
WELSH STATUTORY INSTRUMENTS

2020 No. 1609

**The Health Protection (Coronavirus
Restrictions) (No. 5) (Wales) Regulations 2020**

PART 8

Offences and penalties

CHAPTER 1

Offences

Offences relating to gatherings and being away from home

37.—(1) A person who contravenes a requirement in—

- (a) paragraph 1(1) or 2(1) of Schedule 1,
- (b) paragraph 1(1) or 2(1) or (3) of Schedule 2,
- (c) paragraph 1(1) or 2(1) or (3) of Schedule 3, or
- (d) paragraph 1(1) or 2(1) of Schedule 4,

commits an offence.

(2) A person who participates in a gathering—

- (a) which takes place in a private dwelling,
- (b) which consists of more than 15 people, and
- (c) at which people are gathered in contravention of—
 - (i) paragraph 1(1) of Schedule 1,
 - (ii) paragraph 1(1) of Schedule 2,
 - (iii) paragraph 1(1) of Schedule 3, or
 - (iv) paragraph 2(1) of Schedule 4,

commits an offence.

Commencement Information

II Reg. 37 in force at 20.12.2020, see reg. 1(3)

Travel restriction offences

38. A person who contravenes a requirement in—

- (a) paragraph 6(1) or (2) of Schedule 1,
- (b) paragraph 6(1) or (2) of Schedule 2,

Status: Point in time view as at 27/02/2021.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, PART 8. (See end of Document for details)

- (c) paragraph 6(1) or (2) [F1 of] Schedule 3, or
- (d) paragraph 6(1) of Schedule 4,

commits an offence.

Textual Amendments

- F1** Word in reg. 38(c) inserted (9.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel and Restrictions\) \(Amendment\) \(Wales\) Regulations 2021 \(S.I. 2021/20\)](#), regs. 1(2), 8(5)

Commencement Information

- I2** Reg. 38 in force at 20.12.2020, see reg. 1(3)

Offences relating to organising events

39.—(1) A person who contravenes a requirement in—

- (a) paragraph 4 of Schedule 1,
- (b) paragraph 4 of Schedule 2,
- (c) paragraph 4 of Schedule 3, or
- (d) paragraph 4 of Schedule 4,

commits an offence.

(2) A person who, without reasonable excuse, is involved in organising a large unlicensed music event commits an offence.

(3) For the purposes of paragraph (2)—

- (a) “large unlicensed music event” means an event—
 - (i) at which more than 30 people are in attendance,
 - (ii) at which music is played or performed for the purpose, or for purposes which include the purpose, of entertainment, and
 - (iii) where the playing or performance of the music is—
 - (aa) a licensable activity (within the meaning of the Licensing Act 2003^{M1}), and
 - (bb) not carried on under and in accordance with an authorisation (within the meaning given by section 136(5) of that Act);
- (b) a person is not involved in organising a large unlicensed music event if the person's only involvement is attending it.

Commencement Information

- I3** Reg. 39 in force at 20.12.2020, see [reg. 1\(3\)](#)

Marginal Citations

- M1** 2003 c. 17.

Offences relating to isolation requirements and contact tracing

40.—(1) A person who—

- (a) contravenes a requirement in regulation 6(2), 7(2), 8(2), 9(2) ^{F2}... or 12, or
- (b) without reasonable excuse, contravenes a requirement in regulation 6(3), 7(3), 8(3) [^{F3}or 9(3)],

commits an offence.

(2) It is an offence for a person (“P”) to give false or misleading information to a contact tracer—

- (a) under regulation 6(3), 7(3), 8(3) [^{F4}or 9(3)], or
- (b) about—
 - (i) P's contact information, or
 - (ii) persons with whom P may have had close contact,

where P knows the information is false or misleading, or P is reckless as to whether the information is false or misleading.

(3) In paragraph (2), “close contact” has the same meaning as in Part 3.

Textual Amendments

- F2** Words in [reg. 40\(1\)\(a\)](#) omitted (27.2.2021) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2021 \(S.I. 2021/210\)](#), regs. 1(2), **2(7)(a)(i)**
- F3** Words in [reg. 40\(1\)\(b\)](#) substituted (27.2.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2021 \(S.I. 2021/210\)](#), regs. 1(2), **2(7)(a)(ii)**
- F4** Words in [reg. 40\(2\)\(a\)](#) substituted (27.2.2021) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2021 \(S.I. 2021/210\)](#), regs. 1(2), **2(7)(b)**

Commencement Information

- I4** Reg. 40 in force at 20.12.2020, see [reg. 1\(3\)](#)

Offence of failing to wear a face covering

41. A person who contravenes the requirement in regulation 19(1) or 20(1) commits an offence.

Commencement Information

- I5** Reg. 41 in force at 20.12.2020, see [reg. 1\(3\)](#)

Offences relating to businesses and services

42.—(1) A person who, without reasonable excuse, contravenes a requirement in—

- (a) paragraphs 7(1) or 8(1) or (2) of Schedule 1,
- (b) paragraphs 7(1) or 8(1) or (2) of Schedule 2,
- (c) paragraphs 7(1), 8(1) or (2) or 10(1) of Schedule 3, or
- (d) paragraphs 7(1), 8(1), 9(1) [^{F5}, 10(1) or 11(3)] of Schedule 4,

commits an offence.

(2) An operator of a public transport service who, without reasonable excuse, contravenes the requirement in regulation 19(5) commits an offence.

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(3) A person who, without reasonable excuse, fails to take the measures specified in a premises improvement notice issued under paragraph 1(1) of Schedule 8 within the time limit specified in the notice commits an offence.

(4) A person who, without reasonable excuse, contravenes paragraph 3(1) of Schedule 8 commits an offence.

(5) A person who—

(a) contravenes paragraph 3(2) of Schedule 8, or

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

commits an offence.

Textual Amendments

F5 Words in reg. 42(1)(d) substituted (22.12.2020 at 12.01 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/1623\)](#), regs. 1(2), **2(4)**

Commencement Information

I6 Reg. 42 in force at 20.12.2020, see [reg. 1\(3\)](#)

Obstruction and contravention of directions and compliance notices

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

(2) A person who, without reasonable excuse—

(a) contravenes a direction given—

(i) by an enforcement officer under Part 7, or

(ii) by the operator of a public transport service, an employee of the operator, or a person authorised by the operator, under regulation 32(2), or

(b) fails to comply with a compliance notice given by an enforcement officer under regulation 27(1),

commits an offence.

Commencement Information

I7 Reg. 43 in force at 20.12.2020, see [reg. 1\(3\)](#)

Penalty

44. An offence under these Regulations is punishable on summary conviction by a fine.

Commencement Information

I8 Reg. 44 in force at 20.12.2020, see [reg. 1\(3\)](#)

Arrest without warrant

45. Section 24 of the Police and Criminal Evidence Act 1984 ^{M2} applies in relation to an offence under these Regulations as if the reasons in subsection (5) included—

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

Commencement Information

I9 Reg. 45 in force at 20.12.2020, see [reg. 1\(3\)](#)

Marginal Citations

M2 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.

46.—(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 ^{M3} and Schedule 3 to the Magistrates' Courts Act 1980 ^{M4} apply in proceedings for an offence brought against a partnership or an unincorporated body 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 body other than a partnership on its conviction for an offence under these Regulations is to be paid out of the funds of the body.

Commencement Information

I10 Reg. 46 in force at 20.12.2020, see [reg. 1\(3\)](#)

Marginal Citations

M3 1925 c. 86.
M4 1980 c. 43.

CHAPTER 2

Fixed penalties

Fixed penalty notices

47.—(1) An enforcement officer may issue a fixed penalty notice to a person the officer reasonably believes—

- (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—

- (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—

- (a) regulation 13 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020,
- (b) regulation 21 of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020,
- (c) regulation 31 of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020, or
- (d) regulation 37 of the Health Protection (Coronavirus Restrictions) (No. 4) (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, one 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.

Commencement Information

III Reg. 47 in force at 20.12.2020, see [reg. 1\(3\)](#)

Amount of fixed penalty: general

48.—(1) Unless regulation 49, 50, 51 or 52 applies, the amount of a fixed penalty is—

- (a) £60, or
- (b) if £30 is paid before the end of the period of 14 days following the date of the notice, £30.

(2) But if the person to whom such a fixed penalty notice is issued has already received a relevant fixed penalty notice—

- (a) paragraph (1) does not apply, and
 - (b) the amount specified as the fixed penalty is—
 - (i) in the case of the second relevant fixed penalty notice received, £120;
 - (ii) in the case of the third relevant fixed penalty notice received, £240;
 - (iii) in the case of the fourth relevant fixed penalty notice received, £480;
 - (iv) in the case of the fifth relevant fixed penalty notice received, £960;
 - (v) in the case of the sixth and any subsequent relevant fixed penalty notice received, £1,920.
- (3) In paragraph (2), “relevant fixed penalty notice” means—
- (a) a fixed penalty notice where the amount of fixed penalty is determined under this regulation;
 - (b) a fixed penalty notice under—
 - (i) the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020,
 - (ii) the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020 other than a notice to which regulation 21(7A) of those Regulations applies,
 - (iii) the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020 other than a notice to which regulation 31(8) of those Regulations applies,
 - (iv) the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 other than a notice to which regulation 39, 40, 41 or 42 of those Regulations applies,
 - (v) the Health Protection (Coronavirus Restrictions) (Functions of Local Authorities etc.) (Wales) Regulations 2020^{M5}.

Commencement Information

I12 Reg. 48 in force at 20.12.2020, see [reg. 1\(3\)](#)

Marginal Citations

M5 [S.I. 2020/1011](#) (W. 225).

Amount of fixed penalty: participating in a large gathering at a private dwelling

49. Where a fixed penalty notice is issued in respect of an alleged offence under regulation 37(2), the amount of the fixed penalty is £60.

Commencement Information

I13 Reg. 49 in force at 20.12.2020, see [reg. 1\(3\)](#)

Amount of fixed penalty: organising an event

50.—(1) Where a fixed penalty notice is issued in respect of an alleged offence under regulation 39(1), the amount of the fixed penalty is £500.

(2) But if the person to whom a fixed penalty notice is issued in respect of such an alleged offence has already received a relevant fixed penalty notice—

- (a) paragraph (1) does not apply, and
- (b) the amount of the fixed penalty is—

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- (i) in the case of the second such fixed penalty notice received, £1,000;
 - (ii) in the case of the third such fixed penalty notice received, £2,000;
 - (iii) in the case of the fourth and any subsequent such fixed penalty notice received, £4,000.
- (3) In paragraph (2), “relevant fixed penalty notice” means—
- (a) a fixed penalty notice where the amount of fixed penalty is determined under this regulation;
 - (b) a fixed penalty notice under the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 to which regulation 40 of those Regulations applies.

Commencement Information

I14 Reg. 50 in force at 20.12.2020, see [reg. 1\(3\)](#)

Amount of fixed penalty: organising an unlicensed music event

51. Where a fixed penalty notice is issued in respect of an alleged offence under regulation 39(2), the amount of the fixed penalty is £10,000.

Commencement Information

I15 Reg. 51 in force at 20.12.2020, see [reg. 1\(3\)](#)

Amount of fixed penalty: business-related offences

52.—(1) This regulation applies to a fixed penalty notice issued in respect of an alleged offence under regulation 42(1), (2), (3) or (4) (an “alleged business offence”).

(2) Where a fixed penalty notice is issued in respect of an alleged business offence, the amount of the fixed penalty is £1,000.

(3) But if the person to whom a fixed penalty notice is issued in respect of an alleged business offence has already received a relevant fixed penalty notice—

- (a) paragraph (2) does not apply, and
- (b) the amount of the fixed penalty is—
 - (i) in the case of the second such fixed penalty notice received, £2,000;
 - (ii) in the case of the third such fixed penalty notice received, £4,000;
 - (iii) in the case of the fourth and any subsequent such fixed penalty notice received, £10,000.

(4) In paragraph (3), “relevant fixed penalty notice” means—

- (a) a fixed penalty notice issued in respect of an alleged business offence;
- (b) a fixed penalty notice under the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020 to which regulation 42 of those Regulations applies.

Commencement Information

I16 Reg. 52 in force at 20.12.2020, see [reg. 1\(3\)](#)

Fixed penalties: form and procedure

53.—(1) 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 regulation 47(6)(a)) proceedings will not be taken for the offence;
- (c) specify the amount of the fixed penalty determined under regulation 48, 49, 50, 51 or 52 (as the case may be);
- (d) state the name and address of the person to whom the fixed penalty may be paid;
- (e) specify permissible methods of payment.

(2) Whatever other method may be specified under paragraph (1)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (1)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).

(3) Where a letter is sent as mentioned in paragraph (2), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(4) 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 regulation 47(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

I17 Reg. 53 in force at 20.12.2020, see [reg. 1\(3\)](#)

Fixed penalty notices: prohibition of double jeopardy

54.—(1) Where the same, or largely the same, act or omission by a person may give rise to a reasonable belief that the person has committed more than one offence under these Regulations, a fixed penalty notice may be issued to the person only in respect of one of the alleged offences.

(2) But a fixed penalty notice may be issued in respect of both an alleged offence under regulation 37(1) and under regulation 37(2) where the same, or largely the same, act by a person gives rise to a reasonable belief that the person has committed both offences.

Commencement Information

I18 Reg. 54 in force at 20.12.2020, see [reg. 1\(3\)](#)

CHAPTER 3

Proceedings

Self-incrimination

55.—(1) Relevant information may be used in evidence against the person to whom the information relates in criminal proceedings.

(2) Where the information is used in proceedings other than for an offence under these Regulations or section 5 of the Perjury Act 1911 ^{M6} (false statements made otherwise than on oath)—

(a) no evidence relating to the information may be adduced by or on behalf of the prosecution, and

(b) no question relating to the information may be asked by or on behalf of the prosecution.

(3) Paragraph (2) does not apply if, in the proceedings—

(a) evidence relating to the information is adduced by or on behalf of the person who provided it, or

(b) a question relating to the information is asked by or on behalf of that person.

(4) In this regulation, “relevant information” means—

(a) information which is relevant information for the purposes of regulation 14;

(b) information, or the answer to a question, given in response to a requirement imposed under regulation 36(1);

(c) anything contained in a document or electronic records produced in response to a requirement imposed under paragraph 8(1) of Schedule 8.

Commencement Information

I19 Reg. 55 in force at 20.12.2020, see [reg. 1\(3\)](#)

Marginal Citations

M6 1911 c. 6. Section 5 was amended by section 1(2) of the [Criminal Justice Act 1948 \(c. 58\)](#).

Prosecutions

56.—(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 under regulation 42, a local authority.

(2) A person designated by the Welsh Ministers under—

(a) regulation 14 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020,

(b) regulation 22 of the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020,

(c) regulation 32 of the Health Protection (Coronavirus Restrictions) (No. 3) (Wales) Regulations 2020, or

(d) regulation 46 of the Health Protection (Coronavirus Restrictions) (No. 4) (Wales) Regulations 2020,

is to be treated as if designated under this regulation.

Commencement Information

I20 Reg. 56 in force at 20.12.2020, see [reg. 1\(3\)](#)

Status:

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Changes to legislation:

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