

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Third Delegated Legislation Committee

HEALTH PROTECTION (CORONAVIRUS, WEARING
OF FACE COVERINGS IN A RELEVANT PLACE)
(ENGLAND) REGULATIONS 2020

Monday 14 September 2020

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The Committee consisted of the following Members:

Chair: DEREK TWIGG

Aiken, Nickie (<i>Cities of London and Westminster</i>) (Con)	† Shelbrooke, Alec (<i>Elmet and Rothwell</i>) (Con)
† Atherton, Sarah (<i>Wrexham</i>) (Con)	† Stringer, Graham (<i>Blackley and Broughton</i>) (Lab)
† Browne, Anthony (<i>South Cambridgeshire</i>) (Con)	† Sunderland, James (<i>Bracknell</i>) (Con)
† Crosbie, Virginia (<i>Ynys Môn</i>) (Con)	† Throup, Maggie (<i>Lord Commissioner of Her Majesty's Treasury</i>)
† Dorries, Ms Nadine (<i>Minister for Patient Safety, Mental Health and Suicide Prevention</i>)	† Vickers, Martin (<i>Cleethorpes</i>) (Con)
Jarvis, Dan (<i>Barnsley Central</i>) (Lab)	† Western, Matt (<i>Warwick and Leamington</i>) (Lab)
† Jones, Mr Kevan (<i>North Durham</i>) (Lab)	† Whittome, Nadia (<i>Nottingham East</i>) (Lab)
† Madders, Justin (<i>Ellesmere Port and Neston</i>) (Lab)	Bradley Albrow, <i>Committee Clerk</i>
† Nici, Lia (<i>Great Grimsby</i>) (Con)	† attended the Committee
Sheerman, Mr Barry (<i>Huddersfield</i>) (Lab/Co-op)	

Third Delegated Legislation Committee

Monday 14 September 2020

[DEREK TWIGG *in the Chair*]

Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020

6 pm

The Minister for Patient Safety, Mental Health and Suicide Prevention (Ms Nadine Dorries): I beg to move,

That the Committee has considered the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020 (S.I. 2020, No. 791).

It is a pleasure to serve under your chairmanship, Mr Twigg. The regulations were made by the Secretary of State on 23 July and came into force on 24 July. We introduced the regulations to make it mandatory to wear face coverings in some indoor settings in England, such as shops, supermarkets and indoor transport hubs. The regulations are exceptional measures that have been brought forward to mitigate the unprecedented impact of the covid-19 pandemic, and they comply with all the Government's obligations in relation to human rights.

Graham Stringer (Blackley and Broughton) (Lab): I am grateful to the Minister for giving way so early in the debate. My intervention is relevant to the first point that she made. Paragraph 3.1 of the explanatory memorandum says that the order was laid on 23 July "by reason of urgency". What was the urgency at that time, when this matter had been under debate for at least three months?

Ms Dorries: I will look further into what the urgency was, but I imagine that the evidence that we were getting at the time was that face coverings could prevent people who might be asymptomatic from spreading or contracting the virus. Any measure that can stop an increase in the incidence of coronavirus would have been deemed necessary to halt coronavirus, to stop it increasing in the community and to save lives. I will come back to the hon. Gentleman with further information on that.

The regulations are exceptional measures that have been brought forward to mitigate the unprecedented impact of the covid-19 pandemic, and they comply with all the Government's obligations in relation to human rights. Above all, the regulations can help to save lives. I urge the Committee to approve the regulations, so that we may continue to use these powers to save lives. The regulations are a necessary response to the seriousness of the situation and the imminent threat to public health that is posed by the spread of covid-19, which is why they were brought into effect under the emergency procedure approved by Parliament for such measures.

It is important that the Committee is able to scrutinise the regulations through this debate. Further amendments were made to the regulations to extend the requirement

to wear a face covering to a wider list of indoor settings that are now open to members of the public. Those amendments will be debated at a later date. This debate will therefore focus only on the regulations as they were originally made in July. This country has been, and still is, engaged in a national effort to beat the coronavirus, thanks to the hard work and sacrifice of the British people. Guided by the science, this progress has allowed us to cautiously ease lockdown restrictions, allowing sections of the economy, such as the retail and hospitality sector, to reopen.

Alec Shelbrooke (Elmet and Rothwell) (Con): I am grateful to my hon. Friend; she is being very generous with her time.

I want to return to my hon. Friend's comment about the regulations being debated in the House at a later time. Is she saying that we will eventually debate them in the House? I will support the regulations, so she need not worry. We are where we are, but there is a lot of debate about whether face coverings are necessary, and it needs to take place on the Floor of the House. Is the intention that the regulations will be debated on the Floor of the House?

Ms Dorries: These regulations are up for debate every six months anyway, because they are only temporary. Even at that point, they would be up for debate. I cannot tell my right hon. Friend when they will come before the House, but they certainly will do at some stage, particularly as we have an obligation in law to bring them to the House for debate.

To coincide with the easement of some restrictions, we introduced the regulations to give members of the public the confidence to visit public indoor spaces safely, and to enhance protections for people working in such settings. This was explained by the Secretary of State when he addressed Parliament on 14 July and announced the measures.

There has been support for the policy in the retail sector. For example, the chief executive of the British Retail Consortium said that, together with other social distancing measures, face coverings can make shoppers feel even more confident about returning to the high street. Additionally, the chair of the Federation of Small Businesses said:

"As mandatory face coverings are introduced, small firms know that they have a part to play in the nation's recovery both physically and financially, and I'm sure this will be welcomed by them."

Therefore, we are confident that this was the right step to take.

The Government have continually reviewed and refined their advice on face coverings, led by the latest scientific evidence. Prior to the regulations, the Government were already advising the wearing of face coverings in enclosed spaces where people might find it difficult to maintain social distance and might come into contact with others they would not usually meet. Furthermore, face coverings have been mandatory on public transport in England since 15 June. While face coverings are not a substitute for social distancing and good hand hygiene, the scientific evidence suggests that, when used correctly, face coverings may have some benefit in reducing the likelihood of those with the infection passing it on to others, particularly if they are asymptomatic.

Graham Stringer: I am grateful to the Minister, who is as ever being generous. I think she is reading directly from the explanatory memorandum. I wonder if she would be good enough to point the Committee to the evidence she is referring to.

Ms Dorries: I will come to explain that a little further in my speech, but we take the evidence on face coverings from a variety of sources: not only the Scientific Advisory Group for Emergencies but the behavioural insights team at the Department of Health and the New and Emerging Respiratory Virus Threats Advisory Group.

When the retail sector reopened and footfall increased, we wanted to enhance protections for members of the public and ensure we were taking the necessary steps to build on the progress we continued to make in reducing the transmission of the virus. That is why we have made it mandatory to wear face coverings in indoor places such as shops, supermarkets and enclosed shopping centres. Similar measures have been adopted in Scotland and Northern Ireland and internationally in countries such as France, Germany and Spain, to name just a few.

I will now outline what the regulations do and set out the policies and processes underlying their development, implementation, monitoring and review. As I have said, the regulations introduced a requirement on members of the public to wear a face covering in relevant places such as a shop, supermarket, enclosed shopping centre and indoor transport hub unless they are exempt or have reasonable excuse not to. The regulations do not apply to employees working in those settings. The wearing of any protective clothing or personal protective equipment by the workforce is a matter for employers following a risk assessment and is part of their health and safety responsibilities. Definitions of shops and transport hubs are included in the regulations, as well as a list of premises that are excluded and where a face covering is not mandatory: for example, restaurants and bars.

The list of settings included reflected the premises that were open to the public at the time of making the regulations. As more settings reopened to members of the public, the regulations were amended to include additional indoor settings and provide more clarity to members of the public on where face coverings must be worn. Those amendments will be debated in due course.

Guidance on gov.uk describes a face covering as a covering of any type covering the wearer's nose and mouth. People should make or buy their own. Guidance has been published online on how to make and wear a face covering. We are asking people not to use medical-grade PPE as that should be reserved for health and care workers. However, someone wearing PPE would be compliant with the regulations.

While the Government expect the vast majority of people to comply with the rules, as they have done throughout the pandemic, the regulations give powers to the police and Transport for London officers to ensure the requirements to wear a face covering. This could include denying entry to the relevant place and/or directing members of the public to wear a face covering. The police will use the usual four Es approach: explaining engaging and encouraging—and enforcing only as a last resort. In the event that a person fails to comply with a direction from a police officer or a Transport for London officer, a police constable is able to remove the member of the public from the relevant place.

The regulations also include powers for police constables, police community support officers or a TfL officer in relation to the relevant transport hub, to issue a fixed penalty notice to anyone over the age of 18 who is in breach of the law. At the time of making the regulations, that was a fixed penalty of £100, reduced to £50 if paid within 14 days of the notice being issued. Since making the regulations, we have made amendments to the penalty structure, with increased fines for repeat offenders. That is in line with the enforcement provisions in other coronavirus regulations. Parliament will have the opportunity to debate that amendment at a later date.

Although we want as many people as possible to wear a face covering, we recognise that some people are not able to wear one, for a variety of reasons. The regulations exempt children under the age of 11, employees or officials acting in the course of their employment in these premises, and emergency responders. There is no general exception on health or disability grounds. To reiterate, we recognise that, for some, wearing a face covering is not possible or would cause distress or difficulty, and there are certain situations in which wearing a face covering is not practical or reasonable.

The regulations provide a non-exhaustive list of circumstances that constitute a reasonable excuse, pursuant to regulation 3(1), for not complying with the legal requirement to wear a face covering in a relevant place. Such circumstances include where a person is unable to put on or wear a face covering because of physical or mental illness or impairment, or disability; where a face covering needs to be removed for communication through lip reading; where a person needs to remove their face covering because it is reasonably necessary to eat or drink; or where a person is required to remove a face covering for identification purposes. There is comprehensive guidance on what might constitute a reasonable excuse, including circumstances that are not expressly included in the regulations—for example, when a person is speaking to or providing assistance to someone who relies on facial expressions to communicate, or where a person needs to remove a face covering to exercise.

Alec Shelbrooke: I just want to build on that point. My hon. Friend will be well aware that I myself have impaired hearing. It is incredible, but what I have discovered is that you may think that you can hear someone, but unless you can see their lips moving, you cannot hear them. And that is in the normal context—I can hear everything perfectly well in this room right now, but if it is a busy area, I cannot. I am therefore grateful to my hon. Friend for making that clarification. I think that there should perhaps be a little more emphasis, for the understanding of people outside the House, that actually even those of us who are not registered deaf or anything like that do rely on seeing lip movement to hear people in a crowded room.

Ms Dorries: Having known my right hon. Friend for some years now, I of course do know that, and my own mother is almost totally deaf. It is incredibly distressing, particularly for the elderly who are deaf and can no longer hear/see what people are saying to them. I take on board my right hon. Friend's point about deafness and face coverings. Taking all that into account, and even with my own personal life experience of how it affects people, I am still absolutely supportive of the

[Ms Dorries]

fact that, on the basis of scientific evidence and recommendations to us, this is a necessary move, one that we have to undertake, to stop the increase of the virus within communities.

We have been working with stakeholders to ensure that staff are aware of the exemptions in place and that some people will not be able to wear a face covering. We are also clear that people do not need to prove that they are exempt from, or have a reasonable excuse regarding, the requirement to wear a face covering, and they should not be challenged about that. These regulations have been supported by a communications campaign explaining where face coverings are mandatory—I take my right hon. Friend’s point; that may need to be ramped up—how to wear one safely and encouraging understanding and awareness of those who may not be able to wear a face covering. We have set out the full details of this policy in our guidance.

As expected, reports indicate widespread compliance with the requirement to wear a face covering in relevant indoor settings, and surveys suggest that there is significant public support. The Office for National Statistics public survey showed that, in the period from 29 July to 4 September, at least 96% of adults in England had worn a face covering when shopping. The figure has remained consistently high. However, we should not expect participation to reach 100%, as there will always be those people who are exempt or have valid reasons why they should not be wearing a face covering.

Included in the regulations is a review clause requiring a review of the need for the requirements imposed by the regulations at six months—to answer the question about that. A sunset clause is included, so the regulations will expire at the end of 12 months after the day they come into force.

We will continue to monitor the impact and effectiveness of the policy in the weeks and months ahead, and we will develop our approach of enforcement and communicating the policy as necessary. I am grateful to all hon. Members for their continued engagement in this challenging process and in the scrutiny of the regulations. We will of course reflect on the debate to come. I commend the regulations to the Committee.

6.15 pm

Justin Madders (Ellesmere Port and Neston) (Lab): It is a pleasure to see you in the Chair, Mr Twigg. I thank the Minister for her detailed introduction. As she said, the instrument requires members of the public to wear a face covering when in the relevant place. It came into effect on 24 July.

I will be clear from the outset that we support the instrument. As the Minister said, it is an exceptional measure, but we are in exceptional times and we all have to play our part in beating the virus. Unless someone has an exemption, it is important that, where advised to wear a mask, we all should. That is important for not just keeping each other safe, but opening up the economy and saving people’s livelihoods.

As the Minister outlined, the regulations define a relevant place as a shop, including shops, supermarkets and enclosed shopping centres. It does not include areas of shops and shopping centres that are provided for the

consumption of food and drink, such as seating areas provided in coffee shops, supermarket cafés and food court areas in shopping centres. It covers transport hubs, including any enclosed stations, terminals, ports or other similar premises from or to which a public transport service operates.

Mr Kevan Jones (North Durham) (Lab): The regulations do include transport hubs, and they are clear about TfL having the powers to issue fines in London, but they are sketchy on other transport hubs, many of which, civil servants may wish to know, exist outside London.

Justin Madders: As we have commented from time to time, it seems that to this place, there is not much life outside London. Of course there are a number of transport operators operating up and down the country that the regulations do not cover. For example, my public transport operator on the railways, Merseyrail, has said that it does not currently have the powers for its staff to be able to enforce the regulations. That will certainly need to be ironed out in future regulations.

The regulations that require a person to wear a face covering unless they have a reasonable excuse also set out the categories of people to whom the requirement does not apply. They include children under the age of 11, shop employees in the course of their employment, and a non-exhaustive list of what may constitute a reasonable excuse.

I have some questions about some of the specific provisions in regulation 3 in relation to the requirement to wear a face covering, particularly regulation 3(2)(b) where the requirement does not apply to someone working in the course of their employment. The Minister set out that the regulations are not intended to cover workplaces, because employers are expected to deal with that. I appreciate that employers have a legal responsibility to create covid-secure environments, but there will be occasions when the workplace or the nature of the work mean that that is not possible. Will the Minister explain the Government’s position in respect of those situations, especially given that they are encouraging people to return to work where possible?

Regulation 3(2)(c) says that the requirement does not apply to

“any other person providing services in the relevant place under arrangements made with the person responsible for a relevant place”.

That is catchy; it trips off the tongue. The list of relevant places is in part 1 of schedule 1, but will the Minister explain who

“any other person providing services”

is intended to cover?

Part 2 of schedule 1 contains a list of premises where there is an exemption to the requirement for face coverings. Some, such as dentists, are obvious, but others, such as cinemas, theatres and libraries, require a little further explanation as to why they are exempt.

Will the Minister say a little more on that point?

These regulations were laid before Parliament on 23 July—the day after the House adjourned for the summer—despite the fact that they were announced on 14 July and, as my hon. Friend the Member for Blackley and Broughton pointed out, were discussed extensively for many weeks

previously. As the Minister is acutely aware, the Opposition have repeatedly called for regulations to be debated before they come into force. I have raised the issue of new regulations being introduced and not debated until weeks later on every occasion that we have discussed coronavirus regulations. It is seven weeks later in this instance.

It was acknowledged when we were debating a previous set of regulations that the Government are aware of Parliament's concerns about allowing the timely scrutiny of regulations, particularly in relation to the timing of the debates. The Government indicated that they would endeavour to hold the debate as soon as possible after the regulations were laid before Parliament. I have made it clear on numerous occasions that we accept that the initial coronavirus regulations had to be introduced hurriedly in response to the initial threat from the rising number of infections from what was, at the time, a new, unknown disease.

Matt Western (Warwick and Leamington) (Lab): To elaborate on the point about the timing, we understand that these things have to be introduced rapidly, and therefore it is not necessarily possible to carry out the legislative process quickly, but a debate is very important, as the right hon. Member for Elmet and Rothwell said. To return to paragraph 3.1 of the explanatory memorandum, the point is that these regulations were introduced in response to a serious and imminent threat to public health. The peak of the first wave was on 11 April—three and a half months earlier.

Justin Madders: My hon. Friend is absolutely right. We have, for now at least, got over the peak, although it seems that that may be changing. The explanation that the Government put forward at the time for the way these regulations were being introduced no longer applies. We have been dealing with this virus in this country for more than six months, and we really should be able to deal with legislation before it comes into force.

Members on both sides of the House and in the other place have repeatedly expressed their desire for these debates to be held in a timelier way to ensure full parliamentary scrutiny. Despite those multiple pleas and the Government's assurances that they have listened to those concerns and are working hard to address the problem, it seems that, every time, we are still facing a rubber-stamping exercise seven weeks down the line. The Government think that that is enough to meet their democratic obligations; well, I disagree. Parliamentary scrutiny cannot be ditched because the timing is inconvenient. These regulations are too important not to be debated and given full and timely parliamentary scrutiny before they become law.

Senior Government Members raised concerns about the way legislation is being introduced, in response to the statement of the Secretary of State for Health and Social Care last Thursday. The weekend was full of senior Government Members raising concerns about the regulations that are coming into force today—again, without parliamentary scrutiny. It was not until about 11.45 pm last night—15 minutes before the regulations became law—that a copy of the new regulations appeared online. That gave people no time to examine them before they came into force, let alone allowing any opportunity for debate or scrutiny. That is no way to

manage legislation or to govern. The Government's handling of this pandemic has been too slow throughout, and they cannot continue to be slow in the way legislation is scrutinised.

I make this plea, as I have done on a number of other occasions: the Government should be aware that we remain extremely concerned about the continuing contempt being shown for parliamentary scrutiny. They can and should make the time to debate regulations before they become law. This week, former leaders of the Conservative party have been lining up to express their concerns about the Government's proposals to act outside the law. Debating these issues before they become law is one way to restore public trust. It would say to people that the rule of law matters in this country, that the rules apply to everyone, that these restrictions are serious, not an optional extra, and that the Government do not consider themselves to be above the law.

We believe it is possible to arrange through the usual channels for these Committees to be set up at short notice, so that important regulations such as these are debated in a proper manner before they become law. If necessary, I will clear my diary to ensure the Opposition play their part in ensuring proper scrutiny and accountability for such regulations. We really do need to restore that—to get back to a position in which the rule of law is important in this country.

There also remains a question about why there was such a length of time between the announcement that these regulations were coming in and the laying of them. If the Government were really endeavouring to show they had listened, why did they not lay the regulations sooner, to ensure they were debated before recess and before they came into force? This concern was echoed in the other place, where a regret motion was tabled by Baroness Thornton. That motion said

“that this House welcomes the introduction of the Regulations, but regrets the delay in bringing forward the Regulations as Her Majesty's Government has advised the public to wear face coverings in enclosed public spaces since 11 May, announced that face coverings would be mandatory in shops from 24 July on 14 July, and laid these Regulations under the made affirmative procedure on 23 July; further regrets that this delay has caused confusion over where people will have to wear face coverings due to the absence of detailed legal requirements being available in advance; and notes the concerns of the Secondary Legislation Scrutiny Committee in its 19th Report, published on 25 June, which urged Her Majesty's Government ‘to ensure that the legislation follows on more closely from any announcement that they have made.’”

That sums up our concerns very neatly.

That regret motion also picks up on another issue that I am keen to raise, which is why it took so long for the Government to advise the public to wear face coverings, when the risks associated with airborne transmission were already known. As my hon. Friend the Member for Blackley and Broughton said earlier, these matters were being debated for several months before they became law. The World Health Organisation has long recommended wearing face masks; the Secretary of State himself has warned about asymptomatic transmission, and his own advice, published on 11 May, advised in favour of wearing face masks.

Alec Shelbrooke: I want to pick the hon. Gentleman up on that point about the WHO recommending face masks, because it was not clear. It was a movable feast. Personally, I question the way in which face masks are

[Alec Shelbrooke]

being used, and I would like to see the issue debated, but that is a debate for another day. However, in defence of the decisions that were taken, I would challenge the hon. Gentleman on that particular point. I do not think the information from the WHO was entirely black and white; I think it was changing as it went along.

Justin Madders: I thank the right hon. Gentleman for his intervention. He is correct that the WHO position was not absolutely certain to start with, but it crystallised at a much earlier point than when these regulations were introduced. It is also the case that the Government's own advice from 11 May was that face coverings ought to be worn, so the question is why it took two months to make this advice mandatory, and another 11 days for this measure to come into force. Given that the Government's own guidance issued in May advised in favour of face coverings, one can presume that, at that point, it had been decided that the science told the Government that it was in the interests of public health to wear face coverings. I am therefore at a loss to understand why it took so long to make that advice mandatory. I hope that when the Minister responds, she is able to shed some light on that.

Matt Western: On that point, surely that was an inconsistency? If health professionals were being told to wear face masks in clinical settings, they surely had a purpose, did they not?

Justin Madders: It is fair to say that there is a difference between dealing with someone in a clinical setting and dealing with them on a day-to-day basis, but there is no doubt that, at a very early stage, there was evidence to suggest that the virus would be transmitting through the air. I think the reason it took so long to get where we ended up is to do with the question of how effective face coverings would be outside of a clinical setting. Nevertheless, the Government's position was very clear from early May, yet it has taken until now for us to debate these regulations.

The regret motion also rightly raises concerns about the confusion that was caused regarding where people were required to wear face coverings, due to detailed legal requirements not having been made available in advance. I am sure the Minister will acknowledge that there was confusion at the time, given that Cabinet Ministers themselves appeared to be confused by the mixed messages. We all remember the debate on the Pret paradox that the Chancellor of the Duchy of Lancaster was involved in. Within three days, the Prime Minister said he favoured face coverings, the Chancellor of the Duchy of Lancaster said he did not and the Justice Secretary said he was not sure, but he was perhaps in favour. That kind of conflicting advice and those confusing statements from Government are not helpful in our fight against the virus. We need clear communication from the Government. That is vital in combatting the spread of covid-19.

We needed it then, and we need it now. Going forward, clear and consistent messages about the wearing of face coverings are absolutely required. Clarity was also missing in the situation concerning schools reopening, with another 11th-hour U-turn from the Government on

secondary school pupils being required to wear face coverings in school corridors in local lockdown areas in England—an announcement that was made just days before schools returned. Even then, new guidance that allows headteachers in any secondary school the flexibility to introduce masks in their schools was half-baked, leaving the National Education Union describing the way the decision had been reached as “slow” and “incoherent” and saying that it would not inspire confidence from parents or teachers. The National Association of Headteachers said:

“It is neither helpful nor fair to ask school leaders to make individual decisions about face coverings in their school.”

It has been reported that some universities require face coverings to be worn in all shared indoor spaces, including study settings, while others do not. Again, that responsibility should not be placed on individual institutions. Universities have been calling for clear national guidance on the use of face masks on campus to help reduce the spread of the virus. As many students have already returned to university, can the Minister say whether there will be any last-minute guidance for universities?

The regulations permit a relevant person, namely a police constable, a police community support officer or a TfL officer in

“any transport hub from or to which a TfL public transport service is provided”

to deny a person entry to the relevant place, or to direct members of the public to wear a face covering or to leave the relevant place if they are not wearing a face covering.

Mr Jones: It is actually worse than that. I have no problem with a community support officer or a police officer issuing someone with a fixed-penalty fine, because they have the training and expertise to do that. It does not sit comfortably with me that these regulations extend those powers to a large number of people who would not normally have the authority to give out such fines.

Justin Madders: The issue is that the police are not in a position to enforce this. That has been clear from what we have heard already.

Mr Jones: No, it is worse than that. I am comfortable with a police officer being able to issue the fine, but these regulations do not define what a TfL officer is. It could be anyone TfL decides. There is a catch-all later in the regulations that says they are

“a person designated by the Secretary of State.”

Surely, extending the ability to be able to issue a fine in that way is pretty draconian.

Justin Madders: It is an important point that we are giving, to use my right hon. Friend's term, draconian powers to people, but that is deemed necessary to fight the spread of the virus. The issue that we on the Front Bench have is whether the resources and the appropriate training are following those powers. At the moment, it seems there is a huge gap.

Turning back to the powers, and the ability to issue fines and require people to move on, we need clarity on how those requirements will be enforced, as my right hon. Friend said in his intervention. When the legal requirement to wear a face covering when using public

transport was introduced in June, and then in shops the following month, it clearly appeared that the police did not see it as their role to enforce that. I know from my own constituency that there is little enforcement happening on public transport. I have had multiple constituents complaining that when they go on buses and trains, some travellers seem able to travel without face coverings and are not being challenged. Bus companies say they will not put their drivers at risk. I mentioned Merseyrail earlier, which operates in my constituency on the railways, and it says that it has not been given the powers to intervene.

We have this strange situation where, as my right hon. Friend the Member for North Durham says, there seem to be very broad powers being given to a wide range of people, yet other people, who we would think are pretty obviously the right people to have them, have not been given them.

Mr Jones: As I said earlier, these are very London-centric regulations, because they refer to TfL but do not refer to other types of transport operators. However, the catch-all is in regulation 7(11)(d), which talks about the people who can give fines. It says that the authorised person will be

“a person designated by the Secretary of State for the purposes of this regulation.”

There is no list in the explanatory memorandum of the people who could be authorised. Is there any guidance on that? There is nothing at all in the explanatory memorandum to say who is being given those powers. It could potentially be anybody.

Justin Madders: My right hon. Friend makes a very fair point. I do not know whether that power relates to the announcement last week about covid marshals; we are still waiting for further information on them. I hope that the Minister will be able to clarify who that particular measure relates to and whether that power has been exercised at all so far, because, clearly, one of the things that we do not want to see, in terms of public confidence in and adherence to the rules, is people about whom we have had no warning or indication that they have the power to enforce these rules coming along and starting to do so. That will create friction, tension and uncertainty. We absolutely need crystal clear clarity from Government about who is able to enforce these rules and the circumstances in which they are able to do so.

I was referring to the problems on public transport, in particular, but the same problems arise in the retail sector. Many of the major supermarkets—Sainsbury’s, Asda, Morrisons and the Co-op—have all said they will not ask their staff to police the rule, but will instead urge shoppers to play their part, through signs and public address announcements in store. Of course, it is absolutely right that most people do play their part, and that many people have legitimate reasons for not wearing a face covering, but it remains the case that there is an element out there who will not wear a face covering on a point of principle. I am not sure what that principle is, but it is causing difficulty.

A survey of shop workers carried out last month by the Union of Shop, Distributive and Allied Workers found that 75% of shop workers had been abused by customers who were asked to socially distance, and

almost half had experienced abuse as a result of asking shoppers to wear face masks. That is totally unacceptable; nobody should face abuse for asking people to comply with public health measures.

At the moment, however, I am concerned that such reprehensible behaviour by members of the public is going unpunished. In July, the Prime Minister increased the pressure on the police to uphold face mask laws. It was a task that was described as “impossible” by the national chair of the Police Federation, who said that forces did not have the staff or the resources to ensure compliance. We all know the pressures on the police and the reduction in their numbers that has happened over the last decade, so it is not enough for them to be handed additional responsibilities if those responsibilities are not accompanied by sufficient resources for them to be able to do their job. When the Minister responds, will she therefore set out what resources have been handed to the police to ensure that these measures are complied with?

Of course, as we have already referred to, the Prime Minister has announced that there will be covid marshals to enforce the new rule of six. Local council leaders, who it is assumed will take over responsibility for such marshals, have already said that they are not in a position to resource them, having already faced a significant multi-million pound shortfall in their finances this year. When the Minister responds, will she confirm whether covid marshals will be required to enforce the wearing of face coverings, as is possibly implied by the regulations, and if so, how will they be funded?

I understand absolutely the Government’s desire to try to get the economy moving again and to encourage people to go back to work and to shop, but those efforts will go unrewarded if people do not feel confident enough to go out because they feel, and indeed see, that the rules on face coverings are not being properly enforced.

In her opening speech, the Minister talked about the importance of confidence for people returning to the workplace and for retail. It is really important that that confidence is supported by a rigorous and universal enforcement regime. In that regard, I would be grateful if the Minister could set out how many fixed penalty notices have been issued so far under these regulations, and whether she has any details of the geographical areas or physical settings where penalties have been issued in greater numbers.

Finally, I will say a few words on the converse situation—people who are exempted from wearing coverings and why. I am sure that many Members will have been contacted by concerned constituents who, when they have been shopping, felt uncomfortable at the numbers of people not wearing a mask, or who have actually been confronted with abuse as a result of not doing so. We see stories in the press about people unable to comply with wearing a face covering for health reasons being challenged and abused and then being afraid to go out. Many charities, including Mind, Dementia UK, the National Autistic Society, Mencap, Asthma UK and Sense, have called on the Government to mount a public awareness campaign about hidden disabilities and the mask exemption rules, which allow for those who find it difficult because of physical or mental illness or disability, those who assist someone who relies on lip reading to communicate and those for whom wearing a mask could cause severe distress to be exempted

[Justin Madders]

from wearing a face covering in shops or on public transport. The Minister said in her opening remarks that there had been a public awareness campaign, and indicated that it might be “ramped up”, to use her terminology, so I will be grateful if she could advise on when we are likely to see that, given that these rules are likely to be in place for some time to come.

I will also be grateful if the Minister could say a little about the “severe distress” exemption. I do not want to spell out some of the reasons why people may need to rely on such an exemption, but as it is a subjective and broad exemption, it is open to misuse. Is the Minister aware of individuals who, when challenged, have sought to rely on such an exemption inappropriately, and the response of the enforcement body?

On the point of being able to communicate, as we heard from the right hon. Member for Elmet and Rothwell, I am sure that many of us have been contacted by constituents concerned about the impact of the use of face coverings on deaf people and those with hearing loss who rely on lip reading and facial expressions to communicate. Back in June, the Government confirmed that they had been in discussion with audiologists in the NHS about the use of face coverings and what can be done to reduce the impact on those who rely on lip reading, so can the Minister update us on what steps the Government are taking to ensure all their face covering policies are inclusive for people who may have hearing loss?

In conclusion, we will not seek to divide the Committee on these regulations, but, as I hope I have shown in raising a number of issues, I believe that our democratic process deserves better than for such an important law to be debated so long after it has come into force. I hope the Government finally act on those concerns and hand back control to this Parliament.

6.44 pm

Graham Stringer: It is a genuine pleasure to see you in the Chair this evening, Mr Twigg. This is first time I have served under your chairmanship, and I look forward to doing so on many further occasions.

There are a number of things I would like to say about this statutory instrument. Some relate to process, some to science and some are political. On the process, the Minister, for whom I have every respect, made the point that these regulations last for only 12 months, which is absolutely right. However, the downside is that when regulations last for only 12 months, no regulatory impact assessment is required. A regulatory impact assessment would of course have answered some of the questions asked by the right hon. Member for Elmet and Rothwell, as well as by my right hon. Friend the Member for North Durham, my hon. Friend the Member for Warwick and Leamington and my hon. Friend the shadow Minister. That is to be regretted, but it is part of a bigger lack of scrutiny, which I will come to in a minute.

First, I want to make a very general point. I do not envy the Secretary of State for Health and Social Care, any Health Minister, or, indeed, any Minister from other parts of the Government who has to deal with these issues. They are really difficult. People have died. It is difficult to know what to do. When Ministers and

the public pray in aid science—of course science should be looked at—I think people sometimes misunderstand its capabilities. If someone wanted to find the escape velocity of a rocket to leave the earth’s gravitational pull, they should go to an astrophysicist, who would give the exact figures. If they are given the weight of the rocket, they will be able to say the force required to reach that velocity, because physics in that sense is an exact science.

The science surrounding this pandemic is not exact and cannot be exact, partly because it is a new virus and people do not know anything. I suspect it will surprise members of the Committee to know that, as far as I am aware, in real situations or in laboratories, no experiments have taken place on covid-19. We are relying on experiments on other germs, bugs, viruses and bacteria, and on other kinds of experiments.

I will come back to the science, but the biggest point, on which I think I am in agreement with the right hon. Member for Elmet and Rothwell, is that there should be much more scrutiny of this legislation. I recently read the Lords *Hansard* from when the Coronavirus Act 2020 was passed. In that debate, phrases were used such as, “It would normally be anathema to a democratic Parliament to pass these regulations,” and, “Unprecedented powers are being given to the Government.”

The Minister in the Lords gave all the assurances one would have expected him to give: at the appropriate time, when these wide and extensive powers were used, there would be proper parliamentary scrutiny. It is not just about this SI—there have been many such statutory instruments laid and used, in terms of levels of fines and what is and is not against the law, that have yet to receive parliamentary scrutiny. We have been back here for some time. That is a breach of trust, given that all the parties gave the Government support for the Coronavirus Act 2020.

To go back to the science, one problem Ministers have is that most of them do not have a scientific background and, therefore, have not challenged the scientific advice, which cannot be that precise. In early April, the deputy chief medical officer said that masks should not be worn and that they even have a negative effect. I can understand why Ministers followed that. A few days later, on 16 April, the Secretary of State for Transport said that wearing masks would have a negative effect. In the next month, masks were introduced on transport and now we have them in shops and all sorts of places. Challenging the advice and asking for its source in the first place might have led Ministers to reach different decisions earlier, and even to different decisions leading to this SI.

Most of the evidence on masks has come from experiments with mannequins, which are difficult to do, conducted in laboratory settings, not real settings, so when the Government’s scientific adviser and other scientists say that there is no evidence that masks work, they are right, partly because no experiments have been done on this virus. Also, in the experiments and work that have been done we have not had the scientific gold standard of being able to test one experiment against a double-blind experiment.

That is part of the science background. The Government now come along and said that there is some evidence to suggest that, when used correctly, face coverings might have some benefit in reducing the likelihood of getting the virus, but common sense and the non-covid experiments

tell us that. The Government advise putting a scarf over one's face or getting a mask, which is actually not in line with the World Health Organisation's recommendations. Following experiments conducted not on the virus but by firing laser beams at masks in Australia, published in the *Thorax* journal, the World Health Organisation recommended that three-layer masks are better than two-layer masks. The Welsh Government have followed that recommendation of having three layers. Our Government say that two is probably okay, but people can do anything they want. Having moved from saying that masks were of no use to saying they are now of some use, they are not using the best scientific advice, which the Welsh Government are using, to advise on which masks should be worn. I think that is a mistake. We have to go one way or the other. It is understandable that Ministers do not always challenge the advice.

When I asked what the latest evidence was, I expected the Minister to say that there was a large meta-study done by Professor Melinda Mills of the Leverhulme Centre in Oxford. It was not fundamental research, but the study looked across the board at all the papers that had been done and found that 120 countries were advising on masks, so we would have been massively out of step not to follow the advice. I realise that the original advice was not in accordance with that, but the Government could probably have moved earlier and more effectively, with parliamentary scrutiny, to the conclusion that they have reached. *The Lancet*, which has criticised the Government's tardiness and slowness on this matter, and could have argued with Professor Van-Tam and any of the other advisers, has pointed out that lack of evidence does not mean the evidence is not there. They could quite easily have challenged those things.

Finally, on the point that my right hon. Friend the Member for North Durham made, I was at a meeting at the weekend with leaders of local authorities and some of the Greater Manchester MPs and there was no support from anybody for the Government's proposals on marshals. Will the Minister guarantee to the Committee that untrained marshals will not be given enforcement powers that would normally lie with well-trained public health officials or the police? The last thing we want is busybody marshals upsetting members of the public by being over-officious. The confusion of the Government's messages in this and other areas has meant that many members of the public, particularly younger people, have lost trust in the Government's message and are no longer following it. What would make that situation worse was if we had untrained marshals throwing their weight about and upsetting the public so that there was even less support for what might well be necessary regulations.

6.55 pm

Mr Jones: It is a pleasure to serve under your chairmanship, Mr Twigg. I agree with my hon. Friend the Member for Blackley and Broughton on the lack of scrutiny of much of this legislation, and even a cursory glance at the regulations shows that we are extending quite draconian powers to people who, in my opinion, should not have them.

My hon. Friend just referred to mixed messages. Well, we are putting mixed messages in legislation here, and I have to say, if it had been properly debated, some of those things would have been questioned. He mentioned marshals, for example, which I will come to in a minute.

I want to pick up on the issue of sign language, which was mentioned by the right hon. Member for Elmet and Rothwell. It is referred to in the legislation under reasonable excuses, but it is portrayed in a very strange way. Regulation 4(b) states that a person—"P"—has a reasonable excuse if:

"P is accompanying, or providing assistance to, another person ("B") and B relies on lip reading to communicate with P".

Are we saying that anybody who lipreads needs someone else and they must go around in twos? Clearly, if someone lipreads, they often do it when they are on their own. Is the legislation saying that the only time that they would be exempt is when they had someone with them? Is that what the Minister is saying? That, frankly, is bonkers.

I know a lot of people who lipread and they do not need someone accompanying them all the time to go about their business. To put that in the regulations just shows sloppiness—reading some of the things in the instrument, this is like shooting fish in a barrel. I find it disturbing, to be honest, that that is being written into the legislation as "reasonable". A reasonable excuse should be that someone relies on lip reading, for example.

I will come to some of the other things that I think are draconian. I do not consider myself a libertarian, but I question when the state starts interfering in people's lives to such an extent where I do not think it needs to and whereby, in doing so, it causes the opposite effect from what the Government are trying to achieve, which is to stop the transmission of the virus.

That brings me to my transport theme, which I will start with the definition of transport hubs in regulation 2(4):

"In these Regulations, 'transport hub' means any premises used as a station, terminal, port or other similar premises from or to which a public transport service operates".

That is pretty straightforward—I think we would all agree with that—but then it goes on to an interesting point. It says that that does not include

(a) an area which is not open to the public;

(b) an area where seating or tables are made available for the consumption of food and drink",

so, does that mean that a transport hub with tables where people can have cups of coffee from the kiosk is not a transport hub? By this definition, it does. I can think of quite a few transport hubs that have cafés and kiosks selling teas and coffees, and seating areas where people sit to eat and drink, but if I am reading the legislation correctly, those are not classified as transport hubs.

Then we come on to the draconian measures of actually dishing fines out. Again, as I said earlier, the measure is London-centric. I would like the Minister to clarify the role of police officers, which here is quite strange. The regulations refer to "a constable",

"a police community support officer",

and

"in relation to any transport hub from or to which a TfL public transport service is provided, a TfL officer".

Finally, they specify

"a person designated by the Secretary of State for the purposes of this regulation."

Those are the four categories.

First, as to the category of constable, not all police officers are constables. There are sergeants and inspectors. Does that definition cover all those? Is it only someone

[Mr Kevan Jones]

of the rank of constable who can issue a fine? Community support officers are defined in legislation. I served on the Bill Committee many years ago, when the Conservative party opposed them.

What is the definition of a Transport for London officer? Who are they? Is it left to TfL to decide who they are, or is it only certain people who already have enforcement powers? Finally, there is the

“person designated by the Secretary of State for the purposes of this regulation.”

There is no list of those individuals in the explanatory notes, which brings us back to the point made by my hon. Friend the Member for Blackley and Broughton about marshals. Will they be given such powers?

As an example, let me take Durham city bus station, which is run by the county council. I think that it is open to the public but on private land. There are operatives there who clean the area and operate the bus station. They clearly do not have the same powers as TfL. Nor do I imagine do the people at many other bus stations. It concerns me not only that definition is lacking on TfL, but that there is a long list of other people who could have quite draconian powers to hand out fines.

Even if the Minister cannot provide it tonight, I would like a list of the individuals who are covered. That would make a difference: as my hon. Friend said, we have no problem with police officers enforcing laws—or community support officers, for that matter—because they have the training and expertise to issue fixed penalty fines and other things, but it sits uncomfortably with me that some person designated by TfL could suddenly have those powers, or, for that matter, anyone else the Secretary of State deems fit to give them to. Again, this is going against what the Government are trying to do.

I agree with my hon. Friend about the science around face masks. In the past months and weeks, the Government have said they are following the science, but are clearly not; they send contradictory messages—and so do the regulations, all over the place. These measures will give individuals powers that I do not think we should give them, and it would have been better if the Government had gone down the route of saying, “What is common sense?”

Clearly, there is currently a spike in cases, but people are not wearing masks in pubs and restaurants, are they, in large numbers? That is why we have had the nonsense this weekend about the rule of six. The important point is that if we are going to bring in measures, they must be proportional—but they must also be explained to people. I do not think that the Government have done that. They have made things worse, with contradictory bits of advice. Frankly, if the public knew the Government were going to give powers to untrained individuals to issue fixed penalty fines, then, no. The sensible approach to face masks is surely advice and support, rather than going down this route.

7.4 pm

Alec Shelbrooke: I will take a few moments to say some things to the Minister. I genuinely mean them as helpful comments, and I do not expect her to be able to answer them today. I will let her off the hook with that,

and there are things to take away. I have a concern that has been explored slightly with the discussion of covid marshals, and it relates to data protection. We do not have the information on how some people will become covid marshals. Is it something that they volunteer for?

In my village, there is somebody—I will not name names—who has a very respectable profession but is known throughout the village for stealing personal information. He steals people’s personal phones, downloads the information and then causes trouble by texting and all sorts of things like that. We all know who it is. They could use their profession to become a covid marshal, and then they would get such data. I want to make a point to the Minister to take back to the Department and the Government, because I know she cannot answer my question today. What data protection provisions will be put in place for covid marshals? I assume that people will have to hand over quite a lot of personal data if they are stopped by somebody, and I have a genuine concern about the protection of that data.

7.6 pm

Ms Dorries: On the point about covid marshals and data protection, we will get back to my right hon. Friend. A number of points have been made in a holistic and wide-ranging way by different people, and I will try to answer the specifics as much as I can. If I do not cover them all, hon. Members can shout at me; we will certainly ensure that they receive answers by tomorrow.

I will first address some of the wider points about lip reading, because there is some kind of misinterpretation of this. Somebody who has a disability, including deafness, does not have to wear a mask, nor does the person assisting someone. If a deaf person goes up to somebody in a shop and asks for help, the shop worker can remove their mask to provide assistance if they are told, “I can only lip read.” The assistant helping somebody with a disability or helping somebody to find their way—whatever need they have—can remove their mask. I wanted to make that clear.

Reference has been made to the fact that people are not wearing masks in pubs and restaurants, but they are socially distancing. There are hand sanitisers when people enter. As pubs and restaurants are keeping their staff safe, they are being very careful about how their clientele use their premises. I want to reiterate a point that I made in my opening speech: 96% of people wear masks.

On the question of why this took so long and the scientific evidence—a question that has been raised in a number of ways—we as politicians did not decide that it was now time for people to start wearing masks. That information comes to the Government and to politicians via a number of filters. It comes from SAGE. It then goes to the chief medical officer, the deputy chief medical officers—Jenny Harries and Jonathan Van-Tam—and, I think, Professor Stringer, our chief scientific officer. We then take the advice from the Behavioural Insights Team; we take the advice that we are given by the scientists.

The Welsh Government have been mentioned. They have their own chief medical officer and their own advisers. They take their advice; they are devolved. We do not tell them when people in Wales should start wearing masks, and they do not tell us. We have our own established scientific body of advice. We do not say

to SAGE, “We don’t like your advice today. We’ll go and take it from somewhere else.” We are consistently advised by SAGE and by NERVTAG. When they tell us that the evidence now is such that people should start wearing masks because there will be some benefits, we will take it. In fact, people were wearing masks before we brought in the legislation. The public had already made their mind up, whether they had the scientific evidence or not, that they would start wearing masks, and indeed they were.

That is where we add. As politicians, we do not say, “Do you know what? It is time for everyone to start wearing masks.” We do not have the authority, the scientific background or the evidence—

Mr Jones: Yes, you do.

Ms Dorries: No, because every policy dealing with covid has to be based on evidence and scientific facts. We have always followed the science and we are still doing that today.

Graham Stringer: Is the Minister saying that the advice given to the Welsh Government was different from that given to the United Kingdom Government, dealing with England in this case? Secondly, we on the Science and Technology Committee have had all the scientific advisers before us on a number of occasions and they have been clear that they lay the evidence before Ministers and they may give advice, but, in the final analysis, it is for Ministers to take the decision, which may differ from the detail of the advice, or the advice may have to be interpreted. They are clear that it is not their decision. Does she agree with that?

Ms Dorries: On the hon. Member’s point about who advises the Welsh Government, I have no idea. I would imagine it is their chief medical officer. On whether the scientists take the decision about whether people wear masks, no, they do not. That is not their responsibility. Their responsibility is to evaluate and assimilate evidence and provide us with that evidence.

Mr Jones: Personally, I have no problem with wearing masks; neither, I think, do the public—

Ms Dorries: I would never have guessed.

Mr Jones: I am sorry if the Minister wants to be flippant, but it is my job to look at the legislation and scrutinise it. She said that 96% have no problems with it. I never believe in putting forward legislation if there is no need.

I am sorry, but the Minister is wrong in what she just said. It is down to politicians to make the ultimate decision. I have been a Minister, and there are occasions when advice can be ignored—that is a political decision. It is no good hiding behind the scientists, which is what the Government have done all the way through the crisis.

Ms Dorries: This is the decision. That is what we are here debating—the decision to introduce the wearing of face coverings in public places. We have taken the decision; that is what we are doing right now.

I was asked why we were so slow to react to the wearing of face masks. It is because, to come here and introduce legislation, we needed evidence that wearing face masks works. As I think the hon. Member for Blackley and Broughton said, this is a new virus—globally, not just for the UK—and all over the world countries have taken their own decisions on the basis of whatever evidence they could gather over a short period and in a short timeframe. We have now got to the point where we believe the evidence is such that wearing a mask will provide protection even if the wearer is asymptomatic, not showing symptoms of coronavirus and not coughing. Therefore, we are introducing the regulations.

Justin Madders: I am grateful to the Minister for giving way. I appreciate that these things do take some time, but it is the case, is it not, that recommendations were made on 11 May about the wearing of face coverings, but they did not become law until 24 July? What is the reason for that long delay?

Ms Dorries: I want to be absolutely clear myself before I give a response, so I will come back to the hon. Member on that in the morning.

Graham Stringer: I want to make a point similar to the one I made in the Minister’s opening contribution. What was the evidence, when was it given to Ministers, and what meant we had to wait until recess before the decision was taken? That is key to me. I am sure that if she was in opposition, she would be making exactly the same point.

Ms Dorries: We know each other too well.

I want to ensure that what I give the hon. Gentleman is an absolutely accurate statement; therefore, I will give it to him in the morning in writing.

I will stick to the substance of the issues that were raised. On the comments about transport police, the British Transport police outside London have the authority and they use their four Es: engagement, encouragement—

Mr Jones: Are the British Transport police covered by this legislation, because there is no reference in it to them?

Ms Dorries: Again, I will clarify that. They might not be in these regulations, but this is about not just Transport for London, but British Transport police across the UK.

On the point about people eating in cafeterias in transport hubs, of course people cannot eat through a mask. When people are purchasing food, or are sitting at a table eating and drinking, they obviously do not have to wear a mask.

Mr Jones: I am sorry, but that is not what the regulations say. It is in the definition of what a transport hub is. I will read it again:

“In these Regulations, “transport hub” means any...premises used as a station, terminal, port or other similar premises from or to which a public transport service operates, but does not include...an area which is not open to the public;...an area where seating or tables are made available for the consumption of food and drink”. Surely a transport hub that has tables for food and drink is not classed as a transport hub under the definition in the regulations.

Ms Dorries: Areas that are open to the public, where people are purchasing food, drink or refreshments, do not require the wearing of a mask. Again, I will clarify the wording to the right hon. Gentleman in writing, but that is the advice that I have been given. It beggars belief that anybody could consume food or drink while wearing a mask, but I will ensure that I clarify that information to him.

Anthony Browne (South Cambridgeshire) (Con): On reading this, I think it is very clear. If I dare say so, the right hon. Member for North Durham is misunderstanding what the Government policy is. Areas where there is food and drink in a transport hub are excluded from these regulations, so people do not have to wear a mask there them. I think it is really quite straightforward.

Ms Dorries: They are exempt.

The shadow Minister raised the issue of regulation 3(2)(c), which is intended to capture contractors working on site, medical practices, and those who are best placed to advise about their own medical practices—both people working in the medical practices and patients.

I would like to thank hon. Members. If there are any points that require a more detailed response, we will ensure—

Several hon. Members *rose*—

Ms Dorries: I give way to Mr Jones.

Mr Jones: I am old-fashioned. I thought that in Committee we are referred to by constituency, not by name. I have been here too long. Could we have the Secretary of State's list of the other people who can issue fixed-penalty fines?

Ms Dorries: I have already asked for that.

Matt Western: The Minister is being very generous in giving way. In response to her honest offer, I am sure everyone would welcome urgent clarification about the role of covid marshals and the powers that they will have. Clearly, they are referred to under regulation 7(11)(d). Quite how they will be funded and what the powers are is a separate issue. The emphasis that the Prime Minister and the Government are giving to the new covid marshals seems disproportionate to the reality of what will happen on the street. I do not believe that the authorities will actually be able to deliver that, and they will rely on the police.

Ms Dorries: It was an honest offer, and I will ensure that the hon. Gentleman receives that information.

Justin Madders: I thank the Minister for giving way, and I promise that I will not intervene again.

What we have heard today from various Members is clear evidence of why it is important that regulations are debated before they become law. There is a whole series of questions in relation to covid marshals, in particular, and their powers and training and the data protection requirements that we are not able to answer. The point has been made by several Members that it is

really important for public buy-in to the concept of those marshals that the powers are clear and they have democratic consent because they have been transparently debated, so can the Minister make a commitment today that any new powers given to marshals, whoever they end up being, will be debated in this House before they become law?

Ms Dorries: No, I cannot; I apologise. I will obtain the list of those who have the authority and ensure that the hon. Member for Warwick and Leamington has that tomorrow. The hon. Member for Ellesmere Port and Neston, I am sure, was trying his hand when he asked his question. He did so knowing very well that that is not something that I can commit to.

Mr Jones: The reason why the Minister cannot do so is that this measure gives *carte blanche* to the Secretary of State to give those powers to anybody.

Ms Dorries: In this new world of coronavirus and covid-19, we as a Government have to have the right to respond, both urgently and in the case of an emergency, when we need to keep the public safe and to save lives. We have to retain the ability to do that.

The hon. Member for Ellesmere Port and Neston raised one other point that I would like to address. He talked about universities and further education and face coverings. Actually, this has been really interesting, because many universities are very enthusiastic about developing their own policies. They are keen to get their students back in. They are keen to get up and running in a way that is as “back to normal” as it can be in the context of social distancing, and the wearing of a face mask is something that many universities have themselves required. They have done their own messaging to students. I have seen some of this. “Don't kill your nan” was quite extreme; that was at one university in my own home city. Universities have very much taken on board the fact that they want to keep their campuses safe, and they are launching their own campaigns.

Matt Western: I echo those points. For example, the University of Warwick has done a terrific job in terms of its preparation on campus and is doing its very best to ensure safety among the community off campus. However, this then comes back to what is beyond their remit and what actually happens in communities such as Durham, probably, or Warwick and Leamington—my community—where students quite rightly will be back for the new term; some will be starting and will be there for the first time, and they will be out, in among the population. That is why these sorts of enforcement measures are so important.

Ms Dorries: The measures that we are taking to ensure the wearing of face masks in public places are to ensure that we try to contain the virus as much as we can, in the light of the fact that of course students do move from their university. They travel back home at the weekend. They move back into the community. They will be in student houses. Their community mixes. They have house parties, as they do. These are the kinds of thing that we are trying to prevent with the regulations that we are bringing in, so that those students can keep

attending university and keep learning. The universities have taken responsibility for what happens on campus; we have taken responsibility for what happens off campus via the rule of six, the new legislation that we have introduced as of today, and via the measures such as the one that we are debating today on the wearing of face coverings. Keeping everybody safe is the only objective of anything that the Government are doing in terms of the legislation that they are introducing. None of this is political. It is about keeping people safe. That is the bottom line with everything we introduce in terms of regulations and any measures to do with coronavirus and covid-19.

I thank hon. Members for their contributions to this important debate. They have been many and interesting, and we will respond to those that I have not been able to answer. The Government have always been clear that their highest priority in managing this national crisis is protecting our public and saving lives. I am satisfied that the requirements imposed by the regulations and the enforcement powers given to police and Transport for London are reasonable and proportionate, with regulations specifying appropriate exemptions and reasonable excuses.

Our guidance has consistently set out to the public that to protect themselves, they must continue to follow the social distancing measures, wash their hands regularly

and adhere to the isolation guidance. The current guidance from Government states that people should also wear a face covering in enclosed public spaces where social distancing is more difficult to maintain and where people may come into contact with others that they do not normally meet.

The debate today has provided an opportunity for the Government to hear hon. Members' concerns through the contributions made during the debate. Parliamentary scrutiny is obviously vital as part of the regulation-making process.

I would just like to correct the point that I made to my right hon. Friend the Member for Elmet and Rothwell earlier. It is not necessary for this regulation to be debated in six months; it will be reviewed in six months, but will fall anyway 12 months after 24 July, when the regulations were made. I hope that the Committee has found this debate informative and that it will join me in supporting the regulations.

Question put and agreed to.

Resolved,

That the Committee has considered the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020 (S.I. 2020, No 791).

7.25 pm

Committee rose.

