



## Guidance regarding the Legal Requirement for Passengers in Hackney Carriages and Private Hire Vehicles to Wear Face Coverings

With effect from 23 September 2020, Hackney Carriages and Private Hire Vehicles have now been classed as “public transport” for the purposes of the Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020.

The effect of this change is that passengers aged 11 or over must, when boarding or being carried in a Hackney Carriage or Private Hire Vehicle, wear a face covering (a covering of any type which covers their nose and mouth). For the avoidance of doubt this legal requirement does **not** apply to the driver of the Hackney Carriage or Private Hire Vehicle – the current Government Guidance is that face coverings should be worn by drivers but this is advisory only and **not** a legal requirement.

PLEASE BE AWARE that a passenger aged 11 or over is not required to wear a face covering if they have a “reasonable excuse” not to do so. Such a “reasonable excuse” would include, but is not limited to, the following circumstances:

- The Passenger cannot put on, wear or remove a face covering because of any physical or mental illness or impairment, or disability, or without severe distress;
- The Passenger is travelling with, or providing assistance to, another person who relies on lip reading;

Hackney Carriage Drivers and Private Hire Vehicle drivers (provided they are authorised to do so by their particular Operator) may refuse entry into their vehicle of a person not wearing a face covering and once in the vehicle, if they consider it necessary and proportionate, the driver can direct that a covering be worn by a passenger failing which they may direct the passenger to disembark the vehicle and if they fail to do so a Constable (not the driver) may remove them from the vehicle.

In practical terms, it is recommended that the driver first ask the person why they are not wearing a face covering in order to judge whether or not the driver believes they have a reasonable excuse for not wearing one.

It is also recommended that Private Hire Operators make it clear at the point of booking that, unless they have a reasonable excuse, passengers are under a general legal duty to wear a face covering when boarding and during the entirety of the journey and that they may be refused entry to the vehicle or be directed to disembark if they fail to do so.

A passenger will commit a criminal offence if they fail, without reasonable excuse, to wear a face covering when boarding or being carried in a Hackney Carriage or Private Hire Vehicle, or fail, without reasonable excuse, to comply with a direction to wear a face covering or disembark from the vehicle. It is an offence for which they may be arrested by a Constable or Police Community Support Officer. A passenger aged 18 or over may be offered an opportunity to discharge their criminal liability by payment of a Fixed Penalty Notice in the sum of £200.

For the avoidance of doubt a Hackney Carriage or Private Hire Vehicle Driver will NOT commit an offence by carrying a passenger who is not wearing a face covering.

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