

2020 No. 199

PUBLIC HEALTH

**The Health Protection (Coronavirus) (Restrictions) (Scotland)
Amendment (No. 6) Regulations 2020**

Approved by the Scottish Parliament

Made - - - - at 12.36 p.m. on 2nd July 2020

Laid before the Scottish Parliament at 4.00 p.m. on 2nd July 2020

Coming into force in accordance with regulation 1

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 and commencement

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 6) Regulations 2020.

(2) Subject to paragraph (3), these Regulations come into force on 3 July 2020.

(3) Regulation 2(2) comes into force on 6 July 2020.

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 3 (requirement to close premises and businesses)—

^(a) 2020 c.7.

^(b) S.S.I. 2020/103, relevantly amended by S.S.I. 2020/126, S.S.I. 2020/164, S.S.I. 2020/182 and S.S.I. 2020/190.

(a) for paragraph (1) substitute—

“(1) A person who is responsible for carrying on a business which is listed in Part 1 of schedule 1 must close any place on the premises which is indoors and used for the consumption of food or drink on those premises.”,

(b) for paragraph (2) substitute—

“(2) Paragraph (1) does not apply where food or drink is provided by a hotel or other accommodation provider as part of room service.”,

(c) in paragraph (3), for “(1)(a)(ii) and (b)” substitute “(1)”,

(d) after paragraph (6) insert—

“(7) For the purposes of this regulation, a place is indoors if it 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^(a) under the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006^(b).”.

(3) In regulation 4(5) (further restrictions and closures)—

(a) omit “or” following sub-paragraph (d),

(b) after sub-paragraph (e) insert—

“(f) to provide accommodation in a holiday apartment, cottage, home or bungalow, where—

(i) the holiday apartment, cottage, home or bungalow—

(aa) is provided to members of one household, and

(bb) is accessed without entering or moving across any communal areas, and

(ii) the toilet, cooking or washing facilities which are provided are not shared with any person who is not a member of the same household, or

(g) to provide accommodation in a campsite or caravan park where the toilet, cooking or washing facilities (if provided in connection with the accommodation) are not shared with any person who is not a member of the household to which the accommodation is provided.”.

3. In regulation 8(5) (offences and penalties)—

(a) in sub-paragraph (c), omit “including to access any of the services referred to in paragraph 37 or 38 of schedule 1,”,

(b) for sub-paragraph (r)(i) substitute—

“(i) to visit the property, either alone or with other members of their household,”.

MICHAEL RUSSELL

A member of the Scottish Government

St Andrew's House,
Edinburgh
At 12.36 p.m. on 2nd July 2020

(a) 2005 asp 13.
(b) S.S.I. 2006/90.

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 3(1) of the principal regulations requires businesses to close any premises, or part of the premises, where food or drink are sold for consumption on those premises. Regulation 2(2) of these Regulations amends that requirement so that businesses are only required to close any indoor premises, or indoor part of the premises, used for the consumption of food or drink.

Regulation 4(4) of the principal regulations requires accommodation providers to cease carrying on their business of providing holiday accommodation, except in the circumstances described in paragraph (5) of that regulation. Regulation 2(3) of these Regulations adds further exceptions to that paragraph, with the effect that accommodation providers may provide self-catering accommodation in certain situations.

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 has a reasonable excuse. Regulation 2(4) of these Regulations amends regulation 8(5) of the principal regulations to provide that it is a reasonable excuse in relation to a person who owns a residential property other than the place where they are living, to visit the property, either alone or with other members of their household.

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£6.90

S0199 09/2020 71630 19585

www.legislation.gov.uk/ssi/2020/199

ISBN 978-0-11-130108-1



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