

## HOW TO MOVE LESS FREELY BUT KEEP OUT OF TROUBLE

By Ciarán McCollum

The government issued Regulations for social distancing, including movement restrictions, at the end of March. Some now aren't sure when they can leave the house. Others worry about police confrontation. Here's a little guide to the restrictions. It's not legal advice but will help you understand, so you will be able to step out your door with confidence, and cope in the event of 'overzealous' policing.

Here's the rule: You may not leave the **place where you are living** without **reasonable excuse** (unless you are homeless).

The **place where you live** includes anything belonging to the premises, so you don't need to justify playing football with your children in the front garden.

As for a **reasonable excuse**, it can be many things. It does not have to be an essential activity. Regulation 6 has a list of them. Here they are in summary:

- Obtaining basic necessities for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person;
- Taking exercise;\* [whilst elsewhere in the UK, the once-daily limit on exercise is only government guidance, in Wales this is included under the letter of the Regulations!]
- Seeking medical assistance;
- Providing care or assistance to a vulnerable person (those over 70 or pregnant or with an underlying health condition) or emergency assistance;
- Donating blood;
- Travelling to or from work, or providing voluntary or charitable services, where it is not reasonably possible for that person to work, or provide those services, from the place where they live;
- Attending a funeral under certain conditions;
- Meeting a legal obligation, including attending court or satisfying bail conditions, or participating in legal proceedings;
- Accessing critical public services;
- Continuing existing arrangements relating to shared parental access to children;

- Going to a place of worship (in the case of a minister of religion or worship leader only);
- Moving house, where reasonably necessary;
- Avoiding injury or illness or to escape a risk of harm

The list is **not exhaustive**, meaning you could theoretically find a reasonable excuse not mentioned in the Regulations. The last item, for example, ‘avoiding injury’, should be interpreted widely to include people dealing with domestic abuse or mental illness. **The National Police Chiefs’ Council released a guide for officers in England to help them decide what counts and what doesn’t:** Leaving the house to get a newspaper (considered a staple) or a takeaway (food) is reasonable, but working in the park when you could’ve done it from home is not. The NPCC Guide is worth reading, even if you live in Scotland, Wales or NI because the Regulations are so similar that they are likely to be applied in a similar manner. The Guide is not law, to be clear, but it should help you to understand the restrictions and make leaving the house less stressful.

The lawyer David Allen Green made two good points about the restrictions in [The Law and Policy Blog](#) on March 31st. Firstly, the police should remember their purpose: to prevent and control infection. Someone out to take the country air in a remote upland is not likely to spread the virus. Should an officer happen upon the rambler and feel his breast swell with disapproval, one hopes he would exercise restraint.

Green’s second point is that someone outside his home without a reasonable excuse is *not* committing an offence, if they *originally* left with a reasonable excuse. To return to our rambler, what if he, having completed his jaunt, stops to enjoy the sun and is found flagrantly static by the officer? Well, because our man came to exercise, his *original* reason for leaving the house, he will be on the right side of the law, although it may be time to go home.

When you are stopped by the police (and they must do this from time to time, or how else would they know whether we were complying with the restrictions?), you should now feel able to explain yourself. What though if you encounter an officer who seemingly misinterprets the law? Well, do have sympathy! It’s a declared emergency and the police have been given a whole new set of unusual powers; it’s bound to go to some people’s heads. Challenge him politely. Explain again your excuse. That should resolve the conflict amicably. If the officer’s not satisfied and tells you to return home, simply complying should get you out of trouble.

In the very unlikely event, especially if you’ve kept your cool, that the officer wants to take it further, he can fine or charge you with an offence. In the latter case, I offer this as reassurance: It seems to me that, in the midst of the panic about a deadly virus, police are interpreting ‘reasonable excuse’ narrowly and therefore their powers widely. And whilst the Crown

Prosecution Service also says they will regard these offences as serious, I would venture to say that, in the actual event of proceedings, when cooler heads tend to prevail, judges may accept a wider range of reasonable excuses.