



## **The Health Protection (Coronavirus, Restrictions) (No. 2) Regulations (Northern Ireland) 2020**

### **Regulation 6: Restrictions on outdoor and indoor gatherings relating to **Private Dwellings and Households****

#### **Definitions**

##### **What is a 'gathering' for the purposes of these regulations?**

This is when two or more people are present together in the same place in order to engage in any form of social interaction with each other, or to undertake any other activity with each other.

##### **What is a 'private dwelling' for the purposes of these regulations?**

This is a place where someone lives as their only or main residence and includes any garden, yard, passage, stair, outhouse or other associated outbuilding or fixture.

##### **What is a 'household' for the purposes of these regulations?**

One person living alone or two or more people (whether or not related) **living together at the same address.**

**It is the same address that is the main factor when determining whether the occupants living inside that residence make up a 'household'**

##### **What about 'bedsits' or other house of multiple occupancy (HMO)?**

As long as those bedsits or HMOs share the same address, the residents of those bedsits will be one household. Student house shares/bedsits are believed to be 'main residence' for the purpose of the regulations.

##### **Does this include Flats or Apartments?**

If there are separate flats/apartments in one building then each flat/apartment will be a separate household as each will have a different address e.g. Flat 1, Flat 2; Apartment 1, Apartment 2.



## So what does Regulation 6 say?

### **Outdoors**

An outdoor gathering at a private dwelling is restricted to 15 persons.

Regulation **6 (1)** stipulates: A person shall not participate in an outdoor gathering in a private dwelling which consists of **more than 15 persons**.

### **Indoors**

Inside a private dwelling there can be no more than **six** people from two households – this includes those living at that household. *A household with more than six members to begin with doesn't commit an offence.* A household of six or more cannot receive visitors.

Regulation **6 (2)** stipulates: A person shall not participate in an indoor gathering in a private dwelling which consists of **more than 6 persons**; and which consists of persons from **more than two households**.

### **Offences**

A person who, without reasonable excuse, contravenes this Regulation commits an offence.

A person who, without reasonable excuse, obstructs any person carrying out a function under this Regulation commits an offence.

A person who, without reasonable excuse, contravenes a direction or fails to comply with a reasonable instruction or a prohibition notice given by a relevant person (e.g. police officer) commits an offence.

They are all summary offences



### Who commits the offence?

Everyone taking part in the gathering (including those who live there).

### What can police do about this; what are our powers under these regulations?

Engage, Explain and Encourage compliance;

Enforce (consider necessity and proportionality):

- Consider using a community resolution notice (CRN)
- Issue a prohibition notice (This is a PSNI Form COV2 (you'll find it under Service Forms on Point) and in effect amounts to a 'warning' for the purposes of stopping the person from continuing to breach the regulations. You can decide what to write in the free text box on the COV2 and you can decide when you withdraw the COV2. Let CMSU know you have issued it and also when you have withdrawn it – CMSU place a flag against the name so you will know if that person has had a COV2 previously– there is a Practical Peeler on the Criminal Justice Guidance on Point which will guide you through the COV2 process.
- Issue a fixed penalty notice (This is a PSNI Form COV1). You can issue any number of COV1s to the same person up to the value of £960. Note: Penalty Notices may only be given to persons **18 years and over**.
- Arrest: Article 26 of the Police and Criminal Evidence (Northern Ireland) Order also applies in relation to an offence *under this regulation* as if the reasons included:

(a) to maintain public health; or

(b) to maintain public order.



**Do police have a power to use force under this regulation?**

Yes; you may:

- Direct the gathering to disperse;
- Direct any person in that gathering to return to the place they are living;
- Remove any person from the gathering and use reasonable force if necessary to do so.

**Do police have a power of entry or to use force under this regulation?**

Not explicitly; the regulations state:

***A relevant person (e.g. a police officer) may take such action as necessary to enforce any requirement under regulation...6***

This means that if it is necessary for you to enter premises without consent, under these regulations you may do so, however you will need to be clear on justifying why this was necessary

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