
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 262

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

Directions relating to individual premises

5.—(1) Subject to regulation 3, a local authority may give a direction imposing prohibitions, requirements or restrictions in relation to the entry into, departure from, or location of persons in, specified premises in the local authority's area.

(2) A direction under paragraph (1) may be given for the purposes of—

- (a) closing the premises,
- (b) restricting entry to the premises, or
- (c) securing restrictions in relation to the location of persons in the premises.

(3) A local authority may not give a direction under paragraph (1) in relation to—

- (a) any premises consisting of vehicles, trains, vessels or aircraft used for public transport or the carriage or haulage of goods, or
- (b) a vessel not falling within paragraph (a), where the direction would be likely to have the effect of preventing a change-over of crew.

(4) A direction under paragraph (1) may only have the effect of imposing a prohibition, requirement or restriction on—

- (a) the owner or any occupier of premises to which the direction relates,
- (b) any other person involved in managing entry into, or departure from, such premises or the location of persons in them.

(5) A direction under paragraph (1) may impose a prohibition, requirement or restriction by reference to, among other things—

- (a) the number of persons in the premises,
- (b) the purpose for which a person is in the premises,
- (c) the facilities in the premises.

(6) A direction under paragraph (1) must—

- (a) state the date and time on which the prohibition, requirement or restriction comes into effect, and the date and time on which it will cease to have effect, and
- (b) give details of the right of appeal to a sheriff and the time within which such an appeal may be brought.

(7) The date and time mentioned in paragraph (6)(a) when the prohibition, requirement or restriction ceases to have effect must be no later than 21 days after it comes into effect.

(8) Where a local authority gives a direction under paragraph (1) it must take reasonable steps to give advance notice of the direction to—

- (a) a person carrying on a business from the premises to which the direction relates, and
- (b) if different, any person who owns or occupies the premises.

(9) A person in relation to whom a direction under paragraph (1) imposes a prohibition, requirement or restriction may appeal against the direction to a sheriff.

(10) On an appeal against a direction under paragraph (1) in a case where the direction was made pursuant to a direction of the Scottish Ministers under regulation 4, an application is to be issued to both the Scottish Ministers and the local authority.