



## BRIEFING PAPER

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# Coronavirus: Christmas restrictions

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## Summary

On 25 November 2020, the Governments in the four nations of the UK set out plans to allow families and friends to meet more at Christmas than is currently allowed under coronavirus restrictions. The regulations set out that during the 23-27 December period three households would be able to form a 'Christmas bubble.'

However, against a background of increasing prevalence and hospital admissions with Covid-19 in the weeks that followed, concerns were expressed by scientists, healthcare workers and MPs about the impact this relaxation of rules may have on the transmission of Covid-19 and NHS services.

Concerns have also been increasing about a new strain of coronavirus, VOC- 202012/01, that appears to be more transmissible than previous variants of the virus. This variant was first identified in Kent and London in September and is now becoming the dominant strain in London, the South East and East of England. It has been estimated through modelling that the variant could be 70% more transmissible than other variants.

On 19 December, the Prime Minister announced urgent changes to the coronavirus restrictions in England. This included new 'tier 4' restrictions for London, the South East and East of England, and significant changes to the rules for Christmas. Individuals in tier 4 will be under restrictions similar to those in place during the national lockdown and will not be able to meet with anyone outside their household inside over Christmas. Those in tiers 1-3 can form an exclusive Christmas bubble with up to two other households but this now only applies on Christmas day. Stricter rules for the Christmas period have also been introduced in Scotland, Wales and Northern Ireland.

There has been some criticism of the announcement on 19 December. Opposition leader, Sir Keir Starmer, and others have said that the Prime Minister should have made this decision to change restrictions for the festive period earlier, whereas some backbench Conservative MPs have been calling for Parliament to be recalled so a vote can take place on the new regulations implementing the changes. The Government has said that they acted quickly to introduce a change in the law to control the virus and save lives, and this could not be delayed.

# 1. Background to Christmas bubbles

On 25 November 2020, the Governments in the four nations of the UK set out plans to allow families and friends to meet more at Christmas than was previously allowed under the coronavirus restrictions. They stated that during the 23-27 December up to three households could form an exclusive 'Christmas bubble.'

Rules for the forming of a Christmas bubble, were set out in the [Health Protection \(Coronavirus, Restrictions\) \(All Tiers\) \(England\) Regulations 2020](#) in England. These included that it must be formed of a maximum of three households, you can only be in one bubble and that you cannot change your Christmas bubble. Equivalent legislation was introduced in Scotland, Wales and Northern Ireland.

## 'Cautious and careful'

However, alongside the legal provision for people to meet up over the Christmas period had been a message from scientists and the Government that people should exercise caution. For example, in November, the Chief Medical Officer, Professor Chris Whitty [cautioned](#) that he would not advise someone to hug an elderly relative at Christmas; he said that even though something was allowed in law, did not mean that someone should do it.<sup>1</sup>

On 14 December, against a background of increasing prevalence and hospital admissions with Covid-19, the [Secretary of State for Health and Social Care, Matt Hancock, said](#) that people should be cautious, especially with regards to seeing elderly relatives. He said it was:

important that people not only abide by the rules, but take personal responsibility in case they have coronavirus and might be passing it on, but do not have any symptoms and do not know about it.<sup>2</sup>

## 1.1 Calls for Government to change Christmas plans

On 15 December the BMJ and the Health Service Journal published a [joint editorial](#) expressing concerns about the plans for the relaxation of coronavirus restrictions over Christmas and calling on the Government to "reverse its rash decision to allow household mixing and instead extend the tiers over the five day Christmas period."<sup>3</sup> The article highlighted increasing prevalence and already high Covid-19 hospital bed occupancy and warned that a relaxation of the rules over Christmas would lead to an overstretched NHS where services for other conditions could not continue.

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<sup>1</sup> BBC News, [Covid: Don't hug elderly relatives at Christmas warns Chris Whitty](#), 26 November 2020

<sup>2</sup> [HC Deb 14 December 2020 c66](#)

<sup>3</sup> McLellan Alastair, Godlee Fiona. [Covid 19: Christmas relaxation will overwhelm services](#) *BMJ* 2020; 371 :m4847

The Independent SAGE group of scientists [also raised concerns](#), urging the public and the Government to “rethink their approach to the Christmas break.”<sup>4</sup> It proposed [a three point plan](#) to reduce transmission of Covid-19 during the festive period, this included the Government explaining the risks of indoor mixing, encouraging outdoor gatherings rather than indoor ones, and putting measures in place to allow people to ventilate their homes better over the Christmas period, including the provision of a ‘pandemic fuel allowance.’

On 15 December, the Leader of the Opposition, Sir Keir Starmer [wrote to the Prime Minister](#) asking him to look again at the coronavirus restrictions over Christmas in light of the increasing rates and stating that if the Prime Minister and the scientists conclude that a tightening of the rules was required, he would have his support.

### **Joint statement on staying safe at Christmas**

Following talks between the leaders of the four nations of the UK, on 16 December the Prime Minister initially said that the regulations in the UK would not be changed but urged caution.<sup>5</sup>

However, on the same day, the Welsh First Minister, Mark Drakeford, announced a change to the rules for the Christmas period to mean that a maximum of two household could meet at Christmas.

The UK, Scottish and Welsh Governments published [a joint statement on staying safe at Christmas](#) on 16 December. This said that “a smaller Christmas is a safer Christmas, and a shorter Christmas is a safer Christmas.” It went on to ask people to take personal responsibility to limit the spread of the virus and noting that 1 in 3 people with Covid-19 are asymptomatic. It stated that “the safest way to celebrate Christmas this year is with your household or existing support bubble in your home.”<sup>6</sup>

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<sup>4</sup> Independent SAGE, [Rethinking Christmas: A three point plan to keep families and communities safe](#), 11 December 2020

<sup>5</sup> [HC Deb 16 December 2020 c266](#)

<sup>6</sup> [Joint statement on staying safe at Christmas from the UK Government, Scottish Government, and Welsh Government](#), 16 December 2020

## 2. Increasing cases and a change in the rules for Christmas

On 19 December, the Prime Minister, and the Government's Chief Scientific Adviser and Chief Medical officer announced in a Downing Street press conference that urgent changes needed to be made to coronavirus restrictions. This was in response to rapidly increasing cases of Covid-19, especially in London, the South East and East of England and concerns about a new variant of the virus.

### 2.1 Tier 4 restrictions

A stricter tier of coronavirus restrictions, tier 4, were announced on 19 December and now apply across London and large parts of the South East of England. This is where cases of Covid-19 had been increasing quickly and where most cases were associated with a new variant of Covid-19 (see section 2.3). These restrictions were implemented through the [\*Health Protection \(Coronavirus, Restrictions\) \(All Tiers and Obligations of Undertakings\) \(England\) \(Amendment\) Regulations 2020\*](#). These came into force at 7am on 20 December and are broadly similar to those in place during the national lockdown in November.

In tier 4 areas, people must stay at home unless they have a reasonable excuse to leave. All non-essential retail and hospitality businesses are closed (with the exception of click and collect, delivery and takeaway services) and people can only meet with one other person in certain public outdoor places.

More detailed information on the rules in tier 4 areas are set out in the Government guidance document, [Tier 4: Stay at Home](#).

### 2.2 Changes to Christmas rules

The Prime Minister also announced changes to the rules in England over the Christmas period. He said that in light of the evidence on a new variant of coronavirus, Christmas plans could not continue:

As Prime Minister, it is my duty to take the difficult decisions, to do what is right to protect the people of this country.

Given the early evidence we have on this new variant of the virus, and the potential risk it poses, it is with a heavy heart that I must tell you we cannot continue with Christmas as planned.

In England, those living in tier 4 areas should not mix with anyone outside their own household at Christmas, though support bubbles will remain in place for those at particular risk of loneliness or isolation.

Across the rest of the country, the Christmas rules allowing up to three households to meet will now be limited to Christmas Day only, rather than the five days as previously set out.

As before, there will be no relaxation on 31 December, so people must not break the rules at New Year.<sup>7</sup>

In tier 4 areas, the rules will not be relaxed at all over the Christmas period. There will be no indoor gatherings allowed over the Christmas period (with certain exceptions to this, including support bubbles).

In tiers 1-3 Christmas bubbles will be allowed but only for one day on Christmas day.

## 2.3 A new variant of Covid-19

A relatively new variant of SARS CoV-2 (the virus that causes Covid-19), initially named 'VUI – 202012/01' (the first Variant Under Investigation in December 2020) or B.1.1.7 is thought to be responsible for a significant increase in cases of Covid-19 in London and the South East of England. Public Health England has said that this variant has now been designated as VOC – 202012/01 (Virus of Concern).<sup>8</sup>

[NERVTAG](#), the Government's advisory group on new and emerging respiratory viral threats has concluded (with moderate confidence) that the variant demonstrates a "substantial increase in transmissibility compared to other variants." It estimated from modelling that it may have a growth rate 70% higher than other variants.<sup>9</sup> There is insufficient data to know the mechanism for this increased transmissibility but VOC – 202012/01 has a significant number of mutations on the part of the virus that binds to and enters human cells – the spike protein.<sup>10</sup>

Other concerns about the new variant are related to whether it impacts on the severity of the disease, and whether it may affect the immune system response in those who have been previously infected or have been vaccinated. The Government Chief Medical Officer, Professor Chris Whitty has said that there is no evidence so far to suggest that the disease course is more severe, or that the vaccine is less likely to work in response to this variant of the virus.<sup>11</sup>

### Box 1: Virus mutations

Mutations in viruses happen all the time and they may or may not change the virus in a meaningful way. A mutation describes a change in the virus genome, and it can happen as the virus replicates and is transmitted through the population.

The international vaccine alliance, GAVI, provides the following description of the numerous mutations that may occur in viruses:

[...] viruses like SARS-CoV-2, the virus that causes COVID-19, are mutating all the time and often this process does not have any impact on the risk the virus poses to humans.

<sup>7</sup> Prime Ministers Office, [Prime Minister's statement on coronavirus \(COVID-19\)](#): 19 December 2020

<sup>8</sup> PHE, [Investigation of novel SARS-COV-2 variant: Variant of Concern 202012/01](#), 21 December 2020

<sup>9</sup> NERVTAG, [NERVTAG meeting on SARS-CoV-2 variant under investigation VUI-202012/01](#),

<sup>10</sup> Public Health England, [COVID-19 \(SARS-CoV-2\): information about the new virus variant](#), 20 December 2020

<sup>11</sup> Department of Health and Social Care, [Statement from Chief Medical Officer, Professor Chris Whitty, about new strain of COVID-19](#), 19 December 2020

A mutation is simply a change in the virus' genome: the set of genetic instructions that contain all the information that the virus needs to function. When the virus replicates, this set of instructions needs to be copied, but errors can creep in during this process. Depending on where in the genome mistakes occur, they can have a negative or positive impact on the virus' ability to survive and replicate. Or, as is the case the majority of the time, they may have no impact at all.<sup>12</sup>

The SARS CoV-2 virus has mutated many thousands of times before and there have been other mutations that scientists believe may have impacted on the spread of the pandemic.

The Covid-19 Genomics UK Consortium (COG-UK) is a partnership of NHS organisations, the four Public Health Agencies of the UK, the Wellcome Sanger Institute and academic partners. It brings together knowledge and expertise in genomics to rapidly sequence and analyse the whole genome sequence of SARS CoV-2 viral variants. In its article on the variant VOC – 202012/01, it explains that it is difficult to predict what impact, if any a mutation may have on a virus:

It is difficult to predict whether any given mutation is important when it first emerges, against a backdrop of the continuous emergence of new mutations. Understanding their significance may be possible based on experimental work that shows a link between the mutation and a subtle change in virus biology. However, it would take considerable time and effort to test the effect of many thousands of combinations of mutations. The biggest concern is any changes that lead to an increase in reinfections or vaccine failure (signalling that the virus may be evading the immune protection elicited by previous infection or vaccination).

Most attention is on mutations in the gene that encodes the Spike protein, which is associated with viral entry into cells. There are around 4000 mutations in the Spike protein gene at the present time (note that a different mutation can occur at the same point in the genome, which is why the number of mutations is greater than the actual number of bases in the Spike protein gene). A small number of mutations are in a region referred to as the receptor binding motif (RBM) of the Spike protein which is responsible for viral entry via its interaction with the receptor (hACE2) on host cells.<sup>13</sup>

The new variant of the virus was first identified in Kent and London in September.<sup>14</sup> Since that time, it has become more prevalent and is becoming the dominant variant in London, the South East and the East of England.<sup>15</sup> Whilst it is most prevalent in these areas it is present in different areas in the UK.<sup>16</sup> There have been some cases of the variant identified in other countries, such as Denmark and Australia. However, concerns have been expressed that it may be more widespread internationally but that many countries do not have the genomic sequencing capacity that is available in the UK.<sup>17</sup>

On 18 December, NERVTAG said that further data on VOC – 202012/01 will be available in the next week, including on reinfection, hospital admissions and fatalities, the age distribution of infections and the effectiveness of convalescent plasma and the vaccine in attacking the variant.<sup>18</sup>

<sup>12</sup> GAVI, [What happens if COVID-19 mutates?](#) 22 July 2020

<sup>13</sup> COGUK, [Update on new SARS-CoV-2 variant and how COG-UK tracks emerging mutations](#), 14 December 2020

<sup>14</sup> Rambaut A et al, [Preliminary genomic characterisation of an emergent SARS-CoV-2 lineage in the UK defined by a novel set of spike mutations](#),

<sup>15</sup> Prime Minister's Office, [Slides to accompany coronavirus press conference](#): 19 December 2020

<sup>16</sup> Public Health England, [COVID-19 \(SARS-CoV-2\): information about the new virus variant](#), 20 December 2020

<sup>17</sup> Kai Kupferschmidt, [Mutant coronavirus in the United Kingdom sets off alarms, but its importance remains unclear](#), Science, 20 December 2020

<sup>18</sup> NERVTAG, [NERVTAG meeting on SARS-CoV-2 variant under investigation VUI-202012/01](#),

## International travel suspensions

In response to news on increasing cases and concerns about the SARS CoV-2 variant in the UK, a number of countries have taken action to limit/suspend travel to and from the UK.

A few hours after the Downing Street press briefing, the French Government suspended travel on freight and passengers from the UK for 48 hours.<sup>19</sup> This has caused significant disruption on the short straits crossings and it is reported that around 4000 lorries heading to France have been stranded in Kent.<sup>20</sup> On 22 December, following discussions between the UK and French Governments, the suspension was lifted for some travel into France. A protocol was agreed to reopen the French border and allow freight and some passengers into France, where travellers have a negative Covid-19 test result from the previous 72 hours.<sup>21</sup>

In the last few days, a significant number of countries have imposed bans or limits on travel from the UK. These include Belgium, Germany, Italy, the Netherlands and Israel.<sup>22</sup>

## 2.4 Parliamentary scrutiny of coronavirus regulations

Since the announcement of the new tier 4 restrictions and changes to Christmas rules on 19 December, there has been criticism from some Conservative backbench MPs, and others that the Government has not recalled Parliament to debate and vote on the new regulations.<sup>23</sup> Keir Starmer has also said there is a case to look at whether Parliament should be recalled.<sup>24</sup>

### Parliamentary procedure

In England, coronavirus regulations have been made using the regulation-making powers in [Part 2A of the Public Health \(Control of Disease\) Act 1984](#) (as amended).

The UK Government have made these Statutory instruments using the 'Urgency procedure' (made affirmative). This means that the relevant Instrument can come into force without prior parliamentary approval. However, it would lapse if the both Houses of Parliament have not agreed it within 28 days. This 28 day period excludes periods of dissolution, prorogation or prolonged adjournment.

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<sup>19</sup> French Government, [Restrictions and Requirements in Metropolitan France](#), 21 December 2020

<sup>20</sup> The Guardian, [France agrees to reopen UK border to lorry drivers with negative Covid test](#), 22 December 2020

<sup>21</sup> Department for Transport, [Protocol agreed to reopen French border to UK arrivals](#), 22 December 2020

<sup>22</sup> The Guardian, [EU to hold crisis talks as countries block travel from UK over new Covid strain](#), 20 December 2020

<sup>23</sup> See: Chris Smyth, [Christmas Covid restrictions were delayed to avoid a vote, claim MPs](#), The Times, 21 December 2020, and Chloe Chaplain, [Boris Johnson urged to recall Parliament as Covid lockdown and border crisis throw Christmas into chaos](#), 21 December 2020

<sup>24</sup> [Covid: Case for recalling MPs over emergency, says Sir Keir Starmer](#), BBC News, 21 December 2020

On [Wednesday 30 September 2020](#), following concerns about a lack of parliamentary scrutiny for these regulations, Health Secretary Matt Hancock promised the Commons that “for significant national measures with effect in the whole of England or UK-wide” the Government would (a) consult parliament and (b) hold votes (wherever possible) before regulations come into force. He also promised that there would be regular statements and debates in parliament, and more opportunity for parliament to question government scientific advisors.<sup>25</sup>

More information on how coronavirus restrictions regulations are made and the Parliamentary scrutiny of these regulations is provided in the Library [Lockdown laws](#) briefing paper, and a Library insight, [Coronavirus: Parliamentary scrutiny and lockdown regulations](#).

### Recall of Parliament

The Speaker of the House of Commons is responsible for deciding whether there should be a recall of the House of Commons. However, the Government must first request this, and set out the public interest reasons why the House should be recalled.

The BBC have reported that the Government have ruled out asking the Speaker for a recall of Parliament to debate the new coronavirus regulations:

A government spokesperson said: "Whenever possible we have committed to allowing Parliament to vote on matters of national significance but we cannot hold up urgent regulations needed to control the virus and save lives."<sup>26</sup>

More information about recall of Parliament is provided on the [Parliament website](#), and in a Library briefing paper, [Recall of Parliament](#).

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<sup>25</sup> [HC Deb 30 September 2020 c388](#)

<sup>26</sup> [Covid: Case for recalling MPs over emergency, says Sir Keir Starmer](#), BBC News, 21 December 2020

## 3. Christmas rules in the UK

This section provides a short overview of the recent changes in the law and guidance for the Christmas period in the four nations of the UK.

For a more detailed discussion of the coronavirus restrictions in place and how this legislation is made, see the library briefing paper, [Lockdown laws](#).

### 3.1 England

In England, the current coronavirus restrictions are those implemented through the [Health Protection \(Coronavirus, Restrictions\) \(All Tiers\) \(England\) Regulations 2020](#), as recently amended by the [Health Protection \(Coronavirus, Restrictions\) \(All Tiers and Obligations of Undertakings\) \(England\) \(Amendment\) Regulations 2020](#). The main change is that some areas in England are now subject to tier 4 coronavirus restrictions. Tier 4 applies in large areas of London and the South East of England. The [Library interactive map](#) displays where different restrictions are in place across the UK.

Restrictions in tier 4 are very similar to those in place during the national lockdown in November. Those living in tier 4 areas must stay at home unless they have a reasonable excuse to leave and cannot meet with anyone indoors over the Christmas period unless they are part of their household or support bubble (exceptions to this are set out in the regulations). People can only meet with one other person from a different household outside and this must be in a public place. More detail on these restrictions is provided in the [Tier 4 Government guidance](#).

People living in tiers 1-3 areas can still form an exclusive Christmas bubble of up to three households and meet inside but this now only applies on Christmas day. More detail is provided in the Government guidance, [Making a Christmas bubble with friends and family](#). However, the guidance stresses that it is vital to take personal responsibility to protect loved ones, and that it should be noted that one in three of all individuals with Covid-19 are asymptomatic. It states that:

You should think very carefully about the risks and only form a Christmas bubble if you feel you absolutely need to. Wherever possible, discuss alternatives to meeting up in person.<sup>27</sup>

### 3.2 Scotland

Coronavirus restrictions in Scotland are implemented through the [Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Regulations 2020](#). This puts all Scottish areas into different levels of coronavirus restrictions, similar to the tiers in England, and includes provisions on the Christmas coronavirus rules.

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<sup>27</sup> Cabinet Office, [Making a Christmas bubble with friends and family](#), 19 December 2020

## 12 Coronavirus: Christmas restrictions

These were amended by the [\*Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 8\) Regulations 2020\*](#) which sets out that exclusive Christmas bubbles of up to 8 people from up to 3 households can meet in Scotland only on Christmas day. The Regulations will also change the levels in place in Scottish local areas on 26 December. At this time, the majority of Scottish areas will move to level 4 (under the strictest coronavirus restrictions) and the rest will be in level 3. More information on the areas that will be in each level is provided on the [Scottish Government website](#).

The Scottish First Minister has also said the planned relaxation of travel restrictions between Scotland and the rest of the UK over the festive period will no longer go ahead.<sup>28</sup>

### 3.3 Wales

New regulations, introducing a tiered system of coronavirus restrictions in Wales came into force on 20 December. [\*The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) Regulations 2020\*](#) (as amended) places all areas of Wales into Alert level 4, under the strictest coronavirus restrictions. Under these restrictions, people are required to stay at home except for very limited reasons; and leaving/entering level 4 areas is not allowed (subject to certain exceptions). Many businesses, including hospitality and non-essential retail are required to close. More information on Alert level 4 restrictions are provided [in Welsh Government guidance](#) and a [FAQ document](#).

Amendments to the regulations have changed the previous rules for the Christmas period. People may now meet with up to one other household indoors as a Christmas bubble on 25 December only.<sup>29</sup>

### 3.4 Northern Ireland

In Northern Ireland, coronavirus restrictions are implemented through the [\*Health Protection \(Coronavirus, Restrictions\) \(No. 2\) Regulations \(Northern Ireland\) 2020\*](#)

The [\*Health Protection \(Coronavirus, Restrictions\) \(No. 2\) \(Amendment No. 23\) Regulations \(Northern Ireland\) 2020\*](#) has now amended these to mean that people may still form an exclusive Christmas bubbles of up to three households but only for one day during the 23-27 December period.

From 26 December, stricter coronavirus restrictions will apply across Northern Ireland. More information on the restrictions that will be in place is provided on the [Northern Ireland Government website](#).

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<sup>28</sup> First Minister's office, [Coronavirus \(COVID-19\) update: First Minister's speech](#) - 19 December

<sup>29</sup> R2, [Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) Regulations 2020](#)

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