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STATUTORY INSTRUMENTS

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**2020 No. 684**

**The Health Protection (Coronavirus,  
Restrictions) (No. 2) (England) Regulations 2020**

**Fixed penalty notices**

9.—(1) An authorised person may issue a fixed penalty notice to anyone that the authorised person reasonably believes—

- (a) has committed an offence under these Regulations; [<sup>F1</sup>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 authority specified in the notice.

(3) The authority specified in the notice must be—

- (a) the local authority (or as the case may be, any of the local authorities) in whose area the offence is alleged to have been committed (“the relevant local authority”), or
- (b) an officer designated by the Secretary of State, or by the relevant local authority, for the purposes of this regulation (“the designated officer”).

(4) Where 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 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.

(5) 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 (4)(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;
- (e) specify permissible methods of payment.

[<sup>F2</sup>(6) The amount specified under paragraph (5)(c)—

- (a) where the notice is issued in respect of the offence described in regulation 8(1) of contravening, without reasonable excuse, a restriction in regulation 5A or 5B, must be £10,000;
- (b) where the notice is issued in respect of any other offence, must, subject to paragraphs (7) and (8), be £100.]

(7) Unless paragraph (8) applies, a fixed penalty notice [<sup>F3</sup>of a type mentioned in paragraph (6) (b)] must specify that if £50 is paid before the end of the period of 14 days following the date of the notice that is the amount of the fixed penalty.

*Status: Point in time view as at 28/08/2020. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, Section 9. (See end of Document for details)*

(8) If the person to whom a fixed penalty notice [<sup>F4</sup>of a type mentioned in paragraph (6)(b)] is given has already received a fixed penalty notice under these Regulations [<sup>F5</sup>(other than a fixed penalty notice to which paragraph (8A) applies)] [<sup>F6</sup>or the Regulations referred to in paragraph (9)]—

- (a) paragraph (7) does not apply, and
- (b) the amount specified as the fixed penalty is to be—
  - (i) in the case of the second fixed penalty notice received, £200;
  - (ii) in the case of the third fixed penalty notice received, £400;
  - (iii) in the case of the fourth fixed penalty notice received, £800;
  - (iv) in the case of the fifth fixed penalty notice received, £1,600;
  - (v) in the case of the sixth and subsequent fixed penalty notices, £3,200.

[<sup>F7</sup>(8A) This paragraph applies to a fixed penalty notice if it is issued under this regulation in respect of the offence, described in regulation 8(1), of contravening, without reasonable excuse, a restriction in regulation 5A or 5B.]

[<sup>F8</sup>(9) In determining how many fixed penalty notices a person has received, fixed penalty notices issued to that person under the following Regulations are also to be taken into account—

- (a) the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020,
- (b) the Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020,
- (c) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020, <sup>F9</sup>...
- (d) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Luton) Regulations 2020 [<sup>F10</sup>, <sup>F11</sup> ...
- (e) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020.]

[<sup>F12</sup>(f) the Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020.]

[<sup>F13</sup>(g) the Health Protection (Coronavirus, Restrictions <sup>F14</sup>...) (North of England) Regulations 2020.]]

(10) Whatever other method may be specified under paragraph (5)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (5)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

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

(12) In any proceedings, a certificate—

- (a) that purports to be signed by or on behalf of—
  - (i) the chief finance officer of the relevant local authority, where the authority to which payment is made is a local authority, or
  - (ii) the designated officer, where that officer is the authority to which payment is made; 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 facts stated.

(13) In this regulation—

- (a) “authorised person” means—
  - (i) a constable;

- (ii) a police community support officer;
  - (iii) a person designated by the Secretary of State for the purposes of this regulation;
  - (iv) subject to paragraph (14), a person designated by the relevant local authority for the purposes of this regulation;
- (b) a “chief finance officer”, in relation to a local authority, means the person with responsibility for the authority's financial affairs.

(14) The relevant local authority may only designate a person for the purposes of this regulation to issue fixed penalty notices where the alleged offence relates to the contravention of a requirement or restriction in regulation 4 or the obstruction under regulation 8(2) of a person carrying out a function under regulation 7.

- F1** Word in reg. 9(1)(a) inserted (25.7.2020) by The Health Protection (Coronavirus, Restrictions) (No. 2) (England) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/788), regs. 1(2), **2(6)**
- F2** Reg. 9(6) substituted (28.8.2020) by The Health Protection (Coronavirus) (Restrictions on Holding of Gatherings and Amendment) (England) Regulations 2020 (S.I. 2020/907), regs. 1(2), **2(5)(a)**
- F3** Words in reg. 9(7) inserted (28.8.2020) by The Health Protection (Coronavirus) (Restrictions on Holding of Gatherings and Amendment) (England) Regulations 2020 (S.I. 2020/907), regs. 1(2), **2(5)(b)**
- F4** Words in reg. 9(8) inserted (28.8.2020) by The Health Protection (Coronavirus) (Restrictions on Holding of Gatherings and Amendment) (England) Regulations 2020 (S.I. 2020/907), regs. 1(2), **2(5)(c)(i)**
- F5** Words in reg. 9(8) inserted (28.8.2020) by The Health Protection (Coronavirus) (Restrictions on Holding of Gatherings and Amendment) (England) Regulations 2020 (S.I. 2020/907), regs. 1(2), **2(5)(c)(ii)**
- F6** Words in reg. 9(8) inserted (25.7.2020) by The Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Luton) Regulations 2020 (S.I. 2020/800), regs. 1(2), **9(1)(b)(i)** (with reg. 10)
- F7** Reg. 9(8A) inserted (28.8.2020) by The Health Protection (Coronavirus) (Restrictions on Holding of Gatherings and Amendment) (England) Regulations 2020 (S.I. 2020/907), regs. 1(2), **2(5)(d)**
- F8** Reg. 9(9) substituted (25.7.2020) by The Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Luton) Regulations 2020 (S.I. 2020/800), regs. 1(2), **9(1)(b)(ii)** (with reg. 10)
- F9** Word in reg. 9(9)(c) omitted (1.8.2020) by virtue of The Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020 (S.I. 2020/822), regs. 1(2), **11(1)(b)(i)** (with reg. 12)
- F10** Reg. 9(9)(e) and word inserted (1.8.2020) by The Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020 (S.I. 2020/822), regs. 1(2), **11(1)(b)(ii)** (with reg. 12)
- F11** Word in reg. 9(9)(d) omitted (3.8.2020) by virtue of The Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020 (S.I. 2020/824), regs. 1(2), **12(b)(i)** (with reg. 15)
- F12** Reg. 9(9)(f) inserted (3.8.2020) by The Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020 (S.I. 2020/824), regs. 1(2), **12(b)(ii)** (with reg. 15)
- F13** Reg. 9(9)(g) inserted (5.8.2020) by The Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) Regulations 2020 (S.I. 2020/828), regs. 1(2), **15(3)** (with reg. 19)
- F14** Words in reg. 9(9)(g) omitted (15.8.2020) by virtue of The Health Protection (Coronavirus, Restrictions on Gatherings) (North of England) (Amendment) (No. 2) Regulations 2020 (S.I. 2020/865), regs. 1, **3(b)**

#### **Commencement Information**

- II** Reg. 9 in force at 4.7.2020 at 00.01 a.m., see reg. 1(2)(b)

**Status:**

Point in time view as at 28/08/2020. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, Section 9.