
WELSH STATUTORY INSTRUMENTS

2020 No. 574

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

PART 4

Enforcement and offences

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), [F16A(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,

[^{F2}(aa) of contravening a requirement imposed by regulation 6A,]

(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) [^{F3}is to be as set out in paragraph (6A)].

[^{F4}(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.]

(7) 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)).

(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

- F1** 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)
- F2** 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)
- F3** 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)**
- F4** 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)**

Commencement Information

- I1** Reg. 16 in force at 8.6.2020 at 12.01 a.m., see reg. 1(2)

Status:

Point in time view as at 18/01/2021. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Health Protection (Coronavirus, International Travel) (Wales) Regulations 2020, Section 16.