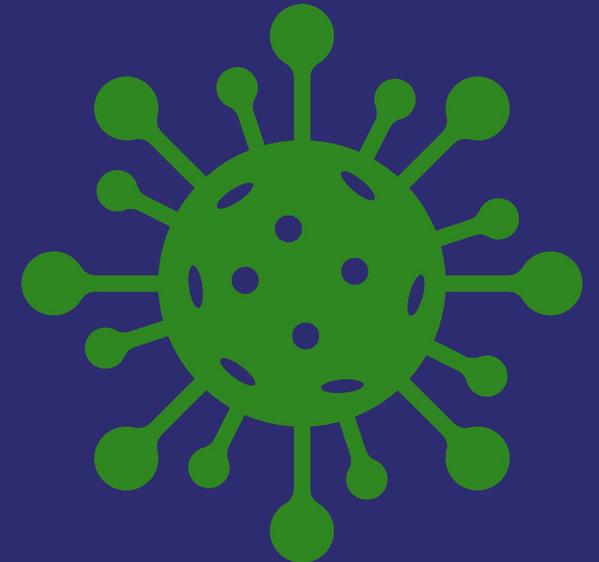




# The Health Protection (Coronavirus Restrictions) (No.5) (Wales) Regulations 2020

**Temporary Alert Level 3 – all areas of Wales**

**27 April 2021**





- This pack covers the **Health Protection (Coronavirus Restrictions) (No.5) (Wales) Regulations 2020** – the Regulations come into force on 20 December 2020 and will expire on 28 May 2021.
- This briefing contains temporary modifications to Alert Level 3 made by the **Health Protection (Coronavirus Restrictions) (No.5) (Wales) (Amendment) (No.8) Regulations 2021**.
- These restrictions and requirements for Temporary Alert Level 3 apply to Wales until the end of 2 May 2021.
- All current briefings are available on the **Covid-19 Hub**, including briefings on the Coronavirus Act and all other Health Protection Regulations (England).



## Summary of restrictions for Temporary Alert Level 3

### Participation in gatherings:

- Private dwellings
- Private dwellings – outdoor gatherings
- Holiday or travel accommodation
- Public places

### Prohibition on organising events

**Travel restrictions from Temporary Alert Level 3 Area (Wales) to a destination outside the common travel area**

**Closure of food and drink businesses**

**Closure of businesses and services**



## Participation in gatherings

### Temporary Alert Level 3

#### **Private dwelling:**

No person may, without a reasonable excuse, gather in a private dwelling unless all the persons participating in the gathering are members of the same household or extended household.

#### **Private dwelling – outdoor gatherings:**

A person may participate in a gathering outdoors if the gathering consists of no more than 6 persons (not counting any children aged under 11 or the carer of a person participating in a gathering, as long as the persons are from no more than 6 households).

#### **Holiday or travel accommodation:**

No person may, without reasonable excuse, participate in a gathering which takes place in holiday or travel accommodation unless all the persons participating in the gathering are members of the same household or extended household.

#### **Public places:**

A person may meet outdoors in regulated premises if the gathering consists of no more than 6 persons. If the premises is not regulated, the gathering must consist of no more 6 persons, or all those participating must be members of the same extended household.



## Participation in gatherings – extended household

A wellbeing needs household and another household may agree to be treated as an extended household. A household may agree to be treated as an extended household with a:

- single adult household
- household comprising one or more children and no adults
- household comprising of:
  - two or more adults
  - any number of other children

Conditions of the extended household:

- To be treated as an extended household all members of the households must agree.
- A household may only agree to be treated as being in one extended household at any one time.

- A household ceases to be treated as a part of an extended household if any member of the household ceases to agree to be treated as being in the extended household (note: if the member of the extended household is a child and a person has parental responsibility for the child and is a member of the child's household, a household ceases to be treated as part of an extended household if the person with parental responsibility ceases to agree to be treated as part of the extended household (whether or not the child also ceases to agree)).
- If a household ceases to be treated as a part of an extended household, the household may not agree to be treated as a part of an extended household with any other household unless a period of 10 days has expired since any member of the household last participated in a gathering with any member of another household which was treated as an extended household.



## Restrictions on gatherings – private dwellings

**Examples of reasonable excuses** are listed in the Regulation and include (but are not limited to):

Where it is **reasonably necessary** (and there is no practicable alternative) for:

- the purpose of obtaining or providing a close contact service
- obtaining or providing medical assistance, or veterinary services
- meeting a legal obligation or participating in legal proceedings
- providing, receiving or accessing care or assistance, including childcare or care of a vulnerable person
- continuing existing arrangements for access to, and contact between, parents and children
- moving home and undertaking activities in connection with the purchase, sale, letting, or rental of residential property
- accessing or receiving educational services

The following circumstances are exceptions to gathering restrictions in private dwellings:

- a person may participate in a gathering outdoors if the gathering consists of no more than 6 persons (not including children under 11 or carers)
- providing or receiving emergency assistance
- avoiding illness, injury or other risk of harm
- participating in a gathering of **no more than 4 people** where all the people in the gathering:
  - live in the same premises, and
  - share toilet, washing, dining or cooking facilities with each other
- for the purposes of canvassing in an election provided the person doing the canvassing takes all reasonable measures to minimise the risk of exposure to coronavirus
- work or providing voluntary or charitable services



## Restrictions on gatherings – holiday or travel accommodation

**Examples of reasonable excuses** are listed in the Regulation and include (but are not limited to):

Where it is reasonably necessary (and there is no practicable alternative) to:

- obtain or provide medical assistance, or veterinary services
- work or provide voluntary or charitable services
- provide, receive or access care or assistance, including childcare or care of a vulnerable person
- continue existing arrangements for access to, and contact between, parents and children

The following circumstances are a non exhaustive list of exceptions to gathering restrictions in holiday or travel accommodation:

- A person may participate in such a gathering if it consists of no more than 6 persons (not counting persons under the age of 11).
- Providing or receiving emergency assistance.
- Avoiding illness, injury or other risk of harm.
- Participating in or facilitating an outdoor organised activity of no more than 30 people (not counting persons under the age of 11).
- Work or providing voluntary or charitable services.
- Persons working or providing voluntary services as part of the activity and no alcohol is consumed.



## Restrictions on gatherings – public places

**Examples of reasonable excuses** are listed in the Regulation and include (but are not limited to):

Where it is **reasonably necessary** (and there is no practicable alternative) to:

- obtain or provide medical assistance, or veterinary services
- meet a legal obligation or participating in legal proceedings
- work or provide voluntary or charitable services
- provide, receive or access care or assistance, including childcare or care of a vulnerable person
- continue existing arrangements for access to, and contact between, parents and children
- moving home and undertaking activities in connection with the purchase, sale, letting, or rental of residential property (specific conditions apply for Alert Level 4)
- access or receive public services
- access or receive educational services
- visit a person who is resident in a care home, with the permission of the service provider



## Restrictions on gatherings – public places (continued)

**Examples of reasonable excuses** are listed in the Regulation and include (but are not limited to):

The following circumstances are exceptions to gathering restrictions in public places:

- meeting outdoors in regulated premises if the gathering consists of no more than 6 persons
- meeting outdoors other than in regulated premises if the gathering consists of no more than 6 persons, or all those participating are members of the same extended household.
- providing or receiving emergency assistance
- avoiding illness, injury or other risk of harm
- attending a **marriage**, civil partnership or alternative wedding as a party to the marriage, civil partnership or alternative wedding, if invited to attend or as the carer of a person attending
- attending a **funeral** as a person responsible for arranging the funeral, if invited by a person responsible for arranging the funeral or as the carer of a person attending
- up to 30 people are allowed to celebrate a solemnisation of a marriage, formation of a civil partnership or alternative wedding ceremony and similarly, outdoor gatherings of up to 30 people are allowed to celebrate the life of a deceased person
- attending a place of worship
- a person who is an elite athlete who is training and competing
- a person who is providing coaching or other support to an elite athlete, or providing support at an elite sporting event
- participating in or facilitating an outdoor organised activity for the development or well-being of persons who were aged under 18 on 31 August 2020 (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays)
- participating in or facilitating a formally organised activity, with no more than 30 persons present, not counting children under the age of 11\*

\* A formally organised activity may include protesting and picketing but this does not have a limit on participants.

Note: Alcohol is not permitted at any of the listed.



## Prohibition on organising events

No person may, without reasonable excuse, be involved in organising an event:

- held wholly or mainly indoors at which more than 15 people are in attendance
- held wholly or mainly outdoors at which more than 30 people are in attendance

This does not include a person involved in organising an event authorised by Welsh Ministers, or persons working, or providing voluntary services, at an event.

A **reasonable excuse** includes where the person has taken all reasonable measures to ensure that no more than 15 or 30 people are in attendance.

The following are not to be treated as events:

- the showing of a film at a drive-in cinema
- a performance at a drive-in theatre
- a market
- a religious service
- an elite sporting event at which the only people present are elite athletes and persons working or providing voluntary services at the event

**Note:** A person is not involved in the organising of an event if their only involvement is attending it.



## Travel restrictions to and from Temporary Alert Level 3 Area (Wales)

The Temporary Alert Level 3 Area refers to Wales.

- No person may leave Wales for a destination outside the common travel area (United Kingdom, Channel Islands, the Isle of Man and the Republic of Ireland), without reasonable excuse (exceptions apply).
- No person may travel to, or be present at, an embarkation point for the purpose of travelling from there to a destination outside the common travel area without a reasonable excuse.
- Anyone at an embarkation point (for example, an airport) for the purposes of leaving the common travel area must provide a completed international travel declaration form, published by the Welsh Ministers, to an enforcement officer on request.
- Operators of commercial transport systems departing from Wales to a destination outside of the common travel area will be required to provide prescribed information to passengers about the restriction on leaving Wales for a destination outside the common travel area and the requirement to complete an international travel declaration form at the time of booking and at least 24 hours prior to the scheduled departure.



## Travel out of the common travel area restrictions – reasonable excuse

1. Where it is **reasonably necessary** (and there is no practicable alternative) to:
  - obtain or provide medical assistance, or veterinary services
  - avoid illness, injury or other risk of harm
  - meet a legal obligation or to participate in legal proceedings
  - work or provide voluntary or charitable services
  - provide, receive or access care or assistance, including childcare or care of a vulnerable person
  - continue existing arrangements for access to, and contact between, parents and children
  - moving home and undertake activities in connection with the purchase, sale, letting, or rental of residential property
  - access or receive educational services
2. There are a number of circumstances where travel outside of the common travel area is permitted with specific conditions:
  - providing or receiving emergency assistance
  - attending a **marriage**, civil partnership or alternative wedding ceremony, as a party to the marriage, civil partnership or wedding if invited to attend, or as the carer of a person attending
  - attending a **funeral** as a person responsible for arranging the funeral, if invited by a person responsible for arranging the funeral, or as the carer of a person attending
  - an elite athlete and is training or competing or providing coaching or other support, or providing support at a sporting event at which only elite athletes are competing
  - travelling to vote in an election



## Closure of indoor premises of food and drink businesses

### Temporary Alert Level 3

Any person responsible for carrying on a food and drink business must:

- close to members of the public part of its premises which is indoors and used for the consumption of food or drink

#### Food and drink businesses include:

- bars (including bars in members' clubs)
- public houses
- cafes, canteens and restaurants (including workplace canteens and dining rooms in members' clubs)

#### Exceptions:

The Regulations do not prevent use of the premises for:

- the sale of food and drink for consumption off the premises
- the provision of food and drink for the homeless
- the provision of room service in a hotel or other accommodation
- a workplace canteen where there is no practical alternative
- carrying out maintenance or repairs to the premises

**Note:** an indoor area adjacent to the premises of the business where seating is made available for customers of the business is to be treated as part of that premises.



## Closure of holiday or travel accommodation that is not self-contained

### Temporary Alert Level 3

Any person responsible for carrying on a holiday or travel accommodation business must:

- close to members of the public
- not carry on business at the premises (exceptions apply)

Note: This restriction does not apply to the provision of accommodation in a camping site or holiday site provided that the only shared facilities used by guests are water points and waste disposal points or in separate and self-contained premises.

Premises are separate and self-contained if they are provided for persons who are members of the same household or extended household, and kitchens, sleeping areas, bathrooms or indoor communal areas are not shared with members of any other household.

#### Holiday and travel accommodation includes:

- camping sites
- holiday sites
- hotels and Bed and Breakfast accommodation
- other holiday accommodation (including holiday apartments, hostels and boarding houses)

#### Exceptions:

The Regulations do not prevent use of the premises for:

- carrying out maintenance or repairs to the premises
- any purpose and may be requested or authorised by Welsh Ministers or a local authority
- provision of accommodation for any persons staying at the accommodation when the regulations came into force who are:
  - unable to return to their main residence or
  - using the accommodation as their main residence
- carrying on a business by providing information or other services through a website, telephone or post.



## Closure of businesses and services – retail and personal services may open

### Temporary Alert Level 3

A person responsible for carrying on a business or providing a service listed below:

- close to members of the public any premises operated as a part of the business or service
- not carry on that business or service (exceptions apply)

#### Leisure and social premises

- nightclubs, discotheques, dancehalls and other venues authorised for the supply of alcohol where live or recorded music is provided for members of the public or members of the venue to dance
- sexual entertainment venues
- bingo halls
- casinos
- bowling alleys, amusement arcades and indoor play centres or areas
- trampoline parks and centres\*
- cinemas other than drive in cinemas
- concert halls and theatres other than drive in theatres
- ice skating rinks, indoor skate parks and centres
- funfairs, amusement parks and theme parks\*
- museums, galleries, visitor attractions\*
- holiday, leisure activities or events businesses\*

- venues for events or conferences
- venues for weddings

#### Public services

- community centres

#### Indoor sports and exercise

- indoor swimming pools
- fitness studios and gyms
- sports courts
- bowling greens
- sports grounds or pitches\*

\*See [page 17 for exceptions](#)

**Note:** does not apply to a public outdoor area or premises where it is necessary to be open.



## Closure of business and services – exceptions

### Exceptions (conditions apply):

- carrying out maintenance or repairs to the premises
- using the premises for purposes requested or authorised by the Welsh Ministers or local authorities
- using the premises to broadcast or rehearse without an audience present
- using the premises for the provision of goods or services (including their sale, hire, collection or delivery) in response to an order or enquiry through a website, telephone or post
- using the premises for the provision of information through a website, telephone or post



## Closure of business and services – exceptions (specific to sector)

### Leisure and social premises

Holiday, leisure activity or events businesses:

- for the purposes of facilitating an outdoor organised activity for the development or well-being of persons who were aged under 18 on 31 August 2020 (including sports, music and other recreational activities such as those provided for children outside of school hours and during school holidays)
- spas, indoor sports and fitness facilities
- to provide close contact personal services by appointment only

### Public services

Community centres:

- to provide essential voluntary services, or
- to provide public services (including the provision of food banks or other support for homeless or vulnerable people; childcare; blood donation sessions or support in an emergency) upon the request of the Welsh Ministers or a local authority
- surrounding grounds



## Exemption to the requirement to close premises used by businesses and services

### Temporary Alert Level 3

The following premises operated by a business or a service may remain open:

- shopping centres, shopping arcades and markets may be open to the public to allow access to the open premises
- approved premises may be open to the public that are required for the purposes of the solemnisation of a marriage, formation of civil partnership or alternative wedding ceremony at the premises

### Food and drink businesses

- Cafés and canteens at a hospital, care home, school or within accommodation provided for students.
- Canteens at a prison or an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence.



## Requirement to self-isolate

Adults\* and children who have tested positive for coronavirus must not leave or be outside of the place they are living until the end of the last day of their 10 day isolation (exceptions apply).

- This applies where an adult is notified by a contact tracer that they have tested positive for coronavirus.
- It also applies where an adult is notified that a child for whom they are responsible has tested positive for coronavirus.
- The last day of the isolation is the end of the **10 days** from the notification of the test result (or from the date the symptoms first developed as notified to the tracer).

\*\*Close contact is defined as:

- having face-to-face contact with a person at a distance of less than 1 metre
- spending more than 15 minutes within 2 metres of a person
- travelling in a car or other small vehicle with a person or in close proximity to a person on an aeroplane or in the same carriage of a train

Adults and children who have had close contact\*\* with someone who has tested positive for coronavirus must not leave the place they are living until the end of the last day of their 10 day isolation (exceptions apply).

- This applies where an adult is notified by a contact tracer that they have had close contact with a person who has tested positive for coronavirus.
- It also applies where an adult is notified that a child for whom they are responsible has had close contact with a person who has tested positive for coronavirus.
- The last day of the isolation is the end of the **10 days** from the day after:
  - the test which led to the notification,
  - the last day of close contact as reported to the contact tracer or
  - from the date the symptoms first developed as notified to the tracer

\*For the purpose of this regulation, references to an 'adult' include references to a child aged 16 or 17.



## Requirement to self-isolate – exceptions

The person may leave and be outside the place where they are living for as long as is necessary:

- to seek medical assistance, where this is required urgently or on the advice of a registered medical practitioner
- to access veterinary services where:
  - i. they are urgently required
  - ii. it is not possible for another person at the place that the person is living to access those services
- to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings, where it is not possible or practicable to do so without leaving the place where the person is living
- to avoid illness, injury or other risk of harm
- for compassionate reasons, including to attend the funeral of a family member or a close friend
- to obtain basic necessities (including for other persons at the place where the person is living or any pets at that place) where it is not possible or practicable:
  - i. for another person at the place where the person is living to obtain them
  - ii. to obtain them by delivery to that place from a third party
- to access public services (including social services or victims' services) where
  - i. access to the service is critical to the person's well-being, and
  - ii. the service cannot be provided if the person remains at the place where the person is living
- to move to a different place to live where it becomes impracticable to remain at the place where the person is living

This regulation does not apply to a person who has tested positive for coronavirus in the course of a research study, and tests positive for coronavirus in the course of the same study within the period of 90 days beginning with the date of the initial test.



## The requirement to wear face coverings on public transport

**A person who is travelling as a passenger on a vehicle used to provide a public transport service must wear a face covering.**

A face covering is not required where an exemption applies or where the person has a reasonable excuse.

**Exemptions** include (but are not limited to) where the person is:

- a child under the age of 11
- on a vehicle providing a school transport service
- on a ferry or cruise ship (conditions apply)

**Reasonable excuses** include where the person:

- is unable to put on, wear or remove a face covering because of a physical or mental illness or impairment, or a disability
- has to remove the face covering to communicate with another person who has difficulty communicating (in relation to speech, language or otherwise)
- has to remove the face covering in order to avoid harm or

injury, or the risk of harm or injury, to themselves or others

- is travelling to avoid injury, or to escape a risk of harm, and does not have a face covering
- has to remove the face covering to
  - i. take medication
  - ii. eat or drink, if this is allowed on the vehicle and is reasonably necessary (for example due to the length of the journey)
- is asked to remove the face covering by
  - i. a constable, PCSO or person designated by a Welsh Minister
  - ii. the operator of the public transport service, an employee of the operator or a person authorised by the operator



## The requirement to wear face coverings in certain indoor public places

A person must wear a face covering in indoor areas of premises to which the public have or are permitted to access, whether on payment or otherwise.

Face coverings are not required:

- a) by children under the age of 11
- b) where the person has a **reasonable excuse**. These include where a person:
  - is unable to put on, wear or remove a face covering because of a physical or mental illness or impairment, or a disability
  - is undertaking an activity where wearing a face mask could reasonably be considered to be a risk
  - has to remove the face covering to communicate with another person who has difficulty communicating
  - has to remove the face covering in order to avoid harm or injury, or the risk of harm or injury, to themselves or others
  - is at the premises to avoid a risk of harm or injury, and does not have a face covering
  - has to remove the face covering to:
    - i. take medication
    - ii. eat or drink, where reasonably necessary
  - is asked to remove the face covering by a constable, PCSO or person designated by a Welsh Minister
  - is seated in premises where food or drink is sold, or otherwise provided, for consumption on the premises



## Enforcement options – restrictions on movement and gatherings

### Gatherings in private dwellings

Where a constable or PCSO has reasonable grounds for suspecting that a person is participating in a gathering in a private dwelling in contravention of the Regulations:

- they may direct the gathering to disperse
- they may direct any person not living at the dwelling of the suspected contravention to leave the dwelling
- a constable may remove any such person from the dwelling (reasonable force may be used, if necessary)

### Requirement to stay at home or the requirement to isolate

Where a constable or PCSO has reasonable grounds for suspecting that a person is away from the place where they are living in contravention of the requirement to stay at home or to isolate:

- they may direct the person to return to the place where they are living
- a constable may remove the person to that area (reasonable force may be used, if necessary)

### Gatherings in public

Where a constable or PCSO has reasonable grounds for suspecting that people are gathered in contravention of the Regulations:

- they may direct the gathering to disperse
- they may direct any person in the gathering to return to the area where they are living
- a constable only may remove any person in the gathering to the area where they are living (reasonable force may be used, if necessary)

### Restrictions on travel, entering or leaving common travel areas and restricted UK areas

Where a constable or PCSO has reasonable grounds for suspecting that a person is contravening the regulation, the officer may direct the person:

- not to leave Wales
- to return to Wales (conditions apply)

**Note:** When exercising these powers, a constable or PCSO may direct a person to follow such instructions as they consider necessary. Force may only be used by a constable, and where the constable considers that it is necessary and proportionate to do so.



## Prohibition on organising events

Where a constable or PCSO has reasonable grounds for suspecting that a person is involved in organising the event in contravention of the Regulation:

- they may direct that person to follow such instructions as the officer considers necessary in order to stop or prevent the contravention
- the constable only can remove that person from the location the event (reasonable force may be used, if necessary)
- they may direct any person to leave the event

Where a constable or PCSO has reasonable grounds for suspecting that a person is involved in organising the event which the officer considers is likely to contravene the Regulation:

- they may direct the person to follow such instructions as the officer considers necessary in order to secure compliance with the requirement, restriction or other condition
- they may direct the person to follow such instructions as the officer considers necessary in order to stop the event from taking place
- the constable only can remove the person from the proposed location of the event
- direct any person to leave the event
- the constable only can remove that person from the location the event

**Note:** When exercising these powers, a constable or PCSO may direct a person to follow such instructions as they consider necessary.

Force may only be used by a constable, and where the constable considers that it is necessary and proportionate to do so.



## Enforcement options – minimising the risk of exposure to coronavirus

### Wearing face coverings on public transport

Where a constable or PCSO has reasonable grounds to suspect that a person is contravening (or is about to contravene) the requirement to wear a face covering:

- they may direct the person not to board the vehicle providing the public transport in question
- a constable only may remove the person from the vehicle, and may use reasonable force, if necessary, to do so

**Note:** A constable or PCSO may give a compliance notice to the operator of a public transport service if they have reasonable grounds for suspecting that the operator is contravening a requirement relating to providing information to passengers about the requirement to wear face coverings on their vehicles.

### Wearing face coverings in ‘certain indoor places’

Where a constable or PCSO has reasonable grounds to suspect that a person is contravening (or is about to contravene) the requirement to wear a face covering:

- they may direct the person not to enter the premises
- a constable only may remove the person from the premises, and may use reasonable force, if necessary, to do so

**Note:** When exercising these powers, a constable or PCSO may direct a person to follow such instructions as they consider necessary.

Force may only be used by a constable, and where the constable considers that it is necessary and proportionate to do so.



## Fixed penalty notices (FPNs)

Anyone contravening these requirements commits an offence, punishable on summary conviction by a fine. These are non-recordable offences. They can't be punished by imprisonment. Where someone is reasonably believed to have committed an offence and is 18 or over, the police may issue them with a fine:

### Gatherings in private dwellings and public places, travel restrictions, requirement to wear face coverings

- the amount of the fixed penalty is £60 payable within 28 days, but this is reduced to £30 if paid within 14 days. The amount of the fine will double for each subsequent offence up to £1,920 for the sixth and each subsequent offence

### Participating in a large gathering at a private dwelling

- the amount of the fixed penalty is £60

### Organising an event

- the amount of the fixed penalty is £500, but if the person has already received a fixed penalty in relation to this offence, the amount is £1,000, this increases to

£2,000 for the third offence and £4,00 for the fourth and each subsequent offence. (Reduction for payment within 14 days does not apply)

### Unlicensed music events

- where someone is reasonably believed to have committed an offence, the police may issue them with a fixed penalty for **£10,000** payable within 28 days (the reduction for payment within 14 days does not apply)

Enforcement of **business closures** and breaches of opening hours on licensed premises will be led by local authorities. The amount of the fixed penalty is £1,000 in the first offence, £2,000 for the second, £4,000 for the third and £10,000 for the fourth and subsequent offences.

### International travel

- Anyone at an embarkation point for the purposes of travel without an international travel declaration form, the fixed penalty notice is £5000.



## A power of entry

- A constable (only) may enter premises if they have reasonable grounds for suspecting that a requirement of the Regulations is being, has been, or is about to be contravened on the premises, and consider it necessary to enter the premises. The constable entering premises may use reasonable force to gain entry.
- A constable entering premises may take such other persons, equipment and materials onto the premises as appears to the constable to be appropriate.

## Power of police to conduct road checks

- A constable may conduct a road check for the purpose of ascertaining whether a vehicle is carrying a person who has committed, or a person who the constable reasonably believes intends to commit, an offence under these Regulations.
- A road check must be authorised by a superintendent or above. However it may be authorised by a constable below that rank if the constable considers it necessary as a matter of urgency.
- A constable may authorise a road check if they have reasonable grounds to believe that persons are (or about to be), in the locality in which vehicles would be stopped, committing (or intending to commit) an offence under these Regulations.
- The power for a constable of any rank to stop a vehicle pursuant to section 163 Road Traffic Act 1988 remains.
- A constable can require a person to give any information or answer any question they considers to be relevant in relation to these regulations if it is necessary and proportionate to do so. A person who obstructs, without reasonable excuse, the constable from carrying out a function under these Regulations commits an offence.

**Note:** For the purposes of this regulation, a 'road check' means the exercise in a locality of the power conferred by section 163 of the Road Traffic Act 1988(1).



## Powers of arrest

The necessity test under Section 24 PACE has been temporarily amended by the Health 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. Officers may also wish to determine if breach of the peace powers apply.

## Children

Where there are reasonable grounds to suspect a child (accompanied by an adult responsible for them) is contravening the Regulations or is in a gathering contravening the regulations, an officer may or PCSOs can issue directions to a person responsible for a child.



## Police and local authority enforcement

Police will lead enforcement in relation to breaches of requirements placed on **individuals**.

Officers should continue to engage members of the public and explain changes. If necessary they should offer encouragement to comply. However if the individual or group do not respond appropriately, then enforcement can follow without repeated attempts to encourage people to comply with the law.

We police by consent. The initial police response should be to encourage voluntary compliance. Policing will continue to apply the four-step escalation principles:

- **Engage**
- **Explain**
- **Encourage and only**
- **Enforce as a last resort**

Enforcement action in relation to breaches by **businesses** will be led by Local Authorities (Environmental Health Officers and Trading Standards Officers). The police should only be required as a last resort and to provide support as required.