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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 103**

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

**PART 4**

**Enforcement**

**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.

(5) In paragraph (4), a reasonable excuse includes the need—

- (a) to obtain basic necessities, including food and medical supplies for those in the same household (including any pets or animals in the household) or for a vulnerable person and supplies for the essential upkeep, maintenance and functioning of the household or the household of a vulnerable person, or to obtain money,
- (b) to take exercise, either alone or with other members of their household,
- (c) to seek medical assistance, including to access any of the services referred to in paragraph 37 or 38 of schedule 1,
- (d) to provide care or assistance to a vulnerable person, including to provide emergency assistance,
- (e) to donate blood,
- (f) to travel for the purposes of work or to provide voluntary or charitable services, where it is not reasonably possible for that person to work, or to provide those services, from the place where they are living,
- (g) to attend a funeral of—
  - (i) a member of the person's household,
  - (ii) a close family member, or
  - (iii) if no-one within sub-paragraphs (i) or (ii) are attending, a friend,
- (h) to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings,
- (i) to access critical public services, including—

- (i) childcare or educational facilities (where these are still available to the child in relation to whom that person is the parent of, or has parental responsibility for or care of, the child),
  - (ii) social services,
  - (iii) services provided by the Department of Work and Pensions,
  - (iv) services provided to victims (such as victims of crime),
  - (j) in relation to children who do not live in the same household as their parents, or one of their parents, to continue existing arrangements for access to, and contact between, parents and children, and for the purposes of this paragraph, “parent” includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of, the child,
  - (k) in the case of a minister of religion or worship leader, to go to their place of worship,
  - (l) to move house where reasonably necessary,
  - (m) to avoid injury, illness or to escape a risk of harm.
- (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.