



BRIEFING PAPER

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Coronavirus: Enforcing restrictions

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2. Fixed Penalty Notices
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Summary





The information in this briefing relates to England and Wales only

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” or “stay local”. Rules have prevented different types of gatherings. Some businesses have been required to close or operate under restrictions.
- **Face covering requirements:** Most people are required to wear a face covering on public transport, in shops and businesses and in other public spaces.
- **International quarantine requirements:** People arriving to England/ Wales from specific countries are required to quarantine for ten days on arrival.
- **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 individuals also have responsibilities.

Organisations and individuals enforcing coronavirus restrictions

<p>Lockdown restrictions</p> 	<p>Police Local authorities</p>
<p>Face coverings</p> 	<p>Transport operators Business owners Police</p>
<p>International travel quarantine</p> 	<p>Border force Public Health England's Isolation Assurance Service Police</p>
<p>Self-isolation</p> 	<p>NHS Test and Trace Police Employers</p>

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 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. This means they can use force to take people who break the rules back to their homes.
- 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

32,329 FPNs were issued in England and Wales under lockdown regulations between 27 March 2020 and the 20 December 2020.

Police in England have issued more lockdown FPNs during national lockdowns. During the first national lockdown (between late-March and mid-June 2020) 15,626 FPNs were issued, an average of 1,421 per week. During the second national lockdown (November 2020) roughly 7,731 FPNs were issued by police. This is an average of 1,546 per week, a slightly higher weekly average than during the first lockdown.





The police have issued few FPNs for other coronavirus restrictions/ requirements:

- 958 FPNs have been issued under face coverings regulations between 15 June and 21 December.
- 287 FPNs were issued by police forces to those failing to follow international quarantine rules up to 21 December.
- Data is not yet available for enforcement of self-isolation.

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.

Organisations and individuals enforcing coronavirus restrictions

<p>Lockdown restrictions</p> 	<p>Police Local authorities</p>
<p>Face coverings</p> 	<p>Transport operators Business owners Police</p>
<p>International travel quarantine</p> 	<p>Border force Public Health England's Isolation Assurance Service Police</p>
<p>Self-isolation</p> 	<p>NHS Test and Trace Police Employers</p>

1.1 Lockdown restrictions

Police and local authorities share responsibility for enforcing lockdown restrictions.

- **Police officers** and police and community support officers (**PCSOs**) have formal powers to enforce lockdown restrictions.¹
- **Designated local authority employees** have formal powers to enforce lockdown restrictions.²
- **Environmental Health Officers** and **Trading Standards Officers** have powers to enforce business restrictions.³
- Local authority **coronavirus marshals** are unlikely to have formal powers to enforce lockdown restrictions. However, they do play a role "encouraging compliance".⁴

¹ [Part 3](#), *The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020*; [Part 5](#), *The Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020*

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

What are lockdown restrictions

National and local “lockdown restrictions” have been imposed in England and Wales to help slow the spread of the coronavirus.

There are three categories of lockdown restriction:

- **Movement restrictions:** People have been required to “stay home” or “stay local”.
- **Gatherings restrictions:** People have been prohibited from meeting in groups. They have also restricted people from mixing with those they do not live with. Often restrictions are stricter for indoor gatherings.
- **Business restrictions:** Certain businesses have been required to close or operate under restricted opening hours.

Different lockdown restrictions apply in different parts of England and Wales. Lockdown restrictions also change frequently. The Library’s paper [coronavirus: the lockdown laws](#) explains the types of restrictions that are imposed. The Library maintains an [interactive map](#) of the UK which summarises which restrictions are in force.

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 lockdown enforcement.⁵

Police continue to lead on the enforcement of restrictions on individuals (movement and gatherings restrictions).⁶ Though, local authorities are now being asked to play a greater role encouraging compliance with these restrictions.

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

From 2 December 2020 Local authorities have new coronavirus enforcement powers which mirror their health and safety enforcement powers. These powers allow them to issue improvement notices (and ultimately prosecute) businesses which fail to comply with their obligations under various pieces of coronavirus related legislation.⁸

Police

Lockdown restriction enforcement is an operational matter for the police. This means police leaders (not national or local politicians) decide whether and how to deploy their officers to lockdown enforcement.

The National Police Chief’s Council say chief constables assess:

⁵ NPCC, [Update: Covid-19 FPN data, and chiefs urge public to keep reporting crime](#), 15 April 2020

⁶ College of Policing, [The Health Protection \(Coronavirus, Restrictions\)\(All Tiers\)\(England\) Regulations 2020](#), December 2020, p3

⁷ Ibid, p20

⁸ [The Health Protection \(Coronavirus, Restrictions\)\(Local Authority Enforcement Powers and Amendment\)\(England\) Regulations 2020](#)

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.⁹

Coronavirus marshals

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

Coronavirus marshals:¹⁰

- “promote social distancing” and “encourage public compliance” with coronavirus restrictions.
- “educate and explain” coronavirus guidance to the public and businesses,
- “identify and support” businesses and premises not following guidelines.

The UK Government provided English local authorities with £30 million to support lockdown compliance and enforcement activities.¹¹ The Government asked local authorities to “consider using this funding for the deployment of COVID-19 secure marshals, or their equivalents”.¹²

The Government has issued [Guidance to support local authority compliance and enforcement activity, including COVID-19 secure marshals or equivalents](#) which provides more information on coronavirus marshals.

1.2 Face coverings

Police, transport operators and business owners share responsibility for enforcing the requirement to wear face coverings.

- **Police officers** and **PCSOs** have formal powers to enforce the requirement to wear a face covering.¹³
- **Transport workers** can deny travel to those not complying with the requirement to wear a face covering. **Transport for London enforcement officers** also have powers to issue Fixed Penalty Notices to those they suspect are failing to comply.¹⁴
- **Business owners** must display signs reminding people of their obligation to wear a face covering.¹⁵ They also have general

⁹ NPCC, [Crime is close to pre-lockdown levels, and fines given to the public rise as new regulations introduced](#), 30 September 2020

¹⁰ 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

¹¹ Ibid

¹² Ibid

¹³ [r5, The Health Protection \(Coronavirus, Wearing of Face Coverings in a Relevant Place\) \(England\) Regulations 2020](#); [r5, The Health Protection \(Coronavirus, Wearing of Face Coverings on Public Transport\) \(England\) Regulations 2020](#); [The Health Protection \(Coronavirus Restrictions\) \(No. 3\) \(Wales\) Regulations 2020](#)

¹⁴ [r5, The Health Protection \(Coronavirus, Wearing of Face Coverings on Public Transport\) \(England\) Regulations 2020](#); [The Health Protection \(Coronavirus Restrictions\) \(No. 3\) \(Wales\) Regulations 2020](#)

¹⁵ [Health Protection \(Coronavirus, Restrictions\) \(Obligations of Undertakings\) \(England\) Regulations 2020](#)

obligations under health & safety legislation, liability law and the law on negligence to take steps to ensure their business is “covid secure”. The UK Government has published guidance on [working safely during coronavirus](#) which provides detailed information for business owners.

What is the face covering requirement?

Most people in the UK are required to wear a face covering in shops, on public transport and in cultural institutions (like museums, libraries etc). Some people are exempt from the requirement for medical or emergency reasons.

The UK Government maintains guidance on [when and where to wear a face covering](#) in England. The Welsh Government has also issued guidance on the [requirement to wear a face covering](#).

Police

Police guidance says their attendance to enforce the requirement to wear a face covering should be a “last resort”. The police welcome 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”.¹⁶

Businesses

Business owners and employees will normally have the right to refuse entry to customers not wearing a face covering.¹⁷ However, businesses must not discriminate against those with protected characteristics.¹⁸

1.3 International travel quarantine

Police, Border Force and Public Health England’s Isolation Assurance Service (IAS) share responsibility for enforcing international travel quarantine requirements.

- **Police officers** and **PCSOs** have formal powers to enforce the requirement to quarantine.¹⁹
- **Border Force officials** can issue Fixed Penalty Notices to those who fail to provide a completed “passenger locator form”.²⁰
- Public Health England’s **Isolation Assurance Service** (IAS) checks people are quarantining and alerts officers to potential breaches.²¹

¹⁶ College of Policing, [Policing brief in response to the Health Protection \(Coronavirus, Wearing of Face Coverings in a Relevant Place\) \(England\) Regulations 2020](#), September 2020, p2

¹⁷ Ibid

¹⁸ Equality and Human Rights Commission, [Retailers’ legal responsibility to disabled customers](#), 4 September 2020

¹⁹ [r5](#), *The Health Protection (Coronavirus, International Travel) (England) Regulations 2020*

²⁰ [r7\(10\)\(b\)](#), *The Health Protection (Coronavirus, International Travel) (England) Regulations 2020*

²¹ [PO100895](#), [British Nationals Abroad: Coronavirus](#), answered 13 October 2020

What is the international travel quarantine requirement?

People entering England and Wales from certain countries are required to quarantine for ten days when they arrive. They must complete a “passenger locator form” providing their contact details and information about where they will quarantine. This information is shared with ISA.

The details of this requirement are different in England and Wales. The UK Government has published [guidance on the requirement for England](#). The Welsh Government has published [guidance for people entering Wales](#).

Border force

Border Force officials conduct spot checks of passenger locator forms.²² They should ensure that all relevant passengers complete their passenger locator form accurately and correctly.

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.²³

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 the police if necessary.²⁴

Police

Once a case is referred to the police they decide how best to respond. The police can attend the address where a person is supposed to be quarantining to conduct enquiries. They may refer cases back to the IAS/ Border Force if they cannot contact the person.²⁵

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.²⁶
- **NHS Test and Trace** has powers to notify people that they are required to self-isolate.²⁷
- **Employers** have responsibilities to ensure their staff do not break self-isolation to work.²⁸

²² [PQ100895, British Nationals Abroad: Coronavirus](#), answered 13 October 2020

²³ Home Office, [Letter to the Home Affairs Select Committee](#), 2 September 2020

²⁴ College of Policing, [Policing brief in response to Health Protection Regulations \(International Travel\)- updated](#), July 2020

²⁵ Ibid

²⁶ [r10, The Health Protection \(Coronavirus, Restrictions\) \(Self-Isolation\) \(England\) Regulations 2020](#)

²⁷ Department of Health and Social Care, [NHS Test and Trace: how it works](#), 8 October 2020

²⁸ [r7, The Health Protection \(Coronavirus, Restrictions\) \(Self-Isolation\) \(England\) Regulations 2020](#)

What is the requirement to self-isolate?

People who have tested positive for coronavirus and their close contacts are required to self-isolate. Information about who is required to self-isolate and for how long can be found on the [NHS website](#) and in Government guidance for [households with possible or confirmed coronavirus \(COVID-19\) infection](#).

People are only legally required to self-isolate when they have been contacted directly by NHS Test and Trace. Those who have been notified to self-isolate by the [NHS COVID-19 mobile app](#) are not legally required to self-isolate.

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.²⁹ The Library's briefing paper [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

The enforcement of self-isolation requirements is an operational matter for police forces. Local forces have their own "policies and processes for progressing enquires" relating to self-isolation.³⁰

The police can ask NHS Test and Trace if an individual has been told to self-isolate.³¹ However, unlike for international travel quarantining, there is no "triaging service" which alerts the police to potential breaches of the requirement.

Lord Bethell (Minister for Innovation in the Department of Health and Social Care) said it was not the Government's intention to "enforce a surveillance culture" with regards to self-isolation.³²

Employers

Employers are required to not knowingly allow their workers to break their self-isolation. Employers who fail to meet this requirement commit an offence.³³

²⁹ Department of Health and Social Care, [NHS Test and Trace: how it works](#), 8 October 2020

³⁰ College of Policing, [COVID-19 – Policing brief in response to Health Protection Regulations \(Self-Isolation\)](#), October 2020, p3

³¹ Ibid

³² HL Deb, [Covid-19: Information Sharing with Police Forces](#), 20 October 2020, cc 1420

³³ [r7, The Health Protection \(Coronavirus, Restrictions\) \(Self-Isolation\) \(England\) Regulations 2020](#)

2. Fixed Penalty Notices

Fixed Penalty Notices 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.³⁴

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.³⁵

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 paper [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 all coronavirus restrictions offences. Other people have powers to issue FPNs for specific coronavirus offences:

- **Transport for London enforcement officers** can issue FPNs to those who fail to wear a face covering on public transport as required.³⁶
- **Border Force officers** can issue FPNs to those who fail to fill out a "passenger locator form" as required.³⁷
- **People designated** by the Secretary of State or a local authority may have powers to issue an FPN for specific coronavirus offences.³⁸

2.2 FPN fine values

The value of the fine associated with an FPN depends on the offence for which it was issued and the offending history of the accused. The table overleaf outlines the possible fine values.





³⁴ See for example: [r11\(4\)](#), *The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020*

³⁵ See: House of Commons Library, [Introduction to police powers](#), 24 April 2020

³⁶ [r7](#), *The Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020*

³⁷ [r7](#), *The Health Protection (Coronavirus, International Travel) (England) Regulations 2020*

³⁸ See for example: [r11\(9-10\)](#), *The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020*

FPN levels for coronavirus offences in England				
		First offence	Subsequent offences	Maximum
Lockdown ³⁹ 	Gatherings and movement restrictions	£200 (reduced to £100 if paid within 14 days)	Doubles with each subsequent offence	£6,400 (for the sixth and subsequent offences)
	Business restrictions (opening hours/ closures)	£1,000	Doubles at the second and third offence	£10,000 (for the fourth and subsequent offences)
	Illegal raves and large gatherings	£10,000	£10,000	£10,000
Face coverings ⁴⁰ 	Failure to comply with the requirement to wear a face covering	£200 (reduced to £100 if paid within 14 days)	Doubles with each subsequent offence	£6,400 (for the sixth and subsequent offences)
International quarantine ⁴¹ 	Failure to quarantine	£1,000	Doubles at the second and third offence	£10,000 (for the fourth and subsequent offences)
	Failure to provide a "passenger locator form" / obstructing those enforcing quarantine rules	£100	Doubles with each subsequent offence	£3,200 (for the sixth and subsequent offences)
Self-isolation ⁴² 	Failure to self-isolate	£1,000	Doubles at the second and third offence	£10,000 (for the fourth and subsequent offences)
	Failure to self-isolate and come into close contact with someone/ were likely meet someone/ was negligent to the possibility of meeting someone.	£4,000	£10,000 for second offence	£10,000

³⁹ [r12](#), The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

⁴⁰ [r7](#), The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020; [r7](#), The Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020

⁴¹ [r7](#), The Health Protection (Coronavirus, International Travel) (England) Regulations 2020

⁴² [r12](#), The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020

Failure of worker to notify employer of need to self-isolate	£50	£50	£50
Employers allowing worker to leave place of self-isolation	£1,000	£1,000	£1,000

£10,000 FPNs

People accused of organising or participating in an “illegal rave” and some of those who fail to self-isolate in England can be issued an FPN to the value of £10,000. This is an unusually high value fine for FPN fine. The Government says it acts as a “deterrent on the (coronavirus restriction) breaches that put the public most at risk.”⁴³

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 setting a high fine value for an FPN.⁴⁴

Police chiefs suspended the issuing of the £10,000 fine for five days in mid-November. 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.⁴⁵

At present, we do not know how many people have been issued a £10,000 FPN and how many have chosen to pay. We do know that 133 FPNs were issued to those who have organised or participated in large gatherings between 27 March and 19 November.⁴⁶ This number includes some lower value FPNs as earlier in the pandemic large gatherings/ raves did not incur a larger fine.

2.3 Challenging an FPN

Those issued with an FPN can choose to not pay the associated fine and thereby challenge it. Those who do not pay the fine may face criminal proceedings related to their alleged offence. Those convicted at court of a coronavirus offence are punished by way of a fine which offenders must pay.⁴⁷

⁴³ Home Office, [Tougher fines ahead of Bank Holiday to crack down on illegal gatherings](#), 23 August 2020

⁴⁴ *The Guardian*, [Police can resume issuing instant £10,000 Covid fines](#), 17 November 2020

⁴⁵ NPCC, [More Fixed Penalty Notices issued since national Coronavirus restrictions were reintroduced](#), with crime 9 per cent lower than last year, 30 November 2020

⁴⁶ *Ibid*

⁴⁷ See for example: [r10\(2\)](#), *The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020*

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According to early police data almost as many FPNs were not paid has had been. As at 22 September, 9,428 FPNs had been paid and 9,413 have not been paid.⁴⁸

On 30 November 2020 the NPCC says it “will provide more thorough analysis of payment of FPN data at a future date”.⁴⁹

⁴⁸ NPCC, [Crime is close to pre-lockdown levels, and fines given to the public rise as new regulations introduced](#), 30 September 2020

⁴⁹ NPCC, [More Fixed Penalty Notices issued since national Coronavirus restrictions were reintroduced](#), with crime 9 per cent lower than last year, 30 November 2020

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.⁵⁰ They cannot use their coronavirus powers to support their everyday policing.

Police approach to coronavirus restrictions enforcement

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’:⁵¹

- **Engage:** officers first speak to people and try to establish their “awareness and understanding of the situation”.
- **Explain:** officers “try to educate 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”.

New police guidance, introduced at the start of the third national lockdown, notes that if an “individual or group do not respond appropriately, then enforcement can follow without repeated attempts to encourage people to comply with the law”.⁵²

3.1 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.⁵³

Police can issue “prohibition notices” to businesses failing to comply with businesses restrictions/ requirements set out in England’s national coronavirus regulations.⁵⁴

3.2 Use of force

Police officers can use “reasonable force if necessary” to enforce gatherings restrictions.⁵⁵ The Library’s paper [police powers: an introduction](#) contains information about the police power to use force.

⁵⁰ [s45C](#), *Public Health (Control of Disease) Act 1984*

⁵¹ College of Policing, [Engage, Explain, Encourage, Enforce: applying the four ‘E’s](#), undated

⁵² College of Policing, [Tier 4 National lockdown: The Health Protection \(Coronavirus, Restrictions\) \(All Tiers\) \(England\) Regulations 2020](#), 6 January 2021, p4

⁵³ [r9\(3\)](#), *The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020*; [r24](#), *The Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020*. **Note:** References in this section for English powers are only given to *The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020* but other legislation provides equivalent powers to English police officers in relation to other coronavirus offences. The English powers discussed in this section are relevant to all coronavirus restriction enforcement unless stated otherwise.

⁵⁴ [r9\(2\)](#), *The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020*

⁵⁵ [r9\(4\)](#), *The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020*

3.3 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.⁵⁶

Normally officers in England and Wales can only arrest without a warrant those they suspect have committed an offence when it is necessary to: 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.⁵⁷

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.⁵⁸

3.4 Entry

Police officers have powers to enter private property in limited circumstances, but they **cannot** use them to enter private property without consent to enforce the coronavirus restrictions regulations.⁵⁹

Without a relevant power of entry, the ability of the police to enforce some of the **English** regulations is limited. The police would require the consent of those they suspect are breaching coronavirus regulations in their homes to enter the property. If the police cannot enter a property legally, it is unlikely they would be able to establish if a rule is being broken and enforce it if it has.

Welsh officers have a new 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.⁶⁰ Officers can use reasonable force to enter property in these circumstances.⁶¹

3.5 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.⁶²

⁵⁶ [r10\(5\)](#), *The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020*; [r29\(6\)](#), *The Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020*

⁵⁷ [s24\(5\)](#), *Police and Criminal Evidence Act 1984*; see also: House of Commons Library, [Police powers: an introduction](#), June 2020, section 2.1

⁵⁸ [s45C](#), *Public Health (Control of Disease) Act 1984*

⁵⁹ See: House of Commons Library, [Introduction to police powers](#), 24 April 2020, section 2.1

⁶⁰ [r27](#), *The Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020*

⁶¹ [r27](#), *The Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020*

⁶² College of Policing, Stop and Search APP, last accessed 3 April 2020, [subsection: stop and account](#)

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.

4. Police statistics

The police are publishing some data on their enforcement of coronavirus restrictions. The data does not show all coronavirus enforcement activity because not all interactions are recorded.

There has been relatively little police enforcement of coronavirus restrictions. The police say the “vast majority of the public” have followed the rules.⁶³

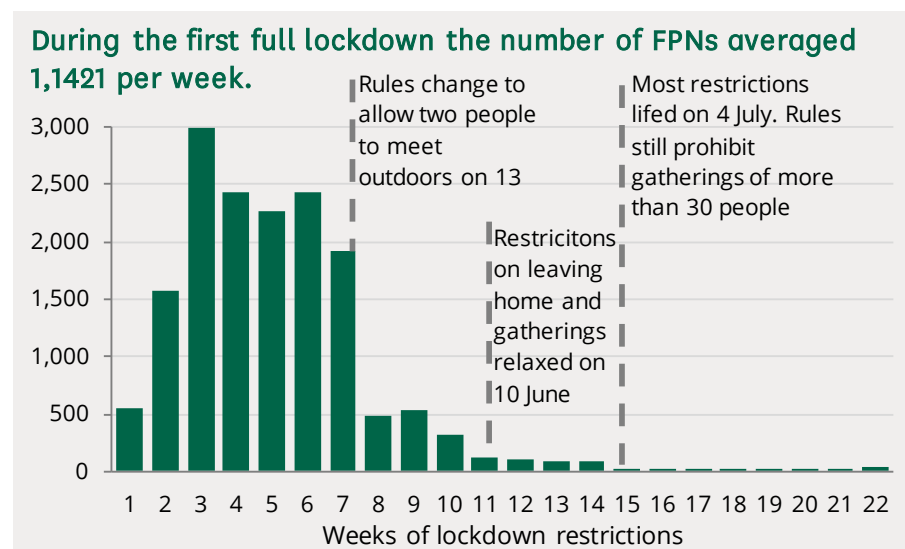
4.1 Lockdown

England

28,744 FPNs were issued in England under lockdown regulations between 27 March and the 21 December.⁶⁴

During the first national lockdown (weeks 1-11 of lockdown restrictions) 15,626 FPNs were issued in England (an average of 1,421 per week). The number of FPNs issued weekly peaked in week three of the lockdown (at 2,994). This week was inclusive of the Easter Bank Holiday weekend.

On 13 May (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 2020 the number of FPNs issued per week was small whilst few lockdown restrictions were in force.

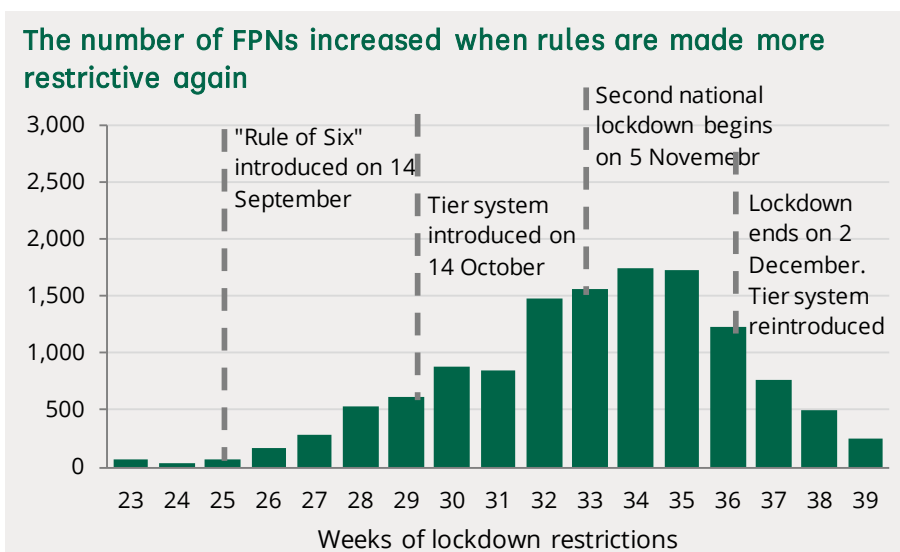


In the autumn of 2020 enforcement activity increased as lockdown restrictions were tightened. A second national lockdown was imposed in England on 5 November. During the second national lockdown

⁶³ NPCC, [Crime is close to pre-lockdown levels, and fines given to the public rise as new regulations introduced](#), 30 September 2020

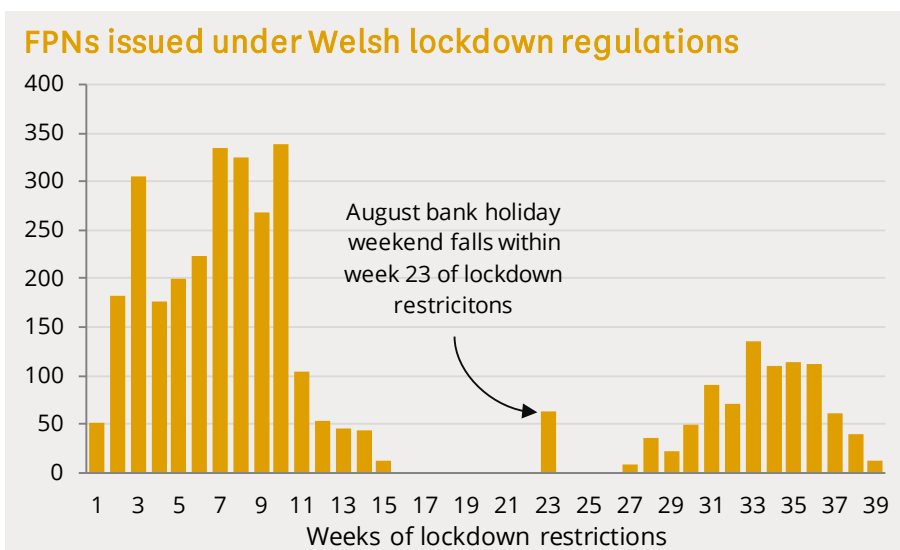
⁶⁴ **Note:** Unless stated otherwise all FPN statistics in this section are sourced from NPCC, [Update on national Crime Trends, and Fixed Penalty Notices issued under Covid Regulations](#), 8 January 2020

roughly 7,731 FPNs were issued by police. This was an average of 1,546 per week, a slightly higher weekly average than during the first lockdown.



Wales

3,022 FPNs were issued in Wales under national coronavirus restrictions regulations between 27 March and 19 November.



Ethnicity

The National Police Chiefs Council conducted an analysis of the FPNs issued between 27 March and 25 May in **England and Wales**. The analysis showed that Black, Asian and Minority Ethnic (BAME) people were 1.6 times more likely to be issued an FPN than White people.⁶⁵ 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.⁶⁶

The analysis showed that young men, across all ethnic groups, were “significantly over-represented” amongst those issued an FPN. Young

⁶⁵ NPCC, [Analysis of Coronavirus fines published](#), 27 July 2020

⁶⁶ Ibid

men aged between 18 and 24 accounted for 57% of those issued FPNs despite making up only 14% of the resident population. Young BAME men (aged between 18 and 34) were twice as likely to be issued an FPN than their White peers.⁶⁷

Charges

771 people in England and Wales were charged with a lockdown regulation offence between 1 May and 30 November. 102 of these cases were incorrectly charged (an error rate of 13%).⁶⁸

Charges made under coronavirus regulations in England and Wales			
	Total	Incorrectly charged	Error rate
May	84	8	10%
June	105	6	6%
July	162	19	12%
August	112	16	14%
September	122	15	12%
October	91	10	11%
November	95	28	29%
Total	771	102	13%

4.2 Other coronavirus restrictions

Face coverings

958 FPNs have been issued to those in breach of face covering regulations in England and Wales between 15 June 2020 and 21 December 2020 (199 for those not wearing a face covering on public transport).

International quarantine rules

Police have issued 287 FPNs to those failing to quarantine after entering England from a relevant country up to 21 December. In around 79% of police investigations involving international quarantine regulations up to 24 November people were found to be complying with the regulation.⁶⁹ On 8 January 2021 the police said there was “still a very high degree of compliance with these regulations.”⁷⁰

⁶⁷ Ibid

⁶⁸ CPS, [November's coronavirus review findings](#), 22 December 2020 [contains links to previous data]

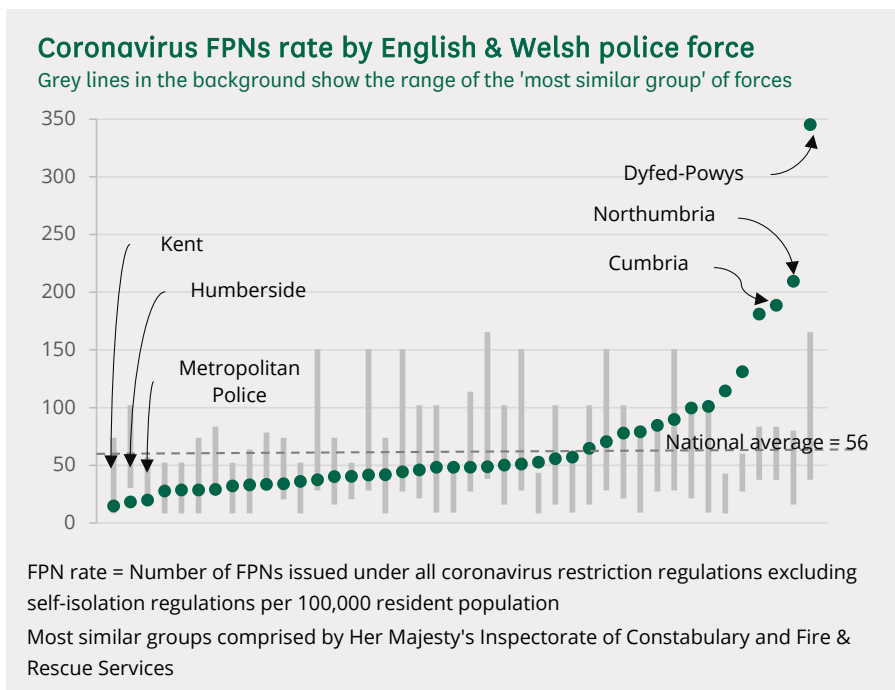
⁶⁹ NPCC, [More Fixed Penalty Notices issued since national Coronavirus restrictions were reintroduced, with crime 9 per cent lower than last year](#), 30 November 2020

⁷⁰ NPCC, [Update on national Crime Trends, and Fixed Penalty Notices issued under Covid Regulations](#), 8 January 2021

4.3 Data by police force

Dyfed-Powys has issued the most coronavirus FPNs⁷¹ of any English or Welsh police force (excluding the City of London Police and the British Transport Police), at 345 for every 100,000 residents between 27 March and 20 December.⁷² This was around eight times higher than the national FPN rate for England across the same period.

Dyfed-Powys police force area encompasses the Brecon Beacons National Park. All five of the forces with the highest FPNs rates have national parks or areas of outstanding natural beauty (AONB) within their police force area: Northumbria (Northumberland National Park), Cumbria (the Lake District), North Yorkshire (the Yorkshire Dales) and Dorset (Cranborne Chase and Dorset AONB). NPCC analysis of FPNs issued in England and Wales between 27 March and 20 May showed that rural forces were more likely to issue lockdown FPNs to people visiting their area.⁷³



Comparing police forces

Police forces in England and Wales are very different. They service different populations (both in terms of size and demographics) they also have different capabilities and responsibilities. The differences between forces makes comparing their performance problematic. HMICFRS have constructed a "[most similar group](#)" (MSG) for each English and Welsh force (apart from City of London Police). MSGs are chosen using a [range of social, economic and demographic variables](#). Comparing a force to its MSG force's is a fairer way of assessing its performance.

⁷¹ **Note:** Data includes all coronavirus FPNs excluding self-isolation. Self-isolation enforcement data is currently unavailable.

⁷² Police force area resident population statistics sourced from: ONS, [Crime in England and Wales: Police Force Area data tables](#); year ending December 2019, table P3.

Note: City of London Police is excluded from this analysis due to its small resident population and large number of visitors. The BTP is excluded as resident population is not applicable.

⁷³ NPCC, [Analysis of Coronavirus fines published](#), 27 July 2020 [page 7 of accompanying PDF]

5. 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.⁷⁴

Chair of the NPCC Martin Hewitt writing in *The Times* on the 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.⁷⁵

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.⁷⁶

Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services has published an assessment of the police response to coronavirus as part of its annual report on the state of policing. 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.⁷⁷

5.2 Policing the third lockdown

Police guidance on the third English lockdown rules includes new advice to enforce “without repeated attempts to encourage people to comply with the law” when people “do not respond appropriately”.⁷⁸

Some police leaders have said the policing the third lockdown will be stricter. Dame Cressida Dick (Commissioner of the Metropolitan Police Service- MPS) said rule breakers are “increasingly likely to be fined”.⁷⁹ 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.

⁷⁴ *BBC News*, [Coronavirus: Lord Sumption brands Derbyshire Police 'disgraceful'](#), 30 March 2020

⁷⁵ *The Times*, [Police need your help in the fight against coronavirus](#), 4 April 2020

⁷⁶ Home Affairs Select Committee, [Home Office preparedness for COVID-19 \(Coronavirus\): Policing, First Report of Session 2019–21 \(HC 232\)](#), 17 April, para 23

⁷⁷ HMICFRS, [State of Policing The Annual Assessment of Policing in England and Wales 2019](#), July 2020, p18

⁷⁸ College of Policing, [Tier 4 National lockdown: The Health Protection \(Coronavirus, Restrictions\) \(All Tiers\) \(England\) Regulations 2020](#), 6 January 2021, p4

⁷⁹ *BBC News*, [Covid-19: Rule-breakers 'increasingly likely' to be fined - Cressida Dick](#), 12 January 2021

Forces will continue to bear down on that very small minority who flagrantly and selfishly breach the regulations.⁸⁰

Government spokespeople have been in favour of stronger enforcement. Home Secretary Priti Patel said there was a “need for strong enforcement”.⁸¹ Policing Minister Kit Malthouse supported the MPS decision to more readily issue fines.⁸²

5.3 Confusion

The Prime Minister has acknowledged “over time, the (coronavirus) rules have become quite complicated and confusing”.⁸³ There have been concerns that 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.”⁸⁴

Differences between Government information and legal restrictions caused early confusion about how the lockdown should be enforced. Media reports suggested that officers were applying the guidance rather than the law in the first days of the lockdown.⁸⁵ The College of Policing revised its lockdown guidance to police on 31 March. Some of these revisions were cosmetic, but others distinguished more clearly the difference between the regulations and government information.⁸⁶

⁸⁰ NPCC, [Martin Hewitt takes stock of policing during the pandemic](#), 7 January 2021

⁸¹ *The Guardian*, [Priti Patel defends police crackdown on Covid lockdown rule-breakers](#), 9 January 2021

⁸² *BBC News*, [Covid-19: Rule-breakers 'increasingly likely' to be fined - Cressida Dick](#), 12 January 2021

⁸³ Prime Minister's Office, 10 Downing Street, [Prime Minister's statement on coronavirus \(COVID-19\)](#), 9 September 2020

⁸⁴ Police Federation, [PFEW position on lockdown guidance](#), 10 May 2020

⁸⁵ *BBC News*, [Coronavirus: Lord Sumption brands Derbyshire Police 'disgraceful'](#), 30 March 2020

⁸⁶ College of Policing, [The Health Protection \(Coronavirus, Restrictions\) \(England\) Regulations 2020](#) (COVID-19 Police brief: version differences), [last accessed 6 April 2020]

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