

Regulations made by the Scottish Ministers and laid before the Scottish Parliament under paragraph 6(3) of schedule 19 of the Coronavirus Act 2020 for approval by resolution of the Scottish Parliament within 28 days beginning with the day on which the Regulations were made, not taking into account any period of dissolution or recess for more than 4 days.

SCOTTISH STATUTORY INSTRUMENTS

2020 No. 261

PUBLIC HEALTH

**The Health Protection (Coronavirus) (Restrictions)
(Scotland) Amendment (No. 13) Regulations 2020**

Made - - - - *at 10.15 a.m. on*
27th August 2020
Laid before the Scottish *at 2.00 p.m. on 27th*
Parliament - - - - *August 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⁽¹⁾ (“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. 13) Regulations 2020.

(2) Subject to paragraph (3), these Regulations come into force on 28 August 2020.

(3) The following paragraphs of regulation 2 come into force on 31 August 2020—

(a) paragraph (2)(b) and (c),

(b) paragraph (6)(b), and

- (c) paragraph (8).

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

2.—(1) The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020(2) are amended as follows.

- (2) In regulation 6 (restrictions on gatherings)—

(a) in the cross heading, for “gatherings” substitute “public gatherings”,

(b) for paragraph (1)(d)(x) substitute—

“(x) organised exercise,

(xi) organised activities—

(aa) which take place indoors or outdoors, for people who are under 18 years of age,

(bb) which take place outdoors, for people who are aged 18 years or over,”

(c) for paragraph (3) substitute—

“(3) For the purpose of paragraph (1)(d)(x) and (xi), an activity or exercise is “organised” if it is organised by—

(a) a person responsible for carrying on a business or providing a service,

(b) a place of worship,

(c) a charity or other not for profit organisation,

(d) a club or political organisation, or

(e) the governing body of a sport or other activity.”.

(3) After regulation 6 insert—

“Restriction on parties in private dwellings

6ZA.—(1) No person may attend a party in a private dwelling.

(2) In paragraph (1)—

“party” means a social gathering where 16 or more people, who are members of more than one household, are present together in a place, except—

(a) a funeral, marriage ceremony or civil partnership registration, or

(b) where the gathering is for the purpose of—

(i) work or providing voluntary or charitable services,

(ii) childcare, education or training, or

(iii) an act of worship.

“private dwelling” means any building, or part of a building, used or intended to be used as a dwelling (including any indoor passage or stair, outhouse or other structure of the dwelling) but does not include—

(a) accommodation in a hotel, hostel, campsite, caravan park, members club, boarding house or bed and breakfast accommodation,

(2) S.S.I. 2020/103, relevantly amended by S.S.I. 2020/182, S.S.I. 2020/190, S.S.I. 2020/210, S.S.I. 2020/236, S.S.I. 2020/241 and S.S.I. 2020/251.

- (b) accommodation provided by a care home service, within the meaning of paragraph 2 of schedule 12 of the Public Services Reform (Scotland) Act 2010⁽³⁾,
- (c) accommodation for children at a residential establishment, within the meaning of section 93(1) of the Children (Scotland) Act 1995⁽⁴⁾,
- (d) school boarding accommodation, within the meaning of paragraph 10(5) of schedule 16 of the Coronavirus Act 2020,
- (e) student accommodation, within the meaning of paragraph 11(5) of schedule 16 of the Coronavirus Act 2020,
- (f) accommodation intended for use by the army, navy or air force,
- (g) a prison,
- (h) a young offenders institution, within the meaning of section 19(1)(b) of the Prisons (Scotland) Act 1989⁽⁵⁾,
- (i) secure accommodation, within the meaning of section 108 of the Criminal Justice (Scotland) Act 2016⁽⁶⁾,
- (j) a remand centre, within the meaning of section 19(1)(a) of the Prisons (Scotland) Act 1989.

Power to enter a private dwelling

6ZB.—(1) A constable may enter a private dwelling if—

- (a) the constable reasonably suspects that—
 - (i) there is a contravention of regulation 6ZA going on there, and
 - (ii) it is necessary and proportionate to enter the dwelling for the purpose of preventing the continuation of the contravention, and
- (b) the condition in paragraph (2) is met.

(2) The condition mentioned in paragraph (1)(b) is that—

- (a) the constable has requested any person reasonably suspected to be contravening regulation 6ZA to stop doing so, and
- (b) the person has failed to comply with the request.

(3) The power of entry in this regulation—

- (a) may be exercised at any time, and
- (b) includes the power to use reasonable force.

(4) The constable must, if requested to do so, provide a document or any other thing showing the constable’s authority to exercise the power of entry in this regulation.”.

(4) After regulation 6B(2)(p) (requirement to wear a face covering in certain indoor public places), insert—

- “(q) indoor fitness studios, gyms, swimming pools or other indoor leisure centres,
- (r) indoor skating rinks.”.

(5) In regulation 7 (enforcement of requirements)—

- (a) in paragraph (6), after “6(1)” insert “or 6ZA(1)”,

(3) 2010 asp 8.

(4) 1995 c.36, relevantly amended by S.I. 2013/1465.

(5) 1989 c.45.

(6) 2016 asp 1, relevantly amended by section 23(1) of the Criminal Justice (Scotland) Act 2003.

- (b) in paragraph (9), for “three or more people are gathered together in contravention of regulation 6” substitute “people are gathered together in contravention of regulation 6 or 6ZA”.
- (6) In regulation 8 (offences and penalties)—
 - (a) in paragraph (1), after “6,” insert “6ZA,”
 - (b) after paragraph (5A)(f) insert—
 - “(fa) to exercise.”
- (7) In regulation 10 (interpretation), after the definition of “premises” insert—
 - ““private dwelling” has the meaning given by regulation 6ZA(2).”
- (8) In schedule 1 (businesses subject to restrictions or closure)—
 - (a) omit paragraph 17 (skating rinks),
 - (b) for paragraph 18 substitute—
 - “**18.** Soft play centres.”

St Andrew’s House,
Edinburgh
At 10.15 a.m. on 27th August 2020

MICHAEL RUSSELL
A member of the Scottish Government

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(2)(b) amends the list of exceptions to the restriction on gatherings in public places in regulation 6 of the principal regulations with the effect that a gathering may take place where it is for the purpose of organised exercise and, in certain circumstances, other organised activities.

Regulation 2(3) inserts new regulations 6ZA and 6ZB into the principal regulations. Regulation 6ZA makes it an offence to attend a party in a private dwelling. “Party” is defined as a social gathering where 16 or more people, who are members of more than one household, are present together in a place. There are certain types of gatherings excluded from the definition of “party”.

Regulation 6ZB confers on a constable a power to enter a private dwelling if the constable reasonably suspects that there is a contravention of 6ZA going on in the dwelling and it is necessary and proportionate to enter the dwelling for the purpose of preventing the continuation of the contravention. The power can only be used if the constable has first requested any person reasonably suspected to be contravening regulation 6ZA to stop doing so and the person has failed to comply with the request.

Regulation 2(4) amends regulation 6B(2) of the principal regulations with the effect of requiring a face covering to be worn in indoor fitness studios, gyms, swimming pools, skating rinks and other indoor leisure centres. Regulation 2(6)(b) amends regulation 8(5A) of the principal regulations to provide that it is a reasonable excuse to remove a face covering in order to exercise.

Regulation 2(8) amends schedule 1 of the principal regulations to enable skating rinks, indoor fitness studios, gyms, swimming pools and other leisure centres to re-open from 31 August 2020.