Coronavirus: Enforcing restrictions

By Jennifer Brown
27 July 2021

Summary
1 Who enforces coronavirus restrictions?
2 Fixed Penalty Notices
3 Police powers
4 Statistics
5 Commentary
## Contents

Summary .................................................. 4
1 Who enforces coronavirus restrictions? .......... 7
2 Fixed Penalty Notices ................................. 15
3 Police powers ........................................... 20
4 Statistics .................................................. 23
5 Commentary .............................................. 27
Summary

Various restrictions and requirements have been placed on individuals and businesses to help slow the spread of coronavirus in England and Wales:

- **Lockdown restrictions**: Rules have been imposed which require people to “stay home”, “stay local” or “stay in the UK”. Rules have prevented different types of gatherings. Some businesses have been required to close or operate under restrictions. Some lockdown restrictions still apply in Wales, but all lockdown restrictions were removed in England on 19 July 2021.

- **Face covering requirements**: Most people in Wales are required to wear a face covering on public transport, in shops and businesses and in other public spaces. The requirement was removed in England on 19 July 2021.

- **International quarantine requirements**: England and Wales operate a “traffic light system” for quarantine restrictions. People entering England must adhere to different rules depending on whether they have come from a ‘green’, ‘amber’ or ‘red’ list country.

- **Self-isolation requirements**: People who have tested positive for coronavirus (or come into close contact with someone who has) are required to self-isolate.

Responsibility for enforcing coronavirus restrictions is shared between several public agencies. Some private businesses also have responsibilities.

<table>
<thead>
<tr>
<th>Organisations and individuals responsible for enforcing coronavirus restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lockdown</strong></td>
</tr>
<tr>
<td>Police</td>
</tr>
<tr>
<td>Local authorities</td>
</tr>
<tr>
<td><strong>Face coverings</strong></td>
</tr>
<tr>
<td>Transport operators</td>
</tr>
<tr>
<td>Business owners</td>
</tr>
<tr>
<td>Police</td>
</tr>
<tr>
<td><strong>International quarantine</strong></td>
</tr>
<tr>
<td>Commercial transport operators</td>
</tr>
<tr>
<td>Civil Aviation Authority</td>
</tr>
</tbody>
</table>
Police approach to coronavirus restrictions
The police have adopted a “four-phase approach” to policing coronavirus restrictions in which enforcement is “the last resort”:

- **Engage**: officers speak to people and try to establish their “awareness and understanding of the situation”.
- **Explain**: officers “try to education people” about the coronavirus risks.
- **Encourage**: officers encourage people to “act reasonably”.
- **Enforce**: officers may “as a last resort, remove a person to the place where they live, using reasonable force only if it is a necessary and proportionate means of ensuring compliance”.

Police powers
The police (and others if designated) have a range of new powers they can use to enforce coronavirus restriction regulations:

- They can issue directions requiring people they suspect have broken the rules to disperse.
- They can issue Fixed Penalty Notices (FPNs) to those they suspect are breaking or have broken coronavirus rules. Those issued with an FPN under coronavirus regulations can pay a fine to avoid criminal proceedings.
- They can also use “reasonable force if necessary” to enforce the regulations.
- They can make an arrest (if necessary) and formally charge suspects with an offence.
- Police in Wales can enter people’s homes without permission to enforce coronavirus restrictions in certain circumstances.
Enforcement statistics

117,213 FPNs were issued in England and Wales under lockdown regulations between 27 March 2020 and the 20 June 2021.

Periods of national lockdown have seen a marked increase in the number of FPNs issued by police. The police issued more fines in the third national lockdown than the first and second. During the first national lockdown the police issued an average of 1,552 FPNs per week. During the third national lockdown they issued an average of 4,491.

The number of FPNs issued for other coronavirus restrictions/requirements has been small:

- 3,765 FPNs have been issued under face coverings regulations between 15 June 2020 and 20 June 2021.
- 737 FPNs were issued by police forces to those failing to follow international travel regulations up to 20 June 2021.
- 187 FPNs were issued under self-isolation regulations up until 16 May 2021.
1 Who enforces coronavirus restrictions?

Several public agencies share responsibility for enforcing coronavirus restrictions. Private individuals also have responsibilities connected to enforcement of some rules.

1.1 Lockdown restrictions

Police and local authorities share responsibility for enforcing lockdown restrictions. In Wales, where some lockdown restrictions remain in place, this enforcement regime remains in place. There are no longer any lockdown restrictions in force in England.

- **Police officers** and police and community support officers (PCSOs) had formal powers to enforce lockdown restrictions.¹
- **Designated local authority employees** had formal powers to enforce lockdown business restrictions.²
- Environmental Health Officers and Trading Standards Officers had powers to enforce business restrictions.³
- Local authority **coronavirus marshals** were unlikely to have formal powers to enforce lockdown restrictions but did play a role “encouraging compliance”.⁴

Police

Early in the pandemic the police played an integral role enforcing movement and gatherings restrictions. During the first national lockdown (Spring 2020) the police reported fallen crime rates and redeployed their personnel to

---

² Ibid
³ College of Policing, [The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020](#), December 2020, p3
⁴ Ministry of Housing, Communities & Local Government, [Guidance to support local authority compliance and enforcement activity, including COVID-19 secure marshals or equivalents](#), 8 October 2020
lockdown enforcement.\textsuperscript{5} Local authorities played a greater role encouraging compliance with these restrictions from summer 2020 onwards.

Lockdown restriction enforcement was an operational matter for the police. This means police leaders (not national or local politicians) decided whether and how to deploy their officers to lockdown enforcement. The National Police Chief’s Council said chief officers assessed...

\begin{quote}
...the threats and risks in their local areas, alongside the national and local Covid-19 restrictions in place, and... [resource] their patrols and responses accordingly.\textsuperscript{6}
\end{quote}

**Local authorities**

Local authorities (in the form of Environmental Health and Trading Standards Officers) always led the enforcement of business restrictions. The police were only involved in this enforcement “as a last resort and to support partner agencies as required”.\textsuperscript{7}

Local authorities in England did have coronavirus enforcement powers which mirrored their health and safety enforcement powers. These powers allowed them to issue improvement notices (and ultimately prosecute) businesses which fail to comply with their obligations under various pieces of coronavirus related legislation.\textsuperscript{8} These powers were revoked on 19 July 2021.

**Coronavirus marshals**

Coronavirus marshals were local authority employees (or volunteers). They had no formal enforcement powers, but they did play a role “encouraging compliance” with lockdown restrictions.

Coronavirus marshals:\textsuperscript{9}

- “promoted social distancing” and “encouraged public compliance” with coronavirus restrictions.
- “educated and explained” coronavirus guidance to the public and businesses,

---

\textsuperscript{5} NPCC, \textit{Update: Covid-19 FPN data, and chiefs urge public to keep reporting crime}, 15 April 2020

\textsuperscript{6} NPCC, \textit{Crime is close to pre-lockdown levels, and fines given to the public rise as new regulations introduced}, 30 September 2020

\textsuperscript{7} Ibid, p20

\textsuperscript{8} The Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020

\textsuperscript{9} Ministry of Housing, Communities & Local Government, \textit{Guidance to support local authority compliance and enforcement activity, including COVID-19 secure marshals or equivalents}, 8 October 2020
“identified and supported” businesses and premises not following guidelines.

The UK Government provided English local authorities with £30 million to support lockdown compliance and enforcement activities. The Government asked local authorities to “consider using this funding for the deployment of COVID-19 secure marshals, or their equivalents”. The Government issued guidance to support local authority compliance and enforcement activity, including COVID-19 secure marshals or equivalents which provided more information on coronavirus marshals. This guidance was withdrawn on 19 July 2021.

1.2 Face coverings

Police, transport operators and business owners shared responsibility for enforcing the requirement to wear face coverings. In Wales, where the face covering requirement is still in force, this enforcement regime remains in place. There is no longer a legal requirement to wear a face covering in England.

- Police officers and PCSOs had formal powers to enforce the requirement to wear a face covering.
- Transport workers could deny travel to those not complying with the requirement to wear a face covering. Transport for London enforcement officers also had powers to issues Fixed Penalty Notices to those they suspect are failing to comply.
- Business owners had to display signs reminding people of their obligation to wear a face covering. They also have general obligations under health & safety legislation, liability law and the law on negligence to take steps to ensure their business is “covid secure”. The UK

---

12 Ministry of Housing, Communities & Local Government, Guidance to support local authority compliance and enforcement activity, including COVID-19 secure marshals or equivalents, 8 October 2020
13 Ibid
15 The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020; The Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020; The Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020
16 Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020
Government has published guidance on working safely during coronavirus which provides detailed information for business owners.

Police

Police guidance said their attendance to enforce the requirement to wear a face covering should have been a “last resort”. The police welcomed the support of business owners “engaging with the public in the first instance, explaining the new requirements and encouraging compliance, to keep us all safe”.15

Businesses

Business owners and employees normally had the right to refuse entry to customers not wearing a face covering.16 However, businesses must not discriminate against those with protected characteristics.17

1.3

International travel quarantine

Airlines and channel shuttle services, the Civil Aviation Authority, Border Force, Public Health England’s Isolation Assurance Service (IAS), NHS Test and Trace and the police share responsibility for enforcing international travel quarantine requirements.

- **Commercial transport services** have obligations to ensure their passengers have filled in a passenger locator form and have a negative Covid-19 test taken no more than 72 hours before departure.18 Additionally, transport operators have obligations to provide public health information relating to international quarantine requirements to passengers during booking, at check-in and during the journey.

---

16 Ibid
17 Equality and Human Rights Commission, *Retailers’ legal responsibility to disabled customers*, 4 September 2020
The Civil Aviation Authority has powers to issue Fixed Penalty Notices to commercial transport services who do not meet their coronavirus obligations.19

Border Force officials check the passenger locator forms and test results collected by airlines and channel shuttle services. They have powers to issue Fixed Penalty Notices to individuals who fail to provide accurate passenger locator form.20

Public Health England’s Isolation Assurance Service (IAS) checks people are quarantining and alerts the police to potential breaches.21

NHS Test and Trace staff visits people who are required to quarantine to check they are complying.22

Police officers and PCSOs have formal powers to enforce the requirement to quarantine.23

Border Force

Border Force officials carry out “biosecurity checks” on every person arriving in the UK. Border Force officials also check every passenger locator form. Border Force officials should ensure that all passengers have complied with their arrival requirements.24

IAS

Staff in the IAS contact a random sample of those required to quarantine. They check they are complying with their quarantine and provide advice on coronavirus symptoms.25 The Government says the IAS makes 3,000 calls a day, successfully contacting 1,500 people.26

---

19 [P20], The Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021
21 PQ100895, British Nationals Abroad: Coronavirus, answered 13 October 2020
22 Home Office, New government service launched to support quarantine compliance, 12 April 2021
24 Home Office, Border Force health measures factsheet, 11 June 2021; Home Office, Mandatory COVID-19 testing introduced to bolster border measures, 16 January 2020; HC Deb, UK Border: Covid Protections, 26 January 2020,
25 Home Office, Letter to the Home Affairs Select Committee, 2 September 2020
26 HC Deb, Covid Security at UK Borders, 1 February 2020, c757
IAS contact a “triage centre” when they have concerns that a person is not quarantining. The “triage centre” reviews this information and refers the case to NHS Test and Trace or the police if necessary.

**NHS Test and Trace**

Staff working for NHS Test and Trace carry out up to 1,000 visits a day to people who are required to quarantine. They provide information about what to do if you experience coronavirus symptoms and give information about the testing requirements. NHS Test and Trace staff have no enforcement powers but can refer a case to the police if they have concerns about a person’s compliance.

**Police**

Police officers have been deployed to airports and ports to support the enforcement of international travel quarantine requirements. Officers at ports check the reasons for passengers’ journeys and help ensure passengers arriving from “red list countries” comply with the requirement to quarantine in designated hotels.

Once a potential breach of quarantine rules is referred to the police they decide how best to respond. The police should visit the person quarantining and conduct a follow-up visit if they do not receive an answer. If there is still no answer, the police should report their visits to the Border Force.

On the 27 January 2021, the Home Secretary said the police had “stepped up checks and are carrying out more physical checks at addresses to ensure that people are complying with the rules”.

---

27 College of Policing, *Policing brief in response to Health Protection Regulations (International Travel)- updated*, July 2020
28 Home Office, *New government service launched to support quarantine compliance*, 12 April 2021
29 Home Office, *Police to receive £60 million to support COVID-19 response*, 12 February 2020
30 NPCC, *Update on crime trends and penalty notices issued under Covid Regulations*, 28 January 2020
31 HC Deb, *Health Measures at UK Borders*, 27 January 2021, c401
1.4 Self-isolation

Police, NHS Test and Trace and employers share responsibility for ensuring those who are required to self-isolate:

- **Police officers** and **PCSOs** have formal powers to enforce self-isolation requirements.  
  32
- **NHS Test and Trace** has powers to notify people that they are required to self-isolate.  
  33 It has obligations to share certain information with the police when requested.  
  34
- **Employers** have responsibilities to ensure their staff do not break self-isolation to work.  
  35

### NHS Test and Trace

NHS Test and Trace organises and delivers coronavirus tests. The service also traces the close contacts of people who test positive for coronavirus. 36 The Library’s briefing paper [Coronavirus: testing for Covid-19](/publications/coronavirus-testing-for-covid-19) explains more about the coronavirus testing system.

People are legally required to self-isolate when NHS Test and Trace informs them that they, or someone they have been in close contact with, has tested positive for coronavirus.

### Police

Unlike for international travel quarantining, there is no “triaging service” which alerts the police to potential breaches of the requirement. However, the public may report potential breaches directly to the police. 37

---

32 r10, The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020
33 Department of Health and Social Care, NHS Test and Trace: how it works, 8 October 2020
34 r14, The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020
35 r7, The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020
36 Department of Health and Social Care, NHS Test and Trace: how it works, 8 October 2020
37 College of Policing, COVID-19 –Policing brief in response to Health Protection Regulations (Self-Isolation) updated, December 2020, p3
The police should contact NHS Test and Trace when they receive report of a suspected self-isolation rule break. NHS Test and Trace will then share the following information with the police:

- first and last name of individual
- home address and telephone number
- period of self-isolation
- date notification to self-isolate was received
- details of how the individual was notified by Test and Trace, including address, telephone number and email address where relevant
- date of birth
- whether the individual is a positive case or a close contact
- a copy of the notification issued by Test and Trace, where possible
- whether the individual is taking part in coronavirus related research (and is therefore exempt from the legal duty to self-isolate)

The police will “risk assess the report and, if appropriate...visit the address provided by the individual as the place where they are self-isolating to determine compliance”.  

**Employers**

Employers are required to not knowingly allow their workers to break their self-isolation. Employers who fail to meet this requirement commit and offence.

---

38 College of Policing, COVID-19 –Policing brief in response to Health Protection Regulations (Self-Isolation) updated, December 2020, p3
39 HCWS746, COVID-19 update on house party fines and domestic enforcement measures, 28 January 2021
40 College of Policing, COVID-19 –Policing brief in response to Health Protection Regulations (Self-Isolation) updated, December 2020, p3
41 PR, The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020
2 Fixed Penalty Notices

Fixed Penalty Notices (FPNs) are a form of out of court criminal justice outcome being used to dispose of cases involving coronavirus restrictions offences.

FPNs offer those accused of breaching coronavirus restrictions the chance to avoid criminal proceedings by paying a fine. Those issued with FPNs under the regulations have 28 days to pay their fine otherwise court proceedings may follow.\(^{42}\)

Paying the fine associated with an FPN is not an admission of guilt and FPNs do not typically appear on an individual’s criminal record.\(^{43}\)

FPNs (and the related Penalty Notice for Disorder) have been used as a criminal justice outcome since the early 2000s. They are designed as an efficient means of address some low-level offending whilst still providing a deterrent to potential offenders. The Library’s briefing police powers: an introduction contains more information about pre-existing FPNs and PNDs.

2.1 Who can issue a coronavirus FPN?

Police officers and Police Community Support Officers (PCSOs) can issue FPNs for most coronavirus restrictions offences. Other people have powers to issue FPNs for specific coronavirus offences:

- Border Force officers can issue FPNs to those who fail to fill out a “passenger locator form” as required.\(^{44}\)
- The Civil Aviation Authority can issue FPNs to commercial travel services that do not meet their coronavirus obligations.

---

\(^{42}\) See for example: r11(4), The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

\(^{43}\) See: House of Commons Library, Introduction to police powers, 24 April 2020

\(^{44}\) r7, The Health Protection (Coronavirus, International Travel) (England) Regulations 2020
• **People designated** by the Secretary of State or a local authority may have powers to issue an FPN for specific coronavirus offences.45

### 2.2 FPN fine values

<table>
<thead>
<tr>
<th><strong>Coronavirus FPN fine values (England)</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>International quarantine</strong></td>
<td></td>
</tr>
<tr>
<td>Failure to quarantine at self-designated place as required</td>
<td>£1,000</td>
</tr>
<tr>
<td>Failure to quarantine in a hotel as required</td>
<td>£5,000</td>
</tr>
<tr>
<td>Failure to provide a “passenger locator form”/ coronavirus test result on arrival</td>
<td>£500</td>
</tr>
<tr>
<td>Failure to possess a coronavirus testing package on arrival</td>
<td>£1,000</td>
</tr>
<tr>
<td><strong>Self-isolation</strong></td>
<td></td>
</tr>
<tr>
<td>Failure to obtain a coronavirus testing package</td>
<td>£2,000</td>
</tr>
<tr>
<td>Failure to take coronavirus tests in accordance with the testing package</td>
<td>£1,000</td>
</tr>
<tr>
<td>Obstructing the enforcement of international quarantine requirements</td>
<td>£1,000</td>
</tr>
<tr>
<td>Providing false or misleading information about one’s travel through “red list” countries/ entering the country via an undesignated port.</td>
<td>£10,000</td>
</tr>
</tbody>
</table>

---

45 See for example: 20(9)(a)(iii), The Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021
2.3 £10,000 FPNs

Various coronavirus offences can incur an FPN to the value of £10,000. This is an unusually high value for an FPN fine. The Government says it acts as a “deterrent on the (coronavirus restriction) breaches that put the public most at risk.”

There has been some evidence that those who challenge a £10,000 FPN have been issued a lower fine on conviction. This has raised questions about the fairness and workability of the fines.

Police chiefs suspended the issuing of the £10,000 fine for five days in mid-November 2020. The NPCC explained:

Advice was given to forces on 13 November, requesting that notices issued for large gatherings of over thirty people (resulting in a £10,000 FPN) should be dealt with by Summons instead of through the issuance of an FPN. This advice was revoked on 17 November as a resolution was quickly found relating to a discrepancy in the information provided to offenders. Forces should now be issuing these notices again in the normal way, wherever appropriate.

The police say they have issued 366 FPNs between 27 March 2020 and 20 June 2021 for large gatherings incurring a £10,000 FPN. They say these “include but are not limited to unlicensed music events, protests and private parties.”

---

46 Home Office, Tougher fines ahead of Bank Holiday to crack down on illegal gatherings, 23 August 2020
47 The Guardian, Police can resume issuing instant £10,000 Covid fines, 17 November 2020; Big Brother Watch, Covid police fines misused warn Big Brother Watch and Liberty, November 2020
48 NPCC, More Fixed Penalty Notices issued since national Coronavirus restrictions were reintroduced, with crime 9 per cent lower than last year, 30 November 2020
49 NPCC, Update on Coronavirus FPNs issued by police – June 2021, 28 June 2021
2.4 Contesting an FPN

Those issued with an FPN can choose to not pay the associated fine and thereby contest it. Those who do not pay may face criminal proceedings related to their alleged offence. Police forces review FPNs that have not been paid and pass cases to Her Majesty’s Courts and Tribunal Service where appropriate. Those convicted of a coronavirus offence at court are punished by a fine set by the Magistrate hearing their case. ACRO (the criminal records office for England and Wales) has provided further information about contesting a coronavirus FPN on its website.

According to early police data almost as many people had not paid their FPN as had. As at 22 September, 9,428 FPNs had been paid and 9,413 have not been paid. On 28 June 2021 the NPCC said it was unable to provide individual force totals or payment proportions for Regulations which still have payment periods outstanding. We have committed to publishing this at a later date.

The Joint Committee on Human Rights has called the current process for challenging an FPN “not clear, consistent or transparent”. It has called on the Government to “introduce a means of challenging FPNs by way of administrative review or appeal”.

2.5 Prison sentences

Those who provide false or misleading information to avoid hotel quarantine can be investigated for fraud. Those found guilty of the relevant fraud offence can be imprisoned for up to ten years if convicted at a Crown Court. The sentence is a maximum of 12 months if convicted by a Magistrate.
The former Health Secretary Matt Hancock said he made “no apologies” for the strength of this measure.\textsuperscript{57} Some, including the Shadow Attorney General, have accused the Government of “spin” regarding the potential sanction. They say judges are unlikely to issue the maximum penalty in these fraud cases.\textsuperscript{58}

\textsuperscript{57} HC Deb, Covid-19 Update, 9 February 2021, c157
\textsuperscript{58} The Guardian, Ten-year sentences for Covid rule-breaking ’utterly ridiculous’, 10 February 2021
3 Police powers

The police have a range of powers they can use to enforce coronavirus restriction regulations. They can only use these powers in response to a public health need.\(^5^9\) They cannot use their coronavirus powers to support their everyday policing.

**Directions and prohibition notices**

Police can issue directions to individuals they suspect are breaching gatherings restrictions requiring they disperse their illegal gathering and return home.\(^6^0\)

**Use of force**

Police officers can use “reasonable force if necessary” to enforce coronavirus restrictions.\(^6^1\) The Library’s paper [police powers: an introduction](https://www.typical的带领力.com) contains information about the police power to use force.

**Arrest**

Police officers in England and Wales have an expanded power of arrest which allows them to arrest those they suspect of lockdown offences for public order reasons.\(^6^2\)

Normally officers in England and Wales can only arrest without a warrant those they suspect have committed an offence when it is necessary to:

---

\(^5^9\) [s45C, Public Health (Control of Disease) Act 1984](https://www.typical的带领力.com)

\(^6^0\) [r11(1), The Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021, r24, The Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020.](https://www.typical的带领力.com) **Note:** References in this section for English powers are only given to The Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021 only but English police officers have equivalent powers in relation to other coronavirus offences. The English powers discussed in this section are relevant to all coronavirus restriction enforcement unless stated otherwise.

\(^6^1\) [r11(7), The Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021](https://www.typical的带领力.com)

\(^6^2\) [r19(17), The Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021, r29(6), The Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020](https://www.typical的带领力.com)
ascertain their name and address; protect vulnerable people; prevent injury or damage to property; or to support the prompt investigation or prosecution of an offence.\footnote{63}

It is not clear whether an arrest for public order reasons under the regulations would be unlawful. Under the regulations’ parent legislation, all enforcement of the coronavirus restrictions regulations must be for public health reasons only.\footnote{64}

**Entry**

English police can enter a property to enforce the hotel quarantine requirement. Police officers can enter and search properties when they have “reasonable grounds” to suspect they will find someone who should be quarantining in a designated hotel.\footnote{65}

**Welsh** officers have a power of entry they can use to enforce lockdown restrictions. Welsh officers can enter someone’s home without permission when they have “reasonable grounds” to suspect someone is breaking a lockdown law and consider it necessary.\footnote{66} Officers can use reasonable force to enter property in these circumstances.\footnote{67}

**Lack of stop and account powers**

The police sometimes conduct a ‘stop and account’ where they stop a member of the public and ask them what they are doing. There is no police power to conduct a stop and account and coronavirus restrictions regulations do not (and never have) provided for one.\footnote{68}

Members of the public are under no obligation to answer an officer’s questions during a stop and account. They can remain silent if they do not wish to cooperate.

**Police approach**

The police and others are focusing on encouraging compliance with coronavirus restrictions before enforcement action is taken against those suspected of breaking the rules.

The police have adopted a “four-phase approach” to policing all coronavirus restrictions. This approach is based on ‘four Es:\footnote{69}

- **Engage:** officers first speak to people and try to establish their “awareness and understanding of the situation”.
• **Explain**: officers “try to education people” about the coronavirus risks.
• **Encourage**: officers encourage people to “act reasonably”.
• **Enforce**: officers may “as a last resort, remove a person to the place where they live, using reasonable force only if it is a necessary and proportionate means of ensuring compliance”.

---

63 [s24](5), Police and Criminal Evidence Act 1984; see also: House of Commons Library, [Police powers: an introduction](https://researchbriefingcentre.parliament.uk/Police-Powers-An-Introduction), June 2020, section 2.1
64 [s45C](45C), Public Health (Control of Disease) Act 1984
65 [r12](12), The Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021
66 [r27](27), The Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020
67 [r27](27), The Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020
68 College of Policing, Stop and Search APP, last accessed 3 April 2020, [subsection: stop and account](https://polropic.org.uk/stop-and-search-policy-2020/)
4 Statistics

4.1 Lockdown

105,329 Fixed Penalty Notices were issued in England under lockdown regulations between 27 March 2020 and 20 June 2021. Periods of national lockdown have seen a marked increase in the number of FPNs issued by police.

![Weekly count of FPNs issued in England](image)

During the first national lockdown (weeks 1-9 of lockdown restrictions, before the “stay at home” order was lifted) an average of 1,691 FPNs were issued per week. The number of FPNs issued peaked in week three of the lockdown (at 2,989). This week was inclusive of the Easter Bank Holiday weekend.

On 13 May 2020 (in the middle of the 7th full week of lockdown), the rules changed so that people could meet one person outdoors. Following this rule change the number of FPNs fell by 75%. The law was further relaxed on 4 July so that lockdown laws only regulated large gatherings. During the summer of

---

Note: Unless stated otherwise all FPN statistics in this section are sourced from NPCC, Update on Coronavirus FPNs issued by police – June 2021, 28 June 2021
2020 the number of FPNs issued per week was small whilst few lockdown restrictions were in force.

In the autumn of 2020, enforcement activity increased as lockdown restrictions were tightened. A second national lockdown was imposed in England on 5 November, during which an average of 1,743 FPNs were issued per week. This was a slightly higher weekly average than during the first lockdown.

The police issued more FPNs during the third national lockdown than the first and second. The number of FPNs issued weekly peaked in week four of lockdown three (at 7,584) and averaged 4,491 per week. This reflects a change to the policing approach during the third lockdown (discussed in section 5.2 of this paper).

### FPNs issued during national lockdowns

<table>
<thead>
<tr>
<th></th>
<th>Start</th>
<th>End</th>
<th>Number of weeks</th>
<th>Total FPNs</th>
<th>FPNs per week</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lockdown one</strong></td>
<td>27 Mar 2020</td>
<td>1 Jun 2020</td>
<td>10</td>
<td>15,532</td>
<td>1,553</td>
</tr>
<tr>
<td><strong>Lockdown two</strong></td>
<td>5 Nov 2020</td>
<td>2 Dec 2020</td>
<td>4</td>
<td>6,969</td>
<td>1,742</td>
</tr>
<tr>
<td><strong>Lockdown three</strong></td>
<td>6 Jan 2021</td>
<td>17 Mar 2021</td>
<td>13</td>
<td>58,386</td>
<td>4,491</td>
</tr>
</tbody>
</table>

Source: NPCC, [Update on Coronavirus FPNs issued by police – June 2021](https://library.parliament.uk/topics/coronavirus-enforcing-restrictions), 28 June 2021

Note: the rules were different during each lockdown. The Library has described how lockdown rules have changed in the briefing [coronavirus: a history of lockdown laws](https://library.parliament.uk/topics/coronavirus-enforcing-restrictions).

### Wales

11,884 FPNs were issued in Wales under national coronavirus restrictions regulations between 27 March 2020 and 20 June 2021.

### Ethnicity

The National Police Chiefs Council conducted an analysis of the FPNs issued between 27 March and 25 May 2020 in England and Wales. The analysis showed that Black, Asian and Minority
Ethnic people were 1.6 times more likely to be issued an FPN than White people. The disparity was larger for Black and Asian people, both groups were 1.8 times more likely to be issued an FPN than White people.

The analysis showed that young men, across all ethnic groups, were “significantly over-represented” amongst those issued an FPN. Young men aged between 18 and 24 accounted for 57% of those issued FPNs despite making up only 14% of the resident population. Young Black Asian and Minority Ethnic men (aged between 18 and 34) were twice as likely to be issued an FPN than their White peers.

4.2 Other coronavirus offences

Face coverings

3,765 FPNs have been issued to those in breach of face covering regulations in England between 15 June 2020 and 20 June 2021 (635 of which were for failure to wear a face covering on public transport).

International travel regulations

Police have issued 737 FPNs under international travel regulations up to 20 June 2021. Most were for failure to self-isolate after entering England or Wales from a country on the quarantine list.

Self-isolation

187 FPNs were issued under self-isolation regulations up to 16 May 2021.

4.3 Charges

1,631 people in England and Wales were charged with a coronavirus regulation offence between 1 May 2020 and 30 June 2021. 319 of these cases were incorrectly charged (an error rate of 21%).

---

71 NPCC, Analysis of Coronavirus fines published, 27 July 2020
72 Ibid
73 Ibid
74 CPS, April’s coronavirus review findings, 1 June 2021 [contains links to previous data]
## Charges made under coronavirus regulations offences in England and Wales

<table>
<thead>
<tr>
<th>Date</th>
<th>Total</th>
<th>Incorrectly charged</th>
<th>Error rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 2020</td>
<td>84</td>
<td>8</td>
<td>10%</td>
</tr>
<tr>
<td>June 2020</td>
<td>105</td>
<td>6</td>
<td>6%</td>
</tr>
<tr>
<td>July 2020</td>
<td>162</td>
<td>19</td>
<td>12%</td>
</tr>
<tr>
<td>August 2020</td>
<td>112</td>
<td>16</td>
<td>14%</td>
</tr>
<tr>
<td>September 2020</td>
<td>122</td>
<td>15</td>
<td>12%</td>
</tr>
<tr>
<td>October 2020</td>
<td>91</td>
<td>10</td>
<td>11%</td>
</tr>
<tr>
<td>November 2020</td>
<td>95</td>
<td>28</td>
<td>29%</td>
</tr>
<tr>
<td>December 2020</td>
<td>62</td>
<td>11</td>
<td>18%</td>
</tr>
<tr>
<td>January 2021</td>
<td>154</td>
<td>39</td>
<td>25%</td>
</tr>
<tr>
<td>February 2021</td>
<td>171</td>
<td>47</td>
<td>27%</td>
</tr>
<tr>
<td>March 2021</td>
<td>205</td>
<td>68</td>
<td>33%</td>
</tr>
<tr>
<td>April 2021</td>
<td>163</td>
<td>46</td>
<td>28%</td>
</tr>
<tr>
<td>June 2021</td>
<td>105</td>
<td>6</td>
<td>6%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,631</strong></td>
<td><strong>319</strong></td>
<td><strong>21%</strong></td>
</tr>
</tbody>
</table>

Source: CPS, *April’s coronavirus review findings*, 1 June 2021 [contains links to previous data]
Commentary

5.1 Policing the first lockdown

Former Supreme Court Justice Lord Sumption was critical of early police enforcement of the regulations for being “excessive”. He said that “most police forces have behaved in a thoroughly sensible and moderate fashion” but criticised the use of drones to monitor the Peak District National Park.  

Chair of the NPCC Martin Hewitt, writing in The Times on 4 April 2020, accepted that there were:

...some well-publicised instances, as we were adjusting to the new regulations, where some of the actions and information shared by forces were felt to be overzealous.

I believe that the majority of the public will recognise that these examples were no more than well-meant attempts to encourage responsible behaviour as we were all trying to adjust.

The Home Affairs Select Committee published a report on the police response to coronavirus on 17 April 2020. They concluded that the early response from the police was overall proportionate and effective but called on regular monitoring of enforcement where there is “significant divergence” between forces on the use of enforcement measures.

Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) published an early assessment of the police response to coronavirus as part of its annual report on the state of policing in July 2020. The Inspectorate noted that “enforcement was at times firm” (particularly over the Easter weekend) but praised the police service for its “sensitive, careful approach” to the lockdown.

---

75 BBC News, Coronavirus: Lord Sumption brands Derbyshire Police 'disgraceful', 30 March 2020
76 The Times, Police need your help in the fight against coronavirus, 4 April 2020
77 Home Affairs Select Committee, Home Office preparedness for COVID-19 (Coronavirus): Policing, First Report of Session 2019–21 (HC 232), 17 April, para 23
78 HMICFRS, State of Policing The Annual Assessment of Policing in England and Wales 2019, July 2020, p18
In April 2021 HMICFRS published a full inspection report *Policing in the pandemic* which provides a detailed discussion of the police response between March and November 2020. The inspection concluded that “although there were some inconsistencies, in general police forces took immediate and decisive action to respond to the extreme circumstances of the pandemic.”

5.2 Policing the third lockdown

At the start of the third national lockdown some police leaders said policing of the rules would be stricter. Dame Cressida Dick (Commissioner of the Metropolitan Police Service- MPS) said rule breakers are “increasingly likely to be fined”. Martin Hewitt has said that:

> everyone should now understand the rules in their area. We all know for example that large gatherings should not be happening. Forces will continue to bear down on that very small minority who flagrantly and selfishly breach the regulations.

Police guidance on the third English lockdown rules included new advice to enforce “without repeated attempts to encourage people to comply with the law” when people “do not respond appropriately”.

Government spokespeople were in favour of stronger enforcement. Home Secretary Priti Patel said there was a “need for strong enforcement”. Policing Minister Kit Malthouse supported the MPS decision to issue fines more readily.

5.3 Confusion

The Prime Minister has acknowledged “over time, the (coronavirus) rules have become quite complicated and confusing”. There have been concerns that

---

79 HMICFRS, *Police generally responded well to exceptional circumstances of pandemic*, 20 April 2021
81 NPCC, *Martin Hewitt takes stock of policing during the pandemic*, 7 January 2021
84 BBC News, *Covid-19: Rule-breakers 'increasingly likely' to be fined - Cressida Dick*, 12 January 2021
85 Prime Minister’s Office, 10 Downing Street, *Prime Minister’s statement on coronavirus (COVID-19)*, 9 September 2020
confusion surrounding the laws has impacted the police’s ability to enforce them.

Chair of the Police Federation (the staff association for rank and file officers) John Apter has criticised the “mixed messages” given by the Government on the rules. He said that it was “putting extreme pressure on [those] on the frontline trying to enforce legislation in these most challenging of times.”

Differences between Government information and legal restrictions caused early confusion about how the lockdown should be enforced. Media reports suggested that officers have sometimes enforced guidance rather than the law. In its *Policing in the pandemic* inspection HMICFRS noted that poor communication about the introduction of new rules and guidance “inevitably led to some errors or inconsistencies in [the police’s] approach” but said the police did “very well to operate coherently and to maintain public support and consent”.

---

86 Police Federation, *PFEW position on lockdown guidance*, 10 May 2020
The House of Commons Library is a research and information service based in the UK Parliament. Our impartial analysis, statistical research and resources help MPs and their staff scrutinise legislation, develop policy, and support constituents.

Our published material is available to everyone on commonslibrary.parliament.uk.

Get our latest research delivered straight to your inbox. Subscribe at commonslibrary.parliament.uk/subscribe or scan the code below:

[QR Code]

commonslibrary.parliament.uk

@commonslibrary