Twitter Thread by Adam Wagner



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■Important changes to lockdown/self-isolation regulations from 5pm

The Health Protection (Coronavirus, Restrictions) (All Tiers and Self-Isolation) (England) (Amendment) Regulations 2021

£800 'house party' FPN & police can now access track & trace data

https://t.co/k9XCpVsXhC

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PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, Restrictions) (All Tiers and Self-Isolation) (England) (Amendment) Regulations 2021

Made - - - -	*28th January 2021*
Laid before Parliament	*at 11.00 a.m. on 29th January 2021*
Coming into force - -	*at 5.00 p.m. on 29th January 2021*

“Large gathering offence”

As trailed by Home Secretary last week there is now a fixed penalty notice of £800 (or £400 if you pay within 14 days) for participating in an gathering of over 15 people in a private residence

(3B) In this regulation, a "large gathering offence" means an offence under regulation 10(1)(a) of contravening a gathering restriction, where the contravention consists of participation in a gathering which—

(a) consists of more than 15 people, and

(b) takes place—

(i) in a private dwelling,

(ii) in educational accommodation, or

(iii) indoors if the gathering would be a gathering of the kind mentioned in section 63(1) of the Criminal Justice and Public Order Act 1994 (powers to remove persons attending or preparing for a rave) if it consisted of more than 20 people and took place in the open air.

Fixed Penalty Notices double for each subsequent "large gathering offence" up to £6,400

Compare:

- Ordinary fixed penalty notice is £200 or £100 if paid in 14 days
- Holding or being involved in the holding of a gathering of over 30 people is £10,000

"(3A) In the case of a fixed penalty notice issued to a person in respect of a large gathering offence, the amount of the fixed penalty to be specified under regulation 11(5)(c) is as follows—

(a) if the fixed penalty notice is the first one issued to the person in respect of a large gathering offence, the amount is—

(i) £400, if the amount is paid before the end of the period of 14 days following the date of the notice;

(ii) otherwise, £800;

(b) if the fixed penalty notice is not the first one issued to the person in respect of a large gathering offence, the amount is—

(i) £1,600, if it is the second fixed penalty notice so issued;

(ii) £3,200, if it is the third fixed penalty notice so issued;

(iii) £6,400, if it is the fourth or any subsequent fixed penalty notice so issued.

Second big change:

Since September has been a legal requirement to sell-isolate if you test positive/notified by Track & Trace of exposure to someone else who tested positive

Police can now be given access to NHS Track & Trace data if for the purpose of enforcement/prosecution

"(4A) In addition, a relevant person may disclose the notification information to H where it is necessary for H to have the information—

(a) for the purpose of carrying out a function under regulation 10, 12 or 13, or

(b) otherwise for the purpose of the prevention, investigation, detection or prosecution of offences under these Regulations.

(4B) H may only use notification information where—

(a) it is necessary for the purposes of carrying out a function under regulation 10, 12 or 13, or

(b) otherwise for the purpose of the prevention, investigation, detection or prosecution of offences under these Regulations.

(4C) Subject to paragraph (6), H may only disclose notification information to another person ("the recipient") where it is necessary for the recipient to have the information—

(a) for the purpose of carrying out a function under regulation 10, 12 or 13, or

(b) otherwise for the purpose of the prevention, investigation, detection or prosecution of offences under these Regulations.

This will make it easier for police to enforce people breaking self-isolation rules. Currently there has been practically no enforcement.

Data says only a small proportion of people meant to be self-isolating are fully doing so. https://t.co/LcwKfQ6PVx

> Very important that obvious failures with Track and Trace and self-isolation (study late last year said 18% of people complying https://t.co/dhJUZ7Pm0l) are not painted as an enforcement issue. Plainly not. Would just pass buck to police who have almost no capacity to enforce https://t.co/Eb4Kl5Ze0E
>
> — Adam Wagner (@AdamWagner1) January 25, 2021

But obviously this raises important human rights questions because police will be given access to information about our movements and social interactions.

They are only permitted to use that data for the purposes of Covid rules enforcement - but will they?

- Will data be kept safe and secure?
- Can police resist the temptation of using the data for other criminal enforcement purposes?
- Do we want the police having this information at all?
- Is enforcement going to make things better? Or make people less willing to share info?

As I said in the tweet quoted above, track & trace has mostly failed but we don't know if because police haven't been able to enforce. Could equally be lack of follow up, bad messaging, basic incompetence. As with all things Covid related, don't assume enforcement is the answer

Covid regulations table now updated https://t.co/5A0SJvCGWP

Important point made by @mikarv that the ability for the police to access Track & Trace data does *not* extend to data caught by the NHS phone app. See my thread on the self-isolation law https://t.co/Bn8WQJvMWn

> \U0001f6a8Just caught these. Will be super quick
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> New legal duty to self isolate if positive test OR told by contact tracing system (not by app) to self isolate
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> The Health Protection (Coronavirus, Restrictions) (Self- Isolation) (England) Regulations 2020https://t.co/KNcNYNgcgH
>
> — Adam Wagner (@AdamWagner1) September 27, 2020

I also made a YouTube video on the self-isolation law - nb. as the description says the self-isolation rules have subsequently been amended to reduce the isolation times down from 14 to 10 days in certain circumstances https://t.co/CxgnH6MekA

Good question. As far as I can tell (as usually you have to piece together two bits of law to figure it out) it is the contact details (including name, address), the notification of positive test/exposure, the period of isolation. So...

(2) The relevant information referred to in paragraph (1) is—

(a) where an individual is required to self-isolate under regulation 2—

(i) contact details of that individual,

(ii) the date that individual received a notification under regulation 2,

(iii) the particular period in respect of which that individual is required to self-isolate calculated in accordance with regulation 3,

(iv) details of any notices issued or contemplated under regulation 12, or proceedings taken under regulation 13 in respect of that [F1 individual,]

... should not include the details of who they came into contact with, however the police may be able to figure that out if they piece together multiple notifications given at the same time.

Don't forget the police don't necessarily want to be doing this either https://t.co/QUhfmMh03C

> How should the COVID-19 regulations be policed?
>
> (Thread)
>
> — Adam Wagner (@AdamWagner1) January 10, 2021