



FACEMASKS

" I have been told that it is now a legal requirement for my customers to wear a mask in my garage. Is that right?"

We have been dealing with Coronavirus for some time now and as with all things best practice, advised and legal requirements have evolved over time. Following recent Government announcements regarding facemasks there has been some confusion regarding if and when they are required.

Are my customers required to wear a mask?

In short, it depends on where you are in the United Kingdom. The first thing to note is that it is *already* mandatory to wear facemasks in a retail environment in Scotland and it has been since 10 July. It will be mandatory in England to wear a mask in a retail environment from 24 July. However, the position in both Wales and Northern Ireland remains that face coverings are strongly advised but not mandatory in a retail environment.

In summary

	Mandatory on Public Transport	Mandatory in shops	Recommended
England	✓	✓ From 24 July	✓ (required for >1m)
Northern Ireland	✓ From 10 July	X	✓
Scotland	✓	✓	✓
Wales	X	X	✓

Further advice from England, Northern Ireland, Scotland and Wales can be found at

England: <https://www.gov.uk/government/publications/face-coverings-when-to-wear-one-and-how-to-make-your-own/face-coverings-when-to-wear-one-and-how-to-make-your-own#exemptions-to-wearing-a-face-covering-where-they-are-mandated>

Northern Ireland: <https://www.publichealth.hscni.net/covid-19-coronavirus/covid-19-information-public#face-coverings>

Scotland: <https://www.gov.scot/publications/coronavirus-covid-19-phase-3-staying-safe-and-protecting-others/pages/face-coverings/>

Wales: <https://gov.wales/face-coverings-frequently-asked-questions>

So is a garage a shop?

As the legislation in England has not been drafted yet, this is uncertain. However, many RMI members have been arguing that they are retail premises for the purposes of business rate relief as well as Coronavirus grants.

As the government are likely to use the same definition regarding face masks, it is our opinion that garages to whom members of the public have access should assume they are retail premises and require customer to wear a mask unless an exemption applies. (particularly as it will protect customers and staff.)

What are the exceptions?

You (or your customers) do not need to wear a face covering if you have a legitimate reason not to. This includes:

- young children under the age of 11
- not being able to put on, wear or remove a face covering because of a physical or mental illness or impairment, or disability
- if putting on, wearing or removing a face covering will cause you severe distress
- if you are travelling with or providing assistance to someone who relies on lip reading to communicate
- to avoid harm or injury, or the risk of harm or injury, to yourself or others
- to avoid injury, or to escape a risk of harm, and you do not have a face covering with you
- to eat or drink, but only if you need to
- to take medication
- if a police officer or other official requests you remove your face covering

It should be noted that the current guidance states that it is not compulsory for shop staff to wear face coverings, however employers should consider whether usage should be required to protect staff where appropriate and where other mitigations, such as shields etc are not in place.

How to wear face coverings.

HSE guidance on face coverings recommend that any face coverings should cover both the mouth and nose and fit securely against the side of the face. You should wash your hands thoroughly before putting on any mask to avoid contamination and never wear the mask on your neck and forehead.

Further guidance can be found at

<https://www.hse.gov.uk/coronavirus/ppe-face-masks/face-coverings-and-face-masks.htm>

In Conclusion

This advice is general in nature and it will need to be tailored to any one particular situation. Furthermore, it is important to note that the situation is very fluid and Government guidance is changing daily. We are keeping our ears close to the ground for RMI members who are all, understandably, desperate for more certainty. Should you find yourself in the situation above, contact us at any stage for advice and assistance as appropriate.

The information in this note is based on information released by the Government as at 17 July 2020.

Motor Industry Legal Services

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