

Hodge Jones & Allen Solicitors
180 North Gower Street
London NW1 2NB

DX 2101 EUSTON
www.hja.net
rchada@hja.net

Direct tel: 0207 874 8367
Direct fax: 0207 874 8306
Switchboard: 020 7874 8300

Police Station Emergencies
0844 8480222

Our ref: 1034180.0001/RCH
Your ref:

3 June 2020

Dear Sirs

**Protests and arrests under Regulation 7 of Health Protection (Coronavirus, Restrictions)
(England) Regulations 2020
LDN BLM, NETPOL, UK STUDENT CLIMATE NETWORK, EXTINCTION REBELLION**

We write on behalf of the groups listed above to express our concern with regard to the policing of demonstrations under the above Regulations and in particular where there are alleged breaches of Regulation 7.

Regulation 7 is set out in full below :

(1) During the emergency period, unless paragraph (2) applies, no person may participate in a gathering which takes place in a public or private place—

- (a) outdoors, and consists of more than six persons, or*
- (b) indoors, and consists of two or more persons.*

(2) This paragraph applies where—

- (a) all the persons in the gathering are members of the same household;*
- (b) the person is attending a funeral, as—
 - (i) a member of the deceased person's household,*
 - (ii) a close family member of the deceased person, or*
 - (iii) if no-one within paragraph (i) or (ii) is attending, a friend of the deceased person**
- (c) the person concerned is an elite athlete, the coach of an elite athlete, or (in the case of an elite athlete under the age of 18), the parent of an elite athlete, and the gathering is necessary for training or competition;*
- (d) the gathering is reasonably necessary—
 - (i) for work purposes, or for the provision of voluntary or charitable services;*
 - (ii) to facilitate a house move;**

- (iii) to provide care or assistance to a vulnerable person, including relevant personal care within the meaning of paragraph 7(3B) of Schedule 4 to the Safeguarding of Vulnerable Groups Act 2006;*
- (iv) to provide emergency assistance;*
- (v) for the purposes of early years childcare provided by a person registered on the Early Years Register under Part 3 of the Childcare Act 2006;*
- (vi) to enable one or more persons in the gathering to avoid injury or illness or to escape a risk of harm;*
- (vii) to continue existing arrangements for access to, and contact between, parents and children where the children do not live in the same household as their parents, or one of their parents;*
- (e) the person concerned is fulfilling a legal obligation or participating in legal proceedings;*
- (f) the gathering takes place at an educational facility and is reasonably necessary for the purposes of education.*

(3) For the purposes of this regulation—

- (a) there is a gathering when two or more people are present together in the same place in order to engage in any form of social interaction with each other, or to undertake any other activity with each other;*
- (b) a place is indoors if it would be considered to be enclosed or substantially enclosed for the purposes of section 2 of the Health Act 2006(a), under the Smoke Free (Premises and Enforcement) Regulations 2006(b).”*

We consider that the Regulation itself fails to provide the adequate protection to the right to free speech and the right to protest, as set out under article 10 and 11 of the European Convention on Human Rights.

Further, the police's use of this Regulation (or any preceding Regulation), in either issuing fixed penalty notices or arresting, those who are attending demonstrations itself constitutes a breach of individual's rights under the above Convention Rights. This has the effect of curtailing the rights to protest in London and beyond.

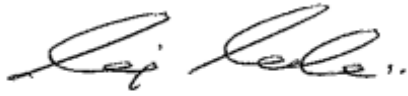
Whilst we will write to you further with regard to individual arrests, we note, from the media that there are a number of protests that are likely to take place in London over the course of the next few days. These appear primarily to relate to the campaign Black Lives Matter, although other protests may be scheduled which we are not aware of.

All of the above groups are concerned that flawed Regulations that breach Convention rights are used as enforcement mechanism in the forthcoming protests. Whilst this is inappropriate in all protest, it is of particular concern, in BLM, where one of the campaign issues itself relates to disproportionate policing.

As such, we seek assurances from the Metropolitan Police that an alleged breach of this Regulation, by attendance at a demonstration will not, in of itself, lead to either the issuing of Fixed Penalty Notices or arrests.

Bearing in mind the imminence of the protests, we look forward to hearing from you as a matter of urgency.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Raj Chada', written in a cursive style.

Raj Chada

For Hodge Jones & Allen Solicitors

Please note our police station emergency number has changed to 0844 8480222.