
STATUTORY INSTRUMENTS

2020 No. 1026

PUBLIC HEALTH, ENGLAND

The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place and on Public Transport) (England) (Amendment) (No. 3) Regulations 2020

Approved by both Houses of Parliament

| | | |
|-------------------------------|----------------|----------------------------|
| | | <i>at 10.30 a.m. on</i> |
| | | <i>23rd September</i> |
| <i>Made</i> | <i>- - - -</i> | <i>2020</i> |
| | | <i>at 12.00 p.m. on</i> |
| | | <i>23rd September</i> |
| <i>Laid before Parliament</i> | | <i>2020</i> |
| <i>Coming into force</i> | <i>- -</i> | <i>24th September 2020</i> |

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

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

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

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

Citation, commencement and application

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place and on Public Transport) (England) (Amendment) (No. 3) Regulations 2020.

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

(3) These Regulations apply in England.

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

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

2.—(1) The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020(2) are amended as follows.

- (2) In regulation 2(4), omit sub-paragraph (b) and (c).
- (3) In regulation 3(2), for “The” substitute “Subject to (2A), the”.
- (4) After regulation 3(2) insert—

“(2A) The exceptions from the requirement to wear a face covering provided in regulation 3(2)(b) or (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 Schedule 3 which is open to the public, and comes or likely to come within close contact of any member of the public.

(2B) Where a person referred to in regulation 3(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 Act 1974(3) in respect of any tasks they are performing, that person will, in wearing that RPE, be treated as complying with the requirement in regulation 3(1)”.

- (5) In regulation 3(2), after sub-sub-paragraph (n), insert—
 - “.
 - (o) to a performer performing in the course of their employment or in the course of providing their services.”.
- (6) In regulation 7—
 - (a) in paragraph (6) for “£100” substitute “£200”.
 - (b) in paragraph (7) for “£50” substitute “£100”.
 - (c) in paragraph (7A)(4)—
 - (i) in sub-paragraph (a), for “£200”, substitute “£400”.
 - (ii) in sub-paragraph (b), for “£400”, substitute “£800”.
 - (iii) in sub-paragraph (c), for “£800”, substitute “£1,600”.
 - (iv) in sub-paragraph (d), for “£1,600”, substitute “£3,200”.
 - (v) in sub-paragraph (e), for “£3,200”, substitute “£6,400”.
- (7) In paragraph 1(1) of Schedule 1(5), omit the words after “shop” to the end.
- (8) Omit paragraph 1(2) of Schedule 1.
- (9) In paragraph 2 of Schedule 1, omit the words “, excluding any area” to the end.
- (10) In Schedule 1, after paragraph 14, insert—
 - “**15.** Restaurants, including restaurants and dining rooms in hotels or members’ clubs.
 - 16.** Bars, including bars in hotels or members’ clubs.
 - 17.** Public houses.
 - 18.** Theatres.”.
- (11) After Schedule 2, insert—

(2) [S.I. 2020/791](#), to which amendments were made by [S.I. 2020/839](#), 882 and 906.

(3) [1974 c. 37](#).

(4) Paragraph (7A) was inserted by [S.I. 2020/906](#), regulation 3(b).

(5) The headings to the Schedule were substituted by regulation 2(1) and (8)(a) of [S.I. 2020/839](#).

“SCHEDULE 3

Regulation 3(2A)

Relevant places in which the exemptions from the requirement to wear face coverings by employees or persons providing services do not apply

1. A shop, but not including premises providing legal or financial services.
2. Enclosed shopping centres.
3. Restaurants with table service, including restaurants and dining rooms in hotels or members clubs.
4. Bars, including bars in hotels, or members clubs.
5. 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.
6. Post offices.
7. Community centres, youth centres, members clubs and social clubs.
8. Public areas in hotels and hostels.
9. Concert halls, exhibition halls, conference centres or other public halls.
10. Cinemas.
11. Museums, galleries, aquariums, indoor zoos and visitor farms and other indoor parts of tourist, heritage or cultural sites.
12. Bingo halls.
13. Public libraries and reading rooms.
14. Casinos.
15. Theatres.”.

Amendment to the Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020

3.—(1) The Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020(6) are amended as follows—

(2) In regulation 7—

- (a) in paragraph (6), for “£100”, substitute “£200”.
- (b) in paragraph (7) for “£50”, substitute “£100”.
- (c) in paragraph (7A)(7)—
 - (i) in sub-paragraph (a), for “£200”, substitute “£400”.
 - (ii) in sub-paragraph (b), for “£400”, substitute “£800”.
 - (iii) in sub-paragraph (c), for “£800”, substitute “£1,600”.
 - (iv) in sub-paragraph (d), for “£1,600”, substitute “£3,200”.
 - (v) in sub-paragraph (e), for “£3,200”, substitute “£6,400”.

(6) S.I. 2020/592. Regulation 7 was amended by S.I. 2020/906.

(7) Paragraph (7A) was inserted by S.I.2020/906, regulation 2(b).

At 10.30 a.m. on 23rd September 2020

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020 (S.I. 2020/791) (“the Relevant Place Regulations”) to include theatres, restaurants, bars and public houses in the scope of the “relevant places” where members of the public are required to wear face coverings, except for in some limited cases such as when it is reasonably necessary for a person to remove their face covering to eat or drink.

They also require employees and other persons providing services in certain “relevant places”, including in shops, cafes, restaurants, bars and public houses to wear face coverings when they are in close proximity to members of the public unless they are exempt or have a reasonable excuse.

The instrument also amends the fixed penalty notice provisions made in the Relevant Place Regulations and the Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020 (S.I. 2020/592) (“the Public Transport Regulations”) to increase the fixed penalty fines that are payable for any breaches of the Face Coverings Regulations or the Public Transport Regulations.

No regulatory impact assessment has been prepared for these Regulations.

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