

## Summary of new Coronavirus regulations

--23.03.2021--

### Overview

The **Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021** were published on 22 March and will come into force on 29 March in England and will replace the majority of the current “All Tiers” Regulations. The new “Steps” Regulations put into law the Government’s Spring 2021 Roadmap out of Lockdown guidance, a summary of which is available here [COVID-19 Response - Spring 2021 \(Summary\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/covid-19-response-spring-2021-summary).

The key changes to note are that **from 29 March the formal lockdown or “stay at home” requirement will end in England**. The former system of regional Tiers will not return; instead it is expected that the whole of England will move forward through the “Steps” together. **Step 1 comes into force on 29 March** and will be reviewed by 12 April, when it is expected that the country will move to “Step 2”. We will set out the Step 2 requirements in detail in advance of their coming into effect.

### Key points of Step 1

**1. Indoor gatherings of people from different households will remain unlawful, unless an exception applies. Outdoor gatherings of up to six people or of up to two households will be permitted.**

Relevant exceptions to these limits for ARCO members include support bubbles (who are treated as members of the same household for these purposes), and gatherings reasonably necessary for: work purposes or for the provision of voluntary or charitable services; to provide emergency assistance; to enable a person present to avoid injury or illness or escape a risk of harm; to provide care or assistance (or respite care) to a vulnerable person or a person with a disability; or for the purposes of a house move.

- A further exception applies for a support group of up to 15 people at premises other than a private dwelling, when it is reasonably necessary for members of the group to be physically present at the gathering.
- Communal worship in a place of worship is permitted with the required precautions in place and without mingling outside the relevant indoor/outdoor group limits (including linked childcare households).
- Funerals are also permitted with up to 30 people present in certain premises/outdoor places, and with required precautions in place. Wakes of up to 6 people are allowed with required precautions, but not in a private dwelling.
- Visits to a dying person are also an exception to the prohibition on indoor gatherings, as are visits to a person receiving treatment in hospital or staying in a hospice or care home; it is also permitted to accompany a friend, close family member or member of the same household to a medical appointment.
- Indoor disability sport and fitness gatherings are also permitted when organised by a business, charity or public body in certain premises with required precautions in place, but spectators are not permitted.

- Outdoor sports gatherings are permitted when organised by a business, charity or public body for sport or fitness related activities when the gathering organiser or manager takes the required precautions, but spectators are not permitted. Physical outdoor activities for which a license, permit or certificate is issued by a public body for the activity or its equipment are also permitted with the required precautions in place.

## 2. Some businesses must remain closed in Step 1.

Those relevant to ARCO members include any night-time dancing venues (eg dance halls and discos); indoor fitness, gym and leisure facilities including swimming pools; cinemas and theatres; close contact hair and beauty services and spas. Indoor gyms, fitness, sports facilities and swimming pools may remain open for the use of people with a disability for any fitness related activity.

**3. Cafes, bars and restaurants** must close any premises/part of the premises in which food or drink are provided for consumption on the premises, including adjacent seating habitually used by customers for consumption of food or drink served there, and cease to provide food and drink for consumption on those premises. Cafes and restaurants may open to sell takeaway food and drink but takeaway alcohol is not permitted. The “extra care housing exception” for restaurants and cafes/canteens which featured in the previous Covid-19 regulations is replicated here (reprinted in full below for reference).

**4. Non-essential shops will remain closed** in Step 1 except for delivery or “click and collect”.

### The “extra care housing exception” for restaurants, cafes and canteens:

*(5) Where a restricted business or a restricted service of a kind specified in paragraph 13(4)(a) or (b) is being carried on or provided as part of an extra care housing scheme, paragraph 9(1) does not prevent the person responsible for carrying on that business, or providing that service, from providing food or drink for consumption on the premises by a relevant person where it is reasonably necessary to do so to safeguard the mental or physical health of the relevant person.*

*(6) For the purposes of sub-paragraph (5) and this sub-paragraph—*

*(a) “extra care housing scheme” means a scheme—*

*(i) that provides accommodation intended for occupation by adults with needs for care and support (“designated extra care accommodation”), and*

*(ii) with an on-site care service;*

*(b) “relevant person” means, in relation to a business or service carried on or provided as part of an extra care housing scheme, a resident of the designated extra care accommodation;*

*(c) “on-site care service” means regulated personal or nursing care provided to residents as part of the scheme by—*

*(i) the extra care housing scheme provider, or*



*(ii) another registered care provider who maintains an on-site presence pursuant to an agreement with either or both of the extra care housing scheme provider or the local social services authority for the area in which the scheme is situated;*

*(d) “registered care provider” means a person registered as a service provider in respect of regulated personal or nursing care in accordance with Chapter 2 of Part 1 of the Health and Social Care Act 2008(21);*

*(e) “local social services authority” means—*

*(i) the council of—*

*(aa) a non-metropolitan county,*

*(bb) a non-metropolitan district for which there is no county council,*

*(cc) a county borough, or*

*(dd) a metropolitan district or London borough,*

*(ii) the Common Council of the City of London, or*

*(iii) the Council of the Isles of Scilly.*

## Final comments

As ever, members with schemes in Scotland and/or Wales should continue to consult the latest guidance at [Coronavirus \(COVID-19\): guidance - gov.scot \(www.gov.scot\)](https://www.gov.scot/topics/health/coronavirus-covid-19/guidance) and [Coronavirus \(COVID-19\) | Topic | GOV.WALES](https://gov.wales/topics/health/coronavirus-covid-19/guidance).

Sally Ireland will discuss the new “Steps” Regulations at the next Covid-19 member update call, which has been moved to Thursday 1 April at 13:00 as 2 April is Good Friday.

Please note that ARCO cannot legally advise members and nothing in the above constitutes legal advice; members seeking legal advice on the impact of the new Regulations on their services should consult their own legal advisers.