

2020 No. 882

PUBLIC HEALTH, ENGLAND

**The Health Protection (Coronavirus, Wearing of Face Coverings
in a Relevant Place) (England) (Amendment) (No. 2)
Regulations 2020**

Approved by both Houses of Parliament

Made - - - - 20th August 2020

Laid before Parliament 21st August 2020

Coming into force - - 22nd August 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(a).

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) (England) (Amendment) (No. 2) Regulations 2020.

(2) These Regulations come into force on 22nd August 2020.

(3) These Regulations apply in England.

General

2. The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020(b) are amended in accordance with regulations 3 to 8.

(a) 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”.

(b) S.I. 2020/791, to which amendments were made by S.I. 2020/839.

Amendment of regulation 2

3.—(1) Regulation 2(1)(a) is amended as follows.

(2) At the appropriate place insert—

““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 Tokyo or Beijing Olympic or Paralympic Games, or, if that sport is not part of the Tokyo 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;”;

““place of worship” means any building, room or other premises used for public religious worship;”;

““professional choreographer” means a person who derives their living 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(b);”;

““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 Tokyo 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 Tokyo 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(c), 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(d);”;

““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 Tokyo 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 Tokyo Olympic and Paralympic Games programme;”;

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

(a) Regulation 2(1) was amended by regulation 2(1) – (3) of S.I. 2020/839.

(b) 1996 c.56.

(c) 1998 c. 31. Subsections (3) and (5) of section 69 apply to independent schools in accordance with section 124B of the same Act.

(d) 2008 c.25.

- (3) Omit the definition of—
- (a) “indoor places of worship”(a); and
 - (b) “enclosed shopping centre”.
- (4) For the definition of “relevant place”(b) substitute—
- ““relevant place” means—
- (a) any premises listed in Schedule 1 which are indoors;
 - (b) any part of any premises listed in Schedule 1 which is indoors;
 - (c) any transport hub, or any part of a transport hub, which is indoors;”

4. In regulation 2(4)(c) omit “enclosed part of”.

5. For regulation 2(5) substitute—

“(5) For the purposes of these Regulations premises, or any part of premises, are “indoors” if they, or it, would be considered enclosed or substantially enclosed for the purposes of section 2 of the Health Act 2006(d) under the Smoke-free (Premises and Enforcement Regulations 2006(e).”.

Amendment of regulation 3

6. In regulation 3(1) after paragraph (h) insert—

- “(i) to an elite sportsperson undertaking training or taking part in a competition;
- (j) to a coach of an elite sportsperson acting in the course of their employment or in the course of providing their services;
- (k) to a referee acting in the course of their employment or in the course of providing their services;
- (l) to a professional dancer undertaking training or taking part in a competition;
- (m) to a professional choreographer acting in the course of their employment or in the course of providing their services;
- (n) to a pupil at 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.”.

Amendment of Schedule 1

7.—(1) Schedule 1(f) is amended as follows.

(2) In paragraph 5(g) omit “Indoor”.

(3) For paragraph 6(h) substitute—

“6. Community centres, youth centres, members clubs and social clubs.”

(4) In paragraph 9(i) after “exhibition halls” insert “, conference centres”.

(5) For paragraph 11(j) substitute—

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- (a) The definition of “indoor places of worship” was inserted into regulation 2(1) by regulation 2(1) and (2) of S.I. 2020/839.
 - (b) The definition of “relevant place” was amended by regulation 2(1) and (3) of S.I. 2020/839.
 - (c) Regulation 2(4) was amended by regulation 2(1), (5) and (6) of S.I. 2020/839.
 - (d) 2006 c. 28.
 - (e) S.I. 2006/3368, to which there are amendments which are not relevant to these Regulations.
 - (f) The headings to the Schedule were substituted by regulation 2(1) and (8)(a) of S.I. 2020/839.
 - (g) Paragraph 5 was inserted into Schedule 1 by regulation 2(1) and (8)(b) of S.I. 2020/839.
 - (h) Paragraph 6 was inserted into Schedule 1 by regulation 2(1) and (8)(b) of S.I. 2020/839.
 - (i) Paragraph 9 was inserted into Schedule 1 by regulation 2(1) and (8)(b) of S.I. 2020/839.
 - (j) Paragraph 11 was inserted into Schedule 1 by regulation 2(1) and (8)(b) of S.I. 2020/839.

“11. Museums, galleries, aquariums, zoos and visitor farms, and other tourist, heritage or cultural sites.”.

(6) After paragraph 13 insert—

“14. Casinos.”.

Amendment of Schedule 2

8. In Schedule 2(a), for paragraph 2 substitute—

“2. Fitness studios, gyms, dance studios, leisure centres, swimming pools or water parks.”

20th August 2020

Matt Hancock
Secretary of State,
Department of 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 to add further places which are a “relevant place” where members of the public are required to wear face coverings. These Regulations also remove some existing exemptions from the definition of “shop” such that premises that were exempt are now included in the definition of relevant place. This has the effect of requiring members of the public, except in some limited cases, to wear face coverings in a wider range of places than previously provided for in England to protect against the risks to public health arising from coronavirus. These Regulations provide for some further classes of people who do not have to wear face coverings in relevant places in certain contexts. These Regulations also consolidate some definitions.

No regulatory impact assessment has been prepared for these Regulations.

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

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(a) Schedule 2 was inserted by regulation 2(1) and (8)(d) of S.I. 2020/839.

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