

---

STATUTORY INSTRUMENTS

---

**2020 No. 1045**

**The Health Protection (Coronavirus, Restrictions)  
(Self-Isolation) (England) Regulations 2020**

**PART 3**

**Enforcement**

**10.**—(1) Where an authorised person considers that P is away from the place that they are self-isolating in contravention of regulation 2, the authorised person may—

- (a) direct P to return to the place where they are self-isolating, or
- (b) remove P to the place that they are self-isolating.

(2) An authorised person exercising the power in paragraph (1)(b) may use reasonable force, if necessary, in 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 is accompanied by R—

- (a) an authorised person may direct R to take P to the place where P is self-isolating; and
- (b) R 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 2, the authorised person may direct R 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 2.

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

- (a) a constable,
- (b) a police community support officer,
- (c) a person designated by the Secretary of State for the purposes of this regulation,
- (d) an officer designated by the relevant local authority for the purposes of this regulation.

**Offences**

**11.**—(1) A person who contravenes a requirement in regulations 2, 7, 8 or 9 without reasonable excuse commits an offence.

(2) A person who contravenes a requirement to self-isolate under regulation 2 without reasonable excuse and in doing so—

- (a) has reason to believe they will come into close contact with another person or group;
- (b) does then come into close contact with another person or group;

- (c) is reckless as to the consequences of that close contact for the health of that other person or group;  
commits an offence.
- (3) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations, including any person who is an authorised person for the purposes of regulation 10 commits an offence.
- (4) A person who, without reasonable excuse, contravenes a requirement in or imposed by, regulation 10 commits an offence.
- (5) An offence under these Regulations is punishable on summary conviction by a fine.
- (6) Section 24 of the Police and Criminal Evidence Act 1984 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.
- (7) A person who knowingly—
  - (a) gives false information pursuant to regulation 2(2)(a)(ii), (b), (c)(ii) or (d); or
  - (b) falsely states, when asked by a person specified for the purpose of regulation 2(4), to that person that someone is a close contact of a person who has tested positive for coronavirus,commits an offence.
- (8) If an offence under this regulation committed by a body corporate is proved—
  - (a) to have been committed with the consent or connivance of an officer of the body, or
  - (b) to be attributable to any neglect on the part of such an officer,the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.
- (9) In paragraph (8), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.
- (10) In paragraph (2), “close contact” has the same meaning as in Part 1 of these Regulations.

### **Fixed penalty notices**

- 12.—**(1) An authorised person may issue a fixed penalty notice to anyone that the authorised person reasonably believes has committed an offence under these Regulations.
- (2) If a 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 beginning with the day after 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.
  - (3) 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 (2)(a)) proceedings will not be taken for the offence,
    - (c) specify the amount of the fixed penalty (as to which, see paragraphs (4) to (8)),
    - (d) state the name and address of the person to whom the fixed penalty may be paid, and
    - (e) specify permissible methods of payment.

(4) Subject to paragraph (5), where a fixed penalty notice is issued in respect of offences described in regulation 11(1), of contravening, without reasonable excuse, a requirement in regulation 2 or regulation 11(7)—

- (a) if the fixed penalty notice is the first issued to the person under these Regulations, the amount of the fixed penalty notice is £1,000,
- (b) if it is the second fixed penalty notice so issued, £2,000,
- (c) if it is the third fixed penalty notice so issued, £4,000,
- (d) if it is the fourth fixed penalty notice so issued, and for any subsequent fixed penalty notice so issued, £10,000.

(5) For an offence under regulation 11(2), the amount of the fixed penalty notice is—

- (a) if the fixed penalty notice is the first issued to the person, £4,000,
- (b) if it is the second or subsequent fixed penalty notice so issued, £10,000.

(6) Where a fixed penalty notice is issued in respect of offences described in regulation 11(1) or 11(8) of contravening, without reasonable excuse, a requirement in regulation 7—

- (a) if the fixed penalty notice is the first issued to the person for contravening, without reasonable excuse, a requirement in regulation 7, the amount of the fixed penalty is £1,000.
- (b) if the fixed penalty notice is the second fixed penalty notice issued to the person for contravening, without reasonable excuse, a requirement in regulation 7, the amount of the fixed penalty is £2,000.
- (c) if the fixed penalty notice is the third fixed penalty notice issued to the person for contravening, without reasonable excuse, a requirement in regulation 7, the amount of the fixed penalty is £4,000.
- (d) if the fixed penalty notice is the fourth or a subsequent fixed penalty notice issued to the person for contravening, without reasonable excuse, a requirement in regulation 7, the amount of the fixed penalty is £10,000.

(7) Where a fixed penalty notice is issued in respect of offences described in regulation 11(1) or 11(8) of contravening, without reasonable excuse, a requirement in regulation 8 or 9(2), the amount of the fixed penalty is £50.

(8) Where a fixed penalty notice is issued in respect of offences described in regulation 11(1) or 11(8) of contravening, without reasonable excuse, a requirement in regulation 9(4) or 9(6), the amount of the fixed penalty is £1,000.

(9) Whatever other method may be specified under paragraph (3)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (3)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(10) If a letter is sent as mentioned in paragraph (9), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(11) In any proceedings, a certificate that—

- (a) purports to be signed by or on behalf of—
  - (i) the person with responsibility for the local authority's financial affairs of the local authority to which payment is made, or
  - (ii) the designated officer where payment is made to that officer, and
- (b) states that the payment of a fixed penalty was, or was not, received by the date specified in the certificate,

is evidence of the fact stated.

(12) In this regulation—

“authorised person” means—

- (a) a constable;
- (b) a police community support officer;
- (c) a person designated by the Secretary of State for the purposes of this regulation;
- (d) an officer designated by the relevant local authority for the purposes of this regulation;

“designated officer” means an officer designated by the Secretary of State, or by the relevant local authority, for the purposes of this this regulation;

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—

- (a) the relevant local authority, or
- (b) the designated officer;

“the relevant local authority” means the local authority, (or as the case may be, any of the local authorities), in whose area an offence under these Regulations is alleged to have been committed.

### **Prosecutions**

**13.** Proceedings for an offence under these Regulations may be brought by a local authority or the Crown Prosecution Service.

### **Power to use and disclose information**

**14.—(1)** A person referred to in regulation 2(4) may disclose the information described in paragraph (2) (“relevant information”), to any person (H) for the purposes of—

- (a) carrying out a function under these Regulations, or
- (b) preventing danger to the health of the public as a result of the spread of infection or contamination with coronavirus or coronavirus disease.

(2) The relevant information referred to in paragraph (1) is—

- (a) where an individual is required to self-isolate under regulation 2—
  - (i) contact details of that individual,
  - (ii) the date that individual received a notification under regulation 2,
  - (iii) the particular period in respect of which that individual is required to self-isolate calculated in accordance with regulation 3,
  - (iv) details of any notices issued or contemplated under regulation 12, or proceedings taken under regulation 13 in respect of that individual.

for the purposes of this regulation “contact details” means the name, address and where available, the telephone number of the individual.

- (b) confirmation an individual is not required to self-isolate under regulation 2.

(3) H may only use relevant information disclosed under paragraph (1) where it is necessary—

- (a) for the purpose of carrying out a function under these Regulations,
- (b) for the purpose of—
  - (i) preventing danger to the health of the public as a result of the spread of infection or contamination with coronavirus or coronavirus disease,
  - (ii) monitoring the spread of infection or contamination with coronavirus or coronavirus disease, or

- (c) for a purpose connected with, or otherwise incidental to, a purpose described in subparagraph (a) or (b).
- (4) Subject to paragraph (6), H may only disclose relevant information to another person (the “recipient”) where it is necessary for the recipient to have that information—
  - (a) for the purpose of carrying out a function of the recipient under these Regulations,
  - (b) for the purpose of preventing danger to the health of the public as a result of the spread of infection or contamination with coronavirus or coronavirus disease, or
  - (c) for a purpose connected with, or otherwise incidental to, a purpose described in subparagraph (a) or (b).
- (5) Subject to paragraph (7), disclosure which is authorised by this regulation does not breach—
  - (a) an obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (6) This regulation does not limit the circumstances in which information may otherwise lawfully be disclosed under any other enactment or rule of law.
- (7) Nothing in this regulation authorises the use or disclosure of personal data where doing so contravenes the data protection legislation.
- (8) For the purposes of this regulation—
  - (a) “data protection legislation” and “personal data” have the same meanings as in section 3 of the Data Protection Act 2018;
  - (b) “coronavirus disease” means COVID-19 (the official designation of the disease which can be caused by coronavirus).

### **Self-incrimination**

- 15.**—(1) Information notified to the Secretary of State in accordance with regulation 2 may be used in evidence against the person, subject to paragraphs (2) to (4).
- (2) In criminal proceedings against the person—
    - (a) no evidence relating to the information may be adduced by or on behalf of the prosecution, and
    - (b) no question relating to the information may be asked by or on behalf of the prosecution.
  - (3) Paragraph (2) does not apply if the proceedings are for—
    - (a) an offence under these Regulations, or
    - (b) an offence under section 5 of the Perjury Act 1911<sup>(1)</sup> (false statements made otherwise than on oath).
  - (4) Paragraph (2) does not apply if, in the proceedings—
    - (a) evidence relating to the information is adduced by or on behalf of the person who provided it, or
    - (b) a question relating to the information is asked by or on behalf of that person.

### **Review and expiry**

- 16.**—(1) The Secretary of State must review the need for the requirements imposed by these Regulations before the end of the period of six months beginning with the day on which they come fully into force.

---

(1) 1911 c. 6. Section 5 was amended by section 1(2) of the Criminal Justice Act 1948 (c. 58).

(2) These Regulations expire at the end of the period of 12 months beginning with the day on which they come into force.

(3) This regulation does not affect the validity of anything done pursuant to these Regulations before they expire.

### **Designations**

**17.** A person who is designated for the purposes of regulation 9(13) or 10 of the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020<sup>(2)</sup> is to be treated as if they were designated for the purposes of regulations 10(6) and 12(12) of these Regulations.

---

(2) S.I. 2020/684, amended by S.I. 2020/719, 2020/750, 2020/788, 2020/800, 2020/824, 2020/828, 2020/974, 2020/986.