

The Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020

- a taxi or private hire vehicle service is not covered by the above regulations - this means a service provided by means of a vehicle licensed under—
 - (a) section 37 of the Town Police Clauses Act 1847(a),
 - (b) section 6 of the Metropolitan Public Carriage Act 1869(b),
 - (c) section 48 of the Local Government (Miscellaneous Provisions) Act 1976(c),
 - (d) section 10 of the Civic Government (Scotland) Act 1982(d),
 - (e) section 7 of the Private Hire Vehicles (London) Act 1998(e), or
 - (f) the Plymouth City Council Act 1987(f) or any other similar local enactment.
- They also don't relate to a school transport service

However, despite there being no applicable regulations the Government Guidance - Coronavirus (COVID-19): safer travel guidance for passengers has been updated from 12th May. It states:

“Taxis and private hire vehicles

You should wear a face covering when using taxis or private hire vehicles. A taxi driver may be entitled to refuse to accept you if you are not wearing a face covering.

Keep a 2 metre distance from others during your journey, for example at taxi ranks. If you need to be near other people you should:

- *avoid physical contact*
- *try to face away from other people*
- *keep the time you spend near other people as short as possible*

Follow the advice of the driver. For example, you may be asked to sit in the back left-hand seat if travelling alone. You may want to check with your taxi or private hire operator before travelling if they have put any additional measures in place.

You should use contactless payment if possible, or find out if you can pay online in advance.

Be aware of the surfaces you touch. Be careful not to touch your face. Cover your mouth and nose with a tissue or the inside of your elbow when coughing or sneezing.

When finishing your journey wash your hands for at least 20 seconds or sanitise your hands as soon as possible”

- “face covering” means a covering of any type which covers a person’s nose and mouth; n.b. - the definition would include a face mask but is not limited to one, therefore passengers would have a wide choice of covering.
- Drivers should be referred to the fact that there are still people who are not, even under the law as it applies to public transport, able to wear a face covering because they have a reasonable excuse or are otherwise exempt and should therefore have regard to these when exercising their discretion if they are asking passengers to comply with the Guidance or considering refusing a passenger entry to their vehicle, particularly in the context of a possible offence by a Hackney Carriage driver if he/she were to refuse a journey without a reasonable excuse.

“The requirement to wear a face covering also does not apply if you have a reasonable excuse not to. Reasonable excuses include:

- *if you have a physical or mental illness or impairment, or a disability that means you cannot put on, wear or remove a face covering*
- *if putting on, wearing or removing a face covering would cause you severe distress*
- *if you are travelling with, or providing assistance to, someone who relies on lip reading to communicate*
- *if you are travelling to avoid injury or escape the risk of harm, and you do not have a face covering with you*
- *if you need to remove it during your journey to avoid harm or injury or the risk of harm or injury to yourself or others*
- *if you need to eat, drink, or take medication you can remove your face covering*
- *if you are asked to remove your face covering by a police officer or other official, for example to check your railcard*

Exemptions - people who do not have to wear a face covering

The requirement to wear a face covering does not apply to:

- *a child under the age of 11*
- *an employee of the transport operator, when they are acting in the course of their employment*
- *any other person providing services to the transport operator, under arrangements made with the transport operator, who is providing those services BUT NOTE Separately, Uber have announced that they are making face coverings mandatory for drivers and passengers to coincide with the public transport regulations*
- *a constable or police community support officer acting in the course of their duty*
- *an emergency responder such as a paramedic or fire officer acting in the course of their duty*

- *an official, for example a border force officer, acting in the course of their duties”.*