

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. 129

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus) Regulations 2020

Made - - - - at 6.50 a.m. on 10th February 2020

Laid before Parliament at 2.30 p.m. on 10th February 2020

Coming into force in accordance with article 1(1)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 45B, 45C, 45F and 45P of the Public Health (Control of Disease) Act 1984(a).

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.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus) Regulations 2020 and come into force immediately after they are made.

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

Interpretation

2.—(1) In these Regulations—

“the 1984 Act” means the Public Health (Control of Disease) Act 1984;

“child” means a person under the age of 18 years;

“Coronavirus” means the virus known as “Wuhan novel coronavirus (2019-nCoV)”;

“infected area” means any area (including a country) which the Secretary of State has declared, by notice published on www.gov.uk, as an area where there is known or thought to be sustained human-to-human transmission of Coronavirus, or from which there is a high risk of importation of infection or contamination (with Coronavirus) via travel from that area to the UK;

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

“isolation” in relation to a person means the separation of that person from any other person in in such a manner as to prevent infection or contamination (with Coronavirus)—

- (a) at a facility designated, by notice published on www.gov.uk, for the purposes of these Regulations by the Secretary of State;
- (b) in that person’s home;
- (c) in a hospital; or
- (d) at another suitable place;

“medical officer” means a registered medical practitioner designated for the purposes of these Regulations by the Secretary of State;

“Public Health England” means the executive agency of that name of the Department of Health and Social Care;

“public health officer” means a registered public health consultant or a person working within Public Health England under the oversight of a registered public health consultant;

“registered public health consultant” means a professionally registered public health consultant working within Public Health England;

“responsible adult” means, in relation to a child, a person with parental responsibility for the child (within the meaning of the Children Act 1989) or a person who has custody or charge of the child for the time being; and

“screening requirements” means the requirements set out in regulation 6(1).

(2) In these Regulations, a reference to infection or contamination^(a), however expressed, is a reference to infection or contamination with Coronavirus, and related expressions are to be construed accordingly.

(3) The notice referred to in the definition of “infected area” and “isolation” in paragraph (1) must be followed by publication of the notice in the London Gazette as soon as reasonably practicable.

Serious and imminent threat declaration

3.—(1) These Regulations apply where the Secretary of State declares, by notice published on www.gov.uk, that the incidence or transmission of Coronavirus constitutes a serious and imminent threat to public health, and that the incidence or transmission of Coronavirus is at such a point that the measures outlined in these Regulations may reasonably be considered as an effective means of preventing the further, significant transmission of Coronavirus (“serious and imminent threat declaration”).

(2) The Secretary of State may revoke a serious and imminent threat declaration by way of a subsequent notice published on www.gov.uk.

(3) Before making a declaration under paragraph (1), or revoking a declaration under paragraph (2), the Secretary of State must have due regard to any advice from the Chief Medical Officer or one of the Deputy Chief Medical Officers of the Department of Health and Social Care.

(4) The publication of a notice under paragraph (2) does not affect the validity of any steps taken pursuant to these Regulations before the notice is published.

(5) A notice published under paragraph (1) or (2) must be followed by publication of the notice in the London Gazette as soon as reasonably practicable.

Detention of persons by the Secretary of State or a registered public health consultant

4.—(1) Where Condition A or B is met in relation to a person (“P”), the Secretary of State or a registered public health consultant may, for the purposes of screening, assessment and the

(a) See section 45A of the 1984 Act for the interpretation of “infection” and “contamination”. Section 45A was inserted by section 129 of the 2008 Act.

imposition of any restrictions or requirements under regulation 5, impose on P a requirement to be detained until the later of—

- (a) the end of the period of 48 hours beginning with the time from which P’s detention under this regulation begins;
- (b) such time as any screening requirements imposed on or in relation to P under regulation 5(1) have been complied with and the assessment referred to in that regulation carried out in relation to P.

(2) Condition A is that—

- (a) the Secretary of State or a registered public health consultant has reasonable grounds to believe that P is, or may be, infected or contaminated with Coronavirus; and
- (b) the Secretary of State or a registered public health consultant considers that there is a risk that P might infect or contaminate others.

(3) Condition B is that P—

- (a) has arrived in England on an aircraft, ship or train from outside the United Kingdom, whether directly or via Northern Ireland, Scotland or Wales; and
- (b) has left, or the Secretary of State or a registered public health consultant has reasonable grounds to believe P has left, an infected area within the 14 day period immediately preceding the date of P’s arrival in England.

(4) Where a special restriction or requirement is imposed under this regulation, the person imposing the restriction or requirement must express it to be contingent on the incidence or transmission of Coronavirus constituting a serious and imminent threat to public health as referred to in regulation 3.

Imposition of restrictions and requirements

5.—(1) Where Condition A or B (set out in regulation 4) is met in relation to a person (“P”), the Secretary of State or a registered public health consultant may—

- (a) (orally or in writing) impose on or in relation to P one or more screening requirements to inform an assessment, by the Secretary of State or a registered public health consultant, of whether P presents or could present a risk of infecting or contaminating others;
- (b) carry out such an assessment in relation to P; and
- (c) following such an assessment, (orally or in writing) impose on or in relation to P any other restriction or requirement which the Secretary of State or, as the case may be, a registered public health consultant considers necessary for the purposes of removing or reducing the risk referred to in sub-paragraph (a), including a special restriction or requirement(a).

(2) A decision to impose a restriction or requirement under paragraph (1) may only be taken if the Secretary of State or, as the case may be, registered public health consultant considers, when taking the decision, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.

(3) A restriction or requirement imposed under paragraph (1)—

- (a) by the Secretary of State may be varied (orally or in writing) by the Secretary of State;
- (b) by a registered public health consultant may be varied (orally or in writing) by the Secretary of State or a registered public health consultant.

(4) Where a restriction or requirement under paragraph (1)(c) is imposed on or in relation to a child, a person who is a responsible adult in relation to the child must secure that the child complies with the restriction or requirement, insofar as that person is reasonably able to do so.

(a) See sections 45C and 45T of the 1984 Act for the meaning of “special restriction or requirement”. This is a restriction or requirement which can be imposed by a justice of the peace by virtue of section 45G(2), 45H(2) or 45I(2) of the 1984 Act. Section 45G(2) includes references to detention and isolation.

proportionate to do so in order to reduce or remove the risk of P infecting or contaminating others.

(2) The requirements specified in this paragraph are for P to—

- (a) provide P's contact details to a public health officer;
- (b) supply information to a public health officer which may assist in assessing P's health;
- (c) at such time as a public health officer may specify, allow the officer or a medical officer, to take a biological sample of P, including a sample of P's respiratory secretions or blood, by appropriate means including by swabbing P's nasopharyngeal cavity, or provide such a sample;
- (d) comply with any other specified condition or to take any other specified measure.

(3) The conditions or measures which may be specified under paragraph (2)(d) include—

- (a) a restriction on P's travel;
- (b) a restriction on P's activities;
- (c) a restriction on P's contact with specified persons.

(4) The period for which a restriction is imposed under paragraph (3) may not exceed 14 days beginning with the day on which the restriction is imposed.

(5) The Secretary of State or a registered public health consultant may (orally or in writing)—

- (a) vary any requirement imposed under this regulation; and
- (b) impose on P any additional requirements specified in paragraph (2).

(6) Before imposing or varying a requirement under this regulation, the Secretary of State or, as the case may be, registered public health consultant must—

- (a) inform P (or where P is a child, a person who is a responsible adult in relation to P) of the requirement or variation that the Secretary of State or registered public health consultant is minded to impose or make; and
- (b) have regard to any relevant representations by P (or, where P is a child, a person who is a responsible adult in relation to P), as to its suitability.

(7) Where a requirement under this regulation is imposed on or in relation to a child, or varied in relation to a child, a person who is a responsible adult in relation to the child must secure that the child complies with the requirement, insofar as that person is reasonably able to do so.

(8) Where the Secretary of State or a registered public health consultant orally imposes a requirement on P under this regulation, or orally varies such a requirement, the Secretary of State or, as the case may be, registered public health consultant must provide P (or where P is a child, a person who is a responsible person in relation to P) with a written notification of the requirement that has been imposed or varied.

(9) Paragraph (1) does not affect the exercise of any powers by virtue of regulation 5(1)(c).

Isolation of persons suspected to be infected with Coronavirus

8.—(1) This regulation applies where Condition A or B (set out in regulation 4) is met in relation to a person ("P").

(2) The Secretary of State or a registered public health consultant may require P to be kept in isolation, if the Secretary of State or, as the case may be, registered public health consultant —

- (a) has reasonable grounds to believe that P is, or may be, infected or contaminated with Coronavirus; and
- (b) considers that it is necessary and proportionate to do so in order to reduce or remove the risk of P infecting or contaminating others.

(3) Where a registered public health consultant has reasonable grounds to believe that P is, or may be, infected or contaminated with Coronavirus, the registered public health consultant may detain P pending the decision of the Secretary of State or, as the case may be, registered public health consultant under paragraph (2).

(4) Where paragraph (2) applies, the Secretary of State or, as the case may be, registered public health consultant may impose on or in relation to P one or more screening requirements.

(5) Where a special restriction or requirement is imposed under this regulation, the person imposing the restriction or requirement must express it to be contingent on the incidence or transmission of Coronavirus constituting a serious and imminent threat to public health as referred to in regulation 3.

(6) Paragraph (1) does not affect the exercise of any powers by virtue of regulation 5(1)(c).

Detention or isolation: additional provisions

9.—(1) Where P is detained or kept in isolation under regulation 5 or 8 or subjected to restrictions or requirements under regulation 7, the Secretary of State must have due regard to P's well-being.

(2) Where P is detained or kept in isolation under regulation 5 or 8 or subjected to restrictions or requirements under regulation 7 for a period exceeding 14 days, the Secretary of State must review the continuation of P's detention as soon as reasonably practicable by reference to the provisions of those regulations.

(3) After each subsequent interval of 24 hours during which P is detained or kept in isolation under regulation 5 or 8 or subjected to restrictions or requirements under regulation 7, the Secretary of State must review the continuation and conditions of P's detention by reference to the provisions of those regulations.

(4) Where P is detained or kept in isolation under regulation 5 or 8 or subjected to restrictions or requirements under regulation 7, the Secretary of State or a registered public health consultant may require P to comply with screening requirements if the Secretary of State or registered public health consultant considers that it is necessary and proportionate to do so in order to reduce or remove the risk of P infecting or contaminating others.

(5) Where P is detained under regulation 4, the Secretary of State or a registered public health consultant may require P to move to a suitable place.

(6) The Secretary of State or, as the case may be, registered public health consultant must notify P (or, where P is a child, a person who is a responsible adult in relation to P), as soon as P's detention under regulation 4 or 5 starts, or as soon as it is decided to keep P in isolation under regulation 8, of—

- (a) the fact of P's detention or isolation;
- (b) the powers under which P is detained or kept in isolation;
- (c) the reason for P's detention or isolation;
- (d) the next steps that may be taken and by whom;
- (e) the obligation to keep the need for P's detention or isolation under review; and
- (f) the penalty for—
 - (i) absconding, or attempting to abscond, from detention or isolation under regulation 15(1)(b);
 - (ii) providing false or misleading information intentionally or recklessly under regulation 15(2);
 - (iii) obstructing a person carrying out a function under these Regulations under regulation 15(3);
- (g) the right to appeal to the magistrates court under regulation 12, where applicable.

Restrictions or requirements: groups

10.—(1) The powers in regulations 4, 5 and 8 include powers to impose a restriction or requirement in relation to a group of persons, including a special restriction or requirement.

(2) For those purposes those regulations have effect as follows.

“the permitted period of detention” means the initial period of detention and the authorised extended period.

(11) A constable or registered public health consultant may, at any time before the expiry of the initial period, authorise the detention of a person for a further period not exceeding 24 hours (beginning immediately at the end of the initial period).

(12) An authorisation under paragraph (11) may be given only if the person giving the authorisation considers that the extension is necessary because it is not reasonably practicable for the imposition of any restrictions or requirements under regulation 5 to be completed before the end of the initial period.

Offences

15.—(1) A person (“P”) commits an offence if P—

- (a) fails, without reasonable excuse, to comply with a restriction or requirement imposed under regulation 4(1), 5(1), 7(1) or 9(4) or (5);
- (b) absconds, or attempts to abscond, from detention or isolation under regulation 4, 5 or 8.

(2) A person who provides false or misleading information intentionally or recklessly to any person carrying out a function under these Regulations commits an offence.

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

(4) A responsible adult who fails without reasonable excuse to comply with regulation 5(4), 6(3) or 7(7) commits an offence.

(5) An offence specified in paragraphs (1), (2), (3) or (4) is punishable on summary conviction by a fine not exceeding level 3 on the standard scale.

Expiry

16.—(1) These Regulations cease to have effect at the end of the period of two years beginning on the day on which they come into force.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they cease to have effect.

Matt Hancock
Secretary of State

At 6.50 a.m. on 10th February 2020

Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations supplement the health protection regime found in Part 2A of the Public Health (Control of Disease) Act 1984 (“the 1984 Act”) in the event that there exists a serious and imminent threat to public health from the virus known as “Wuhan novel coronavirus (2019-nCoV)”.

Regulation 2 defines the terms used in the Regulations.

Regulation 3 provides that the Regulations apply where the Secretary of State makes a declaration on www.gov.uk that the incidence or transmission of Coronavirus constitutes a serious and imminent threat to public health and that the incidence of Coronavirus is at such a point that the measures outlined in these Regulations may reasonably be considered as an effective means of preventing the further transmission of Coronavirus.

Regulation 4 enables a person to be detained for screening purposes where certain conditions are met.

Regulation 5 enables screening and other requirements to be imposed on a person where certain conditions are met.

Regulation 6 sets out the screening requirements.

Regulation 7 enables further restrictions and requirements to be imposed on certain persons for the purpose of reducing or removing the risk of persons infecting or contaminating others.

Regulation 8 provides for the isolation of persons.

Regulation 9 makes additional provision in relation to cases where persons are detained or isolated.

Regulation 10 enables restrictions and requirements to be imposed in relation to groups of persons.

Regulation 11 provides that as well as being able to make a Part 2A order on the application of a local authority as provided for in section 45M(1) of the 1984 Act, a justice of the peace may make a Part 2A order on the application of a registered public health consultant or the Secretary of State in particular circumstances.

Regulations 12 and 13 provide for appeals and enforcement.

Regulation 14 provides powers for constables to detain persons.

Regulation 15 provides for offences.

Regulation 16 provides for the expiry of the Regulations at the end of two years.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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