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CORONAVIRUS

REGULATIONS WHEN SLEEPING ROUGH

NEW REGULATIONS MAKE IT A CRIMINAL OFFENCE TO GATHER IN GROUPS IN PUBLIC IN CERTAIN CIRCUMSTANCES.¹ THESE RULES APPLY IN ENGLAND ONLY. THE SITUATION IS SLIGHTLY DIFFERENT IN SCOTLAND, WALES AND NORTHERN IRELAND.

WHAT IS THE LAW?

BEING OUTSIDE

It's now a criminal offence to stay overnight at any place other than the place you're living without a reasonable excuse. Examples of a reasonable excuse include:

- to stay elsewhere while moving home
- for work purposes (where reasonably necessary to stay elsewhere)
- for the provision of voluntary or charitable services (where reasonably necessary to stay elsewhere)
- to provide care or assistance to a vulnerable person (where reasonably necessary to stay elsewhere)
- to provide emergency assistance (where reasonably necessary to stay elsewhere)
- where it is reasonably necessary to stay elsewhere to avoid illness or injury, or escape a risk of harm
- where you are unable to return to the place you're living because it's not safe to live there.²

As with the previous set of rules, this part of the regulations does not apply to anyone who is homeless.

The regulations don't define 'homeless', but it likely includes anybody currently sleeping rough. It's less clear whether it includes others who could be considered homeless, like the 'hidden homeless' or anyone who falls within the statutory definition.³

PUBLIC GATHERINGS

Different rules apply depending on whether the gathering is outdoors or indoors.

You can't gather **outdoors** with more than five other people from outside your household.

No gatherings of any size are permitted **indoors**. This means that you can't gather indoors with anyone who is not from your household. However, there are some exceptions to these rules listed in the regulations.⁴

For example, it's okay to gather in groups outdoors or indoors where the gathering is reasonably necessary for work purposes, or for the provision of voluntary or charitable services. It's also okay to gather in groups outdoors or indoors where the gathering is reasonably necessary to provide care for a vulnerable person. A vulnerable person includes anyone who's over 70, who has an underlying health condition, or is pregnant.

If the gathering doesn't fall within the listed exceptions, and you don't have a reasonable excuse for gathering, it's a criminal offence.

It's also a criminal offence to:

- obstruct a person who is enforcing the regulations without a reasonable excuse
- defy directions by police for you to return to where you are living without a reasonable excuse.

WHAT IF POLICE TELL SOMEBODY WHO IS SLEEPING ROUGH TO GET OFF THE STREETS?

The regulations give police powers to direct you to return home if they think you're staying overnight at a household other than your own.

Anyone who is sleeping rough should tell police they are homeless. They don't need to provide a 'reasonable excuse' to explain where they are staying overnight, because anyone who is homeless is exempt from this rule. It's not a crime under these regulations to be on the street overnight if you're homeless.

Police also have the power to disperse gatherings, including directing any person in the gathering to go home or to remove any person to their home.

WHAT IF A PERSON IS SCARED TO RETURN TO THEIR ACCOMMODATION?

If a person is scared to return to their home because of domestic abuse or any other reason, police shouldn't use powers under these regulations. Instead, police should work to try to keep the person safe. This was made clear in [guidance](#) to the police by the NPCC and the College of Policing.

WHAT IF THE POLICE FINE SOMEBODY WHO IS SLEEPING ROUGH?

Police now have powers to give a fixed penalty notice to anybody who is 18 or over, and who they reasonably believe has committed an offence under these regulations.

If this is paid, then the person avoids all criminal liability. If it isn't, they might have to go to court.

Anyone who is homeless shouldn't be fined under these regulations for being on the streets, but they could be fined for being in a gathering of over six people. If they are fined, they should look for legal advice as soon as possible.

FURTHER ADVICE

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Liberty, for advice about your human rights: email advice@libertyhumanrights.org.uk

THE LAW SOCIETY

To find a lawyer: phone 020 7320 5650 (Monday to Friday 9am-5pm), or see their [website](#).

For more information on this issue, visit [Liberty's website](#).

*This should not substitute for legal advice and you should speak to a lawyer if you or anyone you know is affected by the issues in this document. This was correct as of 1 June 2020, but is subject to change.

¹ [The Health Protection \(Coronavirus, Restrictions\) \(England\) Regulations 2020](#) came into force at 1pm on 26 March 2020. These have since been amended by new regulations: [The Health Protection \(Coronavirus, Restrictions\) \(England\) \(Amendment\) Regulations 2020](#) and [The Health Protection \(Coronavirus, Restrictions\) \(England\) \(Amendment\) \(No. 2\) Regulations 2020](#). On 1 June 2020 these were amended by [The Health Protection \(Coronavirus, Restrictions\) \(England\) \(Amendment\) \(No. 3\) Regulations 2020](#).

² The full list is non-exhaustive, but also includes: to stay elsewhere to attend the funeral of a member of your household, a close family member or a friend (if a member of their household or close family could not attend); if you are an elite athlete, a coach of an elite athlete or parent of an elite athlete (who is under 18), and where you need to stay somewhere for the purposes of training or competition; to obtain medical assistance where it is reasonably necessary to stay elsewhere; where you need to stay elsewhere to fulfil a legal obligation or participate in legal proceedings; where staying overnight is necessary to continue existing contact arrangements between children and parents where the child does not live with their parent(s); where you cannot return to the place you live because it is not lawful to travel there; because you are required to stay in another place by law; or because your home is unavailable.

³ See the Housing Act 1996; as amended by the Homelessness Reduction Act 2017.

⁴ This is an exhaustive list: if all members of the group are from the same household; to attend a funeral of a member of your household, a close family member or a friend (if a member of their household or close family could not attend); if you are an elite athlete, the coach of an elite athlete or the parent of an elite athlete (where the athlete is under 18) and the gathering is necessary for training or competition; to facilitate a house move (where the gathering is reasonably necessary); to provide emergency assistance (where the gathering is reasonably necessary); to provide early years childcare by a person registered on the Early Years Register (where the gathering is reasonably necessary); to enable one or more persons in the gathering to avoid illness or injury or escape a risk of harm (where gathering is reasonably necessary); to continue existing arrangements for contact between parents and children where the children do not live in the same household as their parent(s) (Where gathering is reasonably necessary); to fulfil a legal obligation or participate in legal proceedings; or where the gathering takes place at an educational facility and the gathering is reasonably necessary for the purposes of education.

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