
The Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) Regulations 2020

05.08.2020

Overview of Regulations in the North of England

The 'protected area' includes the areas of:		Emergency period			
Greater Manchester	<ul style="list-style-type: none"> ▪ Bolton Metropolitan Borough Council, ▪ Bury Metropolitan Borough Council, ▪ Manchester City Council, ▪ Oldham Metropolitan Borough Council, ▪ Rochdale Borough Council, ▪ Salford City Council, ▪ Stockport Metropolitan Borough Council, ▪ Tameside Metropolitan Borough Council, ▪ Trafford Metropolitan Borough Council, ▪ Wigan Metropolitan Borough Council 	Commencement	Review period	Proposed 1 st Regs. Review	Expires
Lancashire	<ul style="list-style-type: none"> ▪ Burnley Borough Council ▪ Hyndburn Borough Council ▪ Pendle Borough Council ▪ Rossendale Borough Council 	05/08/2020	At least every 14 Days	19/08/2020	On direction from Sec. of State
West Yorkshire	<ul style="list-style-type: none"> ▪ Calderdale Metropolitan Borough Council ▪ Kirklees Metropolitan Council 	Overview of restrictions/requirements			
For the purposes of these Regulations, premises or outdoor places are in the protected area if any part of them is in the protected area.		These Regulations place specific restrictions or requirements within the protected area, however they may only apply in certain categories:		National Regulations Apply	Local Regulations Apply
Note: Separate Regulations apply for <u>Blackburn with Darwen and Bradford</u>		1. Closure of premises and businesses		✓	
		2. Restrictions on movements or gatherings			✓
		3. Restrictions on entering, leaving or travelling within the protected area		No restrictions currently apply	
		4. Restrictions on transport services or use of transport hubs		No restrictions currently apply	
		5. Requirement to use face coverings		✓	

Restrictions and enforcement – Regulations in the North of England

Restrictions on gatherings in private dwellings	
Restrictions imposed	Exemptions apply:
<p>During the emergency period:</p> <ul style="list-style-type: none"> ▪ no person may participate in a gathering in the protected area which consists of two or more persons in a private dwelling, including a houseboat ▪ no person living in the protected area may participate in a gathering which consists of two or more persons and takes place in a private dwelling outside the protected area <p>Private dwelling includes any garden, yard, passage, stair, outhouse or other land or property attached to the dwelling (exceptions apply).</p> <p>Note: a gathering is in the protected area if any part of the place where it takes place is in the protected area.</p>	<ul style="list-style-type: none"> ▪ where the gathering solely comprises members of the same household or linked households ▪ where a person is attending a birth at the request of the person giving birth ▪ where a person is visiting someone they reasonably believe is dying (conditions apply) ▪ where a person is fulfilling a legal obligation ▪ where the gathering is reasonably necessary: <ul style="list-style-type: none"> • for work purposes, or for the provision of voluntary or charitable services • for the purposes of education or training • for the purposes of childcare by a registered person • to provide emergency assistance • to avoid injury or illness or to escape a risk of harm • to facilitate a house move • to provide care or assistance to a vulnerable person • to continue existing arrangements for access to, and contact between, parents and children

Restrictions and enforcement – Regulations in North of England

Restrictions on gatherings of more than 30 people	
Restrictions imposed	Exemptions
<p>No person may participate in a gathering within the protected area which consists of more than 30 persons, and takes place:</p> <ul style="list-style-type: none"> ▪ on a vessel, other than a vessel used for public transport ▪ on public outdoor land <p>Public Outdoor Land is land used as a public outdoor place but not if it is operated as a visitor attraction, or operated by or part of premises used for the operation of a business, charity, benevolent or philanthropic institution or public body</p>	<p>A gathering of over 30 is permitted where:</p> <ul style="list-style-type: none"> ▪ the gathering has been organised by a business, a charitable, benevolent or philanthropic institution, a public body, or a political body and: <ul style="list-style-type: none"> • the person responsible for organising the gathering has carried out a risk assessment, and • the gathering organiser has taken all reasonable measures to limit the risk of transmission of the coronavirus, taking into account the risk assessment ▪ the person concerned is an elite sportsperson, the coach of an elite sportsperson, or the parent of an elite sportsperson, and the gathering is necessary for training or competition ▪ the gathering is reasonably necessary <ul style="list-style-type: none"> • for work purposes, or for the provision of voluntary or charitable services • for the purposes of education or training • for the purposes of childcare by a registered person • to provide emergency assistance • to enable one or more people in the gathering to avoid injury or illness or to escape a risk of harm ▪ the person concerned is fulfilling a legal obligation

Note: No person may participate in an indoor gathering of more than 30 people if it would be of a kind mentioned in section 63(1) of the Criminal Justice and Public Order Act 1994 if it took place in the open air, such as **a rave or other unlicensed music event.**

Enforcement options:

Note: any enforcement options used should be necessary and proportionate.

Gatherings: Where a constable or PCSO considers that a number of people are gathered together in contravention of the Regulations, they may:

- **direct** the gathering to disperse
- **direct** any person in the gathering to return to the place where they are living
- **remove** any person from the gathering. A constable may use reasonable force, if necessary, in exercising this power

Offence types:

A person without reasonable excuse commits an offence if they:

- contravene a requirement under these Regulations
- obstruct any person carrying out a function under these Regulations
- contravene a direction given under these Regulations or fail to comply with a reasonable instruction

An offence under these Regulations is punishable on summary conviction by a fine.

Children

Where the person forming part of a gathering is a child and they are accompanied by an individual who has responsibility for them:

- the relevant person may **direct** that individual to take the child to the place where they are living
- the responsible individual must, so far as reasonably practicable, ensure that the child complies
- where the child repeatedly fails to comply with requirements, the relevant person may **direct** the responsible individual to secure, so far as reasonably practicable, that the child complies with the restrictions. A breach of any direction can result in a fixed penalty notice being issued to the responsible individual

Linked households

A linked household is: **Where two households are effectively treated as one for the purposes of the Regulations.**

Conditions: Where a household comprises one adult, or one adult and one or more children (under the age of 18 on 12 June 2020), they may choose to be linked with a second household (there is no limit on the number of adults and children in the second household).

- Neither household can be linked with any other household
- All adult members of the second household must agree to the link
- The households cease to be linked if the conditions above are not met
- If the households cease to be linked, neither of them may then link with another household

Fixed penalty notice

Anyone contravening these requirements commits an offence, punishable on summary conviction by a fine. Where someone is reasonably believed to have committed an offence under these Regulations and is 18 or over, you may issue them with an FPN for £100 payable within 28 days, but this is reduced to £50 if paid within 14 days. Court proceedings may be brought in cases of non-payment. The fine amounts double for each subsequent offence, up to £3,200 for the sixth and subsequent offences. This will take into account FPNs issued the FPN amount will take into account FPNs issued under all other restrictions regulations, both previous and those currently in force. The usual FPN process via ACRO applies.

Powers of arrest

The necessity test under Section 24 PACE has been temporarily amended by these Protection Regulations to include:

- to maintain public health
- to maintain public order

Usual applications of Section 24 PACE still apply and officers' attention is specifically drawn to the necessity to arrest in relation to ascertaining name and address, and to protect a child or other vulnerable person from the person in question. In this context, this aspect is linked to the spread of infection. Officers may also wish to determine if breach of the peace powers apply.

The police response will be to follow the **four-step approach**:

- 1 **Engage**
- 2 **Explain**
- 3 **Encourage**
- 4 **Enforce**

We **police by consent**. The initial police response should be to encourage voluntary compliance.

This could be through asking **individuals, groups or businesses** whether they have heard about the new guidance, and how quickly they can comply with it. This should be done by stressing the risks to public health and the NHS.

There is no power to '**stop and account**'.

The police will apply the law in a system that is **flexible, discretionary and pragmatic**. This will enable officers to make sensible decisions and employ their judgement. Enforcement should be a last resort.

Remember

The Health Protection Regulations (secondary legislation)

Health Protection Regulations have been enacted for England and Wales. The English Regulations do not apply in Wales and vice versa.

Yes, enforceable. Anyone contravening the Regulations applying in their country commits an offence, punishable on summary conviction by a fine.

The Coronavirus Act 2020 (primary legislation)

Applies in England and Wales.

Yes, enforceable. There are five main summary offences created by the legislation. These offences are punishable on summary conviction by a fine.

Government guidance – is not enforceable. The English and Welsh governments have issued their own guidance, neither are enforceable and only apply in their respective localities.