
STATUTORY INSTRUMENTS

2021 No. 364

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

PART 5

Enforcement

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;
- (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.