



COVID - 19
Daily Bulletin

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KEY ANNOUNCEMENTS

Yesterday evening the Government took drastic steps to force people to stay at home except in very limited circumstances, which included the following:

- shopping for basic necessities;
- one form of exercise per day;
- any medical need; and
- travelling to and from work, but only where this absolutely cannot be done from home

The Prime Minister also announced that:

- all non-essential shops and public spaces must close; and
- public gatherings of more than two people must stop.

The full guidance can be found here:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/874742/Full_guidance_on_staying_at_home_and_away_from_others_1.pdf

LEGAL IMPLICATIONS

BUSINESS

- 1. As a result of the Government's steps, some businesses will be wondering whether they *have* to close. **What, for example, if they sell both essential and non-essential items?****

At pages 3 and 4 of the Government Guidance ([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/874732/230320 - Revised guidance note - finalVF.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/874732/230320_-_Revised_guidance_note_-_finalVF.pdf)) the Government has listed the exceptions to the retail businesses that have to close. This includes supermarkets, pharmacies, garages, corner shops and banks.

- 2. What penalties are in place for a business that fails to close when required to do so?**

Regulation 3 of The Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 make it a criminal offence for businesses selling food or drink for consumption on their premises to not close as required. It is highly likely that the Regulations will be amended or that new legislation will be introduced to encompass the retail industry.

EMPLOYMENT

- 3. Am I committing an offence if my employees are travelling to and from work but they are not *key workers*?**

There was some confusion with regard to the Prime Minister's announcement regarding only travelling to and from work "*only where it is absolutely necessary and cannot be done from home*". It was unknown whether the work itself had to be necessary, i.e. whether you had to be a key worker in order to be allowed to travel.

The Government Guidance has clarified matters to an extent and it appears that employees/workers are permitted to travel to work where it cannot be done at home (e.g. if the employee is a builder). Therefore, businesses who are allowed to remain open (and do remain open) and are requiring their employees to attend work should not be held vicariously liable, as long as it can be shown that their employees could not carry out their work from home.

A business that is open, and still requiring employees to attend work even where it is unnecessary for them to do so, could start to be held liable for their employees travelling. The Government has announced that the police and other relevant authorities will have the power to enforce these rules, including through fines.

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