
WELSH STATUTORY INSTRUMENTS

2020 No. 1149

**The Health Protection (Coronavirus Restrictions)
(No. 3) (Wales) Regulations 2020 (expired)**

PART 6

Offences and penalties

Offences and penalties

29.—(1) A person who—

- (a) without reasonable excuse, contravenes a requirement in regulation 9(1), 11(1), 12(1), 13(1), 14(1) or 15(3), or
- (b) contravenes a requirement in regulation 3(1), 4(1), 5(1) [^{F1}, 9A(3)], 18(1) or 19(1)

commits an offence.

(2) A person who obstructs, without reasonable excuse, any person carrying out a function under these Regulations commits an offence.

(3) A person who—

- (a) without reasonable excuse, contravenes paragraph 3(1) of Schedule 2,
- (b) contravenes paragraph 3(2) of that Schedule, or
- (c) without reasonable excuse, removes, obscures or damages a notice or sign required to be displayed under paragraph 7(2) of that Schedule,

commits an offence.

(4) A person who, without reasonable excuse—

- (a) contravenes a direction given—
 - (i) by an enforcement officer under Part 5, or
 - (ii) by the operator of a public transport service, an employee of the operator, or a person authorised by the operator, under regulation 25(2), or
- (b) fails to comply with a compliance notice given by an enforcement officer under regulation 23(1),

commits an offence.

(5) An offence under these Regulations is punishable on summary conviction by a fine.

(6) Section 24 of the Police and Criminal Evidence Act 1984 ^{M1} applies in relation to an offence under this regulation as if the reasons in subsection (5) included—

- (a) to maintain public health;
- (b) to maintain public order.

Textual Amendments

- F1** Word in [reg. 29\(1\)\(b\)](#) inserted (7.11.2020 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel and Restrictions\) \(Amendment\) \(Wales\) Regulations 2020 \(S.I. 2020/1237\)](#), regs. 1(2), **3(5)**

Commencement Information

- I1** Reg. 29 in force at 23.10.2020 at 6.00 p.m., see reg. 1(3)

Marginal Citations

- M1** [1984 c. 60](#). Section 24 was substituted by section 110(1) of the [Serious Organised Crime and Police Act 2005 \(c. 15\)](#).

Offences committed by bodies corporate etc.

30.—(1) If an offence under these Regulations committed by a body corporate is proved—

- (a) to have been committed with the consent or connivance of an officer of the body, or
- (b) to be attributable to any neglect on the part of such an officer,

the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.

(2) In paragraph (1), “officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

(3) Proceedings for an offence under these Regulations alleged to have been committed by a partnership may be brought in the name of the partnership instead of in the name of any of the partners.

(4) Proceedings for an offence under these Regulations alleged to have been committed by an unincorporated body other than a partnership may be brought in the name of the body instead of in the name of any of its members and, for the purposes of any such proceedings, any rules of court relating to the service of documents have effect as if that body were a body corporate.

(5) Section 33 of the Criminal Justice Act 1925^{M2} and Schedule 3 to the Magistrates' Courts Act 1980^{M3} apply in proceedings for an offence brought against a partnership or an unincorporated association other than a partnership as they apply in relation to a body corporate.

(6) A fine imposed on a partnership on its conviction for an offence under these Regulations is to be paid out of the partnership assets.

(7) A fine imposed on an unincorporated association other than a partnership on its conviction for an offence under these Regulations is to be paid out of the funds of the association.

Commencement Information

- I2** Reg. 30 in force at 23.10.2020 at 6.00 p.m., see reg. 1(3)

Marginal Citations

- M2** [1925 c. 86](#).
M3 [1980 c. 43](#).

Fixed penalty notices

31.—(1) An enforcement officer may issue a fixed penalty notice to anyone that the officer reasonably believes—

- (a) has committed an offence under these Regulations (except an offence under regulation 29(3)(a)), 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 regulation 13 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 or regulation 21 of the Health Protection (Coronavirus Restrictions) (No. 2) (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, any 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.

(7) 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 (6)(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.

(8) Where the notice is issued in respect of an alleged offence of contravening regulation 9(1), the amount specified under paragraph (7)(c) must be £10,000 (and paragraphs (10) and (11) do not apply).

(9) In any other case, the amount specified under paragraph (7)(c) must be £60 (subject to paragraphs (10) and (11)).

(10) A fixed penalty notice may specify that if £30 is paid before the end of the period of 14 days following the date of the notice, that is the amount of the fixed penalty.

(11) If the person to whom a fixed penalty notice is given has already received a fixed penalty notice under these Regulations or Regulations mentioned in paragraph (12)—

- (a) paragraph (10) does not apply, and
- (b) the amount specified as the fixed penalty is to be—
 - (i) in the case of the second fixed penalty notice received, £120;
 - (ii) in the case of the third fixed penalty notice received, £240;

- (iii) in the case of the fourth fixed penalty notice received, £480;
- (iv) in the case of the fifth fixed penalty notice received, £960;
- (v) in the case of the sixth and any subsequent fixed penalty notice received, £1920.

(12) In calculating how many fixed penalty notices a person has received, fixed penalty notices issued to that person under—

- (a) the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020,
- (b) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020, and
- (c) the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020 ^{M4}.

are to be taken into account, but no account is to be taken of any fixed penalty notice issued to that person in respect of an alleged offence of contravening regulation 14B(1) of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 or regulation 9(1) of these Regulations.

(13) Whatever other method may be specified under paragraph (7)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (7)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(14) Where a letter is sent as mentioned in paragraph (13), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(15) 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 paragraph (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.

Commencement Information

I3 Reg. 31 in force at 23.10.2020 at 6.00 p.m., see reg. 1(3)

Marginal Citations

M4 [S.I. 2020/1011](#) (W. 225).

Prosecutions

32.—(1) No proceedings for an offence under these Regulations may be brought other than by—

- (a) the Director of Public Prosecutions,
- (b) any person designated by the Welsh Ministers, or
- (c) in relation to proceedings for an offence of contravening a requirement in regulation 11(1), 12(1), 13(1), 14(1), 15(3), 17(2) or Schedule 2, a local authority.

(2) A person designated by the Welsh Ministers under regulation 14 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 or regulation 22 of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 is to be treated as if designated under this regulation.

Changes to legislation: *There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020 (expired), PART 6. (See end of Document for details)*

Commencement Information

I4 Reg. 32 in force at 23.10.2020 at 6.00 p.m., see reg. 1(3)

Changes to legislation:

There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020 (expired), PART 6.