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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 400**

**PUBLIC HEALTH**

**The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 5) Regulations 2020**

*Approved by the Scottish Parliament*

		<i>at 12.15 p.m. on</i>
<i>Made</i>	- - - -	<i>26th November 2020</i>
<i>Laid before the Scottish</i>		<i>at 3.45 p.m. on 26th</i>
<i>Parliament</i>	- - - -	<i>November 2020</i>
<i>Coming into force</i>	- -	<i>27th November 2020</i>

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<sup>(1)</sup> (“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 and commencement**

1. These Regulations may be cited as the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 5) Regulations 2020 and come into force on 27 November 2020.

**Amendment of the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020**

2. The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020<sup>(2)</sup> are amended in accordance with regulations 3 to 6.

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<sup>(1)</sup> 2020 c.7.

<sup>(2)</sup> S.S.I. 2020/344, amended by S.S.I. 2020/347, S.S.I. 2020/374, S.S.I. 2020/389 and S.S.I. 2020/392.

### **Interpretation: end of term household**

**3.** In regulation 2 (interpretation)—

(a) in paragraph (1) after the definition of “emergency responder”, insert—

““end of term household” means a household consisting of—

(a) one or more students of a further education institution or a higher education institution within the meaning of—

- (i) paragraph 6 of schedule 16 of the Coronavirus Act 2020,
- (ii) heads (c) to (f) in the definition of “educational institution” in paragraph 1(11) of schedule 16 of that Act, or
- (iii) heads (b) to (e) in the definition of “educational institution” in paragraph 1(12) of schedule 16 of that Act,
- (iv) the definition of “relevant institution” in paragraph 15(11) of schedule 16 of that Act, and

(b) one other household with which the student has, or as the case may be students have, chosen to live with in a place which is to be the student’s or students’ sole or main residence during the period between the first and second academic terms,”

(b) in paragraph (2) after “extended household” insert “or end of term household”.

### **Restrictions on movement: reasonable excuse**

**4.** In schedule 4 (level 3 restrictions), after paragraph 15(2)(aa), insert—

“(ab) facilitate the formation of an end of term household, where either or both of the student or the other household which will make up the end of term household live outwith the same area or, as the case may be, in a Level 3 area.”.

**5.** In schedule 5 (level 4 restrictions), after paragraph 16(2)(y) insert—

“(z) facilitate the formation of an end of term household, where either or both of the student or the other household which will make up the end of term household live outwith the same area or, as the case may be, in a Level 4 area.”.

**6.** In schedule 7A (restrictions on leaving or entering Scotland: common travel area), after paragraph 3(2)(aa) insert—

“(ab) facilitate the formation of an end of term household, where either or both of the student or the other household which will make up the end of term household live outwith the same area or, as the case may be, in Scotland.”.

St Andrew’s House,  
Edinburgh  
At 12.15 p.m. on 26th November 2020

*MICHAEL MATHESON*  
A member of the Scottish Government

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations (which come into force on 27 November 2020) amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (“the principal regulations”).

Regulation 3 adds a new definition of “end of term household” into regulation 2 of the principal regulations and specifies that end of term households are to be treated as a single household for the purposes of the principal regulations, for instance in relation to the gatherings restrictions.

Regulations 4 to 6 amend schedules 4, 5 and 7A of the principal regulations to add facilitating the formation of an end of term household to the list of examples of a purpose for which a contravention of the travel restrictions in Level 3 or 4 areas, or within the common travel area, will constitute a reasonable excuse.