

Policing the pandemic: The Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No 3) Regulations 2020 – 1 June 2020

This note sets out the most significant changes in the law. From 1 June 2020, the approach to restrictions has changed. Rather than requiring a reasonable excuse to leave the place where a person is living, there are specific things that members of the public cannot do.

A person may now leave and remain outside of the place where they live for any reason, subject to restrictions on gatherings and overnight stays.

Gatherings in a public or private place

Outdoors Gatherings of more than six people are not permitted.

Indoors No gatherings are permitted.

Exceptions apply for:

- members of the same household
- a person attending a funeral
- an elite athlete and their coach or parent
- work purposes or the provision of voluntary or charitable services
- facilitating house moves
- providing care or assistance to a vulnerable person

- providing emergency assistance
- providing registered early years childcare
- avoiding injury, illness or to escape a risk of harm
- facilitating access between parents and children
- fulfilling legal obligations or participating in legal proceedings
- the purposes of education

A gathering is defined as **two or more people** present together in the same place, intending to engage in any form of social interaction or to undertake any other activity with each other.

Police powers for gatherings – direction, removal and/or use of force can still be used in public places. If you are lawfully in a private place you can only direct a prohibited gathering to disperse, or any person in the gathering to return home.

Fixed penalty notice (FPN) and arrest still apply, where appropriate.

If you encounter what seems to be a prohibited gathering, always consider the four 'E's:

- 1 Engage** Who has gathered and what are their intentions?
- 2 Explain** The message is still to stay alert to save lives, it is important that we continue to apply social distancing measures to prevent the spread of the virus.
- 3 Encourage** Use your discretion and common sense. You can still direct people to go home or disperse if you feel it is necessary and proportionate to do so. You can also direct a parent or guardian to take steps to stop their children breaking these rules.
- 4 Enforce** You can still issue a fixed penalty notice if all other attempts to obtain cooperation have failed.

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Overnight stays

No person may stay overnight at any place other than the place where they are living without reasonable excuse. Reasonable excuses include, but are not limited to:

- attending a funeral
- an elite athlete and their coach or parent
- moving house
- work purposes or the provision of voluntary or charitable services
- providing care or assistance to a vulnerable person
- providing emergency assistance
- avoiding injury, illness or to escape a risk of harm
- obtaining medical assistance
- fulfilling a legal obligation or participating in legal proceedings
- facilitating access between parents and children
- it is not safe for a person to live there

- it being unlawful to travel or there is some legal requirement to stay elsewhere
- the place where they are living is not available for any other reason

Exceptions apply for the homeless.

The list in the Regulations is not exhaustive and officer discretion is key.

Police powers for overnights stays – you may only direct a person to return home. There are no powers in the Regulations to remove someone or use force.

FPN and arrest still apply, where appropriate.

Businesses

There have been changes to the businesses that may open.

Please refer directly to the government website for details.

Local authorities and Trading Standards will lead on enforcing and monitoring the closure of businesses.

If you become aware someone is staying overnight somewhere other than where they are living:

- 1 Engage** Why are they staying somewhere other than their home – do they have a reasonable excuse, are there safeguarding concerns?
- 2 Explain** The message is still to stay alert to save lives, that's why it's really important that some restrictions still apply to prevent the spread of the virus.
- 3 Encourage** Use your discretion and common sense. Where you encounter this as an issue, you can direct a person to return home. You can also direct a parent or guardian to take their children home and to ensure they stop breaking these rules.
- 4 Enforce** You can issue a fixed penalty notice and you have the option to arrest, if all other attempts to obtain cooperation have failed.

The Regulations provide no power of entry.