

SCOTTISH STATUTORY INSTRUMENTS

**2020 No. 103**

**The Health Protection (Coronavirus) (Restrictions)  
(Scotland) Regulations 2020 (revoked)**

**PART 1**

Introduction

**Citation, commencement and application**

**1.**—(1) These Regulations may be cited as the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 and come into force immediately after they are made.

[<sup>F1</sup>(2) These Regulations apply—

(a) in Scotland, and

(b) in Scottish airspace, in relation to a person who is on a mode of transport which took off from, or is to land at, a place in Scotland.

(3) In paragraph (2)—

“Scotland” includes so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Scotland,

“Scottish airspace” means the airspace above Scotland.]

**Textual Amendments**

**F1** Reg. 1(2)(3) substituted for reg. 1(2) (22.6.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 4\) Regulations 2020 \(S.S.I. 2020/182\)](#), regs. 1(3)(a), **2(2)** (with reg. 1(4)(a))

**Commencement Information**

**II** Reg. 1 in force at 26.3.2020 at 7.15 p.m., see reg. 1(1)

**The <sup>F2</sup>... review of need for restrictions**

<sup>X1</sup>**2.**—<sup>F3</sup>(1) .....

(2) The Scottish Ministers must review the need for restrictions and requirements imposed by these Regulations at least once every 21 days, with the first review being carried out by 16 April 2020.

(3) As soon as the Scottish Ministers consider that any restriction or requirement set out in these Regulations are no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in Scotland with coronavirus, the Scottish Ministers must [<sup>F4</sup>revoke] that restriction or requirement.

**Status:** Point in time view as at 15/07/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (revoked). (See end of Document for details)

- <sup>F5</sup>(4) .....
- <sup>F5</sup>(5) .....

#### Editorial Information

- X1** The power conferred under this provision to make a direction may be exercised by means of a notice published in [The Gazette](#)

#### Textual Amendments

- F2** Words in reg. 2 heading omitted (29.5.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/164\)](#), regs. 1(1), **2(2)(a)**
- F3** Reg. 2(1) omitted (29.5.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/164\)](#), regs. 1(1), **2(2)(b)**
- F4** Word in reg. 2(3) substituted (29.5.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/164\)](#), regs. 1(1), **2(2)(c)**
- F5** Reg. 2(4)(5) omitted (29.5.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/164\)](#), regs. 1(1), **2(2)(d)**

#### Commencement Information

- I2** Reg. 2 in force at 26.3.2020 at 7.15 p.m., see reg. 1(1)

## PART 2

### Requirement to close premises and businesses

#### <sup>F6</sup>Requirement to close premises and businesses ...

- 3.—**<sup>F7</sup>(1) .....
- <sup>F7</sup>(2) .....
- <sup>F7</sup>(3) .....

(4) A person responsible for carrying on a business or providing a service which is listed in Part 2 of schedule 1 must cease to carry on that business or to provide that service <sup>F8</sup> ...

(5) Paragraph (4) does not prevent the use of—

- (a) premises used for the businesses or services listed in paragraphs [<sup>F9</sup>6, 8 or 9] of schedule 1 to broadcast a performance to people outside the premises, whether over the internet or as part of a radio or television broadcast,
- (b) any suitable premises used for the businesses or services listed in that schedule to host blood donation sessions.
- [<sup>F10</sup>(c) premises by a business taking preparatory steps, while the premises remain closed to members of the public, in pursuance of the requirement in regulation 4(1).]

(6) If a business listed in Part <sup>F11</sup>... 2 of schedule 1 (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in paragraph [<sup>F12</sup>(4)] if it closes down business A.

- <sup>F13</sup>(7) .....

**Textual Amendments**

- F6** Words in reg. 3 heading omitted (29.5.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/164\)](#), regs. 1(1), **2(3)(a)**
- F7** [Reg. 3\(1\)-\(3\)](#) omitted (15.7.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 8\) Regulations 2020 \(S.S.I. 2020/211\)](#), regs. 1(2), **2(2)(a)**
- F8** Words in reg. 3(4) omitted (29.5.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/164\)](#), regs. 1(1), **2(3)(c)**
- F9** Words in [reg. 3\(5\)](#) substituted (15.7.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 8\) Regulations 2020 \(S.S.I. 2020/211\)](#), regs. 1(2), **2(2)(b)**
- F10** [Reg. 3\(5\)\(c\)](#) inserted (19.6.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 4\) Regulations 2020 \(S.S.I. 2020/182\)](#), regs. 1(2), **2(3)**
- F11** Words in [reg. 3\(6\)](#) omitted (15.7.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 8\) Regulations 2020 \(S.S.I. 2020/211\)](#), regs. 1(2), **2(2)(c)(i)**
- F12** Word in [reg. 3\(6\)](#) substituted (15.7.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 8\) Regulations 2020 \(S.S.I. 2020/211\)](#), regs. 1(2), **2(2)(c)(ii)**
- F13** [Reg. 3\(7\)](#) omitted (10.7.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), regs. 1(2), **2(2)**

**Commencement Information**

- I3** Reg. 3 in force at 26.3.2020 at 7.15 p.m., see reg. 1(1)

**<sup>F14</sup>Further restrictions and closures ...**

4.—(1) [<sup>F15</sup>Subject to regulation 3 and [<sup>F16</sup>paragraph (8)], a person] who is responsible for [<sup>F17</sup>a place of worship,] carrying on a business or providing a service <sup>F18</sup>... must <sup>F19</sup>...—

- (a) take all reasonable measures to ensure that [<sup>F20</sup>the required distance] is maintained between any persons on the premises (except between two members of the same household, or a carer and the person assisted by the carer),
- (b) take all reasonable measures to ensure that it only admits people to its premises in sufficiently small numbers to make it possible to maintain that distance,
- (c) take all reasonable measures to ensure that [<sup>F20</sup>the required distance] is maintained between any person waiting to enter its premises (except between two members of the same household, or a carer and the person assisted by the carer).

- <sup>F21</sup>(2) .....
- <sup>F21</sup>(3) .....
- <sup>F21</sup>(4) .....
- <sup>F21</sup>(5) .....
- <sup>F21</sup>(6) .....
- <sup>F21</sup>(7) .....

(8) A person who is responsible for a community centre must ensure that <sup>F22</sup>... the community centre is closed except where—

- (a) it is used to provide essential voluntary activities or urgent public support services (including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions or support in an emergency), and

*Status: Point in time view as at 15/07/2020.*

*Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (revoked). (See end of Document for details)*

- (b) reasonable measures are taken to ensure that a distance of [<sup>F23</sup>at least] two metres is maintained between every person on the premises while those services are provided (other than between two members of the same household, or a carer and the person being assisted by the carer).

<sup>F24</sup>(9) .....

<sup>F24</sup>(9A) .....

<sup>F24</sup>(10) .....

[<sup>F25</sup>(11) In this regulation—

“carer” includes a person who provides care for the person assisted whether that care is provided—

- (a) by a carer within the meaning of section 1 of the Carers (Scotland) Act 2016,
- (b) on a paid basis, or
- (c) on a voluntary basis,

[<sup>F26</sup>“premises” includes any building or structure and any land.]

[<sup>F27</sup>“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.]]

#### Textual Amendments

- F14** Words in reg. 4 heading omitted (29.5.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/164\)](#), regs. 1(1), **2(4)(a)**
- F15** Words in reg. 4(1) substituted (21.4.2020 at 9.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/126\)](#), regs. 1(1), **2(2)(a)(i)**
- F16** Words in reg. 4(1) substituted (15.7.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 8\) Regulations 2020 \(S.S.I. 2020/211\)](#), regs. 1(2), **2(3)(a)(i)**
- F17** Words in reg. 4(1) inserted (15.7.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 8\) Regulations 2020 \(S.S.I. 2020/211\)](#), regs. 1(2), **2(3)(a)(ii)**
- F18** Words in reg. 4(1) omitted (21.4.2020 at 9.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/126\)](#), regs. 1(1), **2(2)(a)(ii)**
- F19** Words in reg. 4(1) omitted (29.5.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/164\)](#), regs. 1(1), **2(4)(b)**
- F20** Words in reg. 4(1) substituted (10.7.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), regs. 1(2), **2(3)(a)**
- F21** Reg. 4(2)-(7) omitted (15.7.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 8\) Regulations 2020 \(S.S.I. 2020/211\)](#), regs. 1(2), **2(3)(b)**
- F22** Words in reg. 4(8) omitted (29.5.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/164\)](#), regs. 1(1), **2(4)(g)**
- F23** Words in reg. 4(8)(b) inserted (10.7.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), regs. 1(2), **2(3)(c)**

- F24** Reg. 4(9)(9A)(10) omitted (15.7.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 8\) Regulations 2020 \(S.S.I. 2020/211\)](#), **regs. 1(2), 2(3)(b)**
- F25** Reg. 4(11) substituted (21.4.2020 at 9.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/126\)](#), **regs. 1(1), 2(2)(e)**
- F26** Words in reg. 4(11) substituted (15.7.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 8\) Regulations 2020 \(S.S.I. 2020/211\)](#), **regs. 1(2), 2(3)(c)**
- F27** Words in reg. 4(11) inserted (10.7.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), **regs. 1(2), 2(3)(e)**

**Commencement Information**

- I4** Reg. 4 in force at 26.3.2020 at 7.15 p.m., see reg. 1(1)

## PART 3

### <sup>F28</sup>Restrictions on ... gatherings

**Textual Amendments**

- F28** Words in Pt. 3 heading omitted (10.7.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), **regs. 1(2), 2(4)**

### Restrictions on movement

<sup>F29</sup>5. ....

**Textual Amendments**

- F29** Reg. 5 omitted (10.7.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), **regs. 1(2), 2(5)**

### <sup>F30</sup>Restrictions on gatherings

- 6.—<sup>F31</sup>(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,
- <sup>F32</sup>(c) to attend a funeral, marriage ceremony or civil partnership registration,]
- (d) where the gathering is for the purposes of—
    - (i) work, or for the provision of voluntary or charitable services,
    - (ii) <sup>F33</sup>[childcare, 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,

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- (vii) participation in legal proceedings or fulfilling a legal obligation,
- (viii) donating blood,
- (ix) accessing public services, including—
  - <sup>F34</sup>(aa) . . . . .
  - (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
- <sup>F35</sup>(e) to attend a place of worship.]]

<sup>F36</sup>(2) In paragraph (1), “gathering” means a situation where two or more people are present together in the same place in order to engage in any form of social interaction with each other.]]

#### Textual Amendments

- F30** Reg. 6 substituted (29.6.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 5\) Regulations 2020 \(S.S.I. 2020/190\)](#), regs. 1, **2(3)**
- F31** Reg. 6(1) substituted (10.7.2020 except so far as it relates to gatherings for the purpose of supervised outdoor recreation for people who are under 18 years of age and 13.7.2020 so far as it relates to such gatherings) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), reg. 1(2)(3), **2(6)**
- F32** Reg. 6(1)(c) substituted (15.7.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 8\) Regulations 2020 \(S.S.I. 2020/211\)](#), regs. 1(2), **2(4)(a)(i)**
- F33** Words in reg. 6(1)(d)(ii) substituted (15.7.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 8\) Regulations 2020 \(S.S.I. 2020/211\)](#), regs. 1(2), **2(4)(a)(ii)(aa)**
- F34** Reg. 6(1)(d)(ix)(aa) omitted (15.7.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 8\) Regulations 2020 \(S.S.I. 2020/211\)](#), regs. 1(2), **2(4)(a)(ii)(bb)**
- F35** Reg. 6(1)(e) substituted (15.7.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 8\) Regulations 2020 \(S.S.I. 2020/211\)](#), regs. 1(2), **2(4)(a)(iii)**
- F36** Reg. 6(2) substituted (15.7.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 8\) Regulations 2020 \(S.S.I. 2020/211\)](#), regs. 1(2), **2(4)(b)**

## <sup>F37</sup>PART 3A

### <sup>F38</sup>Face coverings]

#### Textual Amendments

- F37** Pt. 3A inserted (22.6.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 4\) Regulations 2020 \(S.S.I. 2020/182\)](#), regs. 1(3)(a), **2(6)** (with reg. 1(4)(a))
- F38** Pt. 3A heading substituted (10.7.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), regs. 1(2), **2(7)**

**Requirement to wear a face covering on public transport**

**6A.**—(1) Except to the extent that a defence would be available under regulation 8(4), no person may use a passenger transport service or passenger transport service premises without wearing a face covering.

(2) Paragraph (1) does not apply to the wearing of a face covering—

- (a) on a school transport service,
- (b) on a cruise ship,
- (c) by a child who is under the age of 5,
- (d) by a constable acting in the course of their duty,
- (e) by an emergency responder (other than a constable) acting in their capacity as an emergency responder,
- (f) by a person providing a passenger transport service, or an employee of that person, where there is a partition between the person or employee and members of the public,
- (g) by a person flying or otherwise operating a passenger transport service for the carriage of passengers by air,
- (h) on a ferry where—
  - (i) the ferry, or the part of the ferry which is open to members of the public, is entirely outdoors, or
  - (ii) a distance of [<sup>F39</sup>at least] two metres can be maintained between any persons on the ferry or the part of the ferry which is open to members of the public.

<sup>F40</sup>(3) .....

(4) For the purposes of paragraph (1)—

- (a) a person uses a passenger transport service when—
  - (i) they are—
    - (aa) boarding any mode of transport by means of which a passenger transport service is provided, or
    - (bb) on board any mode of transport, whether or not for the purposes of travel, by means of which a passenger transport service is provided, and
  - (ii) that service is available for use by the public,
- (b) a person uses passenger transport service premises when—
  - (i) they are present at premises where a passenger transport service may provide, stop or terminate their service, and
  - (ii) those premises are available for use by the public.]

**Textual Amendments**

**F39** Words in reg. 6A(2)(h)(ii) inserted (10.7.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), regs. 1(2), **2(8)(a)**

**F40** Reg. 6A(3) omitted (10.7.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), regs. 1(2), **2(8)(b)**

*Status: Point in time view as at 15/07/2020.*

*Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (revoked). (See end of Document for details)*

#### [<sup>F41</sup>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.]

#### Textual Amendments

**F41** Reg. 6B inserted (10.7.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), regs. 1(2), **2(9)**

## PART 4

### Enforcement

#### Enforcement of requirements

7.—(1) A relevant person may take such action as is necessary to enforce any requirement imposed by these Regulations.

(2) A relevant person may give a prohibition notice to a person if the relevant person reasonably believes that—



- (a) the person is contravening a requirement in these Regulations, and
  - (b) it is necessary and proportionate to give the prohibition notice for the purpose of preventing that person from continuing to contravene the requirement.
- <sup>F42</sup>(3) .....
- (4) A constable, exercising the power in paragraph [<sup>F43</sup>(9)(c)] to remove a person to the place where they are living, may use reasonable force, if necessary, in exercise of the power.
- (5) Where the person [<sup>F44</sup>contravening a requirement in these Regulations] is a child accompanied by an individual who has responsibility for the child—
- (a) the relevant person may direct that individual to take the child to the place where they are living, and
  - (b) that individual must, so far as reasonably practicable, ensure that the child complies with any such direction or instruction given by the relevant person to the child.
- (6) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with the restriction in regulation [<sup>F45</sup>6(1)], the relevant person may direct any individual who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with that restriction.
- (7) For the purposes of this regulation, an individual has responsibility for a child if the individual—
- (a) has custody or charge of the child for the time being, or
  - (b) has parental responsibility for the child.
- (8) A relevant person may only exercise a power in paragraph [<sup>F46</sup>(5), (6) or (9)] if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with the requirement.
- (9) Where a relevant person considers that three or more people are gathered together in contravention of regulation 6, the relevant person may—
- (a) direct the gathering to disperse,
  - (b) direct any person in the gathering to return to the place where they are living, or
  - (c) remove any person in the gathering to the place where they are living.
- <sup>F47</sup>(10) .....
- (11) A relevant person exercising a power under paragraph <sup>F48</sup>... (5), (6) or (9) may give the person concerned any reasonable instructions they consider to be necessary.
- (12) For the purposes of this regulation, a “relevant person” means—
- (a) a constable, or
  - (b) subject to paragraph (13), a person designated by a local authority for the purposes of this regulation.
- (13) A local authority may only designate a person for the purposes of this regulation in relation to a requirement in regulation 3 or 4.
- (14) For the purposes of this Part, references to a requirement include references to a restriction.

**Textual Amendments**

**F42** Reg. 7(3) omitted (10.7.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), regs. 1(2), **2(10)(a)**

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**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (revoked). (See end of Document for details)

- F43** Word in reg. 7(4) substituted (10.7.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), regs. 1(2), **2(10)(b)**
- F44** Words in reg. 7(5) substituted (10.7.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), regs. 1(2), **2(10)(c)**
- F45** Word in reg. 7(6) substituted (10.7.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), regs. 1(2), **2(10)(d)**
- F46** Words in reg. 7(8) substituted (10.7.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), regs. 1(2), **2(10)(e)**
- F47** Reg. 7(10) omitted (10.7.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), regs. 1(2), **2(10)(f)**
- F48** Word in reg. 7(11) omitted (10.7.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), regs. 1(2), **2(10)(g)**

**Commencement Information**

- I5** Reg. 7 in force at 26.3.2020 at 7.15 p.m., see reg. 1(1)

**Offences and penalties**

8.—(1) A person who contravenes a requirement in regulation 3 to 7 commits an offence.

(2) A person who obstructs any person carrying out a function under these Regulations commits an offence.

(3) A person who contravenes a direction given under regulation 7, or fails to comply with a reasonable instruction or a prohibition notice given by a relevant person under regulation 7, commits an offence.

(4) It is a defence to a charge of committing an offence under paragraph (1), (2) or (3) to show that the person, in the circumstances, had a reasonable excuse [<sup>F49</sup>(see [<sup>F50</sup>paragraph] (5A))].

<sup>F51</sup>(5) .....

[<sup>F52</sup>(5A) In relation to the wearing of a face covering, a reasonable excuse includes—

- (a) to seek medical assistance,
- (b) to provide care or assistance to a vulnerable person, including to provide emergency assistance,
- (c) to avoid injury, illness or to escape a risk of harm,
- (d) where the person cannot put on, wear or remove a face covering—
  - (i) because of any physical or mental illness or impairment or disability (within the meaning of section 6 of the Equality Act 2010),
  - (ii) without severe distress,
- (e) to communicate with a person who has difficulties communicating (in relation to speech, language or otherwise),
- (f) to eat or drink where reasonably necessary,
- (g) to take medication,
- (h) to remove a face covering temporarily to comply with a request by a relevant person or another person acting in the course of their duties, and for the purposes of this subparagraph “relevant person” has the meaning given by regulation 7(12).

[ where the person is undertaking food handling tasks, to avoid risk to the hygiene or safety <sup>F53</sup>(i) of food.]]

(6) A person who commits an offence under this regulation is liable, on summary conviction, to a fine not exceeding the statutory maximum.

(7) If an offence under this regulation committed by a body corporate is proved—

(a) to have been committed with the consent or connivance of an officer of the body, or

(b) to be attributable to any neglect on the part of such an officer,

the officer (as well as the body corporate) commits the offence and is liable to be prosecuted and proceeded against and punished accordingly.

(8) In paragraph (7), “officer” in relation to a body corporate means—

(a) in the case of a company—

(i) a director, secretary, manager or similar officer, or

(ii) where the affairs of the company are managed by its members, a member,

(b) in the case of a limited liability partnership, a member,

(c) in the case of a partnership other than a limited liability partnership, a partner,

(d) in the case of another body or association, a person who is concerned in the management or control of its affairs.

#### Textual Amendments

**F49** Words in reg. 8(4) inserted (22.6.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 4\) Regulations 2020 \(S.S.I. 2020/182\)](#), regs. 1(3)(b), **2(7)(a)** (with reg. 1(4)(b))

**F50** Word in reg. 8(4) substituted (10.7.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), regs. 1(2), **2(11)(a)**

**F51** Reg. 8(5) omitted (10.7.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), regs. 1(2), **2(11)(b)**

**F52** Reg. 8(5A) inserted (22.6.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 4\) Regulations 2020 \(S.S.I. 2020/182\)](#), regs. 1(3)(b), **2(7)(c)** (with reg. 1(4)(b))

**F53** Reg. 8(5A)(i) inserted (10.7.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), regs. 1(2), **2(11)(c)**

#### Modifications etc. (not altering text)

**C1** Reg. 8(4)(5) restricted (temp.) (8.6.2020) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/169\)](#), regs. 1(2), **6(6)** (with reg. 15) (as amended (20.6.2020 at 1.00 p.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/184\)](#), regs. 1(2), **2(3)(c)**)

#### Commencement Information

**I6** Reg. 8 in force at 26.3.2020 at 7.15 p.m., see reg. 1(1)

#### Fixed penalty notices

**9.—(1)** A constable may issue a fixed penalty notice to a person that the constable reasonably believes—

(a) has committed an offence under these Regulations, and

(b) is aged [<sup>F54</sup>18] years or over.

*Status: Point in time view as at 15/07/2020.*

*Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (revoked). (See end of Document for details)*

(2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty in accordance with these Regulations.

(3) The penalty payable in respect of a fixed penalty notice, subject to paragraph (4), is £60.

(4) Unless paragraph (5) applies, if £30 is paid before the end of the period of 28 days beginning with the date of the fixed penalty notice, then that is the amount of the fixed penalty (and the fixed penalty notice must make known the effect of this paragraph).

(5) If the person to whom a fixed penalty notice is given has already received a fixed penalty notice under these Regulations—

(a) paragraph (4) does not apply, and

(b) the penalty payable in the case of—

(i) the second fixed penalty notice received is £120,

(ii) the third and subsequent fixed penalty notice received is double the amount specified in the last fixed penalty notice received by that person, to a maximum of £960.

(6) For the purposes of these Regulations—

(a) the form of a fixed penalty notice,

(b) the effect of a fixed penalty notice, and

(c) the procedure that applies to a fixed penalty notice,

are the same as those that apply to a fixed penalty notice given under section 129(1) of the Antisocial Behaviour etc. (Scotland) Act 2004<sup>M1</sup>, as provided for in sections 129 to 134 of that Act [<sup>F55</sup>and sections 226B and 226I of the Criminal Procedure (Scotland) Act 1995]<sup>F56</sup>, subject to the modifications in paragraph (7).

(7) The modifications are—

(a) section 129(1) is to be disregarded,

(b) the definitions of “fixed penalty notice” in sections 129(2) and 134 are to be construed as a reference to a notice under paragraph (1),

(c) the definition of “prescribed area” in section 129(2) is to be disregarded,

(d) section 130(1), (2) and (3)(f) is to be disregarded,

(e) the references to “section 129” in section 131(1) and section 133(1) are to be construed as references to this regulation,

[<sup>F57</sup>(f) in section 131(5)—

(i) the reference to “in accordance with this Part” is to be construed as a reference to these Regulations, and

(ii) the reference to “a sum equal to one and a half times” is to be disregarded,]<sup>F58</sup>...

(g) the definition of “fixed penalty offence” in section 134 is to be construed as though it referred to an offence of the type referred to in paragraph (1)(a).

[<sup>F59</sup>(h) in section 226B(5)(a)(ii) of the Criminal Procedure (Scotland) Act 1995—

(i) the reference to “by virtue of section 131(5) of the Antisocial Behaviour etc. (Scotland) Act 2004” is to be construed as a reference to that section as modified by this paragraph, and

(ii) the reference to “a fixed penalty notice given under section 129 (fixed penalty notices) of that Act” is to be construed as a reference to section 129 of the Antisocial Behaviour etc. (Scotland) Act 2004 as modified by this paragraph.]

### Textual Amendments

- F54** Word in reg. 9(1)(b) substituted (27.5.2020) by [Coronavirus \(Scotland\) \(No.2\) Act 2020](#) (asp 10), s. 16(1), [sch. 2 para. 7\(2\)](#) (with s. 9)
- F55** Words in reg. 9(6) inserted (19.6.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 4\) Regulations 2020](#) (S.S.I. 2020/182), regs. 1(2), [2\(8\)\(a\)](#)
- F56** [1995 c.46](#). Sections 226B and 226I were inserted by section 55 of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007. Sections 226B and 226I have been amended but none of the amendments are relevant to these Regulations.
- F57** Reg. 9(7)(f) substituted (19.6.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 4\) Regulations 2020](#) (S.S.I. 2020/182), regs. 1(2), [2\(8\)\(b\)\(i\)](#)
- F58** Word in reg. 9(7) omitted (19.6.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 4\) Regulations 2020](#) (S.S.I. 2020/182), regs. 1(2), [2\(8\)\(b\)\(ii\)](#)
- F59** Reg. 9(7)(h) inserted (19.6.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 4\) Regulations 2020](#) (S.S.I. 2020/182), regs. 1(2), [2\(8\)\(b\)\(iii\)](#)

### Commencement Information

- I7** Reg. 9 in force at 26.3.2020 at 7.15 p.m., see reg. 1(1)

### Marginal Citations

- M1** [2008 asp 8](#).

## PART 5

### Interpretation and expiry

#### Interpretation

##### 10. In these Regulations—

“child” means a person who is under 16 years of age,

“constable” has the meaning given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012 <sup>M2</sup>,

[<sup>F60</sup>“emergency responder” has the meaning given by section 153A(6) of the Inheritance Tax Act 1984,]

[<sup>F61</sup>“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,]

[<sup>F62</sup>“face covering” means a covering of any type which covers a person’s nose and mouth, “household” includes an extended household,]

[<sup>F63</sup>“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 under the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006,

“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,]

**Status:** Point in time view as at 15/07/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (revoked). (See end of Document for details)

“a person who is responsible for carrying on a business” includes the owner, proprietor, and manager of that business,

F64 ...

“vulnerable person” includes—

- (a) any person aged 70 or older,
- (b) any person under 70 who has an underlying health condition, including but not limited to, the conditions listed in schedule 2,
- (c) any person who is pregnant.

#### Textual Amendments

- F60** Words in reg. 10 inserted (10.7.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), regs. 1(2), **2(12)(a)**
- F61** Words in reg. 10 substituted (10.7.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), regs. 1(2), **2(12)(b)**
- F62** Words in reg. 10 inserted (19.6.2020 for specified purposes, 22.6.2020 in so far as not already in force) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 4\) Regulations 2020 \(S.S.I. 2020/182\)](#), regs. 1(2)(3)(c), **2(9)(a)** (with reg. 1(4)(c))
- F63** Words in reg. 10 inserted (10.7.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), regs. 1(2), **2(12)(c)**
- F64** Words in reg. 10 omitted (10.7.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/210\)](#), regs. 1(2), **2(12)(d)**

#### Commencement Information

- I8** Reg. 10 in force at 26.3.2020 at 7.15 p.m., see reg. 1(1)

#### Marginal Citations

- M2** [2012 asp 8](#).

#### Expiry

**11.—**(1) These Regulations expire at the end of the period of six months beginning with the day on which they come into force.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they expire.

#### Commencement Information

- I9** Reg. 11 in force at 26.3.2020 at 7.15 p.m., see reg. 1(1)

St Andrew's House,  
Edinburgh

*JEANE FREEMAN*  
A member of the Scottish Government

**Status:**

Point in time view as at 15/07/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (revoked).