

Status: Point in time view as at 09/12/2021.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus Act 2020, SCHEDULE 21. (See end of Document for details)

SCHEDULES

SCHEDULE 21

Section 51

POWERS RELATING TO POTENTIALLY INFECTIOUS PERSONS

[^{F1}PART 1

OVERVIEW AND INTERPRETATION

Textual Amendments

- F1** Sch. 21 Pt. 1 expires (E.N.I.) (9.12.2021) by [The Coronavirus Act 2020 \(Early Expiry\) \(No. 2\) Regulations 2021 \(S.I. 2021/1399\)](#), regs. 1(2), 2
Sch. 21 Pt. 1 expires (E.) (9.12.2021) by [The Coronavirus Act 2020 \(Early Expiry\) \(No. 2\) Regulations 2021 \(S.I. 2021/1399\)](#), regs. 1(2), 5

Overview

- 1 (1) Parts 2 to 5 of this Schedule—
- (a) confer powers on public health officers, constables and immigration officers in England, Wales, Scotland and Northern Ireland, and
 - (b) make related provision.
- (2) This Part of this Schedule contains provision relating to the interpretation of Parts 2 to 5.

Potentially infectious persons

- ^{x12} (1) For the purposes of this Schedule, a person is “potentially infectious” at any time if—
- (a) the person is, or may be, infected or contaminated with coronavirus, and there is a risk that the person might infect or contaminate others with coronavirus, or
 - (b) the person has been in an infected area within the 14 days preceding that time.
- (2) For the purposes of this paragraph, “infected area” means any country, territory or other area outside the United Kingdom which the Secretary of State has declared as a country, territory or area—
- (a) where there is known or thought to be sustained human-to-human transmission of coronavirus, or
 - (b) from which there is a high risk that coronavirus will be transmitted to the United Kingdom.
- (3) A declaration under sub-paragraph (2)—
- (a) is to be made by being published online, and

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- (b) must, as soon as reasonably practicable after it is made, also be published in the London Gazette.

Editorial Information

- X1** The exercise of the power to make a declaration conferred under this provision must also be notified by means of a notice published in [The Gazette](#)

Other definitions

- 3 (1) In this Schedule—

“assessment”, in relation to a person, means assessment of the measures that it would be appropriate to take in relation to the person (under this Schedule or otherwise) to mitigate the risk that the person might infect or contaminate others with coronavirus;

“biological sample” includes a sample of blood or respiratory secretions (including a sample of such secretions taken by a swab of the nasopharyngeal cavity);

“immigration officer” means a person appointed by the Secretary of State as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971;

“screening”, in relation to a person, means—

- (a) assessing the extent to which a person has been exposed to coronavirus,
- (b) determining whether the person is infected or contaminated with coronavirus, and
- (c) assessing the person's symptoms and state of health.

- (2) “Public health officer” means—

- (a) in Part 2 of this Schedule—
 - (i) an officer of the Secretary of State designated by the Secretary of State for any or all of the purposes of this Schedule, or
 - (ii) a registered public health consultant so designated;
- (b) in Part 3 of this Schedule—
 - (i) a person designated by the Scottish Ministers for any or all of the purposes of this Schedule,
 - (ii) a person designated by a Health Board (see section 2(1)(a) of the National Health Service (Scotland) Act 1978) for any or all of the purposes of this Schedule, or
 - (iii) a person designated under section 3(1) of the Public Health etc. (Scotland) Act 2008 (asp 5) as a health board competent person;
- (c) in Part 4 of this Schedule—
 - (i) an officer of the Welsh Ministers designated by them for any or all of the purposes of this Schedule, or
 - (ii) a registered public health consultant so designated;
- (d) in Part 5 of this Schedule—
 - (i) an officer of the Regional Agency for Public Health and Social Well-being, or

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- (ii) a person acting under the direction or advice of the Director of Public Health in Northern Ireland under arrangements for preventing or controlling the transmission of coronavirus.
- (3) A designation under sub-paragraph (2) may in particular be of a class or description of person.
- (4) In this Schedule references to England, Scotland, Wales and Northern Ireland include the territorial sea adjacent to those parts of the United Kingdom respectively.]

PART 2

POWERS RELATING TO POTENTIALLY INFECTIOUS PERSONS IN ENGLAND

Declarations of risks of coronavirus in England

- ^{x24} (1) If at any time the Secretary of State is of the view that—
- (a) the incidence or transmission of coronavirus constitutes a serious and imminent threat to public health in England, and
 - (b) the powers conferred by this Part of this Schedule will be an effective means of delaying or preventing significant further transmission of coronavirus in England,
- the Secretary of State may make a declaration to that effect.
- (2) If, having made a declaration under this paragraph, the Secretary of State ceases to be of the view referred to in sub-paragraph (1), the Secretary of State must revoke the declaration.
- (3) A declaration or the revocation of a declaration under this paragraph—
- (a) is to be made by being published online, and
 - (b) must, as soon as reasonably practicable after it is made, also be published in the London Gazette.
- (4) The Secretary of State may make a declaration under this paragraph on more than one occasion.
- (5) Before making or revoking a declaration under this paragraph the Secretary of State must consult the Chief Medical Officer or any of the Deputy Chief Medical Officers of the Department of Health and Social Care.

Editorial Information

- X2** The exercise of the power to make or revoke a declaration conferred under this provision must also be notified by means of a notice published in [The Gazette](#)

- 5 In this Part of this Schedule, “transmission control period” means a period which—
- (a) begins when the Secretary of State makes a declaration under paragraph 4, and
 - (b) ends when the declaration is revoked.

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Powers to direct or remove persons to a place suitable for screening and assessment

- 6 (1) This paragraph applies if, during a transmission control period, a public health officer has reasonable grounds to suspect that a person in England is potentially infectious.
- (2) The public health officer may, subject to sub-paragraph (3)—
- (a) direct the person to go immediately to a place specified in the direction which is suitable for screening and assessment,
 - (b) remove the person to a place suitable for screening and assessment, or
 - (c) request a constable to remove the person to a place suitable for screening and assessment (and the constable may then do so).
- (3) A public health officer may exercise the powers conferred by this paragraph in relation to a person only if the officer considers that it is necessary and proportionate to do so—
- (a) in the interests of the person,
 - (b) for the protection of other people, or
 - (c) for the maintenance of public health.
- (4) Where a public health officer exercises the powers conferred by this paragraph, the officer must inform that person—
- (a) of the reason for directing or removing them, and
 - (b) that it is an offence—
 - (i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction, or
 - (ii) in a case where a person is removed (by the officer or by a constable), to abscond.
- 7 (1) This paragraph applies if, during a transmission control period—
- (a) a constable, or
 - (b) an immigration officer in the course of exercising any of their functions,
- has reasonable grounds to suspect that a person in England is potentially infectious.
- (2) The immigration officer or constable may, subject to sub-paragraph (3)—
- (a) direct the person to go immediately to a place specified in the direction which is suitable for screening and assessment, or
 - (b) remove the person to a place suitable for screening and assessment.
- (3) An immigration officer or constable may exercise the powers conferred by this paragraph in relation to a person only if the officer or constable considers that it is necessary and proportionate to do so—
- (a) in the interests of the person,
 - (b) for the protection of other people, or
 - (c) for the maintenance of public health.
- (4) Where an immigration officer or constable exercises the power to direct or remove a person under this paragraph, the officer or constable must inform that person—
- (a) of the reason for directing or removing them, and
 - (b) that it is an offence—
 - (i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction, or
 - (ii) in a case where a person is removed, to abscond.

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- (5) An immigration officer or constable must, before exercising the powers conferred by this paragraph, consult a public health officer to the extent that it is practicable to do so.

Powers exercisable at a screening and assessment place: public health officers

- 8 (1) Paragraphs 9 to 11 apply where, during a transmission control period—
- (a) a person is (whether or not pursuant to the exercise of powers under this Part of this Schedule) at a place in England which is suitable for screening and assessment, and
 - (b) a public health officer has reasonable grounds to suspect that the person is potentially infectious.
- (2) A public health officer may exercise a power conferred by paragraphs 9 to 11 only if the officer considers that it is necessary and proportionate to do so—
- (a) in the interests of the person,
 - (b) for the protection of other people, or
 - (c) for the maintenance of public health.
- 9 (1) A public health officer may require the person referred to in paragraph 8 to remain at the place for screening and assessment purposes for a period not exceeding 48 hours.
- (2) Where a public health officer requires a person to remain at a place under this paragraph, the officer must inform that person—
- (a) of the reason for imposing the requirement,
 - (b) of the maximum period the person may be required to remain there, and
 - (c) that it is an offence to fail to comply with the requirement.
- (3) A requirement imposed on a person under this paragraph may be enforced by a public health officer or a constable keeping the person at the place.
- 10 (1) A public health officer may—
- (a) require the person referred to in paragraph 8 to be screened and assessed, and
 - (b) impose other requirements on the person in connection with their screening and assessment.
- (2) Requirements under sub-paragraph (1)(a) may in particular include requirements on a person—
- (a) at such times as the public health officer may specify—
 - (i) to provide a biological sample, or
 - (ii) to allow a healthcare professional to take a biological sample by appropriate means;
 - (b) to answer questions and provide information about their health or other relevant matters (including their travel history and other individuals with whom they may have had contact).
- (3) In sub-paragraph (2)(a)(ii) “healthcare professional” means —
- (a) a registered medical practitioner,
 - (b) a registered nurse, or
 - (c) such other registered healthcare professional as may be designated by the Secretary of State.

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- (4) Requirements under sub-paragraph (1)(b) may in particular include requirements on a person—
- (a) to produce any documents which may assist in their assessment;
 - (b) to provide details by which they may be contacted during such subsequent period as the public health officer may specify.
- 11 (1) If a public health officer considers it appropriate for the purposes of screening or assessing the person, the officer may—
- (a) direct the person referred to in paragraph 8 to go immediately to another place which is specified in the direction and is suitable for those purposes,
 - (b) remove the person to another place suitable for those purposes, or
 - (c) request a constable to remove the person to another place suitable for those purposes (and the constable may then do so).
- (2) Where a public health officer exercises the powers conferred by this paragraph, the officer must inform that person—
- (a) of the reason for directing or removing them, and
 - (b) that it is an offence—
 - (i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction, or
 - (ii) in a case where a person is removed (by the officer or by a constable), to abscond.
- 12 Where the powers in paragraph 6, 7 or 11 are exercised in relation to a person in a place so as to direct them to go to, or remove them to, another place, paragraphs 9 to 11 apply in relation to that person afresh in that other place.

Powers exercisable at a screening and assessment place: constables and immigration officers

- 13 (1) This paragraph applies where, during a transmission control period—
- (a) a person is (whether or not pursuant to the exercise of powers under this Part of this Schedule) at a place in England which is suitable for screening and assessment, and
 - (b) an immigration officer or a constable has reasonable grounds to suspect that the person is potentially infectious.
- (2) The immigration officer or constable may, subject to sub-paragraphs (3) to (6), keep the person at that place until such time as a public health officer can exercise the functions under paragraphs 9 to 11 in relation to that person.
- (3) A person may not under sub-paragraph (2) be kept—
- (a) by a constable, for a period exceeding 24 hours, or
 - (b) by an immigration officer, for a period exceeding 3 hours.
- (4) If before the end of the period referred to in sub-paragraph (3)(a) or (b) the immigration officer or constable considers that it is necessary to extend the period because it is not reasonably practicable for a public health officer to exercise the functions under paragraphs 9 to 11 before the end of that period, the officer or constable may, with the consent of a relevant officer, extend the period for a further—
- (a) 24 hours, in the case of keeping by a constable, or
 - (b) 9 hours, in the case of keeping by an immigration officer.

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- (5) In sub-paragraph (4) “relevant officer” means—
- (a) constable of the rank of superintendent or above, in the case of keeping by a constable, or
 - (b) an immigration officer not below the rank of chief immigration officer, in the case of keeping by an immigration officer.
- (6) An immigration officer or constable may keep a person under this paragraph only if they consider it is necessary and proportionate to do so—
- (a) in the interests of the person,
 - (b) for the protection of other people, or
 - (c) for the maintenance of public health.
- (7) Where an immigration officer or constable keeps a person at a place under this paragraph, they must inform that person—
- (a) of the reason for keeping them,
 - (b) of the maximum period for which they may be kept (taking into account the effect of sub-paragraph (4)), and
 - (c) that it is an offence to abscond.
- (8) An immigration officer or constable must, before exercising the powers conferred by this paragraph, consult a public health officer to the extent that it is practicable to do so.

Powers exercisable after assessment

- 14 (1) This paragraph applies where, during a transmission control period—
- (a) a person in England has been screened and assessed by a public health officer (under paragraph 10 or otherwise) and—
 - (i) the screening confirmed that the person is infected or contaminated with coronavirus, or
 - (ii) the screening was inconclusive, or
 - (b) a person in England has been assessed by a public health officer (under paragraph 10 or otherwise) and the officer has reasonable grounds to suspect that the person is potentially infectious.
- (2) A public health officer may at any time during the transmission control period impose such requirements and restrictions on the person as the officer considers necessary and proportionate—
- (a) in the interests of the person,
 - (b) for the protection of other people, or
 - (c) for the maintenance of public health.
- (3) Requirements under this paragraph may include requirements—
- (a) to provide information to the public health officer or any specified person;
 - (b) to provide details by which the person may be contacted during a specified period;
 - (c) to go for the purposes of further screening and assessment to a specified place suitable for those purposes and do anything that may be required under paragraph 10(1);
 - (d) to remain at a specified place (which may be a place suitable for screening and assessment) for a specified period;

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- (e) to remain at a specified place in isolation from others for a specified period.
- (4) Restrictions on a person under this paragraph may include restrictions, for a specified period, on—
- (a) the person's movements or travel (within or outside the United Kingdom);
 - (b) the person's activities (including their work or business activities);
 - (c) the person's contact with other persons or with other specified persons.
- (5) Where a public health officer imposes a requirement or restriction on a person under this paragraph, the officer must inform the person—
- (a) of the reason for doing so, and
 - (b) that it is an offence to fail to comply with the requirement or restriction.
- (6) In deciding whether to impose a requirement referred to in sub-paragraph (3)(d) or (e) the public health officer must have regard to a person's wellbeing and personal circumstances.
- (7) A public health officer may vary or revoke a requirement or restriction imposed on a person (but may only extend the period to which a requirement referred to in sub-paragraph (3)(d) or (e) or a restriction relates in accordance with paragraph 15).
- 15 (1) The period specified in relation to a requirement referred to in paragraph 14(3)(d) or (e) (a “requirement to remain”), or in relation to any restriction under paragraph 14, may not exceed 14 days.
- (2) After the imposition of a requirement to remain or a restriction under paragraph 14, a public health officer must—
- (a) assess the person within 48 hours, and
 - (b) in the light of that assessment reconsider which requirements or restrictions it is necessary and proportionate to impose on that person under paragraph 14 for the purposes referred to in paragraph 14(2).
- (3) The public health officer may, following reconsideration under sub-paragraph (2)—
- (a) revoke the requirement to remain or the restriction or specify a different period not exceeding 14 days in relation to it;
 - (b) substitute a different requirement or restriction under paragraph 14.
- (4) If under sub-paragraph (3) the public health officer revokes the requirement to remain or the restriction, the Secretary of State may, if satisfied that the person is potentially infectious, re-impose the requirement or restriction (for the period originally specified).
- (5) If before the end of the period specified in relation to a requirement to remain or restriction (under paragraph 14(3) or sub-paragraph (3)(a))—
- (a) a public health officer reasonably suspects that the person will be potentially infectious at the end of that period, and
 - (b) the officer considers that the requirement or restriction is still necessary and proportionate for the purposes referred to in paragraph 14(2),
- the officer may extend the period for a further specified period.
- (6) Except in the case of a requirement referred to in paragraph 14(3)(e) (requirement to remain in isolation), the further period specified under sub-paragraph (5) may not exceed 14 days.

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- (7) Where the period to which a requirement to remain or restriction under paragraph 14 relates is extended under sub-paragraph (5), a public health officer must review the requirement or restriction at least once in every period of 24 hours.
- (8) If on a review under sub-paragraph (7) the public health officer considers that the person is no longer potentially infectious, the officer must revoke the requirement to remain or the restriction.
- (9) If on a review under sub-paragraph (7)—
- (a) sub-paragraph (8) does not apply, but
 - (b) the public health officer considers that the requirement to remain or the restriction is no longer necessary and proportionate for the purposes referred to in paragraph 14(2),
- the public health officer may substitute a different requirement or restriction under paragraph 14 (which may not apply beyond the end of the further period specified under sub-paragraph (5)).
- 16 Where a person is required to remain at a place under paragraph 14(3)(d) or (e) the requirement may be enforced—
- (a) by a constable or public health officer removing the person to the place;
 - (b) by a constable or public health officer keeping the person at the place;
 - (c) if the person absconds, by a constable taking the person into custody and returning them to that place or another place a public health officer may specify.
- 17 (1) A person on whom a requirement or restriction is imposed under paragraph 14 may appeal against it (or against any variation of it or any extension of the period to which it relates) to a magistrates' court.
- (2) On an appeal under this paragraph the court may—
- (a) confirm the requirement or restriction (or variation or extension), with or without modification, or
 - (b) quash the requirement or restriction (or variation or extension).

Children

- 18 (1) An individual who has responsibility for a child must, so far as reasonably practicable, secure that the child complies with any direction, instruction, requirement or restriction given to or imposed on the child under this Part of this Schedule.
- (2) An individual who has responsibility for a child must provide to a person exercising a power under this Part of this Schedule such information and assistance in relation to the child as is reasonably necessary and practicable in the circumstances.
- (3) A power under this Part of this Schedule to direct or require a child to go to a place may instead be exercised by directing or requiring an individual who has responsibility for the child to take the child to the place.
- (4) A power under paragraph 10 or 14 may only be exercised in relation to a child in the presence of—
- (a) an individual who has responsibility for the child, or

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- (b) if the child is not accompanied by such an individual, an adult (not being a person on whom powers are conferred under this Part of this Schedule) that the person exercising the power considers to be appropriate, having regard to any views of the child.
- (5) Where a power under this Part of this Schedule is exercisable in relation to a child but the child is not accompanied by an individual who has responsibility for the child, the person by whom the power is exercisable must—
- (a) if practicable, contact an individual who has responsibility for the child before the power is exercised, or
 - (b) if that is not practicable, take reasonable steps after the power is exercised to contact such an individual and inform them of any exercise of the power in relation to the child.
- (6) Where a child has a right of appeal (see paragraph 17) the right may be exercised by an individual who has responsibility for the child.
- (7) For the purposes of this paragraph—
- “adult” means a person aged 18 or over;
 - “child” means a person under the age of 18;
 - an individual has responsibility for a child—
- (a) if the individual has custody or charge of the child for the time being (without being a person on whom powers are conferred by this Part of this Schedule), or
 - (b) if the individual has parental responsibility for the child (within the meaning of the Children Act 1989).

Formalities

- 19 (1) A direction, instruction, requirement or restriction under this Part of this Schedule may be given or imposed orally or in writing.
- (2) But where a requirement or restriction under paragraph 14 is given to a person orally by a public health officer, the public health officer must as soon as reasonably practicable thereafter give the person a notice setting it out in writing.

Ancillary powers

- 20 (1) A public health officer, constable or immigration officer may give reasonable instructions to a person in connection with—
- (a) a direction given to that person under a power conferred by this Part of this Schedule, or
 - (b) removing the person to or keeping the person at a place under a power conferred by this Part of this Schedule.
- (2) Where a public health officer, constable or immigration officer gives a reasonable instruction to a person under sub-paragraph (1), the officer or constable must inform that person—
- (a) of the reason for the instruction, and
 - (b) that it is an offence to fail to comply with it.
- (3) A power conferred by this Part of this Schedule to remove a person to a place includes a power to keep the person for a reasonable period pending their removal.

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- (4) A constable or immigration officer may use reasonable force, if necessary, in the exercise of a power conferred by this Part of this Schedule.
- (5) A constable may enter any place for the purpose of the exercise of a power conferred by this Part of this Schedule.

Guidance and advice

- 21 A person exercising a power conferred by this Part of this Schedule must have regard to—
 - (a) any relevant guidance issued, before or after the passing of this Act, by the Secretary of State, and
 - (b) any advice given by a public health officer in relation to any particular case.

End of transmission control period

- 22 When the transmission control period during which a power conferred by this Part of this Schedule is exercised comes to an end, any requirement or restriction imposed under the power ceases to have effect in respect of times after the end of the period.

Offences

- 23 (1) A person commits an offence if the person—
 - (a) fails without reasonable excuse to comply with any direction, reasonable instruction, requirement or restriction given to or imposed on the person under this Part of this Schedule,
 - (b) fails without reasonable excuse to comply with a duty under paragraph 18(1) or (2) (duties of individuals who have responsibility for a child),
 - (c) absconds or attempts to abscond while being removed to or kept at a place under this Part of this Schedule,
 - (d) knowingly provides false or misleading information in response to a requirement to provide information under this Part of this Schedule or otherwise in connection with the exercise of any power under this Part of this Schedule, or
 - (e) obstructs a person who is exercising or attempting to exercise a power conferred by this Part of this Schedule.
- (2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Revocation of regulations

- 24 (1) The Health Protection (Coronavirus) Regulations 2020 (S.I. 2020/129) (“the 2020 Regulations”) are revoked.
- (2) Any area declared by the Secretary of State under regulation 2 of the 2020 Regulations is to be regarded as an infected area for the purposes of this Schedule.
- (3) The declaration made by the Secretary of State on 10 February 2020 under regulation 3 of the 2020 Regulations is to be regarded as a declaration made by the Secretary of State under paragraph 4 of this Schedule.

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- (4) The revocation of the 2020 Regulations does not affect any requirement imposed on a person under regulation 4 of the 2020 Regulations (detention).
- (5) Any requirement or restriction which—
 - (a) is imposed on a person under regulation 5, 7 or 8 of the 2020 Regulations, and
 - (b) which, but for the revocation of the 2020 Regulations, would continue to have effect in relation to times after the coming into force of this paragraph, is to be regarded as having been imposed under paragraph 14 of this Schedule.
- (6) A person who, at the time the 2020 Regulations are revoked, is being removed or kept under regulation 14(2)(b) or (c) is to be treated as removed or kept under (respectively) paragraph 7(2)(b) or 13(2) of this Schedule.

PART 3

POWERS RELATING TO POTENTIALLY INFECTIOUS PERSONS IN SCOTLAND

Declarations of risks of coronavirus in Scotland

- ^{x3}25 (1) If at any time the Scottish Ministers are of the view that—
- (a) the incidence or transmission of coronavirus constitutes a serious and imminent threat to public health in Scotland, and
 - (b) the powers conferred by this Part of this Schedule will be an effective means of delaying or preventing significant further transmission of coronavirus in Scotland,
- the Scottish Ministers may make a declaration to that effect.
- (2) If, having made a declaration under this paragraph, the Scottish Ministers cease to be of the view referred to in sub-paragraph (1), they must revoke the declaration.
 - (3) A declaration or the revocation of a declaration under this paragraph—
 - (a) is to be made by being published online, and
 - (b) must, as soon as reasonably practicable after it is made, also be published in the Edinburgh Gazette.
 - (4) The Scottish Ministers may make a declaration under this paragraph on more than one occasion.
 - (5) Before making or revoking a declaration under this paragraph the Scottish Ministers must consult the Chief Medical Officer of the Scottish Administration or such other person as may be designated for the purposes of this paragraph by the Scottish Ministers.

Editorial Information

- X3** The exercise of the power to make or revoke a declaration conferred under this provision must also be notified by means of a notice published in [The Gazette](#)

- 26 In this Part of this Schedule, “transmission control period” means a period which—
- (a) begins when a declaration is made under paragraph 25, and

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- (b) ends when the declaration is revoked.

Powers to direct or remove persons to a place suitable for screening and assessment

- 27 (1) This paragraph applies if, during a transmission control period, a public health officer has reasonable grounds to suspect that a person in Scotland is potentially infectious.
- (2) The public health officer may, subject to sub-paragraph (3)—
- (a) direct the person to go immediately to a place specified in the direction which is suitable for screening and assessment,
 - (b) remove the person to a place suitable for screening and assessment, or
 - (c) request a constable to remove the person to a place suitable for screening and assessment (and the constable may then do so).
- (3) A public health officer may exercise the powers conferred by this paragraph in relation to a person only if the officer considers that it is necessary and proportionate to do so—
- (a) in the interests of the person,
 - (b) for the protection of other people, or
 - (c) for the maintenance of public health.
- (4) Where a public health officer exercises the powers conferred by this paragraph, the officer must inform that person—
- (a) of the reason for directing or removing them, and
 - (b) that it is an offence—
 - (i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction, or
 - (ii) in a case where a person is removed (by the officer or by a constable), to abscond.
- 28 (1) This paragraph applies if, during a transmission control period—
- (a) a constable, or
 - (b) an immigration officer in the course of exercising any of their functions,
- has reasonable grounds to suspect that a person in Scotland is potentially infectious.
- (2) The immigration officer or constable may, subject to sub-paragraph (3)—
- (a) direct the person to go immediately to a place specified in the direction which is suitable for screening and assessment, or
 - (b) remove the person to a place suitable for screening and assessment.
- (3) An immigration officer or constable may exercise the powers conferred by this paragraph in relation to a person only if the officer or constable considers that it is necessary and proportionate to do so—
- (a) in the interests of the person,
 - (b) for the protection of other people, or
 - (c) for the maintenance of public health.
- (4) Where an immigration officer or constable exercises the power to direct or remove a person under this paragraph, the officer or constable must inform that person—
- (a) of the reason for directing or removing them, and
 - (b) that it is an offence—

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- (i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction, or
 - (ii) in a case where a person is removed, to abscond.
- (5) An immigration officer or constable must, before exercising the powers conferred by this paragraph, consult a public health officer to the extent that it is practicable to do so.

Powers exercisable at a screening and assessment place: public health officers

- 29 (1) Paragraphs 30 to 32 apply where, during a transmission control period—
- (a) a person is (whether or not pursuant to the exercise of powers under this Part of this Schedule) at a place in Scotland which is suitable for screening and assessment, and
 - (b) a public health officer has reasonable grounds to suspect that the person is potentially infectious.
- (2) A public health officer may exercise a power conferred by paragraphs 30 to 32 only if the officer considers that it is necessary and proportionate to do so—
- (a) in the interests of the person,
 - (b) for the protection of other people, or
 - (c) for the maintenance of public health.
- 30 (1) A public health officer may require the person referred to in paragraph 29 to remain at the place for screening and assessment purposes for a period not exceeding 48 hours.
- (2) Where a public health officer requires a person to remain at a place under this paragraph, the officer must inform that person—
- (a) of the reason for imposing the requirement,
 - (b) of the maximum period the person may be required to remain there, and
 - (c) that it is an offence to fail to comply with the requirement.
- (3) A requirement imposed on a person under this paragraph may be enforced by a constable keeping the person at the place.
- 31 (1) A public health officer may—
- (a) require the person referred to in paragraph 29 to be screened and assessed, and
 - (b) impose other requirements on the person in connection with their screening and assessment.
- (2) Requirements under sub-paragraph (1)(a) may in particular include requirements on a person—
- (a) at such times as the public health officer may specify—
 - (i) to provide a biological sample, or
 - (ii) to allow a healthcare professional to take a biological sample by appropriate means;
 - (b) to answer questions and provide information about their health or other relevant matters (including their travel history and other individuals with whom they may have had contact).
- (3) In sub-paragraph (2)(a)(ii) “healthcare professional” means —
- (a) a registered medical practitioner,

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- (b) a registered nurse, or
 - (c) such other registered healthcare professional as may be designated by the Scottish Ministers.
- (4) Requirements under sub-paragraph (1)(b) may in particular include requirements on a person—
- (a) to produce any documents which may assist in their assessment;
 - (b) to provide details by which they may be contacted during such subsequent period as the public health officer may specify.
- 32 (1) If a public health officer considers it appropriate for the purposes of screening or assessing the person, the officer may—
- (a) direct the person referred to in paragraph 29 to go immediately to another place which is specified in the direction and is suitable for those purposes,
 - (b) remove the person to another place suitable for those purposes, or
 - (c) request a constable to remove the person to another place suitable for those purposes (and the constable may then do so).
- (2) Where a public health officer exercises the powers conferred by this paragraph, the officer must inform that person—
- (a) of the reason for directing or removing them, and
 - (b) that it is an offence—
 - (i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction, or
 - (ii) in a case where a person is removed (by the officer or by a constable), to abscond.
- 33 Where the powers in paragraph 27, 28 or 32 are exercised in relation to a person in a place so as to direct them to go to, or remove them to, another place, paragraphs 30 to 32 apply in relation to that person afresh in that other place.

Powers exercisable at a screening and assessment place: constables and immigration officers

- 34 (1) This paragraph applies where, during a transmission control period—
- (a) a person is (whether or not pursuant to the exercise of powers under this Part of this Schedule) at a place in Scotland which is suitable for screening and assessment, and
 - (b) an immigration officer or a constable has reasonable grounds to suspect that the person is potentially infectious.
- (2) The immigration officer or constable may, subject to sub-paragraphs (3) to (6), keep the person at that place until such time as a public health officer can exercise the functions under paragraphs 30 to 32 in relation to that person.
- (3) A person may not under sub-paragraph (2) be kept—
- (a) by a constable, for a period exceeding 24 hours, or
 - (b) by an immigration officer, for a period exceeding 3 hours.
- (4) If before the end of the period referred to in sub-paragraph (3)(a) or (b) the immigration officer or constable considers that it is necessary to extend the period because it is not reasonably practicable for a public health officer to exercise the functions under paragraphs 30 to 32 before the end of that period, the officer or constable may, with the consent of a relevant officer, extend the period for a further—

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- (a) 24 hours, in the case of keeping by a constable, or
 - (b) 9 hours, in the case of keeping by an immigration officer.
- (5) In sub-paragraph (4) “relevant officer” means—
- (a) a constable of the rank of superintendent or above, in the case of keeping by a constable, or
 - (b) an immigration officer not below the rank of chief immigration officer, in the case of keeping by an immigration officer.
- (6) An immigration officer or constable may keep a person under this paragraph only if they consider it is necessary and proportionate to do so—
- (a) in the interests of the person,
 - (b) for the protection of other people, or
 - (c) for the maintenance of public health.
- (7) Where an immigration officer or constable keeps a person at a place under this paragraph, they must inform that person—
- (a) of the reason for keeping them,
 - (b) of the maximum period for which they may be kept (taking into account the effect of sub-paragraph (4)), and
 - (c) that it is an offence to abscond.
- (8) An immigration officer or constable must, before exercising the powers conferred by this paragraph, consult a public health officer to the extent that it is practicable to do so.

Powers exercisable after assessment

- 35 (1) This paragraph applies where, during a transmission control period—
- (a) a person in Scotland has been screened and assessed by a public health officer (under paragraph 30 or otherwise) and—
 - (i) the screening confirmed that the person is infected or contaminated with coronavirus, or
 - (ii) the screening was inconclusive, or
 - (b) a person in Scotland has been assessed by a public health officer (under paragraph 30 or otherwise) and the officer has reasonable grounds to suspect that the person is potentially infectious.
- (2) A public health officer may at any time during the transmission control period impose such requirements and restrictions on the person as the officer considers necessary and proportionate—
- (a) in the interests of the person,
 - (b) for the protection of other people, or
 - (c) for the maintenance of public health.
- (3) Requirements under this paragraph may include requirements—
- (a) to provide information to the public health officer or any specified person;
 - (b) to provide details by which the person may be contacted during a specified period;

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- (c) to go for the purposes of further screening and assessment to a specified place suitable for those purposes and do anything that may be required under paragraph 30(1);
 - (d) to remain at a specified place (which may be a place suitable for screening and assessment) for a specified period;
 - (e) to remain at a specified place in isolation from others for a specified period.
 - (4) Restrictions on a person under this paragraph may include restrictions, for a specified period, on—
 - (a) the person's movements or travel (within or outside the United Kingdom);
 - (b) the person's activities (including their work or business activities);
 - (c) the person's contact with other persons or with other specified persons.
 - (5) Where a public health officer imposes a requirement or restriction on a person under this paragraph, the officer must inform the person—
 - (a) of the reason for doing so, and
 - (b) that it is an offence to fail to comply with the requirement or restriction.
 - (6) In deciding whether to impose a requirement referred to in sub-paragraph (3)(d) or (e) the public health officer must have regard to a person's wellbeing and personal circumstances.
 - (7) A public health officer may vary or revoke a requirement or restriction imposed on a person (but may only extend the period to which a requirement referred to in sub-paragraph (3)(d) or (e) or a restriction relates in accordance with paragraph 36).
- 36
- (1) The period specified in relation to a requirement referred to in paragraph 35(3)(d) or (e) (a “requirement to remain”), or in relation to any restriction under paragraph 35, may not exceed 14 days.
 - (2) After the imposition of a requirement to remain or a restriction under paragraph 35, a public health officer must—
 - (a) assess the person within 48 hours, and
 - (b) in the light of that assessment reconsider which requirements or restrictions it is necessary and proportionate to impose on that person under paragraph 35 for the purposes referred to in paragraph 35(2).
 - (3) The public health officer may, following reconsideration under sub-paragraph (2)—
 - (a) revoke the requirement to remain or the restriction or specify a different period not exceeding 14 days in relation to it;
 - (b) substitute a different requirement or restriction under paragraph 35.
 - (4) If under sub-paragraph (3) the public health officer revokes the requirement to remain or the restriction, the Scottish Ministers may, if satisfied that the person is potentially infectious, re-impose the requirement or restriction (for the period originally specified).
 - (5) If before the end of the period specified in relation to a requirement to remain or restriction (under paragraph 35(3) or sub-paragraph (3)(a))—
 - (a) a public health officer reasonably suspects that the person will be potentially infectious at the end of that period, and
 - (b) the officer considers that the requirement or restriction is still necessary and proportionate for the purposes referred to in paragraph 35(2),

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the officer may extend the period for a further specified period.

- (6) Except in the case of a requirement referred to in paragraph 35(3)(e) (requirement to remain in isolation), the further period specified under sub-paragraph (5) may not exceed 14 days.
- (7) Where the period to which a requirement to remain or restriction under paragraph 35 relates is extended under sub-paragraph (5), a public health officer must review the requirement or restriction at least once in every period of 24 hours.
- (8) If on a review under sub-paragraph (7) the public health officer considers that the person is no longer potentially infectious, the officer must revoke the requirement to remain or the restriction.
- (9) If on a review under sub-paragraph (7)—
- (a) sub-paragraph (8) does not apply, but
 - (b) the public health officer considers that the requirement to remain or restriction is no longer necessary and proportionate for the purposes referred to in paragraph 35(2),
- the public health officer may substitute a different requirement or restriction under paragraph 35 (which may not apply beyond the end of the further period specified under sub-paragraph (5)).
- 37 Where a person is required to remain at a place under paragraph 35(3)(d) or (e) the requirement may be enforced—
- (a) by a constable or public health officer removing the person to the place;
 - (b) by a constable or public health officer keeping the person at the place;
 - (c) if the person absconds, by a constable taking the person into custody and returning them to that place or another place a public health officer may specify.
- 38 (1) A person on whom a requirement or restriction is imposed under paragraph 35 may appeal against it (or against any variation of it or any extension of the period to which it relates) to the sheriff or summary sheriff.
- (2) On an appeal under this paragraph the sheriff or summary sheriff may—
- (a) confirm the requirement or restriction (or variation or extension), with or without modification, or
 - (b) quash the requirement or restriction (or variation or extension).
- 39 The Scottish Ministers may compensate any person on whom a requirement or restriction is imposed under paragraph 35.

Children

- 40 (1) An individual who has responsibility for a child must, so far as reasonably practicable, secure that the child complies with any direction, instruction, requirement or restriction given to or imposed on the child under this Part of this Schedule.
- (2) An individual who has responsibility for a child must provide to a person exercising a power under this Part of this Schedule such information and assistance in relation to the child as is reasonably necessary and practicable in the circumstances.

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- (3) A power under this Part of this Schedule to direct or require a child to go to a place may instead be exercised by directing or requiring an individual who has responsibility for the child to take the child to the place.
- (4) A power under paragraph 31 or 35 may only be exercised in relation to a child in the presence of—
- (a) an individual who has responsibility for the child, or
 - (b) if the child is not accompanied by such an individual, an adult (not being a person on whom powers are conferred under this Part of this Schedule) that the person exercising the power considers to be appropriate, having regard to any views of the child.
- (5) Where a power under this Part of this Schedule is exercisable in relation to a child but the child is not accompanied by an individual who has responsibility for the child, the person by whom the power is exercisable must—
- (a) if practicable, contact an individual who has responsibility for the child before the power is exercised, or
 - (b) if that is not practicable, take reasonable steps after the power is exercised to contact such an individual and inform them of any exercise of the power in relation to the child.
- (6) Where a child has a right of appeal (see paragraph 38), the right may be exercised by an individual who has responsibility for the child.
- (7) For the purposes of this paragraph—
- “adult” means a person aged 16 or over;
 - “child” means a person under the age of 16;
 - an individual has responsibility for a child—
- (a) if the individual has custody or charge of the child for the time being (without being a person on whom powers are conferred by this Part of this Schedule), or
 - (b) if the individual has parental responsibilities or parental rights in relation to the child (see sections 1(3) and 2(4) of the Children (Scotland) Act 1995).

Formalities

- 41 (1) A direction, instruction, requirement or restriction under this Part of this Schedule may be given or imposed orally or in writing.
- (2) But where a requirement or restriction under paragraph 35 is given to a person orally by a public health officer, the public health officer must as soon as reasonably practicable thereafter give the person a notice setting it out in writing.

Ancillary powers

- 42 (1) A public health officer, constable or immigration officer may give reasonable instructions to a person in connection with—
- (a) a direction given to that person under a power conferred by this Part of this Schedule, or
 - (b) removing the person to or keeping the person at a place under a power conferred by this Part of this Schedule.

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- (2) Where a public health officer, constable or immigration officer gives a reasonable instruction to a person under sub-paragraph (1), the officer or constable must inform that person—
 - (a) of the reason for the instruction, and
 - (b) that it is an offence to fail to comply with it.
- (3) A power conferred by this Part of this Schedule to remove a person to a place includes a power to keep the person for a reasonable period pending their removal.
- (4) A constable or immigration officer may use reasonable force, if necessary, in the exercise of a power conferred by this Part of this Schedule.
- (5) A constable may enter any place for the purpose of the exercise of a power conferred by this Part of this Schedule.

Guidance and advice

- 43 (1) A person exercising a power conferred by this Part of this Schedule must have regard to—
 - (a) any relevant guidance issued, before or after the passing of this Act, by the relevant authority, and
 - (b) any advice given by a public health officer in relation to any particular case.
- (2) In sub-paragraph (1) “relevant authority” means—
 - (a) in relation to the exercise of a power by an immigration officer, the Secretary of State;
 - (b) in relation to the exercise of a power by a public health officer or constable, the Scottish Ministers.

End of transmission control period

- 44 When the transmission control period during which a power conferred by this Part of this Schedule is exercised comes to an end, any requirement or restriction imposed under the power ceases to have effect in respect of times after the end of the period.

Offences

- 45 (1) A person commits an offence if the person—
 - (a) fails without reasonable excuse to comply with any direction, reasonable instruction, requirement or restriction given to or imposed on the person under this Part of this Schedule,
 - (b) fails without reasonable excuse to comply with a duty under paragraph 40(1) or (2) (duties of individuals who have responsibility for a child),
 - (c) absconds or attempts to abscond while being removed to or kept at a place under this Part of this Schedule,
 - (d) knowingly provides false or misleading information in response to a requirement to provide information under this Part of this Schedule or otherwise in connection with the exercise of any power under this Part of this Schedule, or
 - (e) obstructs a person who is exercising or attempting to exercise a power conferred by this Part of this Schedule.

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- (2) A person guilty of an offence under this paragraph is liable on summary conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding level 5 on the standard scale (or to both).

Modifications of Public Health etc. (Scotland) Act 2008

- 46 During a transmission control period, sections 56(1) and 58(2) of the Public Health etc. (Scotland) Act 2008 (asp 5) (which relate to compensation) have effect as if for “must” there were substituted “may”.

Constables

- 47 (1) The chief constable of the Police Service of Scotland may authorise a police custody and security officer (see section 28 of the Police and Fire Reform (Scotland) Act 2012 (asp 8)) to exercise the powers conferred on a constable by this Part of this Schedule.
- (2) Accordingly references to a constable in this Part of this Schedule include a police custody and security officer so authorised.

PART 4

POWERS RELATING TO POTENTIALLY INFECTIOUS PERSONS IN WALES

Declarations of risks of coronavirus in Wales

- ^{x4}48 (1) If at any time the Welsh Ministers are of the view that—
- (a) the incidence or transmission of coronavirus constitutes a serious and imminent threat to public health in Wales, and
 - (b) the powers conferred by this Part of this Schedule will be an effective means of delaying or preventing significant further transmission of coronavirus in Wales,
- the Welsh Ministers may make a declaration to that effect.
- (2) If, having made a declaration under this paragraph, the Welsh Ministers cease to be of the view referred to in sub-paragraph (1), they must revoke the declaration.
- (3) A declaration or the revocation of a declaration under this paragraph—
- (a) is to be made by being published online, and
 - (b) must, as soon as reasonably practicable after it is made, also be published in a newspaper circulating in Wales.
- (4) The Welsh Ministers may make a declaration under this paragraph on more than one occasion.
- (5) Before making or revoking a declaration under this paragraph the Welsh Ministers must consult the Chief Medical Officer or one of the Deputy Chief Medical Officers of the Health and Social Services Directorate in Wales.

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Editorial Information

- X4** The power conferred under this provision to make or revoke a declaration may be exercised by means of a notice published in [The Gazette](#)

- 49 In this Part of this Schedule, “transmission control period” means a period which—
- (a) begins when a declaration is made under paragraph 48, and
 - (b) ends when the declaration is revoked.

Powers to direct or remove persons to a place suitable for screening and assessment

- 50 (1) This paragraph applies if, during a transmission control period, a public health officer has reasonable grounds to suspect that a person in Wales is potentially infectious.
- (2) The public health officer may, subject to sub-paragraph (3)—
- (a) direct the person to go immediately to a place specified in the direction which is suitable for screening and assessment,
 - (b) remove the person to a place suitable for screening and assessment, or
 - (c) request a constable to remove the person to a place suitable for screening and assessment (and the constable may then do so).
- (3) A public health officer may exercise the powers conferred by this paragraph in relation to a person only if the officer considers that it is necessary and proportionate to do so—
- (a) in the interests of the person,
 - (b) for the protection of other people, or
 - (c) for the maintenance of public health.
- (4) Where a public health officer exercises the powers conferred by this paragraph, the officer must inform that person—
- (a) of the reason for directing or removing them, and
 - (b) that it is an offence—
 - (i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction, or
 - (ii) in a case where a person is removed (by the officer or by a constable), to abscond.
- 51 (1) This paragraph applies if, during a transmission control period—
- (a) a constable, or
 - (b) an immigration officer in the course of exercising any of their functions,
- has reasonable grounds to suspect that a person in Wales is potentially infectious.
- (2) The immigration officer or constable may, subject to sub-paragraph (3)—
- (a) direct the person to go immediately to a place specified in the direction which is suitable for screening and assessment, or
 - (b) remove the person to a place suitable for screening and assessment.
- (3) An immigration officer or constable may exercise the powers conferred by this paragraph in relation to a person only if the officer or constable considers that it is necessary and proportionate to do so—
- (a) in the interests of the person,

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- (b) for the protection of other people, or
 - (c) for the maintenance of public health.
- (4) Where an immigration officer or constable exercises the power to direct or remove a person under this paragraph, the officer or constable must inform that person—
- (a) of the reason for directing or removing them, and
 - (b) that it is an offence—
 - (i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction, or
 - (ii) in a case where a person is removed, to abscond.
- (5) An immigration officer or constable must, before exercising the powers conferred by this paragraph, consult a public health officer to the extent that it is practicable to do so.

Powers exercisable at a screening and assessment place: public health officers

- 52 (1) Paragraphs 53 to 55 apply where, during a transmission control period—
- (a) a person is (whether or not pursuant to the exercise of powers under this Part of this Schedule) at a place in Wales which is suitable for screening and assessment, and
 - (b) a public health officer has reasonable grounds to suspect that the person is potentially infectious.
- (2) A public health officer may exercise a power conferred by paragraphs 53 to 55 only if the officer considers that it is necessary and proportionate to do so—
- (a) in the interests of the person,
 - (b) for the protection of other people, or
 - (c) for the maintenance of public health.
- 53 (1) A public health officer may require the person referred to in paragraph 52 to remain at the place for screening and assessment purposes for a period not exceeding 48 hours.
- (2) Where a public health officer requires a person to remain at a place under this paragraph, the officer must inform that person—
- (a) of the reason for imposing the requirement,
 - (b) of the maximum period the person may be required to remain there, and
 - (c) that it is an offence to fail to comply with the requirement.
- (3) A requirement imposed on a person under this paragraph may be enforced by a public health officer or a constable keeping the person at the place.
- 54 (1) A public health officer may—
- (a) require the person referred to in paragraph 52 to be screened and assessed, and
 - (b) impose other requirements on the person in connection with their screening and assessment.
- (2) Requirements under sub-paragraph (1)(a) may in particular include requirements on a person—
- (a) at such times as the public health officer may specify—
 - (i) to provide a biological sample, or

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- (ii) to allow a healthcare professional to take a biological sample by appropriate means;
 - (b) to answer questions and provide information about their health or other relevant matters (including their travel history and other individuals with whom they may have had contact).
- (3) In sub-paragraph (2)(a)(ii) “healthcare professional” means—
- (a) a registered medical practitioner,
 - (b) a registered nurse, or
 - (c) such other registered healthcare professional as may be designated by the Welsh Ministers.
- (4) Requirements under sub-paragraph (1)(b) may in particular include requirements on a person—
- (a) to produce any documents which may assist in their assessment;
 - (b) to provide details by which they may be contacted during such subsequent period as the public health officer may specify.
- 55 (1) If a public health officer considers it appropriate for the purposes of screening or assessing the person, the officer may—
- (a) direct the person referred to in paragraph 52 to go immediately to another place which is specified in the direction and is suitable for those purposes,
 - (b) remove the person to a place suitable for those purposes, or
 - (c) request a constable to remove the person to a place suitable for those purposes (and the constable may then do so).
- (2) Where a public health officer exercises the powers conferred by this paragraph, the officer must inform that person—
- (a) of the reason for directing or removing them, and
 - (b) that it is an offence—
 - (i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction, or
 - (ii) in a case where a person is removed (by the officer or by a constable), to abscond.
- 56 Where the powers in paragraph 50, 51 or 55 are exercised in relation to a person in a place so as to direct them to go to, or remove them to, another place, paragraphs 53 to 55 apply in relation to that person afresh in that other place.

Powers exercisable at a screening and assessment place: constables and immigration officers

- 57 (1) This paragraph applies where, during a transmission control period—
- (a) a person is (whether or not pursuant to the exercise of powers under this Part of this Schedule) at a place in Wales which is suitable for screening and assessment, and
 - (b) an immigration officer or a constable has reasonable grounds to suspect that the person is potentially infectious.
- (2) The immigration officer or constable may, subject to sub-paragraphs (3) to (6), keep the person at that place until such time as a public health officer can exercise the functions under paragraphs 53 to 55 in relation to that person.
- (3) A person may not under sub-paragraph (2) be kept—

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- (a) by a constable, for a period exceeding 24 hours, or
 - (b) by an immigration officer, for a period exceeding 3 hours.
- (4) If before the end of the period referred to in sub-paragraph (3)(a) or (b) the immigration officer or constable considers that it is necessary to extend the period because it is not reasonably practicable for a public health officer to exercise the functions under paragraphs 53 to 55 before the end of that period, the officer or constable may, with the consent of a relevant officer, extend the period for a further—
- (a) 24 hours, in the case of keeping by a constable, or
 - (b) 9 hours, in the case of keeping by an immigration officer.
- (5) In sub-paragraph (4) “relevant officer” means—
- (a) a constable of the rank of superintendent or above, in the case of keeping by a constable, or
 - (b) an immigration officer not below the rank of chief immigration officer, in the case of keeping by an immigration officer.
- (6) An immigration officer or constable may keep a person under this paragraph only if they consider it is necessary and proportionate to do so—
- (a) in the interests of the person,
 - (b) for the protection of other people, or
 - (c) for the maintenance of public health.
- (7) Where an immigration officer or constable keeps a person at a place under this paragraph, they must inform that person—
- (a) of the reason for keeping them,
 - (b) of the maximum period for which they may be kept (taking into account the effect of sub-paragraph (4)), and
 - (c) that it is an offence to abscond.
- (8) An immigration officer or constable must, before exercising the powers conferred by this paragraph, consult a public health officer to the extent that it is practicable to do so.

Powers exercisable after assessment

- 58 (1) This paragraph applies where during a transmission control period—
- (a) a person in Wales has been screened and assessed by a public health officer (under paragraph 54 or otherwise) and—
 - (i) the screening confirmed that the person is infected or contaminated with coronavirus, or
 - (ii) the screening was inconclusive, or
 - (b) a person has in Wales been assessed by a public health officer (under paragraph 54 or otherwise) and the officer has reasonable grounds to suspect that the person is potentially infectious.
- (2) A public health officer may at any time during the transmission control period impose such requirements and restrictions on the person as the officer considers necessary and proportionate—
- (a) in the interests of the person,
 - (b) for the protection of other people, or
 - (c) for the maintenance of public health.

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- (3) Requirements under this paragraph may include requirements—
- (a) to provide information to the public health officer or any specified person;
 - (b) to provide details by which the person may be contacted during a specified period;
 - (c) to go for the purposes of further screening and assessment to a specified place suitable for those purposes and do anything that may be required under paragraph 54(1);
 - (d) to remain at a specified place (which may be a place suitable for screening and assessment) for a specified period;
 - (e) to remain at a specified place in isolation from others for a specified period.
- (4) Restrictions on a person under this paragraph may include restrictions, for a specified period, on—
- (a) the person's movements or travel (within or outside the United Kingdom);
 - (b) the person's activities (including their work or business activities);
 - (c) the person's contact with other persons or with other specified persons.
- (5) Where a public health officer imposes a requirement or restriction on a person under this paragraph, the officer must inform the person—
- (a) of the reason for doing so, and
 - (b) that it is an offence to fail to comply with the requirement or restriction.
- (6) In deciding whether to impose a requirement referred to in sub-paragraph (3)(d) or (e) the public health officer must have regard to a person's wellbeing and personal circumstances.
- (7) A public health officer may vary or revoke a requirement or restriction imposed on a person (but may only extend the period to which a requirement referred to in sub-paragraph (3)(d) or (e) or a restriction relates in accordance with paragraph 59).
- 59 (1) The period specified in relation to a requirement referred to in paragraph 58(3)(d) or (e) (a “requirement to remain”), or in relation to any restriction under paragraph 58, may not exceed 14 days.
- (2) After the imposition of a requirement to remain or a restriction under paragraph 58, a public health officer must—
- (a) assess the person within 48 hours, and
 - (b) in the light of that assessment reconsider which requirements or restrictions it is necessary and proportionate to impose on that person under paragraph 58 for the purposes referred to in paragraph 58(2).
- (3) The public health officer may, following reconsideration under sub-paragraph (2)—
- (a) revoke the requirement to remain or the restriction or specify a different period not exceeding 14 days in relation to it;
 - (b) substitute a different requirement or restriction under paragraph 58.
- (4) If under sub-paragraph (3) the public health officer revokes the requirement to remain or the restriction, the Welsh Ministers may, if satisfied that the person is potentially infectious, re-impose the requirement or restriction (for the period originally specified).
- (5) If before the end of the period specified in relation to a requirement to remain or restriction (under paragraph 58(3) or sub-paragraph (3)(a))—

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- (a) a public health officer reasonably suspects that the person will be potentially infectious at the end of that period, and
 - (b) the officer considers that the requirement or restriction is still necessary and proportionate for the purposes referred to in paragraph 58(2),
- the officer may extend the period for a further specified period.
- (6) Except in the case of a requirement referred to in paragraph 58(3)(e) (requirement to remain in isolation), the further period specified under sub-paragraph (5) may not exceed 14 days.
 - (7) Where the period to which a requirement to remain or restriction under paragraph 58 relates is extended under sub-paragraph (5), a public health officer must review the requirement or restriction at least once in every period of 24 hours.
 - (8) If on a review under sub-paragraph (7) the public health officer considers that the person is no longer potentially infectious, the officer must revoke the requirement to remain or the restriction.
 - (9) If on a review under sub-paragraph (7)—
 - (a) sub-paragraph (8) does not apply, but
 - (b) the public health officer considers that the requirement to remain or the restriction is no longer necessary and proportionate for the purposes referred to in paragraph 58(2),the public health officer may substitute a different requirement or restriction under paragraph 58 (which may not apply beyond the end of the further period specified under sub-paragraph (5)).
- 60 Where a person is required to remain at a place under paragraph 58(3)(d) or (e), the requirement may be enforced—
- (a) by a constable or public health officer removing the person to the place;
 - (b) by a constable or public health officer keeping the person at the place;
 - (c) if the person absconds, by a constable taking the person into custody and returning them to that place or another place a public health officer may specify.
- 61 (1) A person on whom a requirement or restriction is imposed under paragraph 58 may appeal against it (or against any variation of it or any extension of the period to which it relates) to a magistrates' court.
- (2) On an appeal under this paragraph the court may—
 - (a) confirm the requirement or restriction (or variation or extension), with or without modification, or
 - (b) quash the requirement or restriction (or variation or extension).

Children

- 62 (1) An individual who has responsibility for a child must, so far as reasonably practicable, secure that the child complies with any direction, instruction, requirement or restriction given to or imposed on the child under this Part of this Schedule.
- (2) An individual who has responsibility for a child must provide to a person exercising a power under this Part of this Schedule such information and assistance in relation to the child as is reasonably necessary and practicable in the circumstances.

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- (3) A power under this Part of this Schedule to direct or require a child to go to a place may instead be exercised by directing or requiring an individual who has responsibility for the child to take the child to the place.
- (4) A power under paragraph 54 or 58 may only be exercised in relation to a child in the presence of—
- (a) an individual who has responsibility for the child, or
 - (b) if the child is not accompanied by such an individual, an adult (not being a person on whom powers are conferred under this Part of this Schedule) that the person exercising the power considers to be appropriate, having regard to any views of the child.
- (5) Where a power under this Part of this Schedule is exercisable in relation to a child but the child is not accompanied by an individual who has responsibility for the child, the person by whom the power is exercisable must—
- (a) if practicable, contact an individual who has responsibility for the child before the power is exercised, or
 - (b) if that is not practicable, take reasonable steps after the power is exercised to contact such an individual and inform them of any exercise of the power in relation to the child.
- (6) Where a child has a right of appeal (see paragraph 61), the right may be exercised by an individual who has responsibility for the child.
- (7) For the purposes of this paragraph—
- “adult” means a person aged 18 or over;
- “child” means a person under the age of 18;
- an individual has responsibility for a child—
- (a) if the individual has custody or charge of the child for the time being (without being a person on whom powers are conferred by this Part of this Schedule), or
 - (b) if the individual has parental responsibility for the child (within the meaning of the Children Act 1989).

Formalities

- 63 (1) A direction, instruction, requirement or restriction under this Part of this Schedule may be given or imposed orally or in writing.
- (2) But where a requirement or restriction under paragraph 58 is given to a person orally by a public health officer, the public health officer must as soon as reasonably practicable thereafter give the person a notice setting it out in writing.

Ancillary powers

- 64 (1) A public health officer, constable or immigration officer may give reasonable instructions to a person in connection with—
- (a) a direction given to that person under a power conferred by this Part of this Schedule, or
 - (b) removing the person to or keeping the person at a place under a power conferred by this Part of this Schedule.

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- (2) Where a public health officer, constable or immigration officer gives a reasonable instruction to a person under sub-paragraph (1), the officer or constable must inform that person—
 - (a) of the reason for the instruction, and
 - (b) that it is an offence to fail to comply with it.
- (3) A power conferred by this Part of this Schedule to remove a person to a place includes a power to keep the person for a reasonable period pending their removal.
- (4) A constable or immigration officer may use reasonable force, if necessary, in the exercise of a power conferred by this Part of this Schedule.
- (5) A constable may enter any place for the purpose of the exercise of a power conferred by this Part of this Schedule.

Guidance and advice

- 65
- (1) A person exercising a power conferred by this Part of this Schedule must have regard to—
 - (a) any relevant guidance issued, before or after the passing of this Act, by the relevant authority, and
 - (b) any advice given by a public health officer in relation to any particular case.
 - (2) In sub-paragraph (1) “relevant authority” means—
 - (a) in relation to the exercise of a power by a constable or immigration officer, the Secretary of State;
 - (b) in relation to the exercise of a power by a public health officer, the Welsh Ministers.
 - (3) Before issuing guidance under this paragraph in relation to constables, the Secretary of State must consult the Welsh Ministers.

End of transmission control period

- 66
- When the transmission control period during which a power conferred by this Part of this Schedule is exercised comes to an end, any requirement or restriction imposed under the power ceases to have effect in respect of times after the end of the period.

Offences

- 67
- (1) A person commits an offence if the person—
 - (a) fails without reasonable excuse to comply with any direction, reasonable instruction, requirement or restriction given to or imposed on the person under this Part of this Schedule,
 - (b) fails without reasonable excuse to comply with a duty under paragraph 62(1) or (2) (duties of individuals who have responsibility for a child),
 - (c) absconds or attempts to abscond while being removed to or kept at a place under this Part of this Schedule,
 - (d) knowingly provides false or misleading information in response to a requirement to provide information under this Part of this Schedule or

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otherwise in connection with the exercise of any power under this Part of this Schedule, or

- (e) obstructs a person who is exercising or attempting to exercise a power conferred by this Part of this Schedule.

- (2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Revocation of regulations

- 68 (1) The Health Protection (Coronavirus) (Wales) Regulations 2020 (S.I. 2020/308 (W. 68)) (“the 2020 Regulations”) are revoked.
- (2) The declaration made by the Welsh Ministers on 17 March 2020 under regulation 3 of the 2020 Regulations is to be regarded as a declaration made by the Welsh Ministers under paragraph 48 of this Schedule.
- (3) The revocation of the 2020 Regulations does not affect any requirement imposed on a person under regulation 4 of those Regulations (detention).
- (4) Any requirement or restriction which—
 - (a) is imposed on a person under regulation 5, 7 or 8 of the 2020 Regulations, and
 - (b) which, but for the revocation of the 2020 Regulations, would continue to have effect in relation to times after the coming into force of this paragraph, is to be regarded as having been imposed under paragraph 58 of this Schedule.
- (5) A person who, at the time the 2020 Regulations are revoked, is being removed or kept under regulation 13(2)(b) or (c) is to be treated as removed or kept under (respectively) paragraph 51(2)(b) or 57(2) of this Schedule.

F2PART 5

POWERS RELATING TO POTENTIALLY INFECTIOUS PERSONS IN NORTHERN IRELAND

Textual Amendments
F2 Sch. 21 Pt. 5 expires (N.I.) (9.12.2021) by [The Coronavirus Act 2020 \(Early Expiry\) \(No. 2\) Regulations 2021 \(S.I. 2021/1399\)](#), regs. 1(2), 6

Declarations of risks of coronavirus in Northern Ireland

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Powers to direct or remove persons to a place suitable for screening and assessment

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