

## SUMMARY GUIDE TO CORONAVIRUS OFFENCES IN ENGLAND

### V3. Incorporates amendments effective from 13 May 2020

#### **Purpose of this document**

This document is intended to provide an overview of the new criminal offences introduced in two different pieces of legislation in response to the coronavirus pandemic in England. They are:

- Schedule 21 of the Coronavirus Act 2020 <http://www.legislation.gov.uk/ukpga/2020/7/schedule/21/enacted>
- The Health Protection (Coronavirus Restrictions) (England) Regulations 2020/350 <http://www.legislation.gov.uk/uksi/2020/350/made>

- Pages 1-3 provide a **6-step guide** for non-lawyers, including basic questions you should ask yourself if you are facing criminal charges or if you are being issued with a Fixed Penalty Notice.
- Pages 6-14 provide **'quick-glance guide' tables** to the various offences under the two different pieces of legislation, including dates, powers of enforcement, potential defences and penalties for lay persons, police and lawyers at first appearances.

**Those charged or issued with FPNs are strongly advised to seek legal advice in an individual case. This guide is not a substitute for legal advice or for reading the legislation itself.**

### HAVE YOU COMMITTED THE OFFENCE ALLEGED?

#### 6-STEP GUIDE

#### Q1. What is the alleged offence?

- If you are stopped by police, you do not have to answer questions (unless they are asking you about a potentially infectious child in your care). However, if you do not answer, this might give police reasonable grounds to believe that you are committing an offence and may trigger powers of arrest under s24 PACE 1984 (see 'powers of enforcement' in Table 1 below).
- If you are given a Fixed Penalty Notice, the notice must set out the issuing authority and the behaviour which is alleged to amount to an offence.
- If you have already been charged, the offence with which you are charged is identified for you in a **charge sheet or on a summons**. This should be provided to you at the police station (or if a summons by post) and at the magistrates' court when you have a first appearance. These documents must set the law that you are alleged to have contravened together with a short description identifying your allegedly unlawful behaviour.

#### Q2. Does the provision you are charged with apply to you?

##### **First: Am I accused of an offence under the Coronavirus Act 2020 or the Health Protection Regulations?**

It is likely to be under the Regulations. In general, the Coronavirus Act 2020 provides powers in support of health care officials in relation to people who are "potentially infectious". The Regulations contain restrictions on movement, trading, worship and family life. **A charge under the Coronavirus Act should be a 'red flag' to check its lawfulness.**

##### **Second: check which section of the legislation applies:**

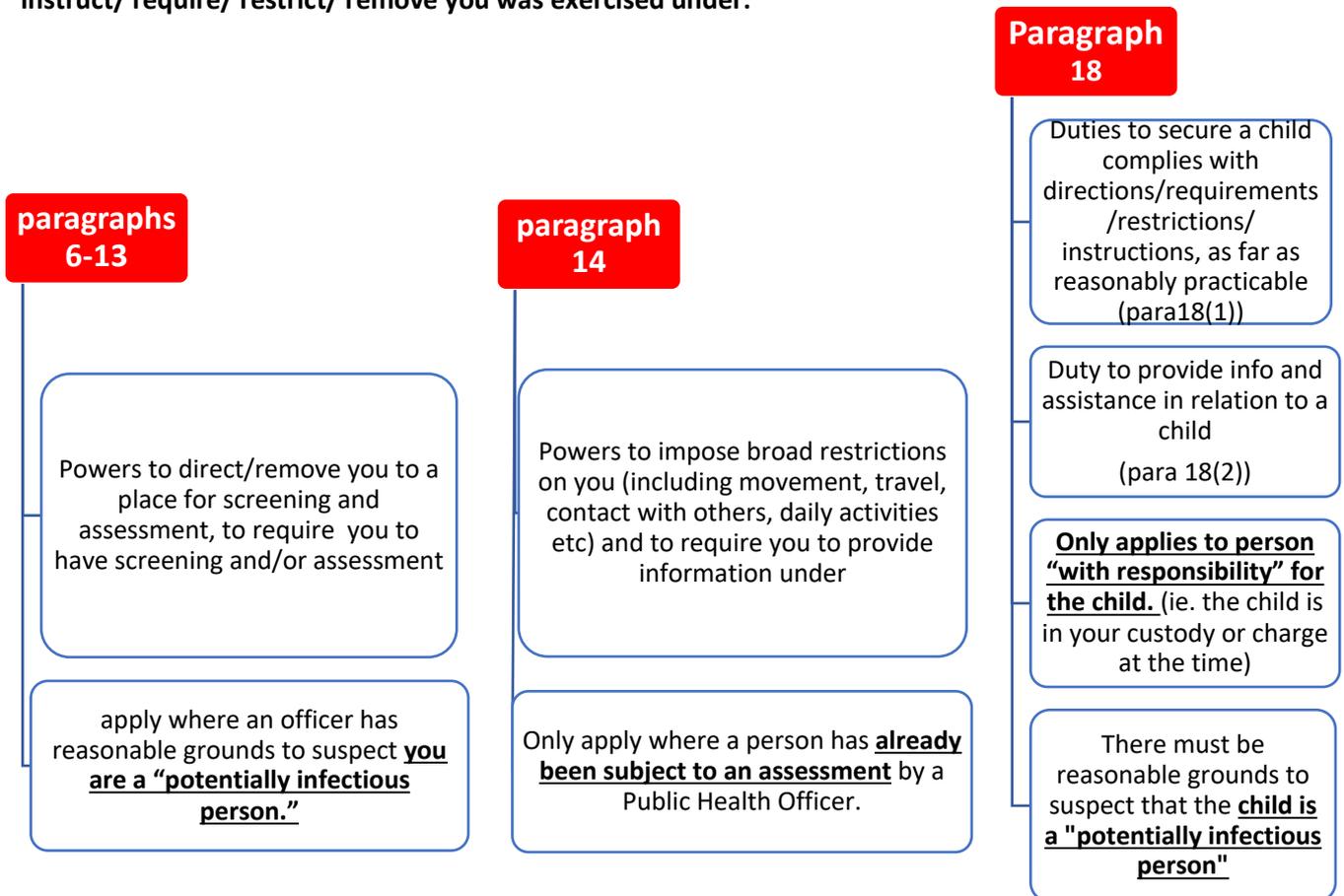
If you are charged with an offence under Regulation 9 of the **Health Protection (Coronavirus Restrictions) (England) Regulations**, it depends which regulation you have alleged to contravene:

- Regulation 4, 5, and 8 => **apply to business owners**
- Regulation 6 (leaving/being outside of home) => **applies to everyone except homeless people**
- Regulation 7 (restrictions on public gatherings)=> **applies to all**

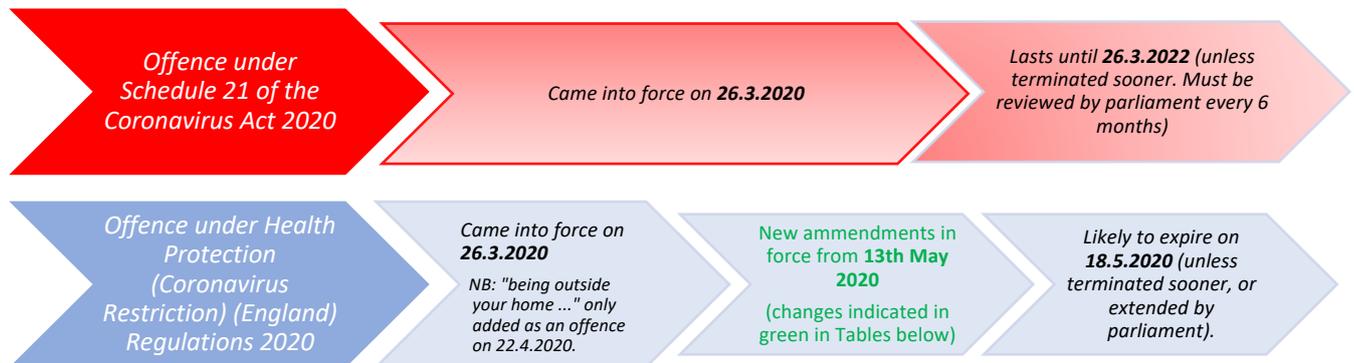
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- a. Offences under Para 23 of **Schedule 21 of the Coronavirus Act 2020** only apply where the relevant officer has **reasonable grounds to suspect** that you (or a child you are responsible for) are a **“potential infectious person”**. This means that: either:
- You are, or may be infected with coronavirus and there is a risk of you contaminating other people; or
  - Within the previous 14 days, you have been in an ‘infected area’.  
(This means country/area/territory outside of the UK which the Health Secretary has declared as being an area:
    - (a) where there is known or thought to be sustained human-to-human transmission of coronavirus, or
    - (b) from which there is a high risk that coronavirus will be transmitted to the United Kingdom.)

**Third: if you are accused of an offence under Schedule 21, check which paragraph the power to direct/ instruct/ require/ restrict/ remove you was exercised under:**



**Q3. Did the alleged offence exist at the time you are alleged to have committed it?**



NB amendments are not retrospective. The law must be applied as it was at the time the offence allegedly took place.

**Q4. Does the legislation you are charged under apply in the country where the alleged offence took place?**

Each of the 4 countries of the UK has specific provisions that are similar (though not identical) but which only apply in that country. You cannot be guilty of the offence you are charged with if it is not contained in the provisions relating to the country where it happened.

- Schedule 21 of the Coronavirus Act has separate parts for each of the 4 countries as follows:  
England: Part 2 – paragraphs 6-24                      Scotland: Part 3 – paragraphs 25-47  
Wales: Part 4 - paragraphs 48-68                      Northern Ireland: Part 5 – paragraph 69-89
- There are also separate regulations for each country. The regulations for England are the Health Protections (Coronavirus Restrictions) (England) Regulations.

**Q5. What is the alleged criminal behaviour?**

Is what you have done actually an offence?

For example: if you are accused of breaching the regulations by being in your garden, this would not be an offence because you are not outside the place where you are living.

IF YOU HAVE NOT CONTRAVENED THE REGULATIONS (OR THE ACT) YOU'VE DONE NOTHING UNLAWFUL.

**Q6. What if your behaviour is potentially an offence?**

The prosecution still has to prove that none of the possible defences apply. See Tables 1-3 below for potential defences that may arise.

**If you are not sure of the answers to any of these questions, seek advice from a lawyer.**

**You are entitled to free independent legal advice at the police station and the magistrates' court.**

**Table 1: OFFENCES RELATING TO INDIVIDUALS FREEDOM OF MOVEMENT / GATHERINGS ETC**

Behaviour targeted	Relevant legislation	Period offence exists	Who can commit an offence?	Potential defences	Powers of enforcement	Penalties
Leaving home (or being outside of home), without a reasonable excuse.	Regulation 6, Health Protection (Coronavirus, Restrictions) (England) Regulations.	Came into force 1pm 26.3.2020 (NB: 'being outside of home' only became an offence on 22.4.2020.!)  <i>Further amendments effective from 13.5.2020</i>  Expires 18.5.2020. <sup>ii</sup>	Applies to everyone (regardless of Covid-19 status), except homeless persons to whom Reg 6 does not apply at all. (Reg 6(4))	<ul style="list-style-type: none"> <li>• <b>Reasonable Excuse.</b> (A non-exhaustive list of reasonable excuses is provided in paragraph(2) of Reg 6. <b>*See table 2 below.</b>) <i>NB the details vary between jurisdictions</i></li> <li>• Regulations themselves may be ultra vires because they are secondary legislation which go beyond the scope permitted by the parent legislation (The Public Health Act 1984). <i>A defence best left to lawyers!</i></li> </ul>	<p>"Relevant Person" (RP) i.e. [RPs can only be: PCs, PCSOs or local authority officers]<sup>iii</sup> may <b>*if (s)he considers it necessary and proportionate*</b>:</p> <ul style="list-style-type: none"> <li>• Direct P to return home;</li> <li>• Use reasonable force to remove P to home.</li> </ul> <p><b>NB different powers re children<sup>iv</sup></b> RP's can also give any reasonable instructions they consider necessary in exercising these powers.</p> <p>Police can also arrest P under s24 PACE if:</p> <ol style="list-style-type: none"> <li>a) there are reasonable grounds to suspect an offence is being/about to be committed;</li> <li>b) (s)he reasonably believes necessary to<sup>v</sup>:             <ol style="list-style-type: none"> <li>(i) maintain public health</li> <li>(ii) maintain public order.</li> </ol> </li> </ol> <p>Or can start prosecution via summons. <b>No power to stop &amp; account (you don't have to answer questions, but failure to do so may give grounds to believe you're committing an offence)</b></p>	<p>Offence is summary only. Punishable by an unlimited fine. <b>Offence is non-recordable (i.e. no power to take DNA/fingerprints)</b></p> <p>"Authorised person" (same as RP) can issue a fixed penalty notice<sup>vi</sup> (FPN) to over 18s instead of prosecution.</p> <p><i>FPNs increased for offence committed on/after 13.5.2020: 1<sup>st</sup> = £100 or £50 (if paid in 14 days) Amount doubles on each repeat FPN up to max of £3,200. <sup>vii</sup></i></p>
Gatherings of 3 or more people in a <u>PUBLIC PLACE</u>	Regulation 7, Health Protection (Coronavirus, Restrictions) (England) Regulations.	26.3.2020 - 18.5.2020 (as above).	Applies to everyone (regardless of whether anyone may have Covid-19)	<ul style="list-style-type: none"> <li>• <b>Gathering is in a private place</b></li> <li>• Everyone is from the same household</li> <li>• Essential for work</li> <li>• Reasonably necessary to facilitate moving-house</li> <li>• To provide care/assistance to a vulnerable person<sup>viii</sup></li> <li>• Regs themselves are ultra vires (see above)</li> </ul>	<p>RP (as above) may <b>*if he considers it necessary and proportionate*</b>:</p> <ul style="list-style-type: none"> <li>• direct gathering to disperse;</li> <li>• direct P in gathering to return home;</li> <li>• use reasonable force to remove P to home.</li> </ul> <p>RP's can also give any reasonable instructions they consider necessary in exercising these powers. <b>NB different powers re children<sup>ix</sup></b> <b>NB Regulation 8(1) also gives RP's power to take any action necessary to enforce the regulation.</b> This is wide and vague. It is presumed such action must be proportionate.</p> <p>Police can arrest under s24 PACE, &amp; no power to stop and account, as above.</p>	As above.

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<p>Contravenes direction from RP /failure to comply with reasonable instruction from person enforcing Regulations</p>	<p>Regulation 9(1) <b>Health Protection (Coronavirus, Restrictions) (England) Regulations.</b></p>	<p>26.3.2020 - 18.5.2020 (as above).</p>	<p>Applies to everyone (regardless of Covid-19 status)</p>	<ul style="list-style-type: none"> <li>Reasonable excuse (no specific examples listed);</li> <li>Person giving directions/instructions was not an RP;</li> <li>RP acting outside their powers under Reg 8;</li> <li>Instruction given was not 'reasonable'.</li> <li>Regs are ultra vires (see above)</li> </ul>	<p>Police can arrest P under s24 PACE as above.</p> <p>"Authorised person" (same as RP) can issue Fixed Penalty Notices</p>	<p>As above.</p>
<p>Obstructing a person carrying out a function under the Regulations</p>	<p>Regulation 9(2) <b>Health Protection (Coronavirus, Restrictions) (England) Regulations.</b></p>	<p>26.3.2020 - 18.5.2020 (as above)</p>	<ul style="list-style-type: none"> <li>Applies to everyone (regardless of Covid-19 status)</li> <li>Can also apply to corporate bodies and 'officers' of a corporate body (see table 3 below)</li> </ul>	<ul style="list-style-type: none"> <li>Reasonable excuse (no specific examples listed);</li> <li>The obstructed person was not 'carrying out function under the regs.'</li> <li>Regs themselves are ultra vires (as above)</li> <li>No consent/ neglect by an 'officer' of the body corporate (as above)</li> </ul>	<p>Police can arrest P under s24 PACE as above.</p> <p>"Authorised person" (same as RP) can issue Fixed Penalty Notices</p>	<p>As above.</p>
<p>Failing to comply with direction, reasonable instructions or requirements to go to a place and have screening &amp; assessment</p>	<p><b>Coronavirus Act.</b> Offence in Sch 21 para 23.</p> <p><b>Paras 6-13</b> give powers for Public Health Officials (PHO) Immigration Officers (IO) &amp; constables (PC) to direct/remove P to (or keep P at) a place and require P to have screening* &amp; assessment<sup>x</sup>, where consider necessary &amp; proportionate for:</p> <p>(a)P's interests (b)protection of others; (c)maintenance of public health.</p> <p><b>Para 20</b> provides power for IO/PHO or PC to give reasonable instructions in connection with direction or removal.</p>	<p>Act came into force 26.3.2020</p> <p>Expires 24.3.2022 (unless extended – but must be reviewed every 6 months)</p>	<p>'Potentially infectious persons'.</p> <p>I.e. where</p> <p>(a) P is or may be infected with CV, and there's a risk of contaminating others</p> <p>(b) P has been in an 'infected area'<sup>xii</sup> within last 14 days</p>	<ul style="list-style-type: none"> <li>Reasonable excuse</li> <li>Instruction itself not 'reasonable' e.g. <ul style="list-style-type: none"> <li>It contravened the Schedule's limitations such as time a person can be held;</li> <li>failed to take into account P's circumstances;</li> </ul> </li> <li>Direction/instruction/requirement etc was not lawful/not exercised in accordance with the Act, e.g.: <ul style="list-style-type: none"> <li>Person did not have reasonable grounds to suspect P is infectious;</li> <li>P not given necessary info/warnings;</li> <li>Immigration officer did not consult necessary authority;</li> <li>Person giving instruction was not authorised to do so under the paragraph relied on.</li> <li>If P is a child – powers can't be exercised without an adult who is 'responsible for the child' (or who is 'appropriate' having regard to the child's views). (Para18(4))</li> </ul> </li> </ul>	<p>Directions/ requirements/ reasonable instructions etc can be given (depending on the paragraph) by Public Health Officials, and Immigration Officers and Constables.</p> <p>Constables and Immigration Officers can use reasonable force in the exercise of their powers under the Schedule.</p> <p>Police also have power to enter any premises for purpose of exercising q power under Schedule 21.</p>	<p>Offence is summary only.</p> <p>Punishable by a fine not exceeding level 3 (£1000).</p> <p><b>Offence is non-recordable (no power to take DNA / Fingerprints).</b></p>

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<p><b>Failing to comply with restrictions for potentially infectious people under para 14</b></p> <p>E.g.:</p> <ul style="list-style-type: none"> <li>To remain at specified place</li> <li>Re movement &amp; activities</li> <li>Re contact with others</li> </ul>	<p><b>Coronavirus Act.</b> Offence in Sch 21 para 23(1)(a)</p> <p><b>Para 14</b> gives PHO powers to impose restrictions on P where they consider necessary &amp; proportionate for:</p> <p>(a) P's interests (b) protection of others; (c) maintenance of public health</p>	<p>26.3.2020 - 24.3.2022 (as above)</p>	<p>Applies only to "potentially infectious persons" <b>who have already been assessed by a public health officer.</b></p>	<ul style="list-style-type: none"> <li>Reasonable excuse</li> <li>Requirement/restriction is not imposed in accordance with the Act e.g.: <ul style="list-style-type: none"> <li>P not given necessary info/warnings;</li> <li>failed to take into account P's wellbeing and circumstances</li> <li>If P is a child – powers can't be exercised without an adult who is 'responsible for the child' (or who is 'appropriate' having regard to the child's views). (Para 18(4))</li> </ul> </li> </ul>	<p>Requirements and restrictions under para 14 can be imposed by Public Health Officials, but can also be enforced by PCs. PCs can take P into custody and return them to a place directed by the PHO. (Para 16)</p> <p>PCs and IOs can use reasonable force in the exercise of powers. PCs can also enter premises to exercise Schedule 21 powers.</p>	<p>As above.</p>
<p><b>Absconding whilst being removed to / kept in a place by public health officer</b></p>	<p><b>Coronavirus Act.</b> Offence in Sch 21 para 23 (1)(c)</p>	<p>26.3.2020 - 24.3.2022 (as above)</p>	<p>'potentially infectious persons' (see above).</p>	<p>Powers to remove/restrict not been exercised lawfully e.g. because:</p> <ul style="list-style-type: none"> <li>time limits under Act are exceeded</li> <li>Person does not have necessary authority</li> <li>P not given necessary warnings</li> </ul>	<p>Powers to remove exercisable by Public Health Officers, Immigration Officers and Police Constables. PCs &amp; IOs can use reasonable force. PCs can also enter premises to exercise Schedule 21 powers.</p>	<p>As above.</p>
<p><b>Knowingly providing false or misleading info when required to provide info or in connection with any power under Sch 21</b></p>	<p><b>Coronavirus Act.</b> Offence in Sch 2, para 23 (1)(d)</p> <p>Specific powers to require information are in para 14 (potentially infectious persons) and para 18 (those with responsibility for a potentially infectious child).</p>	<p>26.3.2020 - 24.3.2022 (as above)</p>	<p>Potentially infectious persons" who have already been assessed by a public health officer</p> <p>Individuals with responsibility for a child (u18) who is 'potentially infectious' under Sch 21</p>	<ul style="list-style-type: none"> <li>Did not know information was false/ misleading</li> <li>The person requiring the information was not entitled to do so e.g. because <ul style="list-style-type: none"> <li>Not qualified under the Act;</li> <li>Not exercising powers according to the Act (e.g. there are no reasonable grounds to suspect P is infectious / did not provide necessary warnings)</li> </ul> </li> <li>P does not have responsibility for the relevant child ;<sup>xiii</sup></li> <li>Information/assistance was not reasonably necessary or practicable;</li> <li>Did not know info was misleading</li> <li>Person requiring info was not exercising powers in accordance with the Act e.g. <ul style="list-style-type: none"> <li>no reasonable grounds to suspect child is potentially infectious</li> <li>did not provide necessary warnings</li> <li>No appropriate adult present</li> <li>Didn't take steps to contact 'responsible' adult. (Para 18(4) -(5).</li> </ul> </li> </ul>	<p>Public Health Officers can require information under para 14.</p> <p>PHOs / IOs and PC's can require information and assistance in connection with directions/instructions etc they can take in relation a child under para 28.</p> <p>Police Constables. and Immigration Officers can use reasonable force in the exercise of their powers under the Schedule.</p> <p>Police can also enter any premises for purpose of exercising powers under Schedule 21.</p>	<p>As above.</p>
<p><b>Obstructing person exercising Sch 21 powers</b></p>	<p><b>Coronavirus Act.</b> Offence in Sch 21 para 23(1)(e)</p>	<p>26.3.2020 - 24.3.2022 (as above)</p>	<p>'Potentially infectious persons'.</p>	<ul style="list-style-type: none"> <li>Reasonable excuse</li> <li>Not exercising powers in accordance with the Act.</li> </ul>	<p>PCs and IOs can use reasonable force. Police also have power to enter premises.</p>	<p>As above.</p>

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<p>Failing to ensure compliance of a child / provide assistance in relation to a child</p>	<p><b>Coronavirus Act.</b> Offence in Sch 21 para 23(1)(b) <b>Para 18 (1)</b>=&gt; duty to secure compliance of child with direction/ instructions etc <b>Para 18(2)</b> =&gt; duty to provide assistance to officials re the child.</p>	<p>26.3.2020 - 24.3.2022 (as above)</p>	<p>Individuals who are 'responsible for<sup>xiv</sup> 'potentially infectious' children.</p>	<ul style="list-style-type: none"> <li>• Reasonable excuse</li> <li>• Further action not 'reasonably practicable'</li> <li>• Person giving directions/instructions etc not exercising powers in accordance with the Act (see examples above)</li> </ul>	<p>Directions/ requirements/ reasonable instructions etc can be given (depending on the paragraph) by Public Health Officials, and Immigration Officers and Police Constables.</p> <p>PCs &amp; IOs can use reasonable force. Police also have power to enter any premises to exercise Schedule 21 powers.</p>	<p>As above.</p>
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Table 2: "REASONABLE EXCUSES" FOR LEAVING/BEING OUTSIDE YOUR HOUSE UNDER REGULATION 6		
Legislative section	Wording of example given in Reg 6 (2)	Principles taken from Official Guidance (including CPS, Police Chiefs, and Government <sup>xv</sup> )
	<i>The regs refer to "need" for each of the listed examples, however, Official Guidance suggests that this requirement is largely redundant. Often it is inherently illogical. The focus is on whether the actions amount to a reasonable excuse.</i>	NB the guidance is <u>not law</u> , and not legally binding.  <i>Parts in italics are authors' own observations</i>
Reg 6 para 2(a)	To obtain basic necessities, including food and medical supplies for those in the same household (including any pets or animals in the household) or for vulnerable persons and supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person <sup>xvi</sup> including from any business listed in Part 3 of Schedule 2; <sup>xvii</sup> (see list in Endnote).	<ul style="list-style-type: none"> <li>• Luxuries are still permitted and "in general terms a person has a reasonable excuse to go to shops which remain open to customers under the regulations".</li> <li>• If outside obtaining necessities, there is no restricting on obtaining other 'luxury' goods at the same time;</li> <li>• Necessities for 'maintenance and upkeep' unlikely to extend to renovations or improvements;</li> <li>• Food can include takeaway food.</li> <li>• 'Obtaining' includes sharing and collecting as well as purchasing.</li> </ul>
Reg 6 para 2(aa)	To obtain money from or deposit money with any business listed in paragraphs 33 or 34 of Schedule 2 ("Banks, building societies, credit unions, short term loan providers and cash points" and 'post offices'.)	<i>It is presumed you can do this both for yourself and for another person.</i>
Reg 6 para 2(ab)	To collect goods which have been ordered from a business in any way permitted under regulation 5(1)(a)	<i>This amendment came into force on 13.5.2020</i>
Reg 6 para 2(b)	To take exercise - i) alone ii) with other members of their household, or iii) <i>With one member of another household</i>	<ul style="list-style-type: none"> <li>• The regulations in England do not contain limits on number or duration. The "1-hour" rule is government guidance only (NB this is a legal restriction in legislation applying to Wales)</li> <li>• Exercise should contain some movement but can be seated / slow walk and can involve breaks – including stopping for lunch on a long walk.</li> <li>• There is no prohibition on driving somewhere in order to exercise. Guidance had suggested you may not be truly engaged in "exercise" if breaks/driving to go to destination is significantly longer than the period of exercise. <i>This changed 13 May (below).</i></li> </ul>
Reg 6 para 2(ba)	To visit a public open space for the purposes of open-air recreation to promote their physical or mental health or emotional wellbeing— (i) alone, (ii) with one or more members of their household, or (iii) with one member of another household;  "public open space" includes— a. land laid out as a public garden or used for the purpose of recreation by members of the public; b. land which is "open country" as defined in s59(2) National Parks and Access to the Countryside Act 1949, & s 16 Countryside Act 1968; c. land which is "access land" for the purposes of Part 1 Countryside and Rights of Way Act 2000 (see section 1(1) of that Act).	Guidance on 13.5.20 recognises that people can visit public open spaces alone for recreation to promote their physical, mental or emotional wellbeing  <i>This is vague. We suggest being "emotional wellbeing" is deliberately wide and encompasses mood as well as medical conditions. There is no legal definition of recreation but Guidance indicates this will include sunbathing, picnicking and sitting in fresh air.</i>  <i>NB. there are no powers to enforce social distancing in England. In Wales 2 metre distancing is enforceable by the Welsh local authorities (not the police).</i>  Guidance on 13.5.20 warns that 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.

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Reg 6 para 2(c)	To seek medical assistance, including to access any of the services referred to in paragraph 37 or 38 of Schedule 2; (Paras 37 lists “Dental services, opticians, audiology services, chiropody, chiropractors, osteopaths and other medical or health services, including services relating to mental health”)	<ul style="list-style-type: none"> <li>Includes taking animal to vets or pet shop (where treatment cannot be arranged on phone)</li> </ul>
Reg 6 para 2(d)	To provide care or assistance, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006 4 , to a vulnerable person <sup>xviii</sup> , or to provide emergency assistance	<ul style="list-style-type: none"> <li>The legislation under the 2006 Act provides for physical assistance to those who are elderly or disabled, in connection with particular daily heath/hygiene tasks (e.g. toileting, eating &amp; drinking, washing, dressing, oral care, and care of skin/nails/hair).</li> <li>Care and assistance may also be broader and could arguably include visits to vulnerable people who may otherwise experience a decline in their mental health or wellbeing.</li> </ul>
Reg 6 para 2(e)	The need to... donate blood	
Reg 6 para 2(f)	To <del>travel for the purposes of</del> work or to provide voluntary or charitable services, where it is not reasonably possible for that person to work, or to provide those services, from the place where they are living	<ul style="list-style-type: none"> <li>No requirement to be key worker. Includes anyone who cannot work from home;</li> <li>No written proof needed. Guidance confirms police should not ask for ID docs or other docs.</li> </ul>
Reg 6 para 2(g)	To attend a funeral of— (i) a member of the person's household, (ii) a close family member, or (iii) if no-one within sub-paragraphs (i) or (ii) are attending, a friend	<i>It is presumed that this means you may attend the funeral of a friend if none of the deceased's family or household (as opposed to your own) are attending.</i>
Reg 6 para 2(ga)	To visit a burial ground or garden of remembrance, to pay respects to a member of the person's household, a family member or friend.	<i>There is no restriction here that prevents you from attending, even where the deceased's relatives/household also wish to do so.</i>
Reg 6 para 2(h)	To fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings	<i>journalists who attend court to report on legal proceedings could possibly be “participating” for the purpose of this provision.</i>
Reg 6 para 2(i)	To access critical public services, including— (i) childcare or educational facilities (where these are still available to a child in relation to whom that person is the parent, or has parental responsibility for, or care of the child); (ii) social services; (iii) services provided by the DWP (iv) services provided to victims (such as victims of crime)	<i>This list is non-exhaustive. Arguably critical public services may also include attending immigration or housing related appointment for example.</i>
Reg 6 para 2(j)	In relation to children who do not live in the same household as their parents, or one of their parents, to continue existing arrangements for access to, and contact between, parents and children, and for the purposes of this paragraph, "parent" includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of, the child	
Reg 6 para 2(k)	In the case of a minister of religion or worship leader, to go to their place of worship	

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Reg 6 para 2(l)	<p>To <del>move house where reasonably necessary</del>  <b>To undertake any of the following activities in connection with the purchase, sale, letting or rental of a residential property—</b>          (i) <b>visiting estate or letting agents, developer sales offices or show homes;</b>          (ii) <b>viewing residential properties to look for a property to buy or rent;</b>          (iii) <b>preparing a residential property to move in;</b>          (iv) <b>moving home;</b>          (v) <b>visiting a residential property to undertake any activities required for the rental or sale of that property;</b></p>	<p>‘Moving-house’ does not have to be permanent. Guidance indicates this can include going to stay somewhere for a few days (e.g. for -cooling off period’ following arguments at home.) CPS guidance suggests genuine moves will be measured in days not hours.</p> <p><i>This provision was amended from 13.5.2020 to include a wider range of activities relating to the residential housing market.</i></p> <p><i>The requirement that moving-house must be ‘reasonably necessary’ has been removed.</i></p>
Reg 6 para 2(m)	To avoid injury or illness or to escape a risk of harm	<ul style="list-style-type: none"> <li>▪ This most obviously applies to those at risk of domestic violence in their home.  <i>This provision is widely drafted and should reasonably apply to those with mental health conditions, and physical disabilities, and others who need to get out to avoid detriment to their health.</i></li> </ul>
Reg 6 para 2(n)	to use a waste or recycling centre.	<i>This amendment came into force on 13.5.2020</i>
	Other potential reasons	<i>Reg 6(2) is non-exhaustive. There may be other reasons that can give rise to a reasonable excuse.</i>

**Summary Guide to Coronavirus Criminal Offences  
Applicable in England (14 May 2020)**

**OFFENCE APPLICABLE TO ORGANISATIONS AND BUSINESSES**

Relevant Regulation	What businesses does it apply to	What is required	Who can commit an offence?	Potential Defences	Powers of Enforcement	Penalties
Regulation 4  Health Protection (Coronavirus, Restrictions) (England) Regulations	Restaurants Dining rooms Cafes Bars Pubs  (NB does not apply to 'room service' within a hotel or other accommodation provider.)	<ul style="list-style-type: none"> <li>Must close areas of areas where food/drink is sold for consumption on premises.</li> <li>Most not sell food/drink for consumption on the premises</li> </ul>	<ul style="list-style-type: none"> <li>Person "responsible for carrying on" the business. I.e. - the owner; proprietor; or manager. (Reg 1)</li> <li>Corporate body</li> <li>An "officer of the body corporate – i.e. a <i>director manager, secretary or other similar officer of the body corporate.</i>"</li> </ul>	<ul style="list-style-type: none"> <li>Selling 'takeaway' only</li> <li>If P is an "officer of the corporate body" – (s)he did not consent or connive in the offence, and/or the offence was not attributable to his/her neglect.</li> </ul>	<p>"Relevant Person" (RP) may give a prohibition notice if</p> <ul style="list-style-type: none"> <li>(s)he reasonably believes that the person being given the notice is contravening the requirement</li> <li>(s)he considers it necessary and proportionate to prevent P from continuing to contravene the requirement</li> </ul> <p>RPs can only be: PCs, PCSOs, Persons designated by the local authority or by Health Secretary.</p> <p><b>NB Regulation 8(1) also gives RP's power to take any action necessary to enforce the regulation. This is wide and vague. It is presumed such action must be proportionate.</b></p> <p>Police can arrest under s24 PACE (as in table 1 above)</p>	<p>Summary offence under Reg 9.</p> <p>Max penalty is a fine.</p> <p><b>Offence is non-recordable (i.e. no power to take DNA or fingerprints)</b></p>
	<i>Cinemas; Theatres; Nightclubs; Bingo halls; Concert halls; Museums and galleries; Casinos; Betting shops; Spas; Nail, beauty, hair salons and barbers; Massage parlours; Tattoo and piercing parlours; Skating rinks; Indoor fitness studios, gyms, swimming pools, bowling alleys, amusement arcades or soft play areas or other indoor leisure centres or facilities; Funfairs (whether outdoors or indoors); Playgrounds, indoor sports courts, outdoor gyms and outdoor swimming pools]; Outdoor markets (except for livestock markets and stalls selling food); Car showrooms; Auction Houses (except for livestock auctions).</i>	Must cease to carry on the business or provide any service.	<ul style="list-style-type: none"> <li>Person "responsible for carrying on" the business. As above</li> <li>Corporate body</li> <li>An "officer of the body corporate – i.e. a <i>director manager, secretary or other similar officer of the body corporate.</i>"</li> </ul>	<ul style="list-style-type: none"> <li>NB these businesses are still allowed to host blood donation services.</li> <li>Cinemas, Theatres, Bingo Halls, Concert Halls and Museums/galleries can use closed premises to broadcast performances;</li> <li>No consent/ neglect by an 'officer' of the body corporate (as above)</li> </ul>	As above	As above

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<b>Regulation 5(1)</b>	Shops & Libraries I.e. "Businesses offering goods for sale or hire in a shop". Except – business which sell food/drink for consumption off the premises.	Must close premises & refuse entry to customers *except where necessary to carry out services in response to orders made online/by phone/by post.	As above	<ul style="list-style-type: none"> <li>▪ Can still make deliveries and provide services in response to orders.</li> <li>▪ No consent/ neglect by an 'officer' of the body corporate (as above)</li> </ul>	As above	As above
<b>Regulation 5(3)</b>	Businesses which provides holiday accommodation including: Hotels, hotels, B&Bs, holiday homes, campsites, caravan parks, boarding houses.	Must cease to carry out the business. *Exception, can still provide accommodation for any person who: <ul style="list-style-type: none"> <li>▪ Can't return to their main residence;</li> <li>▪ Uses that as their main residence</li> <li>▪ Needs accommodation whilst moving-house</li> <li>▪ Needs accommodation to attend a funeral;</li> <li>▪ Works in one of the critical sectors listed in "Guidance for critical workers who can access schools or educational settings" <sup>xix</sup> and needs accommodation for work.</li> <li>▪ To provide support services/ accommodation to the homeless;</li> <li>▪ any purpose requested by the local authority or Health secretary</li> </ul>	As above	<ul style="list-style-type: none"> <li>▪ Exceptions apply</li> <li>▪ No consent/ neglect by an 'officer' of the body corporate (as above)</li> </ul>	As above	As above
<b>Regulation 5(5)</b>	Places of Worship	Must be closed for all services except for <ul style="list-style-type: none"> <li>▪ Funerals</li> <li>▪ Broadcasting an act of worship</li> <li>▪ Providing essential voluntary services, or public support services – e.g. foodbanks / support for homeless or vulnerable people / blood donations/emergency support.</li> </ul>	As above	<ul style="list-style-type: none"> <li>▪ Exceptions apply</li> <li>▪ No consent/ neglect by an 'officer' of the body corporate (as above)</li> </ul>	As above	As above
<b>Regulation 5(7)</b>	Community centre	Must close. Except to provide <ul style="list-style-type: none"> <li>▪ essential voluntary activities</li> <li>▪ urgent public support services (including food banks / support for homeless or vulnerable people, emergency support, and blood donation sessions).</li> </ul>	As above	<ul style="list-style-type: none"> <li>▪ Exceptions apply</li> <li>▪ No consent/ neglect by an 'officer' of the body corporate (as above)</li> </ul>	As above	As above
<b>Regulation 5(8)</b>	Crematoriums NB – the regulation does not apply to the grounds surrounding crematoriums including burial grounds or gardens of remembrance (reg 5(8A))	Must close to members of the public, save for funerals or burials	As above	<ul style="list-style-type: none"> <li>▪ Exceptions apply</li> <li>▪ No consent/ neglect by an 'officer' of the body corporate (as above)</li> </ul>	As above	As above

The business listed in Part 3 Schedule 2 are permitted to remain open without restriction on their service. (See footnote XVI for list of these business)

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[NB: Version 2 of this document: inserted reference to “need” under Regulation 6 in Table 2.  
Version 3 of this document: incorporates amendments which came into force on 13.5.2020]

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<sup>i</sup> This additional wording was inserted on Words inserted on April 22 2020 at 11.00 by the Health Protection (Coronavirus, Restrictions) (England) (Amendment) Regulations 2020/447 reg.2(4)(a)

<sup>ii</sup> Unless terminated by Health Secretary or extended by Parliament (up to maximum of 6 months from 23 March 2020 (excluding any adjournments)).

<sup>iii</sup> Local authority officers are not specified in the Regulations but are designated by the Secretary of State as relevant persons.

<sup>iv</sup> Where the person outside of where they are living is a child, if they are accompanied by an adult who “has responsibility” for them the Relevant person may direct the adult to take the child to the child’s home. The responsible adult must, so far as reasonably practicable, ensure that the child complies with any directions or instructions given by the relevant person to the child. Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with restrictions on movement, a relevant person may direct an individual who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with the restrictions under Regulation 6 (prohibition on leaving/being outside of home).

<sup>v</sup> It is unclear whether other justifications for arrest under s24 PACE 1984 continue to apply to arrests under the Regulations

<sup>vi</sup> (*Reg 10(5) specifies that A fixed penalty notice must—* (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence; (b) state the period during which (because of paragraph (4)(a)) proceedings will not be taken for the offence; (c) specify the amount of the fixed penalty; (d) state the name and address of the person to whom the fixed penalty may be paid; (e) specify permissible methods of payment.

<sup>vii</sup> Previously the first FPN was £60 (£30 if paid within 14 days) and subsequently doubled on each occasion up to a maximum of £960.00

<sup>viii</sup> A vulnerable person includes (but not limited to): (i) A person aged 70 or over; (iii) a pregnant person, (ii) (ii) A person under 70 who has an underlying health condition (a non-exhaustive list is set out in Schedule 1 of the Regulations as follows: Chronic (long-term) respiratory diseases, such as asthma, chronic obstructive pulmonary disease, emphysema or bronchitis. Chronic heart disease, such as heart failure. Chronic kidney disease. Chronic liver disease, such as hepatitis. Chronic neurological conditions, such as Parkinson's disease, motor neurone disease, multiple sclerosis, a learning disability or cerebral palsy. Diabetes. Problems with the spleen, such as sickle cell disease or removal of the spleen. A weakened immune system as the result of conditions such as HIV and AIDS, or medicines such as steroid tablets or chemotherapy. Being seriously overweight, with a body mass index of 40 or above.

<sup>ix</sup> Where the person in the gathering is a child, if they are accompanied by an adult who “has responsibility” for them the Relevant person may direct the adult to take the child to the child’s home. The responsible adult must, so far as reasonably practicable, ensure that the child complies with any directions or instructions given by the relevant person to the child. Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with restrictions on gatherings, a relevant person may direct an individual who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with the restrictions in regulation 7 (prohibition on public gatherings). Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with restrictions on movement, a relevant person may direct an individual who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with the restrictions under Regulation 6 (prohibition on leaving/being outside of home).

<sup>x</sup> "Screening" means— (a) assessing the extent to which a person has been exposed to coronavirus, (b) determining whether the person is infected or contaminated with coronavirus, and (c) assessing the person's symptoms and state of health. (Schedule 21 Para 3).

<sup>xi</sup> “Assessment” means assessment of the measures that it would be appropriate to take in relation to the person (under this Schedule or otherwise) to mitigate the risk that the person might infect or contaminate others with coronavirus. (Schedule 21 Para 3).

<sup>xii</sup> "infected area" means any country, territory or other area outside the United Kingdom which the Secretary of State has declared as a country, territory or area— (a) where there is known or thought to be sustained human-to-human transmission of coronavirus, or (b) from which there is a high risk that coronavirus will be transmitted to the United Kingdom.

<sup>xiii</sup> Paragraph 18 (7) provides that An individual has responsibility for a child— “(a) if the individual has custody or charge of the child for the time being (without being a person on whom powers are conferred by this Part of this Schedule), or (b) if the individual has parental responsibility for the child (within the meaning of the Children Act 1989).

<sup>xiv</sup> see note XII above.

<sup>xv</sup> Police Chief guidance here: 13 May 2020: <https://www.college.police.uk/What-we-do/COVID-19/understanding-the-law/Documents/Health-Protection-Regulations-Amendments-England-changes-130520.pdf> Gov’t guidance here: [https://www.gov.uk/government/publications/coronavirus-outbreak-faqs-what-you-can-and-cant-do/coronavirus-outbreak-faqs-what-you-can-and-cant-do?fbclid=IwAR26V\\_9njUDdlIJ0hAtJI7X70\\_zpJTkQilUoM\\_DDKL7uMr-AaUzGaoulmyM](https://www.gov.uk/government/publications/coronavirus-outbreak-faqs-what-you-can-and-cant-do/coronavirus-outbreak-faqs-what-you-can-and-cant-do?fbclid=IwAR26V_9njUDdlIJ0hAtJI7X70_zpJTkQilUoM_DDKL7uMr-AaUzGaoulmyM) Previous guidance here:

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<https://www.college.police.uk/What-we-do/COVID-19/Documents/What-constitutes-a-reasonable-excuse.pdf> and here: <https://www.gov.uk/government/publications/covid-19-guidance-on-social-distancing-and-for-vulnerable-people/guidance-on-social-distancing-for-everyone-in-the-uk-and-protecting-older-people-and-vulnerable-adults> CPS Guidance: <https://www.cps.gov.uk/legal-guidance/coronavirus-interim-cps-case-review-guidance-application-public-interest-covid-19> Joint Committee on Human Rights Guidance: <https://publications.parliament.uk/pa/it5801/jtselect/jtrights/correspondence/Chairs-briefing-paper-regarding-Health-Protection-Coronavirus-Restrictions-England-Regulation-2020.pdf>

<sup>xvi</sup> See note VI above

<sup>xvii</sup> Food retailers, including food markets, supermarkets, convenience stores and corner shops. Off licences and licensed shops selling alcohol (including breweries). Pharmacies (including non-dispensing pharmacies) and chemists. Newsagents. Homeware, building supplies and hardware stores. Petrol stations. Car repair and MOT services. Bicycle shops. Taxi or vehicle hire businesses. Banks, building societies, credit unions, short term loan providers, savings clubs, cash points, and undertakings which by way of business operate currency exchange offices, transmit money (or any representation of money) by any means or cash cheques which are made payable to customers. Post offices. Funeral directors. Laundrettes and dry cleaners. Dental services, opticians, audiology services, chiropody, chiropractors, osteopaths and other medical or health services, including services relating to mental health. Veterinary surgeons and pet shops. Agricultural supplies shop. Storage and distribution facilities, including delivery drop off or collection points, where the facilities are in the premises of a business included in this Part. Car parks. Public toilets. **Garden Centres, Outdoor sports courts.** (added on 13.5.2020)

<sup>xviii</sup> See note VI above

<sup>xix</sup> <https://www.gov.uk/government/publications/coronavirus-covid-19-maintaining-educational-provision/guidance-for-schools-colleges-and-local-authorities-on-maintaining-educational-provision> published by the Cabinet Office and the Department for Education and updated on 5th May 2020. This guidance lists the following:

**Health and Social care:** “which includes, but is not limited to “doctors, nurses, midwives, paramedics, social workers, care workers, and other frontline health and social care staff including volunteers; the support and specialist staff required to maintain the UK’s health and social care sector; those working as part of the health and social care supply chain, including producers and distributors of medicines and medical and personal protective equipment.”

**Education and Childcare:** which includes “childcare, support and teaching staff, social workers, specialist education professionals who must remain active during the COVID-19 response to deliver this approach”.

**Key Public Services:** which includes: “those essential to the running of the justice system, religious staff, charities and workers delivering key frontline services, those responsible for the management of the deceased, journalists and broadcasters who are providing public service broadcasting.”

**Local and national government:** “This only includes: those administrative occupations essential to the effective delivery of the COVID-19 response, or delivering essential public services, such as the payment of benefits, including in government agencies and arms-length bodies.”

**Food and other necessary goods:** “This includes those involved in food: production; processing; distribution; sale and delivery; as well as those essential to the provision of other key goods (for example hygienic and veterinary medicines)”

**Public safety and national security.** “This includes: “police and support staff; Ministry of Defence civilians; contractor and armed forces personnel (those critical to the delivery of key defence and national security outputs and essential to the response to the COVID-19 pandemic); fire and rescue service employees (including support staff); National Crime Agency staff; those maintaining border security, prison and probation staff and other national security roles, including those overseas.”

**Transport** “This includes those who will keep the air, water, road and rail passenger and freight transport modes operating during the COVID-19 response, including those working on transport systems through which supply chains pass.”

**Utilities, communication and financial services.** “This includes: staff needed for essential financial services provision (including but not limited to workers in banks, building societies and financial market infrastructure); the oil, gas, electricity and water sectors (including sewerage); information technology and data infrastructure sector and primary industry supplies to continue during the COVID-19 response; key staff working in the civil nuclear, chemicals, telecommunications (including but not limited to network operations, field engineering, call centre staff, IT and data infrastructure, 999 and 111 critical services); postal services and delivery; payments providers; waste disposal sectors.”