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# Coronavirus: Self-Isolation Regulations

30 September 2020 Updated: 07 September 2021; 22 June 2022; 25 August 2022 | *Legal Guidance*

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## Revocation of Self-Isolation regulations

These Regulations were revoked on 24 February 2022 by [The Health Protection \(Coronavirus, Restrictions\) \(Self-Isolation etc.\) \(Revocation\) \(England\) Regulations 2022](#).

## Summary

[The Health Protection \(Coronavirus, Restrictions\) \(Self-Isolation\) \(England\) Regulations 2020](#)

The Self-Isolation Regulations came into force on 28 September 2020 and apply to [England](#) only.

The Regulations are split into 3 Parts.

Part 1 (R. 1-5) impose self-isolation requirements in relation to people who have tested positive for coronavirus and their contacts.

Part 2 (R. 6-9) prohibits an employer from allowing a worker, including an agency worker, who is required to self-isolate, from attending any place, except for the place where they are required to self-isolate, for any purpose connected with their employment. It also requires a self-isolating worker to inform their employer of the requirement on them to self-isolate.

Part 3 provides for enforcement and prosecution of breaches of the Regulations. It also explains what can be done with the information individuals are required to provide under these Regulations.

This guidance is a summary of the main provisions of the Regulations and will incorporate only key amendments introduced by other Regulations. This guidance does not contain all provisions nor will it reflect all amendments introduced by any Amendment Regulations. It is intended to guide prosecutors through the general structure of the Regulations. Prosecutors are therefore reminded to refer to [www.legislation.gov.uk](http://www.legislation.gov.uk), using the timeline on the website to determine which provisions were in force at the time of an alleged breach.



## Key Amendments

The Regulations were amended by [The Health Protection \(Coronavirus, Restrictions\) \(Self-Isolation and Linked Households\) \(England\) Regulations 2020](#), which came into force on 14 December 2020. These amendments relate to the period of self-isolation for persons who test positive and their close contacts. The amendments reduce the period of self-isolation for close contacts of persons who test positive from 14 to 10 days; and they change the start dates of the time period of self-isolation for both those who test positive and their close contacts.

The Regulations were further amended by [The Health Protection \(Coronavirus, Restrictions\) \(Steps\) \(England\) Regulations 2021](#), on 29 March 2021, to clarify the territorial application of the Regulations, as well as to create new exceptions from the requirement to self-isolate, or remain in the place where a person is self-isolating, including for participants in serial testing schemes.

The Regulations were further amended by the [Health Protection \(Coronavirus, Restrictions\) \(Self-Isolation\) \(England\) \(Amendment\) Regulations 2021](#), which came into force on: 19 July 2021 for regulations 1 and 2(2)(a) (exemption from the duty to self-isolate for the purpose of posting Coronavirus tests is extended to include tests for antibodies); 16 August 2021 for all other provisions. The main amendment made by these Regulations is that the following people are not required to self-isolate if they have come into contact with a person who has tested positive for coronavirus:

- (a) a person who has received a complete course of the coronavirus vaccination, provided that the contact takes place more than 14 days after they have completed their course of vaccinations;
- (b) a person who has taken part in a vaccine trial;
- (c) a person who can provide evidence that for clinical reasons they should not be vaccinated; and
- (d) a child.

The Regulations also provide that, where a person comes within those categories, but was in a period of self-isolation on 16th August, their period of self-isolation will end at the beginning of that date, and make a number of consequential amendments.

The Regulations were further amended by the [The Health Protection \(Coronavirus, Restrictions\) \(Self-Isolation\) \(England\) \(Amendment\) \(No. 3\) Regulations 2021](#), which came into force at 11.55pm on 27 September 2021. The key amendments were:

To make further provision under regulation 2B to determine the day on which a person who has received a complete course of doses of an authorised vaccine is exempt from the obligation to self-isolate, if someone in their household tests positive for coronavirus.

To ensure that someone who has received doses of different authorised vaccines may still be regarded as having completed a course of doses of an authorised vaccine for the purposes of the exemption in regulation 2B.

To ensure that a person's obligation to self-isolate under regulation 2B, or their obligations as a participant in a testing scheme under 2D, continue even if P's obligations to self-isolate under regulation 2A ceases to apply under regulation 2C.

To change the date on which the Regulations expire to 24 March 2022.

The Regulations were further amended by [The Health Protection \(Coronavirus, Restrictions\) \(Self-Isolation\) \(England\) \(Amendment\) \(No. 4\) Regulations 2021](#), which came into force at 4am on 30 November 2021. These amendments were necessitated by the emergence of the Omicron variant, and the key revisions are:

- Where an adult is a close contact of someone who has tested positive for coronavirus and is suspected of, or confirmed as, having an Omicron variant, the exemptions from the duty to self-isolate (for those who are fully vaccinated, participating in coronavirus related research, participating in a clinical vaccine trial, or clinically unable to be vaccinated) do not apply.
- Children who are a close contact of someone who has tested positive for coronavirus and is suspected of, or confirmed as, having an Omicron variant must self-isolate.

The Regulations were further amended by [The Health Protection \(Coronavirus, Restrictions\) \(Self-Isolation\) \(England\) \(Amendment\) \(No. 5\) Regulations 2021](#), which came into force on 9 December 2021, except for R.2(3)(a)(iii) - exception from requirement to self isolate, being a clinical reason not to be vaccinated - which came into force on 18 January 2022. The amendments ensure that the exemptions for those who have been in close contact with someone who has tested positive for coronavirus from the requirement to self-isolate (for those who have been vaccinated against coronavirus, those who have (or are) participating in clinical trials, and those who are unable for clinical reasons to be vaccinated against coronavirus) are aligned with the equivalent exemptions in the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021.

The Regulations were further amended by [The Health Protection \(Coronavirus, Restrictions\) \(Self-Isolation\) \(England\) \(Amendment\) \(No. 6\) Regulations 2021](#), which came into force at 6am on 14 December 2021, to remove the distinction between close contacts of a known or suspected Omicron case and close contacts of all other positive cases. All close contacts, regardless of the variant, will no longer be required to self-isolate if they are:

- (a) a person who has received a complete course of the coronavirus vaccination, provided that the contact takes place more than 14 days after they have completed their course of vaccinations;
- (b) a person who is taking part in a vaccine trial,
- (c) a person who can provide evidence that for clinical reasons they should not be vaccinated, or
- (d) a child.

The Regulations were further amended by [The Health Protection \(Coronavirus, Restrictions\) \(Self-Isolation\) \(England\) \(Amendment\) Regulations 2022](#), which came into force on 27 January 2022, to ensure that the exemptions for those who have been in close contact with someone who has tested positive for coronavirus from the requirement to self-isolate (ie those who have been vaccinated against coronavirus, those who have (or are) participating in clinical trials, and those who are

unable for clinical reasons to be vaccinated against coronavirus) are aligned with the equivalent exemptions in the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021.

## Part 1

### Regulation 2 - Requirements on person notified of positive test for acute respiratory syndrome coronavirus 2 (SARS-CoV-2) and close contacts of such persons

This Regulation applies where an adult is notified, other than by means of the NHS Covid 19 smartphone app (r. 2(1)) by a person specified in R. 2(4) that:

- They have tested positive for coronavirus pursuant to a test after 28 September 2020 (R. 2(1)(a)(i) or had close contact after 28 September 2020 with someone who has tested positive for coronavirus (R. 2(1)(a)(ii)). **2(1)(a)**
- A child in respect of who they are a responsible adult has tested positive pursuant to a test after 28 September 2020 (R. 2(1)(b)(i)), or come into close contact after 28 September 2020 with someone who has tested positive for coronavirus (R. 2(1)(a)(ii)) - **2(1)(b)**

If **R. 2(1)(a)** applies the individual is required to:

- Self-isolate for the period specified in R.3; and
- Notify the Secretary of State (SoS) if requested by a person specified in R. 2(4) of the address where they will self-isolate.

If **R. 2(1)(a)(i)** applies the person notified must notify the SoS of the name of each person living in the same household as P (R. 2(2)(b)).

If **R. 2(1)(b)** applies R must

- Secure so far as reasonably practicable, that the child self-isolates for the period specified in R.3; and
- Notify the SoS if requested by a person specified in R. 2(4) of the address at which the child will remain (R. 2(2)(c))

If **R. 2(1)(b)(i)** applies R must notify the SoS of the name of each person living in the same household as the child (R. 2(2)(d))

R.2(3)(a) explains that self-isolate means P is subject to restrictions requiring P to remain in:

- P's home
- The home of a friend or family member of P or of R where P is a child; or
- Bed and breakfast accommodation, accommodation provided or arranged under section 4, 95 or 98 of the Immigration and Asylum Act 1999 or other suitable place;

R.2(3)(b) states that P may not leave the place specified in R. 2(3)(a) except where necessary:



- To seek medical assistance, where this is required urgently or on the advice of a registered medical practitioner (R. 2(3)(b)(i)), including access to
- Services from dentists, opticians, audiologists, chiropodists, chiropractors, osteopaths and other medical or health practitioners; or (R. 2(3)(b)(aa))
- Services relating to mental health (R. 2(3)(b)(bb))
- To access veterinary services, where this is required urgently or on the advice of a veterinary surgeon;
- To fulfil a legal obligation, including attending court or satisfying bail conditions, or
- participating in legal proceedings
- To avoid risk of harm;
- To attend a funeral of a close family member;
- To obtain basic necessities such as food or 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;
- To access critical public services including social services and services provided to victims (such as victims of crime);
- To move to a different place specified in sub-paragraph (a) where it becomes impracticable to remain at the address at which they are.

The persons specified for the purposes of R. 2(1) and R. 2(2) (the person providing notification of the requirement to self-isolate; or request information relating to the self-isolation) are:

- Either the Secretary of State or
- A person employed or engaged for the purposes of the health service (within the meaning of section 275 of the National Health Service Act 2006 or section 108 of the National Health Service (Scotland) Act 1978; or
- A person employed or engaged by a local authority (R. 2(4)).

If a person specified in R. 2(4) notifies P (or R if P is a child) that a notification referred to in R. 5 (1) is withdrawn such notification shall be deemed never to have been given for the purposes of the Regulations. R. 2(5).

## Amendments to Regulation 2 from 29 March 2021 - Insertion of Regulations 2A to 2D

The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021, which came into force 29 March 2021, substituted R2 with new regulations 2 to 2D (Meaning of self-isolate):

- New R2 sets out the meaning of self-isolation (paragraph 1) and the circumstances in which they may leave the place where they are self-isolating (paragraph 2).
- New R2A sets out the requirements on a person notified of positive test result for coronavirus.
- New R2B sets out the requirements on a person notified as a close contact of a person who has tested positive for coronavirus.

- New R2C sets out the circumstances in which the requirement to self-isolate in regulation 2A ceases to apply.
- New R2D relates to the requirements on persons who are close contacts of persons who have tested positive for coronavirus; and sets out the exceptions for participants in a testing scheme

## Amendments to Regulation 2 from 19 July 2021

The [Health Protection \(Coronavirus, Restrictions\) \(Self-Isolation\) \(England\) \(Amendment\) Regulations 2021](#), amended R 2(2)(a) from 19 July 2021 so that the exemption from the duty to self-isolate for the purpose of posting Coronavirus tests is extended to include tests for antibodies.

## Amendments to Regulation 2B from 16 August 2021

The [Health Protection \(Coronavirus, Restrictions\) \(Self-Isolation\) \(England\) \(Amendment\) Regulations 2021](#), amended R2B from 16 August 2021 so that the following people are not required to self-isolate if they have come into contact with a person who has tested positive for coronavirus:

- they are taking part in coronavirus related research and that research cannot be completed if they self-isolate.
- a person who has received a complete course of the coronavirus vaccination, provided that the contact takes place more than 14 days after they have completed their course of vaccinations (from 11.55pm on 27 September 2021 this condition was modified in relation to members of the same household who test positive, so that the day the symptoms developed or, where there are no symptoms, the day on which the positive test was taken, must be more than 14 days after the course of vaccines is completed);
- a person who has taken part in a vaccine trial;
- a person who can provide evidence that for clinical reasons they should not be vaccinated; and
- a child.

The Regulations also provide that, where a person comes within those categories, but was in a period of self-isolation on 16th August, their period of self-isolation will end at the beginning of that date (see R19 of the Amendment Regulations).

## Amendments to Regulation 2B from 30 November 2021 – Omicron Variant

The [Health Protection \(Coronavirus, Restrictions\) \(Self-Isolation\) \(England\) \(Amendment\) \(No. 4\) Regulations 2021](#) amended R.2B from 4am on 30 November 2021 so that a person (P) who has had close contact with a person who has tested positive for coronavirus and that person is suspected of, or confirmed as, having an Omicron variant, must self-isolate for the period of self-isolation. Note



that the requirement to self-isolate will no longer apply if notification is subsequently received by P (who must be an adult) that the person who tested positive for coronavirus with whom P has had close contact does not have, or is no longer suspected of having, an Omicron variant.

Where the person who has close contact is a child, the responsible adult for the child must secure, so far as reasonably practicable, that the child self-isolates for the period of self-isolation.

## Amendments to Regulation 2B from 14 December 2021

The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 6) Regulations 2021, which came into force at 6am on 14 December 2021, removed the distinction between close contacts of a known or suspected Omicron case and close contacts of all other positive cases. All close contacts, regardless of the variant, will no longer be required to self-isolate if they are:

- (a) a person who has received a complete course of the coronavirus vaccination, provided that the contact takes place more than 14 days after they have completed their course of vaccinations;
- (b) a person who is taking part in a vaccine trial,
- (c) a person who can provide evidence that for clinical reasons they should not be vaccinated, or
- (d) a child.

## Amendments to Regulation 2B from 27 January 2022

The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) Regulations 2022, which came into force on 27 January 2022, amended R.2B to ensure that the exemptions for those who have been in close contact with someone who has tested positive for coronavirus from the requirement to self-isolate (ie those who have been vaccinated against coronavirus, those who have (or are) participating in clinical trials, and those who are unable for clinical reasons to be vaccinated against coronavirus) are aligned with the equivalent exemptions in the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021. Prosecutors should refer to the [www.legislation.gov.uk](http://www.legislation.gov.uk), using the timeline on the website, for details of these provisions for any offences committed on or after 27 January 2022.

## Regulation 3 - Period of self-isolation

For the purpose of R. 2(2) the period of self-isolation is calculated as follows (R. 3(1):

R.3(2) – it begins the moment notification is received by;

- P where P is an adult, or (R. 3(2)(a))
- R where P is a child (R. 3(2)(b))

R.3(3) confirms the period ends with the final day of a period where R. 2(1)(a)(i) or (b)(i) applies of 10 days beginning:

- 3(3)(a) - in the case where P or, R where P is a child, reports to a person specified in R. 2(4) of the date on which symptoms first developed with whichever is the later of

- - The date five days before the test pursuant to which the R. 2(1) notification was given or; (R. 3(3)(a)(i))
  - The date which they report. (R. 3(3)(a)(ii).
- 3(3)(b) in any other case, the date of the test pursuant to which the R. 2(1) notification was given.

R.3(4) confirms where R. 2(1)(a)(ii) or (b)(ii) applies the period ends with the final day of a period of 14 days beginning;

- Where P is living in the same household as the person (C) who tested positive for coronavirus:
- - (i) in a case where C, or R where C is a child, report to a person specified in R. 2(4) of the date on which symptoms first developed, with whichever is the later of:
    - (aa) the date five days before the test pursuant to which the R. 2(1) notification was given
    - (bb) the date which C, or R where C is a child, reports.
  - (ii) otherwise, with the date of the test pursuant to which notification referred to in R. 2(1) was given;
- in any other case, the date which a person specified in R. 2(4) records as being the last date on which P last came into close contact with C before P received the R. 2(1) notification.

## Amendments to Regulation 3 from 14 December 2020

The Health Protection (Coronavirus, Restrictions) (Self-Isolation and Linked Households) (England) Regulations 2020 made a number of changes to the period of self-isolation for persons who test positive and their close contacts, effective from 14 December 2020.

R. 3(3)(a) sub-paragraphs (i) and (ii), which relate to the start of the time period of self-isolation for adults and children who have tested positive, are substituted by the following new sub-paragraphs (i) and (ii):

- i. the day after the date that they report, or
- ii. where that reported date is five or more days before the date on which the test pursuant to which the notification referred to in regulation 2(1) was given, the fourth day before the date of the test;

R. 3(3)(b), which also relates to the start of the time period of self-isolation for adults and children who have tested positive, is amended so that the 10 day period begins on the date after the date of the test (previously it was on the date of the test).

R. 3(4), which relates to the time period of self-isolation for adults and children who are close contacts of persons who have tested positive, is amended so that the time period is reduced from 14 to 10 days.

Note the transitional provision under R.3(2) and (3) of the Amendment Regulations: if a person began self-isolation (which is treated as having begun on the day after the day on which it began) before the commencement date and had not ended when these regulations come into force (14

December 2020), the period ends with the later of—

- a. the tenth day of that period; or
- b. the commencement date.

R. 3(4)(a)(i) sub-paragraphs (aa) and (bb), which relate to the start of the time period of self-isolation for adults and children who are close contacts of persons who have tested positive, are substituted by the following new sub-paragraphs (aa) and (bb):

(aa) the day after the date that they report, or

(bb) where that reported date is five or more days before the date on which the test pursuant to which the notification referred to in regulation 2(1) was given, the fourth day before the date of the test.

R. 3(4)(a)(ii) (also re close contacts) is amended so that the 10 day period begins on the date after the date of the test (previously it was on the date of the test).

R. 3(4)(b) (also re close contacts) is amended so that the 10 day period begins on the date after the date which is recorded as the last date on which P last came into close contact with C before P received the notification referred to in regulation 2(1) (previously it was on the date of the last close contact.)

## **Amendments to Regulation 3 from 29 March 2021**

The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021, which came into force 29 March 2021, make consequential amendments to R3, to reflect the new regulations 2 to 2D, inserted on the same date.

## **Amendments to Regulation 3 from 30 November 2021 – Omicron Variant**

The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) (Amendment) (No. 4) Regulations 2021 amended R.3 from 4am on 30 November 2021, to reflect the new provisions in R. 2B, regarding self-isolation requirements imposed on persons who come into contact with a person who has tested positive for coronavirus and is suspected of, or confirmed as, having an Omicron variant.

## **Regulation 4 - Amendments of the Health Protection (Coronavirus, Collection of Contact Details etc. and Related Requirements) Regulations 2020**

R.4 makes minor amendments to the above Regulations, including amending R. 18 by increasing the levels of fine for a breach of the Regulations.

## **Regulation 5 – Interpretation Part 1**

“Adult” means a person aged 18 or over



“Child” means a person aged under 18

“close contact” means

- Having face to face contact with someone at a distance of less than 1,
- Spending more than 15 minutes within 2m of the individual
- Travelling in a car or other small vehicle with an individual or in close proximity to an individual on an aeroplane

“P” means a person subject to the self-isolation requirement.

“R” and “responsible adult” mean an adult who has:

- Custody of charge of a child for the time being, or
- Parental responsibility for a child within the meaning given in section 3 of the Children Act 1989

## Amendments to Regulation 5 from 29 March 2021

The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021, which came into force 29 March 2021, make some amendments to the definitions in R5.

## Part 2

### Regulation 6 – Interpretation Part 2

“agent” has the meaning in R. 9(1)(b)

“designated place” means the place at which a self-isolating worker or a self-isolating agency worker is self-isolating in accordance with either R. 2 of these Regulations or R. 4 of the International Travel Regulations.

“employer”; “employment” and “worker” have the meanings given by section 230 of the Employment Rights Act 1996.

“International Travel Regulations” means the Health Protection (Coronavirus, International Travel) (England) Regulations 2020.

“isolation period” means a period during which a self-isolating worker or a self-isolating agency worker is required to self-isolate.

“isolation requirements” means the requirements in R. 2 of these Regulations or R. 4 of the International Travel Regulations relating to the circumstances in which an individual who is self-isolating is permitted to leave the designated place

“principal” has the meaning given in R. 9(1)(b)

“self-isolating agency worker” has the meaning given in R. 9(1)

“self-isolating worker” means a worker who is subject to a requirement to self-isolate in accordance with either R. 2 of these Regulations or R. 4 of the International Travel Regulations.

For the purposes of R. 7 reference to a self-isolating agency workers’ employer are to be read as including the agent, and any principal to whom the self-isolating agency worker is, or is to be, supplied during the isolation period (where they would not otherwise be the self-isolating agency workers employer), and for the purposes of R. 7 and 9 “employment” is to be construed accordingly.

## Amendments to Regulation 6 from 29 March 2021

The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021, which came into force 29 March 2021, make some amendments to the definitions in R6.

### Regulation 7 – requirement on employers of workers required to self-isolate

Subject to R. 7(2), R. 7(1) states that an employer, who is aware that either a worker or agency worker is required to self-isolate, must not knowingly allow the worker or agency worker to attend any place other the designated place, during the isolation period, for any purpose related to the individuals’ employment.

R.7(2) explains that an employer is not in breach of the requirement in R. 7(1) where the self-isolating worker or agency worker attends any place in accordance with the isolation requirements; or, from 29 March 2021 (inserted by [The Health Protection \(Coronavirus, Restrictions\) \(Steps\) \(England\) Regulations 2021](#)), where the worker is participating in a testing scheme, at any time when regulation 2D(2) applies to the worker or agency worker.

### Regulation 8 – notification by workers of requirement to self-isolate

A self-isolating worker who:

- is aware of the requirement to self-isolate (R. 8(1)(a);) and
- is due to work or undertake any other activities related to the workers’ employment during the isolation period other than at the designated place (R. 8(1)(b))

must notify their employer of the requirement to self-isolate and the start and end dates of the isolation period.

The worker must provide the information in R. 8(1) as soon as reasonably practicable (R. 8(2)(a)) and in any event, before the worker is next due to start work within the isolation period (R. 8 (2)(b)).

## Amendments to Regulation 8 from 29 March 2021

The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021, which came into force 29 March 2021, make a number of amendments to R8, which are mainly concerned with workers who participate in a relevant testing scheme.



## Regulation 9 – notification in respect of self-isolating agency workers.

Regulation 9 sets out detailed provisions in respect of agency workers who are required to self-isolate in accordance with R.2 of these Regulations or R. 4 of the International Travel Regulations.

R.9(2) imposes a requirement on the agency worker to notify the agent, the principal or the self-isolating agency worker's employer (where that person is not the agent or a principal) of the requirement to self isolate and the start and end dates of the isolation period. The timing of the notification is set out in (R. 9 (3)).

R.9(4) and (6) impose notification requirements on the self-isolating agency worker's employer, agent and principal.

## Amendments to Regulation 9 from 29 March 2021

The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021, which came into force 29 March 2021, make a number of amendments to R9, which are mainly concerned with agency workers who participate in a relevant testing scheme.

## Part 3

### Regulation 10 - Enforcement

Where an authorised person considers that P is away from the place they are self-isolating in contravention of R. 2 (R.2A or 2B from 29 March 2021) the authorised person may (R. 10(1))

- Direct P to return to the place where they are self-isolating, or
- Use reasonable force (R. 10(2) to remove P to the place where they are self-isolating (R. 10(1)(b)).

Where P is a child and has left, or is outside of the place where they are self-isolating and is accompanied by R (R.10 (3))

- an authorised person may direct R to take P to the place where P is self-isolating (R. 10(3)(a)); and
- R must, so far as reasonably practicable, ensure that P complies with any direction given by an authorised person to P.

Where P is a child and an authorised person has reasonable grounds to believe that P is repeatedly failing to comply with the requirement to self-isolate in R. 2 (R.2A from 29 March 2021; and also R.2B from 30 November 2021), the authorised person may direct R to ensure, so far as reasonably practicable, that P complies (R.(10)(4)).

An authorised person can only exercise powers under R. 10(1); (3) and (4) if the authorised person considers it is a necessary and proportionate means of securing compliance with R. 2 (R.2A or 2B from 29 March 2021) (R. 10(5))

For the purpose of this Regulation an authorised person means (R. 10(6)):

- A constable
- A PCSO
- A person designated by the Secretary of State or by a relevant local authority for the purposes of this Regulation

## Amendments to Regulation 10 from 29 March 2021

The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021, which came into force 29 March 2021, make consequential amendments to R10, to reflect the new regulations 2 to 2D, inserted on the same date.

## Regulation 11 – Offences

It is a summary only offence punishable with an unlimited fine (R. 11(5)) to:

- contravene a requirement in R. 2; 7; 8 or 9 without reasonable excuse.
- contravene a requirement to self-isolate in R. 2, without reasonable excuse, and in so doing:
- Has reason to believe they will come into close contact with another person or group;
- Does then come into close contact with another person or group
- Is reckless as to the consequences of that close contact for the health of that other person or group. (R. 11(2)).
- Obstruct, without reasonable excuse, any person carrying out a function under the Regulations (R. 11(3))
- Knowingly give false information pursuant to R. 2(2)(a)(ii); (b), (c)(ii) or (d); (R. 11(7)(a) or
- Falsely state, when asked by a person specified in R. 2(4), that someone is a close contact of that person who has tested positive for coronavirus.

R.11(8) states that an officer (director, manager, secretary or other similar officer) of a body corporate may be guilty of an offence committed by the body corporate, if they have the requisite mens rea of consent, connivance or neglect.

## Amendments to Regulation 11 from 29 March 2021

The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021, which came into force 29 March 2021, make consequential amendments to R11, to reflect the new regulations 2 to 2D, inserted on the same date.

## Regulation 12 – Fixed Penalty Notices

An authorised person (R. 12 (12)) may issue a fixed penalty notice to anyone they reasonable believe has committed an offence under the Regulations.

The level of fine is determined by which Regulation has been breached e.g. if the breach is of R. 11(2) then the level of fine is £4000 for a first breach and £10,000 for a second and subsequent breaches.

## Regulation 16 – Review and Expiry

The Secretary of State must review the need for the requirements imposed by these Regulations before the end of the period of six months beginning with the day on which they come fully into force. They will expire at the end of the period of 12 months beginning with the day on which they come into force.

## Charging Practice

These offences are summary only and, in line with the Directors Guidance on Charging, can be charged by the Police. Prosecutors are reminded that the issuing of criminal proceedings is likely to have been a matter of last resort.

## Statutory time limit

Offences under the Coronavirus Regulations are not governed by the 6 month time limit (from the offence date) set out in section 127(1) of the Magistrates' Courts. The Regulations are made under the Public Health (Control of Disease) Act 1984 and section 64A of this Act states that the time limit for proceedings is:

- before the end of the period of 6 months beginning with the date on which evidence which the prosecutor thinks is sufficient to justify the proceedings comes to the prosecutor's knowledge; and
- within 3 years of the date of the commission of the offence.

Since offences under the Coronavirus Regulations are usually charged by the police, in most cases the police officer will be “the prosecutor” for the purposes of this statutory time limit provision. It should be noted that:

- Where an offence is charged 6 months or more after the date of the breach, the police officer who makes the charging decision should produce a certificate to state the date on which evidence which they think is sufficient to justify the proceedings came to their knowledge.
- The relevant date will depend on the review process operated by the particular police force. For instance, in cases where a FPN is issued, the relevant date could be any of the following: the date of breach; the date when the FPN was issued; the date after the expiry of the 28 day period for payment of a FPN; or later, when an evidential review for charging purposes is completed.
- In cases where the CPS charges an offence under the Coronavirus Regulations, such as where it is linked to other offences referred to the CPS for a charging decision (and it is considered appropriate to charge the Coronavirus offence), if the case is charged 6 months or more after the date of the breach, the CPS prosecutor should produce the certificate. The court in the case of *DPP v Woodward [2017] EWHC 1008 (Admin); 181 J.P. 405* reviewed the main authorities on this point and summarised the key propositions. It stated that the relevant date is the date upon which the prosecutor considers that, upon the available evidence it is in the public interest to prosecute the particular individual, and not merely whether there is a



prima facie case. However, the decision could not be avoided or delayed by sitting on information.

## Public interest

When deciding whether a prosecution is in the public interest, prosecutors should consider Paragraphs 4.9 – 4.14 of the [Code for Crown Prosecutors](#), when assessing the relevant public interest factors tending for and against prosecution.

Given that the offences in the Regulations are related to measures imposed to prevent the spread of infection throughout the UK, and potentially high incidences of serious illness and death, they should be considered serious. A prosecution will therefore likely be required in the public interest in the majority of cases.

## Totality of offending

When breaches of The Self-Isolation Regulations 2020 are committed at the same time as other offences prosecutors should consider the totality of the offending. In circumstances where the breach of the Regulations is not likely to attract a separate penalty then no additional offence should be charged. The fact that the circumstances of the offence also involved behaviour which was in breach of the Regulations should be referred to in the case summary so that it is treated as part of the overall circumstances of the offending for sentencing purposes. Prosecutors are reminded that offences under the Regulations cannot be dealt with in the Crown Court.

## ECHR proportionality – statutory defences

Where an offence provision provides a defence of “reasonable excuse” (or that a defendant was acting reasonably or with lawful excuse), ECHR Convention rights may be engaged, depending on the nature of the offence. In [Leigh & Ors v The Commissioner of Police of the Metropolis \[2022\] EWHC 527 \(Admin\)](#) (11 March 2022) the Divisional Court held that the decisions of the MPS in relation to a proposed vigil prompted by the murder of Sarah Everard were legally flawed in that they did not give proper effect to the “reasonable excuse” provision in [The Health Protection \(Coronavirus, Restrictions\) \(All Tiers\) \(England\) Regulations 2020](#) (All Tiers Regulations).

In order to read the Tier 4 restrictions on gatherings for the purposes of a protest compatibly with Articles 10 and 11, it was necessary for the MPS to conduct a case-specific proportionality assessment. The court indicated that the relevant principles to be applied when conducting the proportionality assessment in relation to the Tier 4 restrictions included (see [70 & 78]): (i) the deterioration in the public health picture that led to the Tier 4 Regulations (or any other Regulations in force at the time); (ii) the legislative decision that the exceptions for protest contained in Schedules 1 to 3 of the All Tiers Regulations should not apply to Schedule 3A and Tier 4 areas (or that it should apply in other versions of the Regulations); (iii) the importance of the subject-matter, and how close it was to the core of the protected right; (iv) the numbers that took part; (v) the importance of the precise location; (vi) the existence or otherwise of a robust risk assessment; (vii) the nature of any precautions taken by the protesters; (viii) the likelihood of

assembly taking place in any event; and (ix) the potential effects on the rights of others. The court also indicated that significant weight should be given to factors (i) and (ii) in particular, as they inform the risk to public health: see [80].

Prosecutors should be alert to the need to consider Convention rights when assessing any reasonable / lawful excuse defence provided by the Regulations, even where the activity (such as a protest) that contravenes the particular restriction is not included in any list of statutory exceptions to the restriction in question. However, the absence of the activity from a list of exceptions may be considered as relevant to the proportionality assessment.

## Government Guidelines and the Regulations

Where Government guidelines or advice suggest that the public should or should not act in specific ways, failure to comply with such guidelines or advice is not an offence unless it is specifically covered by the Regulations.

### The Code for Crown Prosecutors

The Code for Crown Prosecutors is a public document, issued by the Director of Public Prosecutions that sets out the general principles Crown Prosecutors should follow when they make decisions on cases.

[Continue reading](#)

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## Prosecution guidance

This guidance assists our prosecutors when they are making decisions about cases. It is regularly updated to reflect changes in law and practice.

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z



How can the CPS take the pressure off domestic abuse victims who may not be willing or able to give evidence? Ref... <https://t.co/6oyoV38YSY>







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