

2020 No. 164

PUBLIC HEALTH

**The Health Protection (Coronavirus) (Restrictions) (Scotland)
Amendment (No. 3) Regulations 2020**

Approved by the Scottish Parliament

Made - - - - at 11.00 a.m. on 28th May 2020

Laid before the Scottish Parliament at 2.00 p.m. on 28th May 2020

Coming into force - - 29th May 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, commencement and application

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 3) Regulations 2020 and come into force on 29 May 2020.

(2) These Regulations apply in relation to Scotland only.

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.

(2) In regulation 2 (the review of need for restrictions)—

(a) in the cross heading, omit “**emergency period and**”,

(a) 2020 c.7.

(b) S.S.I. 2020/103, relevantly amended by S.S.I. 2020/106 and S.S.I. 2020/126.

- (b) omit paragraph (1),
 - (c) in paragraph (3), for “publish a direction terminating” substitute “revoke”,
 - (d) omit paragraphs (4) and (5).
- (3) In regulation 3 (requirement to close premises and businesses)—
- (a) in the cross heading, omit “**during the emergency period**”,
 - (b) in paragraph (1), omit “during the emergency period” in both places it occurs,
 - (c) in paragraph (4), omit “during the emergency period”.
- (4) In regulation 4 (further restrictions and closures)—
- (a) in the cross heading, omit “**during the emergency period**”,
 - (b) in paragraph (1), omit “, during the emergency period”,
 - (c) in paragraph (2), omit “, during the emergency period”,
 - (d) for paragraph (3) substitute—
 - “(3) Paragraph (2) does not apply to—
 - (a) any business which provides hot or cold food for consumption off the premises,
 - (b) any business which takes preparatory steps, while the premises remain closed to members of the public, in pursuance of the requirement in paragraph (1).”,
 - (e) in paragraph (4), omit “during the emergency period”,
 - (f) in paragraph (6), omit “, during the emergency period”,
 - (g) in paragraph (8), omit “, during the emergency period”,
 - (h) in paragraph (9), omit “, during the emergency period”,
- (5) In regulation 5(1) (restrictions on movement), omit “during the emergency period.”.
- (6) In regulation 6 (restrictions on gatherings)—
- (a) for “During the emergency period, no” substitute “No”,
 - (b) in paragraph (a), for “the same household” substitute “no more than two households”.
- (7) In regulation 8(5) (offences and penalties)—
- (a) omit “the need”,
 - (b) for sub-paragraph (a) substitute—
 - “(a) to obtain any of the following for their household or a vulnerable person—
 - (i) basic necessities, including food and medical supplies,
 - (ii) money,
 - (iii) other supplies from a business or service listed in Part 3 of schedule 1,”,
 - (c) for sub-paragraph (b) substitute—
 - “(b) to take exercise—
 - (i) alone,
 - (ii) with members of their household,
 - (iii) with members of one other household,”,
 - (d) after sub-paragraph (m) insert—
 - “(n) to access recycling or waste disposal services,
 - (o) to take part in outdoor recreation—
 - (i) alone,
 - (ii) with members of their household,
 - (iii) with members of one other household.”.

- (8) In schedule 1 (businesses subject to restrictions or closure)—
- (a) in paragraph 20, after “sports courts” insert “(except outdoor courts for tennis or bowls)”,
 - (b) after paragraph 43 insert—
“44. Garden centres and plant nurseries.”.

Saving

3. The amendments made by regulation 2(7) of these Regulations do not apply to an offence committed under the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 before the commencement of these Regulations.

MICHAEL RUSSELL
A member of the Scottish Government

St Andrew’s House,
Edinburgh
At 11.00 a.m. on 28th May 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 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. These Regulations amend regulation 8(5) of the principal regulations to provide that it is a reasonable excuse to take part in outdoor recreation in certain circumstances or visit a recycling or waste disposal service.

These Regulations also provide that some businesses may make preparations, while the premises of that business remain closed to members of the public, towards introducing physical distancing measures. Garden centres and plant nurseries are added to the list, in Part 3 of schedule 1 of the principal regulations, of businesses or services which may remain open. These Regulations also make technical amendments, the effect of which is to require that the termination of a restriction or requirement imposed by the principal regulations must be by way of an amending instrument.

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