

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. 210

PUBLIC HEALTH

**The Health Protection (Coronavirus) (Restrictions) (Scotland)
Amendment (No. 7) Regulations 2020**

Made - - - - at 1.50 p.m. on 9th July 2020

Laid before the Scottish Parliament at 3.30 p.m. on 9th July 2020

Coming into force in accordance with regulation 1

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.—(1) These Regulations may be cited as the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 7) Regulations 2020.

(2) Subject to paragraph (3), these Regulations come into force on 10 July 2020.

(3) Regulation 2(6) comes into force on 13 July 2020 so far as it relates to gatherings for the purpose of supervised outdoor recreation for people who are under 18 years of age.

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

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

- (2) Omit regulation 3(7) (requirement to close premises and businesses).
- (3) In regulation 4 (further restrictions and closures)—
 - (a) in paragraph (1), for “a distance of two metres”, in both places it occurs, substitute “the required distance”,
 - (b) in paragraph (7), after “a distance of” insert “at least”,
 - (c) in paragraph (8)(b), after “a distance of” insert “at least”,
 - (d) in paragraph (9), after “a distance of” insert “at least”,
 - (e) in paragraph (11), after the definition of “premises” insert—

““required distance” means—

 - (a) in relation to passenger transport service premises or a shop, at least one metre, or
 - (b) in all other cases, at least two metres,

“shop” means a building, room or other premises used for the retail sale or hire of goods or services but does not include banks, building societies, credit unions, short-term loan providers, savings clubs, cash points and undertakings which by way of business operate a currency exchange office, transmit money (or any representation of money) by any means or cash cheques which are made payable to customers.”.
- (4) In the title of Part 3 (restrictions on movement and gatherings), omit “movement and”.
- (5) Omit regulation 5 (restrictions on movement).
- (6) For regulation 6(1) (restrictions on gatherings) substitute—

“(1) No person may participate in a gathering in a public place except—

 - (a) where the gathering takes place outdoors and all the persons in the gathering are members of no more than five households,
 - (b) where the gathering takes place indoors and all the persons in the gathering are members of no more than three households,
 - (c) to attend a funeral of—
 - (i) a member of the person’s household,
 - (ii) a close family member, or
 - (iii) if no-one within heads (i) or (ii) are attending, a friend,
 - (d) where the gathering is for the purposes of—
 - (i) work, or for the provision of voluntary or charitable services,
 - (ii) education or training,
 - (iii) providing care or assistance to a vulnerable person,
 - (iv) providing emergency or medical assistance,
 - (v) avoiding injury, illness or escaping a risk of harm,
 - (vi) facilitating a house move,
 - (vii) participation in legal proceedings or fulfilling a legal obligation,
 - (viii) donating blood,
 - (ix) accessing public services, including—
 - (aa) childcare services,

(a) S.S.I. 2020/103, relevantly amended by S.S.I. 2020/164, S.S.I. 2020/182, S.S.I. 2020/190 and S.S.I. 2020/199.

- (bb) social services,
- (cc) services provided by the Department of Work and Pensions,
- (dd) services provided to victims (such as victims of crime),
- (x) supervised outdoor recreation for people who are under 18 years of age, or
- (e) in relation to a marriage ceremony or civil partnership registration, where the gathering—
 - (i) takes place outdoors and all the persons in the gathering (other than the approved celebrant or authorised registrar and any interpreter) are members of no more than five households, or
 - (ii) takes place indoors and 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.”.
- (7) In the title of Part 3A (public transport), for “Public transport” substitute “Face coverings”.
- (8) In regulation 6A (requirement to wear a face covering on public transport)—
 - (a) in paragraph (2)(h)(ii), after “a distance of” insert “at least”,
 - (b) omit paragraph (3).
- (9) After regulation 6A insert—

“Requirement to wear a face covering in a shop

- 6B.**—(1) Except to the extent that a defence would be available under regulation 8(4), no person may use a shop without wearing a face covering.
- (2) Paragraph (1) does not apply to the wearing of a face covering—
- (a) by a child who is under the age of 5,
 - (b) by a constable acting in the course of their duty,
 - (c) by an emergency responder (other than a constable) acting in their capacity as an emergency responder,
 - (d) by a person responsible for a shop, or an employee of that person, where—
 - (i) there is a partition between the person or employee and members of the public, or
 - (ii) a distance of at least two metres is maintained between the person or employee and members of the public.
- (3) For the purposes of paragraph (1)—
- (a) a person uses a shop when—
 - (i) they are in a shop whether or not for the purposes of shopping, and
 - (ii) the shop, or part of the shop, is open to the public,
 - (b) a person who is responsible for a shop includes the owner, proprietor, tenant and manager of that shop.
- (4) In this regulation, “shop” means a building, room or other indoor establishment used for the retail sale or hire of goods or services but does not include—
- (a) restaurants, including restaurants and dining rooms in hotels or members’ clubs,
 - (b) cafes, including workplace canteens,
 - (c) bars, including bars in hotels or members’ clubs,
 - (d) public houses,
 - (e) banks, building societies, credit unions, short-term loan providers, savings clubs, cash points and undertakings which by way of business operate a currency exchange office, transmit money (or any representation of money) by any means or cash cheques which are made payable to customers.”.

- (10) In regulation 7 (enforcement of requirements)—
- (a) omit paragraph (3),
 - (b) in paragraph (4), for “(3)(b)” substitute “(9)(c)”,
 - (c) in paragraph (5), for “outside the place where they are living” substitute “contravening a requirement in these Regulations”,
 - (d) in paragraph (6), for “5(1)” substitute “6(1)”,
 - (e) in paragraph (8), for “(3), (5) or (6)” substitute “(5), (6) or (9)”,
 - (f) omit paragraph (10),
 - (g) in paragraph (11), omit “(3),”.
- (11) In regulation 8 (offences and penalties)—
- (a) in paragraph (4), for “paragraphs (5) and” substitute “paragraph”,
 - (b) omit paragraph (5),
 - (c) after paragraph (5A)(h) insert—
 - “(i) where the person is undertaking food handling tasks, to avoid risk to the hygiene or safety of food.”.
- (12) In regulation 10 (interpretation)—
- (a) after the definition of “constable” insert—
 - ““emergency responder” has the meaning given by section 153A(6) of the Inheritance Tax Act 1984(a),”.
 - (b) for the definition of “extended household” substitute—
 - ““extended household” means two households—
 - (a) which have chosen to be treated as a single household, and
 - (b) do not already form part of another extended household,”.
 - (c) after the definition of “household” insert—
 - ““indoors” means a place which would be considered to be wholly or substantially enclosed for the purposes of section 4(2) of the Smoking, Health and Social Care (Scotland) Act 2005(b) under the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006(c),
 - “passenger transport service” means a service provided for the carriage of passengers by road, railway, tramway, air or sea,
 - “passenger transport service premises” means off-road premises where a passenger transport service may stop or terminate, allowing passengers on and off,”.
 - (d) omit the definition of “qualifying household”.
- (13) In paragraph 2(2)(b) of schedule 1 (businesses subject to restrictions or closure), for “two metres” substitute “at least one metre”.

MICHAEL RUSSELL
A member of the Scottish Government

St Andrew’s House,
Edinburgh
At 1.50 p.m. on 9th July 2020

(a) 1984 c.51. Section 153A(6) was inserted by section 75 of the Finance Act 2015 (c.11).
 (b) 2005 asp 13.
 (c) S.S.I. 2006/90.

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 2(3) and (13) amend regulation 4 and schedule 1 of the principal regulations to provide that a person who is responsible for carrying on a business or providing a service from premises which are passenger transport service premises or a shop must take all reasonable measures to ensure that a distance of at least one metre is maintained between any persons on those premises.

Regulation 2(5) revokes regulation 5 of the principal regulations, with the effect that it is no longer an offence for a person to leave the place where they are living without a reasonable excuse.

Regulation 6 of the principal regulations provides that no person may participate in a gathering in a public place, with certain exceptions including where everyone in the gathering are members of no more than three households. Regulation 2(6) of these Regulations amends the principal regulation to provide that where a gathering takes place outdoors it may consist of five households and where a gathering takes place indoors it may consist of three households. Regulation 2(6) of these Regulations also provides further exceptions to the gatherings restriction, such as where the gathering is for the purposes of supervised outdoor recreation for people under 18 years of age.

Regulation 2(9) inserts a new regulation 6B into the principal regulations, to require persons to wear a face covering when using a shop. This duty does not apply in certain circumstances or to certain groups of people, such as to children under the age of 5.

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(11)(c) of these Regulations amends regulation 8(5A) of the principal regulations, to provide that it is a reasonable excuse for a person not to wear a face covering, where that person is undertaking food handling tasks, in order to avoid risk to the hygiene or safety of food.

Regulation 2(12)(b) of these Regulations amends the definition of “extended household” in the principal regulations, enabling two households to choose to be treated as a single household.

These Regulations also make a number of amendments consequential to the revocation of regulation 5 of the principal regulations and the requirement to wear a face covering when using a shop in certain circumstances.