Twitter Thread by Hardly Birding ■



Hardly Birding ■
@HarringayBirder

Jessica Allen, Eliza Moore and Derbyshire Police - a brief thread

First, what happened? Well, it seems two friends got in separate cars and drove five miles to a reservoir to go for a walk with coffees in their hands. They were stopped by police and fined for (it appears) breaching the restriction on leaving or being outside one's home...

... without a reasonable excuse set out in part 1 para 1 of the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020. They did this, it appears, because they saw the distance travelled *for* the exercise - and the fact beverages for consumption...

... had been brought by the walkers, as depriving the women of the defence provided by para. 2(2)(c) of the Regulations. That provision says you can leave or be outside your home if it is "reasonably necessary" to do so "to take exercise outside... alone, with one or more...

... members of their household, their linked household, or... where exercise is being taken as part of providing informal childcare for a child aged 13 or under, one or more members of their linked childcare household, or...
in a public outdoor place, with one other person...

... who is not a member of their household, their linked household or their linked childcare household..."

Did the police get it wrong? Almost certainly, because they confused the issue of the distance travelled (and the general "reasonableness" of that act, in the current circumstances) with the question of whether the women had a reasonable excuse "to be outside".

Were the women each outside for the purposes of taking exercise outside with one other person? Patently, yes. Exercise is defined in the OED as "Activity requiring physical effort, carried out to sustain or improve health and fitness."

Taking a walk in pleasant country surroundings is commonly held to boost both physical *and* mental health - as any GP will tell you.

But what about the coffees? Well, as it is perfectly possible to walk while holding coffees - otherwise takeaway coffees would never have taken off - and few or even no breaks in the exercise are needed to drink them, the coffees are entirely

irrelevant.

That it is lawful to drive five or more miles for a walk may make some feel uncomfortable but as the Court of Appeal has so often pointed out, it is for Parliament to pass the laws it wishes to see obeyed. Should the govt wish therefore to restrict exercise to local exercise...

this could readily be achieved through a simple amendment to the Regulations adding in a clear restriction on the geographical limits to the exercise exemption; notably, at no stage of the development of these Regulations has Parliament done so.]