
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 262

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

Offences and penalties

12.—(1) A person who contravenes a direction under regulation 5(1), 6(1) or 7(1) commits an offence.

(2) A person who contravenes the following provision of these Regulations commits an offence—

- (a) regulation 8(2),
- (b) regulation 8(3).

(3) A person who contravenes a direction given by a constable under regulation 11, or who fails to comply with a reasonable instruction or a prohibition notice under regulation 11, commits an offence.

(4) A person who obstructs a person carrying out a function under these Regulations commits an offence.

(5) It is a defence to a charge of committing an offence under paragraph (1), (2), (3) or (4) to show that the person, in the circumstances, had a reasonable excuse.

(6) For the purposes of the offence referred to in paragraph (2)(b), a reasonable excuse includes that—

- (a) the person owns, occupies or is responsible for any land or premises in a public outdoor place to which the direction relates,
- (b) the person needs to enter a public outdoor place to which the direction relates to obtain access to, or to leave, the place where they are living,
- (c) the person is visiting a person who falls within a description of person in sub-paragraph (a) or (b),
- (d) the person needs to enter or remain in a public outdoor place to which the direction relates—
 - (i) to avoid injury or illness or to escape a risk of harm,
 - (ii) to continue existing arrangements for access to, and contact between, parents and children where the children do not live in the same household as their parents, or one of their parents,
 - (iii) to fulfil a legal obligation or to participate in legal proceedings,
- (e) it is reasonably necessary for a person to enter or remain in a public outdoor place to which the direction relates—
 - (i) for work purposes, or for the provision of voluntary or charitable services,
 - (ii) to facilitate a house move,
 - (iii) to provide care or assistance to a vulnerable person, or
 - (iv) to provide emergency assistance.

(7) An offence under this regulation is punishable on summary conviction by a fine not exceeding the statutory maximum.

(8) If an offence under this regulation 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) commits the offence and is liable to be prosecuted and proceeded against and punished accordingly.

(9) In paragraph (6), “officer” in relation to a body corporate means —

(a) in the case of a company—

(i) a director, secretary, manager or similar officer, or

(ii) where the affairs of the company are managed by its members, a member,

(b) in the case of a limited liability partnership, a member,

(c) in the case of a partnership other than a limited liability partnership, a partner,

(d) in the case of another body or association, a person who is concerned in the management or control of its affairs.