

2020 No. 906

PUBLIC HEALTH, ENGLAND

**The Health Protection (Coronavirus, Wearing of Face Coverings
in a Relevant Place and on Public Transport) (England)
(Amendment) Regulations 2020**

Approved by both Houses of Parliament

Made - - - - 26th August 2020

Laid before Parliament 27th August 2020

Coming into force - - 28th August 2020

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45C(1), (3)(c), (4)(d), 45F(2) and 45P 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 and restrictions imposed by the Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020(b) and the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020(c), as amended by these Regulations, are proportionate to what they seek to achieve, which is a public health response to that 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 and commencement

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) Regulations 2020.

(2) These Regulations come into force on 28th August 2020.

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

(b) S.I. 2020/592.

(c) S.I. 2020/791, as amended by S.I. 2020/839 and 2020/882.

Amendment of regulation 7 of the Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020

2. In regulation 7 of the Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020—

- (a) in paragraph (6), for “paragraph (7)” substitute “paragraphs (7) and (7A)”;
- (b) after paragraph (7), insert—

“(7A) But if the person to whom the fixed penalty notice is given has already received a relevant fixed penalty notice, paragraph (7) 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, £200;
- (b) in the case of the third fixed penalty notice received, £400;
- (c) in the case of the fourth fixed penalty notice received, £800;
- (d) in the case of the fifth fixed penalty notice received, £1,600;
- (e) in the case of the sixth and subsequent fixed penalty notice received, £3,200.

(7B) For the purposes of this regulation “relevant fixed penalty notice” means a fixed penalty notice issued under—

- (a) these Regulations, or
- (b) the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020 (“the Relevant Place Regulations”).

(7C) In determining how many fixed penalty notices a person has received—

- (a) any fixed penalty notices received by them under the Relevant Place Regulations are also to be taken into account;
- (b) if they received more than one fixed penalty notice before 28th August 2020, only one of those notices may be taken into account.”.

Amendment of regulation 7 of the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020

3. In regulation 7 of the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020—

- (a) in paragraph (6), for “paragraph (7)” substitute “paragraphs (7) and (7A)”;
- (b) after paragraph (7), insert—

“(7A) But if a person to whom a fixed penalty notice is given has already received a relevant fixed penalty notice, paragraph (7) 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, £200;
- (b) in the case of the third fixed penalty notice received, £400;
- (c) in the case of the fourth fixed penalty notice received, £800;
- (d) in the case of the fifth fixed penalty notice received, £1,600;
- (e) in the case of the sixth and subsequent fixed penalty notice received, £3,200.

(7B) For the purposes of this regulation “relevant fixed penalty notice” means a fixed penalty notice issued to a person under—

- (a) these Regulations, or
- (b) the Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020 (“the Public Transport Regulations”).

(7C) In determining how many fixed penalty notices a person has received—

- (a) any fixed penalty notices received by them under the Public Transport Regulations are also to be taken into account;

- (b) if they received more than one relevant fixed penalty notice before 28th August 2020, only one of those notices may be taken into account.”.

26th 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 fixed penalty notice provisions made in the Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020 (S.I. 2020/592) (“the Public Transport Regulations”) and the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020 (S.I. 2020/791) (“the Relevant Place Regulations”).

Those instruments are amended so that when a person is issued with a fixed penalty notice under them, any relevant fixed penalty notices already issued to that person must be taken into account when determining the amount of the fixed penalty that can be imposed.

A “relevant fixed penalty notice” is a fixed penalty notice issued to a person under the Public Transport Regulations or the Relevant Place Regulations.

Where a person received more than one relevant fixed penalty notice before 28th August 2020, only one of those notices may be taken into account for the purposes of determining the amount of the relevant fixed penalty to be imposed.

No impact assessment has been prepared for these Regulations.

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