

## Twitter Thread by Adam Wagner



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■The new lockdown regulations are here: coming into force on Thursday

The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020

Analysis below as I read them (thread)

<https://t.co/adPk9PsE0j>

32 pages, 13,891 words...

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### STATUTORY INSTRUMENTS

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**2020 No. 1200**

## **PUBLIC HEALTH, ENGLAND**

### **The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020**

*Made* - - - - at 2.45 p.m. on 3rd November 2020

*Laid before Parliament* at 4.10 p.m. on 3rd November 2020

*Coming into force* - - - 5th November 2020

As expected, "No person may leave or be outside of the place where they are living without reasonable excuse" - back to the language of the Mar 2020 regulations

Again, there is a \*non-exhaustive\* list (because: "include") of reasonable excuses, now referred to as "exceptions"

## Restrictions on leaving home

**5.—**(1) No person may leave or be outside of the place where they are living without reasonable excuse.

(2) For the purposes of paragraph (1)—

- (a) the circumstances in which a person has a reasonable excuse **include** where one of the exceptions set out in regulation 6 applies;
  - (b) the place where a person is living includes the premises where they live together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.
- (3) This regulation does not apply to any person who is homeless.

What are the exceptions? There are many. There are 13 listed, but a number have sub-categories of exception, particularly Exception 1 (leaving home necessary for certain purposes). Here they are, except I can't fit them into four screen grabs!

## Exceptions: leaving home

**6.—**(1) These are the exceptions referred to in regulation 5.

*Exception 1: leaving home necessary for certain purposes*

(2) Exception 1 is that it is reasonably necessary for the person concerned ("P") to leave or be outside the place where P is living ("P's home")—

- (a) to buy goods or obtain services from any business or service listed in Part 3 of the Schedule, for—
  - (i) P or for those in the same household,
  - (ii) vulnerable persons, or
  - (iii) persons in the same household as a vulnerable person;
- (b) to obtain money from or deposit money with any business listed in paragraph 43 or 44 of the Schedule;
- (c) to take exercise outside—
  - (i) **alone,**
  - (ii) with—
    - (aa) one or more members of their household, their linked household, or
    - (bb) **where exercise 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**

Here's number 5

*Exception 11: Returning home*

(15) Exception 11 is that it is reasonably necessary for P to be outside P's home to enable P to return home from any place where P was on holiday immediately before these Regulations came into force.

*Exception 12: Prison visits*

(16) Exception 12 is that it is reasonably necessary for P to leave or be outside P's home to visit a person ("VP") living in criminal justice accommodation, where P is—

- (a) a close family member of VP, or
- (b) a friend of VP.

*Exception 13: Other visits*

(17) Exception 13 is that it is reasonably necessary for P to leave or be outside P's home for the purposes of a visit permitted under regulation 11(10).

You might notice that these are many more than in the first lockdown [screen shot from first lockdown regs below] - though some have made a reappearance. Basically this is a more detailed and complex set of reasons for people to not stay at home.

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## Restrictions on movement

6.—(1) During the emergency period, no person may leave the place where they are living without reasonable excuse.

(2) For the purposes of paragraph (1), a reasonable excuse includes the need—

- (a) to obtain basic necessities, including food and medical supplies for those in the same household (including any pets or animals in the household) or for vulnerable persons and supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person, or to obtain money, including from any business listed in Part 3 of Schedule 2;
- (b) to take exercise either alone or with other members of their household;
- (c) to seek medical assistance, including to access any of the services referred to in paragraph 37 or 38 of Schedule 2;
- (d) to provide care or assistance, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006<sup>(a)</sup>, to a vulnerable person, or to provide emergency assistance;
- (e) to donate blood;
- (f) to travel for the purposes of work or to provide voluntary or charitable services, where it is not reasonably possible for that person to work, or to provide those services, from the place where they are living;
- (g) to attend a funeral of—
  - (i) a member of the person's household,
  - (ii) a close family member, or
  - (iii) if no-one within sub-paragraphs (i) or (ii) are attending, a friend;
- (h) to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
- (i) to access critical public services, including—

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<sup>(a)</sup> 2006 c. 47. Sub-paragraph (3B) was substituted, with sub-paragraphs (1), (3) and (3A) to (3E) for sub-paragraphs (1) to (3) by s. 66(2) of the Protection of Freedoms Act 2012 (c. 9).

- (i) childcare or educational facilities (where these are still available to a child in relation to whom that person is the parent, or has parental responsibility for, or care of the child);
- (ii) social services;
- (iii) services provided by the Department of Work and Pensions;
- (iv) services provided to victims (such as victims of crime);
- (j) in relation to children who do not live in the same household as their parents, or one of their parents, to continue existing arrangements for access to, and contact between, parents and children, and for the purposes of this paragraph, "parent" includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of, the child;
- (k) in the case of a minister of religion or worship leader, to go to their place of worship;
- (l) to move house where reasonably necessary;
- (m) to avoid injury or illness or to escape a risk of harm.

In passing, this strikes me as a lockdown without much enthusiasm you must stay at home but here are a hundred reasons you may not have to. I'm not saying this is a bad thing - but I think legislating for this kind of thing is practically impossible. Library of Babel stuff

I won't go into the exceptions in detail as they are just so complicated. Will do a video tomorrow. A few pics:

■Exercise alone or with 1 member of household, linked household, or if for informal childcare with a linked childcare household a child under 13. Or 1 other person

(c) to take exercise outside—

(i) alone,

(ii) with—

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

(bb) where exercise 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

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i) S.I. 2010/2128.

(iii) in a public outdoor place, with one other person who is not a member of their household, their linked household or their linked childcare household, and paragraph (3) applies in determining whether a person is complying with the limits in this sub-paragraph;

■ You can go out for "open air recreation" with the same people, which is different to exercise (this was the sunbathing exception back in the Spring, perhaps now is the snowman building exception?) ■■

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

■ Important exception to the being outside rule - carers of disabled people who need continuous care and child below age of 5 aren't counted - as previewed by the guidance. Sensible exception.

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

- (a) 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) 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.