

Regulations made by the Scottish Ministers and laid before the Scottish Parliament under paragraph 6(3) of schedule 19 of the Coronavirus Act 2020 for approval by resolution of the Scottish Parliament within 28 days beginning with the day on which the Regulations were made, not taking into account any period of dissolution or recess for more than 4 days.

SCOTTISH STATUTORY INSTRUMENTS

2020 No.

PUBLIC HEALTH

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

Made - - - - 24th September 2020

Coming into force - - 25th September 2020

Laid before the Scottish Parliament 2020

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 and commencement

1. These Regulations may be cited as the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Amendment Regulations 2020 and come into force on 25 September 2020.

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

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

(a) 2020 c.7.

(2) After regulation 6 (requirement to collect and share information: restaurants, cafes, bars, public houses, etc.) insert—

“Requirement to close premises during certain hours: restaurants, cafes, bars, public houses, etc.

6A.—(1) A person who is responsible for a relevant hospitality premises must close those premises to members of the public between the hours of 2200 and 0500.

(2) Paragraph (1) does not prevent a person responsible for a relevant hospitality premises from selling food or drink—

- (a) as part of room service in a hotel or other accommodation,
- (b) for consumption off the premises—
 - (i) by making deliveries or otherwise providing services in response to orders received—
 - (aa) through a website, or otherwise by on-line communication,
 - (bb) by telephone, including orders by text message, or
 - (cc) by post, or
 - (ii) by persons who collect the food or drink in a vehicle and to whom the food or drink is passed without the purchaser or any other person leaving the vehicle.

(3) If a relevant hospitality premises (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in paragraph (1) if it closes business A to members of the public between the hours of 2200 and 0500.

(4) In this regulation, “relevant hospitality premises” has the meaning given by regulation 6(3) but does not include—

- (a) a cafe or canteen at—
 - (i) a hospital or care home,
 - (ii) a school or student accommodation,
 - (iii) a prison,
 - (iii) an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence,
- (b) workplace canteens where—
 - (i) there is no practical alternative for staff at that workplace to obtain food, and
 - (ii) so far as reasonably possible, a distance of at least one metre can be maintained between any person using the canteen,
- (c) premises providing food or drink to homeless persons,
- (d) premises which are airside at an airport.

Restriction on selling food and drink in certain circumstances: restaurants, cafes, bars, public houses, etc.

6B.—(1) Subject to the requirement in regulation 6A(1), a person who is responsible for a relevant hospitality premises may sell food or drink only where the food or drink is for consumption—

- (a) off those premises, or
- (b) on those premises by persons who are sitting at a table.

(2) Paragraph (1) does not apply to food or drink sold by a hotel or other accommodation as part of room service.

(3) In this regulation, “relevant hospitality premises” has the meaning given by regulation 6A(4).”.

(3) In regulation 8 (restriction on public gatherings)—

(a) after paragraph (1)(a) insert—

“(aa) takes place outdoors and—

(i) where at least one person in the gathering has attained 12 years of age but has not attained 18 years of age, consists of no more than six persons who are all under 18 years of age, or

(ii) all the persons in the gathering are under 12 years of age,”

(b) for paragraph (3) substitute—

“(3) For the purpose of paragraph (1)(a), as it applies—

(a) indoors, children under 12 years of age are not to be included when counting the number of persons participating in a gathering but are to be included when counting the number of households participating in a gathering,

(b) outdoors, children under 12 years of age are not to be included when counting the number of persons or households participating in a gathering.”.

(4) In regulation 9 (restriction on gatherings in private dwellings)—

(a) in paragraph (1)—

(i) for sub-paragraph (a) substitute—

“(a) takes place outdoors and consists of no more than six persons from no more than two households,

(aa) takes place outdoors and—

(i) where at least one person in the gathering has attained 12 years of age but has not attained 18 years of age, consists of no more than six persons who are all under 18 years of age, or

(ii) all the persons in the gathering are under 12 years of age,”

(ii) after sub-paragraph (b)(iii) insert—

“(iv) facilitating shared parenting arrangements,”

(b) for paragraph (2) substitute—

“(2) For the purpose of paragraph (1)(a), children under 12 years of age are not to be included when counting the number of persons or households attending a gathering.”.

(5) In regulation 14(11) (enforcement of requirements), for “or 6” substitute “, 6, 6A or 6B”.

(6) In regulation 15(1) (offences and penalties), after “6,” insert “6A, 6B,”.

MICHAEL RUSSELL

A member of the Scottish Government

St Andrew’s House,
Edinburgh
24th September 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 (“the principal regulations”).

Regulation 2(2) inserts new regulations 6A and 6B into the principal regulations. These provisions concern relevant hospitality premises. Regulation 6A requires a person who is responsible for relevant hospitality premises to close those premises to members of the public between the hours of 2200 and 0500, subject to certain exceptions. Regulation 6B provides that a person who is responsible for a relevant hospitality premises may sell food or drink only where the food or drink is sold for consumption on the premises by persons sitting at a table or is sold for consumption off the premises.

Regulation 8 of the principal regulations makes provision restricting gatherings in public places. Regulation 2(3) of these Regulations amends regulation 8 of the principal regulations to provide exceptions for gatherings which take place outdoors and consist of persons who are all under 18 years of age. Regulation 2(3) also makes modified provision regarding children under 12 years of age when determining the number of households or persons participating in a gathering in a public place.

Regulation 2(4) amends regulation 9 of the principal regulations with the effect that a gathering at a private dwelling, unless an exception applies, may only take place outdoors and where the gathering consists of no more than six persons from no more than two households. Further exceptions are provided for gatherings which take place outdoors and consist of persons who are all under 18 years of age, or where the gathering is for the purposes of facilitating shared parental arrangements. Regulation 2(3) also makes modified provision regarding children under 12 years of age when determining the number of households or persons attending a gathering in a private dwelling.

These Regulations also amend regulations 14 and 15 of the principal regulations in consequence of new regulations 6A and 6B.