

The Health Protection (Coronavirus, Restrictions) (Entry to Venues and Events) (England) Regulations 2021 – Effective from 15 December 2021

Below is a brief overview of the new regulations for organisations that are now required to use the NHS COVID Pass as a condition of entry to their venues and events. The full regulations are available at: www.legislation.gov.uk/uksi/2021/1416/contents/made.

Guidance relating to this legislation can also be viewed at:

- General Guidance - [Using your NHS COVID Pass for travel abroad and at venues and settings in England - GOV.UK \(www.gov.uk\)](http://www.gov.uk/guidance/using-your-nhs-covid-pass-for-travel-abroad-and-at-venues-and-settings-in-england)
- Venue Guidance - [Carrying out mandatory COVID-19 status checks at your venue or event - GOV.UK \(www.gov.uk\)](http://www.gov.uk/guidance/carrying-out-mandatory-covid-19-status-checks-at-your-venue-or-event)
- Customer/Staff Guidance - [Prove your coronavirus \(COVID-19\) status to work at venues or events operating COVID-19 status checks - GOV.UK \(www.gov.uk\)](http://www.gov.uk/guidance/prove-your-coronavirus-covid-19-status-to-work-at-venues-or-events-operating-covid-19-status-checks)

The key point of the regulations is that organisations (event organisers, venues, businesses) now required to use COVID-19 status checks as a condition of entry MUST take reasonable steps to make sure that ALL visitors aged 18 or above show an NHS COVID Pass, a negative Lateral Flow Test (LFT) or PCR test within the last 48 hours, or an exemption, to enter the venue or event.

Venues and events where the NHS COVID Pass, or alternative proofs of COVID-19 status, must be used as a condition of entry are:

- nightclubs, dancehalls and discotheques
- other late night dance venues, where all of the following apply:
 - the venue is open between 1am and 5am
 - it serves alcohol after 1am
 - it has a dancefloor (or space for dancing)
 - it provides music, whether live or recorded, for dancing
- indoor events with 500 or more attendees, where those attendees are likely to stand or move around for all or part of the event, such as music venues with standing audiences or large receptions
- outdoor events with 4,000 or more attendees, where those attendees are likely to stand or move around for all or part of the event, such as outdoor festivals
- events with 10,000 or more attendees, whether indoor or outdoor, such as large sports and music events

In some limited circumstances, organisers can apply to the Local Authority to only carry out spot checks on a set percentage of entrants. To request this, they must submit a Risk Assessment to the Local Authority for approval.

If organisations do not comply with their legal obligations in relation to carrying out mandatory COVID-19 status checks at their venue or event, local authorities can take enforcement action, including prosecution or issue a fixed penalty notice (FPN).

Further details can be viewed below or within the regulations.

Regulation 4

Venues and events subject to these regulations:

- Category A consists of those venues listed in Schedule 1.
- Category B consists of events where:
 - the event takes place indoors, or partly indoors and is likely to be attended, at any point by 500 or more people in those parts of the event which take place indoors, and the people attending the event are likely to stand or move around during all or part of the event.
- Category C consists of events where:
 - the event takes place outdoors, or partly outdoors, and is likely to be attended, at any point by 4,000 or more people, and the people attending the event are likely to stand or move around during all or part of the event.
- Category D consists of events which are attended, or likely to be attended, at any point by 10,000 or more people.

Where a venue within Category A forms part of a larger premises, the requirements only apply in relation to persons attending the Category A venue, provided that there is an entrance to the Category A venue at which checks can be made for the purposes of regulation 5(3) on persons wishing to attend the venue, and persons attending the Category A venue are separated from persons using any other part of the premises, except when using shared toilets, corridors, entrances, stairwells, lifts and similar shared facilities.

- a person who only leaves their seat during an event to use toilet facilities, to obtain food or drink or to leave the event, is not to be treated as moving around for part of the event;
- in calculating the number of people who are likely to attend an event or a venue
 - no account is to be taken of people who have assigned seats and are expected to remain in those seats, or stand next to their assigned seat, during the event, or while attending the venue
 - no account is to be taken of a person who is only attending a venue or an event because they are providing services at the venue or the event
 - where two or more events are taking place at the same venue and at the same time, those events are to be treated as a single event unless the events are held in different rooms, and people attending one event are separated from people attending any other event at that venue, except when using shared toilets, corridors, entrances, stairwells, lifts and similar shared facilities.

Regulation 5

Requirements: entry to venues or events

The responsible person must take reasonable measures to ensure that no person is admitted to a venue or an event unless they satisfy one of the criteria set out in regulation 8(1).

Regulation 6

Entry to events and venues: spot checks

A responsible person for a Category B, C, or D event, or for a Category A venue other than a venue described in paragraph 1 of Schedule 1, may determine for the purposes of regulation 5(1) that it is not reasonably possible to carry out a check on every person without endangering the safety of any person attending and the responsible person has carried out an assessment of the potential risks to the safety of persons attending the venue and what percentage of people it is reasonably possible to check.

A responsible person must apply to the relevant local authority at least 10 working days before the event or venue in question. The relevant local authority may approve the assessment, reject the assessment, or require further conditions. An assessment is to be treated as approved without conditions if the relevant local authority does not reply by 5 working days before the event date.

Regulation 7

Requirements: statements and records

A responsible person must produce, and keep up-to-date, a statement setting out the measures they intend to take to satisfy their obligations. The information required is:

- the date of the event
- the number of people attending the venue, or the event
- what measures were adopted to monitor and manage the numbers of people attending the venue, or the event
- how an individual's eligibility to enter the venue or the event was checked

Regulation 8

Criteria for entrance and exemptions

The criteria are:

- that the person has completed a course of two doses of an authorised vaccine with the final dose of the vaccine having been received at least 2 weeks before the event
- that the person has received a negative result from a Lateral Flow Test (LFT) or PCR test taken no more than 48 hours before the event

Regulation 9

Acceptable evidence for the purposes of Regulation 8

- The NHS COVID Pass or the equivalent from NHS Scotland, NHS Wales or the Department of Health in Northern Ireland
- A valid notification of a negative LFT or PCR result. A notification containing the following information:
 - the name of the person from whom the test sample was taken
 - the person's age or date of birth
 - the result of the test sample which is negative for coronavirus
 - a statement as to whether the test was a Polymerase Chain Reaction test or a Lateral Flow Test.

Regulation 10

Exempt persons

- a person under the age of 18 (although they are still counted within the numbers attending)
- any person providing services
- any person who is attending the venue or event as part of their official duties (Police, Local Authority)
- any person who is attending the venue or event to participate in organised sport or in an organised fitness activity

Regulation 11

Local Authority Powers

- A designated officer may, by notice in writing, require a responsible person to produce the statement and records referred to in section 7, they must be produced 3 working days after the notice has been served.
- A designated officer may inspect the records
- A designated officer may enter the premises to carry out an inspection with regards to investigating a possible breach of the regulations.

SCHEDULE 1

Venues to which requirements apply:

- Nightclubs, dance halls and discotheques
- Any other late night dance venues, where all of the following apply:
 - the venue is open between 1am and 5am
 - it serves alcohol after 1am
 - it has a dancefloor (or space for dancing)
 - it provides music, whether live or recorded, for dancing
- Live music venues, theatres or concert halls
 - which are indoors, and at which 500 or more people are expected to stand or move around during all or part of a performance
- Exhibition halls, conference centres and other public halls which are indoors, and at which 500 or more people are expected to stand or move around

SCHEDULE 2

Exempt events

- The solemnisation of a marriage or an alternative wedding ceremony
- A funeral
- An event which to commemorate the life of a person who has died
- An event held as part of communal worship is an exempt event in relation to categories A, B, C and D.
- A free to enter event which takes place in a venue category B, C and D
- An event which takes place outdoors in a public space and for which no charge is made, and no tickets are issued