
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 262

**The Health Protection (Coronavirus, Restrictions) (Directions
by Local Authorities) (Scotland) Regulations 2020**

Enforcement of requirements

11.—(1) A local authority designated officer or a constable may take such action as is necessary to enforce a direction under regulation 5(1), 6(1) or 7(1).

(2) A local authority designated officer may give a prohibition notice to a person if the officer reasonably believes that—

- (a) the person is contravening a direction under regulation 5(1), 6(1) or 7(1), and
- (b) it is necessary and proportionate to give the prohibition notice for the purpose of preventing that person from continuing to do so.

(3) Where a constable considers that an event is being held in contravention of a direction under regulation 6(1), the constable may—

- (a) direct the event to stop,
- (b) direct a person to leave the event, and
- (c) remove a person from the event.

(4) Where a constable considers that a person is, without reasonable excuse, in a public outdoor place in contravention of regulation 8(3), the constable may—

- (a) direct that person to leave the place, and
- (b) remove that person from the place.

(5) A constable exercising the power in paragraph (3)(c) or (4)(b) to remove a person from an event or place may use reasonable force, if necessary, in exercise of the power.

(6) Where a child is at an event held in contravention of a direction under regulation 6(1), or is in a public outdoor place in contravention of regulation 8(3), and is accompanied by an individual who has responsibility for the child—

- (a) a constable may direct that individual to remove the child from the event or place, and
- (b) that individual must, so far as reasonably practicable, ensure that the child complies with any direction or instruction given by the constable to the child.

(7) A constable may exercise the power in paragraph (3), (4) or (6) only if the constable considers that it is a necessary and proportionate means of ensuring compliance with a direction under regulation 6(1) or with regulation 8(3), as the case may be.

(8) A constable exercising a power under paragraph (3), (4), or (6) may give the person concerned any reasonable instructions the constable considers to be necessary.

(9) For the purposes of this regulation—

- (a) an individual has responsibility for a child if the individual—
 - (i) has custody or charge of the child for the time being, or
 - (ii) is the child's parent.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020, Section 11. (See end of Document for details)

- (b) “local authority designated officer” means a person designated by a local authority for the purposes of this regulation.

Commencement Information

I1 Reg. 11 in force at 28.8.2020, see reg. 1(2)

Changes to legislation:

There are currently no known outstanding effects for the The Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020, Section 11.