
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 389

**The Health Protection (Coronavirus) (Restrictions
and Requirements) (Local Levels) (Scotland)
Amendment (No. 3) Regulations 2020**

PART 4

Restrictions on movement

Restrictions on movement

5.—(1) In regulation 3 (application of the restrictions)—

- (a) in paragraph (1), after “(“Level 0 restrictions”)” insert “, paragraph 14 of schedule 4, paragraph 15 of schedule 5 (restrictions on leaving and entering Level 3 and 4 areas)”,
- (b) in paragraph (2), after “(“Level 1 restrictions”)” insert “, paragraph 14 of schedule 4, paragraph 15 of schedule 5”,
- (c) in paragraph (3), after “(“Level 2 restrictions”)” insert “, paragraph 14 of schedule 4, paragraph 15 of schedule 5”,
- (d) in paragraph (4), after “(“Level 3 restrictions”)” insert “, paragraph 15 of schedule 5”,
- (e) in paragraph (5), after “(“Level 4 restrictions”)” insert “, paragraph 14 of schedule 4”,
- (f) after paragraph (5A) insert—

“(5B) The restrictions set out in schedule 7A (restrictions on leaving or entering Scotland: common travel area) have effect.”.

(2) In regulation 5(1) (offences and penalties), in the opening words, for “and 7” substitute “, 7 and 7A”.

(3) In schedule 4 (Level 3 restrictions), after paragraph 12, insert—

“PART 4

Restrictions on movement

Restrictions on leaving Level 3 area

13.—(1) A person who lives in a Level 3 area must not leave or remain away from that area.

(2) But a person who lives in a Level 3 area may leave the area in order to travel to another part of the same area.

Restrictions on entering Level 3 area

14.—(1) A person who does not live in a Level 3 area must not enter or remain in that area.

(2) But a person who does not live in a Level 3 area may travel through it in order to reach a place outwith the area.

Examples of reasonable excuse

15.—(1) For the purposes of this Part, examples of what constitutes a reasonable excuse (see regulation 5(4)) include leaving or remaining away from the area in which the person lives, or (as the case may be) entering or remaining in a Level 3 area that the person does not live in, for the purposes set out in sub-paragraph (2).

- (2) The purposes are to—
- (a) obtain or provide—
 - (i) food and medical supplies for those in the same household (including animals in the household) or for vulnerable persons,
 - (ii) supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person,
 - (b) work or provide voluntary or charitable services, where it is not possible for the person to do so from home,
 - (c) access, provide or receive childcare, education or training, including a support service for parents or expectant parents,
 - (d) access or undertake driving tuition or take a driving test,
 - (e) lead an act of worship or attend the person’s usual place of worship,
 - (f) provide care or assistance to a vulnerable person,
 - (g) visit a person detained in a prison, young offenders institution, remand centre, secure accommodation or other place of detention,
 - (h) provide or receive emergency assistance,
 - (i) provide or obtain medical assistance, including accessing any of the following—
 - (i) audiology services,
 - (ii) chiropody services,
 - (iii) chiropractic services,
 - (iv) dental services,
 - (v) ophthalmic services,
 - (vi) osteopathic services,
 - (vii) services relating to mental health,
 - (j) accompany a person obtaining medical assistance, or visit a person receiving treatment in a hospital or who is residing in a hospice or care home,
 - (k) avoid injury, illness or other risk of harm, or support someone who is doing so,
 - (l) move home or undertake activities in connection with the maintenance, purchase, sale, letting, or rental of residential property that the person owns or is otherwise responsible for,
 - (m) participate in or facilitate shared parenting arrangements,
 - (n) fulfil a legal obligation or participate in legal proceedings,
 - (o) vote, or register to vote, in an election (including to vote as proxy),
 - (p) donate blood,
 - (q) access public services, including any of the following—

- (i) social services,
 - (ii) services provided by the Department for Work and Pensions,
 - (iii) services provided to victims (such as victims of crime),
 - (iv) asylum and immigration services and interviews,
 - (r) access services provided by voluntary or charitable services, including food banks,
 - (s) access waste disposal or recycling facilities,
 - (t) obtain money from or deposit money with a business mentioned in paragraph 2(3) (j) or (k) of schedule 5,
 - (u) participate in or facilitate organised activity, sport or exercise which is for persons under 18 years of age,
 - (v) exercise outdoors, provided that the exercise—
 - (i) is not organised, and
 - (ii) starts and ends at the same place, which place must be—
 - (aa) in the local government area in which the person lives, or
 - (bb) within 5 miles of such local government area,
 - (w) where the person is a professional sportsperson, or the coach of a professional sportsperson, coach, train or compete,
 - (x) attend a gathering which relates to a marriage ceremony or civil partnership registration,
 - (y) attend a gathering which relates to a funeral or to travel for compassionate reasons which relate to the end of a person’s life,
 - (z) feed or care for an animal, including obtaining veterinary services,
 - (aa) where the person is a member of an extended household, visit a member of the household which forms the other part of the extended household and who lives outwith the area in which the person lives or, as the case may be, in a Level 3 area.
- (3) For the purpose of sub-paragraph (2)(u) and (v), activity, sport or exercise is “organised” if—
- (a) it is organised by—
 - (i) a person who is responsible for carrying on a business or providing a service,
 - (ii) a person who is responsible for a place of worship,
 - (iii) a charity or other not for profit organisation,
 - (iv) a club or political organisation,
 - (v) the governing body of a sport or other activity, and
 - (b) the organiser has taken such measures described in paragraph 7(1)(a) and (b) as are relevant to the particular activity, sport or exercise, taking into account any relevant guidance issued by the Scottish Ministers.”.
- (4) In schedule 5 (Level 4 restrictions), after paragraph 13, insert—

“PART 4

Restrictions on movement

Restrictions on leaving Level 4 area

14.—(1) A person who lives in a Level 4 area must not leave or remain away from that area.

(2) But a person who lives in a Level 4 area may leave the area in order to travel to another part of the same area.

Restrictions on entering Level 4 area

15.—(1) A person who does not live in a Level 4 area must not enter or remain in that area.

(2) But a person who does not live in a Level 4 area may travel through it in order to reach a place outwith the area.

Examples of reasonable excuse

16.—(1) For the purposes of this Part, examples of what constitutes a reasonable excuse (see regulation 5(4)) include leaving or remaining away from the area in which the person lives, or (as the case may be) entering or remaining in a Level 4 area that the person does not live in, for the purposes set out in sub-paragraph (2).

(2) The purposes are to—

(a) obtain or provide—

(i) food and medical supplies for those in the same household (including animals in the household) or for vulnerable persons,

(ii) supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person,

(b) work or provide voluntary or charitable services, where it is not possible for the person to do so from home,

(c) access, provide or receive childcare, education or training, including a support service for parents or expectant parents,

(d) lead an act of worship,

(e) provide care or assistance to a vulnerable person,

(f) visit a person detained in a prison, young offenders institution, remand centre, secure accommodation or other place of detention,

(g) provide or receive emergency assistance,

(h) provide or obtain medical assistance, including accessing any of the following—

(i) audiology services,

(ii) chiropody services,

(iii) chiropractic services,

(iv) dental services,

(v) ophthalmic services,

(vi) osteopathic services,

(vii) services relating to mental health,

- (i) accompany a person obtaining medical assistance, or visit a person receiving treatment in a hospital or who is residing in a hospice or care home,
 - (j) avoid injury, illness or other risk of harm, or support someone who is doing so,
 - (k) move home or undertake activities in connection with the maintenance, purchase, sale, letting, or rental of residential property that the person owns or is otherwise responsible for,
 - (l) participate in or facilitate shared parenting arrangements,
 - (m) fulfil a legal obligation or participate in legal proceedings,
 - (n) donate blood,
 - (o) vote, or register to vote, in an election (including to vote as proxy),
 - (p) access public services, including any of the following—
 - (i) social services,
 - (ii) services provided by the Department for Work and Pensions,
 - (iii) services provided to victims (such as victims of crime),
 - (iv) asylum and immigration services and interviews,
 - (q) access services provided by voluntary or charitable services, including food banks,
 - (r) access waste disposal or recycling facilities,
 - (s) obtain money from or deposit money with a business mentioned in paragraph 2(3)(j) or (k),
 - (t) exercise outdoors, provided that the exercise—
 - (i) is not organised, and
 - (ii) starts and ends at the same place, which place must be—
 - (aa) in the local government area in which the person lives, or
 - (bb) within 5 miles of such local government area,
 - (u) where the person is a professional sportsperson, or the coach of a professional sportsperson, coach, train or compete,
 - (v) attend a solemnisation of a marriage or registration of a civil partnership,
 - (w) attend a gathering which relates to a funeral, or to travel for compassionate reasons which relate to the end of a person's life,
 - (x) feed or care for an animal, including obtaining veterinary services,
 - (y) where the person is a member of an extended household, visit a member of the household which forms the other part of the extended household and who lives outwith the area in which the person lives or, as the case may be, in a Level 4 area.
- (3) For the purpose of sub-paragraph (2)(t) exercise is “organised” if—
- (a) it is organised by—
 - (i) a person who is responsible for carrying on a business or providing a service,
 - (ii) a person who is responsible for a place of worship,
 - (iii) a charity or other not for profit organisation,
 - (iv) a club or political organisation,
 - (v) the governing body of a sport or other activity, and

- (b) the organiser has taken such measures described in paragraph 8(1)(a) and (b) as are relevant to the particular activity or exercise, taking into account any relevant guidance issued by the Scottish Ministers.”.
- (5) After schedule 7 (face covering requirements) insert—

“SCHEDULE 7A

Regulation 3(5B)

Restrictions on leaving or entering Scotland: common travel area

Restrictions on leaving Scotland

- 1.—(1) A person who lives in Scotland must not leave Scotland for the purpose of entering or remaining in a place within the common travel area mentioned in paragraph 4.
- (2) But a person who lives in Scotland may travel through such a place in order to reach another destination.
- (3) This paragraph is without prejudice to the restrictions in Part 4 of schedule 4 and Part 4 of schedule 5.

Restrictions on entering Scotland

- 2.—(1) A person who lives in a place within the common travel area mentioned in paragraph 4 must not enter or remain in Scotland.
- (2) But a person who does not live in Scotland may travel through Scotland in order to reach a place outwith Scotland.

Examples of reasonable excuse

- 3.—(1) For the purposes of this schedule, examples of what constitutes a reasonable excuse (see regulation 5(4)) include leaving Scotland or (as the case may be) entering or remaining in Scotland, for the purposes set out in sub-paragraph (2).
- (2) The purposes are to—
- (a) obtain or provide—
 - (i) food and medical supplies for those in the same household (including animals in the household) or for vulnerable persons,
 - (ii) supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person,
 - (b) work or provide voluntary or charitable services, where it is not possible for the person to do so from home,
 - (c) access, provide or receive childcare, education or training, including a support service for parents or expectant parents,
 - (d) access or undertake driving tuition or take a driving test,
 - (e) lead an act of worship or attend the person’s usual place of worship,
 - (f) provide care or assistance to a vulnerable person,
 - (g) visit a person detained in a prison, young offenders institution, remand centre, secure accommodation or other place of detention,
 - (h) provide or receive emergency assistance,
 - (i) provide or obtain medical assistance, including accessing any of the following—
 - (i) audiology services,

- (ii) chiropody services,
 - (iii) chiropractic services,
 - (iv) dental services,
 - (v) ophthalmic services,
 - (vi) osteopathic services,
 - (vii) services relating to mental health,
 - (j) accompany a person obtaining medical assistance, or visit a person receiving treatment in a hospital or who is residing in a hospice or care home,
 - (k) avoid injury, illness or other risk of harm, or support someone who is doing so,
 - (l) move home or undertake activities in connection with the maintenance, purchase, sale, letting, or rental of residential property that the person owns or is otherwise responsible for,
 - (m) participate in or facilitate shared parenting arrangements,
 - (n) fulfil a legal obligation or participate in legal proceedings,
 - (o) vote, or register to vote, in an election (including to vote as proxy),
 - (p) donate blood,
 - (q) access public services, including any of the following—
 - (i) social services,
 - (ii) services provided by the Department for Work and Pensions,
 - (iii) services provided to victims (such as victims of crime),
 - (iv) asylum and immigration services and interviews,
 - (r) access services provided by voluntary or charitable services, including food banks,
 - (s) access waste disposal or recycling facilities,
 - (t) obtain money from or deposit money with a business mentioned in paragraph 2(3)(j) or (k) of schedule 5,
 - (u) participate in or facilitate organised activity, sport or exercise which is for persons under 18 years of age,
 - (v) exercise outdoors, provided that the exercise—
 - (i) is not organised, and
 - (ii) starts and ends at the same place, which place must be—
 - (aa) in the local government area in which the person lives, or
 - (bb) within 5 miles of such local government area,
 - (w) where the person is a professional sportsperson, or the coach of a professional sportsperson, coach, train or compete,
 - (x) attend a gathering which relates to a marriage ceremony or civil partnership registration,
 - (y) attend a gathering which relates to a funeral or to travel for compassionate reasons which relate to the end of a person's life,
 - (z) feed or care for an animal, including obtaining veterinary services,
 - (aa) where the person is a member of an extended household, visit a member of the household which forms the other part of the extended household and who lives outwith the area in which the person lives or, as the case may be, in Scotland.
- (3) For the purpose of sub-paragraph (2)(u) and (v), activity, sport or exercise is “organised” if—

- (a) it is organised by—
 - (i) a person who is responsible for carrying on a business or providing a service,
 - (ii) a person who is responsible for a place of worship,
 - (iii) a charity or other not for profit organisation,
 - (iv) a club or political organisation,
 - (v) the governing body of a sport or other activity, and
 - (b) if taking place in Scotland, the organiser has taken such measures described in these regulations as are relevant to the particular activity, sport or exercise, taking into account the level of the area in question and any relevant guidance issued by the Scottish Ministers or, if taking place outwith Scotland, the organiser has taken into account such equivalent measures as are relevant to the particular exercise as are applicable in that place.
- (4) For the purpose of sub-paragraph (2)(v)(ii), a reference to a local government area is a reference to a local government area in Scotland or, as the case may be, the area of a county within the meaning of section 1 of the Local Government Act 1972⁽¹⁾.

Places in respect of which restrictions in this schedule apply

4. The places are—
- (a) England,
 - (b) Northern Ireland,
 - (c) Republic of Ireland,
 - (d) Wales.
5. In this schedule, the “common travel area” has the meaning given in section 1(3) of the Immigration Act 1971⁽²⁾.”.

⁽¹⁾ 1972 c.70.

⁽²⁾ 1971 c.77. Section 1(3) provides that the United Kingdom, the Channel Islands, the Isle of Man, and the Republic of Ireland are collectively referred to in that Act as “the common travel area”.