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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 8

Offences and penalties

CHAPTER 2

Fixed penalties

**Fixed penalty notices**

**47.**—(1) An enforcement officer may issue a fixed penalty notice to a person 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) A person designated by the Welsh Ministers for the purposes of receiving payment under—

- (a) regulation 13 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020,
- (b) regulation 21 of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020,
- (c) regulation 31 of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020, or
- (d) regulation 37 of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020

is to be treated as if designated for the purposes of receiving payment under this regulation.

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

(6) 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.

**Amount of fixed penalty: general**

- 48.**—(1) Unless regulation 49, 50, 51 or 52 applies, the amount of a fixed penalty is—
- (a) £60, or
  - (b) if £30 is paid before the end of the period of 14 days following the date of the notice, £30.
- (2) But if the person to whom such a fixed penalty notice is issued has already received a relevant fixed penalty notice—
- (a) paragraph (1) does not apply, and
  - (b) the amount specified as the fixed penalty is—
    - (i) in the case of the second relevant fixed penalty notice received, £120;
    - (ii) in the case of the third relevant fixed penalty notice received, £240;
    - (iii) in the case of the fourth relevant fixed penalty notice received, £480;
    - (iv) in the case of the fifth relevant fixed penalty notice received, £960;
    - (v) in the case of the sixth and any subsequent relevant fixed penalty notice received, £1,920.
- (3) In paragraph (2), “relevant fixed penalty notice” means—
- (a) a fixed penalty notice where the amount of fixed penalty is determined under this regulation;
  - (b) a fixed penalty notice under—
    - (i) the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020,
    - (ii) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 other than a notice to which regulation 21(7A) of those Regulations applies,
    - (iii) the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020 other than a notice to which regulation 31(8) of those Regulations applies,
    - (iv) the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 other than a notice to which regulation 39, 40, 41 or 42 of those Regulations applies,
    - (v) the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020(1).

**Amount of fixed penalty: participating in a large gathering at a private dwelling**

**49.** Where a fixed penalty notice is issued in respect of an alleged offence under regulation 37(2), the amount of the fixed penalty is £60.

**Amount of fixed penalty: organising an event**

**50.**—(1) Where a fixed penalty notice is issued in respect of an alleged offence under regulation 39(1), the amount of the fixed penalty is £500.

(2) But if the person to whom a fixed penalty notice is issued in respect of such an alleged offence has already received a relevant fixed penalty notice—

- (a) paragraph (1) does not apply, and

- (b) the amount of the fixed penalty is—
  - (i) in the case of the second such fixed penalty notice received, £1,000;
  - (ii) in the case of the third such fixed penalty notice received, £2,000;
  - (iii) in the case of the fourth and any subsequent such fixed penalty notice received, £4,000.
- (3) In paragraph (2), “relevant fixed penalty notice” means—
  - (a) a fixed penalty notice where the amount of fixed penalty is determined under this regulation;
  - (b) a fixed penalty notice under the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 to which regulation 40 of those Regulations applies.

#### **Amount of fixed penalty: organising an unlicensed music event**

**51.** Where a fixed penalty notice is issued in respect of an alleged offence under regulation 39(2), the amount of the fixed penalty is £10,000.

#### **Amount of fixed penalty: business-related offences**

**52.**—(1) This regulation applies to a fixed penalty notice issued in respect of an alleged offence under regulation 42(1), (2), (3) or (4) (an “alleged business offence”).

(2) Where a fixed penalty notice is issued in respect of an alleged business offence, the amount of the fixed penalty is £1,000.

(3) But if the person to whom a fixed penalty notice is issued in respect of an alleged business offence has already received a relevant fixed penalty notice—

- (a) paragraph (2) does not apply, and
- (b) the amount of the fixed penalty is—
  - (i) in the case of the second such fixed penalty notice received, £2,000;
  - (ii) in the case of the third such fixed penalty notice received, £4,000;
  - (iii) in the case of the fourth and any subsequent such fixed penalty notice received, £10,000.
- (4) In paragraph (3), “relevant fixed penalty notice” means—
  - (a) a fixed penalty notice issued in respect of an alleged business offence;
  - (b) a fixed penalty notice under the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 to which regulation 42 of those Regulations applies.

#### **Fixed penalties: form and procedure**

**53.**—(1) 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 regulation 47(6)(a)) proceedings will not be taken for the offence;
- (c) specify the amount of the fixed penalty determined under regulation 48, 49, 50, 51 or 52 (as the case may be);
- (d) state the name and address of the person to whom the fixed penalty may be paid;
- (e) specify permissible methods of payment.

(2) Whatever other method may be specified under paragraph (1)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (1)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(3) Where a letter is sent as mentioned in paragraph (2), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(4) 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 regulation 47(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.

#### **Fixed penalty notices: prohibition of double jeopardy**

54.—(1) Where the same, or largely the same, act or omission by a person may give rise to a reasonable belief that the person has committed more than one offence under these Regulations, a fixed penalty notice may be issued to the person only in respect of one of the alleged offences.

(2) But a fixed penalty notice may be issued in respect of both an alleged offence under regulation 37(1) and under regulation 37(2) where the same, or largely the same, act by a person gives rise to a reasonable belief that the person has committed both offences.