

Legal Powers for Local Restrictions and/or Closures

- No general power to require people to stay apart or at home
- No general power to close things as a precaution – need to prove that they are a problem
- No powers which applies to everything – need to use miscellaneous powers.

Legislation	Setting	What it does	Enforcing Authority	Legal issues	Timescale to implement	Usefulness
Public Health (Control of Disease) Act 1984 Section 45G	General	People: Allows magistrate to make an order to force a person to quarantine, stay off work etc, we if they are or may be contaminated for up to 28 days	District Council / Unitary Council Requires Magistrates Approval	Extensive evidence requirements, including a medical report on the person(s) concerned Order can only last 28 days	Days	Limited
Public Health (Control of Disease) Act 1984 Section 45H	General	Things: Allows magistrate to order seizure or detention or isolation or destruction of property	District Council / Unitary Council Requires Magistrates Approval	Requirement to notify owner/person with custody	Days	Unclear how relevant it is to COVID-19 situation.
Public Health (Control of Disease) Act 1984 Section 45I	General	Places: Allows magistrate to make order requiring infected premises to be closed or cleaned or destroyed	District Council / Unitary Council Requires Magistrates Approval	Requirement to notify owner or occupier Requirement for premises to be contaminated (rather than occupied by infected persons)	Days	Potentially useful, if we can show that premises themselves are infected
Public Health (Control of Disease) Act 1984 Section 45J	General	Allows Magistrate to make a group order (ie one of the above orders with respect to a group of people, things or places)	District Council / Unitary Council Requires Magistrates Approval	Evidential requirements still apply in same way as to individual order	Days	
Environmental Protection Act 1990 Section 79	General	Allows abatement notice to be served requiring remedial action if premises are prejudicial to health or a nuisance	District Council / Unitary Council	Appeal to magistrates court	Days	Overlaps with section 45I of the 1984 Act.
Health Protection (Local Authority Powers) Regulations 2010/657 Regulation 8	General	People; allows the service on individual or groups requesting that they do not do things to spread infection.	District Council / Unitary Council	No power to compel (see s45G 1984 Act)	Immediate	This relies on people doing as they are asked, it is not a power of compulsion.

Legislation	Setting	What it does	Enforcing Authority	Legal issues	Timescale to implement	Usefulness
Section 35 Antisocial Behaviour Policing and Crime Act 2014	General	Allows police to disperse people if crime or disorder	Police		Immediate and Lasts 48 hours Need to say that there is crime or disorder	Quick Can be used as response to an incident but not as a lockdown in the first place.
Section 43 Antisocial Behaviour Policing and Crime Act 2014	General	Community Protection notice. Notice can be served on individual or body if their conduct is having a detrimental effect of a persistent or continuing nature on the quality of life of those in the locality and the conduct is unreasonable	Police or District Council / Unitary Council	Need to give prior warning. Appeal to magistrates court (but prohibitions continues to have effect)	Immediate	Could be useful if someone breaks advisory lockdown.
Section 59 Antisocial Behaviour Policing and Crime Act 2014	General – Public areas	Public space protection order Can be made where (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect Can apply on a highway	District Council / Unitary Council	Significant process to implement including consultation.	Weeks	
Health and Safety at Work Etc Act 1974 Section 22	Workplaces	If as regards any activities to which this section applies an inspector is of the opinion that, as carried on or [likely] to be carried on by or under the control of the person in question, the activities involve or, as the case may be, will involve a risk of serious personal injury, the inspector may serve on	Inspectors (either HSE or District Council / Unitary Council)	Need to link to the risk to staff, customers etc of infections.	Immediate	Quick and effective, query over whether infection risk is a risk of serious personal injury. Could possibly be used for a workplace outbreak.

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		that person a notice (in this Part referred to as "a prohibition notice"). Notice may take effect immediately				
Licensing Act 2003 Section 51	Licensed Premises only	Review of Premises Licence, potentially either changing terms and conditions or revoking license based on Public Safety	Licensing Authority (District Council / Unitary Council)	Although it can remove licensable activities it does not prohibit other activity. So a shop could have its right to sell alcohol removed, but it would still be able to trade and sell milk, the impact is greater on premises which are fully reliant on licensed trade such as pubs	Minimum period 1 month. However may secure voluntary compliance sooner	Slow but may secure early compliance due to the threatened long term impact.
Licensing Act 2003 Section 53A	Licensed Premises only	Allows police to request licensing committee to suspend licence and have a review if premises associated with serious crime or serious disorder	Police/Licensing Authority (District Council / Unitary Council)	Would need to demonstrate 'serious disorder', which is a term not defined	Immediate subject to subsequent decision making / appeals	Useful for licensed premises if there is serious disorder. It should be noted that the Bournemouth dispersal orders relied on disorder.
Health Protection (Local Authority Powers) Regulations 2010/657 Regulation 2	Education	Requirement to keep a child away from school who is or may be infected	District Council / Unitary Council	Each child requires a separate notice to be served on the parents, lasts 5 days but may be renewed, note reg 3 allows for a notice to a Head teacher for information on pupils, allowing for contact tracing linked to this.	Immediate	
Education Act 2002	Education	Power for LA to give direction to governing body on health and safety grounds. Only applies to community or VC schools	County Council / Unitary Council	None		Would only apply to a limited number of schools – essentially only where LA is employer
Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 Regulation 12	Care Settings	It is a criminal offence for regulated providers not to manage the risk of infection and the spread of it.	Care Quality Commission	Retrospective but a powerful nudge	Retrospective	