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WELSH STATUTORY INSTRUMENTS

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**2020 No. 574**

**The Health Protection (Coronavirus,  
International Travel) (Wales) Regulations 2020**

**PART 4**

Enforcement and offences

**Enforcement of requirement to isolate**

**13.**—(1) Where a constable has reasonable grounds for suspecting that a person (“P”) is contravening regulation 7(3) or 8(3)(b), the constable may—

- (a) direct P to return to the premises where P is residing,
- (b) remove P to the premises, or
- (c) where it is not practicable or appropriate in the circumstances to take the action in subparagraph (a) or (b), remove P to premises secured by the Welsh Ministers which are suitable for P to reside in for the purposes of regulation 7(3) or 8(3)(b).

(2) A constable exercising the power in paragraph (1)(b) or (c) may use reasonable force, if necessary, in the exercise of the power.

(3) Where P is a child accompanied by a person who has responsibility for the child—

- (a) the constable may direct the person with that responsibility to take the child to the premises where the child is residing, and
- (b) the person must, so far as reasonably practicable, ensure that the child complies with any direction or instruction given by the constable to the child.

(4) A constable may take such other action as the constable considers necessary and proportionate to facilitate the exercise of a power conferred on the constable by this regulation.

(5) A constable may not exercise a power conferred on the constable by this regulation unless the constable considers that it is necessary and proportionate to do so.

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**Commencement Information**

**II** Reg. 13 in force at 8.6.2020 at 12.01 a.m., see reg. 1(2)

**Offences**

**14.**—(1) An adult who contravenes a requirement in regulation—

- (a) 4(1) or (4),
- [<sup>F1</sup>(aa) 6A(1) or (2),]
- (b) 5(2),
- (c) 7(2), (3) or (5),

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- (d) 8(3) or (4),
- (e) 10(6), <sup>F2</sup> ... <sup>F3</sup> ...
- (f) 11, <sup>F4</sup> ... <sup>F5</sup> ...
- <sup>F6</sup>(g) [<sup>F7</sup>12E,]
- <sup>F8</sup>(h) 6B and 6C, or
- (i) 6D,]

commits an offence.

<sup>F9</sup>(1A) But a person does not commit an offence where they contravene a requirement in regulation 6A(1), if they reasonably believed at the time of the contravention that a notification in their possession of a negative result relating to the person or to a child for whom the person has responsibility (as the case may be) was valid and from a qualifying test (for the purposes of that regulation).]

<sup>F10</sup>(1B) But a person does not commit <sup>F10</sup> an offence if they have a reasonable excuse for contravening regulation 6B or 6C.

(1C) For the purposes of regulation 6B a reasonable excuse includes, in particular, where—

- (a) it was not reasonably practicable for a person to book a test due to a disability;
- (b) a person reasonably considered before arriving in Wales that it would not be reasonably practicable for the person (or, as the case may be, the child for whom the person has responsibility) to provide a sample for a test due to a disability;
- (c) a person required medical treatment with such urgency that booking a test was not reasonably practicable;
- (d) a person was accompanying, in order to provide support, whether medical or otherwise, a person described in sub-paragraph (a) or (c) where it was not reasonably practicable for the accompanying person to book a test;
- (e) a person began their journey to Wales in a country or territory in which the person did not have reasonable access to the facilities or services required to book a test, with or without payment, and such facilities or services were not reasonably accessible in their last point of departure if this was different to where they began their journey.

(1D) For the purposes of regulation 6C, a reasonable excuse includes, in particular, where—

- (a) it is not reasonably practicable for P to undertake a test due to a disability;
- (b) P requires medical treatment with such urgency that undertaking a test is not reasonably practicable;
- (c) a test is cancelled for reasons beyond P's control.]

(2) It is an offence for an adult to provide false or misleading information to the Secretary of State for the purposes of regulation 4, 5, 7(5), 8(4) or 10(6) where—

- (a) the person knows the information is false or misleading, or
- (b) the person is reckless as to whether the information is false or misleading.

(3) An adult who fails to comply with a direction given by a constable under regulation 13 commits an offence.

(4) An adult who intentionally obstructs any person exercising functions under these Regulations commits an offence.

(5) It is a defence to a charge of committing an offence under paragraph (1) or (3) to show that the person had a reasonable excuse for the contravention, or failure to comply, in question.

[<sup>F11</sup>(5A) In relation to an offence of contravening regulation 6A(1), the circumstances under which a person has a reasonable excuse include where—

- (a) a person was medically unfit to provide a sample for a qualifying test before travelling to Wales and possesses a document, signed by a medical practitioner entitled to practise in the country or territory in which that practitioner was based, to that effect,
  - (b) it was not reasonably practicable for a person to obtain a qualifying test before travelling to Wales due to—
    - (i) a disability,
    - (ii) the need to obtain urgent medical treatment
  - (c) a person was accompanying, in order to provide support (whether medical or otherwise), a person described in sub-paragraph (b) and where it was not reasonably practicable for the accompanying person to obtain a qualifying test before travelling to Wales,
  - (d) a person began their journey to Wales in a country or territory in which a qualifying test was not available to the public (with or without payment) or in which it was not reasonably practicable for a person to obtain a qualifying test due to a lack of reasonable access to a qualifying test or testing facility and it was not reasonably practicable for them to obtain a qualifying test in their last point of departure if this was different to where they began their journey,
  - (e) the time it has taken a person to travel from the country or territory where they began their journey to the country or territory of their last point of departure prior to arriving in Wales meant that it was not reasonably practicable for them to meet the requirement in paragraph 1(c) of Schedule 1A, and it was not reasonably practicable for them to obtain a qualifying test in their last point of departure.]
- (6) A person who commits an offence under this regulation is liable on summary conviction to a fine.
- (7) Section 24 of the Police and Criminal Evidence Act 1984 <sup>M1</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.

#### Textual Amendments

- F1** Reg. 14(1)(aa) inserted (18.1.2021) by [The Health Protection \(Coronavirus, International Travel, Pre-Departure Testing and Operator Liability\) \(Wales\) \(Amendment\) Regulations 2021 \(S.I. 2021/48\)](#), regs. 1(2), **3(4)(a)** (with reg. 11)
- F2** Word in reg. 14(1)(e) omitted (14.11.2020 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus, International Travel and Restrictions\) \(Amendment\) \(No. 2\) \(Wales\) Regulations 2020 \(S.I. 2020/1288\)](#), regs. 1(2), **2(4)(a)**
- F3** Word in reg. 14(1)(e) omitted (24.12.2020 at 9.00 a.m.) by virtue of [The Health Protection \(Coronavirus, South Africa\) \(Wales\) Regulations 2020 \(S.I. 2020/1645\)](#), regs. 1(2), **2(3)(a)**
- F4** Word in reg. 14(1)(f) omitted (28.11.2020 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus, International Travel\) \(Wales\) \(Amendment\) \(No. 21\) Regulations 2020 \(S.I. 2020/1362\)](#), regs. 1(2), **8(2)(b)**
- F5** Word in reg. 14(1)(f) omitted (15.2.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus, International Travel\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/154\)](#), regs. 1(2), **8(a)(i)** (with reg. 21)
- F6** Reg. 14(1)(g) inserted (24.12.2020 at 9.00 a.m.) by [The Health Protection \(Coronavirus, South Africa\) \(Wales\) Regulations 2020 \(S.I. 2020/1645\)](#), regs. 1(2), **2(3)(c)**

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- F7** Word in reg. 14(1)(g) substituted (15.2.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/154\)](#), regs. 1(2), **8(a)(ii)** (with reg. 21)
- F8** Reg. 14(1)(h)(i) inserted (15.2.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/154\)](#), regs. 1(2), **8(a)(iii)** (with reg. 21)
- F9** Reg. 14(1A) inserted (18.1.2021) by [The Health Protection \(Coronavirus, International Travel, Pre-Departure Testing and Operator Liability\) \(Wales\) \(Amendment\) Regulations 2021 \(S.I. 2021/48\)](#), regs. 1(2), **3(4)(b)** (with reg. 11)
- F10** Reg. 14(1B)-(1D) inserted (15.2.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/154\)](#), regs. 1(2), **8(b)** (with reg. 21)
- F11** Reg. 14(5A) inserted (18.1.2021) by [The Health Protection \(Coronavirus, International Travel, Pre-Departure Testing and Operator Liability\) \(Wales\) \(Amendment\) Regulations 2021 \(S.I. 2021/48\)](#), regs. 1(2), **3(4)(b)** (with reg. 11)

#### Commencement Information

- I2** Reg. 14 in force at 8.6.2020 at 12.01 a.m., see reg. 1(2)

#### Marginal Citations

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

### Prosecutions

**15.** No proceedings for an offence under these Regulations may be brought other than by the Director of Public Prosecutions or any person designated by the Welsh Ministers.

#### Commencement Information

- I3** Reg. 15 in force at 8.6.2020 at 12.01 a.m., see reg. 1(2)

### Fixed penalty notices

**16.—(1)** An immigration officer may issue a fixed penalty notice to any adult the officer reasonably believes has committed an offence—

- (a) under regulation 14(1) or (2)—
- (i) in relation to a requirement in regulation 4(1) or (4), 5(2), [<sup>F12</sup>6A(1) or (2)] or 7(5), or
  - (ii) in relation to a contravention of the requirement in regulation 11 which relates to the requirement in regulation 7(5), or

- (b) under regulation 14(4) where the person is believed to have intentionally obstructed a person carrying out a function in relation to one of those requirements.

(2) A constable may issue a fixed penalty notice to any adult the constable reasonably believes has committed an offence under these Regulations.

(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 to—

- (a) the Welsh Ministers, or
- (b) a person designated by the Welsh Ministers for the purposes of receiving payment under this regulation.

- (4) 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 beginning with 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.
- (5) A fixed penalty notice must—
- (a) describe the circumstances alleged to constitute the offence,
  - (b) state the period during which (because of paragraph (4)(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.
- (6) Where the fixed penalty notice is issued in respect of an offence—
- (a) of contravening a requirement imposed by regulation 7(2) or (3), 8(3) or 11,
- [<sup>F13</sup>(aa) of contravening a requirement imposed by regulation 6A,]
- [<sup>F14</sup>(ab) of contravening a requirement imposed by regulation 6D,]
- (b) under regulation 14(3), or
  - (c) under regulation 14(4) where the person is believed to have intentionally obstructed a person carrying out a function in relation to regulation 7(2) or (3), 8(3) or 11,
- the amount specified under paragraph (5)(c) [<sup>F15</sup>is to be as set out in paragraph (6A)].
- [<sup>F16</sup>(6A) The amount specified as the fixed penalty in paragraph (6) is to be—
- (a) in the case of the first fixed penalty notice received, £500;
  - (b) in the case of the second fixed penalty notice received, £1000;
  - (c) in the case of the third fixed penalty notice received, £2000;
  - (d) in the case of the fourth and any subsequent fixed penalty notice received, £4000.]

[<sup>F17</sup>(6AA) Where the fixed penalty notice is issued to a person in respect of an offence described in regulation 14(1)(g), then the amount specified under paragraph (5)(c) must be £10,000.

(6AB) Where the fixed penalty notice is issued to a person in respect of an offence described in regulation 14(1)(h), then the amount specified under paragraph (5)(c) must be—

    - (a) in the case of a fixed penalty notice issued in respect of a failure to arrange tests in accordance with regulation 6B(3) or (5), £1,000;
    - (b) in the case of the first fixed penalty notice issued in respect of a failure to take a test in accordance with regulation 6C(1) or (3), £1,000;
    - (c) in the case of the second fixed penalty notice issued in respect of a failure to take a test in accordance with regulation 6C(1) or (3), £2,000.]

(7) [<sup>F18</sup>Subject to paragraph (7A),] where the fixed penalty notice is issued in respect of an offence (an “information or notification offence”)—

      - (a) of contravening a requirement imposed by regulation 4(1) or (4), 5(2), 7(5), 8(4) or 10(6), or
      - (b) under regulation 14(4) where the person is believed to have intentionally obstructed a person carrying out a function in relation to one of those requirements,

the amount specified under paragraph (5)(c) must be £60 (subject to paragraphs (8) and (9)).

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- [<sup>F19</sup>(7A) Where a fixed penalty notice is issued to a person in respect of an offence—
- (a) under regulation 14(2), and
  - (b) it relates to that person's travel history to a country or territory listed in Schedule 3A,
- the amount specified under paragraph (5)(c) must be £10,000.]
- (8) A fixed penalty notice issued in respect of an information or notification offence may specify that if £30 is paid before the end of the period of 14 days beginning with the day after the date the notice is issued, that is the amount of the fixed penalty.
- (9) But if the person to whom a fixed penalty notice in respect of an information or notification offence is issued has already received a fixed penalty notice in respect of such of such an offence—
- (a) paragraph (8) 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.
- (10) Whatever other method may be specified under paragraph (5)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (5)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).
- (11) Where a letter is sent as mentioned in paragraph (10), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (12) In any proceedings, a certificate that—
- (a) purports to be signed by or on behalf of—
    - (i) the Welsh Ministers, or
    - (ii) a person designated by the Welsh Ministers under paragraph (3)(b), 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.

### Textual Amendments

- F12** Words in reg. 16(1)(a)(i) inserted (18.1.2021) by [The Health Protection \(Coronavirus, International Travel, Pre-Departure Testing and Operator Liability\) \(Wales\) \(Amendment\) Regulations 2021 \(S.I. 2021/48\)](#), regs. 1(2), **3(5)(a)** (with reg. 11)
- F13** Reg. 16(6)(aa) inserted (18.1.2021) by [The Health Protection \(Coronavirus, International Travel, Pre-Departure Testing and Operator Liability\) \(Wales\) \(Amendment\) Regulations 2021 \(S.I. 2021/48\)](#), regs. 1(2), **3(5)(b)** (with reg. 11)
- F14** Reg. 16(6)(ab) inserted (15.2.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/154\)](#), regs. 1(2), **9(a)** (with reg. 21)
- F15** Words in reg. 16(6) substituted (12.12.2020 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel and Public Health Information to Travellers\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/1521\)](#), regs. 1(2), **6(2)**
- F16** Reg. 16(6A) inserted (12.12.2020 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel and Public Health Information to Travellers\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/1521\)](#), regs. 1(2), **6(3)**

- F17** Reg. 16(6AA)(6AB) inserted (15.2.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/154\)](#), regs. 1(2), **9(b)** (with reg. 21)
- F18** Words in reg. 16(7) inserted (15.2.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/154\)](#), regs. 1(2), **9(c)** (with reg. 21)
- F19** Reg. 16(7A) inserted (15.2.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel\) \(Wales\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/154\)](#), regs. 1(2), **9(d)** (with reg. 21)

**Commencement Information**

- I4** Reg. 16 in force at 8.6.2020 at 12.01 a.m., see reg. 1(2)

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