
STATUTORY INSTRUMENTS

2021 No. 1340

**The Health Protection (Coronavirus, Wearing
of Face Coverings) (England) Regulations 2021**

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(1).
- (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.
- (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(2) 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.