

WELSH STATUTORY INSTRUMENTS

2020 No. 1609

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

PART 8

Offences and penalties

CHAPTER 1

Offences

Offences relating to gatherings and being away from home

37.—(1) A person who contravenes a requirement in—

- (a) paragraph [F12(1)] of Schedule 1,
- (b) paragraph [F22(1) F3...] or (3) of Schedule 2,
- (c) paragraph 1(1) [F42(1) or 3(1)] of Schedule 3, or
- (d) paragraph 1(1) or 2(1) of Schedule 4,

commits an offence.

(2) A person who [F5, without reasonable excuse,] participates in a gathering—

- (a) which takes place in a private dwelling [F6or in holiday or travel accommodation][F7, and]
- [F8(b) which consists of—
 - (i) more than 30 people, where the gathering is held to any extent indoors, F9...
 - F10(ii)]

commits an offence.

Textual Amendments

- F1** Words in reg. 37(1)(a) substituted (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(7)(a)(i)**
- F2** Words in reg. 37(1)(b) substituted (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(7)(a)(ii)**
- F3** Word in reg. 37(1)(b) omitted (21.1.2022 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/55\)](#), regs. 1(2), **2(4)(a)**
- F4** Words in reg. 37(1)(c) substituted (26.4.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(8)**

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, CHAPTER 1. (See end of Document for details)

- F5** Words in reg. 37(2) inserted (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(7)(b)(i)**
- F6** Words in reg. 37(2)(a) inserted (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(7)(b)(ii)**
- F7** Word in reg. 37(2) inserted (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(7)(b)(iii)**
- F8** Reg. 37(2)(b) substituted for reg. 37(2)(b)(c) (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(7)(b)(iv)**
- F9** Word in reg. 37(2)(b)(i) omitted (21.1.2022 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/55\)](#), regs. 1(2), **2(4)(b)(i)**
- F10** Reg. 37(2)(b)(ii) omitted (21.1.2022 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/55\)](#), regs. 1(2), **2(4)(b)(ii)**

Commencement Information

- I1** Reg. 37 in force at 20.12.2020, see reg. 1(3)

Travel restriction offences

^{F11}38.

Textual Amendments

- F11** Reg. 38 omitted (17.5.2021 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 10\) Regulations 2021 \(S.I. 2021/583\)](#), regs. 1(2), **2(7)**

Offences relating to organising events

39.—(1) A person who contravenes a requirement in—

- (a) paragraph 4 of Schedule 1,
- (b) paragraph 4 of Schedule 2,
- (c) [^{F12}paragraph 5] of Schedule 3, or
- (d) paragraph 4 of Schedule 4,

commits an offence.

(2) A person who, without reasonable excuse, is involved in organising a large unlicensed music event commits an offence.

(3) For the purposes of paragraph (2)—

- (a) “large unlicensed music event” means an event—
 - (i) at which more than [^{F13}50] people are in attendance,
 - (ii) at which music is played or performed for the purpose, or for purposes which include the purpose, of entertainment, and
 - (iii) where the playing or performance of the music is—

- (aa) a licensable activity (within the meaning of the Licensing Act 2003^{M1}), and
- (bb) not carried on under and in accordance with an authorisation (within the meaning given by section 136(5) of that Act);
- (b) a person is not involved in organising a large unlicensed music event if the person's only involvement is attending it.

Textual Amendments

- F12** Words in reg. 39(1)(c) substituted (26.4.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(9)**
- F13** Word in reg. 39(3)(a)(i) substituted (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(8)**

Commencement Information

- I2** Reg. 39 in force at 20.12.2020, see [reg. 1\(3\)](#)

Marginal Citations

- M1** 2003 c. 17.

Offences relating to isolation requirements and contact tracing

- 40.**—(1) A person who—
- (a) contravenes a requirement in regulation 6(2), 7(2), 8(2)^{F14} ...^{F15} ...^{F16} ... or 12, or
 - (b) without reasonable excuse, contravenes a requirement in regulation 6(3), 7(3)^{F17} or 8(3)],
- commits an offence.
- (2) It is an offence for a person (“P”) to give false or misleading information to a contact tracer—
- (a) under regulation 6(3), 7(3)^{F18} or 8(3)], or
 - (b) about—
 - (i) P's contact information, or
 - (ii) persons with whom P may have had close contact,
- where P knows the information is false or misleading, or P is reckless as to whether the information is false or misleading.
- (3) In paragraph (2), “close contact” has the same meaning as in Part 3.

Textual Amendments

- F14** Word in reg. 40(1)(a) omitted (22.12.2021 at 12.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 24\) Regulations 2021 \(S.I. 2021/1477\)](#), regs. 1(2), **2(12)(a)(i)**
- F15** Word in reg. 40(1)(a) omitted (7.8.2021 at the beginning of the day) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 15\) Regulations 2021 \(S.I. 2021/925\)](#), regs. 1(2), **2(20)(a)(i)**
- F16** Words in reg. 40(1)(a) omitted (27.2.2021) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2021 \(S.I. 2021/210\)](#), regs. 1(2), **2(7)(a)(i)**

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, CHAPTER 1. (See end of Document for details)

- F17** Words in reg. 40(1)(b) substituted (22.12.2021 at 12.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 24\) Regulations 2021 \(S.I. 2021/1477\)](#), regs. 1(2), **2(12)(a)(ii)**
- F18** Words in reg. 40(2)(a) substituted (22.12.2021 at 12.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 24\) Regulations 2021 \(S.I. 2021/1477\)](#), regs. 1(2), **2(12)(b)**

Commencement Information

- I3** Reg. 40 in force at 20.12.2020, see [reg. 1\(3\)](#)

[^{F19}Offence of possessing false or misleading evidence relating to vaccination or coronavirus test results

40A. It is an offence for a person (“P”) to possess evidence of a kind described in regulation 16A(1) which P knows is false or misleading.]

Textual Amendments

- F19** [Reg. 40A](#) inserted (11.10.2021 at 7.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 17\) Regulations 2021 \(S.I. 2021/1119\)](#), regs. 1(2), **2(7)**

Offence of failing to wear a face covering

41. A person who contravenes the requirement in regulation 19(1) or 20(1) commits an offence.

Commencement Information

- I4** Reg. 41 in force at 20.12.2020, see [reg. 1\(3\)](#)

Offences relating to businesses and services

42.—(1) A person who, without reasonable excuse, contravenes a requirement in—

- (a) [^{F20}paragraph 7(1)] of Schedule 1,
- (b) [^{F21}paragraph 7(1)] of Schedule 2,
- (c) paragraphs 7(1), 8(1) or [^{F22}9(1)] of Schedule 3, or
- (d) paragraphs 7(1), 8(1), 9(1) [^{F23}, 10(1) or 11(3)] of Schedule 4,

commits an offence.

(2) An operator of a public transport service who, without reasonable excuse, contravenes the requirement in regulation 19(5) commits an offence.

(3) A person who, without reasonable excuse, fails to take the measures specified in a premises improvement notice issued under paragraph 1(1) of Schedule 8 within the time limit specified in the notice commits an offence.

(4) A person who, without reasonable excuse, contravenes paragraph 3(1) of Schedule 8 commits an offence.

(5) A person who—

- (a) contravenes paragraph 3(2) of Schedule 8, or

(b) without reasonable excuse, removes, obscures or damages a notice or sign required to be displayed under paragraph 7(2)(a) of that Schedule, commits an offence.

Textual Amendments

- F20** Words in reg. 42(1)(a) substituted (26.4.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(10)(a)**
- F21** Words in reg. 42(1)(b) substituted (26.4.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(10)(b)**
- F22** Word in reg. 42(1)(c) substituted (26.4.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(10)(c)**
- F23** Words in reg. 42(1)(d) 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(4)**

Commencement Information

- I5** Reg. 42 in force at 20.12.2020, see [reg. 1\(3\)](#)

[^{F24}Offence of failing to work from home where reasonably practicable to do so

42A. A person who, without reasonable excuse, contravenes the requirement in regulation 18B commits an offence.]

Textual Amendments

- F24** [Reg. 42A](#) inserted (20.12.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 23\) Regulations 2021 \(S.I. 2021/1468\)](#), regs. 1(2), **2(4)**

Obstruction and contravention of directions and compliance notices

43.—(1) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.

(2) A person who, without reasonable excuse—

(a) contravenes a direction given—

(i) by an enforcement officer under Part 7, or

(ii) by the operator of a public transport service, an employee of the operator, or a person authorised by the operator, under regulation 32(2), or

(b) fails to comply with a compliance notice given by an enforcement officer under regulation 27(1),

commits an offence.

Commencement Information

- I6** Reg. 43 in force at 20.12.2020, see [reg. 1\(3\)](#)

Status: Point in time view as at 21/01/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, CHAPTER 1. (See end of Document for details)

Penalty

44. An offence under these Regulations is punishable on summary conviction by a fine.

Commencement Information

I7 Reg. 44 in force at 20.12.2020, see [reg. 1\(3\)](#)

Arrest without warrant

45. Section 24 of the Police and Criminal Evidence Act 1984 ^{M2} applies in relation to an offence under these Regulations as if the reasons in subsection (5) included—

- (a) to maintain public health;
- (b) to maintain public order.

Commencement Information

I8 Reg. 45 in force at 20.12.2020, see [reg. 1\(3\)](#)

Marginal Citations

M2 1984 c. 60. Section 24 was substituted by section 110(1) of the [Serious Organised Crime and Police Act 2005 \(c. 15\)](#).

Offences committed by bodies corporate etc.

46.—(1) If an offence under these Regulations committed by a body corporate is proved—

- (a) to have been committed with the consent or connivance of an officer of the body, or
- (b) to be attributable to any neglect on the part of such an officer,

the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.

(2) In paragraph (1), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

(3) Proceedings for an offence under these Regulations alleged to have been committed by a partnership may be brought in the name of the partnership instead of in the name of any of the partners.

(4) Proceedings for an offence under these Regulations alleged to have been committed by an unincorporated body other than a partnership may be brought in the name of the body instead of in the name of any of its members and, for the purposes of any such proceedings, any rules of court relating to the service of documents have effect as if that body were a body corporate.

(5) Section 33 of the Criminal Justice Act 1925 ^{M3} and Schedule 3 to the Magistrates' Courts Act 1980 ^{M4} apply in proceedings for an offence brought against a partnership or an unincorporated body other than a partnership as they apply in relation to a body corporate.

(6) A fine imposed on a partnership on its conviction for an offence under these Regulations is to be paid out of the partnership assets.

(7) A fine imposed on an unincorporated body other than a partnership on its conviction for an offence under these Regulations is to be paid out of the funds of the body.

Commencement Information

I9 Reg. 46 in force at 20.12.2020, see [reg. 1\(3\)](#)

Marginal Citations

M3 1925 c. 86.

M4 1980 c. 43.

Status:

Point in time view as at 21/01/2022.

Changes to legislation:

There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, CHAPTER 1.