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SCOTTISH STATUTORY INSTRUMENTS

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**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<sup>M1</sup> 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.

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**Commencement Information**

**II** Reg. 3 in force at 28.8.2020, see reg. 1(2)

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**Marginal Citations**

**M1** 1978 c.30.

**Changes to legislation:**

There are currently no known outstanding effects for the The Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020, Section 3.