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STATUTORY INSTRUMENTS

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**2020 No. 791**

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

**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.

(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<sup>(1)</sup>.

(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;

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(1) 1989 c. 41.

- (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<sup>(2)</sup>, or
  - (b) a subsidiary (within the meaning of section 1159 of the Companies Act 2006<sup>(3)</sup>) 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<sup>(4)</sup> 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.

### **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;

<sup>(2)</sup> Transport for London is a body corporate established by section 154 of the Greater London Authority Act 1999 (c. 29).

<sup>(3)</sup> 2006 c. 46.

<sup>(4)</sup> 1984 c. 60. Section 24 was substituted by the Serious Organised Crime and Police Act 2005 (c. 15), section 110(1).

- (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.