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STATUTORY INSTRUMENTS

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

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;

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

- (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<sup>(2)</sup> 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.

## Interpretation

### 2.—(1) In these Regulations—

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

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

“goods” means any tangible moveable item;

“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;

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

“relevant person” has the meaning given in regulation 9<sup>(12)</sup>;

“relevant place” means—

- (a) any premises listed in Part 1 of the Schedule which is indoors;
- (b) any part of any premises listed in Part 1 of the Schedule 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 the Schedule;

“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<sup>(5)</sup>, or

(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).

(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).

(b) a subsidiary (within the meaning of section 1159 of the Companies Act 2006<sup>(6)</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;

“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 the Schedule.

(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) 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<sup>(7)</sup> under the Smoke-free (Premises and Enforcement) Regulations 2006<sup>(8)</sup>;

(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”—

(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

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<sup>(6)</sup> 2006 c. 46.

<sup>(7)</sup> 2006 c. 28.

<sup>(8)</sup> S.I. 2006/3368.

- (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.

## 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 transport hub 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.

(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 the Schedule, 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<sup>(9)</sup> 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).

(5) The requirement in paragraph (1) does not apply in relation to any premises for which it is disapplied in a direction made by the Secretary of State under regulation 8.

(6) 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”)<sup>(10)</sup>;

<sup>(9)</sup> 1974 c. 37.

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

- (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<sup>(11)</sup>);
- (e) a civil aviation inspector, as defined in Annex 9 to the Convention on International Civil Aviation signed at Chicago on 7th December 1944<sup>(12)</sup>;
- (f) a border force officer (within the meaning given in paragraph 7 of Schedule 20 to the Coronavirus Act 2020<sup>(13)</sup>).

### **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;
- (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.

(4) In this regulation, “relevant official” means—

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<sup>(11)</sup> 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.

<sup>(12)</sup> 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).

<sup>(13)</sup> 2020 c. 7.

- (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).

### **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.

### **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.

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(14) 2010 c. 15.

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

(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.

### **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.
- (c) “relevant area” means any place where a person is required to wear a face covering under these Regulations.

## **PART 3**

### **Disapplication of requirements**

#### **Disapplication by the Secretary of State**

8.—(1) The Secretary of State may, for the purposes set out in paragraph (2), by direction disapply any requirement under regulation 3(1) or 6(1) in relation to specified premises, a specified event or a specified gathering.

(2) The Secretary of State may only make a direction under paragraph (1) for the purposes of a research programme concerned with the provision of an appropriate public health response to the incidence and spread of coronavirus in England.

(3) Before making or revoking any direction under paragraph (1), the Secretary of State must—

- (a) consult the Chief Medical Officer (“CMO”) or one of the Deputy Chief Medical Officers (“DCMO”) of the Department of Health and Social Care;
- (b) have regard to any advice given by the CMO or DCMO to the Secretary of State.

(4) A direction referred to in paragraph (1)—

- (a) is to be made by being published online, and
- (b) must, as soon as reasonably practicable after it is made, also be published in the London Gazette.

(5) In this regulation, “specified” means specified in the direction.

## 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<sup>(15)</sup>.

(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
- (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.

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(15) 1989 c. 41.



- (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.

### **Offences and penalties**

- 10.**—(1) A person who contravenes the requirements in regulation 3, 4 or 6 commits an offence.
- (2) A person who without reasonable excuse contravenes 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.

**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.

(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).

#### **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) in relation to a contravention of the requirements in regulation 3 or 4, 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 10(1) referred to in paragraph (1)(a), or under regulation 10(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 10(1) referred to in paragraph (1)(a), or under regulation 10(3) or (4).

#### **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
- (b) regulation 10(2),

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 regulation 10(1) referred to in paragraph (1)(a), or under 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 regulation 10(1) referred to in paragraph (1)(a) or under regulation 10(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.

### **Expiry**

15.—(1) These Regulations expire at the end of 20th December 2021.

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

At 1.35 p.m. on 29th November 2021

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

## SCHEDULE

Regulation 2

### Relevant places

## 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.—(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<sup>(17)</sup> (“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) In this paragraph—

- (a) “driving test” means a practical test for the relevant class of vehicle as prescribed by regulation 40 of the 1999 Regulations;
- (b) “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 Motor Cars (Driving Instruction) Regulations 2005<sup>(18)</sup> (“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<sup>(19)</sup>;
- (c) “approved driving instructor” has the meaning given in regulation 2 of the 2005 Regulations<sup>(20)</sup>;
- (d) “qualified driver” has the meaning given in regulation 17 of the 1999 Regulations.

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<sup>(17)</sup> S.I. 1999/2864.

<sup>(18)</sup> S.I. 2005/1902. Regulation 7 was amended by S.I. 2017/1156, and regulation 8 was amended by S.I. 2005/2716, 2015/952, S.I. 2017/1156. Regulation 8A was inserted by S.I. 2006/525.

<sup>(19)</sup> Regulation 12 was amended by S.I. 2014/2216 and 2017/1156. Regulation 12A was inserted by S.I. 2006/525.

<sup>(20)</sup> The definition of “approved driving instructor” was amended by S.I. 2016/1089.

## PART 2

### Places where face coverings need not be worn

**6.—(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.

**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.** Photography studios.

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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](http://www.legislation.gov.uk).