
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 169

**The Health Protection (Coronavirus)
(International Travel) (Scotland) Regulations 2020**

[^{F1}PART 4A

Fixed Penalty Notices]

Textual Amendments

- F1** Pt. 4A heading inserted (15.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(Pre-Departure Testing and Operator Liability\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/20\)](#), regs. 1(2), 3(6) (with reg. 4)

Fixed penalty notices

11.—(1) A constable may issue a fixed penalty notice to anyone that the constable has reasonable grounds to believe—

- (a) has committed an offence under these Regulations, and
- (b) is aged 18 or over.

(2) Subject to regulation 12(3) an immigration officer may issue a fixed penalty notice to anyone that the immigration officer has reasonable grounds to believe—

- [^{F2}(a) has committed—
- (i) an information offence,
 - (ii) an offence under regulation 5B(1) ^{F3}...
- [^{F4}(iia) an offence under regulation 5J(1),]
- [^{F5}(iib) an offence under regulation 6A(2),
- (iic) an offence under regulation 6A(4),]
 - (iii) an offence under regulation 9(4), and]

- (b) is aged 18 or over.

(3) 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 in accordance with these Regulations.

(4) For the purposes of these Regulations—

- (a) the form of a fixed penalty notice,
- (b) the effect of a fixed penalty notice, and
- (c) the procedure that applies to a fixed penalty notice,

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are the same as those that apply to a fixed penalty notice given under section 129(1) of the Antisocial Behaviour etc. (Scotland) Act 2004 ^{M1}, as provided for in sections 129 to 134 of that Act, and section 226B and 226I of the Criminal Procedure (Scotland) Act 1995 ^{M2} subject to the modification in paragraph (5).

(5) The modifications are—

- (a) section 129(1) is to be disregarded,
- (b) the definitions of “fixed penalty notice” in sections 129(2) and 134 are to be construed as a reference to a notice under paragraph (1),
- (c) the definition of “prescribed area” in section 129(2) is to be disregarded,
- (d) section 130(1), (2) and (3)(f) is to be disregarded,
- (e) the references to “section 129” in section 131(1) and section 133(1) are to be construed as references to this regulation,
- (f) the reference in section 131(5) to “in accordance with this Part” is to be construed as a reference to these Regulations and the reference to “a sum equal to one and a half times” is to be disregarded,
- (g) the definition of “fixed penalty offence” in section 134 is to be construed as though it referred to an offence of the type referred to in paragraph (1)(a),
- (h) the reference to “by virtue of section 131(5) of the Antisocial Behaviour etc. (Scotland) Act 2004” in section 226B(5)(a)(ii) of the Criminal Procedure (Scotland) Act 1995 is to be construed as a reference to that section as modified by this paragraph, and
- (i) the reference to “a fixed penalty notice given under section 129 (fixed penalty notices) of the Antisocial Behaviour etc. (Scotland) Act 2004” is to be construed as a reference to that section as modified by this paragraph.

Textual Amendments

- F2** Reg. 11(2)(a) substituted (15.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(Pre-Departure Testing and Operator Liability\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/20\)](#), regs. 1(2), **3(7)** (with reg. 4)
- F3** Word in reg. 11(2)(a) omitted (15.2.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel\) \(Managed Accommodation and Testing\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/74\)](#), regs. 1(2), **10(1)(a)** (with reg. 17)
- F4** Reg. 11(2)(a)(iia) inserted (15.2.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Managed Accommodation and Testing\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/74\)](#), regs. 1(2), **10(1)(b)** (with reg. 17)
- F5** Reg. 11(2)(a)(iib)(iic) inserted (18.2.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 6\) Regulations 2021 \(S.S.I. 2021/81\)](#), regs. 1(2), **2(f)** (with reg. 3)

Commencement Information

- I1** Reg. 11 in force at 8.6.2020, see reg. 1(2)

Marginal Citations

- M1** [2004 asp 8](#). Sections 130, 131, 132 were amended by para 32(b) of schedule 1 of the [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#). Section 132 was amended by para 32(c) of schedule 1 of the [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#).

M2 1995 c. 46. Sections 226B and 226I were inserted by the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 asp 6 (Scottish Act) Pt 3 s.55. Sections 226B and 226I have been amended by none is relevant.

Fixed penalty notices – penalty amounts

12.—(1) The penalty payable in respect of a fixed penalty notice issued in respect of an information offence ^{F6}... is [^{F7}£480].

^{F8}(2)

^{F8}(3)

(4) The penalty payable is £480 in respect of a fixed penalty notice issued in respect of an offence under—

[^{F9}(za) regulation 5B(1),]

[^{F10}(zai) regulation 5J(1),]

(a) regulation 9(1), ^{F11}...

[^{F12}(b) regulation 9(2),

(c) regulation 9(3), or

(d) regulation 9(4) where the person is believed to have intentionally obstructed any person carrying out a function in relation to [^{F13}Part 2A or] Part 4.]

Textual Amendments

F6 Words in reg. 12(1) omitted (15.2.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel\) \(Managed Accommodation and Testing\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/74\)](#), regs. 1(2), **10(2)(a)(i)** (with reg. 17)

F7 Sum in reg. 12(1) substituted (15.2.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Managed Accommodation and Testing\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/74\)](#), regs. 1(2), **10(2)(a)(ii)** (with reg. 17)

F8 Reg. 12(2)(3) omitted (15.2.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel\) \(Managed Accommodation and Testing\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/74\)](#), regs. 1(2), **10(2)(b)** (with reg. 17)

F9 Reg. 12(4)(za) inserted (15.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(Pre-Departure Testing and Operator Liability\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/20\)](#), regs. 1(2), **3(8)(a)** (with reg. 4)

F10 Reg. 12(4)(zai) inserted (15.2.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Managed Accommodation and Testing\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/74\)](#), regs. 1(2), **10(2)(c)** (with reg. 17)

F11 Word in reg. 12(4)(a) omitted (8.6.2020 at 7.00 p.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment Regulations 2020 \(S.S.I. 2020/171\)](#), regs. 1(2), **2(2)(a)**

F12 Reg. 12(4)(b)-(d) substituted for reg. 12(4)(b) (8.6.2020 at 7.00 p.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment Regulations 2020 \(S.S.I. 2020/171\)](#), regs. 1(2), **2(2)(b)**

F13 Words in reg. 12(4)(d) inserted (15.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(Pre-Departure Testing and Operator Liability\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/20\)](#), regs. 1(2), **3(8)(b)** (with reg. 4)

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Commencement Information

I2 Reg. 12 in force at 8.6.2020, see reg. 1(2)

Status:

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There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020, PART 4A.