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WELSH STATUTORY INSTRUMENTS

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**2020 No. 1011**

**The Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020**

**PART 4**

Enforcement

**Enforcement actions**

**16.**—(1) An enforcement officer may give a compliance notice to a person if the officer has reasonable grounds for suspecting that the person—

(a) is acting in contravention of a premises direction, event direction or public place direction, or

(b) is failing, or has failed, to take the steps required under regulation 5(6), 6(5) or [F17(8)].

(2) A compliance notice may specify measures that the person to whom it is given must take as soon as is reasonably practicable so as to—

(a) prevent that person from continuing to act in contravention of the direction, or

(b) rectify the failure to take the steps.

(3) Where a constable has reasonable grounds for suspecting that a person is on premises in contravention of a premises direction, the constable may—

(a) direct the person to leave the premises;

(b) remove the person from the premises.

(4) Where a constable has reasonable grounds for suspecting that an event is being held in contravention of an event direction, the constable may—

(a) direct the event to stop;

(b) direct a person to leave the event;

(c) remove a person from the event.

(5) Where a constable has reasonable grounds for suspecting that a person is in a public place in contravention of a public place direction [F2imposing a prohibition, requirement or restriction in relation to access to the place], the constable may—

(a) direct the person to leave the place;

(b) remove the person from the place.

[F3(5A) Where a constable has reasonable grounds for suspecting that a person in a public place is acting in contravention of a public place direction imposing a prohibition, requirement or restriction in relation to the carrying on of an activity in the place, the constable may take such action as the constable considers necessary to prevent the person from continuing to act in contravention of the direction (including removing the person from the place).]

(6) A constable may—

- (a) when exercising the power in paragraph (3), (4) [<sup>F4</sup>, (5) or (5A)] direct a person to follow such instructions as the constable considers necessary;
- (b) use reasonable force in the exercise of the power in paragraph (3)(b), (4)(c) [<sup>F5</sup>, (5)(b) or (5A)].
- (7) Where a constable has reasonable grounds to suspect that the person referred to in paragraph (3), (4) [<sup>F6</sup>, (5) or (5A)] is a child (“C”) accompanied by an individual (“I”) who has responsibility for C—
- (a) the constable may direct I to ensure that C leaves the premises, event or public place, as the case may be, and
- (b) I must, so far as reasonably practicable, ensure that C complies with any direction or instruction given by the constable to C.
- (8) If an enforcement officer has reasonable grounds to suspect that a person is contravening (or is about to contravene) regulation 14(4), the officer may remove the person from a public path or access land (within the meaning given by regulation 14(7)) which is closed (or is being closed) by virtue of regulation 14(1), and may use reasonable force to do so.
- (9) Where an enforcement officer has reasonable grounds to suspect that the person referred to in paragraph 0 is a child (“C”) accompanied by an individual (“I”) who has responsibility for C—
- (a) the officer may direct I to ensure that C leaves the public place or access land, and
- (b) I must, so far as reasonably practicable, ensure that C complies with any direction or instruction given by the officer to C.
- (10) For the purposes of paragraphs (7) and (8), I has responsibility for a child if I—
- (a) has custody or charge of the child for the time being, or
- (b) has parental responsibility for the child.
- (11) An enforcement officer may take other enforcement action to facilitate the exercise of a power conferred on the officer by this regulation or regulation 17.
- (12) An enforcement officer may only exercise a power under this regulation or regulation 17 if the officer considers that it is necessary and proportionate to do so.
- (13) References in this regulation to a “constable” are to be read as including a police community support officer.

#### Textual Amendments

- F1** Word in reg. 16(1)(b) substituted (12.10.2020) by [The Health Protection \(Coronavirus Restrictions\) \(Functions of Local Authorities etc.\) \(Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/1100\)](#), regs. 1, **2(4)(a)**
- F2** Words in reg. 16(5) inserted (12.10.2020) by [The Health Protection \(Coronavirus Restrictions\) \(Functions of Local Authorities etc.\) \(Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/1100\)](#), regs. 1, **2(4)(b)**
- F3** Reg. 16(5A) inserted (12.10.2020) by [The Health Protection \(Coronavirus Restrictions\) \(Functions of Local Authorities etc.\) \(Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/1100\)](#), regs. 1, **2(4)(c)**
- F4** Words in reg. 16(6)(a) substituted (12.10.2020) by [The Health Protection \(Coronavirus Restrictions\) \(Functions of Local Authorities etc.\) \(Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/1100\)](#), regs. 1, **2(4)(d)(i)**
- F5** Words in reg. 16(6)(b) substituted (12.10.2020) by [The Health Protection \(Coronavirus Restrictions\) \(Functions of Local Authorities etc.\) \(Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/1100\)](#), regs. 1, **2(4)(d)(ii)**

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**Changes to legislation:** There are currently no known outstanding effects for the *The Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020, Section 16.* (See end of Document for details)

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**F6** Words in reg. 16(7) substituted (12.10.2020) by [The Health Protection \(Coronavirus Restrictions\) \(Functions of Local Authorities etc.\) \(Wales\) \(Amendment\) Regulations 2020 \(S.I. 2020/1100\)](#), regs. 1, **2(4)(e)**

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**Commencement Information**

**I1** Reg. 16 in force at 18.9.2020 at 12.01 a.m., see reg. 1(3)

**Changes to legislation:**

There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020, Section 16.