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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

**Fixed penalty notices**

**19.**—(1) An enforcement officer may issue a fixed penalty notice to anyone that the officer reasonably believes—

- (a) has committed an offence under these Regulations, and
- (b) 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—

- (a) a local authority, or
- (b) a person designated by the Welsh Ministers for the purposes of receiving payment under this regulation,

as the notice may specify.

(3) The Welsh Ministers may designate themselves under paragraph (2)(b).

(4) Where a local authority is specified in the notice it must be the authority (or as the case may be, any of the authorities) in whose area the offence is alleged to have been committed.

(5) 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 the notice is issued;
- (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

(6) 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 (5)(a)) proceedings will not be taken for the offence;
- (c) specify the amount of the fixed penalty;
- (d) state the name and address of the person to whom the fixed penalty may be paid;
- (e) specify permissible methods of payment.

(7) The amount specified under paragraph (6)(c) must be £60 (subject to paragraphs (8) and (9)).

(8) A fixed penalty notice may specify that if £30 is paid before the end of the period of 14 days following the date of the notice, that is the amount of the fixed penalty.

(9) If the person to whom a fixed penalty notice is given has already received a fixed penalty notice under these Regulations or Regulations mentioned in paragraph (10)—

- (a) paragraph (8) does not apply, and
- (b) the amount specified as the fixed penalty is to be—
  - (i) in the case of the second fixed penalty notice received, £120;
  - (ii) in the case of the third fixed penalty notice received, £240;
  - (iii) in the case of the fourth fixed penalty notice received, £480;
  - (iv) in the case of the fifth fixed penalty notice received, £960;
  - (v) in the case of the sixth and any subsequent fixed penalty notice received, £1920.

(10) In calculating how many fixed penalty notices a person has received, fixed penalty notices issued to that person under the following Regulations are to be taken into account—

- (a) the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020;
- (b) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020.
- [<sup>F1</sup>(c) the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020.]
- [<sup>F2</sup>(d) the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020.]
- [<sup>F3</sup>(e) the Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020 if regulation 48 of those Regulations applies to the notice.]

(11) Whatever other method may be specified under paragraph (6)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (6)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(12) Where a letter is sent as mentioned in paragraph (11), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(13) In any proceedings, a certificate—

- (a) that purports to be signed by or on behalf of the person with responsibility for the financial affairs of—
  - (i) the local authority, or
  - (ii) the person designated under paragraph (2)(b),
 specified in the fixed penalty notice to which the proceedings relate, and
- (b) which 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.

(14) Where a fixed penalty is issued in respect of the alleged offence of contravening the requirement in regulation 14(4), references in this regulation to a “local authority” are to be read as including references to a National Park authority in Wales.

#### Textual Amendments

- F1** Reg. 19(10)(c) inserted (23.10.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 3\) \(Wales\) Regulations 2020 \(S.I. 2020/1149\)](#), regs. 1(3), **35(1)** (with reg. 2); and reg. 19(10)(c) also expressed to be inserted (4.12.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus Restrictions and Functions of Local Authorities\) \(Amendment\) \(Wales\) Regulations 2020 \(S.I. 2020/1409\)](#), regs. 1(2), **3(5)**
- F2** Reg. 19(10)(d) inserted (9.11.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 4\) \(Wales\) Regulations 2020 \(S.I. 2020/1219\)](#), regs. 1(3), **48** (with reg. 3)

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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 19.* (See end of Document for details)

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**F3** Reg. 19(10)(e) inserted (20.12.2020) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) Regulations 2020 \(S.I. 2020/1609\)](#), regs. 1(3), **59** (as amended by [S.I. 2020/1610](#), regs. 1(2), 2(2))

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**Commencement Information**

**I1** Reg. 19 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 19.