

Regulations made by the Scottish Ministers and laid before the Scottish Parliament under paragraph 6(3) of schedule 19 of the Coronavirus Act 2020 for approval by resolution of the Scottish Parliament within 28 days beginning with the day on which the Regulations were made, not taking into account any period of dissolution or recess for more than 4 days.

SCOTTISH STATUTORY INSTRUMENTS

2020 No. 190

PUBLIC HEALTH

**The Health Protection (Coronavirus) (Restrictions) (Scotland)
Amendment (No. 5) Regulations 2020**

Made - - - - at 11.45 a.m. on 26th June 2020

Laid before the Scottish Parliament at 3.00 p.m. on 26th June 2020

Coming into force - - 29th June 2020

The Scottish Ministers make the following Regulations in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020(a) (“the Act”) and all other powers enabling them to do so.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of coronavirus in Scotland.

The Scottish Ministers consider that the restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with paragraph 6(2) and (3) of schedule 19 of the Act, the Scottish Ministers are of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft having been laid before, and approved by, a resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 5) Regulations 2020 and come into force on 29 June 2020.

Amendment of the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020

2.—(1) The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020(b) are amended as follows.

(a) 2020 c.7.

(b) S.S.I. 2020/103, relevantly amended by S.S.I. 2020/126, S.S.I. 2020/164 and S.S.I. 2020/182.

- (2) In regulation 4 (further restrictions and closures)—
- (a) in paragraph (2)—
 - (i) for “carrying on a business not listed in Part 3 of schedule 1 and which offers goods for sale or hire in a shop or provides” substitute “providing”,
 - (ii) in sub-paragraph (a), omit “carry on that business or”,
 - (iii) in sub-paragraph (b), omit “carry out its business or”,
 - (iv) in sub-paragraph (c), omit “carry on its business or”,
 - (b) in paragraph (3)—
 - (i) omit sub-paragraph (a),
 - (ii) in sub-paragraph (b), for “any business which takes” substitute “taking”,
 - (iii) after sub-paragraph (b) insert—
 - “(c) a library at, or associated with, a college or university which provides library services to members of staff of the college or university or individuals undertaking postgraduate study, where it is not reasonably possible for those services to be accessed by those persons from the place they are living.”.
- (3) For regulation 6 (restrictions on gatherings) substitute—

“Restrictions on gatherings

- 6.—(1)** No person may participate in a gathering in a public place except—
- (a) where all the persons in the gathering are members of no more than three households,
 - (b) where the gathering is essential for work purposes,
 - (c) to attend a funeral,
 - (d) where reasonably necessary—
 - (i) to facilitate a house move,
 - (ii) to provide care or assistance to a vulnerable person,
 - (iii) to provide emergency assistance,
 - (iv) to participate in legal proceedings or to fulfil a legal obligation, or
 - (e) in relation to a marriage ceremony or civil partnership registration, where all the persons in the gathering (other than the approved celebrant or authorised registrar and any interpreter) are members of no more than three households.
- (2) In paragraph (1)—
- “approved celebrant”—
- (a) in relation to a civil partnership, has the meaning given by section 94A(4)(a) of the Civil Partnership Act 2004**(a)**,
 - (b) in relation to a marriage, has the meaning given by section 8(2)(a) of the Marriage (Scotland) Act 1977**(b)**,
- “authorised registrar”—
- (a) in relation to a civil partnership, has the meaning given by section 87 of the Civil Partnership Act 2004**(c)**,
 - (b) in relation to a marriage, has the meaning given by section 8(2)(b) of the Marriage (Scotland) Act 1977,

(a) 2004 c.33. Section 94A was inserted by section 24 of the Marriage and Civil Partnership (Scotland) Act 2014.
 (b) 1977 c.15. Section 8(2) was relevantly amended by section 12 of the Marriage and Civil Partnership (Scotland) Act 2014.
 (c) Section 87 was amended by section 24 of the Marriage and Civil Partnership (Scotland) Act 2014.

“gathering” means a situation where two or more people are present together in the same place—

- (a) in order to engage in any form of social interaction with each other, or
- (b) to undertake any other activity with each other.”.

(4) In regulation 8(5) (offences and penalties)—

(a) for sub-paragraph (a) substitute—

“(a) to obtain supplies for their household or a vulnerable person (including supplies for a pet or animal in their household or the household of a vulnerable person),

(aa) to make use of a service provided by a business or service not listed in Part 2 of schedule 1,”,

(b) for sub-paragraph (l) substitute—

“(l) to move home,

(la) to undertake any of the following activities in connection with the purchase, sale, letting or rental of a residential property—

(i) visiting estate or letting agents, developer sales offices or show homes,

(ii) viewing residential properties to look for a property to buy or rent,

(iii) preparing a residential property to move in,

(iv) visiting a residential property to undertake any activities required for the rental or sale of that property,”,

(c) after sub-paragraph (q) insert—

“(r) in relation to a person who owns a residential property other than the place where they are living—

(i) to attend the property for the purpose of ensuring it is secure and in good condition,

(ii) to undertake or arrange work for the upkeep and maintenance of the property.”.

(5) In schedule 1 (businesses subject to restrictions or closure)—

- (a) omit paragraph 12 (betting shops),
- (b) omit paragraph 20 (playgrounds, sports courts and outdoor gyms),
- (c) omit paragraph 21 (outdoor markets),
- (d) omit paragraph 22 (car showrooms),
- (e) omit Part 3.

MICHAEL RUSSELL

A member of the Scottish Government

St Andrew’s House,
Edinburgh
At 11.45 a.m. on 26th June 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (“the principal regulations”).

Regulation 4(2) of the principal regulations provides that a person who is responsible for carrying on a business, not listed in Part 3 of schedule 1, and which offers goods for sale or hire in a shop must stop carrying on that business except in certain circumstances. Regulation 2(2) of these Regulations amends regulation 4(2) with the effect that goods may be offered for sale or hire in a shop. Regulation 2(5) of these Regulations omits Part 3 of schedule 1 as it is no longer necessary to describe the businesses to which regulation 4(2) of the principal regulations does not apply.

Regulation 6 of the principal regulations provides that no person may participate in a gathering of more than two people in a public place, with certain exceptions including where everyone in the gathering are members of no more than three households. Regulation 2(3) of these Regulations amends the principal regulations to provide that, in relation to a civil partnership or marriage, an approved celebrant or authorised registrar and any interpreter may take part in the gathering and do not count towards the limit of three households for gatherings in a public place.

Regulation 8(4) of the principal regulations provides that it is a defence to a charge of committing an offence under paragraph (1), (2) or (3) of that regulation if the person had a reasonable excuse. Regulation 2(4) of these Regulations amends regulation 8(5) of the principal regulations to provide that it is a reasonable excuse for a person to leave the place where they are living to move home, to undertake certain activities in connection with the purchase, sale, letting or rental of a residential property or to attend another residential property owned by that person for certain purposes relating to its security and condition.

These Regulations also omit paragraphs 12 and 20 to 22 of schedule 1 of the principal regulations, with the effect that a person responsible for carrying on the business of a betting shop, playground, sports court, outdoor gym, outdoor market or car showroom are no longer required to cease to carry on that business.

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