

Policing the pandemic: The Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No 2) changes – 13 May 2020

This note sets out the most significant changes in the law, and what has not changed. These amendments allow for greater movement in public spaces.

Officers should only enforce the Health Protection Regulations – government guidance is not enforceable, for example two-metre distancing, avoiding public transport or the wearing of face coverings in enclosed spaces.

People are still not allowed to leave or be outside of their homes without a reasonable excuse. The Regulations update the list of examples of reasonable excuses, but officers' judgement and discretion are key – apply the four 'E's.

- 1 **Engage**
 - 2 **Explain**
 - 3 **Encourage**
 - 4 **Enforce**
- These four-step escalation principles underpin the police strategy and response to the coronavirus pandemic.

Remember: Enforcement is a last resort.

There has been an expansion to the reasonable excuses, and business openings, under the amendments to mean **people can:**

- ✓ collect goods from a business permitted to remain open (click and collect) and visit recycling centres, garden centres and outdoor sport courts
- ✓ take part in activity associated with the sale or letting of residential property – including visiting estate agents and attending house viewings
- ✓ visit public open spaces alone for recreation to promote their physical, mental or emotional wellbeing
- ✓ visit public open spaces with **ONE member of another household** for the above purpose or, as previously, alone or with members of their household
- ✓ take exercise with **ONE member of another household** or, as previously, alone or with members of their household

The following activities are not in the list of examples of reasonable excuses:

- ✗ To go on holiday, this includes to visit and stay overnight at a holiday home or second home.
- ✗ To visit the homes of friends and family (exceptions include to protect a vulnerable person, for medical purposes or to escape risk of harm).
- ✗ Travelling to outdoor spaces in Wales and Scotland for recreation (not exercise) may result in offences being committed in those jurisdictions, and so may not be a reasonable excuse for leaving home.

Officers should be aware of differences in legislation in Wales and Scotland, particularly when engaging with people travelling to outdoor spaces around the borders.

Officers will continue to use their discretion to determine what is reasonable and apply the four 'E's.

- ✗ **Gatherings of three or more people (from different households) are not permitted.**

Policing the pandemic: How do the English and Welsh Health Protections (Coronavirus, Restrictions) Regulations Amendments 2020 vary?

Wales	England
Two-metre distancing is enforceable. Policing is not responsible for enforcing workplace social distancing, this requirement rests with Welsh local authorities	The police have no powers to enforce two-metre distancing in England
<p>From 11 May 2020, unlimited exercise permitted each day only within an area local to the place where the person is living:</p> <ol style="list-style-type: none"> 1. alone 2. with other members of the person's household 3. with the person's carer 	<p>Unlimited exercise is permitted. Regulations now also expressly state that you may take exercise with one member of another household</p> <p>People may also now visit open public space for recreation to support their physical, mental or emotional wellbeing. Regulations around gatherings must still be observed (no more than two people, unless from the same household)</p> <p>Regulations now expressly state that you may visit public open space with one member of another household</p>
Levels of fines remain as per the original Regulations, starting at £60 up to a maximum of £120. There are reductions for early payment (£30 if paid within 14 days), however the reduction only applies to the first FPN.	Fine levels have been increased from £60 up to £100 for the first offence, with a maximum sum of up to £3,200
Recycling and waste disposal facilities open	Recycling and waste disposal facilities open
Libraries open	No change. Regulations in England continue to allow libraries to be open but only via online, telephone or postal services
Garden centres open	Garden centres open
Allows a person to leave their home to collect goods ordered from a shop operating on an 'order and collect' basis	Clarification to allow for the collection of goods that have been purchased from a business permitted to remain open
House moves remain the same in Wales. Regulations only permit people to move house where it cannot be postponed.	Undertaking activities associated with the sale or letting of property, such as visiting estate or letting agents, participating in house viewings or preparing a house for a property move are now permitted

Note: When dealing with towns and villages bordering England and Wales, it is important that people respect the rules where they are, as intended activities may be prohibited, due to differences in legislation.

Police officers should use their discretion and respond in line with the four 'E's – **Engage, Explain, Encourage, Enforce** (only as a last resort).