



## Christmas bubbles – the five days of Christmas

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On 24 November, the UK Government published Guidance entitled ‘Making a Christmas bubble with friends and family’. This Guidance (agreed between all four countries of the UK) covers the period **23 to 27 December 2020** inclusive, save for those travelling to and from Northern Ireland who may travel on 22 and 28 December. At the risk of stating the obvious, it is important to note that these rules do not apply to either New Year’s Eve or New Year’s Day. This Guidance is described on the Government website as “*rules*”. It states further that “*rules on forming and using a Christmas bubble will be the law*”.

### The basic position

Broadly speaking the Guidance (which does not replace the existing Tier systems but, it appears, merely superimposes itself for the relevant period) says as follows:-

- A family or group of friends (“household”) may mix with up to two other households

to form an exclusive Christmas bubble of three households. This Christmas bubble can meet within:

- A private home (including rented accommodation) or garden;
- A place of worship; or
- Outside in a public space.
- A Christmas bubble is exclusive: You may only be in one Christmas bubble and its membership cannot change.
- Households can continue to meet outdoors with people not in their Christmas bubble, according to rules of the local tier where you are during the period.
- You may not:-
  - Meet someone in a ‘private dwelling’ who is not part of your household/Christmas bubble; or
  - Meet your Christmas bubble in any indoor setting such as a pub, hotel, shop, theatre, or restaurant.
- It is “*important*” that any Christmas bubble is “*as small as possible*”.
- If you are self-isolating you may not form a Christmas bubble.

## Children of separated parents

Minor (i.e. those aged under 18) children of separated parents can continue to move between their homes with each parent and/or each parent’s Christmas bubble. No one other than minor children of separated parents should be in more than one bubble.

The separated parents “*can mix indoors where necessary with the other parent to allow your child to move between homes*” but they do not form either a household or a support bubble. Government Guidance says that provided you otherwise meet the criteria to form a support bubble you may - if “*you share custody of a child with someone you do not live with*” (Custody is curious choice of word from a family law perspective where this label has long since been replaced by softer and less emotive language. Children are now said to ‘*live with*’ one or both parents.)- also form a support bubble.

This means that if, despite being separated, the parents enjoy a good relationship and choose to spend Christmas together with their child[ren] they will constitute two households and may, should they wish, elect to join one further household to form their Christmas bubble.

## Support bubbles

A support bubble is a close support network between a household with only one adult or a household with one adult and one or more people who were under the age of 18 on 12 June 2020 in the home (known as a single-adult household) and one other household of any size. If you are the parent of a child (or children) who shares their time between you and their other parent then (a) if you’re a single-adult household, you can form a support bubble with another household other than the one that includes your child’s other parent; and (b) if you’re not a single-adult household, you can form a support bubble with a single-adult household other than the one that includes your child’s other parent. Any existing support bubble will count as one household towards the three household (Christmas) limit. In other words, you and your support bubble may meet with up to two other households (and, it follows, any support bubble which either one of them may have) over the period 23 to 27 December. But, of course, here again the Guidance reminds us that we should consider the risks of doing so and keep our Christmas bubble “*as small as possible*”.

## Childcare bubbles

If you have children under 14, you may have formed a childcare bubble separate from your support bubble. But, you must not meet socially with your support bubble and childcare bubble at the same time. Should you want to meet socially with the other household in your childcare bubble, you must therefore include them in your Christmas bubble. Childcare bubbles must be used exclusively for the purposes of informal childcare (i.e. unpaid/unregistered and where the child's parent or regular carer is not present). If you are eligible, you can form one childcare bubble and one support bubble with different households (a child moving between 2 parents who live separately is not counted as a childcare bubble).

## University students

For those families with adult children who are living away from home at university, these individuals are considered to be part of the household to which they have returned (i.e. they are not treated as part of their term-time household for this period), but they cannot form part of more than one household or Christmas bubble. In other words, an undergraduate child of separated parents returning home from university may not move between their parent's respective homes unless the parents have elected to form a bubble together and / or (perhaps unusually) one parent's household is the support bubble for the other.

## Alternative Christmas bubbles

Confusingly perhaps, you can choose to form a Christmas bubble that may be completely different from the household you live with normally. So, you may choose to stay somewhere else with different people for this period as long as the resultant Christmas bubble is no larger than three households (in total). In other words, if you join people from another household to form a Christmas bubble then only one more household may join you and also form part of that Christmas bubble. This should be distinguished from three pre-existing households all choosing to spend the period together either at one or their homes or in a rented holiday property.

## Nannies

Child minders, nannies and baby-sitters may continue to work over this period in accordance with the rules of the local tier.

## Pre and Post Christmas

Both in the two weeks prior to forming a Christmas bubble and in the two weeks following, the Guidance discourages "*unnecessary social interaction*" with people outside existing bubbles and encourages working from home where possible. Children may attend school as usual.

## Christmas bubbles are not compulsory

It should be emphasised that there is no compulsion to form a Christmas bubble. In the absence of a Christmas bubble you should continue to follow the rules for the prevailing tier in your area, including the ability to see your support and / or childcare bubble if you have one.

## No hugs or mistletoe and plenty of humbug

The popular press has been quick to report that all of this means that extended family members may once again hug each other as the Christmas bubble effectively constitutes a single household. But, there is nothing in the Guidance that encourages such intimacy and in fact it specifically states that you should “*keep socially distanced from anybody you do not live with as much as possible*”.

That said, all of this would make for an entertaining board game for up to three households to play on Boxing Day. Now, first question, that’s a maximum of *how many* players...?

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