
STATUTORY INSTRUMENTS

2021 No. 1340

PUBLIC HEALTH, ENGLAND

**The Health Protection (Coronavirus, Wearing
of Face Coverings) (England) Regulations 2021**

Approved by both Houses of Parliament

<i>Made</i>	- - - -	<i>at 1.35 p.m. on 29th November 2021</i>
<i>Laid before Parliament</i>		<i>at 5.00 p.m. on 29th November 2021</i>
<i>Coming into force</i>	- -	<i>at 4.00 a.m. on 30th November 2021</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, extent and application

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Wearing of Face Coverings) (England) Regulations 2021.

(2) These Regulations come into force at 4.00 a.m. on 30th November 2021.

(3) These Regulations extend to England and Wales, and apply—

(a) in England;

(1) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).

Status: Point in time view as at 10/12/2021.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, Wearing of Face Coverings) (England) Regulations 2021. (See end of Document for details)

- (b) in English airspace to a person who is on board an aircraft which took off from, or is to land at, a place in England;
 - (c) in the English territorial sea to a person who is on board a vessel⁽²⁾ which is not an excluded vessel.
- (4) Nothing in these Regulations applies to a person who is completing a journey on a public transport service which they started before 4.00 a.m. on 30th November 2021.
- (5) In this regulation—
- (a) “English airspace” means the airspace above England or above the English territorial sea;
 - (b) “the English territorial sea” means the part of the territorial sea of the United Kingdom which is adjacent to England;
 - (c) “excluded vessel” means a vessel which—
 - (i) departed from a place other than a place in England, and
 - (ii) is to dock at any time in a place other than a place in England.

Commencement Information

II Reg. 1 in force at 30.11.2021 at 4.00 a.m., see [reg. 1\(2\)](#)

Interpretation

2.—(1) In these Regulations—

[^{F1}“elite development pathway” means a development pathway established by the national governing body of a sport to prepare sportspersons—

- (a) so that they may derive a living from competing in that sport, or
- (b) to compete at that sport at the Paris or Beijing Olympic or Paralympic Games, or, if that sport is not part of the Paris Olympic and Paralympic Games programme, in the Commonwealth Games to be held in Birmingham;

“elite sportsperson” means an individual who—

- (a) derives a living from competing in a sport,
- (b) is a senior representative nominated by a relevant sporting body,
- (c) is a member of the senior training squad for a relevant sporting body, or
- (d) is aged 16 or above and on an elite development pathway;]

“emergency responder” has the meaning given by section 153A of the Inheritance Tax Act 1984⁽³⁾;

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

“goods” means any tangible moveable item;

[^{F2}“place of worship” means any building, room or other premises used for public religious worship;]

“public transport service” has the meaning given in paragraph (2);

“public transport vehicle” means a vehicle by means of which a public transport service is provided;

(2) “Vessel” is defined in section 74 of the Public Health (Control of Disease) Act 1984.

(3) 1984 c. 51. Section 153A was inserted by section 75 of the Finance Act 2015 (c. 11).

“registered pharmacy” has the same meaning as in section 74 of the Medicines Act 1968⁽⁴⁾;

“relevant person” has the meaning given in regulation 9⁽¹²⁾;

“relevant place” means—

- (a) any premises listed in Part 1 of [^{F3}Schedule 1] which is indoors;
- (b) any part of any premises listed in Part 1 of [^{F3}Schedule 1] which is indoors;
- (c) any transport hub, or any part of a transport hub, which is indoors,

but does not include any premises, or any part of any premises, which is listed in Part 2 of [^{F3}Schedule 1];

[^{F4}“relevant sporting body” means the national governing body of a sport which may nominate sportspersons to represent—

- (a) Great Britain and Northern Ireland at the Paris or Beijing Olympic or Paralympic Games, or
- (b) England, Wales, Scotland, Northern Ireland, Gibraltar, Guernsey, Jersey or the Isle of Man at the Commonwealth Games to be held in Birmingham in those sports which are not part of the Paris Olympic and Paralympic Games programme;

“religious school” means a school, as defined in section 4 of the Education Act 1996, which is—

- (a) designated as having a religious character under section 69(3) of the School Standards and Framework Act 1998, or
- (b) recorded as having a religious ethos in the register of independent educational institutions in England kept by the Secretary of State under section 95 of the Education and Skills Act 2008;

“senior representative” means an individual who is considered by a relevant sporting body to be a candidate to qualify to compete on behalf of—

- (a) Great Britain and Northern Ireland at the Paris or Beijing Olympic or Paralympic Games, or
- (b) England, Wales, Scotland, Northern Ireland, Gibraltar, Guernsey, Jersey or the Isle of Man at the Commonwealth Games to be held in Birmingham in those sports which are not part of the Paris Olympic and Paralympic Games programme;]

“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;

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

“TfL” means—

- (a) Transport for London⁽⁵⁾, or
- (b) a subsidiary (within the meaning of section 1159 of the Companies Act 2006⁽⁶⁾) 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;

⁽⁴⁾ 1968 c. 67.

⁽⁵⁾ Transport for London is a body corporate established by section 154 of the Greater London Authority Act 1999 (c. 29).

⁽⁶⁾ 2006 c. 46.

Status: Point in time view as at 10/12/2021.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, Wearing of Face Coverings) (England) Regulations 2021. (See end of Document for details)

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

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

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

“vehicle” includes an aircraft, a cable car, a train and a vessel.

(2) “Public transport service” means any service for the carriage of passengers from place to place which is available to the general public (whether or not for payment, whether or not all of the places connected by the service are in England and whether or not there are breaks in the journey) but does not include—

(a) a school transport service;

(b) any service provided by means of a cruise ship.

(3) For the purposes of paragraph (2), “school transport service” means any transport provided solely for the purpose of—

(a) facilitating a person’s attendance at a school or other place at which they receive education or training, or

(b) otherwise than for the reason in paragraph (a), carrying a person to and from the school or other place at which they receive education or training.

(4) In these Regulations, “transport hub” means any 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) a part of such a premises if that part is itself a premises listed in Part 2 of [^{F5}Schedule 1].

(5) For the purposes of these Regulations—

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

(b) [^{F6}subject to sub-paragraph (ba),] premises and any part of premises, are “indoors” if they would be considered enclosed or substantially enclosed for the purposes of section 2 of the Health Act 2006(7) under the Smoke-free (Premises and Enforcement) Regulations 2006(8);

[^{F7}(ba) seating, terraces or other standing areas within a stadium or theatre which—

(i) are partly covered and partly uncovered, and

(ii) open onto an uncovered pitch, court, track, stage, or other open-air area where competition or performance is taking place,

are to be treated as outdoor areas;]

(c) an area within a vehicle or part of a vehicle is “indoors” if it is enclosed wholly or partly by a roof and by any door or window that may be opened;

(d) references to a “local authority” include references to a county council;

(e) a county council for an area for which there is also a district council is to be regarded, with respect to its functions pursuant to these Regulations, as a relevant health protection authority for the purposes of the Public Health (Control of Disease) Act 1984.

(6) For the purposes of paragraph (5)(c), “roof”—

(7) 2006 c. 28.

(8) S.I. 2006/3368.

- (a) includes any fixed or moveable structure or device which is capable of covering all or part of the vehicle, including any canvas, fabric or other covering, but
- (b) does not include any structure or device which is completely stowed away so that it does not cover all or any part of the vehicle.

- F1** Words in [reg. 2\(1\)](#) inserted (10.12.2021) by [The Health Protection \(Coronavirus, Wearing of Face Coverings\) \(England\) \(Amendment\) Regulations 2021 \(S.I. 2021/1400\)](#), regs. 1(2), [2\(2\)\(a\)\(i\)](#)
- F2** Words in [reg. 2\(1\)](#) inserted (10.12.2021) by [The Health Protection \(Coronavirus, Wearing of Face Coverings\) \(England\) \(Amendment\) Regulations 2021 \(S.I. 2021/1400\)](#), regs. 1(2), [2\(2\)\(a\)\(ii\)](#)
- F3** Words in [reg. 2\(1\)](#) substituted (10.12.2021) by [The Health Protection \(Coronavirus, Wearing of Face Coverings\) \(England\) \(Amendment\) Regulations 2021 \(S.I. 2021/1400\)](#), regs. 1(2), [2\(2\)\(a\)\(iii\)](#)
- F4** Words in [reg. 2\(1\)](#) inserted (10.12.2021) by [The Health Protection \(Coronavirus, Wearing of Face Coverings\) \(England\) \(Amendment\) Regulations 2021 \(S.I. 2021/1400\)](#), regs. 1(2), [2\(2\)\(a\)\(iv\)](#)
- F5** Words in [reg. 2\(4\)\(b\)](#) substituted (10.12.2021) by [The Health Protection \(Coronavirus, Wearing of Face Coverings\) \(England\) \(Amendment\) Regulations 2021 \(S.I. 2021/1400\)](#), regs. 1(2), [2\(2\)\(b\)](#)
- F6** Words in [reg. 2\(5\)\(b\)](#) inserted (10.12.2021) by [The Health Protection \(Coronavirus, Wearing of Face Coverings\) \(England\) \(Amendment\) Regulations 2021 \(S.I. 2021/1400\)](#), regs. 1(2), [2\(2\)\(c\)\(i\)](#)
- F7** [Reg. 2\(5\)\(ba\)](#) inserted (10.12.2021) by [The Health Protection \(Coronavirus, Wearing of Face Coverings\) \(England\) \(Amendment\) Regulations 2021 \(S.I. 2021/1400\)](#), regs. 1(2), [2\(2\)\(c\)\(ii\)](#)

Commencement Information

- I2** Reg. 2 in force at 30.11.2021 at 4.00 a.m., see [reg. 1\(2\)](#)

PART 2

Requirement to wear a face covering: relevant places and public transport

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) Subject to paragraph (3), the requirement in paragraph (1) does not apply to—
 - (a) a child who is under the age of 11;
 - (b) a person responsible for the relevant place or an employee of that person acting in the course of their employment;
 - (c) a person providing services in the relevant place under arrangements made with the person responsible for the relevant place;
 - (d) an employee of an operator of a public transport service acting in the course of their employment;
 - (e) a person providing services to an operator of a public transport service under arrangements made with the operator of that public transport service;
 - (f) a person who enters or is within a ^{F8}relevant place] in a vehicle (other than a public transport vehicle), while they are within the vehicle;
 - (g) a constable or police community support officer acting in the course of their duty;
 - (h) an emergency responder (other than a constable) acting in their capacity as an emergency responder;
 - (i) a relevant official acting in the course of their employment or their duties.

Status: Point in time view as at 10/12/2021.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, Wearing of Face Coverings) (England) Regulations 2021. (See end of Document for details)

- [^{F9}(j) an elite sportsperson undertaking training or taking part in a competition;
- (k) a coach of an elite sportsperson acting in the course of their employment or in the course of providing their services;
- (l) a referee acting in the course of their employment or in the course of providing their services;
- (m) a professional dancer undertaking training or taking part in a competition;
- (n) a professional choreographer acting in the course of their employment or in the course of providing their services;
- (o) a pupil in a religious school who is under the age of 19 and is undertaking education or training in a place of worship, where such education or training forms part of the curriculum of the religious school;
- (p) a performer performing in the course of their employment or in the course of providing their services;
- (q) a person who is in premises of a kind mentioned in paragraph 5, 7, 9, 13 or 15 of Schedule 1 (“community premises”), or a separate and enclosed part of those premises—
 - (i) if the person is there to participate in a gathering taking place for a purpose listed in Schedule 2, and
 - (ii) at a time when the community premises, or the separate and enclosed part of the community premises, as the case may be, have been set aside for the sole use of people participating in that gathering;
- (r) a couple at—
 - (i) the solemnisation of their marriage, formation of their civil partnership or conversion of their civil partnership into a marriage in accordance with the Marriage Act 1949, the Marriage (Registrar General’s Licence) Act 1970, the Civil Partnership Act 2004 or the Marriage (Same Sex Couples) Act 2013, or
 - (ii) their alternative wedding ceremony.

(2A) For the purposes of paragraph (2)(r), an event is an “alternative wedding ceremony” if it is a ceremony, including a ceremony based on a person’s faith or belief or lack of belief, to mark the union of two people, other than a ceremony conducted for a purpose mentioned in sub-paragraph (2)(r)(i).]

(3) The exceptions from the requirement to wear a face covering provided in paragraph (2)(b) and (c) do not apply to any person who, when acting in the course of their employment or providing services under arrangements made with the person responsible for the relevant place, is in any part of a relevant place listed in Part 1 of [^{F10}Schedule 1], except for premises providing legal or financial services, which is open to the public, and comes or is likely to come into close contact with any member of the public.

(4) Where a person referred to in paragraph (2)(b) or (c) is provided with respiratory protective equipment (RPE) by their employer to meet any of the relevant statutory provisions as defined by section 53 of the Health and Safety at Work etc. Act 1974(9) in respect of any tasks they are performing, that person, in wearing that RPE, is to be treated as complying with the requirement in regulation 3(1).

^{F11}(5)

(6) In this regulation [^{F12}—

(9) 1974 c. 37.

“professional choreographer” means a person who derives their living from choreographing dance;

“professional dancer” means a person who derives their living from dance;

“pupil” has the same meaning as in section 3 of the Education Act 1996;]

“relevant official” means—

- (a) an inspector, or a surveyor of ships, appointed under section 256 of the Merchant Shipping Act 1995 (“the 1995 Act”)(**10**);
- (b) a person appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974 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 1995 Act(**11**));
- (e) a civil aviation inspector, as defined in Annex 9 to the Convention on International Civil Aviation signed at Chicago on 7th December 1944(**12**);
- (f) a border force officer (within the meaning given in paragraph 7 of Schedule 20 to the Coronavirus Act 2020(**13**)).

F8 Words in reg. 3(2)(f) substituted (10.12.2021) by The Health Protection (Coronavirus, Wearing of Face Coverings) (England) (Amendment) Regulations 2021 (S.I. 2021/1400), regs. 1(2), **2(3)(a)(i)**

F9 Reg. 3(2)(j)-(r)(2A) inserted (10.12.2021) by The Health Protection (Coronavirus, Wearing of Face Coverings) (England) (Amendment) Regulations 2021 (S.I. 2021/1400), regs. 1(2), **2(3)(a)(ii)**

F10 Words in reg. 3(3) substituted (10.12.2021) by The Health Protection (Coronavirus, Wearing of Face Coverings) (England) (Amendment) Regulations 2021 (S.I. 2021/1400), regs. 1(2), **2(3)(b)**

F11 Reg. 3(5) omitted (10.12.2021) by virtue of The Health Protection (Coronavirus, Wearing of Face Coverings) (England) (Amendment) Regulations 2021 (S.I. 2021/1400), regs. 1(2), **2(3)(c)**

F12 Words in reg. 3(6) inserted (10.12.2021) by The Health Protection (Coronavirus, Wearing of Face Coverings) (England) (Amendment) Regulations 2021 (S.I. 2021/1400), regs. 1(2), **2(3)(d)**

Commencement Information

I3 Reg. 3 in force at 30.11.2021 at 4.00 a.m., see **reg. 1(2)**

Requirement to wear a face covering when on public transport

4.—(1) No person may, without reasonable excuse, use a public transport service without wearing a face covering.

(2) For the purposes of paragraph (1), a person is using a public transport service at any time when—

- (a) they are boarding a public transport vehicle, or
- (b) they are (whether or not for the purposes of travel) on board a public transport vehicle.

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

- (a) to a child who is under the age of 11;

(10) 1995 c. 21. There are amendments to section 256, but none is relevant.

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

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

(13) 2020 c. 7.

Status: Point in time view as at 10/12/2021.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, Wearing of Face Coverings) (England) Regulations 2021. (See end of Document for details)

- (b) to an employee of the operator of the relevant public transport service acting in the course of their employment;
 - (c) to a person providing services under arrangements made with the operator of the relevant public transport service;
 - (d) to a constable or police community support officer acting in the course of their duty;
 - (e) to an emergency responder (other than a constable) acting in their capacity as an emergency responder;
 - (f) to a relevant official acting in the course of their employment or their duties;
 - (g) where a person is in any part of a public transport vehicle which is not indoors;
 - (h) where a person is allocated a cabin, berth or other similar accommodation, at any time when they are in that accommodation;
 - (i) where a person is in an area within a public transport vehicle which is being used wholly or mainly by people—
 - (i) eating or drinking, or
 - (ii) dancing;
 - (j) where—
 - (i) a person is permitted, or ordinarily required, to board and to remain in a vehicle when using the public transport service,
 - (ii) the vehicle is not itself a public transport vehicle, and
 - (iii) the person remains in that vehicle.
 - [^{F13}(k) to a performer performing in the course of their employment or in the course of providing their services.]
- (4) In this regulation, “relevant official” means—
- (a) an inspector, or a surveyor of ships, appointed under section 256 of the Merchant Shipping Act 1995 (“the 1995 Act”);
 - (b) a pilot (within the meaning given in paragraph 22(1) of Schedule 3A to the 1995 Act);
 - (c) a civil aviation inspector, as defined in Annex 9 to the Convention on International Civil Aviation signed at Chicago on 7th December 1944;
 - (d) a border force officer (within the meaning given in paragraph 7 of Schedule 20 to the Coronavirus Act 2020).

F13 Reg. 4(3)(k) inserted (10.12.2021) by The Health Protection (Coronavirus, Wearing of Face Coverings) (England) (Amendment) Regulations 2021 (S.I. 2021/1400), regs. 1(2), 2(4)

Commencement Information

I4 Reg. 4 in force at 30.11.2021 at 4.00 a.m., see [reg. 1\(2\)](#)

Reasonable excuse

5. For the purposes of regulations [3\(1\)](#) and [4\(1\)](#), the circumstances in which a person (“P”) has a reasonable excuse include those where—

- (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(14)), 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—
 - (i) to avoid harm or injury, or the risk of harm or injury, to themselves or others, or
 - (ii) to receive medical treatment;
- (d) P is entering or within a relevant place, or travelling on a public transport vehicle, to avoid injury, or to escape a risk of harm, and does not have a face covering with them;
- (e) if it is reasonably necessary for P to eat or drink, P removes P’s face covering to eat or drink;
- (f) it is reasonably necessary for P to remove P’s face covering to take medication;
- (g) a person responsible for a relevant place or for a public transport vehicle or an employee of that person acting in the course of their employment asks P to 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, requests P to remove their face covering in order to assist in the provision of healthcare or healthcare advice to P;
- (i) a relevant person or a local authority officer requests that P remove their face covering.
- [^{F14}(j) it is reasonably necessary for P to sing, and P removes P’s face covering to do so, and for these purposes, the occasions when it is reasonably necessary for P to sing include singing as part of a choir, or during a service or rehearsal, or for performance.]

F14 Reg. 5(j) inserted (10.12.2021) by [The Health Protection \(Coronavirus, Wearing of Face Coverings\) \(England\) \(Amendment\) Regulations 2021 \(S.I. 2021/1400\)](#), regs. 1(2), **2(5)**

Commencement Information

I5 Reg. 5 in force at 30.11.2021 at 4.00 a.m., see [reg. 1\(2\)](#)

Requirements relating to signage and information

6.—(1) A responsible person must—

- (a) display a notice providing the information in paragraph (2); or
- (b) take other measures to ensure that any person who enters the relevant place or boards the public transport vehicle without wearing a face covering is given the information specified in paragraph (4).

(2) The information referred to in paragraph (1)(a) is that any person present in the relevant place or the public transport vehicle is required to wear a face covering under regulation 3 or 4 unless an exemption under those regulations applies to the person or the person has a reasonable excuse not to wear a face covering.

(3) A notice under paragraph (1)(a) must be displayed in a conspicuous location at the relevant place or on the public transport vehicle.

Status: Point in time view as at 10/12/2021.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, Wearing of Face Coverings) (England) Regulations 2021. (See end of Document for details)

(4) The information to be given to the person under paragraph (1)(b) is that the person is required to wear a face covering unless an exemption applies to the person or the person has a reasonable excuse not to wear a face covering.

(5) For the purposes of this regulation—

- (a) “responsible person” means a person responsible for carrying on a business in any place or providing public transport services where a person is required to wear a face covering under these Regulations;
- (b) “business” includes any undertaking, whether carried on for profit or not;
- (c) a business is carried on in a relevant place if any part of the premises from which the business operates is in the relevant place.

[^{F15}(6) For the purposes of this regulation and regulation 7, the “person responsible for carrying on a business” includes the owner, proprietor or manager of that business.]

F15 Reg. 6(6) inserted (10.12.2021) by The Health Protection (Coronavirus, Wearing of Face Coverings) (England) (Amendment) Regulations 2021 (S.I. 2021/1400), regs. 1(2), 2(6)

Commencement Information

I6 Reg. 6 in force at 30.11.2021 at 4.00 a.m., see **reg. 1(2)**

Prohibition on preventing a person from wearing a face covering

7.—(1) A person responsible for carrying on a business in a relevant area must not prevent, or seek to prevent, a person (“P”) from wearing a face covering while P is present in the relevant area, except for a purpose set out in regulation 5(g) or (h).

(2) In this regulation—

- (a) “business” includes any undertaking, whether carried on for profit or not;
- (b) a business is carried on in a relevant area if any part of the premises from which the business operates is in the relevant area.

[^{F16}(c) “relevant area” means—

- (i) any place where a person is required to wear a face covering under these Regulations, and
- (ii) any premises or venue referred to in Part 2 of Schedule 1.]

F16 Reg. 7(2)(c) substituted (10.12.2021) by The Health Protection (Coronavirus, Wearing of Face Coverings) (England) (Amendment) Regulations 2021 (S.I. 2021/1400), regs. 1(2), 2(7)

Commencement Information

I7 Reg. 7 in force at 30.11.2021 at 4.00 a.m., see **reg. 1(2)**

PART 3

Disapplication of requirements

Disapplication by the Secretary of State

^{F17}8.

F17 Reg. 8 omitted (10.12.2021) by virtue of The Health Protection (Coronavirus, Wearing of Face Coverings) (England) (Amendment) Regulations 2021 (S.I. 2021/1400), regs. 1(2), **2(8)**

PART 4

Enforcement

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

9.—(1) Where a relevant person considers that another person is, at the time of entering a 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 another person is not wearing a face covering in a relevant place, 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 relevant person considers that another person is, at the time of boarding a public transport vehicle, not wearing a face covering, in contravention of the requirement in regulation 4, the relevant person may deny boarding of the public transport vehicle to that person.

(4) Where a relevant person considers that another person in a public transport vehicle is not wearing a face covering, in contravention of the requirement in regulation 4, the relevant person may—

- (a) direct that person to wear such a covering;
- (b) direct that person to disembark from the public transport vehicle.

(5) Where a person does not comply with a direction given to them by a constable—

- (a) under paragraph (2)(b), the constable may remove them from the relevant place;
- (b) under paragraph (4)(b), the constable may remove them from the public transport vehicle.

(6) A constable exercising the power in paragraph (5) may use reasonable force, if necessary, in the exercise of the power.

(7) Where a relevant person has reasonable grounds to believe that a relevant child is failing to comply with the requirement in regulation 3 or 4, 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.

(8) 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⁽¹⁵⁾.

(9) A person may only exercise a power—

- (a) in paragraph (2) or (5)(a) if they consider it necessary and proportionate to ensure compliance with the requirement in regulation 3, and

Status: Point in time view as at 10/12/2021.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, Wearing of Face Coverings) (England) Regulations 2021. (See end of Document for details)

(b) in paragraph (4) or (5)(b) if they consider it necessary and proportionate to ensure compliance with the requirement in regulation 4.

(10) Where the relevant place is premises which contain a polling station for an election or referendum which is held in accordance with provision made by or under an Act, the powers in this regulation may not be exercised so as to prevent a voter who is otherwise entitled to vote at the polling station in any such election or referendum from doing so.

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

(12) In these Regulations, “relevant person” means—

- (a) a constable;
- (b) a police community support officer;
- (c) in relation to a transport hub from or to which a TfL public transport service is provided, a TfL officer;
- (d) in relation to a transport hub from or to which a public transport service is provided by an operator—
 - (i) the operator of that service,
 - (ii) any employee or agent of the operator who is authorised by the operator for the purposes of this regulation,
 - (iii) the owner, manager or lessor of the transport hub, or
 - (iv) any employee or agent of the owner, manager or lessor who is authorised by the owner, manager or lessor for the purposes of this regulation;
- (e) in relation to a TfL public transport service, a TfL officer;
- (f) in relation to a public transport service provided by an operator—
 - (i) the operator of that service, or
 - (ii) any employee or agent of the operator who is authorised by the operator for the purposes of this regulation;
- (g) a person designated by the Secretary of State for the purposes of this regulation.

Commencement Information

18 Reg. 9 in force at 30.11.2021 at 4.00 a.m., see [reg. 1\(2\)](#)

Offences and penalties

10.—(1) A person who contravenes the requirements in regulation [^{F18}3 or 4] commits an offence.

(2) A person who without reasonable excuse contravenes [^{F19}the requirements in regulation 6 or] the prohibition in regulation 7(1) commits an offence.

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

(4) A person who, without reasonable excuse, contravenes a direction given under regulation 9(2), (4) or (7) commits an offence.

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

(6) If an offence under this regulation committed by a body corporate is proved—

- (a) to have been committed with the consent or connivance of an officer of the body, or
- (b) to be attributable to any neglect on the part of such an officer,

the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.

(7) In paragraph (6), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

(8) Section 24 of the Police and Criminal Evidence Act 1984(16) 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, and
- (b) to maintain public order.

- F18** Words in [reg. 10\(1\)](#) substituted (10.12.2021) by [The Health Protection \(Coronavirus, Wearing of Face Coverings\) \(England\) \(Amendment\) Regulations 2021 \(S.I. 2021/1400\)](#), regs. 1(2), **2(9)(a)**
- F19** Words in [reg. 10\(2\)](#) inserted (10.12.2021) by [The Health Protection \(Coronavirus, Wearing of Face Coverings\) \(England\) \(Amendment\) Regulations 2021 \(S.I. 2021/1400\)](#), regs. 1(2), **2(9)(b)**

Commencement Information

- I9** Reg. 10 in force at 30.11.2021 at 4.00 a.m., see [reg. 1\(2\)](#)

Fixed penalty notices

11.—(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—

- (a) the local authority (or as the case may be, any of the local authorities) in whose area the offence is alleged to have been committed (“the relevant local authority”), or
- (b) an officer designated by the Secretary of State or by the relevant local authority 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 (see regulations 12 and 13);
- (d) state the name and address of the designated officer to whom the fixed penalty may be paid;
- (e) specify permissible methods of payment.

Status: Point in time view as at 10/12/2021.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, Wearing of Face Coverings) (England) Regulations 2021. (See end of Document for details)

(6) 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).

(7) Where a letter is sent as mentioned in paragraph (6), payment is regarded as having been made at the time at which the letter would be delivered in the ordinary course of the post.

(8) In any proceedings, a certificate—

(a) that purports to be signed by or on behalf of—

(i) the chief finance officer of the relevant local authority, where the authority to which payment is being made is a local authority, or

(ii) the designated officer, and

(b) that states that the payment was, or was not, received by the date specified in the certificate, is evidence of the facts stated.

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

(a) a constable,

(b) a police community support officer,

(c) subject to paragraph (10), in relation to—

(i) a transport hub from or to which a TfL public transport service is provided, or

(ii) a TfL public transport service,

a TfL officer,

(d) a person designated by the Secretary of State for the purposes of this regulation, or

(e) subject to paragraph (11), a person designated by the relevant local authority for the purposes of this regulation.

(10) A TfL officer may not issue a fixed penalty notice where the alleged offence relates to—

(a) contravention of the requirements in regulation 6, or

(b) contravention of the prohibition in regulation 7(1).

(11) The relevant local authority may only designate a person for the purposes of this regulation to issue fixed penalty notices where the alleged offence relates to—

(a) contravention of the requirements in regulation 6, or

(b) contravention of the prohibition in regulation 7(1).

Commencement Information

I10 Reg. 11 in force at 30.11.2021 at 4.00 a.m., see [reg. 1\(2\)](#)

Amount of fixed penalty: contravention of regulation 3 or 4

12.—(1) In the case of a fixed penalty notice issued to a person in respect of an offence under—

(a) regulation 10(1)^{F20} ..., or

(b) regulation 10(3) or (4),

the amount of the fixed penalty to be specified under regulation 11(5)(c) must, subject to paragraphs (2) and (3), be £200.

(2) A fixed penalty notice issued to a person in respect of an offence under regulation [F21 10(1), (3) or (4)], must specify that if £100 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.

(3) If a person to whom the fixed penalty notice referred to in paragraph (1) is issued has already received a relevant fixed penalty notice, paragraph (2) does not apply and the amount specified as the fixed penalty is to be—

- (a) in the case of the second fixed penalty notice received, £400;
- (b) in the case of the third fixed penalty notice received, £800;
- (c) in the case of the fourth fixed penalty notice received, £1,600;
- (d) in the case of the fifth fixed penalty notice received, £3,200;
- (e) in the case of the sixth and subsequent fixed penalty notices received, £6,400.

(4) In this regulation, “relevant fixed penalty notice” means a fixed penalty notice issued to a person under these Regulations in relation to an offence under regulation [F22 10(1), (3) or (4)].

- F20** Words in reg. 12(1)(a) omitted (10.12.2021) by virtue of [The Health Protection \(Coronavirus, Wearing of Face Coverings\) \(England\) \(Amendment\) Regulations 2021 \(S.I. 2021/1400\)](#), regs. 1(2), **2(10)(a)**
- F21** Words in reg. 12(2) substituted (10.12.2021) by [The Health Protection \(Coronavirus, Wearing of Face Coverings\) \(England\) \(Amendment\) Regulations 2021 \(S.I. 2021/1400\)](#), regs. 1(2), **2(10)(b)**
- F22** Words in reg. 12(4) substituted (10.12.2021) by [The Health Protection \(Coronavirus, Wearing of Face Coverings\) \(England\) \(Amendment\) Regulations 2021 \(S.I. 2021/1400\)](#), regs. 1(2), **2(10)(c)**

Commencement Information

- I11** Reg. 12 in force at 30.11.2021 at 4.00 a.m., see [reg. 1\(2\)](#)

Amount of fixed penalty: contravention of regulation 6 or 7

13.—(1) In the case of a fixed penalty notice issued to a person in respect of an offence under—

- (a) regulation 10(1) in relation to a contravention of the requirements in regulation 6, or
- ^{F23}(b)

the amount of the fixed penalty specified to be under regulation [11\(5\)\(c\)](#) must, subject to paragraphs (2) and (3), be £1,000.

(2) A fixed penalty notice issued to a person in respect of an offence under ^{F24}... regulation [10\(2\)](#), must specify that if £500 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.

(3) If a person to whom a fixed penalty notice referred to in paragraph (1) is issued has already received a relevant fixed penalty notice, paragraph (2) does not apply and the amount specified as the fixed penalty is to be—

- (a) in the case of the second fixed penalty notice received, £2,000;
- (b) in the case of the third fixed penalty notice received, £4,000;
- (c) in the case of the fourth and subsequent fixed penalty notices received, £10,000.

(4) In this regulation, “relevant fixed penalty notice” means a fixed penalty notice issued to a person under these Regulations in relation to an offence under ^{F25}... regulation [10\(2\)](#).

- F23** [Reg. 13\(1\)\(b\)](#) omitted (10.12.2021) by virtue of [The Health Protection \(Coronavirus, Wearing of Face Coverings\) \(England\) \(Amendment\) Regulations 2021 \(S.I. 2021/1400\)](#), regs. 1(2), **2(11)(a)**

Status: Point in time view as at 10/12/2021.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, Wearing of Face Coverings) (England) Regulations 2021. (See end of Document for details)

- F24** Words in reg. 13(2) omitted (10.12.2021) by virtue of The Health Protection (Coronavirus, Wearing of Face Coverings) (England) (Amendment) Regulations 2021 (S.I. 2021/1400), regs. 1(2), **2(11)(b)**
- F25** Words in reg. 13(4) omitted (10.12.2021) by virtue of The Health Protection (Coronavirus, Wearing of Face Coverings) (England) (Amendment) Regulations 2021 (S.I. 2021/1400), regs. 1(2), **2(11)(c)**

Commencement Information

- I12** Reg. 13 in force at 30.11.2021 at 4.00 a.m., see **reg. 1(2)**

Prosecutions

- 14.** Proceedings for an offence under these Regulations may be brought by—
- (a) the Crown Prosecution Service,
 - (b) TfL, and
 - (c) any other person designated by the Secretary of State for the purposes of this regulation.

Commencement Information

- I13** Reg. 14 in force at 30.11.2021 at 4.00 a.m., see **reg. 1(2)**

Expiry

- 15.—**(1) These Regulations expire at the end of [^{F26}26th January 2022].
- ^{F27}(2)

- F26** Words in reg. 15(1) substituted (10.12.2021) by The Health Protection (Coronavirus, Wearing of Face Coverings) (England) (Amendment) Regulations 2021 (S.I. 2021/1400), regs. 1(2), **2(12)(a)**
- F27** Reg. 15(2) omitted (10.12.2021) by virtue of The Health Protection (Coronavirus, Wearing of Face Coverings) (England) (Amendment) Regulations 2021 (S.I. 2021/1400), regs. 1(2), **2(12)(b)**

Commencement Information

- I14** Reg. 15 in force at 30.11.2021 at 4.00 a.m., see **reg. 1(2)**

Maggie Throup
Parliamentary Under-Secretary of State,
Department of Health and Social Care

[F28] SCHEDULE 1

Regulation 3

Relevant places

F28 Sch. 1 substituted for Sch. (10.12.2021) by [The Health Protection \(Coronavirus, Wearing of Face Coverings\) \(England\) \(Amendment\) Regulations 2021 \(S.I. 2021/1400\)](#), regs. 1(2), **2(13)**

PART 1

Places where face coverings must be worn

1. Shops.
2. Enclosed shopping centres.
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.
5. Places of worship.
6. Crematoria and burial ground chapels, and for these purposes, “crematorium” means a building fitted with appliances for burning human remains, and includes everything incidental or ancillary thereto.
7. Community centres, youth centres, members’ clubs and social clubs.
8. Public areas in hotels and hostels.
9. Concert halls, exhibition halls, conference centres and other public halls.
10. Cinemas.
11. Museums, galleries, aquariums, zoos and visitor farms, and other tourist, heritage or cultural sites.
12. Bingo halls.
13. Public libraries and reading rooms.
14. Casinos.
15. Theatres.
16. Premises which are being used as or which contain a polling station for an election or referendum which is held in accordance with provision made by or under an Act.
17. Premises which are being used for the opening of postal votes, or the counting of votes, cast in an election or referendum which is held in accordance with provision made by or under an Act.
18. Play and soft play areas and soft play centres.
19. Snooker and pool halls.
20. Amusement arcades and adult gaming centres.
21. Games and recreation venues (including laser quest, escape rooms and recreational driving facilities).
22. Skating rinks.

Status: Point in time view as at 10/12/2021.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, Wearing of Face Coverings) (England) Regulations 2021. (See end of Document for details)

23. Circuses.

24. Theme parks, fairgrounds, funfairs, and adventure parks.

25. Sports stadia.

26.—(1) Any motor vehicle of a class included in categories B, C, C1, C+E and C1+E of Schedule 2 to the Motor Vehicles (Driving Licences) Regulations 1999 (“the 1999 Regulations”), during any period during which the vehicle is being used in the course of a driving test, or the practical tests for giving driving instruction.

(2) A motor vehicle of a class included in category B, C, C1, C+E and C1+E of Schedule 2 to the 1999 Regulations during any period in which such a vehicle is being used in the course of a driving lesson given by—

- (a) in the case of a motor vehicle of a class included in category B, an approved driving instructor for remuneration, whether as an employee or otherwise;
- (b) in the case of a motor vehicle of a class included in categories C, C1, C+E and C1+E, a qualified driver for remuneration, whether as an employee or otherwise.

(3) Any premises or part of a premises which are being used for a driving theory test.

(4) In this paragraph—

- (a) “approved driving instructor” has the meaning given in regulation 2 of the Motor Cars (Driving Instruction) Regulations 2005 (“the 2005 Regulations”);
- (b) “driving test” means a practical test for the relevant class of vehicle as prescribed by regulation 40 of the 1999 Regulations;
- (c) “driving theory test” means a theory test as defined in regulation 3A of the 1999 Regulations;
- (c) “practical tests for giving driving instruction” means—
 - (i) the driving ability and fitness test and the instructional ability and fitness test, as prescribed by regulations 6 and 7 of the 2005 Regulations;
 - (ii) the test of continued ability and fitness to give instruction as prescribed by regulations 12 and 12A of the 2005 Regulations;
- (d) “qualified driver” has the meaning given in regulation 17 of the 1999 Regulations.

27. Motorway service areas.

28. Sexual entertainment venues, within the meaning of paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

Part 2

Places where face coverings need not be worn

29.—(1) The following premises—

- (a) restaurants, including restaurants and dining rooms in hotels or members’ clubs;
- (b) cafes and canteens;
- (c) bars, including bars in hotels or members’ clubs;
- (d) public houses;
- (e) any business which consists wholly or mainly of the provision of, whether for payment or otherwise—

- (i) a waterpipe to be used for the consumption of tobacco or any other substance on the premises, or
 - (ii) a device to be used for the recreational inhalation of nicotine or any other substance on the premises;
 - (f) any other premises, or part of premises, which are being used wholly or mainly by people eating or drinking.
- (2) The exemption in sub-paragraph (1)(f) does not apply in relation to any part of the premises in which people are not eating or drinking.

30.—(1) The following premises—

- (a) fitness studios and gyms;
- (b) dance studios;
- (c) leisure centres;
- (d) swimming pools or water or aqua parks;
- (e) any other premises, or part of premises, which are being used wholly or mainly by people taking exercise or dancing.

(2) The exemption in sub-paragraph (1)(e) does not apply in relation to any part of the premises in which people are not taking exercise or dancing.

31. 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.

32. Photography studios.

33. The following premises—

- (a) nightclubs;
- (b) dance halls and discotheques.
- (c) any other venue which—
 - (i) opens at night,
 - (ii) has a dance floor or other space for dancing by members of the public (and for these purposes members of the venue in question are to be considered members of the public), and
 - (iii) provides music, whether live or recorded, for dancing.]

Gatherings taking place in community premises where face coverings need not be worn

F29 Sch. 2 inserted (10.12.2021) by [The Health Protection \(Coronavirus, Wearing of Face Coverings\) \(England\) \(Amendment\) Regulations 2021 \(S.I. 2021/1400\)](#), regs. 1(2), **2(14)**

1. Gatherings taking place for the purposes of—

- (a) educational activities of a school;
- (b) a course of study or essential life skills training provided by—
 - (i) a 16 to 19 Academy, or

Status: Point in time view as at 10/12/2021.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, Wearing of Face Coverings) (England) Regulations 2021. (See end of Document for details)

- (ii) a provider of further education;
 - (c) activities relating to residing at a school, a 16 to 19 Academy or a provider of further education;
 - (d) provision specified in an education, health and care plan;
 - (e) through a skills programme consisting of—
 - (i) a work experience placement, or
 - (ii) work preparation training;
 - (f) applying for, and obtaining, work;
 - (g) meeting a requirement for a particular area of work, other than driving tests, driving theory tests or practical tests for giving driving instruction referred to in paragraph 26 of Schedule 1;
 - (h) professional training that is working towards an external accreditation recognised by a professional body, but not including training undertaken for the purposes of any test referred to in paragraph 26 of Schedule 1;
 - (i) exams and assessments carried out in connection with any of the matters mentioned in paragraphs (a) to (h), other than driving tests, driving theory tests or practical tests for giving driving instruction referred to in paragraph 26 of Schedule 1;
 - (j) a parent and child group which is organised by a business, a charitable, benevolent or philanthropic institution or a public body for the benefit of children under the age of five;
 - (k) childcare, within the meaning of section 18 of the Childcare Act 2006, which is provided by a person registered to provide childcare under Part 3 of that Act;
 - (l) organised and supervised activities taking place for the purpose of teaching, training, instructing, or otherwise caring for or improving the wellbeing of a child, or a person who was under the age of 18 on 31st August 2021, which do not come within any of sub-paragraphs (a) to (e).
2. In this Schedule—
- “16 to 19 Academy” has the meaning given by section 1B of the Academies Act 2010;
- “education, health and care plan” means an EHC plan within the meaning of section 37(2) of the Children and Families Act 2014;
- “further education” has the meaning given by section 2 of the Education Act 1996.]
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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, or whilst using public transport (such as buses, trains, the London Underground, trams, aircraft and water taxis) in England, to protect against the risks to public health arising from coronavirus, except in certain limited cases. They also require businesses in places where wearing a face covering is required to display notices giving information about that

requirement, and prohibit persons carrying on business in specified locations from preventing anyone from wearing a face covering, except in limited circumstances.

The Regulations cease to have effect at the end of 20th December 2021.

No regulatory impact assessment has been prepared for these Regulations.

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

Status:

Point in time view as at 10/12/2021.

Changes to legislation:

There are currently no known outstanding effects for the The Health Protection (Coronavirus, Wearing of Face Coverings) (England) Regulations 2021.