

## **Requirement to wear a face covering on \*public transport**

*\*A separate practical peeler relating to face coverings in a 'relevant place' is also available on Point*

The Health Protection (Coronavirus, Wearing of Face Coverings) Regulations (Northern Ireland) 2020 came into effect at 11 pm on 23<sup>rd</sup> July 2020.

This regulation not apply to tour coaches and taxis or private hire vehicles (although some operators may have their own rules in place)

Translink will address the failure of passengers to wear face coverings on public transport in a similar way that PSNI respond to reports of other breaches of the Coronavirus Regulations; through engagement with respective persons; by explaining the requirement and encouraging compliance.

Translink and other operators of a passenger transport services are designated by Department of Health as a **relevant person** for the purpose of regulation 4. This means public transport staff can perform any of the enforcement actions, listed below, however they cannot issue a COV 1 fixed penalty notice (FPN)

As a very last resort, Translink will call on PSNI to deal with incidents of antisocial behaviour arising from a passenger refusing without legitimate reason, to wear a face covering on Translink public transport or related premises.

## **What do the regulations mean for Police?**

Regulation number 4 states:

*A person shall not, without a reasonable excuse, use a passenger transport service or passenger transport service premises without wearing a face covering*

Police have the option to issue a community resolution notice (CRN) or FPN (**COV1**) to anyone who has committed an offence these regulations. Where called upon to assist a travel operator, we will in the first instance engage with the passenger, explain that the use of face coverings is mandatory to help prevent the spread of Coronavirus and encourage compliance. Only as a very last resort should a FPN (**COV1**) be issued.

**'Face covering'** means *a covering of any type which covers a person's nose and mouth.*

**'Passenger Transport Services'** means *bus, coach and rail services; ferry services; services provided by community transport operators.*

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### **When is a person ‘using’ a passenger transport service?**

When boarding;

On board;

### **When is a person ‘using’ a passenger transport service premises?**

When they are present at premises where a passenger transport service may provide, stop or terminate their service and those premises are available for use by the public. E.g. Bus depot; train station

### **Exemptions**

\*School transport service;

A child who is under the age of 13;

A constable acting in the course of their duty

An emergency responder (other than a constable) acting in their capacity as an emergency responder;

A person providing a passenger transport service, or an employee of that person, where there is a partition between the person or employee and members of the public;

Ferries: Where a distance of two metres can be maintained between any persons on a ferry or the part of a ferry, open to members of the public.

### **\*School transport service is defined as:**

Any transport provided solely for the purpose of:

(a) Facilitating a person’s attendance at school or other place at which they receive education or training; or

(b) Otherwise than the above reason, carrying a person to and from the school or other place at which they receive education and training.

In other words, if the transport is used only for taking pupils/students to and from school/other educational places it is a school transport service.

**This means persons travelling to or from a school or other place at which they receive education or training on Translink buses which is also carrying other passengers are required to wear face coverings if they are aged 13 or over (subject to any reasonable excuse as below)**

## **Reasonable Excuse**

The need to seek medical assistance;

The need to provide care or assistance to a vulnerable person, including emergency assistance;

The need to avoid injury, illness or to escape a risk of harm;

Where the person cannot put on, wear or remove a face covering because of any disability or without severe distress;

The need to communicate with a person who has difficulties communicating (in relation to speech, language or otherwise);

To eat or drink, where reasonably necessary;

The need to take medication;

The need to remove a face covering temporarily to comply with a request by a relevant person, or another person acting in the course of their duties.

## **Regulation 6 (Enforcement) has been extended to include:**

A **relevant person** may take such action as is necessary to enforce any requirement imposed by regulation 4 and may, in particular—

- prevent a person who is not wearing a face covering, in contravention of the requirement, from boarding the relevant vehicle;
- direct a person who is not wearing a face covering, in contravention of the requirement, to wear such a covering;
- direct a person who is not wearing a face covering, in contravention of the requirement, to disembark from the relevant vehicle; or
- remove a person who does not comply with the above two directions.

Operators of a passenger transport service are designated by Department of Health as a **relevant person** for the purpose of the above parts of the **Regulations**.

**In other words, public transport staff can perform any of the above enforcement actions, however they cannot issue FPNs.**

Regulation 7 (**offences and penalties**) and regulation 8 (**fixed penalty notices**) apply to Regulation 4 just as they currently apply to other offences covered by the COV1.

In other words, it is an offence without reasonable excuse to contravene a requirement in the regulation,

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It is an offence without reasonable excuse to obstruct any person carrying out a function under the regulations,

It is an offence without reasonable excuse to contravene a direction under the regulation

Please continue to consider three Es;

CRNs

And FPNs (COV1)

Arrests may be made under Article 26 PACE if required to:

Maintain public health, or to maintain public order.