
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 262

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

Directions by local authorities: general

3.—(1) A local authority may give a direction under regulation 5(1), 6(1) or 7(1) only if the authority considers that the following conditions are met—

- (a) that the direction is necessary for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus in the local authority's area, and
- (b) that the prohibitions, requirements or restrictions imposed by the direction are a proportionate means of achieving that purpose.

(2) Where a local authority gives a direction under regulation 5(1), 6(1) or 7(1) the local authority must—

- (a) notify the Scottish Ministers as soon as reasonably practicable after the direction is given, and
- (b) at least once every 7 days review whether the conditions in paragraph (1) continue to be met.

(3) If on a review of a direction under paragraph (2)(b) a local authority considers that one or both of the conditions in paragraph (1) is no longer met in relation to the direction, the local authority must—

- (a) revoke the direction without replacement, or
- (b) revoke the direction and replace it with a further direction under regulation 5(1), 6(1) or 7(1) in relation to which the local authority considers that the conditions in paragraph (1) are met.

(4) Section 16 of the Interpretation Act 1978⁽¹⁾ applies in relation to the revocation of a direction under regulation 5(1), 6(1) or 7(1) as it applies in relation to the repeal of an enactment.