

---

## STATUTORY INSTRUMENTS

---

### 2023 No. 2

## The Health Protection (Coronavirus, International Travel from China) (England) Regulations 2023

### PART 4

#### Enforcement and expiry

#### Offences and penalties

- 8.—(1) A person commits an offence if they fail to comply with a requirement in regulation 3.
- (2) An operator commits an offence if it fails to comply with a requirement in—
- (a) regulation 6;
  - (b) regulation 7.
- (3) An offence under—
- (a) paragraph (1) is punishable on summary conviction by a fine;
  - (b) paragraph (2) is punishable on summary conviction by a fine not exceeding level 4 on the standard scale.

---

#### Commencement Information

- II** Reg. 8 in force at 5.1.2023 at 4.00 a.m., see [reg. 1\(2\)](#)

#### Fixed penalty notices

- 9.—(1) An authorised person may issue a fixed penalty notice to any person whom the authorised person reasonably believes—
- (a) has committed an offence under regulation 8, and
  - (b) if an individual, 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 the designated officer.
- (3) 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.
- (4) 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 (3)(a)) proceedings will not be taken for the offence,
  - (c) specify the amount of the fixed penalty in accordance with paragraphs (5) and (6),
  - (d) state the name and address of the person to whom the fixed penalty may be paid, and
  - (e) specify permissible methods of payment.
- (5) In the case of—
- (a) an offence under regulation 8(1)—
    - (i) the amount of the first fixed penalty notice is £500;
    - (ii) the amount of the second fixed penalty notice is £1,000;
    - (iii) the amount of the third fixed penalty notice is £2,000;
    - (iv) the amount of the fourth fixed penalty notice is £4,000;
  - (b) an offence under regulation 8(2), the amount of the fixed penalty notice is £4,000.
- (6) If—
- (a) the fixed penalty notice is the first one issued to the person, and
  - (b) the amount is paid before the end of the period of 14 days following the date of the notice,
- the amount of the fixed penalty is 50% of the amount that is otherwise specified in paragraph (5).
- (7) Whatever other method may be specified under paragraph (4)(e), payment of a fixed penalty may be made in respect to an offence under regulation 8(1) by pre-paying and posting to the person whose name is stated under paragraph (4)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).
- (8) Where a letter is sent as described in paragraph (7), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (9) Where—
- (a) a fixed penalty notice has been issued in respect of an offence under regulation 8(2) and paid in accordance with this regulation, and
  - (b) the breach of the requirements amounting to the offence in respect of which the fixed penalty notice was issued continues,
- an authorised person may issue another fixed penalty notice in relation to the offence.
- (10) In any proceedings, a certificate that—
- (a) purports to be signed by or on behalf of the designated 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 facts stated.
- (11) In this regulation—
- “authorised person” means—
- (a) in relation to an offence under regulation 8(1)—
    - (i) a constable;
    - (ii) an immigration officer;
  - (b) in relation to an offence under regulation 8(2), the Civil Aviation Authority;
- “the designated officer” means—
- (a) in relation to an offence under regulation 8(1), an officer designated by the Secretary of State for the purposes of this regulation;

- (b) in relation to an offence under regulation 8(2), the authorised person.

---

**Commencement Information**

**I2** Reg. 9 in force at 5.1.2023 at 4.00 a.m., see [reg. 1\(2\)](#)

**Prosecutions**

**10.** Proceedings for an offence under—

- (a) regulation 8(1) may be brought by the Crown Prosecution Service and any person designated by the Secretary of State;
- (b) regulation 8(2) may be brought by the Civil Aviation Authority.

---

**Commencement Information**

**I3** Reg. 10 in force at 5.1.2023 at 4.00 a.m., see [reg. 1\(2\)](#)

**Expiry**

**11.** These Regulations expire at the end of 4th April 2023.

---

**Commencement Information**

**I4** Reg. 11 in force at 5.1.2023 at 4.00 a.m., see [reg. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Health Protection (Coronavirus, International Travel from China) (England) Regulations 2023, PART 4.