

# Know your rights during the 'lockdown'

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The government has claimed lots of new powers, saying they are needed to stop coronavirus. As usual, the police seem more keen on controlling us than protecting our health. **Knowing the law is just one tool for challenging their bullshit** – the police often ignore the law, and as always **our best defence is still each other**.

This leaflet covers the regulations (under the Public Health Act 1984) limiting **our movements** and **what gatherings are allowed**. We don't have space to cover other coronavirus law here, like the rules about face coverings on public transport.

The **law may change quickly**, and this advice **only applies in England** (Scot / Wales / NI have slightly different rules). Check the date above and see our website for updates: [bristolabc.wordpress.com/defendant-solidarity](http://bristolabc.wordpress.com/defendant-solidarity)

## So how does it work?

The old rules about being at home have now changed to ones limiting gatherings of people (indoors or out) and overnight stays away from home.

**NB Homeless people are exempt** from the rules about overnight stays (overleaf), but not the ones about gatherings.

## What are linked households?

If you're the only adult in your house, you can 'link' with **one** other house (of any number of adults, but they can't be linked with anyone else), so the two households count as one for these rules. You can't change and link to a different house later.

## What about gatherings?

Gatherings of **more than 6 people** outside (or more than **1** indoors!) are banned unless:

- everyone is from the **same household** (or **2 linked households**)
- or for a **funeral**, to visit someone **dying**, giving **birth**, in **hospital** or a **care home**, or to accompany someone to a **medical appointment**
- or it's for **legal proceedings** (eg court) or to meet a **legal obligation**
- or for **professional athletes** to train/compete
- at a **drive-in cinema** if everyone in the vehicle is from the same/linked households
- or it's **reasonably necessary** for:
  - **help or care** for a 'vulnerable person' or for **emergency help** to anyone
  - **work** (including **volunteering/charity** work)
  - **education**, if the gathering is in an '**educational facility**'
  - **early years childcare** by a **registered person**
  - **moving house**, or **child contact** between separated parents
  - helping someone there to **avoid injury, illness, or risk of harm**

...but for it to be a '**gathering**', you have to be in the same place together for '**social interaction**' or to do the **same activity with each other**.

NB There is **nothing** in English law about keeping a **minimum distance** from other people (eg 2m), though it may often be sensible for health reasons.

## And overnight stays?

To stay overnight away from **home/your linked household**, you're meant to have a '**reasonable excuse**'. Everything below counts as one (**other reasons** may count too):

1. If it's 'reasonably necessary' so you can **provide care/help** to a 'vulnerable person' or **emergency help** to anyone, or accompany someone to a **medical appointment**.
2. If your home is **unsafe, unavailable**, or it would be **illegal** for you to go there.
3. If it's 'reasonably necessary' for **work** (including **volunteering** or charity work).
4. If it's 'reasonably necessary' to **get medical help** or avoid **injury, illness or risk of harm**. For example, **to get away from an abusive situation** at home.
5. If you need to stay elsewhere to meet any '**legal obligation**', eg go to court.
6. There are other exceptions to do with **child access/custody, funerals, moving house, professional athletes**, visiting people who are **dying, giving birth**, in **hospital** or a **care home**. For details, contact us or read the law yourself: [frama.link/lockregs](https://www.frama.org.uk/lockregs)

## What if the police stop me?

**You do not have to answer police questions.** In a few cases, it might be easier to speak to them – but refusing to answer is **not** (on its own) a reason to suspect you. You could just say "I am acting within the Health Protection Regulations 2020 and **am not obliged to answer any questions**".

If they 'consider' you don't have a 'reasonable excuse' for staying overnight away from home, or have broken the rules about gatherings, a cop, PCSO or 'person designated by the Secretary of State' can:

- **tell you to go home**
- give you any '**reasonable instructions**' they think are '**necessary**'
- in the case of **gatherings**, tell you to **disperse** or 'take such action as is necessary' to enforce the rules
- if it's a **public** gathering, **take you home**, using '**reasonable force**'

If they 'reasonably believe' (with **concrete grounds** for that belief) that you've broken the rules, obstructed them, or disobeyed one of their 'reasonable instructions', and don't have a 'reasonable excuse', they can:

- give a **fixed penalty notice** (**if they 'reasonably believe' you're 18+**)
- or (in the case of police) **arrest you**

But police guidelines say that these should be a last resort; in theory, they are meant to try **explaining** the rules and **encouraging** you to go home first.

If you get a fixed penalty, you could either **pay it** (doesn't count as a criminal conviction but the amount would double if you get another), **ignore it** (and hope they don't have resources to pursue it), or **refuse to pay**. If you don't pay, they might take you to court. The maximum sentence would be a fine.

These rules have **not been tested much in the courts**, so might be open to challenge – but realistically it would **depend on the judge's attitudes**.