
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for a local authority to give directions relating to specified premises, events and public outdoor places in its area. A direction may only be given if the local authority considers that the necessity and proportionality conditions set out in regulation 3(1) are met.

Before making a direction under these Regulations, a local authority must have regard to any guidance issued by the Scottish Ministers under regulation 2(1), as it is amended from time to time. The local authority must also have regard to any guidance issued by the Scottish Ministers under regulation 4A of the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020.

In accordance with regulation 3, the local authority must review the direction at least once every 7 days and it must be revoked or revoked and replaced when it is determined on review that the requirements of necessity and proportionality are no longer met.

The local authority must publicise the making of a direction given under these Regulations in accordance with regulation 9 and inform any neighbouring local authority that such a direction has been made, in accordance with regulation 10.

Regulation 11 provides that a direction made under these Regulations may be enforced by an officer designated by a local authority or a constable.

Regulation 12 makes provision for offences and penalties under these Regulations.

Regulation 13 provides that a fixed penalty may be issued by a constable to any person they reasonably believe has committed an offence under these Regulations who is aged 18 or over.

The effect of regulation 13(6) is that Fixed Penalty Notices (FPNs) issued to a person under regulation 8 of the Health Protection (Coronavirus, Restrictions) (Aberdeen City) Regulations 2020 and regulation 9 of the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 will be taken into account in determining the penalty payable where a FPN is issued under these Regulations. Regulation 14 makes a parallel amendment to the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 in order that FPNs issued under these Regulations will be taken into account in determining the penalty payable in relation to a FPN issued under them.

Regulation 15 provides that these Regulations expire on 31 January 2021. They must be reviewed at least every 42 days, with the first review being carried out by 9 October 2020.

A Business and Regulatory Impact Assessment has been prepared for these Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020.