



Coronavirus & Protest Law

The Coronavirus Act has introduced new police powers which have implications for protest. There are also changes to the way police interviews and court hearings are being conducted.

We are seeing [widespread use of Coronavirus powers in the community](#), which are disproportionately being used against people of colour, and [may be challengeable](#).

For a general guide to the powers created by the Coronavirus Act in England & Wales, please see these guides from [Bristol Defendant Solidarity](#).

The rest of this guide talks specifically about the implications of Coronavirus-related changes for protesters.

1. [Health – including face masks](#)
2. [Coronavirus police powers and their use on protests](#)
3. [Police interviews](#)

Please note that Coronavirus related law is changing rapidly. This guide was last updated on 3rd June 2020



1. Health - including face masks

GBC does not have a position on whether or how people should protest during lockdown. We do however, have an ongoing commitment to legal rights and opposing repressive policing of protests.

Many people are aiming to keep to social distancing when protesting. You should be aware however that police movements may make this difficult, and it is possible that police lines could prevent you being able to leave a situation, even if your health is threatened.

If you wish to avoid crowds but still support people taking action, you could [help organise police station support](#). In most cases it should be possible to carry out this valuable role whilst maintaining social distancing (though we do not recommend this role to



people who are high risk or shielding).

Facemasks & coverings

Many people are choosing to wear facemasks to protect themselves and others from coronavirus, and you have the right to cover your face during a demonstration.

The police cannot require you to remove a face covering unless it is during a [Stop and Search](#), or there is a [blanket 60AA power](#) in place *and* “there is reason to believe that the item is being worn wholly or mainly for the purpose of disguising identity”.

Given the current government guidance encouraging the use of facemasks in public for health reasons, if police demand you to remove a facemask ask “under what power”. Please contact courtsupport@protonmail.com if you have experienced a demand to remove a mask.

2. Coronavirus police powers and their use on protests

The most relevant aspect of the law is that relating to gatherings.

It is currently prohibited under the Coronavirus regulations to participate in a gathering of more than 6 people. If the police “consider” that this rule is being broken they have the power to:

- Direct the gathering to disperse
- Direct participants to return home
- Use “reasonable force” to take a participant back to their home.

If the police consider that you have broken this rule they also have the power to:

Either – Issue you a Fixed Penalty Notice (£50 for a first offence, rising if you have received previous fines up to a maximum of £3200)

Or – Arrest you on suspicion of having broken the Coronavirus regulations. If successfully convicted under this legislation, the maximum penalty is a fine.

A Fixed Penalty Notice is not a criminal record, and will not show up on DBS checks, whereas a conviction could do.

So far, these powers have been used very variably at protests. [Netpol's Policing the Corona State blog](#) has more details of how they have been used, and you can also contact Netpol with your experiences.

If you have been arrested or issued a Fixed Penalty Notice at a demonstration since 26th March 2020, please contact courtsupport@protonmail.com or call 07946541511

3. Police Interviews

You have a right to free legal advice in police custody and should use [a solicitor experienced in protest law](#) (not the duty solicitor).



Currently, in order to maintain social distancing, police guidance is that your solicitor should advise you via telephone rather than in person.

If you are interviewed, the police interviewer may either be in person as usual or via video link (up to the police). The guidance is for your solicitor to be present via video link. If video link is not possible, and the police want to use audio link to the solicitor, they need your written consent. For “serious” cases, vulnerable people, or **if you do not consent to video support**, the solicitor should be present in person.

For children, and for vulnerable adults who require one, an “appropriate adult” must always be present in person.

If English is not your first language, you are entitled to an interpreter. This may be remotely via video or audio link.

The police should provide PPE to everyone who is physically in the same interview room.