
Coronavirus - Serious and imminent threat declaration

Department of Health

HEALTH PROTECTION

THE HEALTH PROTECTION (CORONAVIRUS) REGULATIONS 2020 (SI 2020/129)

In accordance with Regulation 1(1) these Regulations came into force immediately after they were made at 06:50 on 10th February 2020.

In accordance with Regulation 3, the Department of Health gives notice that the Secretary of State for Health and Social Care has declared that the incidence or transmission of novel Coronavirus constitutes a serious and imminent threat to public health, and the measures outlined in these regulations are considered as an effective means of delaying or preventing further transmission of the virus.

In accordance with Regulation 2, the Department of Health gives notice that the Secretary of State for Health and Social Care has designated Arrowe Park Hospital and Kents Hill Park as an "isolation" facility and Wuhan and Hubei province as an "infected area".

Department of Health

THE PUBLIC HEALTH ACT (NORTHERN IRELAND) 1967

The Department of Health has made a Statutory Rule entitled "The Health Protection (Coronavirus, Restrictions) (Amendment No. 11) Regulations (Northern Ireland) 2020", (S.R. 2020 No. 139) which came into operation at 11.00 pm on 9 July 2020.

The Rule amends the Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020, to permit the re-opening of cinemas, bingo halls, amusement arcades, indoor fitness suites, indoor and outdoor gyms and playgrounds from 10th July, permit competitive sporting events to take place from 11th July, permit a wider range of religious marriages, and baptisms, increase the number of people who can attend an outdoor wedding, permit the re-opening of libraries from 16th July, require the wearing of face coverings on public transport and permit the re-opening of indoor leisure centres or facilities (but not swimming pools) from 17th July.

The rule may be purchased from the Stationery office at www.tsoshop.co.uk or by contacting TSO Customer Services on 0333 202 5070, or viewed online at <http://www.legislation.gov.uk/nisr>

2020 No. 791

PUBLIC HEALTH, ENGLAND

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

Made

at 9.00 a.m. on 23rd July 2020

Laid before Parliament

at 1.15 p.m. on 23rd July 2020

Coming into force

24th July 2020

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.

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

(2) These Regulations come into force on 24th July 2020.

(3) These Regulations apply in England.

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

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

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

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

(b) to a person responsible for a relevant place or an employee of that person acting in the course of their employment;

(c) to any other person providing services in the relevant place under arrangements made with the person responsible for a relevant place;

(d) to an employee of an operator of a public transport service acting in the course of their employment;

(e) to a person who enters or is within a transport hub in a vehicle (other than a vehicle being used for the provision of a public transport service);

(f) to a constable or police community support officer acting in the course of their duty;

(g) to an emergency responder (other than a constable) acting in their capacity as an emergency responder;

(h) to a relevant official acting in the course of their employment or their duties.

(3) In this regulation—

“emergency responder” has the same meaning as for the purposes of section 153A of the Inheritance Tax Act 1984⁽¹⁾;

“relevant official” means —

an inspector or surveyor of ships; (a)

a person appointed by the Health and Safety Executive under section 19 of the Health and Safety at Work etc. Act 1974⁽²⁾ or an officer of the Health and Safety Executive; (b)

a local authority officer; (c)

a pilot (within the meaning given in paragraph 22(1) of Schedule 3A to the Merchant Shipping Act 1995⁽³⁾); (d)

a civil aviation inspector, as defined in Annex 9 to the Convention on International Civil Aviation signed at Chicago on 7th December 1944⁽⁴⁾; (e)

(f)

a border force officer (within the meaning given in paragraph 7 of Schedule 20 to the Coronavirus Act 2020⁽⁵⁾).

Reasonable excuse

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

(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⁽¹⁾), or

(ii) without severe distress;

(b) P is accompanying, or providing assistance to, another person (“B”) and B relies on lip reading to communicate with P;

(c) P removes their face covering to avoid harm or injury, or the risk of harm or injury, to themselves or others;

(d) P is entering or within a relevant place to avoid injury, or to escape a risk of harm, and does not have a face covering with them;

(e) it is reasonably necessary for P to eat or drink, P removes their face covering to eat or drink;

(f) P has to remove their face covering to take medication;

(g) a person responsible for a relevant place or an employee of that person acting in the course of their employment, requires that P remove their face covering in order to verify P’s identity;

(h) in a registered pharmacy, an employee of that registered pharmacy acting in the course of their employment, requires that P remove their face covering in order to assist in the provision of healthcare or healthcare advice to P;

(i) a relevant person requests that P remove their face covering.

(2) In this regulation “registered pharmacy” has the same meaning as in section 74 of the Medicines Act 1968⁽²⁾.

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⁽¹⁾.

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

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

(9) In these Regulations—

“relevant person” means—

(a)

a constable;

(b)

a police community support officer;

(c)

in relation to any transport hub from or to which a TfL public transport service is provided, a TfL officer;

(d)

a person designated by the Secretary of State for the purposes of this regulation.

(10) For the purposes of these Regulations—

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

“TfL” means—

(a)

Transport for London⁽²⁾, or

(b)

a subsidiary (within the meaning of section 1159 of the Companies Act 2006⁽³⁾) 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⁽¹⁾ 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.