
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 322

**The Health Protection (Coronavirus) (International Travel
and Operator Liability) (Scotland) Regulations 2021**

PART 7

Parts 2 to 6: enforcement

Powers of direction and removal

33.—(1) Where a constable has reasonable grounds for suspecting that a person (“P”) has contravened the requirement in regulation 21(1) (requirement to stay in managed accommodation) or 26(2) (requirement to stay in specified premises), the constable may—

- (a) direct P to return to the place where P is staying,
- (b) remove P to the place where P is staying,
- (c) where it is not practicable or appropriate in the circumstances to take the action in subparagraph (a) or (b), remove P to a hotel or other accommodation facilitated by the Secretary of State or the Scottish Ministers.

(2) Paragraph (1)(b) and (c) do not apply where P is a person described in paragraph 1 of schedule 4.

(3) A constable exercising the power in paragraph (1) may use reasonable force, if necessary, in doing so.

(4) Where a child (“C”) is outside of the place where they are staying in accordance with regulation 21(1) or 26(2) and is accompanied by a person who has responsibility for the child (“A”)—

- (a) the constable may direct A to take C to the place where C is staying,
- (b) A must, so far as reasonably practicable, ensure that C complies with any direction or instruction given by a constable to C.

(5) Where a constable has reasonable grounds for suspecting that a child (“C”) has repeatedly contravened the requirement in regulation 21(1) or 26(2), the constable may direct any person who has responsibility for C to ensure, so far as reasonably practicable, that C complies with that requirement.

(6) A constable may only exercise a power under paragraph (1), (4) or (5) if the constable considers that it is a necessary and proportionate means of ensuring compliance with the requirement in regulation 21(1) or 26(2).

(7) A constable exercising a power under paragraph (1), (4) or (5) may give to P or A any direction or instruction the constable considers necessary and proportionate.

(8) Where P is a person required to comply with regulation 21(1), an authorised person may give a direction to P to ensure that P complies with the requirements of that regulation, including a direction—

- (a) that P remain in a particular area of a port to await transportation to P’s designated accommodation,

- (b) that P move to a particular place to board P's designated transportation,
 - (c) that P board P's designated transportation to travel to P's designated accommodation, or
 - (d) that P remain in, or return to, the place where P is staying in accordance with regulation 21(1).
- (9) For the purposes of paragraph (8), "authorised person" means a person authorised by the Scottish Ministers for the purposes of this regulation.