
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 279

The Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020

PART 1

Introduction and review

Citation, commencement and application

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 and come into force on 14 September 2020.

(2) These Regulations apply in—

- (a) Scotland, and
- (b) Scottish airspace, in relation to a person who is on a mode of transport which took off from, or is to land at, a place in Scotland.

(3) In paragraph (2)—

“Scotland” includes so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Scotland,

“Scottish airspace” means the airspace above Scotland.

Interpretation

2.—(1) In these Regulations—

“child” means a person who is under 16 years of age, and “childcare” is to be construed accordingly,

“constable” has the meaning given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012⁽¹⁾,

“emergency responder” has the meaning given by section 153A(6) of the Inheritance Tax Act 1984⁽²⁾,

“extended household” means two households—

- (a) which have chosen to be treated as a single household for the purpose of—
 - (i) these Regulations, or
 - (ii) the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020⁽³⁾,and
- (b) have not already chosen to be treated as a single household with any other household,

⁽¹⁾ 2012 asp 8.

⁽²⁾ 1984 c.51. Section 153A(6) was inserted by section 75 of the Finance Act 2015 (c.11).

⁽³⁾ S.S.I. 2020/103. Schedule 2 of these Regulations revokes S.S.I. 2020/103.

“face covering” means a covering of any type (other than a face shield) which covers a person’s nose and mouth,

“household” means—

- (a) one person living alone, or
- (b) a group of persons living together in the same place as a family or other unit (whether or not related) and who have the place as their only or main residence,

“indoors” means a place which would be considered to be wholly or substantially enclosed for the purposes of section 4(2) of the Smoking, Health and Social Care (Scotland) Act 2005⁽⁴⁾ under the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006⁽⁵⁾, and “outdoors” is to be construed accordingly,

“passenger transport service” means a service provided for the carriage of passengers by road, railway, tramway, air or sea,

“passenger transport service premises” means off-road premises where a passenger transport service may stop or terminate, allowing passengers on and off,

“a person who is responsible for carrying on a business”, and similar expressions, includes the owner, occupier and manager,

“premises” includes any building or structure and any land,

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

- (a) accommodation in a hotel, hostel, members club, boarding house or bed and breakfast,
- (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⁽⁶⁾,
- (c) accommodation for children at a residential establishment, within the meaning of section 93(1) of the Children (Scotland) Act 1995⁽⁷⁾,
- (d) school boarding accommodation, within the meaning of paragraph 10(5) of schedule 16 of the Coronavirus Act 2020⁽⁸⁾,
- (e) accommodation intended for use by the army, navy or air force,
- (f) a prison,
- (g) a young offenders institution, within the meaning of section 19(1)(b) of the Prisons (Scotland) Act 1989⁽⁹⁾,
- (h) secure accommodation, within the meaning of section 108 of the Criminal Justice (Scotland) Act 2016⁽¹⁰⁾,
- (i) a remand centre, within the meaning of section 19(1)(a) of the Prisons (Scotland) Act 1989,

“public place” means a place to which the public, or a section of the public, has access whether on payment or otherwise,

“student accommodation” has the meaning given in paragraph 11(5) of schedule 16 of the Coronavirus Act 2020.

⁽⁴⁾ 2005 asp 13.

⁽⁵⁾ S.S.I. 2006/90.

⁽⁶⁾ 2010 asp 8.

⁽⁷⁾ 1995 c.36, relevantly amended by S.I. 2013/1465.

⁽⁸⁾ 2020 c.7.

⁽⁹⁾ 1989 c.45.

⁽¹⁰⁾ 2016 asp 1, relevantly amended by section 23(1) of the Criminal Justice (Scotland) Act 2003 (asp 7).

(2) For the purpose of these Regulations, unless the context otherwise requires, references to a household include an extended household.

Review of restrictions and requirements

3.—(1) The Scottish Ministers must review the need for the restrictions and requirements imposed by these Regulations at least once every 21 days.

(2) The first review under paragraph (1) must be carried out by 1 October 2020.

(3) As soon as the Scottish Ministers consider that any restriction or requirement set out in these Regulations 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.