

Policing the pandemic: The Health Protection (Coronavirus Restrictions) (Wales) (Amendment) (No 3) Regulations 2020 – 11 May 2020

Officers should be aware of differences in legislation in England, particularly when engaging with people travelling to outdoor spaces around the borders. The differences are set out on the accompanying product.

Officer judgement and discretion is key – apply the four ‘E’s – Engage, Explain, Encourage, **Enforce (only as a last resort)**.

Officers can only issue fixed penalty notices (FPNs) under the Health Protection Regulations. You may have observed that the fines have been increased in England, there is no change in the fine amounts for Wales (£60 reducing to £30, if paid within 14 days, no reduction for subsequent FPNs, max fine amount £120).

The main amendments include:

Allowing libraries, garden centres and plant nurseries to open, but they must take all reasonable measures to ensure a distance of 2 metres is maintained by persons on the premises and persons waiting to enter the premises.

Environmental Health/Public Protection departments of Local Authorities have the responsibility for enforcement.

Reasonable excuse extensions include:

- ✓ Allowing a person to leave their home to collect goods ordered from a shop operating on an ‘order and collect’ basis
- ✓ Allowing exercise more than once a day:
 - alone
 - with other members of the person’s household
 - with the person’s carer

There is an additional restriction, that this is only within an area local to where the person is living.

- ✓ Allowing a person to leave their home to go to a recycling or waste disposal facility or visit a library

- 1 Engage
- 2 Explain
- 3 Encourage
- 4 Enforce

These four-step escalation principles underpin the police strategy and response to the coronavirus pandemic.

Remember: Enforcement is a last resort.

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

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

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

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