

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 [^{F1}2(1)] of Schedule 1,
- (b) paragraph [^{F2}2(1) ^{F3}...] or (3) of Schedule 2,
- (c) paragraph 1(1) [^{F4}2(1) or 3(1)] of Schedule 3, or
- (d) paragraph 1(1) or 2(1) of Schedule 4,

commits an offence.

^{F5}(2)

Textual Amendments

- F1** Words in reg. 37(1)(a) substituted (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(7)(a)(i)**
- F2** Words in reg. 37(1)(b) substituted (26.12.2021 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 25\) Regulations 2021 \(S.I. 2021/1485\)](#), regs. 1(2), **2(7)(a)(ii)**
- F3** Word in reg. 37(1)(b) omitted (21.1.2022 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/55\)](#), regs. 1(2), **2(4)(a)**
- F4** Words in reg. 37(1)(c) substituted (26.4.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(8)**
- F5** Reg. 37(2) omitted (28.1.2022 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2022 \(S.I. 2022/83\)](#), regs. 1(2), **2(8)**

Commencement Information

- I1** Reg. 37 in force at 20.12.2020, see reg. 1(3)

Travel restriction offences

^{F6}**38.**

Textual Amendments
F6 Reg. 38 omitted (17.5.2021 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 10\) Regulations 2021 \(S.I. 2021/583\)](#), regs. 1(2), **2(7)**

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) [^{F7}paragraph 5] of Schedule 3, or
- (d) paragraph 4 of Schedule 4,

commits an offence.

^{F8}(2)

^{F9}(3)

Textual Amendments
F7 Words in reg. 39(1)(c) substituted (26.4.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(9)**
F8 Reg. 39(2) omitted (28.3.2022) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2022 \(S.I. 2022/388\)](#), regs. 1(2), **2(13)** (with reg. 3)
F9 Reg. 39(3) omitted (28.3.2022) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2022 \(S.I. 2022/388\)](#), regs. 1(2), **2(13)** (with reg. 3)
Commencement Information
I2 Reg. 39 in force at 20.12.2020, see [reg. 1\(3\)](#)

Offences relating to isolation requirements and contact tracing

^{F10}**40.**

Textual Amendments
F10 Reg. 40 omitted (28.3.2022) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2022 \(S.I. 2022/388\)](#), regs. 1(2), **2(14)** (with reg. 3)

Offence of possessing false or misleading evidence relating to vaccination or coronavirus test results

^{F11}**40A.**

Textual Amendments

- F11** Reg. 40A omitted (18.2.2022) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 5\) Regulations 2022 \(S.I. 2022/142\)](#), regs. 1(2), **2(11)**

Offence of failing to wear a face covering

- 41.** A person who contravenes the requirement in regulation ^{F12}... 20(1) commits an offence.

Textual Amendments

- F12** Words in reg. 41 omitted (28.3.2022) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2022 \(S.I. 2022/388\)](#), regs. 1(2), **2(15)** (with reg. 3)

Commencement Information

- I3** 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) [^{F13}paragraph 7(1)] of Schedule 1,
- (b) [^{F14}paragraph 7(1)] of Schedule 2,
- (c) paragraphs 7(1), 8(1) or [^{F15}9(1)] of Schedule 3, or
- (d) paragraphs 7(1), 8(1), 9(1) [^{F16}, 10(1) or 11(3)] of Schedule 4,

commits an offence.

- ^{F17}(2)
- ^{F18}(3)
- ^{F18}(4)
- ^{F18}(5)

Textual Amendments

- F13** Words in reg. 42(1)(a) substituted (26.4.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(10)(a)**
- F14** Words in reg. 42(1)(b) substituted (26.4.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(10)(b)**
- F15** Word in reg. 42(1)(c) substituted (26.4.2021 immediately before the start of the day) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2021 \(S.I. 2021/502\)](#), regs. 1(2), **2(10)(c)**
- F16** 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)**
- F17** Reg. 42(2) omitted (28.3.2022) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2022 \(S.I. 2022/388\)](#), regs. 1(2), **2(16)** (with reg. 3)
- F18** Reg. 42(3)-(5) omitted (18.4.2022) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 9\) Regulations 2022 \(S.I. 2022/450\)](#), regs. 1(2), **2(7)**

Commencement Information

I4 Reg. 42 in force at 20.12.2020, see [reg. 1\(3\)](#)

Offence of failing to work from home where reasonably practicable to do so

^{F19}**42A.**

Textual Amendments

F19 Reg. 42A omitted (28.1.2022 at 6.00 a.m.) by [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 4\) Regulations 2022 \(S.I. 2022/83\)](#), regs. 1(2), **2(9)**

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

^{F20}(ii)

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

commits an offence.

Textual Amendments

F20 Reg. 43(2)(a)(ii) omitted (28.3.2022) by virtue of [The Health Protection \(Coronavirus Restrictions\) \(No. 5\) \(Wales\) \(Amendment\) \(No. 8\) Regulations 2022 \(S.I. 2022/388\)](#), regs. 1(2), **2(17)** (with reg. 3)

Commencement Information

I5 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

I6 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 ^{M1} 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

I7 Reg. 45 in force at 20.12.2020, 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.

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^{M2} and Schedule 3 to the Magistrates' Courts Act 1980^{M3} 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

I8 Reg. 46 in force at 20.12.2020, see [reg. 1\(3\)](#)

Marginal Citations

M2 1925 c. 86.

M3 1980 c. 43.

Changes to legislation:

There are currently no known outstanding effects for the The Health Protection (Coronavirus Restrictions) (No. 5) (Wales) Regulations 2020, CHAPTER 1.