

COVID 19 – AREA RESTRICTIONS REGULATIONS TOOLKIT – PART 6 – FACE COVERINGS – MODEL PROVISIONS

This document is part of the “Covid 19 – Area Restrictions Regulations Toolkit” for provisions to be included in Regulations made under Part 2A of the Public Health (Control of Disease) Act 1984 in response to the threat posed by SARS-CoV-2 in a particular area or particular areas of England. It contains model provisions that could be used were a requirement to wear face coverings (other than on public transport) does not exist nationally or a different requirement is needed to that which applies nationally.

This document is to be used with the “Covid 19 – Area Restrictions Regulations Toolkit – Core Provisions”.

PART 6

Use of face coverings

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

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

(2) In these Regulations—

“face covering” means a covering of any type which covers a person’s nose and mouth;

“relevant place” means any place which is listed in Schedule [WEARING OF FACE COVERINGS IN RELEVANT PLACES].

(3) The requirement in paragraph (1) does not apply [*this is an indicative list of exceptions – it must be reviewed before the Regulations are made*]—

- (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 a constable or police community support officer acting in the course of their duty;
- (e) to an emergency responder (other than a constable) acting in their capacity as an emergency responder;
- (f) to a relevant official acting in the course of their employment or their duties.

(4) In this regulation—

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

“relevant official” means [*this is an indicative definition only – it must be reviewed before the Regulations are made*]—

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

(a) 1984 c. 51. Section 153A was inserted by the Finance Act 2015 (c. 11), section 75.

(b) 1974 c. 37.

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Reasonable excuse

2.—(1) For the purposes of regulation [1], the circumstances in which a person (“P”) has a reasonable excuse include those where [*this is an indicative list – it **must** be reviewed before the Regulations are made*]

- (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(a)), 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) P has to remove their face covering to take medication;
- (f) a relevant person requests that P remove their face covering.

(2) In this regulation “relevant person” means—

- (a) a constable;
- (b) a police community support officer;

[[sub-paragraph (c) is needed only if “transport hubs” from/to which TfL services are provided are “relevant places”]

- (c) in relation to any transport hub from or to which a public transport service is provided by TfL, a TfL officer.]

SCHEDULE [1]

Regulation [1]

Requirement to wear a face covering in a relevant place

Relevant places

1. The relevant places are—

- (a) [...];
- (b) [...].

*[This Schedule **must** list all of the places within which a face covering is to be worn. Where there is a national requirement already in force, it is anticipated that the list of places in this Schedule will be broader than the list of places within which the England-wide requirement already applies.*

Where this is the case, provision will need to be made in the Regulations to disapply the England-wide requirement (see the Core Provisions).]

(a) 2010 c. 15.