
STATUTORY INSTRUMENTS

2020 No. 921

**The Health Protection (Coronavirus,
Restrictions) (Greencore) Regulations 2020**

PART 3

Enforcement

Enforcement of requirement to self-isolate

6.—(1) Where an authorised person has reasonable grounds to believe that a person (“P”) has left, or is outside of, the place where P is self-isolating in contravention of regulation 4, the authorised person may—

- (a) direct P to return to the place where P is self-isolating;
- (b) remove P to the place where P is self-isolating.

(2) An authorised person exercising the power in paragraph (1)(b) may use reasonable force, if necessary, in the exercise of the power.

(3) Where P is a child and has left, or is outside of, the place where they are self-isolating and accompanied by an individual who has responsibility for them—

- (a) an authorised person may direct that individual to take P to the place where P is self-isolating; and
- (b) that individual must, so far as reasonably practicable, ensure that P complies with any direction given by an authorised person to P.

(4) Where P is a child, and an authorised person has reasonable grounds to believe that P is repeatedly failing to comply with regulation 4, the authorised person may direct any individual who has responsibility for P to ensure, so far as reasonably practicable, that P so complies.

(5) An authorised person may only exercise a power in paragraph (1), (3) or (4) if the authorised person considers that it is a necessary and proportionate means of ensuring compliance with regulation 4.

(6) For the purposes of this regulation—

- (a) “authorised person” means—
 - (i) a constable; or
 - (ii) a person designated by the Secretary of State for the purposes of this regulation; and
- (b) an individual has responsibility for a child if the individual—
 - (i) has custody or charge of the child for the time being; or
 - (ii) has parental responsibility for the child, and for these purposes, “parental responsibility” has the meaning given in section 3 of the Children Act 1989⁽¹⁾.

Offences and penalties

- 7.—(1) A person who—
- (a) contravenes a requirement in regulation 4 or 5; or
 - (b) without reasonable excuse contravenes a requirement in or imposed under regulation 6,
- commits an offence.
- (2) A person who, without reasonable excuse, wilfully obstructs any person carrying out a function under these Regulations commits an offence.
- (3) An offence under these Regulations is punishable on summary conviction by a fine.
- (4) Section 24 of the Police and Criminal Evidence Act 1984⁽²⁾ applies in relation to an offence under this regulation as if the reasons in subsection (5) of that section included—
- (a) to maintain public health;
 - (b) to maintain public order.

Fixed penalty notices

- 8.—(1) An authorised person may issue a fixed penalty notice to anyone that the authorised person has reasonable grounds to believe—
- (a) has committed an offence under these Regulations; and
 - (b) is aged 18 or over.
- (2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to an officer designated by the Secretary of State for the purposes of this regulation (“the designated officer”) specified in the notice.
- (3) Where the person is issued with a notice under this regulation in respect of an offence—
- (a) no proceedings may be taken for the offence before the end of the period of 28 days following the date of the notice;
 - (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- (4) A fixed penalty notice must—
- (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;
 - (b) state the period during which (because of paragraph (3)(a)) proceedings will not be taken for the offence;
 - (c) specify the amount of the fixed penalty;
 - (d) state the name and address of the person to whom the fixed penalty may be paid; and
 - (e) specify permissible methods of payment.
- (5) Where the fixed penalty notice is issued in respect of an offence described in regulation 7(1), then the amount specified under paragraph (4)(c) must be £100.
- (6) Where the fixed penalty notice is issued in respect of an offence described in regulation 7(2), where the person is believed to have wilfully obstructed any person carrying out a function under these Regulations, then the amount specified under paragraph (4)(c) must be £1000.
- (7) Whatever other method may be specified under paragraph (4)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (4)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(2) 1984 c. 60. Section 24 was substituted by section 110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).

(8) Where a letter is sent as described in paragraph (7), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(9) In any proceedings, a certificate that—

- (a) purports to be signed by or on behalf of the designated officer; and
- (b) states that the payment of a fixed penalty notice was, or was not, received by the date specified in the certificate,

is evidence of the facts stated.

(10) For the purposes of this regulation, “authorised person” means—

- (a) a constable; or
- (b) a person designated by the Secretary of State for the purposes of this regulation.

Prosecutions

9. Proceedings for an offence under these Regulations may be brought by the Crown Prosecution Service and any person designated by the Secretary of State.

Continuity of designation

10.—(1) A person who on the coming into force of these Regulations is designated by the Secretary of State or a local authority for the purposes of regulation 9(3)(b) of the Health Protection (Coronavirus, Restrictions) (No.2) (England) Regulations 2020⁽³⁾ is to be treated as if they were designated by the Secretary of State under regulation 8(2) of these Regulations.

(2) A person who on the coming into force of these Regulations is designated by the Secretary of State for the purposes of regulation 10 of the Health Protection (Coronavirus, Restrictions) (No.2) (England) Regulations 2020 is to be treated as if they were designated by the Secretary of State under regulation 9 of these Regulations.

(3) S.I. 2020/684, as amended by S.I. 2020/719, 2020/750, 2020/788, 2020/800, 2020/822, 2020/824, 2020/828, 2020/863 and 2020/865.