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STATUTORY INSTRUMENTS

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**2021 No. 364**

**The Health Protection (Coronavirus,  
Restrictions) (Steps) (England) Regulations 2021**

**PART 5**

**Enforcement**

**Enforcement of restrictions and requirements**

**10.**—(1) A relevant person may take such action as is necessary to enforce—

- (a) any Step 1 restriction, Step 2 restriction or Step 3 restriction,
- (b) any restriction or requirement in regulation 8.

(2) Paragraph (3) applies where a relevant person considers that—

- (a) a person (“P”) is travelling to, or present at, an embarkation point for the purpose of travelling from there to a destination outside the United Kingdom, and
- (b) P is not exempt from the requirement to have a completed travel declaration form.

(3) The relevant person may direct P—

- (a) to produce the completed travel declaration form, or
- (b) if P does not have a completed travel declaration form, to complete a travel declaration form,

and the relevant person may specify a time by which the form is to be completed under subparagraph (b).

(4) Paragraph (5) applies where—

- (a) a relevant person considers that the restriction in regulation 8(1) applies in the case of a person (“P”) who is present at an embarkation point, and

(b) P either—

- (i) fails to produce the completed travel declaration form in compliance with a direction given under paragraph (3)(a), and does not complete the travel declaration form when directed to do so by a relevant person under paragraph (3)(b), or
- (ii) produces a travel declaration form which the relevant person considers does not disclose a reasonable excuse.

(5) The relevant person may direct P to leave the embarkation point without leaving the United Kingdom.

(6) A relevant person may give a prohibition notice to a person if the relevant person reasonably believes that—

- (a) the person is contravening a restriction imposed by Part 2 of Schedule 1, Part 2 of Schedule 2 or Part 2 of Schedule 3, and

- (b) it is necessary and proportionate to give the prohibition notice for the purpose of preventing that person from continuing to contravene the restriction.
- (7) Where a relevant person considers that a number of people are gathered together in contravention of a restriction imposed by paragraph 1 or 2 of Schedule 1, paragraph 1 or 2 of Schedule 2, or paragraph 1 of Schedule 3, the relevant person may—
  - (a) direct the gathering to disperse,
  - (b) direct any person in the gathering to return to the place where they are living, or
  - (c) where the relevant person is a constable, remove any person from the gathering.
- (8) A constable exercising the power in paragraph (7)(c) to remove a person from a gathering may use reasonable force, if necessary, in exercise of the power.
- (9) Where a person who is in a gathering in contravention of a restriction referred to in paragraph (7) is a child accompanied by an individual who has responsibility for the child—
  - (a) the relevant person may direct the individual to take the child to the place where the child is living, and
  - (b) that individual must, so far as reasonably practicable, ensure that the child complies with any direction or instruction given by the relevant person to the child.
- (10) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with a restriction referred to in paragraph (7) the relevant person may direct any individual who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with the restriction.
- (11) A relevant person may exercise a power under paragraph (3), (5), (7), (9) or (10) only if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with the requirement or restriction referred to in paragraph (2), (4) or (7).
- (12) A relevant person exercising a power under paragraph (3), (5), (7), (9) or (10) may give the person concerned any reasonable instructions the relevant person considers to be necessary.
- (13) For the purposes of this regulation—
  - (a) 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;
  - (b) “relevant person” means—
    - (i) a constable,
    - (ii) a police community support officer,
    - (iii) subject to paragraph (14), a person designated by a local authority for the purposes of this regulation, or
    - (iv) a person designated by the Secretary of State for the purposes of this regulation.
- (14) A local authority may designate a person for the purposes of this regulation only in relation to—
  - (a) a Step 1 restriction imposed by Part 2 of Schedule 1,
  - (b) a Step 2 restriction imposed by Part 2 of Schedule 2, or
  - (c) a Step 3 restriction imposed by Part 2 of Schedule 3.

## **Offences and penalties**

- 11.—**(1) A person commits an offence if, without reasonable excuse, the person—
- (a) contravenes a Step 1 restriction, a Step 2 restriction or a Step 3 restriction,

- (b) contravenes a restriction or requirement in regulation 8,
  - (c) contravenes a requirement imposed, or a direction given, under regulation 10,
  - (d) fails to comply with a reasonable instruction or a prohibition notice given by a relevant person under regulation 10, or
  - (e) obstructs any person carrying out a function under these Regulations (including any person who is a relevant person for the purposes of regulation 10).
- (2) A person who intentionally or recklessly provides false or misleading information on a travel declaration form, except for reasons of national security, commits an offence.
- (3) An offence under this regulation is punishable on summary conviction by a fine.
- (4) 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 corporate, 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 proceeded against and punished accordingly.
- (5) In paragraph (4) “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.
- (6) If the affairs of a body corporate are managed by its members, subsection (4) applies in relation to the acts and defaults of a member in connection with that member’s functions of management as if that member were a director of the body.
- (7) Section 24 (arrest without warrant: constable) of the Police and Criminal Evidence Act 1984<sup>(1)</sup> 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**

- 12.**—(1) An authorised person may issue a fixed penalty notice to any person that the authorised person reasonably believes—
- (a) has committed an offence under these Regulations, and
  - (b) is (in the case of an individual) 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;

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

- (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 (see regulations 13 to 17);
  - (d) state the name and address of the person to whom the fixed penalty may be paid;
  - (e) specify permissible methods of payment.
- (6) 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).
- (7) Where a letter is sent as mentioned in paragraph (6), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (8) 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) that 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.
- (9) 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 (10), a person designated by the relevant local authority for the purposes of this regulation;
  - (b) “chief finance officer”, in relation to a local authority, means the person with responsibility for the authority’s financial affairs.
- (10) 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—
  - (a) the contravention of—
    - (i) a Step 1 restriction imposed by Part 2 of Schedule 1,
    - (ii) a Step 2 restriction imposed by Part 2 of Schedule 2, or
    - (iii) a Step 3 restriction imposed by Part 2 of Schedule 3,
  - (b) the failure under regulation 11(1)(d) to comply with a prohibition notice given under regulation 10 by a relevant person designated by a local authority under paragraph (13)(b)(iii) of that regulation, or
  - (c) the obstruction under regulation 11(1)(e) of a person carrying out a function under regulation 10.

**Amount of fixed penalty: travel offences**

**13.—**(1) In the case of a fixed penalty notice issued to a person in respect of a travel offence, the amount of the fixed penalty to be specified under regulation 12(5)(c) is—

- (a) £5,000, where the offence consists of a contravention of regulation 8(1)(a);
- (b) £5,000, where the offence consists of a contravention of regulation 8(1)(b);
- (c) £200, where the offence consists of—
  - (i) a contravention of regulation 8(4),
  - (ii) failure to comply with a direction given under regulation 10(3) or (5),
  - (iii) a contravention of regulation 11(2).

(2) In this regulation, “travel offence” means an offence under—

- (a) regulation 11(1)(b) of contravening a restriction or requirement imposed by regulation 8,
- (b) regulation 11(1)(c) of contravening a direction given under regulation 10(3) or (5), or
- (c) regulation 11(2).

**Amount of fixed penalty: large gathering offences**

**14.—**(1) In the case of a fixed penalty notice issued to a person in respect of a large gathering offence, the amount of the fixed penalty to be specified under regulation 12(5)(c) is as follows—

- (a) if the fixed penalty notice is the first one issued to the person in respect of a large gathering offence, the amount is—
  - (i) £400, if the amount is paid before the end of the period of 14 days following the date of the notice;
  - (ii) otherwise, £800;
- (b) if the fixed penalty notice is not the first one issued to the person in respect of a large gathering offence, the amount is—
  - (i) £1,600, if it is the second fixed penalty notice so issued;
  - (ii) £3,200, if it is the third fixed penalty notice so issued;
  - (iii) £6,400, if it is the fourth or any subsequent fixed penalty notice so issued.

(2) In determining how many fixed penalty notices have been issued to a person for the purposes of paragraph (1), a fixed penalty notice issued to a person under the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 is to be taken into account, if the notice was issued to the person in respect of a large gathering offence, as defined by regulation 12(3B) of those Regulations.

(3) In this regulation, except in paragraph (2), a “large gathering offence” means an offence under regulation 11(1)(a) of contravening a gathering restriction, where the contravention consists of participation in a gathering which—

- (a) consists of more than 15 people, and
- (b) takes place indoors—
  - (i) in a private dwelling,
  - (ii) in educational accommodation, or
  - (iii) any other place indoors if the gathering would be a gathering of the kind mentioned in section 63(1) of the Criminal Justice and Public Order Act 1994<sup>(2)</sup> (powers to

(2) 1994 c. 33. Section 63 was amended by section 58 of the Anti-social Behaviour Act 2003 (c. 38), paragraph 111 of Schedule 6 to the Licensing Act 2003 (c. 17), and Schedule 17 to the Serious Organised Crime and Police Act 2005 (c. 15).

remove persons attending or preparing for a rave) if it consisted of more than 20 people and took place in the open air.

- (4) In paragraph (3), a “gathering restriction” means—
- (a) a Step 1 restriction imposed by paragraph 1 or 2 of Schedule 1,
  - (b) a Step 2 restriction imposed by paragraph 1 or 2 of Schedule 2, or
  - (c) a Step 3 restriction imposed by paragraph 1 of Schedule 3.

#### **Amount of fixed penalty: organised gathering offences**

**15.** In the case of a fixed penalty notice issued to a person in respect of an offence under regulation 11(1)(a) of contravening—

- (a) the Step 1 restriction imposed by paragraph 3 of Schedule 1,
- (b) the Step 2 restriction imposed by paragraph 3 of Schedule 2, or
- (c) the Step 3 restriction imposed by paragraph 2 of Schedule 3,

the amount of the fixed penalty to be specified under regulation 12(5)(c) is £10,000.

#### **Amount of fixed penalty: business restriction offences**

**16.—**(1) In the case of a fixed penalty notice issued to a person in respect of a business restriction offence, the amount of the fixed penalty to be specified under regulation 12(5)(c) is—

- (a) £1,000, if the fixed penalty notice is the first one issued to the person in respect of a business restriction offence;
- (b) £2,000, if the fixed penalty notice is the second one issued to the person in respect of a business restriction offence;
- (c) £4,000, if the fixed penalty notice is the third one issued to the person in respect of a business restriction offence;
- (d) £10,000, if the fixed penalty notice is the fourth one, or any subsequent one, issued to the person in respect of a business restriction offence.

(2) In determining how many fixed penalty notices have been issued to a person for the purposes of paragraph (1), a fixed penalty notice issued to the person under the following Regulations is to be treated as if it were issued in respect of a business restriction offence—

- (a) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020(3), if the notice was issued to the person in respect of a business restriction offence as defined by regulation 12(7) of those Regulations;
- (b) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020(4), if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations;
- (c) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020(5), if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations;
- (d) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020(6), if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations;

(3) S.I. 2020/1374, amended by S.I. 2020/1518, 1533, 1572, 1611, 1646, 1654, and S.I. 2021/8, 53, 97, 247.

(4) S.I. 2020/1103, which was revoked by S.I. 2020/1200, with savings.

(5) S.I. 2020/1104, which was revoked by S.I. 2020/1200, with savings.

(6) S.I. 2020/1105, which was revoked by S.I. 2020/1200, with savings.

- (e) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020(7), if the notice was issued to the person in respect of an offence of contravening regulation 4A or 4B of those Regulations;
  - (f) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020(8), if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 14(7D) of those Regulations, committed on or after 14th October 2020;
  - (g) the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020(9), if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 21(12) of those Regulations;
  - (h) the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020(10);
  - (i) the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020(11).
- (3) In this regulation, unless otherwise specified “business restriction offence” means—
- (a) an offence under regulation 11(1)(a) of contravening—
    - (i) a Step 1 restriction imposed by Part 2 of Schedule 1;
    - (ii) a Step 2 restriction imposed by Part 2 of Schedule 2;
    - (iii) a Step 3 restriction imposed by Part 2 of Schedule 3;
  - (b) an offence under regulation 11(1)(d) of failing to comply with a prohibition notice given under regulation 10.

#### **Amount of fixed penalty: general offences**

**17.—**(1) Except in the cases mentioned in regulations 13 to 16, the amount of the fixed penalty to be specified under regulation 12(5)(c) is as follows—

- (a) if the fixed penalty notice is the first one issued to the person under a relevant enactment, the amount is—
    - (i) £100, if the amount is paid before the end of the period of 14 days following the date of the notice;
    - (ii) otherwise, £200;
  - (b) if the fixed penalty notice is not the first one issued to the person under a relevant enactment, the amount is—
    - (i) £400, if it is the second fixed penalty notice so issued;
    - (ii) £800, if it is the third fixed penalty notice so issued;
    - (iii) £1,600, if it is the fourth fixed penalty notice so issued;
    - (iv) £3,200, if it is the fifth fixed penalty notice so issued;
    - (v) £6,400, if it is the sixth or any subsequent fixed penalty notice so issued.
- (2) In this regulation, “relevant enactment” means—
- (a) these Regulations;
  - (b) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020;

(7) S.I. 2020/684, as amended by S.I. 2020/719, 750, 788, 800, 822, 824, 828, 863, 865, 907, 974, 986, 988, 1010, 1019, 1029, 1046, 1057, 1103, 1104, 1105 and 1200.

(8) S.I. 2020/750, as amended by S.I. 2020/800, 822, 824, 828, 865, 907, 974, 988, 1010, 1019, 1103 and 1200.

(9) S.I. 2020/1200, amended by S.I. 2020/1242 and 1326.

(10) S.I. 2020/1005, as amended by S.I. 2020/1045 and 1046.

(11) S.I. 2020/1008, as amended by S.I. 2020/1045, 1046 and 1074.



- (c) the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020;
- (d) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020;
- (e) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020;
- (f) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020;
- (g) the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020<sup>(12)</sup>;
- (h) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020;
- (i) the Health Protection (Coronavirus, Restrictions) (Leicester) Regulations 2020<sup>(13)</sup>;
- (j) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020;
- (k) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Luton) Regulations 2020<sup>(14)</sup>;
- (l) the Health Protection (Coronavirus, Restrictions) (Blackburn with Darwen and Bradford) Regulations 2020<sup>(15)</sup>;
- (m) the Health Protection (Coronavirus, Restrictions) (Leicester) (No. 2) Regulations 2020<sup>(16)</sup>;
- (n) the Health Protection (Coronavirus, Restrictions) (North of England) Regulations 2020<sup>(17)</sup>;
- (o) the Health Protection (Coronavirus, Restrictions) (Bolton) Regulations 2020<sup>(18)</sup>;
- (p) the Health Protection (Coronavirus, Restrictions) (Birmingham, Sandwell and Solihull) Regulations 2020<sup>(19)</sup>;
- (q) the Health Protection (Coronavirus, Restrictions) (North East and North West of England) Regulations 2020<sup>(20)</sup>.

(3) For the purposes of determining how many fixed penalty notices have been issued to a person under a relevant enactment, no account is to be taken of any fixed penalty notice issued to the person under—

- (a) these Regulations, if the notice was issued to the person in respect of a travel offence, as defined in regulation 13(2);
- (b) these Regulations, if the notice was issued to the person in respect of a business restriction offence, as defined in regulation 16(3), or an offence of contravening—
  - (i) the Step 1 restriction imposed by paragraph 3 of Schedule 1,
  - (ii) the Step 2 restriction imposed by paragraph 3 of Schedule 2, or
  - (iii) the Step 3 restriction imposed by paragraph 2 of Schedule 3;
- (c) these Regulations, if the notice was issued to the person in respect of a large gathering offence, as defined in regulation 14(3);

<sup>(12)</sup> S.I. 2020/350, which was revoked by S.I. 2020/684, with savings.

<sup>(13)</sup> S.I. 2020/685, which was revoked by S.I. 2020/824, with savings.

<sup>(14)</sup> S.I. 2020/800, which was revoked by S.I. 2020/822, with savings.

<sup>(15)</sup> S.I. 2020/822, which was revoked by S.I. 2020/1019, with savings.

<sup>(16)</sup> S.I. 2020/824, which was revoked by S.I. 2020/1104, save for regulation 2.

<sup>(17)</sup> S.I. 2020/828, which was revoked by S.I. 2020/1104, with savings.

<sup>(18)</sup> S.I. 2020/974, which was revoked by S.I. 2020/1074.

<sup>(19)</sup> S.I. 2020/988, which was revoked by S.I. 2020/1104, with savings.

<sup>(20)</sup> S.I. 2020/1010, which was revoked by S.I. 2020/1104 with savings.



- (d) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 12(7) of those Regulations, or an offence of contravening—
  - (i) a Tier 1 restriction imposed by paragraph 2 of Schedule 1 to those Regulations,
  - (ii) a Tier 2 restriction imposed by paragraph 3 of Schedule 2 to those Regulations,
  - (iii) a Tier 3 restriction imposed by paragraph 3 of Schedule 3 to those Regulations, or
  - (iv) a Tier 4 restriction imposed by paragraph 5 of Schedule 3A to those Regulations;
- (e) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, if the notice was issued to the person in respect of a large gathering offence, as defined by regulation 12(3B) of those Regulations;
- (f) the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, if the notice was issued to the person in respect of a travel declaration offence, as defined by regulation 12(8) of those Regulations;
- (g) the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 21(12) of those Regulations or an offence of contravening a restriction or requirement imposed by regulation 10 of those Regulations;
- (h) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations or an offence of contravening a restriction or requirement imposed by paragraph 2 of Schedule 1 to those Regulations;
- (i) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations or an offence of contravening a restriction or requirement imposed by paragraph 3 of Schedule 1 to those Regulations;
- (j) the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations or an offence of contravening a restriction or requirement imposed by paragraph 3 of Schedule 1 to those Regulations;
- (k) the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, if the notice was issued to the person in respect of an offence of contravening a restriction or requirement imposed by regulation 4A, 4B, 5A or 5B of those Regulations;
- (l) the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 14(7D)(21) of those Regulations, committed on or after 14th October 2020.

## Prosecutions

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

## Self-incrimination

**19.—(1)** Information provided by a person in accordance with regulation 8 may be used in evidence against the person, subject to paragraphs (2) to (4).

(2) In criminal proceedings against the person—

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(21) Regulation 14(7D) was inserted by [S.I. 2020/1103](#).

- (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 an offence under these Regulations.
- (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.