

# BOROUGH MARKET

## The Borough Market Southwark (Coronavirus) Rules 2021

The Trustees of the Borough Market Southwark, in exercise of powers conferred by section XXII of the Borough Market (Southwark) Act 1829<sup>i</sup> and section 7 of the Borough Market (Southwark) Act 1930 made the following rules by resolution on 8 January 2021

### 1. Definitions

In these rules—

“Market officer” means a person appointed under paragraph 2 of The Borough Market Rules Orders and Byelaws dated 7 December 1936

“emergency responder” has the same meaning as that in section 153A(6) of the Inheritance Tax Act 1984

“the Expiration Date” means 31 March 2021 or such other date as the Trustees may determine

“face covering” has the same meaning as under the Health Protection (Coronavirus, Wearing of Face Coverings on Public Transport) (England) Regulations 2020/592

“Market Covid Policy” means such policies as are approved by the Trustees from time to time for the purpose of mitigating the risk of the transmission of Covid-19 within the public area

“Covid 19 Regulations” means any regulation with the force of law (including these rules) enacted at any time in response to the risks posed by Covid-19

“the Market” means the Borough Market Southwark within the area in relation to which the Trustees may make rules

“public area” means all those areas of the Borough Market Southwark that are either areas which are open to the public or within two metres of such areas, including but not limited to gangways, passageways, retail stands, stalls

“the Trustees” means the incorporated body of Trustees of the Borough Market Southwark

### 2. Commencement and expiry

(1) These rules come into force on 8 January 2021

(2) These rules shall expire on the Expiration Date

### 3. Requirement to wear a face covering in public areas of the market

(1) No person may, without reasonable excuse, enter or remain within the public area without wearing a face covering.

(2) The requirement in paragraph (1) does not apply to —

a. a child who is under the age of 11;

b. a constable or police community support officer acting in the course of their duty;

c. an emergency responder (other than a constable) acting in their capacity as an emergency responder

(3) For the purposes of paragraph (1), the circumstances in which a person (“P”) has a reasonable excuse include those where—

(a) P cannot put on, wear or remove a face covering—

(i) because of any physical or mental illness or impairment, or disability (within the meaning of section 6 of the Equality Act 2010), or

(ii) without severe distress;

(b) P is accompanying, or providing assistance to, another person (“B”) and B relies on lip reading to communicate with P;

(c) P removes their face covering to avoid harm or injury, or the risk of harm or injury, to themselves or others;

(d) P is entering or within the public area to avoid injury, or to escape a risk of harm, and does not have a face covering with them;

(e) P has to remove their face covering to take medication;

(f) a market officer requires that P remove their face covering in order to verify P’s identity

### 4. Prohibition on the consumption of food or beverages in the public area

(a) No person may consume any food or beverage in the public area.

(b) No person may form part of any gathering of two or more persons in the public area, one or more of whom is in breach of rule 4(a).

### 5. Compliance with Covid-19 Regulations and Market Covid Policy

Any person within the public area must comply with Covid-19 Regulations and Market Covid Policy but in the event of any inconsistency between any Covid-19 Regulation and Market Covid Policy the Covid-19 Regulation will prevail.

### 6. Enforcement

(1) Where a market officer reasonably believes or suspects that a person is breaching, has breached or is about to breach these rules such an officer may:

(a) deny that person entry to the Market or any part thereof; and/or

(b) require that person immediately to leave the Market or any part thereof.

(2) Without prejudice to the power in rule 6(1) where a market officer reasonably believes or suspects that a person is breaching, has breached or is about to breach these rules such an officer may direct such a person to take immediate remedial action including but not limited to:

(a) to wear a face covering;

(b) to cease the consumption of any food or beverage;

(c) to move away from any gathering.

(3) A person who fails to comply with a direction under rules 6(1) or 6(2) a Market Officer must:

(a) upon being required to do so by a market officer provide their name and address together with such documentary evidence of their identity as the market officer may consider reasonable; and/or

(b) pay a fixed penalty in such amount as the Trustees may determine from time to time and demanded in a fixed penalty notice in such form as the Trustees may prescribe.

(4) Without prejudice to any other provision of these rules, if a person fails to comply with a direction under rules 6(1) or 6(2) a market officer may:


(a) caution such a person orally and/or in writing as to their future compliance with these rules; and/or

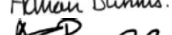
(b) indicate to that person that a report will be made to the Trustees and/or the Police with a view to prosecution.


### 7. Exclusion

A person who is persistently or seriously in breach of these rules may be given notice by the Trustees excluding them from the Market or the public area for such period as may be specified. A person who breaches the terms of such an exclusion notice will thereby be in further breach of these rules. Any exclusion notice will set out a fair process by which an exclusion may be reconsidered by the Trustees or as directed by them.

Dated: 8 January 2021

 Chairman

 Trustee

 D Henaghan Superintendent and Clerk

<sup>i</sup> Statute 10<sup>th</sup> George IV<sup>th</sup> Cap. cxix

