
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 210

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

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

2.—(1) The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020⁽¹⁾ 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

⁽¹⁾ 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.

- (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,
 - (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(2),”,
 - (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

(2) 1984 c.51. Section 153A(6) was inserted by section 75 of the Finance Act 2015 (c.11).

- (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⁽³⁾ under the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006⁽⁴⁾,
 - “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”.

⁽³⁾ 2005 asp 13.
⁽⁴⁾ S.S.I. 2006/90.