

Powers to impose restrictions on settings and members of the public

The majority of COVID-19 outbreaks will be best dealt with at a local level, and local leaders have a range of powers at their disposal to enforce decision-making.

Local leaders can draw on the powers set out below. This list is intended as a guide, and not an exhaustive catalogue. Local authority legal departments will be best placed to advise on the use of such powers:

- Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020: local authorities have the power to close individual premises, close public outdoor places and restrict events with immediate effect if they conclude it is necessary and proportionate to do so, in order to respond to a serious and imminent threat to public health and control the transmission of COVID-19 in its area
- Public Health (Control of Disease Act) 1984 [sections 45G, 45H and 45I]: local authorities can make an application to a Justice of the Peace in the Magistrates' Court to impose restrictions or requirements to close contaminated premises; close public spaces in the area of the local authority; detain a conveyance or movable structure; disinfect or decontaminate premises; or order that a building, conveyance or structure be destroyed
- Food Safety Act 1990 [section 12]: the emergency powers in section 12 allow a local authority to close a food business if there is an imminent risk of injury to health (ie the 'health risk condition' as set out in the legislation is fulfilled)
- Food Safety and Hygiene (England) Regulations 2013 (SI 2013/2996) [Regulation 8]: local authorities in England could use the power to close a business by way of a Hygiene Emergency Prohibition Notice but only if the Regulations have not been followed and this in itself creates an imminent risk of injury to health
- The Health Protection (Local Authority Powers) Regulations 2010 (SI 2010/657) [Regulation 8]: local authorities have a limited power to request persons or groups of persons to do or refrain from doing anything by serving a notice for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination which presents or could present significant harm to public health

In addition to the above powers, local authorities may also seek support from ministers to use powers under the Coronavirus Act 2020 to close schools or limit schools to set year groups attendance, to cancel or place restrictions on organised events or gatherings, or to close premises.

Ministers will be able to make regulations under the made affirmative procedure to implement further restrictions to as and when needed if a serious and imminent threat to health exists relating to coronavirus transmission. Examples of the measures that could be implemented within these regulations will be published in draft, but the exact approach to regulating will vary from place to place subject to the specific circumstances in the area.