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STATUTORY INSTRUMENTS

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**2020 No. 568**

The Health Protection (Coronavirus,  
International Travel) (England) Regulations 2020

PART 3

Enforcement

**Enforcement of requirement to self-isolate**

5.—(1) Where an authorised person has reasonable grounds to believe that a person (“P”) has left, or is outside of, the place where P is self-isolating in contravention of regulation 4, the authorised person may—

- (a) direct P to return to the place where P is self-isolating,
- (b) remove P to the place where P is self-isolating,
- (c) where it is not practicable or appropriate in the circumstances to take the action in subparagraph (a) or (b), remove P to accommodation facilitated by the Secretary of State for the purposes of P’s self-isolation.

(2) Paragraph (1)(b) and (c) does not apply where P is a person described in paragraph 1 of Schedule 2.

(3) An authorised person exercising the power in paragraph (1)(b) or (c) may use reasonable force, if necessary, in the exercise of the power.

(4) Where P is a child, and has left or is outside of, the place where they are self-isolating and accompanied by an individual who has responsibility for them—

- (a) an authorised person may direct that individual to take P to the place where P is self-isolating, and
- (b) that individual must, so far as reasonably practicable, ensure that P complies with any direction given by an authorised person to P.

(5) Where P is a child, and an authorised person has reasonable grounds to believe that P is repeatedly failing to comply with regulation 4, the authorised person may direct any individual who has responsibility for P to ensure, so far as reasonably practicable, that P so complies.

(6) An authorised person may only exercise a power in paragraph (1), (4) or (5) if the authorised person considers that it is a necessary and proportionate means of ensuring compliance with regulation 4.

(7) For the purposes of this regulation, “authorised person” means—

- (a) a constable, or
- (b) a person designated by the Secretary of State for the purposes of this regulation.

**Offences and penalties**

6.—(1) A person who—

- (a) without reasonable excuse contravenes a requirement in regulation 3,
  - (b) contravenes a requirement in regulation 4, or
  - (c) without reasonable excuse contravenes a requirement in or imposed under regulation 5,
- commits an offence.
- (2) A person who, without reasonable excuse, wilfully obstructs any person carrying out a function under these Regulations commits an offence.
- (3) A person who intentionally or recklessly provides false or misleading passenger information commits an offence.
- (4) An offence under these Regulations is punishable on summary conviction by a fine.
- (5) Section 24 of the Police and Criminal Evidence Act 1984<sup>(1)</sup> applies in relation to an offence under this regulation as if the reasons in subsection (5) of that section included—
- (a) to maintain public health,
  - (b) to maintain public order.

### **Fixed penalty notices**

- 7.—(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 an officer designated by the Secretary of State for the purposes of this regulation (“the designated officer”) specified in the notice.
- (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, and
  - (e) specify permissible methods of payment.
- (5) Where the fixed penalty notice is issued in respect of an offence described in regulation 6(1)(b) or (c), or regulation 6(2) where the person is believed to have wilfully obstructed any person carrying out a function in relation to regulation 4 or 5, then the amount specified under paragraph (4)(c) must be £1,000.
- (6) Where the fixed penalty notice is issued in respect of an offence described in regulation 6(1)(a) or (3), or regulation 6(2) where the person is believed to have wilfully obstructed any person carrying

<sup>(1)</sup> 1984 c. 60. Section 24 was substituted by section 110(1) of the Serious Organised Crime and Police Act 2005 (c. 15).

out a function in relation to regulation 3 (an “information offence”), then the amount specified under paragraph (4)(c) must be—

- (a) in the case of the first fixed penalty notice issued in respect of an information offence, £100,
- (b) in the case of the second fixed penalty notice issued in respect of an information offence, £200,
- (c) in the case of the third fixed penalty notice issued in respect of an information offence, £400,
- (d) in the case of the fourth fixed penalty notice issued in respect of an information offence, £800,
- (e) in the case of the fifth fixed penalty notice issued in respect of an information offence, £1,600,
- (f) in the case of the sixth and subsequent fixed penalty notices issued in respect of an information offence, £3,200.

(7) 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).

(8) Where a letter is sent as described in paragraph (7), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(9) In any proceedings, a certificate that—

- (a) purports to be signed by or on behalf of the designated officer, 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.

(10) For the purposes of this regulation, “authorised person” means—

- (a) a constable,
- (b) an immigration officer, but only in relation to the issue of a fixed penalty notice in respect of an information offence, or
- (c) a person designated by the Secretary of State for the purposes of this regulation.

### **Prosecutions**

**8.** Proceedings for an offence under these Regulations may be brought by the Crown Prosecution Service and any person designated by the Secretary of State.