
STATUTORY RULES OF NORTHERN IRELAND

2021 No. 99

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

PART 4

Enforcement

Fixed penalty notices

Fixed penalty notices

26.—(1) An authorised person may issue a fixed penalty notice to anyone that the authorised person has reasonable grounds to believe—

- (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 the clerk of petty sessions.

(3) 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 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.

(4) 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 (3)(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, and
- (f) inform the person to whom it is given of the right to ask to be tried for the offence.

(5) Whatever other method may be specified under paragraph (4)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (4)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(6) Where a letter is sent as described in paragraph (5), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(7) In any proceedings, a certificate that—

- (a) purports to be signed by or on behalf of the clerk of petty sessions, 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.

- (1) In this regulation, “authorised person” means—
 - (a) a constable, or
 - (b) an immigration officer, but only in relation to the issue of a fixed penalty notice in respect of—
 - (i) an information offence, within the meaning of regulation 27,
 - (ii) an offence described in regulation 23(1)(b), (1)(c), (1)(e), (1)(f), (1)(g), (1)(h).

Amount of fixed penalty

27.—(1) This regulation sets out the amount which must be specified, in accordance with regulation 26(4)(c), in a fixed penalty notice, in respect of different offences—

(2) Where the fixed penalty notice is issued in respect of an obstruction offence (green or amber list arrivals) then the amount specified must be £1,000.

(3) For the purposes of this regulation an obstruction offence (green or amber list arrivals) means an offence described in—

- (a) regulation 23(1)(g) (except in so far as it relates to a red list arrival), or
- (b) regulation 23(3) where the person is believed to have intentionally obstructed a person carrying out a function in relation to regulations 10 to 13, or regulation 19 (except in relation to a red list arrival).

(4) Where the fixed penalty notice is issued in respect of a self-isolation offence then the amount specified must be £1,000.

(5) For the purposes of this regulation a self-isolation offence means an offence described in regulation 23(1)(d).

(6) Where the fixed penalty notice is issued to a person in respect of a managed isolation offence then the amount specified must be—

- (a) in the case of the first fixed penalty notice, £5,000,
- (b) in the case of the second fixed penalty notice, £8,000,
- (c) in the case of the third and subsequent fixed penalty notice, £10,000.

(7) For the purposes of this regulation a managed isolation offence means an offence described in—

- (a) regulation 23(1)(e) or (1)(f) (except in the case of a contravention of a requirement in paragraph 2 of Schedule 7),
- (b) regulation 23(1)(g) (except in so far as it relates to green or amber list arrivals),
- (c) regulation 23(1)(h), or
- (d) regulation 23(3) where the person is believed to have intentionally obstructed any person carrying out a function relating to a red list arrival.

(8) Where the fixed penalty notice is issued in respect of a managed isolation (ports and travel information) offence then the amount specified must be £10,000.

(9) For the purposes of this regulation a managed isolation (ports and travel information) offence means an offence described in—

- (a) regulation 23(1)(f), in respect of the requirement under paragraph 2 of Schedule 7, or

- (b) regulation 23(4), in respect of information relating to the person's travel history in relation to a red list country.
- (10) Subject to paragraph (8), where the fixed penalty notice is issued in respect of an information offence, then the amount specified must be—
- (a) in the case of the first fixed penalty notice, £500
 - (b) in the case of the second fixed penalty notice, £1,000
 - (c) in the case of the third fixed penalty notice, £2,000
 - (d) in the case of the fourth and subsequent fixed penalty notices, £4,000.
- (11) For the purposes of this regulation an information offence means an offence described in—
- (a) regulation 23(1)(a),
 - (b) regulation 23(3), where the person is believed to have intentionally obstructed a person carrying out a function in relation to regulation 4,
 - (c) regulation 23(4).
- (12) Where the fixed penalty notice is issued in respect of a possession of negative test result offence then the amount specified must be—
- (a) in the case of the first fixed penalty notice, £500,
 - (b) in the case of the second fixed penalty notice, £1,000,
 - (c) in the case of the third fixed penalty notice, £2,000,
 - (d) in the case of the fourth and subsequent fixed penalty notices, £4,000.
- (13) For the purposes of this regulation, a possession of negative test result offence means an offence described in—
- (a) regulation 23(1)(b), or
 - (b) regulation 23(3) where the person is believed to have intentionally obstructed any person carrying out a function in relation to regulation 6.
- (14) Where the fixed penalty notice is issued in respect of a book and test offence, then the amount specified must be—
- (a) in the case of a fixed penalty notice issued in respect of a failure to possess a testing package in accordance with regulation 8(2), £1,000,
 - (b) in the case of a fixed penalty notice issued in respect of a failure to obtain a testing package in accordance with regulation 8(3), £2,000,
 - (c) in the case of a fixed penalty notice issued in respect of a failure to obtain a testing package in accordance with regulation 8(4), £1,000,
 - (d) in the case of a fixed penalty notice issued in respect of a failure to undertake a test in accordance with regulation 8(5) or (7), £2,000,
 - (e) in the case of the second fixed penalty notice issued in respect of a failure to undertake a test in accordance with regulation 8(5) or (7), £2,000.
- (15) For the purposes of this regulation, a book and test offence means an offence described in regulation 23(1)(c).

Amount of fixed penalty: offences committed under statutory provisions revoked by these Regulations

28.—(1) This regulation applies for the purposes of determining, in accordance with regulation 27, how many fixed penalty notices a person (P) has received in respect of an offence under these Regulations.

(2) An information offence, within the meaning of the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2020 is to be treated as an information offence within the meaning of regulation 27.

(3) But, in determining how many fixed penalty notices P has received in respect of an information offence, no account is to be taken of any such fixed penalty notice issued to P before 4.00 am on 30th January 2021.

(4) An offence described in regulation 7(6A) of the Health Protection (Coronavirus, International Travel) Regulations (Northern Ireland) 2020 is to be treated as a possession of a negative test result offence within the meaning of regulation 27.

Effect of fixed penalty notice

29.—(1) This regulation applies if a fixed penalty notice is given to any person under regulation 26.

(2) If the person asks to be tried for the alleged offence, proceedings may be brought against the person.

(3) If by the end of the period mentioned in regulation 26(3)(a)—

- (a) the penalty has not been paid, and
- (b) the person has not made a request to be tried,

a sum equal to one and a half times the amount of the penalty (“the enhanced sum”) may be registered under regulation 31 for enforcement against that person as a fine.

(4) But the enhanced sum must not exceed £10,000.