

GUIDE

# COVID-19 business continuity guide

As at 16 July 2021

SHOOSMITHS

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COVID-19 is having a significant impact on businesses and the economy. Responding to this, the UK Government has unveiled new measures, alongside continually updated guidance, to assist businesses and to attempt to facilitate their continued trading and/or enable them to resume trading.

This guide is designed to summarise these measures and the updated guidance to help you identify which are applicable to your business.

If of additional interest, please also see our separate guides on:

- *COVID-19 business support measures (A summary of the financial support measures available during the COVID-19 pandemic to help identify which are applicable to businesses); and*
- *Support and Considerations for individuals and families managing their legal affairs during Covid 19 (A guide outlining our views on some of the practical, legal aspects arising for individuals and their families).*

Both additional guides are also maintained regularly and are available for download from the Shoosmiths Coronavirus COVID-19 hub.

# Premises issues

Industry:	Measure:	Description:	Timing/Action required:
All	Business premises visited by members of the general public	<p data-bbox="427 363 748 387">England – starting 19 July 2021</p> <p data-bbox="427 411 1865 496">Stage 4 of the roadmap for easing the lockdown restrictions begins. A full copy of the roadmap issued by the Government is <a href="#">here</a>. The roadmap has been put onto a statutory footing in the <a href="#">Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021</a>, which came into force on 29 March 2021. These regulations also include the restrictions on international travel. From 19 July the principal changes are:</p> <ul data-bbox="427 507 1742 683" style="list-style-type: none"> <li>• Large indoor and outdoor events, including theatre performances, will not be subject to legal capacity restrictions;</li> <li>• The government’s advice to work from home where it is possible to do so ends;</li> <li>• Nightclubs, dance halls, discotheques, other dance venues, sexual entertainment venues, hostess bars and shisha bars can reopen;</li> <li>• There are no legal requirements for social distancing or wearing face masks in any setting; and</li> <li>• There is no legal requirement to implement contact tracing measures.</li> </ul> <p data-bbox="427 694 1827 746">The result of the entering Stage 4 is that there are no longer an legal restrictions on which premises may open. However, whilst there are no legal restrictions, the government has said:</p> <ul data-bbox="427 758 1865 1018" style="list-style-type: none"> <li>• it expects and recommends that people wear a face covering in crowded and enclosed spaces where they come into contact with those they don’t normally meet, such as on public transport. Transport companies and other organisations will free to impose their own requirements for wearing face masks.</li> <li>• it does not expect that the whole country will return to their as one desks from 19 July. The government will set out guidance for businesses for a gradual return to work over the summer.</li> <li>• It recommends the use of contact-tracing measures where appropriate; and</li> <li>• It is urging nightclubs and other venues with large crowds to make use of the NHS Covid Pass - which shows proof of vaccination, a recent negative test or natural immunity – as a means of entry.</li> </ul> <p data-bbox="427 1029 488 1053">Wales</p> <p data-bbox="427 1064 1615 1088">The timetable for the relaxation of the lockdown is (taking into account recent announcements from the Welsh First Minister):</p> <p data-bbox="427 1099 613 1123">Saturday 13 March:</p> <ul data-bbox="427 1134 1865 1273" style="list-style-type: none"> <li>• The requirement to "Stay at home" becomes a requirement to "stay local".</li> <li>• Four people from two different households can meet up outdoors to socialise, including in gardens - children are excluded from the number.</li> <li>• Outdoor sports facilities such as golf, tennis and basketball will be able to reopen.</li> <li>• Designated solo visitors can enter care homes.</li> </ul> <p data-bbox="427 1284 607 1308">Monday 15 March:</p> <ul data-bbox="427 1319 1529 1417" style="list-style-type: none"> <li>• All primary school children and those in qualifications years can return to class.</li> <li>• Schools will have flexibility to bring back year 10 and 12 pupils and more students will return to colleges.</li> <li>• Hairdressers and barbers can reopen - for appointments only.</li> </ul> <p data-bbox="427 1428 607 1452">Monday 22 March:</p> <ul data-bbox="427 1463 1850 1489" style="list-style-type: none"> <li>• Gradual easing of non-essential shopping and non-essential aisles in supermarkets. Note that in Wales, essential retailers who are able to</li> </ul>	The current regulations apply from 6 January 2021 in England and 20 December in Wales.

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remain open cannot sell non-essential items. This eases that rule but does not permit non-essential retail stores to open.

- Garden centres to reopen.

Saturday 27 March:

- Self-contained accommodation in Wales will be able to re-open provided case rates remain low.

Monday 12 April:

- All shops, including all close contact services, will be able to re-open - the same date as in England.
- All other pupils will return to school.

Monday 26 April

- Outdoor attractions (funfairs and theme parks) and outdoor hospitality venues can reopen.
- Organised outdoor activities for up to 30 adults and outdoor wedding receptions with up to 30 people can also take place.
- Outdoor hospitality can resume, including at cafes, pubs and restaurants. Indoor hospitality will remain closed except for takeaways

Monday 3 May

- Gyms, fitness facilities, leisure centres and swimming pools can reopen.

Monday 17 May

- Pubs, restaurants and cafes can open indoors
- Indoor entertainment such as cinemas, theatres and museums reopen

Monday June 7

- Regulated events allowed outdoors with up to 10,000 people seated or up to 4,000 people standing (subject to risk assessment)

Monday 21 June

- The number of guests attending wedding receptions and wakes is limited only by how many people as they can safely accommodate.
- Rules for music and comedy venues are now "in line" with hospitality venues meaning that groups of six people from six households can attend music and comedy venues in Wales.
- Numbers allowed into each venue will be based on its size instead of being limited to 30 as businesses must follow strict Covid guidelines, like having one-way systems and appropriate ventilation.

Saturday 17 July

- Organised indoor events can take place with up to 1000 people standing or 200 people seated
- Ice rinks can reopen.

Saturday 7 August

- all legal limits on the number of people who can meet others end.
- nightclubs can reopen and social-distancing laws inside will be replaced with a requirement for workplaces to assess the risk.
- Face masks will still be required in most indoor public places, except in hospitality businesses, such as pubs and restaurants, or schools.
- People will be asked to continue working from home wherever possible.

Industry:	Measure:	Description:	Timing/Action required:
All	Business premises not visited by members of the general public	<ul style="list-style-type: none"> <li>• The government's restrictions on the use of business premises apply only to premises that members of the general public visit.</li> <li>• There is nothing that directly restricts the use of offices, factories, warehouses, call-centres or other premises used only by employees of the business.</li> <li>• Government guidance is that employers and employees should discuss their working arrangements, and employers should take every possible step to facilitate their employees working from home, including providing suitable IT and equipment to enable remote working.</li> <li>• Where attendance at the workplace is essential, employers should ensure that employees are able to follow Public Health England guidelines including, where possible, maintaining a two-metre distance from others, and washing their hands with soap and water often for at least 20 seconds (or using hand sanitiser gel if soap and water is not available).</li> <li>• The advice to work from home where it is possible to do so ends on 19 July 2021 but the government expects a gradual return to work. Guidance will be issued for businesses on how to implement the return to work.</li> </ul>	Guidance was issued on 23 March 2020.

Industry:	Measure:	Description:	Timing/Action required:
<b>Covid-19 Secure Working</b>	Guidance on ensuring that premises are able to operate safely to reduce the risks of infection for workers and customers  <b>Guidance here</b>	On 14 July 2021, the Government has published updated guidance for businesses on how to remain Covid-secure following the implementation of Step 4. There are separate guidance manuals for: <ul style="list-style-type: none"> <li>• Construction and other outdoor work</li> <li>• Events and attractions</li> <li>• Hotels and guest accommodation</li> <li>• Offices, factories and labs</li> <li>• Restaurants, pubs, bars, nightclubs and takeaway services</li> <li>• Shops, branches, and close contact services</li> </ul> <p>You can view all the guidance <a href="#">here</a>.</p>	19 July 2021
<b>All</b>	Face masks	The legal requirement for wearing face masks ends on 19 July in all settings. The government has said it expects and recommends that people wear a face covering in crowded and enclosed spaces where they come into contact with those they don't normally meet, such as on public transport. Transport companies and other organisations will free to impose their own requirements for wearing face masks.	24 July 2020.
<b>Commercial Landlords</b>	Restrictions on forfeiting leases	<ul style="list-style-type: none"> <li>• The Coronavirus Act prevents landlord exercising a right of re-entry or forfeiture under a relevant business tenancy for non-payment of rent may not be enforced, by action or otherwise up to 30 June 2020. This date has been extended until 25 March 2022 (in England) and 30 September 2021 (in Wales).</li> <li>• The government issued a call for evidence to explore how the ending of the moratorium will affect tenants and to determine whether a phased withdrawal of the moratorium will be required. Although the results of the consultation have not been published, the government announced on 16 June that: <ul style="list-style-type: none"> <li>• Legislation will be introduced in this parliamentary session that will impose an obligation on landlords and tenants to negotiate rent-relief packages in respect of Covid-19 rent arrears (which it appears will be ringfenced for these purposes and will not include non-Covid-19 arrears). Landlords will be expected to make allowances for the ringfenced rent arrears from the specific periods of closure due to the pandemic, and share the financial impact with their tenants;</li> <li>• If landlords and tenants cannot reach an agreement by a backstop date, the legislation will ensure that the landlord and tenant take part in a binding arbitration process. This will be a legally binding agreement that both parties must adhere to;</li> <li>• In order to ensure landlords are protected, the government has made it clear that businesses who are able to pay rent, must do so. Tenants should start paying their rent as soon as restrictions change, and they are given the green light to open;</li> </ul> </li> <li>• Rent is defined as all sums payable under the lease.</li> <li>• The provisions apply to all tenancies under the Landlord and Tenant Act 1954 (whether contracted out or not) and tenancies to which the Act would apply if any relevant occupier were the tenant. This provision ensures that a tenant who has sub-let the whole of the property cannot be subject to forfeiture proceedings.</li> <li>• To protect landlords, during the relevant period, no conduct by or on behalf of a landlord, other than giving an express waiver in writing, is to be regarded as waiving a right of re-entry or forfeiture under a relevant business tenancy, for non-payment of rent.</li> <li>• Restrictions on the use by landlord of the Commercial Rent Arrears Recovery (CRAR) procedures have been introduced. These continue whilst the restrictions on forfeiture in the Coronavirus Act apply. CRAR can only be used to recover principal rent - it cannot be used to recover other sums such service charges and insurance premiums. With the extension of the moratorium on forfeiture to 25 March 2022 (in England) and 30 September 2021 (in Wales), the restrictions on the use of CRAR will continue up to these dates as well. The amount of arrears that must be outstanding before CRAR can be used as also been increased. Currently there must be 554 days' outstanding rent. The government has said that there will be no increase in the number of days' rent that must be outstanding before CRAR can be used.</li> <li>• The Corporate Insolvency and Governance Act 2020 includes a moratorium on beginning winding-up proceedings following the service of a statutory demand. The moratorium was originally until 30 September 2020 but has now been extended to 30 September 2021.</li> </ul>	Businesses do not need to do anything. Their local authority will write to them if they are eligible for this grant.  Forfeiture: Effective from the Coronavirus Act receiving Royal Assent on 25 March.

Industry:	Measure:	Description:	Timing/Action required:
<b>Residential Landlords</b>	Restrictions on evicting residential tenants	<ul style="list-style-type: none"> <li>• The Coronavirus Act 2020 restricts residential landlords taking action to evict tenants during the period beginning on 26 March and ending on 30 September 2020. The relevant period has been extended by statutory instrument to 31 May 2021.</li> <li>• The provisions do not address the enforcement of orders already granted by the court or an obligation on the court not to order possession until the end of the relevant period where possession proceedings are already in progress.</li> <li>• Landlords have to provide tenants with 6 months' notice in all bar those cases raising other serious issues such as those involving anti-social behaviour and domestic abuse perpetrators. These provisions apply until 31 May 2021. In addition, for assured shorthold tenancies, where landlords want to rely on the no-fault procedures for obtaining possession at the end of the tenancy, they must now commence proceedings within ten months after serving the requiring possession to be given back to the landlord.</li> <li>• When courts do resume eviction hearings they will carefully prioritise the most egregious cases, ensuring landlords are able to progress the most serious cases, such as those involving anti-social behaviour and other crimes, as well as where landlords have not received rent for over a year and would otherwise face unmanageable debts.</li> <li>• The Public Health (Coronavirus) (Protection from Eviction and Taking Control of Goods) (England) Regulations 2020 prevent, except in specified circumstances, attendance at a dwelling house for the purpose of executing a writ or warrant of possession, executing a writ or warrant of restitution or delivering a notice of eviction. These provisions have been extended to 31 May 2021. The specified circumstances are where the court is satisfied that the claim is against trespassers who are persons unknown or where it was made wholly or partly on the grounds of anti-social behaviour, nuisance, false statements, six months or more rent arrears or, in cases where the person attending is satisfied that the dwelling house is unoccupied at the time of attendance, death of the occupant.</li> <li>• These Regulations also prevent use of the procedure set out in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 to take control of goods located inside a dwelling house. This applies whilst the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020 remain in force.</li> </ul>	26 March 2020.

# Employment issues

Industry:	Measure:	Description:	Timing/Action required:
<b>Applicable to all employers</b>	Temporary changes to ID checking guidelines	The Disclosure and Barring Service has announced temporary changes to its ID checking guidelines. Usually ID checkers need to be in physical possession of original ID documents so that they can be checked for indicators of fraud. The changes allow for ID documents to be viewed over video link and scanned images of ID documents to be used in advance of a DBS check being submitted. Applicants will be required to present original versions of ID documents when they first attend employment.	From 19 March 2020.
<b>Applicable to all employers</b>	Temporary changes to Statutory Sick Pay (SSP)	<p>Regulations have been passed to permit payment of SSP from day one of an employee's absence from work (rather than day 4) where the employee is incapable, or deemed to be incapable, of doing work by reason of COVID-19. It is also clear that SSP will cover those self-isolating to prevent infection from COVID-19 either because they have symptoms and are staying at home for 10 days or they live with someone who is self-isolating and are staying at home for 10 days.</p> <p>Further amendment regulations which came into force on 28 May 2020 also provide that an employee will be eligible for SSP where they are isolating because they have been notified to do so as a result of contact tracing such as via the NHS test and trace service. Further amendment regulations also provide that an employee will be eligible for SSP where they are isolating before an operation.</p>	Published 13 March 2020.
<b>Applicable to all employers</b>	Carry over of annual leave	<p>The Working Time (Coronavirus) (Amendment) Regulations 2020 amend regulation 13 of the Working Time Regulations to allow workers to carry over up to four weeks annual leave into the next two leave years where it is not reasonably practicable for them to take some, or all, of the holiday they are entitled to in the leave year as a result of the effects of the coronavirus. Carried-over leave may be taken in the two leave years immediately following the leave year in respect of which it was due. Regulation 14 is also amended to ensure a worker will be paid in lieu of any untaken carried-over holiday where their holiday is terminated before they have had a chance to take it. For further information see our update:</p> <p><a href="https://www.shoosmiths.co.uk/insights/articles/rules-are-changing-on-the-carry-over-of-holidays-due-to-covid-19">https://www.shoosmiths.co.uk/insights/articles/rules-are-changing-on-the-carry-over-of-holidays-due-to-covid-19</a></p>	Published 26 March 2020.
<b>Applicable to all employers</b>	Suspension of gender pay gap reporting	The Government Equalities Office and Human Rights Commission suspended enforcement of the gender pay gap deadlines for the 2019/2020 reporting year. This meant employers did not have to publish their gender pay gaps in March / April 2020. For the 2020/2021 reporting year, the GEO has announced that employers now have until 5 October 2021 to report their gender pay gap information.	Published 25 March 2020 and latest announcement on 23 January 2021.
<b>Applicable to all employers</b>	Furloughed workers to receive full family leave entitlement	The government has published regulations providing that furloughed workers who are planning to take family related leave including maternity leave, paternity leave, shared parental leave, adoption leave and parental bereavement leave are entitled to have their pay for such leave calculated on the basis of their usual earnings and not their furloughed rate of pay.	Effective from 25 April 2020.



Industry:	Measure:	Description:	Timing/Action required:
<b>Applicable to all employers</b>	Extension of the Access to Work scheme to support disabled people during the pandemic	The Access to Work scheme is designed to help people who are disabled or have a physical or mental health condition stay in employment, by providing advice on changes to workplaces and financial grants to keep jobs accessible. The scheme has been temporarily extended so that people who are clinically extremely vulnerable can get new applications for grant funding fast-tracked. In addition, funding can now cover taxi fares and public transport costs if a health condition prevents an employee from travelling on public transport during the pandemic. Those working from home can also receive additional support including support for special equipment such as a screen reader. Mental health support will also be provided for those who feel anxious about returning to work.	18 August 2020.
<b>Applicable to all employers</b>	Consider the expiry dates of visas of all staff	<p>You should carry out an audit of the expiry dates of the visas of those who you have working for you whether they are currently sponsored under Tier 2 or not.</p> <p>On 29 June 2021, the Home Office further extended the “Exceptional Assurance” policy beyond 30 June 2021 to 30 September 2021. Where this concession is granted it will act as a short-term protection against any adverse action or consequences after the individual’s leave, visa or previous grant of exceptional assurance has expired. If conditions allowed the individual to work, they may continue to do so during the period of exceptional assurance. The further extension reflects the existing restrictions on returning to countries and territories listed amber or red in the UK travel list and the possibility of green-listed countries having closed borders or over-subscribed quarantine facilities.</p>	<p>Immediately. If any of their visa expiry dates are imminent/ up to 30 September 2021. Action needs to be taken to extend their current visas via the new online system if they are unable to extend/travel due to COVID-19.</p>
<b>Applicable to all employers</b>	Extension of temporary adjusted right to work checks	<p>Since 30 March 2020, adjusted right to work checks have allowed employers to carry out checks by: using scanned copies or photographs of original documents; inspecting documents over video calls; and using the online right to work checking service while doing a video call if the worker has a current Biometric Residence Permit, Biometric Residence Card or has been granted status under the EU Settlement Scheme or the points-based immigration system.</p> <p>The COVID-19 concession on right to work checks was due to end on 20 June 2021 to align with the easing of lockdown restrictions and social distancing which was anticipated to occur on 21 June 2021. On 18 Jun 2021, the Home Office confirmed an extension of the adjusted right to work checks to 31 August 2021.</p> <p>From 1 September 2021, employers will need to return to carrying out prescribed document checks in accordance with the updated employer’s <a href="#">guide</a>.</p>	<p>Published on 18 June 2021 – extension effective immediately.</p> <ul style="list-style-type: none"> <li>Employers do not need to carry out retrospective checks on those who had a COVID-19 adjusted check between 30 March 2020 and 31 August 2021 (inclusive).</li> </ul>
<b>Applicable to all employers</b>	New right to work checks for EEA and Swiss workers	<p>The grace period allowing EEA and Swiss citizens to continue to prove their right to work in the UK by using a passport or national identity card ended on 30 June 2021. From 1 July 2021, EEA and Swiss citizens’ rights to work in the UK will be determined on the basis of immigration status rather than nationality. For the majority of EEA and Swiss citizens, employers must check their right to work via the Home Office’s online checking service using their share code and date of birth. For some specified cohorts of EEA and Swiss citizens, employers can check their original documents where the individuals do not have a UK immigration status that can be shared digitally.</p> <p>Full details of the changes are outlined in the updated employer’s <a href="#">guide</a>.</p>	<p>Effective from 1 July 2021.</p> <p>Employers do not need to carry out retrospective checks on EEA or Swiss citizens who entered into employment up to and including 30 June 2021.</p>

Industry:	Measure:	Description:	Timing/Action required:
<b>Applicable to all employers</b>	“Transitional measure” for handling late applicants to the EU Settlement Scheme (EUSS)	<p>Applications to the EUSS closed on 30 June 2021.</p> <p>The updated employer’s <a href="#">guide</a> has provided a transitional measure to be used by employers in circumstances where they identify that an EEA or Swiss citizen in their workforce has not applied to the EUSS by 30 June 2021 (but was in their employment prior to 30 June 2021). The process involves the employer advising the individual to make an application to the EUSS (within 28 days) and the individual providing their Certificate of Application (CoA). If no application is made, the employer must take steps to end the individual’s employment. A Positive Verification Notice (PVN) will be obtained by the employer following an application and, together with the CoA, provides the employer with a statutory excuse against a civil penalty for six months. Follow-up checks must be conducted before expiry of the PVN, and where an application is pending an employer will receive a further PVN for six months. Where an individual is granted status before expiry of the PVN their right to work can then be proven using the online Home Office service. Where any follow-up check confirms that an application has been refused, the employer must terminate the individual’s employment.</p> <p>Individuals employed on or after 1 July 2021 must be subject to the prescribed checks in accordance with the updated employer’s <a href="#">guide</a>, as referred to in the entry above.</p>	Effective from 1 July 2021.
<b>Applicable to all employers</b>	Furloughing of staff who are subject to Immigration Control	<p>Ensure that furloughing those on Tier 2 meets the following criteria:</p> <ul style="list-style-type: none"> <li>• If you cannot pay the salaries of sponsored employees because you’ve temporarily reduced or ceased trading. You should, as best practice, report this via the SMS as well as any other changes.</li> <li>• You can temporarily reduce the pay of your sponsored employees to 80% of their salary or £2,500 per month, whichever is the lower.</li> <li>• Any reductions must be part of a company-wide policy to avoid redundancies and in which all workers are treated the same.</li> <li>• These reductions must be temporary, and the employee’s pay must return to at least previous levels once these arrangements have ended.</li> </ul> <p>Reassure those that are not on Tier 2 visas but who are subject to Immigration control who you may furlough that it does not count as public funds for the purposes of the ImmigrationRules.</p>	Effective immediately (published 7 April 2020).
<b>Applicable to occupational and personal pension schemes</b>	Pension schemes general levy	Due to the COVID-19 pandemic, a planned increase to the general levy payable by occupational and personal pension schemes has not been implemented. Regulations which were due to increase levy rates for most schemes by 10% on 1 April 2020 have now been revoked.	The regulations revoking the increases to the general levy came into force on 31 March 2020.

Industry:	Measure:	Description:	Timing/Action required:
<b>Applicable to Tier 1 Entrepreneur Visa holders</b>	Eligibility for extensions and business disruption	<p>Consider the UKVI guidance regarding employing the necessary employees during this period:</p> <p>If you are on a Tier 1 Entrepreneur visa and your business has been disrupted, you no longer need to employ at least 2 people for 12 consecutive months each. The 12 month period you are required to employ someone for can be made up of multiple employees across different months.</p> <p>Time when your employees were furloughed will not count towards the 12 month period.</p> <p>If have not been able to employ staff for 12 months in total by the time your visa expires, you will be allowed to temporarily extend your stay to give you time to meet the requirement.</p>	Immediately and under review.
<b>Applicable to Tier 2 Sponsors</b>	Ensure that you are compliant with Sponsor Duties regarding absences and other changes to the business and the migrants who are employed	<p>Maintaining your Sponsor Licence is key. As such even in these troubled times it is imperative that you continue to carry out your reporting duties in relation to any changes to a Tier 2 migrant's employment and ensure that all of your workforce remains in the UK lawfully. Furthermore care needs to be taken for those who have made applications and are awaiting decisions or who have yet to make applications.</p> <p>Tier 2 Sponsors can continue to assign Cos to existing and new employees.</p> <p>The individual can start work before their visa application has been decided if:</p> <ul style="list-style-type: none"> <li>• they have been assigned a Certificate of Sponsorship (CoS) before 1 January 2021 or they are applying under a Health and Care visa</li> <li>• they submitted their application before their current visa expired and they can show the Sponsor evidence of this</li> <li>• the job they start is the same as the one listed on the CoS</li> </ul> <p>If the CoS was assigned from 1 January 2021, and the individual is not applying under the Health and Care visa, they must wait until their visa application has been granted before starting work – unless their current visa allows them to work in that job.</p> <p>If the application is eventually rejected as invalid or refused you must stop sponsoring the individual and they must stop working for you.</p> <p>For further information: <a href="https://www.gov.uk/guidance/coronavirus-covid-19-advice-for-uk-visa-applicants-and-temporary-uk-residents">https://www.gov.uk/guidance/coronavirus-covid-19-advice-for-uk-visa-applicants-and-temporary-uk-residents</a></p>	Immediate and ongoing. Follow the UKVI current COVID guidance but seek us as their guidance does not cover all situations.
<b>Applicable to Tier 4 Sponsors</b>	Ensure Compliance with Sponsor Duties	<p>The UKVI has issued guidance regarding absences, distance learning and those who may not be able to travel. For further information:</p> <p><a href="https://www.gov.uk/guidance/coronavirus-covid-19-student-sponsors">https://www.gov.uk/guidance/coronavirus-covid-19-student-sponsors</a></p> <p><a href="https://www.gov.uk/government/publications/coronavirus-covid-19-student-sponsors-migrants-and-short-term-students">https://www.gov.uk/government/publications/coronavirus-covid-19-student-sponsors-migrants-and-short-term-students</a></p>	Immediate and ongoing.
<b>All</b>	Consider the situation of employees who may be stuck abroad whether or not they are subject to immigration control	<p>Provide as much assistance as possible to those who have 30 days visas to ensure that once restrictions are lifted they can travel according to up to date guidance at the time. If a 30 day visa to travel to the UK for work, study or to join family has expired, or is about to expire, an individual can request a replacement visa with revised validity dates free of charge until the end of this year.</p> <p>If British nationals are stuck abroad signpost them to the FCO.</p>	Immediate and ongoing.

# Board and company secretarial issues

Industry:	Measure:	Description:	Timing/Action required:
<b>Applicable to all companies</b>	Extension to file company accounts	<p>The Corporate Insolvency and Governance Act 2020 and The Companies etc. (Filing Requirements) (Temporary Modifications) Regulations 2020 (together, the “new legislation”) provides for a temporary (anticipated to be until 5 April 2021) extension to the period within companies must file their accounts with Companies House. The new legislation provides that, a private company has 12 months (rather than nine months) after the end of the relevant accounting reference period to files its accounts.</p> <p>A public company now has nine months (rather than six months) after the end of the relevant accounting reference period to files its accounts. Further, where a public company’s accounts are due to be filed on a date that occurs between 26 March 2020 and 30 September 2020 the new legislation additionally applies (with retrospective effect from 26 March 2020) to provide that the period allowed for the directors to file the company’s accounts will be taken to be a period that ends on the earlier of 30 September 2020 and the last day of the period of 12 months immediately following the end of the relevant accounting reference period.</p> <p>The London Stock Exchange has made temporary changes to an AIM company’s obligations to publish annual accounts and a half-yearly report under the AIM Rules. These changes allow AIM companies with financial year ends between 30 September 2019 to 30 June 2020 to benefit from the three- month extension for filing annual accounts permitted by the new legislation. Without the extension AIM Rule 19 provides that an AIM company has six months after the end of its financial year to publish its annual audited account. Similarly, whilst an AIM company must notify its half-yearly report without delay, it can now apply to extend the long-stop date for such period from three months to four months.</p> <p>For further details: <a href="https://docs.londonstockexchange.com/sites/default/files/documents/covid19_half_yearly-reports.pdf">https://docs.londonstockexchange.com/sites/default/files/documents/covid19_half_yearly-reports.pdf</a></p> <p>The Financial Conduct Authority (FCA) announced temporary relief under which all listed companies that are required to comply with Disclosure Guidance and Transparency Rule (DTR) 4.1 will be given an additional two months to publish their audited annual financial reports. Companies bound by DTR 4.1.3 (or other Listing Rules requirements to publish annual financial re-ports) now have six months (from their financial year end) to publish their audited annual financial reports. The Market Abuse Regulation (MAR) remains in force during this extended period and companies must continue to fulfil their obligations concerning inside information and make appropriate disclosure as the MAR requires.</p> <p>The relief does not extend to half yearly financial reports. For further details:  <a href="https://www.fca.org.uk/news/statements/delaying-annual-company-accounts-coronavirus">https://www.fca.org.uk/news/statements/delaying-annual-company-accounts-coronavirus</a></p>	<p>A company’s nominated adviser must request the three-month extension to the reporting deadline for the publication of the company’s annual audited accounts. The request must be made to AIM Regulation prior to the company’s current AIM Rules reporting deadline. An AIM Company wishing to utilise the additional one month period must notify via an RIS its intention to do so prior to the AIM company’s reporting deadline and the Company’s nominated adviser must separately inform AIM Regulation.</p> <p>Relevant companies (essentially companies listed on the Main Market of the London Stock Exchange (LSE) with the UK as their home state) can take advantage of the relief immediately. However, it is intended to apply only while the extreme disruption of the COVID-19 pandemic continues, and the FCA will keep its application under review.</p>

Industry:	Measure:	Description:	Timing/Action required:
Applicable to all companies	Holding company general meetings	<p>To help ease the problem to companies of holding a general meeting whilst social distancing measures apply, the Corporate Insolvency and Governance Act 2020 (which applies with retrospective effect from 26 March 2020) enables those companies needing to hold general meetings to do so using electronic means (the meeting need not be held in a particular place), with votes cast electronically by members who need not be in the same place, notwithstanding provisions in their articles to the contrary (“new legislation”). Under the new legislation members do not have the right to attend in person, to participate in the meeting other than by voting, or to vote by a particular means.</p> <p>The new legislation will be a temporary measure:</p> <ul style="list-style-type: none"> <li>it will apply to general (and class) meetings held between 26 March 2020 and March 2021 (twice extended from 30 September 2020) (the “qualifying period”);</li> <li>the appropriate national authority may, by regulation, extend the period in which a company must hold its AGM (where such period overlaps to any extent with the qualifying period) by up to eight weeks; and</li> <li>the appropriate national authority may vary the dates of the qualifying period in three month increments, but may not extend such period beyond 5 April 2020.</li> </ul> <p>For further information:</p> <p><a href="https://www.shoosmiths.co.uk/insights/comment/covid19/coronavirus-and-company-general-meetings-updated-3-4-20">https://www.shoosmiths.co.uk/insights/comment/covid19/coronavirus-and-company-general-meetings-updated-3-4-20</a></p>	<p>Companies should now hold their general meetings in accordance with the new legislation, although it may still be sensible for companies to consider whether a general meeting is required:</p> <ul style="list-style-type: none"> <li>(for private companies), can shareholder decisions be taken by written resolution?</li> <li>do any existing authorities need renewal to enable the company to operate effectively?</li> </ul> <p>Going forward, companies should consider:</p> <ul style="list-style-type: none"> <li>Further shareholder engagement, including arranging a specific forum/meeting for shareholder briefing and questions.</li> <li>The new FRC recommendations, which highlight increased use of technology and greater flexibility when holding AGMs, including changes to the articles to facilitate hybrid/virtual general meetings and seeking approval for fully electronic communication with shareholders. Shareholder engagement prior to proposing any change is important. See the below articles for further insight:</li> </ul> <p><a href="https://www.shoosmiths.co.uk/insights/articles/covid19/will-shareholders-agree-to-virtual-general-meetings">https://www.shoosmiths.co.uk/insights/articles/covid19/will-shareholders-agree-to-virtual-general-meetings</a></p> <p><a href="https://www.shoosmiths.co.uk/insights/articles/covid19/corporate-governance-agms-and-coronavirus">https://www.shoosmiths.co.uk/insights/articles/covid19/corporate-governance-agms-and-coronavirus</a></p>
All organisations who meet modern slavery reporting criteria	Extension to file section 54 modern slavery statement	<p>The government published guidance on modern slavery reporting during the Covid-19 pandemic. While acknowledging it is essential that businesses continue their activity to identify and address risks of modern slavery in their operations and supply chains, the guidance recognises that some businesses may struggle to publish their section 54 statement in the usual timeframe and permits the publication to be delayed by up to 6 months providing the reason for any delay is stated.</p> <p>A link to the guidance is <a href="#">here</a>.</p>	Published 20 April 2020.

Industry:	Measure:	Description:	Timing/Action required:
<b>Applicable to all companies</b>	Business operation and decision making	<p>The Stay at Home Measures impact on how company boards, with ultimate legal responsibility for their organisations can manage the operation of their businesses.</p> <p>Directors should consider how they can take decisions and obtain shareholder consent, as well as how they communicate with shareholders and sign agreements on behalf of their company, to ensure that they comply with the restrictions imposed by the Stay at Home Measures whilst discharging their management obligations.</p>	<p>Directors should consider:</p> <ul style="list-style-type: none"> <li>• Board meetings (see also: <a href="https://www.shoosmiths.co.uk/insights/articles/covid19/written-resolutions-and-electronic-communication">https://www.shoosmiths.co.uk/insights/articles/covid19/written-resolutions-and-electronic-communication</a> <a href="https://www.shoosmiths.co.uk/insights/articles/board-decision-making-and-virtual-meetings">https://www.shoosmiths.co.uk/insights/articles/board-decision-making-and-virtual-meetings</a>) <ul style="list-style-type: none"> <li>- is a full board meeting necessary?</li> <li>- do the articles provide for decision making to be devolved to a smaller committee?</li> <li>- what is the right communication channel (permitted by the articles) for a virtual board/committee meeting?</li> <li>- do the articles allow the board to take decisions by way of a written resolution?</li> </ul> </li> <li>• The use of shareholder written resolutions to obtain necessary shareholder authorities (private companies only). Alongside this, directors need to plan the best way to communicate with and engage with shareholders. See also: <a href="https://www.shoosmiths.co.uk/insights/articles/board-decision-making-and-virtual-meetings">https://www.shoosmiths.co.uk/insights/articles/board-decision-making-and-virtual-meetings</a></li> <li>• Electronic communication with (and by) shareholders to maximise the benefit of remote working. It is the simplest, quickest and most cost-effective way to communicate with shareholders and to circulate copies of written resolutions and accompanying signing instructions. To benefit a company must: <ul style="list-style-type: none"> <li>- ensure that its articles do not restrict electronic communication (and actually authorise the sending of documents to shareholders via its website);</li> <li>- obtain shareholder consent to receiving email communication and/or receipt of documents via the company's website; and</li> <li>- include an email address in any document containing or accompanying a written resolution, to authorise the company to receive electronic communication from a shareholder.</li> </ul> </li> </ul>
<b>Applicable to all companies</b>	Electronic signatures	<p>Electronic signing of documents, which might provide a solution for companies to sign or execute documents when staff cannot access the office. Issues to note:</p> <ul style="list-style-type: none"> <li>• electronic signatures range from the scan of a wet ink signature to the use of an e-signing platform;</li> <li>• whether the governing law of a contract permits electronic signature. Document governed by the law of England and Wales can be signed electronically;</li> <li>• whether the document is one that cannot be signed electronically, for example one relating to an interest in real property; and</li> <li>• whether the document is to be executed as a deed. Formalities about witness in a deed, or the need for two directors to be together when executing a deed, may make electronic signing potentially problematic.</li> </ul> <p>See also: <a href="https://www.shoosmiths.co.uk/insights/comment/covid19/electronic-signing-solution-for-corporate-transactions">https://www.shoosmiths.co.uk/insights/comment/covid19/electronic-signing-solution-for-corporate-transactions</a></p>	Effective immediately.

# Industry specific and general issues

Industry:	Measure:	Description:	Timing/Action required:
All	Guidance on the application of competition law in light of COVID-19	<p>The Competition and Markets Authority (CMA) has published guidance on the application of competition law in the context of COVID-19. In outline, the CMA's guidance indicates that certain forms of cooperation between competitors that genuinely seek to address security of supply concerns:</p> <ul style="list-style-type: none"> <li>• Will not be subject to enforcement action by the CMA;</li> <li>• Might in any event meet the legal test for exemption from the competition law prohibition of anti- competitive agreements.</li> </ul> <p>However, the CMA also makes clear that COVID-19 does not create a 'free pass' for businesses to act anti- competitively, and that the CMA will be on the lookout for businesses who are operating inappropriately in the current crisis.</p> <p>A fuller explanation of the CMA's guidance, and our views on the competition compliance issues businesses should be considering at this time, is available here: <a href="https://www.shoosmiths.co.uk/insights/articles/competition-law-welcome-guidance-in-a-time-of-crisis">https://www.shoosmiths.co.uk/insights/articles/competition-law-welcome-guidance-in-a-time-of-crisis</a></p>	Effective immediately.
All	Unfair commercial practices reporting function	<p>The CMA has introduced an online reporting function for unfair commercial practices. businesses and consumers can report unfair practices related to COVID-19. Users are invited to submit details about:</p> <ul style="list-style-type: none"> <li>• Unfair prices for products or services, whether charged to consumers or businesses; a list of likely products is suggested and there is the option to submit details about normal prices and inflated prices;</li> <li>• Misleading claims about products or services;</li> <li>• Problems with the cancellation, refund or exchange of products or services; and</li> <li>• Other unfair behaviour.</li> </ul>	Launched on 4 April 2020.
All	Coronavirus support from Business Representative Organisations and Trade Associations	<p>The majority of Business Representative Organisations and Trade Associations are providing coronavirus related support for specific sectors. Sectors covered include: Aerospace and Defence, Aviation, Agriculture, Architecture, Arts, Libraries and Museums, Automotive, Beauty, Chemical, Health Technology and Pharmaceutical, Construction, Creative, Energy, Engineering and Manufacturing, Entertainment, Events, Export, Fashion, Finance, Food supply, Hospitality, Housing, Infrastructure, Labour and recruitment, Legal, Life science, Maritime, Professional/Business Services, Retail, Small businesses, Space, Sport, Technology, Tourism &amp; Transport. A link to the relevant sector support can be found in this guidance:</p> <p><a href="https://www.gov.uk/guidance/coronavirus-support-from-business-representative-organisations-and-trade-associations">https://www.gov.uk/guidance/coronavirus-support-from-business-representative-organisations-and-trade-associations</a></p>	Effective immediately.

Industry:	Measure:	Description:	Timing/Action required:
All	FCA Business Interruption Test case and FCA guidance re expectations of insurers with respect to the handling of claims	<p>Judgment was handed down by the Supreme Court on 15 January 2021 on the appeals from the FCA's test case regarding business interruption insurance. The Supreme Court heard various appeals by insurers and by the FCA. The test case was originally brought by the FCA in the High Court (<i>FCA v Arch Insurance (UK) Ltd and others</i>), and it asked the court to review 21 sample policy wordings issued by 8 different insurers. Our summary of the High Court judgment can be found <a href="#">here</a> and a copy of the judgment can be found <a href="#">here</a>. The Supreme Court differed from the court below in its approach to several issues (and agreed with insurers on certain arguments where the court below did not but its ruling on causation ultimately leads to a favourable outcome for policyholders). While a detailed consideration of the Supreme Court's analysis and findings will be of interest to insurers, policyholders will want to focus on the result and how the ruling affects their claims for BI losses.</p> <p>The outcome is much to the benefit of policyholders, however, the good news for all is that the Supreme Court has indeed provided much more clarity in relation to most issues. That being said, there may be still be some thorny practical and legal issues to address, including:</p> <ul style="list-style-type: none"> <li>• assessing the value of claims;</li> <li>• proving the prevalence of Covid-19; and</li> <li>• determining the applicable limit/ number of events for which coverage can be claimed.</li> </ul> <p>For more information, see our summary of the case <a href="#">here</a>, and a copy of the judgment <a href="#">here</a>. Our Commercial Insurance team hosted a Webinar on 28 January 2021 to provide insight on the ruling and its practical impact, which can be viewed <a href="#">here</a>.</p> <p>On 3 March 2021 the FCA published guidance on proving the presence of Covid-19 in a particular area based on the High Court's judgment and declarations (available <a href="#">here</a>) and subsequently published a <a href="#">Covid-19 calculator</a> on 21 April 2021 to help policyholders prove the presence of Covid-19 in their policy areas . On 12 March 2021 the FCA also published a list of business interruption policies capable of responding to the Covid-19 pandemic <a href="#">here</a>. This reflects the insurers' views as to which policies may provide cover in light of the FCA test case. The Court recently provided further guidance on business interruption cover in <i>Rockliffe Hall Limited v Travelers Insurance Company Limited</i> [2021] EWHC 412 (available <a href="#">here</a>). The Court considered whether a reference to 'Plague' could include Covid-19, as plague can be used as a general term for an infectious disease with a high mortality rate. However, the Court decided that 'Plague' was a reference to a specific disease – the bubonic plague – and did not extend to Covid-19. Use of the word 'means' rather than 'includes' in the definition of Infectious Diseases was also key to determining that the definition of Infectious Diseases was exhaustive and only covered those diseases listed.</p>	Effective immediately.
All – public procurement	Requirement to use alternative website for advertising contracts	Public sector bodies carrying out new regulated public procurements will be required to use the new UK e-notification service, Find a Tender: <a href="https://www.find-tender.service.gov.uk">https://www.find-tender.service.gov.uk</a> instead of the Official Journal of the European Union to advertise opportunities to bid for new public contracts. Other existing platforms such as Contracts Finder are not affected by this change. Contracts already in public procurement prior to 23:00 31 December 2020 are not required to use Find a Tender.	23:00 on 31 December 2020
Applicable to all companies and creditors	Restriction on use of statutory demands and winding-up petitions	<ul style="list-style-type: none"> <li>• The Corporate Governance and Insolvency Act 2020 includes provisions relating to statutory demands and winding-up petitions (in Schedule 10) which apply to all creditors and companies. The provisions prevent a creditor relying on non-payment under a statutory demand served on or after 1 March 2020 as the ground for presenting a winding-up petition. The service of statutory demands is not prohibited, but the creditor cannot use the non-payment of the sums demanded as the basis of presenting a winding-up petition.</li> <li>• If the creditor has other grounds for presenting a winding-up petition, it has to certify that it has reasonable grounds for believing that coronavirus has not had a financial effect on the company or that the ground relied upon would apply even if coronavirus had not had a financial impact on the company. This is a high hurdle for the creditor as it will not have detailed financial information about the company to determine whether the condition is satisfied.</li> <li>• Changes to the Insolvency Rules will require the court to have determined that a winding-up petition is capable of proceeding given the new restrictions before the winding-up petition can be advertised.</li> </ul>	<p>Statutory demands are void if served in respect of the period 1 March 2020 to 30 September 2021.</p> <p>The restrictions on the use of winding-up petitions will apply to those presented in the period 27 April 2020 to 30 September 2021.</p>



Industry:	Measure:	Description:	Timing/Action required:
<b>Applicable to all companies</b>	HSE Guidance in response to COVID-19	<p>The Health and Safety Executive (“HSE”) have released a number of useful guidance notes recently to help businesses comply with their legal obligations during the outbreak of Covid-19. These include:</p> <ul style="list-style-type: none"> <li>How to mitigate Legionella risks during the outbreak if your premises is closed/operating at reduced capacity: <a href="https://www.hse.gov.uk/news/legionella-risks-during-coronavirus-outbreak.htm">https://www.hse.gov.uk/news/legionella-risks-during-coronavirus-outbreak.htm</a></li> <li>How to deal with RIDDOR reporting of Covid-19 cases: <a href="https://www.hse.gov.uk/news/riddor-reporting-coronavirus.htm">https://www.hse.gov.uk/news/riddor-reporting-coronavirus.htm</a></li> <li>Carrying out thorough examination and testing of lifting and pressure equipment during the coronavirus outbreak: <a href="https://www.hse.gov.uk/news/work-equipment-coronavirus.htm">https://www.hse.gov.uk/news/work-equipment-coronavirus.htm</a></li> <li>Protecting home workers: <a href="https://www.hse.gov.uk/toolbox/workers/home.htm">https://www.hse.gov.uk/toolbox/workers/home.htm</a></li> <li>Working Safely during Coronavirus outbreak: <a href="https://www.hse.gov.uk/news/working-safely-during-coronavirus-outbreak.htm">https://www.hse.gov.uk/news/working-safely-during-coronavirus-outbreak.htm</a></li> </ul>	Effective immediately.
<b>Automotive</b>	Updated guidance: on the movement of vehicles & parts	The Finance & Leasing Association, in collaboration with its members, trade bodies and government has published updated advice on how vehicle parts can continue to be collected, transported and stored during the COVID-19 period. This guidance is supported by the British Vehicle, Rental and Leasing Association though is not a direction to members, instead it is an approach that can be taken based on prevailing government guidance.	From 15 April 2020.
<b>Central Government Contracting</b>	Supply chain payment improvements	<p>The latest Cabinet Office PPN [<a href="#">here</a>] will increase the threshold potential suppliers have to meet to demonstrate that they have effective payment systems in place for their supply chains.</p> <p>From April 2021, bidders for high value government contracts (above £5m per year) will have to confirm:</p> <ol style="list-style-type: none"> <li>(1) that they pay more than 95% of all of its supply chain invoices within 60 days, in at least one of the two previous six month reporting periods; or</li> <li>(2) where between 85% and 95% of all its supply chain invoices are paid in line with the same target that the bidder has a clear action plan to improve payment timescales.</li> </ol> <p>Any performance that falls below this standard would result in a failure of this selection criterion. The current selection criterion would only fail bidders where payment of supply chain invoices within 60 days is not achieved 75% or fewer of all supply chain invoices within one of the last two reporting periods.</p> <p>This criterion is also to apply to framework agreements and dynamic purchasing systems where the individual value of any contract to be awarded under such agreement or system is greater than £5m per year.</p>	April 2021
<b>Construction</b>	Working safely during COVID-19	<p>Detailed government guidance on how to work safely during the COVID-19 pandemic relevant for people who work in or run outdoor working environments can be found here:</p> <p><b>Construction and other outdoor work - Working safely during coronavirus (COVID-19) - Guidance - GOV.UK</b></p>	Published on 11 May 2020.

Industry:	Measure:	Description:	Timing/Action required:
<b>Construction</b>	Guidance on application of the Building Regulation during the coronavirus (COVID-19) outbreak	<p>Application of the Building Regulations during the coronavirus (COVID-19) outbreak – The government has published guidance for Building Control Bodies operating in England in relation to temporary healthcare buildings and related facilities, general guidance for operating during the current period of social distancing and remediation.</p> <p>Temporary healthcare buildings and related facilities</p> <ul style="list-style-type: none"> <li>• In relation to building work that is being carried out to support the fight against Covid-19 (including creation of healthcare buildings through temporary buildings and buildings undergoing a change of use) the guidance states that the Government does not intend to relax the Building Regulations’ requirements (though this will be kept under review).</li> <li>• Building Control Bodies should consider the “exceptional circumstances in which work may be taking place” when determining what is reasonable provision to meet the applicable requirements of Schedule 1.</li> </ul> <p>Guidance for Building Control Bodies on operating during the COVID-19 outbreak</p> <ul style="list-style-type: none"> <li>• Where building work is continuing through the Covid-19 outbreak, Building Control Bodies should: <ul style="list-style-type: none"> <li>• Where possible, check regularly with those carrying out work including its current status and any plans to continue work.</li> <li>• Continue to assess deposited plans on their merits.</li> <li>• Ensure that statutory requirements to consult with fire &amp; rescue authorities and sewage undertakers continue to be met.</li> <li>• Continue to undertake normal, regular on-site inspection activity where this can be done safely (in line with Public Health England guidance). To supplement physical inspections, digital photos, videos or other remote means of checking could be considered. However, remote inspections should not normally be the sole method of assessing compliance.</li> </ul> </li> <li>• The guidance also states that, if Building owners wish to occupy part of a building where work on the rest of the building may have stopped, Building Control Bodies can issue a part final or completion certificate for that part of the building.</li> </ul> <p>Remediation</p> <ul style="list-style-type: none"> <li>• The guidance confirms that the remediation of high-rise buildings with unsafe cladding remains a priority for government.</li> <li>• Remediation work should continue where safe to do so in accordance with guidance to minimise the risk of infection spread.</li> <li>• Building Control Bodies are to continue supporting the progress of remediation where appropriate.</li> </ul>	Guidance issued on 21 April 2020.
<b>Construction</b>	Temporary extensions to working hours – England only.	<p>On 13 May 2020, Robert Jenrick (Secretary of State for the Ministry of Housing, Communities and Local Government) published a Written Ministerial Statement for construction:</p> <ul style="list-style-type: none"> <li>• Temporary extensions to working hours may be required on some sites to facilitate safe working.</li> <li>• <i>“With immediate effect, local planning authorities should take a swift and positive approach to requests from developers and site operators for greater flexibility around construction site working hours”.</i></li> <li>• For short/modest increases to working hours, local planning authorities should not seek to undertake enforcement action (having regard to the reason for the condition and to their legal obligations).</li> <li>• For longer term/more significant changes to working hours, developers should apply to the local planning authority to temporarily amend a condition or a construction management plan.</li> <li>• Requests to extend working hours until 9pm, Monday to Saturday should not be refused by local authorities without very compelling reasons.</li> <li>• There may be circumstances where extending working hours beyond this, including 24 hour working, may be justified. For example, in areas without residential properties.</li> <li>• Requests to extend working hours should be proportionate and should not involve working on Sundays and bank holidays.</li> </ul> <p>Any temporary changes to construction working hours conditions should not extend beyond 13 May 2021.</p>	Published 13 May 2020 – immediate effect.
<b>Estate agents</b>	Guidance on house moves	<p>The Government has issued guidance on home moving for sellers, buyers and those professionals involved in the process. It is available here. Under the guidance estate agents, conveyancers, surveyors, removal firms, tradespeople can all return to work, subject to adhering to government guidance. House moves are still permitted under the new lockdown that began on 6 January 2021.</p>	13 May 2020.

Industry:	Measure:	Description:	Timing/Action required:
<b>Estate agents</b>	Reduction in SDLT for house purchases of up to £500,000	<ul style="list-style-type: none"> <li>In a move aimed to boost the housing market, on 8 July 2020 the Government temporarily extended the 0% band for SDLT for house purchases of up to £500,000.</li> <li>This means that for a house purchased for £500,000 or less, no SDLT will be payable. This can amount to a saving of £15,000 on a purchase of a home valued at more than £500,000 for most individuals.</li> <li>The SDLT rate change also applies to purchases of additional properties, such as holiday homes or buy-to-lets which would ordinarily be subject to a higher rate of SDLT.</li> <li>The rate reduction is effective on all property purchases until 30th of June following an extension in the Chancellor's budget. To smooth the transition back to normal, the nil rate band will then be £250,000, double its standard level until the end of September and will only return to the usual level of £125,000 from 1<sup>st</sup> October.</li> <li>The revised rates tables can be found here: <a href="https://www.gov.uk/guidance/stamp-duty-land-tax-temporary-reduced-rates">https://www.gov.uk/guidance/stamp-duty-land-tax-temporary-reduced-rates</a></li> </ul>	Effective immediately.
<b>Event organisers</b>	Criminal offence to organise illegal gatherings	<p>Those facilitating or organising any unlawful gathering of 30 people or more may face a £10,000 fine – placing a new deterrent on the breaches that put the public most at risk. Fines of £100 can continue to be issued to those who participate in illegal gatherings and those who have already received a fine will see the amount of doubled on each offence, up to a maximum of £3,200. Since the regulations were proposed, the numbers that can participate in a gathering have been reduced to 6 and the initial fine for participating in a gathering of more than 6 people has been increased to £200.</p> <p>These provisions will end on 19 July 2021</p>	28 August 2020.
<b>Financial Services</b>	FCA & PRA allow greater flexibility on SMCR	The FCA and PRA issued a joint statement accepting that at this time there may be a delay in informing them of any changes to Senior Management Functions (SMFs). It is accepted that the Statement of Responsibilities (SORs) may be submitted as soon as practicable. Firms are reminded that there is a rule to allow the temporary allocation of SMFs to an unapproved person for up to 12 weeks. This is being reviewed by the FCA to see if it needs to be extended.	Effective immediately.
<b>Hospitality</b>	Restrictions on use	Outdoor service has been permitted from 12 April (26 April in Wales) and indoor service from 17 May (both England and Wales).	26 September 2020.
<b>Hospitality</b>	Relaxation of licencing and planning conditions	The government announced temporary measures on 25 June 2020 designed to allow greater freedom to serve customers outside the licenced premises. Pubs and restaurants will be able to use car parks and terraces as dining and drinking areas, using their existing seating licenses. It has been announced that this will be extended to the end of the summer of 2021 with greater freedom to use outdoor areas to erect temporary marquees and facilities to enable outdoor service to be increased. Temporary changes to licensing laws will allow many more licensed premises, such as pubs and restaurants, to sell alcohol for consumption off the premises. Customers will be able to buy their drinks from a pub and consume them elsewhere, making social distancing easier. In addition, proposed planning freedoms will mean that outdoor markets, pop-up car-boot sales or summer fairs will not need a planning application, which will transform the way people shop and socialise.	Published 25 June 2020
<b>Hospitality</b>	Change of use from restaurant / pub use to takeaways	Under the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020, the owner of a property used for Class A3 (restaurants and cafes) or Class A4 (drinking establishments) can now use its property for the provision of takeaways until 23 March 2021. Takeaway is defined as any use for any purpose within Class A5 and any use for the provision of hot or cold food that has been prepared for consumers for collection or delivery to be consumed, reheated or cooked by consumers off the premises. The Government has extended this temporary provision by a further year.	24 March 2020. <i>The owner must inform the local authority that the property is being used as a takeaway.</i>

Industry:	Measure:	Description:	Timing/Action required:
<b>Hospitality, tourism and leisure, close contact services, facilities provided by local authorities, places of worship</b>	Keeping a temporary record of customers and visitors for 21 days to assist NHS Test and Trace In England	The legal requirement for certain businesses to have a system to collect NHS Test and Trace data and keep this for 21 days ends on 19 July but the use of the current systems is recommended to continue.	Effective from when such businesses reopen
<b>Housebuilders</b>	Guidance on safe working practices	The government and the Home Builders Federation have also launched the Safe Working Charter to enable construction sites to reopen which should also help get the housing market moving. A copy is available here: <a href="https://www.hbf.co.uk/policy/coronavirus/charter-safe-working-practice-covid-19/">https://www.hbf.co.uk/policy/coronavirus/charter-safe-working-practice-covid-19/</a>	Published 13 May 2020.
<b>Local authorities</b>	Assistance with enforcing Covid-19 restrictions	The government announced on 9 September 2020 that it will support local authorities and police forces to respond to breaches of COVID-19 Secure guidelines. It will launch a register of newly qualified and recently retired Environmental Health Officers (EHOs) so that local authorities can recruit more quickly and fill any gaps. In addition, the government plans to introduce COVID-19 Secure Marshals to help local authorities support social distancing in towns and city centres. The Winter Plan published on 23 November 2020 advises that the government will legislate to enhance the tools available to local authorities. Local authorities will be given streamlined powers to issue improvement and restriction notices to businesses that are breaching COVID-Secure rules, with the ability to immediately close premises that are not complying with COVID-Secure regulations. Businesses will also face financial penalties for not meeting the requirements of an improvement or restriction notice issued by a local authority.	Announced on 9 September 2020.  Announced on 23 November 2020
<b>Logistics</b>	Senior Traffic Commissioner guidance	Emergency and contingency planning provided with updates to several statutory documents to support the road transport industry – e.g. extension of grace periods to provide evidence to the Senior Traffic Commissioner. Senior Traffic Commissioner's statutory document available on gov.uk.	Published 17 March 2020.
<b>Retail, local authorities</b>	High Street Task Force	The Government has established the High Streets Task Force to provide access to cutting-edge tools, training, information and advice for high streets across England as part of the Government's efforts to get shops back in business safely from 15 June. The support is open to local councils and all organisations involved with high streets and will include free access to online training programmes, webinars, data and intelligence on topics including recovery planning and coordination, public space and place marketing. The support will form one part of the Task Force's 4-year programme which will focus on the long-term transformation of town and city centres and helping communities reimagine and revitalise their high streets. Details of the taskforce are here: <a href="https://www.gov.uk/government/news/new-support-for-reopening-and-recovery-of-high-streets">https://www.gov.uk/government/news/new-support-for-reopening-and-recovery-of-high-streets</a> .	Published 12 June 2020

Industry:	Measure:	Description:	Timing/Action required:
<b>Retail – supermarkets, groceries suppliers and logistics service providers</b>	Relaxation of competition law	<p>The government has excluded certain forms of cooperation in the groceries sector from the scope of the competition law prohibition of anti-competitive agreements. The exclusion applies to supermarkets, groceries suppliers and logistics service providers. The definition of ‘groceries’ includes, for example, food, pharmaceuticals, pet food, alcoholic and non-alcoholic drinks, cleaning products, toiletries and household goods. The upshot of the exclusion is that businesses can engage in certain forms of cooperation with their competitors without risking infringing competition law.</p> <p>Eight specified forms of cooperation are included: (a) limiting purchases by consumers of particular groceries; (b) sharing or cooperating labour or facilities; (c) coordinating the range of groceries (which may include simplifying the supply chain and product specifications); (d) sharing information on day to day stock positions and shortages; (e) sharing information on services provided by logistics service providers;(f) coordinating assistance for particular groups of consumers (including critical workers, the most clinically vulnerable and socially isolated groups), such as prioritising deliveries or opening stores at specific times to these groups; (g) coordinating temporary closures of stores or opening hours of stores; (h) coordination on supplying groceries to consumers in areas of the UK that are particularly vulnerable to shortages.</p>	<p>Effective immediately.</p> <p><i>To benefit from the exclusion, agreements must be notified to government</i></p>
<b>Retail, landlord and tenant</b>	Code of Practice	<p>The Code of practice for landlords and tenants of high street businesses has been published. A copy is <a href="#">here</a>. The Code is voluntary although the Government has previously said with it would explore options to make it mandatory if necessary. In March 2021, the Government announced a call for evidence to assess the impact of the Code of Practice and may introduce further measures as a result of the evidence received.</p> <p>The Code encourages businesses to come together to negotiate affordable rental agreements. It gives tenants and landlords affected by the coronavirus crisis the tools to come to a mutually beneficial agreement; ensuring that best practice becomes common practice. The Code applies to all commercial leases held by businesses that have been seriously negatively impacted by the COVID-19 crisis, whether, for example, in the hospitality, retail, leisure, office, industrial and logistics, ports, or rural sectors – but it is expected that the hospitality, leisure and parts of the retail sectors, will have most need of it. One of the key principles in the Code is transparency and honesty. Tenants seeking concessions should be clear with their landlords about why this is needed. This means being prepared to be transparent, and explaining their request by providing financial information about their business. The Code sets out a list of (non-exclusive) factors that landlord should take into account in discussions with tenants Possible solutions are outlined by the Code. New arrangements that could be agreed by both parties are suggestions and parties are not obliged to adopt them. These are:</p> <ul style="list-style-type: none"> <li>• a full or partial rent-free period for a set number of payment periods</li> <li>• a deferral of the whole or part of the rent for one or more payment periods</li> <li>• the payment of the rents over shorter payment periods for a set time (e.g. monthly) including provision for their payment in arrears</li> <li>• rental variations to reduce ongoing payments to a current market rate and/or to provide for all or part of the rent to be paid as a proportion of turnover of the site, incorporating any period during which the site was closed</li> <li>• landlords drawing from rent deposits on the understanding that the landlord will not then require that the deposits be “topped up” by the tenant before it is realistic and reasonable to do so</li> <li>• reductions in rent, either in whole or part, across other units occupied by the tenant and owned by the landlord, as part of a negotiated agreement applying to a portfolio of units</li> <li>• landlords waiving contractual default interest on unpaid rents/ rents paid in arrears to make payment plans more affordable</li> <li>• provisions for ending the solutions on a fixed date, or on reaching the trigger point of particular circumstances</li> <li>• tenants and landlords agreeing to split the cost of the rent for the unoccupied period between them</li> <li>• any of the above in return for other arrangements e.g. a reversionary lease on reasonable terms, the removal of a break right in favour of the tenant, or an extension of the lease.</li> </ul> <p>The Code also address issues in relation to service charges.</p>	Published 19 June 2020.

Industry:	Measure:	Description:	Timing/Action required:
<b>Retail</b>	Relaxation of opening hours	The Government has announced that when non-essential retail opens, shops will be able to open until 10:00pm Monday to Saturday.	Published 26 March 2021.
<b>Telecoms</b>	Government guidance for telecommunications operators <b>Guidance here</b>	<ul style="list-style-type: none"> <li>• Gatherings of two or more people are permitted to effect essential repairs and maintenance to telecommunications equipment;</li> <li>• It remains crucial that emergency access rights to property can be relied upon;</li> <li>• Landowners and occupiers should continue to comply with their obligations under telecommunications agreements; and</li> <li>• Street works involving network maintenance and fault repairs, customer repairs, network build, and increasing network capacity should be allowed to continue. Workers must follow the guidance about taking precautions to reduce the spread of COVID-19.</li> </ul> <p>Where telecoms workers and operators need to enter residential properties, they and residents should follow the guidance on social distancing for everyone in the UK.</p>	Effective immediately.
<b>Transport Operators</b>	Government COVID-19 safer transport guidance for operators	The government has published guidance on safer working principles and risk assessment for transport operators and organisations. A copy of the guidance can be found here: <a href="https://www.gov.uk/government/publications/coronairus-covid-19-safer-transport-guidance-for-operators">https://www.gov.uk/government/publications/coronairus-covid-19-safer-transport-guidance-for-operators</a>	Published 12 May 2020.
<b>Travel</b>	Public health measures for all UK arrivals	The government has published guidance for all UK arrivals to guard against a second wave of Coronavirus infections, including 14 days' self-isolation for anyone entering the UK, bar a short list of exemptions. A copy of the guidance can be found here: <a href="https://www.gov.uk/government/news/home-secretary-announces-new-public-health-measures-for-all-uk-arrivals">https://www.gov.uk/government/news/home-secretary-announces-new-public-health-measures-for-all-uk-arrivals</a>	Published 22 May 2020.

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