*The Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020*

 *Regulation 13*

***FIXED PENALTY NOTICE***

Reference No: **\*\*\*\*\*\*\*\*\*\*\*\*\*\***

PART 1

1. **Alleged offender**

Surname **\*\*\*\*\*\*** Forename(s) **\*\*\*\*\*\*** Date of birth **\*\*\*\*\***

Address **\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

Postcode **\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

1. **Alleged Offence**

I, (*name of the officer*) a duly authorised officer and relevant person of \*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\* Council, the local authority (relevant person) for the purposes of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 [the Regulations] have reasonable grounds for believing that you have failed to exercise your responsibility under: (*delete as appropriate)*:

* Regulation 4 – requirement to close premises and businesses during the emergency period (or)
* Regulation 5 – requirement to close premises and businesses during the emergency period: specific provision about holiday etc. accommodation (or)
* Regulation 6 – restrictions on certain other businesses and services during the emergency period (or)
* Regulation 7 – restrictions on places of worship, crematoriums and community centres

Contrary to Regulation 12 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020. The circumstances alleged to constitute the offence are that:

On *(date)*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at *(time)*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The premises\*/ business\*/ service\*/ place\* *(\*delete as appropriate),* that you are responsible for was found to be: *(delete as appropriate)*

* Open for business/service
* Open and failing to ensure reasonable measures are in place (Regulation 7)
* Selling food or drink for consumption on its premises or adjacent to its premises
* Providing a service or carrying on a business which is listed in Part 2 or 3 of Schedule 1 to the regulations
* A business listed in Part 4 of Schedule 1 who failed to take all reasonable measures outlined in Regulation 6(1)
* Carrying on a business not listed in Part 4 of Schedule 1 of offering goods for sale or for hire in a shop without taking the measures listed in Regulation 6 (2)(a)

This notice offers you the opportunity to discharge any liability to conviction for the above offence by payment of a fixed penalty.

**The penalty charge payable is £60 / £120\*** *(£120 if the recipient has already received a fixed penalty notice, delete as appropriate).*The penalty charge must be paid not later than the last day of the period of 28 days (which begins from the date of this notice).

**\*A reduced charge of £30 is payable if the penalty charge is paid not later than the last day of the period of 14 days** (which begins from the date of this notice).[*reduced payment not offered where a penalty of £120 is given, delete as appropriate]*

You will not be liable for conviction for the offence if you pay the fixed penalty during the period of 28 days from the date of this notice.

**Your rights relating to this charge are detailed on the rear of this notice.**

Payment should be made in one of the following ways: *local details inserted here*

1. **Authorised Officer**

Name \*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

Signature Date \*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

Part 2

**Your rights:**

This fixed penalty notice has been issued under Regulation 13 of the Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020 for the reasons stated overleaf. Within 28 days of the date of issue of this notice, you must either pay the penalty or request that the matter be heard by a court. You may not do both.

If you fail to do either, ########### Council may pursue this matter in court. Please note that, on conviction, a fine of up to £1,000 can be levied by the court.

Please do not make payment if you wish to challenge this Fixed Penalty Notice

Should you wish for the offence to be tried in a court of law then please contact:

**\*\*\*\*\*\*\* Council address and contact details**

If the authority considers that a fixed penalty notice should not have been given, the local authority must give notice to that person withdrawing the fixed penalty notice. If a fixed penalty notice is withdrawn then local authority must repay any amount which has been paid by way of penalty in pursuance of the fixed penalty notice, and no proceedings may be brought or continued against the person who received the notice for the offence in question.

If you believe this Notice should not have been served then the reasons for this should be outlined in writing to the address above. Be aware that there is no formal system of appeal against the issuing of the Fixed Penalty Notice and so it is important that any representations are made as soon as possible if they are to be considered and to ensure the date for repayment of the charge does not expire.

Part 3

**Payment:**

The amount of the fixed penalty is £60/£120 which must be paid within 28 days of the date of issue of this notice, as shown in Part 1. Where the original penalty is £60, you can pay a discounted amount of £30 if you pay within 14 days of the date of issue of this notice, as shown in Part 1. If you choose to pay this penalty, no further action will be taken in respect to the alleged offence described at Part 1 of this penalty notice. The payment of the penalty involves no admission of guilt and will not result in a record of criminal conviction being made against you.

If you wish to contest the issue of this penalty notice and have your case heard in a court of law you must still complete Part 3A below and tick the box stating you wish to be dealt with by a court of law. You must include an address at which a summons can be served on you. The summons will tell you when and where to attend court. Only the recipient of this penalty notice (the person named at Part 1) may request a court hearing.

WARNING: LATE PAYMENT WILL NOT BE ACCEPTED.YOU WILL NOT BE SENT A REMINDER.

Payment may be made by completing Part 3A below and returning this with payment to the address stated below.

………………………………………………………………………………………………………………………………….

|  |  |  |
| --- | --- | --- |
| PART 3A: **Payment of fixed penalty notice or requesting a court hearing** THIS SLIP MUST ACCOMPANY ALL PAYMENTS & REQUESTS FOR A COURT HEARING**Penalty Notice reference number**: ……………………………………………………………….*Please indicate your preferred option by ticking the relevant box(s) below:* |  |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 🞎 | I wish to pay the penalty and enclose the amount of: | (if payment will be received within 14 days of the issue of this penalty notice) | £30 🞎 | (if payment will be received within 28 daysof the issue of this penalty notice) | £60🞎 |
| Having already received a Fixed Penalty Notice under the above regulations:  | £120🞎 |
| 🞎 | I wish to be dealt with by a court of law for the alleged offence described in Part 1 of this notice |

Full name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Post Code: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**RETURN THIS SLIP TO**: *insert address*