now in Tier 4 and Tier 4 is amended but not by a huge amount

This really is a terrible way to make laws on the fly - who can possibly understand it?!

(4) In paragraph 2—

(a) in sub-paragraph (2), omit paragraphs (d) and (da);

(b) in sub-paragraph (3)—

(i) in paragraph (a), omit "and (d)(ii)";

(ii) in paragraph (b), omit "and (d)(iii)";

(c) in sub-paragraph (4)(b), omit sub-paragraph (i);

(d) in sub-paragraph (13)(e)—

(i) for sub-paragraph (i), substitute—

"(i) later years provision, within the meaning of section 96(6) of the Childcare Act 2006(**b**), or";

(e) for sub-paragraph (14), substitute—

So, to explain, you need 2 documents open if you want to understand what is going on:

All Tiers regulations (Tiers 1-4, 2 December as amended) https://t.co/IraPQ112ak

And amendments https://t.co/L5jwlTDaIE

No sensible way of doing except by track changes, on it now, back soon

First thing to go is "open air recreation" which is what we suspected based on the guidance.

So this means that you can go out for exercise (or any other listed reasonable excuse) but not to recreate (is that the verb?).

and sub-paragraph (3) applies in determining whether a person is complying with the limits in this sub-paragraph;

~~(d)to visit a public outdoor place for the purposes of open air recreation—~~

~~(i)alone,~~

~~(ii)with—~~

~~(aa)one or more members of their household, their linked household, or~~

~~(bb)where [F6open air recreation] is being taken as part of providing informal childcare for a child aged 13 or under, one or more members of their linked childcare household, or~~

~~(iii)with one other person who is not a member of their household or their linked household,~~

~~and sub-paragraph (3) applies in determining whether a person is complying with the limits in this sub-paragraph;~~

~~[F7(da)to visit outdoor attractions at an aquarium, zoo or safari park or outdoor animal attractions at a farm, wildlife centre or any other place where animals are exhibited to the public as an attraction;]~~

(e)to attend a place of worship;

(f)to undertake any of the following activities in connection with the purchase, sale, letting or rental of a residential property—

Before I go on - this is going to sound a bit abstract unless I explain that the new "lockdown" is an amendment to the Tier 4 restrictions. Tier 4 was a lockdown but slightly less strict than March.

This is my thread on Tier 4 - perhaps read that first https://t.co/zkKiVO62cd

> \U0001f6a8Good morning! New lockdown regulations - Tier 4 introduced, Christmas rules changed. In force 7am today
>
> The Health Protection (Coronavirus, Restrictions) (All Tiers and Obligations of Undertakings) (England) (Amendment) Regulations 2020https://t.co/Xx4JQJfZXV pic.twitter.com/zRXtP5mgoH
>
> — Adam Wagner (@AdamWagner1) December 20, 2020

Some minor changes here to Exception 1 to being outside the home ("leaving home necessary for certain purposes").

Key point is the original reasons - work, voluntary services etc. etc. are still there

"public outdoor place" can't include sports grounds or facilities

(3) For the purposes of determining whether a person is complying with the limits in—

(a)sub-paragraph (2)(c)(ii) ~~and (d)(ii),~~ no account is to be taken of any person who is present as a carer for a person with a disability who needs continuous care (a "carer"),

(b)sub-paragraph (2)(c)(iii) ~~and (d)(iii),~~ no account is to be taken of a carer or a child below the age of five,

provided that, in either case, there are no more than two people present in the capacity of carer.

(4) A place is a public outdoor place for the purposes of this paragraph if it is a public outdoor place other than a fairground or funfair and—

(a)no payment is required by any member of the public to access that place, or

(b)the place falls within one of the following categories—

~~(i)outdoor sportsgrounds or sports facilities,~~

(ii)botanical gardens,

(iii)gardens or grounds of a castle, stately home, historic house or other heritage site.

Important to see that you still don't count a child under 5 or person with disability who needs continuous care when you are with someone from another household for exercise

Not in the guidance I think but maybe they don't want to publicise

Next change is to para 13 so the exceptions almost all stay in - see last thread https://t.co/DnXxk1DQfK

> All of these pic.twitter.com/vYWMm25l3j
>
> — Adam Wagner (@AdamWagner1) December 20, 2020

Paras 13 and 14 are about childcare. Some small but important changes:

I think it means that you can only provide informal childcare for "critical workers" in very limited circumstances

Tell me if I'm wrong

Children's outdoor sports gatherings removed as a reasonable excuse - we knew that from the guidance

Exception 14: permitted outdoor sports gathering

(19) Exception 14 is that it is reasonably necessary for P to leave or be outside P's home for the purposes of taking part in an outdoor sports gathering for persons who have a disability, ~~or are aged under 18 or were under 18 on 31st August 2020,~~ are not elite sportspersons and are taking part in any sport or fitness related activity and **[**F14the gathering**]**—

Parents and child groups no longer permitted

~~*Exception 15: parent and child groups*~~

~~(21) Exception 15 is that it is reasonably necessary for P to leave or be outside P's home for the purposes of attending a parent and child group of a kind as described in paragraph 6(20) of this Schedule.~~

Exception 16: students and vacation households

(22) Subject to sub-paragraph (23), exception 16 is that it is reasonably necessary for P to leave or be outside P's home to—

What is important really is how similar this is to Tier 4:
- No open air recreation
- No parents and child groups
- More limited informal childcare options (I think)
- No children's sport or other outdoor sport such as tennis)

But otherwise its very similar

Elite sport and sport for people with disabilities is still permitted

Exception in relation to outdoor gatherings

8.—(1) This exception is that the person concerned is taking part in an outdoor sports gathering for persons who have a disability~~, are aged under 18 or were under 18 on 31st August 2020,~~ are not elite sportspersons and are taking part in any sport or fitness related activity that—

(a)is organised by a business, charitable, benevolent or philanthropic institution or a public body,

(b)takes place in an outdoor place other than a private dwelling, and

(c)in respect of which the organiser or manager takes the required precautions.

Also well trailed in the announcements is the closure of outdoor sports facilities such as swimming, gyms, sports grounds

(e)indoor or outdoor gyms, fitness studios, **[**F26skating rinks,**]** indoor sports facilities and other indoor leisure centres and outdoor sports facilities and sports grounds for **[**F27childcare provided by a person registered under Part 3 of the Childcare Act 2006 or for supervised activities for children or other persons who were under the age of 18 on 31st August 2020**]**, or for persons who have a disability and who are not elite sportspersons to take part in any fitness related activity;

(f)indoor or outdoor gyms, fitness studios, **[**F28skating rinks outdoor and,**]** indoor swimming pools, indoor sports facilities and other indoor leisure centres—

No alcohol takeaway

Exceptions to paragraph 11

13.—(1) Paragraph 11(1) does not prevent the person responsible for carrying on a restricted business, or providing a restricted service, of a kind specified in paragraph 15(6)—

(a)from selling food or drink (but not alcohol) for consumption off the premises between the hours of 05:00 and 23:00;

(b)from selling food or drink (but not alcohol) for consumption off the premises between the hours of 23:00 and 05:00 by a method of sale permitted by sub-paragraph (2).

Have to pop off to eat, back later! That's basically it though, not much else changed from Tier 4

Oh, before I go, so as not to build tension, here's what's not in the law which is in the guidance :
- Time limit on outdoor exercise;
- Geographical limit on outdoor exercise
- Travel between areas.

I was indeed partly wrong on informal childcare, apologies https://t.co/s44qSsp88I

> I think you\u2019re wrong (sorry!). I think this applies to provision of education/wrap around care etc (\u2018supervised\u2019 childcare) not to childcare bubbles (the \u2018informal\u2019 childcare exception, which was (is? Who knows anymore?) at 13(f)). pic.twitter.com/rrZnBlXGOZ
>
> — Alex (@SurreysKnight) January 5, 2021

Charles has it here https://t.co/eY1P4nk7cD

> (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 pic.twitter.com/Gzt2Alq5RL
>
> — Charles Holland (@charlescholland) January 5, 2021

I am going to wait until there is a consolidated version of the regulations to make a new video, hopefully tomorrow afternoon. I understand that the amended version of the regulations should be up tomorrow

All this remains in place https://t.co/5oaU0W3RjD

> More important exceptions
> - Reasonably necessary for work/charitable/voluntary services where not reasonably possible to do it from home.
> - Note this is not restricted to Tier 4, so you can travel between tiers if you fulfil this exception
> - Guidance may be stricter on travel pic.twitter.com/iWYMabh7xq
>
> — Adam Wagner (@AdamWagner1) December 20, 2020

And this is still there https://t.co/ClJGeOkZwE

> Another really important one -
> - seeking medical assistance,
> - avoiding injury or illness (which includes mental -and physical illness, in my view - if you need to do something for your mental health, do it),
> - attending a person giving birth, visiting person in hospital pic.twitter.com/cPAmWvPnoM
>
> — Adam Wagner (@AdamWagner1) December 20, 2020

As is this - guidance has changed but not law re students https://t.co/vgsxo9nVvX

> Students can still move from student accommodation once and then back to student accomodation pic.twitter.com/qSPRrapyoR
>
> — Adam Wagner (@AdamWagner1) December 20, 2020

Communal worship still permitted https://t.co/94CtyjP41i

> Communal worship allowed - this is a change from the Nov/Dec lockdown which only allowed individual worship pic.twitter.com/8PkL6UjLmA
>
> — Adam Wagner (@AdamWagner1) December 20, 2020

Linked households (bubbles) remain the same - exactly the same, people. Really important to get that https://t.co/VpcNmSAayM

> No there are more linked households:
> \U0001f481\u200d\u2640\ufe0f1 adult
> \U0001f9d2\U0001f9d21+ children (no adults)
> \U0001f481\u200d\u2640\ufe0f\U0001f9d21 adult and 1+ chid/ren
> \U0001f481\u200d\u2640\ufe0f\U0001f468\u200d\u2695\ufe0f\U0001f4761+ adult/s and 1 child under 1 as at 2 Dec or after

> \U0001f468\u200d\u2695\ufe0f\U0001f481\u200d\u2640\ufe0f\U0001f9d1\u200d\U0001f9bd1+ adult & child with disability under 5
> \U0001f468\u200d\u2695\ufe0f\U0001f481\u200d\u2640\ufe0f\U0001f9d1\u200d\U0001f9bd1 adult & person with disability requiring constant care pic.twitter.com/MxQ8nQOWkd
>
> — Adam Wagner (@AdamWagner1) November 30, 2020

One other error sorry - it is the carer of a person with a disability who needs continuous care who doesn't 'count' for gatherings not the disabled person themselves https://t.co/Mpt5DLb0YX

> Important to see that you still don't count a child under 5 or person with disability who needs continuous care when you are with someone from another household for exercise
>
> Not in the guidance I think but maybe they don't want to publicise pic.twitter.com/bw0YM8iEI7
>
> — Adam Wagner (@AdamWagner1) January 5, 2021

The amendments have a sad little ending

Businesses allowed to remain open in Tier 4 area

17. The following businesses are allowed to remain open in the Tier 4 area—

(a)food retailers, including food markets, supermarkets, convenience stores and corner shops,

(b)off licenses and licensed shops selling alcohol (including breweries),

(c)pharmacies (including non-dispensing pharmacies) and chemists,

(d)newsagents,

(e)animal rescue centres and animal boarding facilities,

(f)building merchants and suppliers of products and tools used in building work and repairs,

(g)petrol stations,

(h)vehicle repair and MOT services,

(i)bicycle shops,

(j)taxi or vehicle hire businesses,

(k)the following businesses—

(i)banks

(ii)building societies

(iii)credit unions

(iv)short term loan providers

(v)savings clubs

(vi)cash points

(vii)undertakings which by way of business operate currency exchange offices, transmit money (or any representation of money) by any means or cash cheques which are made payable to customers,

(l)post offices,

(m)funeral directors,

(n)laundrettes and dry cleaners,

(o)dental services, opticians, audiology services, chiropody, chiropractors, osteopaths and other medical or health services, including **[**F41services which incorporate personal care services and treatments required by those with disabilities and**]**services relating to mental health,

(p)veterinary surgeons and pet shops,

(q)agricultural supplies shops,

(r)storage and distribution facilities, including delivery drop off or collection points, where the facilities are in the premises of a business included in this Part,

(s)car parks,

(t)public toilets,

(u)garden centres,

(v)automatic car washes,

(w)mobility and disability support shops,

~~(x)businesses selling or supplying natural Christmas trees.]~~

Here is my unofficial and probably unreliable track changes version of the Tier 4 rules. Please don't rely on it, for illustrative purposes only! https://t.co/GmVC9GwjhN