

---

## 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.