

**2020 No. 415**

**PUBLIC HEALTH**

**The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 6) Regulations 2020**

*Approved by the Scottish Parliament*

*Made - - - -at 11.55 a.m. on 3rd December 2020*

*Laid before the Scottish Parliament at 2.30 p.m. on 3rd December 2020*

*Coming into force - - 4th December 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<sup>(a)</sup> (“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 and commencement**

1. These Regulations may be cited as the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 6) Regulations 2020 and come into force on 4 December 2020.

**Amendment of the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020**

2. The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020<sup>(b)</sup> are amended in accordance with regulations 3 and 4.

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(a) 2020 c.7.

(b) S.S.I. 2020/344, amended by S.S.I. 2020/347, S.S.I. 2020/374, S.S.I. 2020/389, S.S.I. 2020/392 and S.S.I. 2020/400.

## Restrictions on gatherings: temporary measures

3. After regulation 3A (modification of restrictions in certain areas) insert—

### “Temporary modification of restrictions: holiday gatherings

**3B.**—(1) For the period beginning on 23 December 2020 and ending at 11:59 p.m. on 27 December 2020 the restrictions in these Regulations have effect as if—

(a) in regulation 2(1) (interpretation), after the definition of “gathering” there were inserted—

““holiday gathering” means a gathering of no more than 8 persons from no more than 3 households who have chosen to be treated as a holiday gathering for the purposes of—

(a) gathering in a private dwelling which is either—

(i) the main residence of one of the households, or

(ii) located in the same local authority area as the place which is the main residence of one of the households,

(b) gathering outdoors,”

(b) in schedule 2 (level 1 restrictions) before paragraph 9(1)(a) (restriction on gatherings in private dwellings in a level 1 area) there were inserted—

“(za) is a holiday gathering,”

(c) in schedule 3 (level 2 restrictions)—

(i) before paragraph 12(1)(a) (restriction on public gatherings outdoors in a level 2 area) there were inserted—

“(za) is a holiday gathering,”

(ii) before paragraph 13(1)(a) (restriction on gatherings in private dwellings in a level 2 area) there were inserted—

“(za) is a holiday gathering,”

(d) in schedule 4 (level 3 restrictions)—

(i) before paragraph 11(1)(a) (restriction on public gatherings outdoors in a level 3 area) there were inserted—

“(za) is a holiday gathering,”

(ii) before paragraph 12(1)(a) (restriction on gatherings in private dwellings in a level 3 area) there were inserted—

“(za) is a holiday gathering,”

(iii) before paragraph 15(2)(a) (travel restrictions: reasonable excuses) there were inserted—

“(za) gather with one or more other households as a holiday gathering or a gathering in England, Wales or Northern Ireland of a kind only permitted during the relevant period,”

(e) in schedule 5 (level 4 restrictions)—

(i) after paragraph 3(1) (requirement to cease providing holiday accommodation in a level 4 area) there were inserted—

“(1A) Sub-paragraph (1) does not prevent a holiday gathering in a private dwelling,”

(ii) before paragraph 3(2)(a) there were inserted—

“(za) to a person for the purpose of attending a holiday gathering in a private dwelling which is located in the same local authority area as that holiday accommodation,”

(iii) before paragraph 12(1)(a) (restriction on public gatherings outdoors in a level 4 area) there were inserted—

“(za) is a holiday gathering,”

(iv) before paragraph 13(1)(a) (restriction on gatherings in private dwellings in a level 4 area) there were inserted—

“(za) is a holiday gathering,”

(v) before paragraph 16(2)(a) (travel restrictions: reasonable excuses) there were inserted—

“(za) gather with one or more other households as a holiday gathering or a gathering in England, Wales or Northern Ireland of a kind only permitted during the relevant period,”

(f) in schedule 7A (restrictions on leaving or entering Scotland: common travel area) before paragraph 3(2)(a) (travel restrictions: reasonable excuses) there were inserted—

“(za) gather with one or more other households as a holiday gathering or a gathering in England, Wales or Northern Ireland of a kind only permitted during the relevant period,”

(2) For the purposes of travelling to or from Northern Ireland, the restrictions on movement in these Regulations have effect as if—

(a) in schedule 4, after paragraph 15(2)(b) there were inserted—

“(ba) where it is necessary to do so in order to facilitate a holiday gathering or a gathering in England, Wales or Northern Ireland of a kind only permitted during the relevant period, travel the day before the relevant period,”

(b) in schedule 5, after paragraph 16(2)(b) there were inserted —

“(ba) where it is necessary to do so in order to facilitate a holiday gathering or a gathering in England, Wales or Northern Ireland of a kind only permitted during the relevant period, travel the day before the relevant period,”

(c) in schedule 7A, after paragraph 3(2)(b) there were inserted —

“(ba) where it is necessary to do so in order to facilitate a holiday gathering or a gathering in England, Wales or Northern Ireland of a kind only permitted during the relevant period, travel the day before the relevant period.”

(3) In this regulation a reference to the “relevant period” is a reference to the period in paragraph (1).

(4) For the purpose of sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of persons attending a holiday gathering but are to be included when counting the number of households attending a holiday gathering.

(5) A person who during the relevant period attends—

(a) a holiday gathering may attend a subsequent gathering of that holiday gathering provided that in aggregate they gather with no more than 8 persons from not more than 3 households and may not attend any other holiday gathering,

(b) a gathering in England, Wales or Northern Ireland of a kind only permitted during the relevant period may not attend a holiday gathering.

(6) A holiday gathering may not include more than one extended household.”

#### **Requirement to cease providing holiday accommodation in a Level 4 area: exceptions**

4. In schedule 5, in paragraph 3(2)(a)—

(a) in sub-head (v), after “funeral,” insert “a marriage ceremony or civil partnership registration,”

(b) after sub-head (v) add—

“(vi) needs accommodation in order to participate in or facilitate shared parenting arrangements,”.

St Andrew’s House,  
Edinburgh  
At 11.55 a.m. on 3rd December 2020

*MICHAEL RUSSELL*  
A member of the Scottish Government

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations (which come into force on 4 December 2020) amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (“the principal regulations”).

Regulation 3 adds a new regulation 3B into the principal regulations to modify the application of the principal regulations during the period from and including 23 December 2020 to 27 December 2020.

Regulation 3B(1) modifies regulation 2 of the principal regulations to add a new definition of “holiday gathering” and modifies schedules 2 to 5 of the principal regulations so that attending a holiday gathering is an exception to the restrictions on gatherings in private dwellings in Level 1, 2, 3 and 4 areas and the restrictions on gatherings in outdoor public places in Level 2, 3 and 4 areas. It also modifies schedules 4, 5 and 7A of the principal regulations to add gathering as a holiday gathering to the list of examples of a purpose for which a contravention of the travel restrictions in Level 3 or 4 areas, or within the common travel area, will constitute a reasonable excuse. Regulation 3B(2) further modifies those schedules to make special provision for travel to or from Northern Ireland on 22 December 2020.

Regulation 3B(3) makes interpretative provision relevant to the modifications made by this regulation. Paragraphs (4) to (6) of that regulation make provision relative to the rules for reckoning the numbers involved in holiday gatherings, including to specify that a person may not attend more than one holiday gathering.

Regulation 4 amends schedule 5 of the principal Regulations to allow holiday accommodation in Level 4 areas to be provided to a person attending a marriage ceremony or civil partnership registration or to facilitate shared parenting arrangements.

An Equality Impact Assessment has been prepared. Copies may be obtained online at [www.legislation.gov.uk](http://www.legislation.gov.uk).

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