
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 344

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020

PART 4

Final provisions

Amendment of the Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020

10.—(1) In the Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020 ^{M1}—

- (a) after regulation 11 (enforcement of requirements), insert—

“Power of entry

11A.—(1) A local authority designated officer may enter premises—

- (a) for the purpose of the performance of the officer's functions under these Regulations, and
- (b) if the condition in paragraph (3)(a) is met.
- (2) A local authority designated officer may enter premises if—
- (a) the officer reasonably believes that—
- (i) a direction under regulation 5(1), 6(1) or 7(1) is being, has been or is about to be contravened, and
- (ii) it is necessary and proportionate to enter the premises for the purpose of—
- (aa) ascertaining whether a contravention is taking, has taken or is about to take place,
- (bb) preventing the initiation or continuation of the contravention, and
- (b) a condition in paragraph (3)(b), (c) or (d) is met.
- (3) The condition is that—
- (a) the person who appears to be the occupier of the premises has consented to the local authority designated officer entering the premises,
- (b) the local authority designated officer—
- (i) has requested permission to enter the premises from the person who appears to be the occupier of the premises, but permission has been refused, and
- (ii) reasonably believes the situation to be urgent,
- (c) the occupier of the premises is temporarily absent and the local authority designated officer reasonably believes the situation to be urgent, or

Status: Point in time view as at 02/11/2020. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, Section 10. (See end of Document for details)

(d) the entry is effected under the authority of a warrant issued under paragraph (8).

(4) For the purposes of paragraph (3)(b)(ii) and (c), a reasonable belief in urgency means that the local authority designated officer considers immediate entry to the premises to be necessary and proportionate for the purpose of preventing the continuation of the contravention and for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination of coronavirus.

(5) A local authority designated officer entering premises in accordance with paragraph (2) may—

- (a) use reasonable force to enter the premises if necessary, and
- (b) take such other persons, equipment and materials onto the premises as the local authority designated officer considers necessary.

(6) A local authority designated officer must, if requested to do so, provide a document or any other thing showing the officer's authority to exercise the power of entry in this regulation.

(7) For the purpose of this regulation, “premises” includes any building or structure and any land.

(8) A sheriff or justice of the peace may by warrant authorise a relevant person to enter the premises.

(9) A warrant under this regulation continues in force until the purpose for which it is issued is fulfilled.”, and

(b) in regulation 13 (fixed penalty notices)—

(i) in paragraph (1), after “constable”, in both places where it occurs, insert “ or local authority designated officer ”,

(ii) in paragraph (6), after sub-paragraph (b), insert—

“(c) regulation 16 of the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020,

(d) regulation 27 of the Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Measures) (Scotland) Regulations 2020.”,

(iii) in paragraph (8), after sub-paragraph (f), insert—

“(ff) the references to “constable” in section 133(1) are to be construed as references to a constable or local authority designated officer,”, and

(iv) after paragraph (8), insert—

“(9) Where the person issuing a notice under paragraph (1) is a local authority designated officer, the officer may require the person believed to have committed an offence (“A”) to give A's name and address.

(10) When making that requirement, the officer must inform A—

- (a) that the officer believes A has committed an offence under these Regulations, and
- (b) that failure to comply with the requirement may be an offence.

(11) If A has been required under this section to give A's name and address and, without reasonable excuse, fails to do so, A will be guilty of an offence and liable, on summary conviction, to a fine not exceeding the statutory maximum.”.

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Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, Section 10. (See end of Document for details)

Commencement Information

I1 Reg. 10 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

Marginal Citations

M1 [S.S.I. 2020/262](#), as amended by [S.S.I. 2020/279](#).

Status:

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Changes to legislation:

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