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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 103**

**The Health Protection (Coronavirus) (Restrictions)  
(Scotland) Regulations 2020 (revoked)**

**PART 4**

Enforcement

**Offences and penalties**

8.—(1) A person who contravenes a requirement in regulation 3 to 7 commits an offence.

(2) A person who obstructs any person carrying out a function under these Regulations commits an offence.

(3) A person who contravenes a direction given under regulation 7, or fails to comply with a reasonable instruction or a prohibition notice given by a relevant person under regulation 7, commits an offence.

(4) It is a defence to a charge of committing an offence under paragraph (1), (2) or (3) to show that the person, in the circumstances, had a reasonable excuse [<sup>F1</sup>(see paragraphs (5) and (5A))].

(5) [<sup>F2</sup>Subject to paragraph (5A)], a reasonable excuse includes <sup>F3</sup>... —

[<sup>F4</sup>(a) to obtain supplies for their household or a vulnerable person (including supplies for a pet or animal in their household or the household of a vulnerable person),

(aa) to make use of a service provided by a business or service not listed in Part 2 of schedule 1,]

[<sup>F5</sup>(b) to take exercise—

(i) alone,

(ii) with members of their household,

(iii) with members of [<sup>F6</sup>no more than two other households],]

(c) to seek medical assistance, including to access any of the services referred to in paragraph 37 or 38 of schedule 1,

(d) to provide care or assistance to a vulnerable person, including to provide emergency assistance,

(e) to donate blood,

(f) to travel for the purposes of work or to provide voluntary or charitable services, where it is not reasonably possible for that person to work, or to provide those services, from the place where they are living,

(g) to attend a funeral of—

(i) a member of the person's household,

(ii) a close family member, or

(iii) if no-one within sub-paragraphs (i) or (ii) are attending, a friend,

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- (h) to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings,
- (i) to access critical public services, including—
  - (i) childcare or educational facilities (where these are still available to the child in relation to whom that person is the parent of, or has parental responsibility for or care of, the child),
  - (ii) social services,
  - (iii) services provided by the Department of Work and Pensions,
  - (iv) services provided to victims (such as victims of crime),
- (j) in relation to children who do not live in the same household as their parents, or one of their parents, to continue existing arrangements for access to, and contact between, parents and children, and for the purposes of this paragraph, “parent” includes a person who is not a parent of the child, but who has parental responsibility for, or who has care of, the child,
- (k) in the case of a minister of religion or worship leader, to go to their place of worship,
- [<sup>F7</sup>(l) to move home,
- (la) to undertake any of the following activities in connection with the purchase, sale, letting or rental of a residential property—
  - (i) visiting estate or letting agents, developer sales offices or show homes,
  - (ii) viewing residential properties to look for a property to buy or rent,
  - (iii) preparing a residential property to move in,
  - (iv) visiting a residential property to undertake any activities required for the rental or sale of that property,]
- (m) to avoid injury, illness or to escape a risk of harm.
- [<sup>F8</sup>(n) to access recycling or waste disposal services,
- (o) to take part in outdoor recreation—
  - (i) alone,
  - (ii) with members of their household,
  - (iii) with members of [<sup>F9</sup>no more than two other households,]]
- [<sup>F10</sup>(p) to attend a place of worship to pray or contemplate, either alone or with other members of their household,
- (q) in relation to a person who is a member of a household which is part of an extended household, to visit, provide assistance to or stay with the household which forms the other part of the extended household in the place where that household is living.]
- [<sup>F11</sup>(r) in relation to a person who owns a residential property other than the place where they are living—
  - (i) to attend the property for the purpose of ensuring it is secure and in good condition,
  - (ii) to undertake or arrange work for the upkeep and maintenance of the property.]
- [<sup>F12</sup>(5A) In relation to the wearing of a face covering, a reasonable excuse includes—
  - (a) to seek medical assistance,
  - (b) to provide care or assistance to a vulnerable person, including to provide emergency assistance,
  - (c) to avoid injury, illness or to escape a risk of harm,
  - (d) where the person cannot put on, wear or remove a face covering—

- (i) because of any physical or mental illness or impairment or disability (within the meaning of section 6 of the Equality Act 2010),
  - (ii) without severe distress,
  - (e) to communicate with a person who has difficulties communicating (in relation to speech, language or otherwise),
  - (f) to eat or drink where reasonably necessary,
  - (g) to take medication,
  - (h) to remove a face covering temporarily to comply with a request by a relevant person or another person acting in the course of their duties, and for the purposes of this subparagraph “relevant person” has the meaning given by regulation 7(12).]
- (6) A person who commits an offence under this regulation is liable, on summary conviction, to a fine not exceeding the statutory maximum.
- (7) If an offence under this regulation committed by a body corporate is proved—
- (a) to have been committed with the consent or connivance of an officer of the body, or
  - (b) to be attributable to any neglect on the part of such an officer,
- the officer (as well as the body corporate) commits the offence and is liable to be prosecuted and proceeded against and punished accordingly.
- (8) In paragraph (7), “officer” in relation to a body corporate means —
- (a) in the case of a company—
    - (i) a director, secretary, manager or similar officer, or
    - (ii) where the affairs of the company are managed by its members, a member,
  - (b) in the case of a limited liability partnership, a member,
  - (c) in the case of a partnership other than a limited liability partnership, a partner,
  - (d) in the case of another body or association, a person who is concerned in the management or control of its affairs.

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| <b>F1</b> | Words in reg. 8(4) inserted (22.6.2020) by <a href="#">The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 4) Regulations 2020 (S.S.I. 2020/182)</a> , regs. 1(3)(b), <b>2(7)(a)</b> (with reg. 1(4)(b))       |
| <b>F2</b> | Words in reg. 8(5) substituted (22.6.2020) by <a href="#">The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 4) Regulations 2020 (S.S.I. 2020/182)</a> , regs. 1(3)(b), <b>2(7)(b)(i)</b> (with reg. 1(4)(b)) |
| <b>F3</b> | Words in reg. 8(5) omitted (29.5.2020) by virtue of <a href="#">The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 3) Regulations 2020 (S.S.I. 2020/164)</a> , regs. 1(1), <b>2(7)(a)</b> (with reg. 3)       |
| <b>F4</b> | Reg. 8(5)(a)(aa) substituted for reg. 8(5)(a) (29.6.2020) by <a href="#">The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 5) Regulations 2020 (S.S.I. 2020/190)</a> , regs. 1, <b>2(4)(a)</b>               |
| <b>F5</b> | Reg. 8(5)(b) substituted (29.5.2020) by <a href="#">The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 3) Regulations 2020 (S.S.I. 2020/164)</a> , regs. 1(1), <b>2(7)(c)</b> (with reg. 3)                   |
| <b>F6</b> | Words in reg. 8(5)(b)(iii) substituted (19.6.2020) by <a href="#">The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 4) Regulations 2020 (S.S.I. 2020/182)</a> , regs. 1(2), <b>2(7)(b)(ii)</b>               |
| <b>F7</b> | Reg. 8(5)(l)(la) substituted for reg. 8(5)(l) (29.6.2020) by <a href="#">The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 5) Regulations 2020 (S.S.I. 2020/190)</a> , regs. 1, <b>2(4)(b)</b>               |
| <b>F8</b> | Reg. 8(5)(n)(o) inserted (29.5.2020) by <a href="#">The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 3) Regulations 2020 (S.S.I. 2020/164)</a> , regs. 1(1), <b>2(7)(d)</b> (with reg. 3)                   |

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*Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (revoked), Section 8. (See end of Document for details)*

- F9** Words in reg. 8(5)(o)(iii) substituted (19.6.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 4\) Regulations 2020 \(S.S.I. 2020/182\)](#), regs. 1(2), **2(7)(b)(iii)**
- F10** Reg. 8(5)(p)(q) inserted (19.6.2020 for specified purposes, 22.6.2020 in so far as not already in force) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 4\) Regulations 2020 \(S.S.I. 2020/182\)](#), regs. 1(2)(3)(c), **2(7)(b)(iv)**
- F11** Reg. 8(5)(r) inserted (29.6.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 5\) Regulations 2020 \(S.S.I. 2020/190\)](#), regs. 1, **2(4)(c)**
- F12** Reg. 8(5A) inserted (22.6.2020) by [The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 4\) Regulations 2020 \(S.S.I. 2020/182\)](#), regs. 1(3)(b), **2(7)(c)** (with reg. 1(4)(b))

**Modifications etc. (not altering text)**

- C1** Reg. 8(4)(5) restricted (temp.) (8.6.2020) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/169\)](#), regs. 1(2), **6(6)** (with reg. 15) (as amended (20.6.2020 at 1.00 p.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/184\)](#), regs. 1(2), **2(3)(c)**)

**Commencement Information**

- I1** Reg. 8 in force at 26.3.2020 at 7.15 p.m., see reg. 1(1)

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**Changes to legislation:**

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