



The Rule of Six: Guidance for Not-for-profit Organisations

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Introduction

In response to the COVID-19 pandemic, the British Government has introduced a range of policies designed to limit the spread of the disease. Whilst the policies are wide-ranging and subject to constant change, this note examines the current restrictions in England on the number of people who can gather together (commonly referred to as the "**Rule of Six**").

This note reflects the law as of 1 October 2020.

Where and when does the Rule of Six apply?

The Rule of Six was introduced on Monday 14 September 2020 by a Government Regulation.¹ These regulations **only apply in England**; non-profit organisations in Wales, Scotland and Northern Ireland will need to take separate advice on restrictions on gatherings in those regions.

As the Rule of Six forms an amendment to the aforementioned Regulations (the "**COVID-19 Regulations**"), it will **expire on 4 January 2021**, the current expiry date for those regulations, unless it is extended. However, the restrictions will be reviewed at least every 28 days, and may be amended by the Government periodically, so it is important for non-profits to keep abreast of any changes to the COVID-19 Regulations.

Non-profits should be aware that certain areas (such as, at the time of writing, Blackburn or Bolton) may be subject to more stringent rules under COVID-19 Regulations. In these areas, the area-specific rules (often referred to as "**local lockdowns**") will prevail over the national regulations with respect to the Rule of Six. The areas under local lockdowns are subject to change, so non-profits should consult the [Government's guidance](#) regularly.

¹ Health Protection (Coronavirus, Restrictions) (No. 2) (England) (Amendment) (No. 4) Regulations 2020

What is the Rule of Six?

Put simply, the Rule of Six states that **no more than six people can collect together, whether indoors or outdoors**, unless an **exception applies**, including work, or the provision of voluntary or charitable services; providing support to a vulnerable person; providing emergency assistance, and to avoid injury or illness or to escape risk of harm; and support groups (see also below).

What are the consequences of breaching the rule?

In the first instance, a police officer can direct the gathering of over six people to disperse, and has the power to order any participant in the gathering to return home. They can also remove a person from the gathering.

Breaching the Rule of Six is a criminal offence. A police officer can also issue a **fine of £100**, reducible to £50 if paid within 14 days.

In the event that the recipient of the fine has received prior fines for breaches of COVID-19 Regulations, then **the fine will double for every further fine** (so that the second will be for the value of £200, the third for the value of £400 etc., up to a maximum of £3200.) For repeat offenders, the option to pay early in exchange for a reduction is not available.

Non-profit organisations should be aware **that if the Rule of Six is breached by a body corporate** (such as a company, whether charitable or otherwise), and an officer of that body is involved (such as through encouraging or facilitating the gathering), then that **officer will be personally guilty and will be liable to prosecution**.

Exception 1: Larger gatherings with social distancing between groups

A non-profit organisation will **not be in breach of the Rule of Six**, if it hosts a gathering where there are more than six people in attendance but the **attendees are either alone or in discrete groups of no more than six**. This would cover, amongst other circumstances, employees or volunteers sitting in an office.

If such gatherings go ahead, the non-profit must take steps to ensure that these **groups do not mix or mingle**; people must stay within their group of up to six people.

If the gathering does not take place at premises owned by the non-profit, but in a public forum (for instance, a protest or public meeting) then it can go ahead as long as the same steps are taken to ensure that **groups do not mix**.

However, the non-profit must also (a) **carry out a risk assessment** which is compliant with the Management of Health and Safety at Work Regulations 1999; and (b) **take all reasonable steps to limit the spread** of the infection.

Steps which a non-profit might take would include encouraging social distancing and (where appropriate) mask-wearing, and regularly cleaning surfaces which might be touched by attendees at a gathering, such as door handles or handrails.

After carrying out the risk assessment, the non-profit should (a) share the results with their volunteers and workforce, and (b) consider displaying a sign or notification stating that they have complied with Government guidance.

The non-profit organisation should also consider the advice published by the Government when doing this, and ought to take legal advice if it is planning something which may lead to mixing between groups.

Exception 2: Reasonably necessary gatherings

It is also permissible for non-profits to facilitate larger groups gathering for reasons including (but not limited to):

- work (for instance, employees of a charity at its head office);
- training (for instance, inducting volunteers);
- charitable purposes (such as conducting community outreach activities); and
- volunteering.

In each of the above cases, **the gathering will have to be reasonably necessary**. This means that the gathering should be impractical or difficult to conduct either remotely or within groups of smaller than six.

Note that in England, **the age of the participants does not affect the rules** concerning the number of people who can gather. In Scotland, children under 12 are not included in the equivalent restriction; in Wales, children under 11 are exempt.

Exception 3: Support groups

Support groups of **no more than 15 people** are allowed to gather under the auspices of a non-profit. Such a **group must not take place at a private dwelling** such as a house.

Examples of support groups permitted under the rules include (but are not limited to):

- Groups for victims of domestic abuse;

- Groups for new parents;
- Groups for people facing issues related to their sexuality; and
- Groups for those who have suffered bereavements.

Exception 4: Significant event gatherings

If a non-profit organisation is involved in organising a gathering which is commemorating a significant event, then the Rule of Six will not apply. This might affect, for example, a religious institute organising a funeral.

'Significant event' is restrictively defined in the COVID-19 Regulations and limited to ceremonies held "to mark or celebrate **a significant milestone in a person's life**, according to their religion or belief." As such, birthday parties would not be allowed.

The number of people who can attend a significant event gathering is capped at **no more than 30**.

The same precautions mentioned in Exception 1 (undertaking a risk assessment, and taking steps to reduce potential transmission of infection) apply to these sorts of gatherings.

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