
WELSH STATUTORY INSTRUMENTS

2020 No. 1219

**The Health Protection (Coronavirus
Restrictions) (No. 4) (Wales) Regulations 2020**

PART 7

Enforcement

Enforcement officers

25.—(1) For the purposes of regulation 26 and Schedule 3, an “enforcement officer” means a person designated by a local authority for the purposes of these Regulations.

(2) For the purposes of regulations 22, 23, 27 to 35, and 37, an “enforcement officer” means—

- (a) a constable,
- (b) a police community support officer,
- (c) a person designated by—
 - (i) the Welsh Ministers, or
 - (ii) a local authority,

for the purposes of these Regulations (but see paragraph (3)), or

- (d) a person designated by the Welsh Ministers or a local authority under—
 - (i) regulation 10(11)(c) of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020(1) as a relevant person (within the meaning given by that regulation),
 - (ii) regulation 17(1) of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020(2) for the purposes of those Regulations, or
 - (iii) regulation 21(2) of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020 for the purposes of those Regulations,(but see paragraph (3)).

(3) A person designated by a local authority may exercise an enforcement officer’s functions only in relation to a contravention (or alleged contravention) of a requirement in regulation 19(1), 20(1) or (2), or 21(2), or Schedule 3.

Enforcement of requirement to take preventative measures

26. Schedules 3 and 4 make provision for and in connection with conferring functions on enforcement officers for the purpose of enforcing regulation 21(2).

(1) S.I. 2020/353 (W. 80).

(2) S.I. 2020/725 (W. 162). Amended by S.I. 2020/985 (W. 222).

Compliance notices

27.—(1) An enforcement officer may give a compliance notice to a person if the officer has reasonable grounds for suspecting that the person is contravening a requirement in regulation 19(1) or 22(5).

(2) A compliance notice may specify measures that the person to whom it is given must take as soon as is reasonably practicable so as to prevent that person from continuing to contravene the requirement.

Powers of removal and dispersal

28.—(1) Where an enforcement officer has reasonable grounds for suspecting that a person is contravening regulation 4(1), the officer may—

- (a) direct the gathering to disperse;
- (b) direct any person not living at the dwelling at which the suspected contravention is occurring to leave the dwelling;
- (c) remove any such person from the dwelling.

(2) Where an enforcement officer has reasonable grounds for suspecting that people are gathered together in contravention of regulation 6(1) or (3), the officer may—

- (a) direct the gathering to disperse;
- (b) direct any person in the gathering to return to the place where they are living;
- (c) remove any person in the gathering to the place where they are living.

(3) Where an enforcement officer has reasonable grounds for suspecting that a person (“P”) is contravening regulation 9, the officer may direct P—

- (a) in the case of an alleged contravention of regulation 9(1), to leave Wales, or
- (b) in the case of an alleged contravention of regulation 9(2), not to leave Wales or to return to Wales.

(4) Where an enforcement officer has reasonable grounds for suspecting that a person (“P”) is away from the place where they are living in contravention of regulation 11(2), 12(2), 13(2) or 14(2), the officer may—

- (a) direct P to return to the place where P is living;
- (b) remove P to that place.

(5) When exercising a power in paragraphs (1) to (3), an enforcement officer may direct a person to follow such instructions as the officer considers necessary.

Powers relating to prohibited events

29.—(1) Where an enforcement officer has reasonable grounds for suspecting that a person (“P”) is involved in organising an event in contravention of regulation 7(1) or 8(1), the officer may—

- (a) direct P to follow such instructions as the officer considers necessary in order to stop the event;
- (b) remove P from the location of the event;
- (c) direct any person to leave the event (or where the person is a child accompanied by an individual with responsibility for the child, direct the individual to remove the child from the event);
- (d) remove any person from the event.

(2) Where an enforcement officer has reasonable grounds for suspecting that a person (“P”) is involved in organising an event which the officer considers is likely to contravene regulation 7(1) or 8(1) if the event were to take place, the officer may—

- (a) direct P to follow such instructions as the officer considers necessary in order to stop the event from taking place;
- (b) remove P from the proposed location of the event.

Enforcement of face covering requirements

30.—(1) Where an enforcement officer has reasonable grounds for suspecting that a person (“P”) is contravening (or is about to contravene) regulation 22(1), the officer may—

- (a) direct P not to board the vehicle providing the public transport service in question;
- (b) remove P from the vehicle.

(2) Where—

- (a) the operator of a public transport service,
- (b) an employee of the operator, or
- (c) a person authorised by the operator,

has reasonable grounds to suspect that a person (“P”) is about to contravene regulation 22(1), the operator, employee or authorised person may direct P not to board the vehicle providing the public transport service in question.

(3) Where an enforcement officer has reasonable grounds to suspect that a person (“P”) is contravening (or is about to contravene) regulation 23(1), the officer may—

- (a) direct P not to enter the premises;
- (b) remove P from the premises.

Enforcement: children

31.—(1) Where an enforcement officer has reasonable grounds to suspect that a person (“P”) is contravening regulation 4(1), and is a child accompanied by an individual (“I”) who has responsibility for P—

- (a) if P does not live at the dwelling at which the alleged contravention is occurring, the officer may direct I to remove P from the dwelling, and
- (b) I must, so far as reasonably practicable, ensure that P complies with any direction or instruction given by the officer to P.

(2) Where an enforcement officer has reasonable grounds to suspect that a person (“P”) is in a gathering in contravention of regulation 6(1) or (3) and is a child accompanied by an individual (“I”) who has responsibility for P—

- (a) the officer may direct I to take P to the place where P is living, and
- (b) I must, so far as reasonably practicable, ensure that P complies with any direction or instruction given by the officer to P.

(3) Where an enforcement officer has reasonable grounds to suspect that a person (“P”) is contravening regulation 9 and is a child accompanied by an individual (“I”) who has responsibility for P—

- (a) the officer may direct I—
 - (i) in the case of an alleged contravention of regulation 9(1), to take P to a place outside Wales,

- (ii) in the case of an alleged contravention of regulation 9(2), to prevent P from leaving Wales or to return P to Wales, and
 - (b) I must, so far as reasonably practicable, ensure that P complies with any direction or instruction given by the officer to P.
- (4) Where an enforcement officer has reasonable grounds to suspect that a person (“P”) is away from the place they are living in contravention of regulation 12(2) or 14(2) and is a child accompanied by an individual (“I”) who has responsibility for P—
- (a) the officer may direct I to take P to the place where P is living, and
 - (b) I must, so far as reasonably practicable, ensure that P complies with any direction or instruction given by the officer to P.
- (5) Where an enforcement officer has reasonable grounds to suspect that a child is failing to comply with the requirement in regulation 22(1) or 23(1), the officer may direct any individual (“I”) who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with the requirement.
- (6) For the purposes of paragraphs (1) to (4), I has responsibility for a child if I—
- (a) has custody or charge of the child for the time being, or
 - (b) has parental responsibility for the child.

Power of entry

- 32.**—(1) An enforcement officer may enter premises, if the officer—
- (a) has reasonable grounds for suspecting that a requirement imposed by these Regulations is being, has been or is about to be contravened on the premises, and
 - (b) considers it necessary to enter the premises for the purpose of ascertaining whether the requirement is being, has been or is about to be contravened.
- (2) An enforcement officer entering premises in accordance with paragraph (1) may take such other persons, equipment and materials onto the premises as appears to the officer to be appropriate.
- (3) An enforcement officer entering premises in accordance with paragraph (1)—
- (a) if asked by a person on the premises, must show evidence of the officer’s identity and outline the purpose for which the power is exercised;
 - (b) if the premises are unoccupied or the occupier is temporarily absent, must leave the premises as effectively secured against unauthorised entry as when the officer found them.

Power of police to conduct road checks

- 33.**—(1) For the purposes of this regulation, a “road check” means the exercise in a locality of the power conferred by section 163 of the Road Traffic Act 1988(3) in such a way as to stop, during the period for which the exercise of that power in that locality continues, all vehicles or vehicles selected by any criterion.
- (2) A constable may conduct a road check for the purpose of ascertaining whether a vehicle is carrying a person who has committed, or a person who the constable reasonably believes intends to commit, an offence under these Regulations.
- (3) A road check must be authorised by a constable of the rank of superintendent or above.
- (4) But a road check may be authorised by a constable below that rank if the constable considers it necessary as a matter of urgency.

(3) 1988 c. 52, as amended by the Road Traffic Act 1991 (c. 40) and the Traffic Management Act 2004 (c. 18).

(5) A constable may authorise a road check if the constable has reasonable grounds to believe that persons are, or are about to be, in the locality in which vehicles would be stopped are committing, or intend to commit, an offence under these Regulations.

(6) An authorisation must be in writing and must specify—

- (a) the locality in which vehicles are to be stopped;
- (b) the period, not exceeding 7 days, during which the road check may take place;
- (c) whether the road check is to be conducted—
 - (i) continuously throughout the period, or
 - (ii) at particular times during the period (in which case the authorisation must specify those times);
- (d) the name of the constable giving the authorisation.

(7) Where a road check is authorised under paragraph (4)—

- (a) the period specified in paragraph (6)(b) may not exceed 2 days;
- (b) the constable giving the authorisation must, as soon as is reasonably practicable after giving it, inform a constable of the rank of superintendent or above that it has been given.

(8) A constable of the rank of superintendent or above may give authorisation in writing for a road check to continue for a further period, not exceeding 7 days, beyond the period for which the road check was initially authorised.

(9) Where a vehicle is stopped in a road check, the person in charge of the vehicle at the time when it is stopped is entitled to obtain a written statement of the purpose of the road check by applying in writing—

- (a) to the police force responsible for the locality where the road check is conducted, and
- (b) no later than the end of the period of 12 months from the day on which the vehicle was stopped.

Enforcement: supplemental provision

34.—(1) An enforcement officer may take other action to facilitate the exercise of a power conferred on the officer by this Part, including requiring any person to give any information or answer any question the officer considers to be relevant to the exercise of the power.

(2) An enforcement officer may use reasonable force in the exercise of a power under—

- (a) regulation 28(1)(c), (2)(c) or (4)(b),
- (b) regulation 29(1)(b) or (d) or (2)(b),
- (c) regulation 30(1)(b) or (3)(b), or
- (d) regulation 32(1).

(3) An enforcement officer may only exercise a power under this Part if the officer considers that it is necessary and proportionate to do so.

(4) In this Part references to a requirement include references to a restriction.