

2020 No. 126

PUBLIC HEALTH

**The Health Protection (Coronavirus) (Restrictions) (Scotland)
Amendment (No. 2) Regulations 2020**

Approved by the Scottish Parliament

Made - - - - at 9.00 a.m. on 21st April 2020

Laid before the Scottish Parliament at 11.00 a.m. on 21st April 2020

Coming into force in accordance with regulation 1(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, commencement and application

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 2) Regulations 2020 and come into force immediately after they are made.

(2) These Regulations apply in relation to Scotland only.

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

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

(2) In regulation 4 (further restrictions and closures during the emergency period)—

- (a) in paragraph (1)—
 - (i) for “A person” substitute “Subject to regulation 3 and paragraphs (2), (4), (6), (8) and (9), a person”,
 - (ii) omit “listed in Part 3 of schedule 1”,
 - (b) in paragraph (5)—
 - (i) omit the “or” that follows sub-paragraph (c),
 - (ii) in sub-paragraph (d), for “authority.” substitute “authority, or”,
 - (iii) after sub-paragraph (d), insert—
 - “(e) to provide information or other services—
 - (i) through a website, or otherwise by on-line communication,
 - (ii) by telephone, including by text message,
 - (iii) by post.”,
 - (c) in paragraph (9)—
 - (i) omit “or burial ground”,
 - (ii) omit “or burials”,
 - (iii) omit “or burial” in the second place it occurs,
 - (d) after paragraph (9) insert—

“(9A) Paragraph (9) does not apply to the grounds surrounding a crematorium, including any burial ground or garden of remembrance.”,
 - (e) for paragraph (11) substitute—

“(11) In this regulation—

“carer” includes a person who provides care for the person assisted whether that care is provided—

 - (a) by a carer within the meaning of section 1 of the Carers (Scotland) Act 2016(b),
 - (b) on a paid basis, or
 - (c) on a voluntary basis,

“premises”—

 - (a) in relation to paragraph (2)(b), has the meaning given by paragraph 4(5) of schedule 19 of the Coronavirus Act 2020, and
 - (b) in all other cases, includes any building or structure and any land.”.
- (3) In schedule 1 (businesses subject to restrictions or closure)—
- (a) in paragraph 21, after “except for” insert “livestock markets and”,
 - (b) in paragraph 23, at the end, insert “(except for livestock auctions)”,
 - (c) in paragraph 33, for “and cash points” substitute “, savings clubs, cash points and undertakings which by way of business operate a currency exchange office, transmit

(a) S.S.I. 2020/103, as amended by S.S.I. 2020/106.

(b) 2016 asp 9.

money (or any representation of money) by any means or cash cheques which are made payable to customers”,

(d) after paragraph 42 insert—

“**43.** Livestock markets or auctions.”.

MICHAEL RUSSELL

A member of the Scottish Government

St Andrew's House,
Edinburgh
At 9.00 a.m. on 21st April 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

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.

These Regulations amend regulation 4 and schedule 1 of the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (“the Principal Regulations”).

Regulation 4 of the Principal Regulations makes provision relating to further restrictions and closures during the emergency period. Amendments are made to regulation 4(1) of the Principal Regulations, the effect of those amendments being to extend social distancing requirements to all businesses which remain open during the emergency period.

Amendments are made to regulation 4(5) of the Principal Regulations to provide that the providers of holiday accommodation, that are subject to the requirement to cease carrying on their business under regulation 4(4) of the Principal Regulations, can continue to provide information or services online, by telephone or by post.

Minor amendments are made as regards regulation 4(9) (including a new related paragraph (9A)) and schedule 1 of the Principal Regulations, to provide clarification that burial grounds and livestock markets and auctions may remain open.

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