
STATUTORY RULES OF NORTHERN IRELAND

2021 No. 93

**The Health Protection (Coronavirus, Restrictions)
Regulations (Northern Ireland) 2021**

PART 6

ENFORCEMENT

Fixed Penalty Notices

23.—(1) A relevant officer may issue a fixed penalty notice to anyone that the constable reasonably believes has committed an offence under these Regulations and 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 a liability to conviction for the offence by payment of a fixed penalty to the authority specified in the notice.

(3) The authority specified in the notice must be—

- (a) in the case of a notice issued by an enforcement officer, the district council in whose area the offence is alleged to have been committed; or
- (b) in the case of a notice issued by a constable, the clerk of petty sessions.

(4) Where a person is issued with a notice under this regulation for an offence—

- (a) no proceedings may be taken for the offence before the end of the period of 28 days beginning with the day immediately following the date of the notice;
- (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.

(5) 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 (4)(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 must be paid;
- (e) specify permissible methods of payment;
- (f) inform the person to whom it is given of the right to ask to be tried for the offence.

(6) In the case of an offence consisting of—

- (a) a breach of regulation 3 to 9, 10(1), 16 or 17;
- (b) obstruction referred to in regulation 22(2) which is committed in connection with the breach referred to in paragraph (a);

- (c) contravention or non-compliance referred to in regulation 22(3) which is committed in connection with the breach referred to in paragraph (a), the amount specified under paragraph (5)(c) must be—
 - (i) £1,000 if a fixed penalty notice is the first one issued to a person for such a breach;
 - (ii) £2,000 if a fixed penalty notice is the second one issued to a person for such a breach;
 - (iii) £4,000 if a fixed penalty notice is the third one issued to a person for such a breach;
 - (iv) £10,000 if a fixed penalty notice is the fourth one, or a subsequent one, issued to a person for such a breach.
 - (d) For the purposes of paragraph (c) a breach of a requirement of the Health Protection (Coronavirus, Restrictions) (No.2) Regulations (Northern Ireland) 2020 may be treated as a breach of the same requirement of these regulations.
- (7) In the case of an offence consisting of—
- (a) a breach of any other provision of these Regulations;
 - (b) obstruction referred to in regulation 22(2) which is committed in connection with the breach referred to in paragraph (a);
 - (c) contravention or non-compliance referred to in regulation 22(3) which is committed in connection with the breach referred to in paragraph (a), the notice must specify that the amount of the fixed penalty is—
 - (i) £200; or
 - (ii) £100 if that amount is paid before the end of the period of 14 days following the date of the notice.
- (8) A person who has previously been issued with a fixed penalty notice for an offence referred to in paragraph (7) (“offence A”)—
- (a) shall not be issued with a fixed penalty notice for a further offence committed in connection with, offence A; but
 - (b) may be issued with a fixed penalty notice for a different offence under that paragraph (offence B) which is unconnected with offence A.
- (9) Despite a fixed penalty notice specifying some other method of payment under paragraph (5) (e), payment of a fixed penalty may be effected by posting to the person whose name is stated under paragraph (5)(d), at the stated address, a pre-paid letter containing the amount of the penalty (in cash or otherwise).
- (10) Where a letter is sent as mentioned in paragraph (9), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (11) In the case of a notice issued by an enforcement officer, the payment received by a district council under this regulation accrues to that council.
- (12) In any proceedings, a certificate—
- (a) that purports to be signed by or on behalf of the authority specified in the notice; and
 - (b) 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.