

Regulations made by the Secretary of State, laid before Parliament under section 45R of the Public Health (Control of Disease) Act 1984 (c. 22), for approval by resolution of each House of Parliament within twenty-eight days beginning with the day on which the instrument is made, subject to extension for periods of dissolution, prorogation or adjournment for more than four days.

STATUTORY INSTRUMENTS

2020 No. 791

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020

<i>Made</i>	- - - -	<i>at 9.00 a.m. on 23rd July 2020</i>
<i>Laid before Parliament</i>		<i>at 1.15 p.m. on 23rd July 2020</i>
<i>Coming into force</i>	- -	<i>24th July 2020</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 45C(1), (3)(c) and (4)(d), 45F(2) and 45P(2) of the Public Health (Control of Disease) Act 1984(1).

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in England.

The Secretary of State considers that the requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to the threat.

In accordance with section 45R of that Act the Secretary of State is of the opinion that, by reason of urgency, it is necessary to make this instrument without a draft having been laid before, and approved by a resolution of, each House of Parliament.

PART 1

Introductory

Citation, commencement and application

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020.

(1) 1984 c. 22 (“the 1984 Act”). Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14). See section 45T of the 1984 Act for the definition of “the appropriate Minister”.

- (2) These Regulations come into force on 24th July 2020.
- (3) These Regulations apply in England.

Interpretation

2.—(1) In these Regulations—

“enclosed shopping centre” means a building containing shops having frontages to an arcade or mall or other covered circulation area;

“face covering” means a covering of any type which covers a person’s nose and mouth;

“goods” means any tangible moveable item;

“public transport service” has the meaning given in regulation 2(2) of the Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020(2);

“relevant person” has the meaning given in regulation 5(9);

“relevant place” means—

- (a) a place listed in Part 1 of the Schedule; or
- (b) a transport hub;

“shop” has the meaning given in paragraph (2);

“TfL”, “TfL officer” and “TfL public transport service” have the meanings given in regulation 5;

“transport hub” has the meaning given in paragraph (4).

(2) In these Regulations, “shop” means any building, room or other indoor establishment which is open to the public in whole or in part and is used wholly or mainly for the purposes of retail sale or hire of goods or services, but not including the premises listed in Part 2 of the Schedule.

(3) A person who is responsible for a relevant place includes the owner, proprietor, tenant or manager of the relevant place.

(4) In these Regulations, “transport hub” means any enclosed part of premises used as a station, terminal, port or other similar premises from or to which a public transport service operates, but does not include—

- (a) an area which is not open to the public;
- (b) an area where seating or tables are made available for the consumption of food and drink;
- (c) a part of such premises if it is in itself a premises mentioned in paragraph 1(1)(a) to (c) of the Schedule; or
- (d) a part of such a premises if it itself a premises listed in Part 2 of the Schedule.

(5) For the purposes of paragraph (4) premises are “enclosed” if they would be considered enclosed or substantially enclosed for the purposes of section 2 of the Health Act 2006(3), under the Smoke-free (Premises and Enforcement) Regulations 2006(4).

(2) [S.I. 2020/592](#).

(3) [2006 c. 28](#).

(4) [S.I. 2006/3368](#), to which there are amendments which are not relevant to these Regulations.

PART 2

Relevant place: requirement to wear a face covering

Requirement to wear a face covering whilst entering or remaining within a relevant place

3.—(1) No person may, without reasonable excuse, enter or remain within a relevant place without wearing a face covering.

(2) The requirement in paragraph (1) does not apply—

- (a) to a child who is under the age of 11;
- (b) to a person responsible for a relevant place or an employee of that person acting in the course of their employment;
- (c) to any other person providing services in the relevant place under arrangements made with the person responsible for a relevant place;
- (d) to an employee of an operator of a public transport service acting in the course of their employment;
- (e) to a person who enters or is within a transport hub in a vehicle (other than a vehicle being used for the provision of a public transport service);
- (f) to a constable or police community support officer acting in the course of their duty;
- (g) to an emergency responder (other than a constable) acting in their capacity as an emergency responder;
- (h) to a relevant official acting in the course of their employment or their duties.

(3) In this regulation—

“emergency responder” has the same meaning as for the purposes of section 153A of the Inheritance Tax Act 1984⁽⁵⁾;

“relevant official” means —

- (a) an inspector or surveyor of ships;
- (b) a person appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974⁽⁶⁾ or an officer of the Health and Safety Executive;
- (c) a local authority officer;
- (d) a pilot (within the meaning given in paragraph 22(1) of Schedule 3A to the Merchant Shipping Act 1995⁽⁷⁾);
- (e) a civil aviation inspector, as defined in Annex 9 to the Convention on International Civil Aviation signed at Chicago on 7th December 1944⁽⁸⁾;
- (f) a border force officer (within the meaning given in paragraph 7 of Schedule 20 to the Coronavirus Act 2020⁽⁹⁾).

Reasonable excuse

4.—(1) For the purposes of regulation 3(1), the circumstances in which a person (“P”) has a reasonable excuse include those where—

(5) 1984 c. 51. Section 153A was inserted by the Finance Act 2015 (c. 11), section 75.

(6) 1974 c. 37.

(7) 1995 c.21. Schedule 3A to the Merchant Shipping Act 1995 was inserted by the Marine Safety Act 2003 (c. 16), Schedule 1. There are amendments to Schedule 3A but none are relevant.

(8) The latest edition of Annex 9, which is published by the International Civil Aviation Organization, is the 15th edition, which applied from 23rd February 2018 (ISBN 978-92-9258-301-9).

(9) 2020 c. 7.

- (a) P cannot put on, wear or remove a face covering—
 - (i) because of any physical or mental illness or impairment, or disability (within the meaning of section 6 of the Equality Act 2010⁽¹⁰⁾), or
 - (ii) without severe distress;
 - (b) P is accompanying, or providing assistance to, another person (“B”) and B relies on lip reading to communicate with P;
 - (c) P removes their face covering to avoid harm or injury, or the risk of harm or injury, to themselves or others;
 - (d) P is entering or within a relevant place to avoid injury, or to escape a risk of harm, and does not have a face covering with them;
 - (e) it is reasonably necessary for P to eat or drink, P removes their face covering to eat or drink;
 - (f) P has to remove their face covering to take medication;
 - (g) a person responsible for a relevant place or an employee of that person acting in the course of their employment, requires that P remove their face covering in order to verify P’s identity;
 - (h) in a registered pharmacy, an employee of that registered pharmacy acting in the course of their employment, requires that P remove their face covering in order to assist in the provision of healthcare or healthcare advice to P;
 - (i) a relevant person requests that P remove their face covering.
- (2) In this regulation “registered pharmacy” has the same meaning as in section 74 of the Medicines Act 1968⁽¹¹⁾.

PART 3

Enforcement

Enforcement of requirement to wear a face covering whilst entering or remaining within a relevant place

5.—(1) Where a relevant person considers that another person is, at the time of entering the relevant place, not wearing a face covering, in contravention of the requirement in regulation 3, the relevant person may deny entry to the relevant place to that person.

(2) Where a relevant person considers that a person is not wearing a face covering, in contravention of the requirement in regulation 3, the relevant person may—

- (a) direct that person to wear such a covering;
- (b) direct that person to leave the relevant place.

(3) Where a person does not comply with a direction given to them by a constable under paragraph (2)(b), the constable may remove them from the relevant place.

(4) A constable exercising the power in paragraph (3) may use reasonable force, if necessary, in the exercise of the power.

(5) Where a relevant person has reasonable grounds to believe that a relevant child is failing to comply with the requirement in regulation 3, the relevant person may direct any individual who has responsibility for the relevant child to secure, so far as reasonably practicable, that the child complies with the requirement.

⁽¹⁰⁾ 2010 c. 15.

⁽¹¹⁾ 1968 c. 67.

(6) For the purposes of this regulation, an individual has responsibility for a relevant child if the individual—

- (a) has custody or charge of the child for the time being, or
- (b) has parental responsibility for the child within the meaning given in section 3 of the Children Act 1989⁽¹²⁾.

(7) A person may only exercise a power in paragraph (2) or (3) if they consider it necessary and proportionate to ensure compliance with the requirement in regulation 3.

(8) In this regulation, “relevant child” means a child who is aged 11 or over.

(9) In these Regulations—

“relevant person” means—

- (a) a constable;
- (b) a police community support officer;
- (c) in relation to any transport hub from or to which a TfL public transport service is provided, a TfL officer;
- (d) a person designated by the Secretary of State for the purposes of this regulation.

(10) For the purposes of these Regulations—

“TfL public transport service” means a public transport service provided by TfL or a TfL contractor;

“TfL” means—

- (a) Transport for London⁽¹³⁾, or
- (b) a subsidiary (within the meaning of section 1159 of the Companies Act 2006⁽¹⁴⁾) of Transport for London;

“TfL contractor” means a contractor who provides a public transport service on behalf of TfL;

“TfL officer” means any of the following whilst acting in the course of their duties—

- (a) an employee or agent of TfL;
- (b) an employee or agent of a TfL contractor.

Offence and penalties

6.—(1) A person who contravenes the requirement in regulation 3 commits an offence.

(2) A person who obstructs, without reasonable cause, any person carrying out a function under these Regulations commits an offence.

(3) A person who, without reasonable excuse, contravenes a direction given under regulation 5(2) or regulation 5(5) commits an offence.

(4) An offence under this regulation is punishable on summary conviction by a fine.

(5) Section 24 of the Police and Criminal Evidence Act 1984⁽¹⁵⁾ applies in relation to an offence under this regulation as if the reasons in subsection (5) of that section included—

- (a) to maintain public health;
- (b) to maintain public order.

⁽¹²⁾ 1989 c. 41.

⁽¹³⁾ Transport for London is a body corporate established by section 154 of the Greater London Authority Act 1999 (c. 29).

⁽¹⁴⁾ 2006 c. 46.

⁽¹⁵⁾ 1984 c. 60. Section 24 was substituted by the Serious Organised Crime and Police Act 2005 (c. 15), section 110(1).

Fixed penalty notices

7.—(1) An authorised person may issue a fixed penalty notice to anyone that the authorised person reasonably believes—

- (a) has committed an offence under these Regulations, and
- (b) is aged 18 or over.

(2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the authority specified in the notice.

(3) The authority specified in the notice must be an officer designated by the Secretary of State for the purposes of this regulation (“the designated officer”).

(4) Where a person is issued with a notice under this regulation in respect of an offence—

- (a) no proceedings may be taken for the offence before the end of the period of 28 days following the date of the notice;
- (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

(5) A fixed penalty notice must—

- (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;
- (b) state the period during which (because of paragraph (4)(a)) proceedings will not be taken for the offence;
- (c) specify the amount of the fixed penalty;
- (d) state the name and address of the designated officer to whom the fixed penalty may be paid;
- (e) specify permissible methods of payment.

(6) The amount specified under paragraph (5)(c) must, subject to paragraph (7), be £100.

(7) A fixed penalty notice must specify that if £50 is paid before the end of the period of 14 days following the date of the notice that is the amount of the fixed penalty.

(8) Whatever other method may be specified under paragraph (5)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (5)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(9) Where a letter is sent as mentioned in paragraph (8), payment is regarded as having been made at the time at which the letter would be delivered in the ordinary course of the post.

(10) In any proceedings, a certificate—

- (a) that purports to be signed by or on behalf of the designated officer, and
- (b) states that the payment was, or was not, received by the date specified in the certificate,

is evidence of the facts stated.

(11) In this regulation, “authorised person” means—

- (a) a constable,
- (b) a police community support officer,
- (c) in relation to any transport hub from or to which a TfL public transport service is provided, a TfL officer, or
- (d) a person designated by the Secretary of State for the purposes of this regulation.

Prosecutions

8. Proceedings for an offence under these Regulations may be brought by the Crown Prosecution Service and any person designated by the Secretary of State.

Review

9. The Secretary of State must review the need for the requirements imposed by these Regulations before the end of the period of six months beginning with the day on which they come into force.

Expiry

10.—(1) These Regulations expire at the end of the period of 12 months beginning with the day on which they come into force.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they expire.

At 9.00 a.m. on 23rd July 2020

Matt Hancock
Secretary of State,
Department of Health and Social Care

SCHEDULE

Regulations 2 and 3

PART 1

Relevant places where face coverings must be worn

1.—(1) A shop, but does not include—

- (a) restaurants with table service, including restaurants and dining rooms in hotels or members' clubs,
- (b) bars, including bars in hotels or members' clubs,
- (c) public houses.

(2) For the purposes of (1), an area within or adjacent to a shop where seating or tables are made available by that business for the consumption of food and drink on the premises by customers of that business is not a relevant place for the purposes of these Regulations.

2. Enclosed shopping centres, excluding any area in that building which is open to the public and where seating or tables are made available for the consumption of food and drink.

3. Banks, building societies, credit unions, short-term loan providers, savings clubs and undertakings which by way of business operate a currency exchange office, transmit money (or any representation of money) by any means or cash cheques which are made payable to customers.

4. Post Offices.

PART 2

Exemptions from definition of shop - regulation 2(2)

5. Public libraries and public reading rooms.

6. Premises providing professional, legal or financial services.

7. Premises (other than registered pharmacies) providing wholly or mainly medical or dental services, audiology services, chiropody, chiropractic, osteopathic, optometry or other medical services including services relating to mental health.

8. Veterinary services.

9. Cinemas.

10. Theatres.

11. Museums, galleries (other than for the sale or hire of artwork), aquariums, indoor zoos or visitor farms, or other indoor tourist, heritage or cultural sites.

12. Nightclubs.

13. Dance halls.

14. Bingo halls.

15. Concert halls, exhibition halls or other public hall.

16. Conference and exhibition centres.

17. Indoor fitness studios, gyms, dance studios, leisure centres, indoor swimming pools, water parks, bowling alleys, funfairs, theme parks, amusement arcades, indoor soft play areas, skating rinks or other premises for indoor sports, leisure, adventure or recreation activities.

18. Indoor sports arenas or stadia.

19. Casinos.

20. Hotels and hostels.

21. Spas.

22. Nail, beauty, hair salons and barbers.

23. Tattoo and piercing parlours.

24. Massage parlours.

25. Storage and distribution centres.

26. Funeral directors.

27. Photography studios.

28. Auction houses.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require members of the public to wear face coverings whilst inside a relevant place specified in the Regulations in England to protect against the risks to public health arising from coronavirus, except in certain limited cases.

The Secretary of State must carry out a review of the need for the requirements in these Regulations within the period of 6 months of their coming into force.

No regulatory impact assessment has been prepared for these Regulations.

An Explanatory Memorandum has been published alongside this instrument at www.legislation.gov.uk.