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WELSH STATUTORY INSTRUMENTS

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**2020 No. 1609**

**The Health Protection (Coronavirus  
Restrictions) (No. 5) (Wales) Regulations 2020**

**PART 7**

Enforcement

**Enforcement officers**

**25.**—(1) For the purposes of regulation 26 and Schedule 8, an “enforcement officer” means a person designated by a local authority —

- (a) for the purposes of these Regulations,
- (b) under regulation 17(A1) of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 <sup>M1</sup>,
- (c) under regulation 21(1) of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020, or
- (d) under regulation 25(1) of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020.

(2) For the purposes of regulations 19, 20, 27 to 34, 36 and 47, an “enforcement officer” means—

- (a) a constable,
- (b) a police community support officer,
- (c) a person designated by—
  - (i) the Welsh Ministers, or
  - (ii) a local authority,

for the purposes of these Regulations (but see paragraph (3)), or

- (d) a person designated by the Welsh Ministers or a local authority under—
  - (i) regulation 10(11)(c) of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 <sup>M2</sup> as a relevant person (within the meaning given by that regulation),
  - (ii) regulation 17(1) of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 for the purposes of those Regulations,
  - (iii) regulation 21(2) of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020 for the purposes of those Regulations, or
  - (iv) under regulation 25(2) of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020,

(but see paragraph (3)).

(3) A person designated by a local authority may exercise an enforcement officer's functions only—

**Status:** Point in time view as at 24/12/2020.

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- (a) in relation to a contravention (or alleged contravention) of a requirement in—
- (i) regulation 16(1) or 17(1),
  - (ii) paragraph 7(1) or 8(1) or (2) of Schedule 1,
  - (iii) paragraph 7(1) or 8(1) or (2) of Schedule 2,
  - (iv) paragraph 7(1), 8(1) or (2) or 10(1) of Schedule 3, or
  - (v) paragraph 7(1), 8(1), 9(1) [<sup>F1</sup>, 10(1) or 11(3)] of Schedule 4, or
- (b) under and by virtue of Schedule 8.

#### Textual Amendments

- F1** Words in reg. 25(3)(a)(v) substituted (22.12.2020 at 12.01 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/1623\)](#), regs. 1(2), **2(2)**

#### Commencement Information

- I1** Reg. 25 in force at 20.12.2020, see [reg. 1\(3\)](#)

#### Marginal Citations

- M1** [S.I. 2020/725](#) (W. 162).  
**M2** [S.I. 2020/353](#) (W. 80).

### Enforcement of requirement to take preventative measures

**26.** Schedules 8 and 9 make provision for and in connection with conferring functions on enforcement officers for the purpose of enforcing regulations 16(1) and 17(1).

#### Commencement Information

- I2** Reg. 26 in force at 20.12.2020, see [reg. 1\(3\)](#)

### Compliance notices

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

- (a) regulation 19(5),
- (b) paragraph 7(1) or 8(1) or (2) of Schedule 1,
- (c) paragraph 7(1) or 8(1) or (2) of Schedule 2,
- (d) paragraph 7(1), 8(1) or (2) or 10(1) of Schedule 3, or
- (e) paragraph 7(1), 8(1), 9(1) [<sup>F2</sup>, 10(1) or 11(3)] of Schedule 4.

(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 prevent that person from continuing to contravene the requirement.

#### Textual Amendments

- F2** Words in reg. 27(1)(e) substituted (22.12.2020 at 12.01 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/1623\)](#), regs. 1(2), **2(3)**

**Commencement Information**

**I3** Reg. 27 in force at 20.12.2020, see [reg. 1\(3\)](#)

**Powers of removal and dispersal: gatherings and being away from home**

**28.**—(1) Paragraph (2) applies where an enforcement officer has reasonable grounds for suspecting that a person is participating in a gathering in a private dwelling in contravention of—

- (a) paragraph 1(1) of Schedule 1,
- (b) paragraph 1(1) of Schedule 2,
- (c) paragraph 1(1) of Schedule 3, or
- (d) paragraph 2(1) of Schedule 4.

(2) The enforcement officer may—

- (a) direct the gathering to disperse;
- (b) if the officer has reasonable grounds to suspect that the person does not live at the dwelling—
  - (i) direct the person to leave the dwelling;
  - (ii) remove the person from the dwelling.

(3) Paragraph (4) applies where an enforcement officer has reasonable grounds for suspecting that a person is participating in a gathering in a place other than a private dwelling in contravention of—

- (a) paragraph 2(1) of Schedule 1,
- (b) paragraph 2(1) or (3) of Schedule 2,
- (c) paragraph 2(1) or (3) of Schedule 3, or
- (d) paragraph 2(1) of Schedule 4.

(4) The enforcement officer may—

- (a) direct the gathering to disperse;
- (b) direct the person to leave the place where the gathering is taking place;
- (c) remove the person from that place.

(5) Where an enforcement officer has reasonable grounds for suspecting that a person is away from the place where the person is living in contravention of paragraph 1(1) of Schedule 4, the officer may—

- (a) direct the person to return to the place where the person is living;
- (b) remove the person to that place.

**Commencement Information**

**I4** Reg. 28 in force at 20.12.2020, see [reg. 1\(3\)](#)

**Powers relating to travel restrictions**

**29.**—(1) Paragraph (2) applies where an enforcement officer has reasonable grounds for suspecting that a person is about to enter an area in contravention of—

- (a) paragraph 6(1) of Schedule 1,
- (b) paragraph 6(1) of Schedule 2,

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- (c) paragraph 6(1) of Schedule 3, or
  - (d) paragraph 6(1) of Schedule 4.
- (2) The enforcement officer may direct the person not to enter the area.
- (3) Paragraph (4) applies where an enforcement officer has reasonable grounds for suspecting that a person is in an area in contravention of—
- (a) paragraph 6(1) of Schedule 1,
  - (b) paragraph 6(1) of Schedule 2,
  - (c) paragraph 6(1) of Schedule 3, or
  - (d) paragraph 6(1) of Schedule 4.
- (4) The enforcement officer may—
- (a) direct the person to leave the area;
  - (b) remove the person from the area.
- (5) Paragraph (6) applies where an enforcement officer has reasonable grounds for suspecting that a person is about to leave an area in contravention of—
- (a) paragraph 6(2) of Schedule 1,
  - (b) paragraph 6(2) of Schedule 2, or
  - (c) paragraph 6(2) of Schedule 3.
- (6) The enforcement officer may direct the person not to leave the area.
- (7) Paragraph (8) applies where an enforcement officer has reasonable grounds for suspecting that a person has left an area in contravention of—
- (a) paragraph 6(2) of Schedule 1,
  - (b) paragraph 6(2) of Schedule 2, or
  - (c) paragraph 6(2) of Schedule 3.
- (8) The enforcement officer may—
- (a) direct the person to return to the area;
  - (b) return the person to the area.

#### Commencement Information

**I5** Reg. 29 in force at 20.12.2020, see reg. 1(3)

#### Powers relating to contravention of isolation requirement

**30.** Where an enforcement officer has reasonable grounds for suspecting that a person is away from the place where they are living in contravention of regulation 6(2), 7(2), 8(2) [<sup>F3</sup>, 9(2) or 11A(2)], the officer may—

- (a) direct the person to return to the place where the person is living;
- (b) remove the person to that place.

#### Textual Amendments

**F3** Words in reg. 30 substituted (24.12.2020 at 9.00 a.m.) by [The Health Protection \(Coronavirus, South Africa\) \(Wales\) Regulations 2020 \(S.I. 2020/1645\)](#), regs. 1(2), **4(6)**

### Commencement Information

**16** Reg. 30 in force at 20.12.2020, see [reg. 1\(3\)](#)

### Powers relating to events

**31.**—(1) Paragraph (2) applies where an enforcement officer has reasonable grounds for suspecting that a person (“P”) is—

- (a) committing an offence under regulation 39(2);
- (b) involved in organising an event in contravention of (or which the officer considers likely to be in contravention of) paragraph 4 of Schedule 1, paragraph 4 of Schedule 2, paragraph 4 of Schedule 3 or paragraph 4 of Schedule 4.

(2) The enforcement officer may—

- (a) direct P to follow such instructions as the officer considers necessary in order to stop the event;
- (b) remove P from the location of the event;
- (c) direct any person to leave the event;
- (d) remove any person from the event;
- (e) where the event has not started—
  - (i) direct P to follow such instructions as the officer considers necessary in order to stop the event from taking place;
  - (ii) remove P from the proposed location of the event.

(3) Where an enforcement officer has reasonable grounds for suspecting that a person (“P”) is involved in organising an event authorised under paragraph 5 of Schedule 1, paragraph 5 of Schedule 2, paragraph 5 of Schedule 3 or paragraph 5 of Schedule 4 which the officer considers is being held in contravention of a requirement, restriction or other condition specified in relation to the authorisation, the officer may—

- (a) direct P to follow such instructions as the officer considers necessary in order to secure compliance with the requirement, restriction or other condition;
- (b) direct P to follow such instructions as the officer considers necessary in order to stop the event;
- (c) remove P from the location of the event;
- (d) direct any person to leave the event;
- (e) remove any person from the event.

### Commencement Information

**17** Reg. 31 in force at 20.12.2020, see [reg. 1\(3\)](#)

### Enforcement of face covering requirements

**32.**—(1) Where an enforcement officer has reasonable grounds for suspecting that a person is contravening (or is about to contravene) regulation 19(1), the officer may—

- (a) direct the person not to board the vehicle providing the public transport service in question;
- (b) remove the person from the vehicle.

(2) Where—

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- (a) the operator of a public transport service,
- (b) an employee of the operator, or
- (c) a person authorised by the operator,

has reasonable grounds to suspect that a person is about to contravene regulation 19(1), the operator, employee or authorised person may direct the person not to board the vehicle providing the public transport service in question.

(3) Where an enforcement officer has reasonable grounds to suspect that a person is contravening (or is about to contravene) regulation 20(1), the officer may—

- (a) direct the person not to enter the premises;
- (b) remove the person from the premises.

#### Commencement Information

**18** Reg. 32 in force at 20.12.2020, see [reg. 1\(3\)](#)

#### Enforcement: children

**33.**—(1) Where an enforcement officer has reasonable grounds to suspect that a person (“P”) in respect of whom the officer may exercise a power under this Part is a child accompanied by an individual (“I”) who has responsibility for P—

- (a) the officer may direct I to take such action in respect of P as the officer considers appropriate, and
- (b) I must, so far as reasonably practicable, ensure that P complies with any direction or instruction given by the officer to P.

(2) For the purposes of paragraph (1), 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.

#### Commencement Information

**19** Reg. 33 in force at 20.12.2020, see [reg. 1\(3\)](#)

#### Power of entry

**34.**—(1) An enforcement officer may enter premises, if the officer—

- (a) has reasonable grounds for suspecting that a requirement imposed by these Regulations is being, has been or is about to be contravened on the premises, and
- (b) considers it necessary to enter the premises for the purpose of ascertaining whether the requirement is being, has been or is about to be contravened.

(2) An enforcement officer entering premises in accordance with paragraph (1) may take such other persons, equipment and materials onto the premises as appears to the officer to be appropriate.

(3) An enforcement officer entering premises in accordance with paragraph (1)—

- (a) if asked by a person on the premises, must show evidence of the officer's identity and outline the purpose for which the power is exercised;
- (b) if the premises are unoccupied or the occupier is temporarily absent, must leave the premises as effectively secured against unauthorised entry as when the officer found them.

(4) An enforcement officer may enter premises which are wholly or mainly used as a private dwelling only if the enforcement officer is a constable.

#### Commencement Information

**I10** Reg. 34 in force at 20.12.2020, see [reg. 1\(3\)](#)

### Power of police to conduct road checks

**35.**—(1) For the purposes of this regulation, a “road check” means the exercise in a locality of the power conferred by section 163 of the Road Traffic Act 1988<sup>M3</sup> in such a way as to stop, during the period for which the exercise of that power in that locality continues, all vehicles or vehicles selected by any criterion.

(2) A constable may conduct a road check for the purpose of ascertaining whether a vehicle is carrying a person who the constable reasonably believes—

- (a) has committed, or
- (b) intends to commit,

an offence under these Regulations.

(3) A road check must be authorised by a constable of the rank of superintendent or above.

(4) But a road check may be authorised by a constable below that rank if the constable considers it necessary as a matter of urgency.

(5) A constable may authorise a road check if the constable has reasonable grounds to believe that a person referred to in paragraph (2) is, or is about to be, in the locality in which vehicles would be stopped.

(6) An authorisation must be in writing and must specify—

- (a) the locality in which vehicles are to be stopped;
- (b) the period, not exceeding 7 days, during which the road check may take place;
- (c) whether the road check is to be conducted—
  - (i) continuously throughout the period, or
  - (ii) at particular times during the period (in which case the authorisation must specify those times);
- (d) the name of the constable giving the authorisation.

(7) Where a road check is authorised under paragraph (4)—

- (a) the period specified in paragraph (6)(b) may not exceed 2 days;
- (b) the constable giving the authorisation must, as soon as is reasonably practicable after giving it, inform a constable of the rank of superintendent or above that it has been given.

(8) A constable of the rank of superintendent or above may give authorisation in writing for a road check to continue for a further period, not exceeding 7 days, beyond the period for which the road check was initially authorised.

(9) Where a vehicle is stopped in a road check, the person in charge of the vehicle at the time when it is stopped is entitled to obtain a written statement of the purpose of the road check by applying in writing—

- (a) to the police force responsible for the locality where the road check is conducted, and
- (b) no later than the end of the period of 12 months from the day on which the vehicle was stopped.

**Status:** Point in time view as at 24/12/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, PART 7. (See end of Document for details)

#### Commencement Information

**I11** Reg. 35 in force at 20.12.2020, see [reg. 1\(3\)](#)

#### Marginal Citations

**M3** 1988 c. 52, as amended by the [Road Traffic Act 1991 \(c. 40\)](#) and the [Traffic Management Act 2004 \(c. 18\)](#).

### Enforcement: supplemental provision

**36.—**(1) An enforcement officer may take other action to facilitate the exercise of a power conferred on the officer by this Part.

(2) Action taken under paragraph (1) may include—

- (a) requiring a person to give any information or answer any question the officer considers—
  - (i) necessary to enable the officer to determine whether to exercise a power conferred on the officer by this Part, or
  - (ii) is otherwise relevant to the exercise of such a power;
- (b) directing a person to follow such instructions as the officer considers necessary.

(3) A constable may use reasonable force in the exercise of a power under—

- (a) regulation 28(2)(b)(ii), (4)(c) or (5)(b);
- (b) regulation 29(4)(b) or (8)(b);
- (c) regulation 30(b);
- (d) regulation 31(2)(b) (d) or (e)(ii), or (3)(c) or (e);
- (e) regulation 32(1)(b) or (3)(b);
- (f) regulation 34(1).

(4) An enforcement officer may only exercise a power under this Part if the officer considers that it is necessary and proportionate to do so.

(5) In this Part and Part 8 references to a requirement include references to a restriction.

#### Commencement Information

**I12** Reg. 36 in force at 20.12.2020, see [reg. 1\(3\)](#)

**Status:**

Point in time view as at 24/12/2020.

**Changes to legislation:**

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