

Know your rights during the 'lockdown'

by Bristol Defendant Solidarity & Copwatch (last update: 22 June 2020)

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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 will often ignore the law when they can, and despite their scary new laws **our best defence is still each other**.

This leaflet covers the regulations (under the Public Health Act 1984) about **when we are allowed to go out, leave our local area, or meet/gather with others**. We don't have space to cover other bits of coronavirus law here.

There are also a few **weird/rare situations** we don't have room to cover, so if in doubt, **get legal advice** or ring us, especially if facing a fine or court case.

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

So how does it work?

Most of the old rules about staying at home have now changed to ones about staying in your 'local' area (not defined) or about being around other people. The only rule about staying home now is that you **can't go to work** (or **volunteer**) if it's 'reasonably practical' for you to do it from home.

NB Homeless people are exempt from all the rules in this leaflet, except the ones later about outdoor gatherings. However, if you are in **temporary accomodation**, that counts as your 'home' and then these rules **would apply**.

But to be out of your 'local' area, or gather indoors with someone from another house, you're meant to have a '**reasonable excuse**'. The law says that everything below is valid (**other reasons may count too**) – **unless** it involves something **non-local** that you could have 'reasonably' done **locally**.

NB If you are doing '**exercise**' which **starts and ends at home**, then there are **no limits at all** on how far you are allowed to go (eg very long bike rides).

1. To **get supplies** (or withdraw/deposit money) from any business or service which has been allowed to stay open, except car dealers, outdoor markets, betting shops, indoor shopping centres/arcades – you can only go to those if they are 'local'.
2. To **get medical/veterinary help** or donate blood.
3. To provide/receive **care/help** for a 'vulnerable person', or any emergency help.
4. For **work** (including **volunteering**), if you can't do it from home (see above).
5. To meet any '**legal obligation**', including going to court or for bail conditions.
6. To go to a **funeral**, a **wedding/civil partnership**, **visit a grave**/memorial garden.

7. To avoid **injury or illness** or to escape a '**risk of harm**'.
8. To access '**critical public services**', including childcare, education, social services, DWP, victim support, as well as **libraries** and **recycling/waste dumps**.
9. For **child access/contact** between **separated parents/guardians**.
10. To **move house**, view or prepare a house, visit estate/letting agents etc.
11. For **religious leaders**, to go to their place of worship, for professional **athletes** to train or compete, or to **vote** in an election.

What about outdoor gatherings and public land?

Outdoor gatherings are banned unless everyone there is from **no more than 2 households**, or it's 'essential' for **work**, it's for a **funeral, marriage or partnership**, or is 'necessary' for: **helping/caring** for a vulnerable person, any **emergency, legal** proceedings, a '**legal obligation**' **moving house**, or professional athletics – but it's only a 'gathering' if you're in the same place to do something **together**. Using **public land** that's been **closed** is banned too.

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**".

With '**reasonable grounds**' to suspect you've broken the rules above, a cop, PCSO or 'person designated by the Welsh Ministers' can:

- tell you to **go home** or **take you** there
- give you **any instruction** they think '**necessary**'
- tell you to **disperse an illegal gathering**

They (or park/local authorities) can also remove you from closed public land.

They can use '**reasonable force**' or do anything they 'consider proportionate and necessary' - if it's to help them do one of the above options. But, to repeat the main point: **they need concrete grounds to suspect you first!**

If they 'reasonably believe' you've broken these rules, obstructed them, or disobeyed an instruction, 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 new 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**.