
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 261

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

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

2.—(1) The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020(1) 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

(1) 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.

(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,
- (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⁽²⁾,
- (c) accommodation for children at a residential establishment, within the meaning of section 93(1) of the Children (Scotland) Act 1995⁽³⁾,
- (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⁽⁴⁾,
- (i) secure accommodation, within the meaning of section 108 of the Criminal Justice (Scotland) Act 2016⁽⁵⁾,
- (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.”.

(2) 2010 asp 8.

(3) 1995 c.36, relevantly amended by S.I. 2013/1465.

(4) 1989 c.45.

(5) 2016 asp 1, relevantly amended by section 23(1) of the Criminal Justice (Scotland) Act 2003.

(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)”,
- (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.”.