

Policing the pandemic: the Act, the Regulations and guidance

As the pandemic has developed, guidance and legislation has been produced. This summary has been created as an explanation of the three main types of guiding document:

1 The Act

The Coronavirus Act 2020

(primary legislation). Police powers under the Act are mainly about:

Directing people to be tested for coronavirus and enforcing medical directions. Police can now direct people to be tested for COVID-19 and help enforce the directions of a public health officer.

Before using any of these powers, you must have reasonable grounds to suspect that an individual has, or may be infected with, coronavirus. Under the Act you **must** consult a public health officer first, unless totally impracticable to do so. These powers also apply to children.

*The 4Es are based on evidence which tells us that people will be more likely to comply if they have an explanation, feel they have been treated fairly and are given the opportunity to reply.



2 The Regulations

Health Protection (Coronavirus, Restrictions) (England) Regulations 2020

(secondary legislation). Police powers under the Regulations are about:

- **Enforcing a requirement to remain at home (general public) (Reg.6).** Everyone should remain at home unless they have a reasonable excuse, such as shopping, work or exercise
- **Enforcing a requirement not to gather in public (Reg.7).** When in public, people should not gather together in groups of three or more, unless this is for work or they are in the same household.
- **Enforcing the closure of businesses in conjunction with Trading Standards and Local Authorities (Reg.4).** Many non-essential businesses and other premises must remain closed. Others can offer only limited services (such as takeaway).

You have powers to direct or remove people back to their home. Use of reasonable force is permitted. Regulations also apply to children.



3 Government guidance



Some of the public statements that have been made about restrictions are guidance only and non enforceable under the law, eg, you can only go out once for exercise. Reference should be made to the Act and the Regulations when deciding what action to take.

You can find briefing materials on the **College of Policing website, Knowledge Hub** and **ChiefsNet**. Your Heads of Criminal Justice should also be receiving all circulations.

These materials summarise your powers and provide operational best practice, which you are expected to follow. Your chief constable is ultimately responsible for your force and there may be local policies and procedures to be aware of too.

- 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.