
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 344

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

PART 3

Enforcement

Offences and penalties

5.—(1) It is an offence for a person to contravene any of the restrictions or requirements in schedules 1 to 5 and 7 other than a restriction or requirement in—

- (a) schedule 1, paragraphs 3(b) and 4,
- (b) schedule 2, paragraphs 4(b) and 5,
- (c) schedule 3, paragraphs 7(b) and 8,
- (d) schedule 4, paragraphs 6(b) and 7, or
- (e) schedule 5, paragraphs 8(b) and 9.

(2) It is an offence for a person to obstruct any person carrying out a function under these Regulations.

(3) It is an offence for a person to—

- (a) contravene a direction given under regulation 4, or
- (b) fail to comply with an instruction or prohibition notice given under regulation 4.

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

(5) A person who commits an offence under this regulation is liable, on summary conviction, to a fine not exceeding the statutory maximum.

(6) If an offence under this regulation committed by a body corporate is proved to—

- (a) have been committed with the consent or connivance of an officer of the body, or
- (b) 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.

(7) In paragraph (6), “officer” in relation to a body corporate means in the case of—

- (a) 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) a limited liability partnership, a member,
- (c) a partnership other than a limited liability partnership, a partner, or

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