

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. 921

PUBLIC HEALTH, ENGLAND

**The Health Protection (Coronavirus,
Restrictions) (Greencore) Regulations 2020**

<i>Made</i>	- - - -	<i>28th August 2020</i>
<i>Laid before Parliament</i>		<i>1st September 2020</i>
<i>Coming into force</i>	- -	<i>29th August 2020</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45C(1), (3)(c), (4)(d), 45F(2) and 45P of the Public Health (Control of Disease) Act 1984⁽¹⁾.

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 requirements and restrictions 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.

PART 1

Introductory provisions

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Restrictions) (Greencore) Regulations 2020.

(2) These Regulations come into force on 29th August 2020.

⁽¹⁾ 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).

(3) These Regulations apply in relation to England only.

(4) In these Regulations “self-isolation” and “self-isolate” mean remaining in isolation from others in the way described in paragraphs (5) to (10) of regulation 4.

PART 2

Requirement to self-isolate

Persons required to self-isolate: workers

2.—(1) Except as provided in paragraphs (3) and (4), this regulation applies to any person whose main place of work whilst working for or on behalf of the Company during the relevant period was at the premises of the Company described in paragraph 2(c).

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

- (a) “the Company” means the company known as Greencore Food to Go Ltd⁽²⁾;
- (b) “relevant period” means the period commencing with 7th August 2020 and ending on 21st August 2020;
- (c) the premises of the Company are those at—
 - (i) Units A, B, C and D, Greencore Northampton, Moulton Park Industrial Estate, 15–17 Deer Park Road, Northampton, NN3 6RX;
 - (ii) Unit K, Greencore Northampton, Unit 1, Clayfield Close, Moulton Park, Northampton, NN3 6QF.

(3) This regulation does not apply to a person (“P”) if—

- (a) P undertook a test to detect SARS-CoV2 RNA and that test was provided and analysed by either the National Testing Programme Pillar 2 or Randox Laboratories Limited⁽³⁾ on any date during the period commencing with 7th August 2020 and ending immediately before 12th August 2020; and
- (b) the result of the test referred to in sub-paragraph (a) was positive; and
- (c) P was not present at the premises of the Company, as described in paragraph 2(c) in any capacity between the date on which they received the positive result and 21st August 2020 and P has self-isolated for a continuous period of 10 days commencing with the date on which P received the positive test result.

(4) This regulation does not apply to a person (P) if—

- (a) P undertook a test of a type set out in paragraph (3)(a) on any date during the period commencing with 12th August 2020 and ending on 19th August 2020; and
- (b) the result of the test referred to in sub-paragraph (a) was positive; and
- (c) P has self-isolated for a continuous period of 10 days beginning with the date on which P received the positive test result.

Persons required to self-isolate: members of worker’s household

3.—(1) This regulation applies to a person (“P”) who, on the date on which these Regulations came into force, is a member of the same household as a person to whom regulation 2 applies (a “worker”).

(2) Greencore Food to Go Ltd is a company registered with company number 00721411.

(3) Randox Laboratories Limited is a company registered in Northern Ireland, with company number NI015738.

(2) The requirement to self-isolate set out in regulation 4 applies in the same manner to P as it applies to the worker in P's household, subject to paragraph (3).

(3) If P ceases to be a member of the same household as a worker at any time during the worker's period of self-isolation, P is no longer required to self-isolate, unless regulation 5 applies at a later date.

Requirement to self-isolate

4.—(1) Any person ("P") to whom regulation 2 or 3 applies must remain in isolation from others ("self-isolate") in accordance with this regulation.

(2) Unless paragraph (3) or (4) applies, the period for which P must self-isolate is from the date on which these Regulations came into force until 5th September 2020.

(3) Unless paragraph (4) applies, where, on the date on which these Regulations came into force—

- (a) P is part way through a period of self-isolation, and
- (b) that period began on a date which is 14 days or less before the date on which these Regulations came into force,

the period for which P must self-isolate is the number of days necessary for P to complete a continuous period of 14 days of self-isolation.

(4) Where P—

- (a) received a positive test result for SARS-CoV-2 RNA at any time during the period commencing with 20th August 2020 and ending on 28th August 2020; and
- (b) since receiving that result, P has been in self-isolation,

the period for which P must self-isolate is the number of days necessary for P to complete a continuous period of 10 days of self-isolation within the meaning of these Regulations.

(5) P must self-isolate at—

- (a) their home;
- (b) the home of a friend or family member; or
- (c) a hotel, hostel, bed and breakfast accommodation or other suitable place.

(6) Paragraph (1) does not require P to remain in isolation from any member of their household.

(7) Paragraph (1) does not require P to remain in isolation from a person ("V") when V is at the place where P is self-isolating—

- (a) to provide emergency assistance;
- (b) to provide care or assistance, including relevant personal care within the meaning of paragraph 1(1B) or 7(3B) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006(4), to P or to any other person who is living at the place where P is self-isolating;
- (c) to provide medical assistance, including to provide any of the services mentioned in paragraph (8)(a), to P or to any other person who is living at the place where P is self-isolating, where this is required urgently or on the advice of a registered medical practitioner;
- (d) to provide veterinary services, where this is required urgently or on the advice of a veterinary surgeon;
- (e) to provide critical public services, including those mentioned in paragraph (8)(f)(ii)(aa) and (bb).

(4) 2006 c. 47. Paragraphs 1(1B) and 7(3B) of Schedule 4 were inserted by sections 64(3) and 66(2) of the Protection of Freedoms Act 2012 (c. 9). Other amendments have been made to this Act, but none are relevant to these Regulations.

(8) During the period of their self-isolation, P may not leave, or be outside of, the place where P is self-isolating except—

- (a) to seek medical assistance, where this is required urgently or on the advice of a registered medical practitioner, including to access services from dentists, opticians, audiologists, chiropodists, chiropractors, osteopaths and other medical or health practitioners, including services related to mental health;
- (b) to access veterinary services where this is required urgently or on the advice of a veterinary surgeon;
- (c) to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings;
- (d) to avoid injury or to escape a risk of harm;
- (e) on compassionate grounds, including to attend a funeral of—
 - (i) a member of P’s household;
 - (ii) a close family member; or;
 - (iii) if no-one within paragraph (i) or (ii) are attending, a friend;
- (f) in exceptional circumstances such as—
 - (i) to obtain basic necessities such as food and medical supplies for those in the same household (including any pets or animals in the household) where it is not possible to obtain these provisions in any other manner;
 - (ii) to access critical public services, including—
 - (aa) social services;
 - (bb) services provided to victims (such as victims of crime);
 - (iii) to move to a different place for self-isolation where it becomes impracticable to remain at the address where they are self-isolating.

(9) For the purposes of paragraph (5), the place where P is self-isolating includes the premises where P is self-isolating together with any garden, yard, passage, stair, garage, outhouse, or other appurtenance of such premises.

(10) If P is a child, any person who has custody or charge of P during P’s period of self-isolation must ensure, so far as reasonably practicable, that P self-isolates.

Extension of self-isolation period

5.—(1) If any person (“P”) joins the household of a person who is self-isolating as required by regulation 4, both P and the person who is self-isolating must self-isolate for a period of 14 days, commencing with the date on which P joins the household.

(2) If any person (“P”), who is been self-isolating, joins the household of a person who is not been self-isolating, both P and the person whose household they have joined must self-isolate for a period of 14 days, commencing with the date on which P joined the household.

(3) This regulation applies even if regulation 2 or 3 had applied to P at an earlier date.

PART 3

Enforcement

Enforcement of requirement to self-isolate

6.—(1) Where an authorised person has reasonable grounds to believe that a person (“P”) has left, or is outside of, the place where P is self-isolating in contravention of regulation 4, the authorised person may—

- (a) direct P to return to the place where P is self-isolating;
- (b) remove P to the place where P is self-isolating.

(2) An authorised person exercising the power in paragraph (1)(b) may use reasonable force, if necessary, in the exercise of the power.

(3) Where P is a child and has left, or is outside of, the place where they are self-isolating and accompanied by an individual who has responsibility for them—

- (a) an authorised person may direct that individual to take P to the place where P is self-isolating; and
- (b) that individual must, so far as reasonably practicable, ensure that P complies with any direction given by an authorised person to P.

(4) Where P is a child, and an authorised person has reasonable grounds to believe that P is repeatedly failing to comply with regulation 4, the authorised person may direct any individual who has responsibility for P to ensure, so far as reasonably practicable, that P so complies.

(5) An authorised person may only exercise a power in paragraph (1), (3) or (4) if the authorised person considers that it is a necessary and proportionate means of ensuring compliance with regulation 4.

(6) For the purposes of this regulation—

- (a) “authorised person” means—
 - (i) a constable; or
 - (ii) a person designated by the Secretary of State for the purposes of this regulation; and
- (b) an individual has responsibility for a child if the individual—
 - (i) has custody or charge of the child for the time being; or
 - (ii) has parental responsibility for the child, and for these purposes, “parental responsibility” has the meaning given in section 3 of the Children Act 1989(5).

Offences and penalties

7.—(1) A person who—

- (a) contravenes a requirement in regulation 4 or 5; or
- (b) without reasonable excuse contravenes a requirement in or imposed under regulation 6,

commits an offence.

(2) A person who, without reasonable excuse, wilfully obstructs any person carrying out a function under these Regulations commits an offence.

(3) An offence under these Regulations is punishable on summary conviction by a fine.

(4) Section 24 of the Police and Criminal Evidence Act 1984(6) 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

8.—(1) An authorised person may issue a fixed penalty notice to anyone that the authorised person has reasonable grounds to believe—

- (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 officer designated by the Secretary of State for the purposes of this regulation (“the designated officer”) specified in the notice.

(3) Where the 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 following 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.

(4) 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 (3)(a)) proceedings will not be taken for the offence;
- (c) specify the amount of the fixed penalty;
- (d) state the name and address of the person to whom the fixed penalty may be paid; and
- (e) specify permissible methods of payment.

(5) Where the fixed penalty notice is issued in respect of an offence described in regulation 7(1), then the amount specified under paragraph (4)(c) must be £100.

(6) Where the fixed penalty notice is issued in respect of an offence described in regulation 7(2), where the person is believed to have wilfully obstructed any person carrying out a function under these Regulations, then the amount specified under paragraph (4)(c) must be £1000.

(7) Whatever other method may be specified under paragraph (4)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (4)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(8) Where a letter is sent as described in paragraph (7), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(9) In any proceedings, a certificate that—

- (a) purports to be signed by or on behalf of the designated officer; and
- (b) states that the payment of a fixed penalty notice was, or was not, received by the date specified in the certificate,

is evidence of the facts stated.

(10) For the purposes of this regulation, “authorised person” means—

(6) 1984 c. 60. Section 24 was substituted by section 110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).

- (a) a constable; or
- (b) a person designated by the Secretary of State for the purposes of this regulation.

Prosecutions

9. Proceedings for an offence under these Regulations may be brought by the Crown Prosecution Service and any person designated by the Secretary of State.

Continuity of designation

10.—(1) A person who on the coming into force of these Regulations is designated by the Secretary of State or a local authority for the purposes of regulation 9(3)(b) of the Health Protection (Coronavirus, Restrictions) (No.2) (England) Regulations 2020(7) is to be treated as if they were designated by the Secretary of State under regulation 8(2) of these Regulations.

(2) A person who on the coming into force of these Regulations is designated by the Secretary of State for the purposes of regulation 10 of the Health Protection (Coronavirus, Restrictions) (No.2) (England) Regulations 2020 is to be treated as if they were designated by the Secretary of State under regulation 9 of these Regulations.

PART 4

Expiry of Regulations

Expiry of Regulations

11.—(1) These Regulations expire at the end of the period of 28 days beginning with the day on which they come into force.

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

(3) The expiry of these Regulations does not prevent the taking of enforcement action under Part 3 in relation to any offences alleged to be committed before the date of expiry of these Regulations and, for this purpose, the Regulations are to be treated as if they had not expired.

28th August 2020

Jo Churchill
Parliamentary Under Secretary of State,
Department of Health and Social Care

(7) S.I. 2020/684, as amended by S.I. 2020/719, 2020/750, 2020/788, 2020/800, 2020/822, 2020/824, 2020/828, 2020/863 and 2020/865.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require persons who work at the premises specified in the Regulations or have worked at those premises within the period specified in the Regulations, and members of their households, to self-isolate for the period of up to 14 days from the date when the Regulations come into force, or for a shorter period in certain specified circumstances.

No impact assessment has been carried out for these Regulations.