

## **POLICY NOTE**

### **THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS) (SCOTLAND) AMENDMENT (NO. 7) REGULATIONS 2020**

**SSI 2020/210**

The above instrument was made in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020 (“the Act”). The instrument is subject to made affirmative procedure by virtue of paragraph 6(3) of schedule 19 of the Act.

These Regulations amend the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (“the principal regulations”) to provide that people who are responsible for businesses or services that meet the definition of a passenger transport service premises or a shop must take all reasonable measures to ensure that a distance of one metre is maintained between any persons on those premises. These Regulations revoke 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. These Regulations amend the principal regulations 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 and allows gatherings for the purpose of supervised outdoor recreation for people who are under 18 years of age. They also amend the principal regulations to allow two households to form an extended household. The regulations create a new offence, requiring people to wear a face covering when inside a shop and provides exceptions and reasonable excuses for failing to meet this duty.

#### **Legislative background**

1. The UK Coronavirus Act 2020 received Royal Assent on 25 March 2020. The Scottish Government immediately used powers conferred by that Act to bring forward the principal regulations, to implement physical distancing and impose restrictions on gatherings, events and operation of business activity. The principal regulations came into force on Thursday 26 March.
2. The restrictions and requirements imposed by the principal regulations must be reviewed at least once every 21 days. As soon as the Scottish Ministers consider that any restriction or requirement is no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in Scotland with coronavirus, the Scottish Ministers must revoke that restriction or requirement.
3. On 21 May 2020 the Scottish Government published a route map setting out a phased approach to easing lockdown restrictions while still suppressing coronavirus (COVID-19). The route map recognises that the restrictions and requirements in place have a negative impact on some aspects of people’s lives, such as increasing loneliness and social isolation and have potential to deepen inequalities and damage our economy.

## Policy Objectives

4. Following the review required by 9 July 2020, Scottish Ministers decided to progress to Phase 3 of the route map. Some changes to the lockdown measures are made by this instrument and are described below. The Scottish Government's guidance has been updated to reflect these changes and to make other changes for the purpose of implementing proposals in the route map. The revised guidance is available at [www.gov.scot/collections/coronavirus-covid-19-guidance](http://www.gov.scot/collections/coronavirus-covid-19-guidance).

### *Physical distancing*

5. These Regulations amend 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 one metre is maintained between any persons on those premises. People responsible for businesses or service provision which does not meet the definitions of a shop or transport service premises, must continue to take all reasonable measures to ensure that a distance of 2 metres is maintained between any persons on those premises.

### *Revoking the offence of leaving the place where you are living*

6. These Regulations revoke 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.

### *Meeting other households outdoors and indoors*

7. 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. These Regulations amend the principal regulations 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.

### *Extended households*

8. The Regulations amend the principal regulations to allow two households to form an extended household. The term "extended household" means two households which have chosen to be treated as a single household and do not already form part of another extended household. Accompanying guidance advises that extended households groups should only be formed by a person who lives alone (or a single parent household where the children are under 18 years of age) and one other household, or between two people who are in a relationship but do not live together, any people under 18 that either partner lives with would also be considered part of the extended household.

### *Outdoor contact sports*

9. These Regulations allow organised outdoor contact sports to resume for children and young people. Relevant guidance on outdoor gatherings should be adhered to by those taking part in organised outdoor contact sport. Individuals should also consult the safety guidance for each individual activity before taking part.

### *Face coverings*

10. The regulations create a new offence, requiring people to wear a face covering when using a shop. The duty to wear a face covering in shops does not apply in certain circumstances or to certain groups of people, such as to children under the age of 5.

11. These Regulations also provide a non-exhaustive list of reasonable excuses which are a defence to not wearing a face covering in a shop. This includes if a person is disabled or has a health condition and wearing a face covering would be inappropriate because it would cause difficulty, pain or severe distress or anxiety or because they cannot apply a covering and wear it in the proper manner safely and consistently.

### *Consequential amendments*

12. 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.

### **Commencement**

13. All of these Regulations come into force on Friday 10 July, with the exception of 2(5)(c) which comes into force on 13 July 2020 so far as it relates to gatherings for the purpose of supervised outdoor recreation for people who are under 18 years of age.

### **Consultation**

14. There has been no public consultation in relation to this instrument. Where possible, the Scottish Government has informally consulted with public bodies and other relevant stakeholders affected by the Regulations.

### **Impact Assessments**

15. An Equality Impact Assessment and a Partial Business and Regulatory Impact Assessment have been completed and are attached. A Children's Rights and Welfare Impact Assessment in relation to face coverings is being prepared and will be published shortly.

Scottish Government  
Directorate for Constitution and Cabinet  
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