
STATUTORY INSTRUMENTS

2021 No. 38

The Health Protection (Coronavirus, Pre-Departure Testing and Operator Liability) (England) (Amendment) Regulations 2021

PART 2

Operator liability in respect of arrivals

Fixed penalty notices

9.—(1) An authorised person may issue a fixed penalty notice to any operator who the authorised person reasonably believes has committed an offence under regulation 8(1).

(2) A fixed penalty notice is a notice offering the operator to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the authorised person specified in the notice.

(3) Where an operator is issued with a notice under paragraph (1) 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 operator may not be convicted of the offence if the operator 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, including the name of the relevant passenger;
- (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) if the fixed penalty notice relates to an offence under regulation 8(1)(a), inform the operator of the defence described in regulation 8(3) and that no proceedings will be taken for that offence if satisfactory evidence that that defence applies is provided to the authorised person specified in the notice before the end of the period of 28 days following the date of the notice; and
- (e) state the name and address of the authorised person to whom payment of the fixed penalty is to be made or evidence of the defence described in regulation 8(3) is to be provided.

(5) The amount of the fixed penalty for the purposes of paragraph (4)(c) is £2,000.

(6) In any proceedings, a certificate that—

- (a) purports to be signed on behalf of the authorised person; and
- (b) states that—
 - (i) the payment of a fixed penalty, or
 - (ii) satisfactory evidence of a defence under regulation 8(3), if relevant,

was not received by the date specified in the certificate,
is evidence of the facts stated.