

**UNTO THE RIGHT HONOURABLE
LORDS OF COUNCIL AND SESSION**

P E T I T I O N

of

REVEREND DR WILLIAM J U PHILIP
having an official address at The Tron Church, 25 Bath Street, Glasgow, G2 1HW
and OTHERS

PETITIONERS

for

Judicial Review of the closure of places of worship in Scotland

HUMBLY SHEWETH:

1. That the petitioners are the Reverend Dr William J U Philip MB ChB(Hons), MRCP, BD the Senior Minister of The Tron Church, Glasgow City Centre, 25 Bath Street, Glasgow, G2 1HW and the other persons listed in the Schedule of Petitioners. They are ministers and church leaders of various Christian churches. They have a mutual interest in challenging secondary legislation forcing the closure of churches in Scotland and criminalising public worship. The legislation in question is the Health Protection (Coronavirus) (Restrictions and Requirements) (Local

Levels) (Scotland) Amendment (No 11) Regulations 2021 (SSI 2021/3, hereinafter “the Closure Regulations”). The Closure Regulations were made by the respondents, the Scottish Ministers, at 12.25 pm on 6 January 2021 and laid before the Scottish Parliament the same day. They came into force on 8 January 2021. They were approved by resolution of the Scottish Parliament on 20 January 2021 with 96 votes for and 5 votes against approval and 18 abstentions.

2. That, as explained below, this petition concerns (*inter alia*) a devolution issue within the meaning of the Scotland Act 1998, schedule 6, paragraph 1. RCS 25A.2 therefore requires service on the Lord Advocate and the Advocate-General .
3. That the date on which the grounds giving rise to the petition first arose was 6 January 2021.
4. That the petitioners (and others) caused their solicitors Messrs Lindsays to write to the respondents on 15 January 2021 asking for reconsideration and revocation of the Closure Regulations in so far as they forced the closure of churches in Scotland and criminalised public worship. The respondents have not reconsidered, nor revoked the material parts of the Closure Regulations. Instead they presented them to the Scottish Parliament for approval. The respondents solicitor replied to Messrs Lindsays on 22 January 2021. The respondents do not offer any reconsideration or revocation.

5. That the petitioners seek:
 - 1) Declarator that the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No 11) Regulations 2021 are unlawful in so far as they purport to require the closure of churches in Scotland and to criminalise public worship.
 - 2) Reduction of the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No 11) Regulations 2021, regulation 4(b), (e)(i) and (f)(i).
 - 3) Declarator that a person living in a Level 4 area may lawfully leave the place that person is living in order to attend a place of worship.
 - 4) Such further orders (including an order for expenses) as are reasonable in all the circumstances.
6. That the petitioner challenges the making of the Closure Regulations in so far as they purport to require the closure of churches in Scotland and to criminalise public worship on the following grounds.

Public worship as an integral part of Christianity

7. The petitioners hold that public corporate worship, involving the physical gathering together of Christians for prayer, proclamation of the gospel, the celebration of holy communion by Christians meeting together in one place and the administration of the sacrament of baptism in the presence of the physically assembled Christian community, are fundamental and indispensable aspects of their religion. Assembly, or congregation, of the Christian community is of the very essence in which the being of the Christian Church is expressed.

8. By the same token the petitioners hold that virtual events whereby worshippers simultaneously “log on” to internet platforms do not constitute public worship. They do not permit the church to assemble. They do not permit the church to share in the physical elements of communion. They do not permit baptism to take place in the sense understood by the church since its commencement. In the absence of the gathered people of God, there is effectively no “church”.

9. Further, the absence of physical worship in any form excludes members of the church from participation in the practice of their religion. It prevents the church exercising a full ministry to its members. Reference is made to the letters from church leaders lodged herewith.

10. The petitioners' beliefs on these points are genuinely held. They are not capricious. They are derived from Scripture and consistent with the historic teaching of the church. Reference is made to the expert report of Dr Martin Parsons lodged herewith.

The historic freedom of the church from state interference

11. Churches in Scotland have long-established and traditional authority over their own affairs, free from state interference. This was established by 1592 when the General Assembly Act was passed. The 1592 Act expressly gave the church authority over all matters ecclesiastical. It also imposed on the elders of each church the legal responsibility to ensure that regular worship took place, including preaching and the ministry of sacraments. Elders are thus required by law to ensure that holy communion is celebrated and that baptisms of infants and converts is carried out.
12. The 1706 Act for Securing Protestant Religion forms part of the Union with England Act 1707 and its English counterpart, forming the basis of the Union between Scotland and England. This Act included provision that:

“... her majesty, with advice and consent foresaid, expressly provides and declares that the foresaid true Protestant religion contained in the above-mentioned Confession of Faith, with the form and purity of worship presently in use within this church, and its presbyterian church government and discipline, that is to say the government of the church by kirk sessions, presbyteries, provincial synods and general assemblies, all established by the foresaid acts of parliament pursuant to the Claim of Right, shall remain and

continue unalterable, and that the said presbyterian government shall be the only government of the church within the kingdom of Scotland.

The Union settlement retained the historic independence of the church from the state. The Westminster Parliament was given no authority over the church in Scotland and cannot therefore confer authority over the church on any other body.

13. The Church of Scotland Act 1921 confirmed that the church has inherent right, free from interference by civil authority, but under the safeguards for deliberate action and legislation provided by the church itself, to frame and adopt its own standards, the church being the sole judge of its fundamental doctrines.
14. A material number churches in Scotland, whether Presbyterians, Baptists, Brethren or newer independent churches (including those which the petitioners lead) hold to a theology which believes that interference in matters sacred by the secular authority is a direct threat to their independence. Reference is made to the expert report of Dr Martin Parsons lodged herewith.
15. The Closure Regulations *prima facie* contravene the historic freedom of churches in Scotland. The petitioners maintain that these regulations are *ultra vires*. They prevent elders of churches from carrying out their legal responsibilities. They are an unprecedented interference with the practice of the Christian religion in Scotland since the persecution of the Presbyterian church instituted by the Stuart kings.

Coronavirus legislation

16. Section 49 and Schedule 19 to the Coronavirus Act 2020 (passed by the Westminster Parliament) empowered the Scottish Ministers to make regulations which made provision for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Scotland. Such regulations may, in terms of that legislation impose or enable the imposition of restrictions or requirements on or in relation to persons, things or premises in the event of, or in response to, a threat to public health.
17. The respondents purportedly exercised the powers conferred by Schedule 19 to the Coronavirus Act 2020 by passing the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 ('Local Levels Regulations') which came into effect on 2 November 2020. Regulation 3(5) and schedule 5, Part 1, paragraph 8 place requirements on persons responsible for places of worship in Level 4 areas as follows:
- "8.—(1) A person who is responsible for a place of worship, carrying on a business or providing a service in a Level 4 area must take—
- (a) measures to ensure, so far as reasonably practicable, that—
 - (i) the required distance is maintained between any persons on its premises (except between persons mentioned in sub-paragraph (2)),
 - (ii) persons are admitted to its premises in sufficiently small numbers to make it possible to maintain the required distance, and

- (iii) the required distance is maintained between any persons waiting to enter its premises(except between persons mentioned in sub-paragraph (2), and
- (b) all other measures which are reasonably practicable to minimise the risk of the incidence and spread of coronavirus on the premises, for example measures which limit close face to face interaction and maintain hygiene such as—
 - (i) changing the layout of premises including the location of furniture and work stations,
 - (ii) controlling the use of entrances, passageways, stairs and lifts,
 - (iii) controlling the use of shared facilities such as toilets and kitchens,
 - (iv) otherwise controlling the use of, or access to, any other part of the premises,
 - (v) installing barriers or screens,
 - (vi) providing, or requiring the use of, personal protective equipment, and
 - (vii) providing information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus.

The required distance applicable to places of worship is 2 metres. Failure to comply with paragraph 8(1)(a) is a criminal offence under regulation 5(1)(e) unless a reasonable excuse is shown pursuant to regulation 5(4).

18. The Local Level Regulations further provide that persons responsible for places of worship must in addition have regard to guidance issued by the respondents under paragraph 9. Compliance with these requirements may be enforced under regulation 4. A contravention of a direction or failure to comply with an instruction or prohibition, under regulation 4 is a criminal offence under regulation 5(3). It is a defence under regulation 5(4) if a person can show a reasonable excuse. Since 5 January 2021 every area in mainland Scotland has been designated a Level 4 area.

19. On 6 January 2021 the respondents made the Closure Regulations. Those regulations apply in Level 4 areas. They purport to require a person who is responsible for a place of worship to close that place of worship, except for certain restricted uses. Regulation 4(b) inserted paragraph 1A into the Local Level Regulations, as follows:

“Requirement to close places of worship in a level 4 area to members of the public

1A.—(1) A person who is responsible for a place of worship must close that place of worship, except for a use permitted in paragraph (2).

(2) A place of worship may be used—

- (a) for a funeral,
- (b) for a commemorative event for a person who has died but is not a wake or a funeral tea,
- (c) to broadcast an act of worship, whether over the internet or as part of a radio or television broadcast,
- (d) for a marriage ceremony or civil partnership registration which—
 - (i) consists of no more than 5 persons, or
 - (ii) where an interpreter is required to attend, consists of no more than 6 persons, or
- (e) to provide essential voluntary services or urgent public support services (including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions, vaccination centres or support in an emergency), provided that, in each case, the premises are used in accordance with the requirements of paragraph 8.

(3) Sub-paragraph (1) does not prevent the use of premises, while those remain closed to members of the public, to take preparatory steps in pursuance of a requirement in paragraph 8.”

Paragraph 4(e)(i) and (f)(i) remove exemptions on attending places of worship as part of indoor or outdoor gatherings from paragraphs 11 and 12 of the Local Level Regulations.

20. The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 10) Regulations 2021 (SSI 2021/1) inserted in Schedule 5 to the Local Level Regulations new paragraphs 17 and 18. Paragraph 17 imposes a requirement that a person living in a Level 4 area must not leave the place where that person is living. Paragraph 18 provides examples of reasonable excuse for leaving that place the purposes of regulation 5(4). The list does not include attendance at a place of worship. If public worship is lawful, then it should be lawful to leave home to attend a place of worship.

Legislation relating to fundamental rights and freedoms

21. The Human Rights Act 1998 provides:
- In section 6 that it is unlawful for a public authority to act in a way that is incompatible with a right protected by the European Convention on Human Rights (“the Convention”). The respondents are a public authority. They are bound by section 6.
 - In section 13, that the fundamental right to freedom of thought, conscience and religion is singled out for particular protection. That section provides:

“(1) If a court's determination of any question arising under this Act might affect the exercise by a religious organisation (itself or its members collectively) of the Convention right to freedom of thought, conscience and religion, it must have particular regard to the importance of that right.”

- Section 14 allowing the United Kingdom to designate any derogation from the Convention for the purposes of article 15 of the Convention. The United Kingdom has not designated any derogation. It accordingly holds itself as bound by the Convention. The respondents remain bound to act compatibly with Convention Rights, notwithstanding the current threat to public health arising from coronavirus.

22. The Scotland Act 1998 provides:

- In section 54(2) that:

“(2) It is outside devolved competence—

- (a) to make any provision by subordinate legislation which would be outside the legislative competence of the Parliament if it were included in an Act of the Scottish Parliament, or
- (b) to confirm or approve any subordinate legislation containing such provision.

Section 29(2) states that a provision is outside the legislative competence of the Scottish Parliament if it is incompatible with any of the Convention rights.

- In section 57(2) that:

“(2) A member of the Scottish Government has no power to make any subordinate legislation, or to do any other act, so far as the legislation or act is incompatible with any of the Convention rights...”

The “Scottish Government” is a collective term used to refer to the respondents (see section 44(2)).

- In Schedule 6, paragraph 1 that a question whether any provision of an Act of the Scottish Parliament or purported or proposed exercise of a function by a member of the Scottish Government is, or would be, incompatible with any of the Convention rights, or whether a function is exercisable within devolved competence, is a “devolution issue.”

European Convention on Human Rights

23. Article 19 of ECHR provides:

“1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Article 11 states:

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

24. Freedom of thought, conscience and religion is safeguarded by article 9 of ECHR as one of the foundations of a democratic society. This was explained by the

European Court of Human Rights in the case of *Metropolitan Church of Bessarabia v.*

Moldova (20002) 35 E.H.R.R. 13 at §114:

“The Court recalls its standing case law that freedom of thought, of conscience and of religion, as safeguarded by Article 9, is one of the foundations of a “democratic society” within the meaning of the Convention. In its religious dimension, it is one of the most vital elements that go to make up the identity of believers and their conception of life, but it also a precious asset for atheists, agnostics, sceptics and the unconcerned. The pluralism indissociable from a democratic society, which has been dearly won over the centuries, depends on it.”

25. The Court noted in the same case (at §118) :

“Furthermore, since religious communities traditionally exist in the form of organised structures, Article 9 must be interpreted in the light of Article 11 of the Convention, which safeguards freedom of association against any unjustified interference by the State. This being so, the right of believers to freedom of religion, which includes the right to manifest one’s religion collectively, presupposes that believers may associate freely, without arbitrary interference by the State. The autonomy of religious communities is in fact indispensable to pluralism in a democratic society and is therefore at the very heart of the protection afforded by Article 9.”

26. In recalling that religious freedom has been “dearly won” the Court is alluding to the persecution of holders of religious beliefs, including Christians over many centuries. In the last century the German Evangelical Church found it necessary in the Barmen Declaration to reject state control of the church and many of those involved in producing that declaration paid with their lives for defending the independence of the church. Within the last two years the Rt Rev Philip Mounstephen in his Independent Review for the Foreign Secretary of FCO

Support for Persecuted Christians recorded contemporary persecution of Christians and pointed out that Freedom of Religion and Belief may be viewed as the most fundamental human right because so many others depend on it. He states “If freedom of religion or belief is removed so many other rights are put in jeopardy too.” The respondents in this case have removed the petitioners’ freedom of religion. If they are to practice their religion the petitioners would (*prima facie*) break the criminal law and be liable to penalties in the criminal courts.

27. Freedom of belief is absolute. It is not for the court to embark on an inquiry into an asserted belief or its orthodoxy. Nor is it for the court to hold an inquiry into the extent to which the petitioners’ beliefs conform to, or differ from the beliefs of other persons who profess the Christian faith. The right to freedom of religion as understood in the Convention rules out any appreciation by the state of the legitimacy of religious beliefs or of the manner in which these are expressed (*R (Williamson) v Secretary of State*) [2005] 2 AC 246 *per* Lord Nicholls of Birkenhead at §§16 and 22).

28. The petitioners recognise that the right to manifest religious belief is qualified. It may be subject to interference prescribed by law and necessary in a democratic society in the interests of (*inter alia*) public safety. In this case it is clear that article 9 is engaged and that the Closure Regulations interfere with the manifestation of religious belief, including that of the petitioners. The respondents claim that the

interference is justified by the coronavirus pandemic, that the interference is in accordance with law and pursues a legitimate aim of public safety.

29. The petitioners respectfully challenge whether the interference is in accordance with the law, given the historic freedom of the church from state interference set out above.
30. Further and in any event, it is for the respondents to justify the Closure Regulations as “necessary in a democratic society” by showing relevant and sufficient reasons for the interference with the petitioners’ right to manifest their religious beliefs.

Proportionality

31. The petitioners are prepared to conduct public worship under the conditions set out in the Local Levels Regulations, schedule 5 paragraph 8. They are respectful of the need to take appropriate steps to prevent the spread of coronavirus.
32. The respondents are unable to show that public worship conducted under the restrictions set out in the Local Levels Regulations, schedule 5 paragraph 8 materially increases the threat to public health from coronavirus. The respondents have continued to operate courts under a restricted regime. Freedom to manifest religion and belief under article 9 enjoys greater protection than access to justice under article 6 of the Convention. The respondents have allowed continued operation of supermarkets. Churches can be operated with better regard for public

safety than supermarkets. Reference is made to the expert report of Dr Ian Blenkharn lodged herewith.

33. There are severe limits on acceptable restrictions on religious freedom under Article 9. The European Court of Human Rights has made it clear that such restrictions, call for “very strict scrutiny” (*Manoussakis and Others v. Greece*, 23 EHRR 387 § 44, 47 54-53).
34. The nature and the severity of any sanction is taken into account when the court assesses the proportionality of interference (*Biblical Centre of the Chuvash Republic v Russia* (Application no. 33203/08) 12 June 2014). The respondents have in this case imposed criminal sanctions on persons seeking to exercise their right to worship together.
35. Proportionality requires to be assessed having regard to international consensus and common values (see *Batatyán v Armenia* (2012) 54 E.H.R.R. 15 at §[122]). No other part of the United Kingdom has required places of worship to close. No other part of the United Kingdom has criminalised public worship.
36. There is an emerging international jurisprudence in France, Germany, the United States and South Africa holding that bans and restrictions on religious services are unlawful, in particular:

- In *MW et al* (case nos 440366, 440380, 440410, 440531, 440550, 440562, 440563 and 440590, Administrative Court, France, 18 May 2020) the highest Administrative Court in France, the Council of State, found that the general and absolute ban on religious services in France was a “serious and manifestly illegal infringement” of religious rights under Article 9 and other French and international provisions (§34).
- The Federal Constitutional Court of Germany considered the matter in *F* (1BvQ 44/20), 29 April 2020. The Court granted interim relief permitting Friday prayers in a mosque, on the grounds that a complete prohibition with no mechanism to apply for exceptions in individual cases subject to conditions and restrictions specific to the situation was a disproportionate interference with constitutional rights.
- In November 2020 the Supreme Court of the United States considered the matter in *Roman Catholic Diocese of Brooklyn v Cuomo* (592 US (2020), 25 November) and immediate interim relief was granted against the New York governor’s restrictions on religious services. The applicants were complying with all public health guidance and complained that regulations treated houses of worship more harshly than comparable secular facilities. The Supreme Court held that their constitutional claims were likely to prevail and that denying relief would lead to irreparable injury to constitutional freedoms
- In *De Beer v The Minister of Cooperative Governance and Traditional Affairs* (High Court of South Africa, Case No 21542/2020, 2 June 2020) the South African

court sustained a challenge against lockdown generally, where this could not be shown to be rationally connected to legitimate aims. The court criticised an approach that disregarded constitutional rights (see §§7.17-21).

37. In the circumstances there are cogent reasons to challenge whether the respondents can show that their closure of churches, in the face of the fundamental right to freedom of religion and belief, even if lawful, was proportionate, rather than an unlawful undermining of a crucial part of democratic society.

Remedy

38. The petitioners therefore seek declarator that the Closure Regulations are unlawful, in so far as they purport to require the closure of churches in Scotland and to criminalise public worship. They seek reduction of those parts of the Closure Regulations that have this effect. They also seek declarator that a person may lawfully leave home in order to attend a place of worship. The latter declarator is required in order to ensure that if churches are open, worshippers may attend. Declarator is necessary to confirm that attendance at a place of worship constitutes a reasonable excuse for a person to leave a place of residence, without committing an offence.

39. That in the absence of an alternative remedy, the petitioner is under the necessity of seeking judicial review. The petition is brought in terms of Chapter 58 of the Rules of the Court of Session.

PERMISSION TO PROCEED

40. That the Petitioners satisfy s.27B(2) (permission to proceed) of the Court of Session Act 1988. The petitioners as ministers and church leaders of churches required to close by the Closure Regulations have an interest in the subject matter of the application. There is a *prima facie* interference with their article 9 right to freedom of religion and belief. They maintain on the grounds set out above that the interference with this right is not necessary in a democratic society. It is for the respondents to demonstrate relevant and sufficient reasons and the proportionality of the Closure Regulations. The respondents as public authorities cannot act incompatibly with the petitioners Convention rights. They have no power to pass secondary legislation that conflicts with such rights. The averments of fact and law hereinbefore demonstrate that the petitioners have a real prospect of success.

TRANSFERS TO UPPER TRIBUNAL

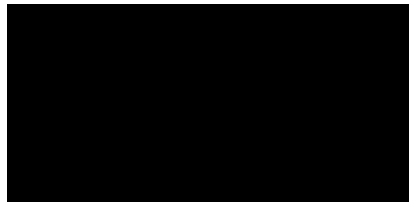
41. That the Petition is not subject to a mandatory or discretionary transfer to the Upper Tribunal.

PLEAS-IN-LAW FOR THE PETITIONER

1. The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No 11) Regulations 2021 being unlawful in so far as they purport to require the closure of churches in Scotland and to criminalise public worship, declarator to that effect should be granted in accordance with Statement 5(1).
2. The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No 11) Regulations 2021 being unlawful in so far as they purport to require the closure of churches in Scotland and to criminalise public worship, should be reduced in accordance with Statement 5(2).

3. It being in the circumstances lawful for a person living in a Level 4 area to leave the place they are living in order to attend a place of worship, declarator should be granted to that effect in accordance with Statement 5(3).

According to justice etc.



SCHEDULE OF PETITIONERS

1. Rev. Dr William Philip, having an official address at The Tron Church, 25 Bath Street, Glasgow, G2 1HW.
2. Rev. Andrew Baldock, having an official address at Kilwinning Evangelical Church, 5 Garden Square Lane, Kilwinning, KA13 6AD.
3. Gerald White, residing at [REDACTED].
4. Rev. Nathan Owens, having an official address at Maxwell Church, 4 Crosshouse Road, Kilmaurs, KA3 2SA.
5. David Dickson, having an official address at Lochee Baptist Church, 12 Bright Street, Dundee DD2 3DE.
6. John-William Noble, residing at [REDACTED].
7. Rev. Garry Brotherston, having an official address a Bishopbriggs Free Church, 13 Auchinairn Road, Bishopbriggs G64 1XU
8. Angus R. Cameron, having an official address at Cumnock Baptist Church, 18a Barrhill Road, Cumnock KA18 1PG.
9. Rev. William Macleod, having an official address at Knightswood Free Church of Scotland (Continuing), 361 Fulton Street Glasgow, G13 2SP

10. Geoffrey de Bruin, having an official address at London Road Church, London Road, Edinburgh, EH75PH.
11. Rev. Dr Rupert Hunt-Taylor MRCVS, residing at, [REDACTED]
[REDACTED].
12. Rev. Greg MacDonald, residing at [REDACTED]
[REDACTED].
13. Paul Harkess residing at [REDACTED].
14. Arthur O'Malley, having an official address East Gate Church, 5 Glenpatrick Road, Elderslie, PA5 9AP.
15. Rev. Graeme Craig, having an official address at Aye Free Church of Scotland (Continuing), 7 Lyndsay Street, Ayr, KA8 9QE.
16. Rev. Andrew R Allan, having an official address at Partick Free Church of Scotland (Continuing), 2-4 Thornwood Terrace, Glasgow, G11 7QZ.
17. John MacKenzie, residing at [REDACTED]
[REDACTED].
18. Rev. James S. Haram, residing at [REDACTED].
19. Rev. Maurice Roberts, residing at [REDACTED].
20. Colin Wilson, residing at [REDACTED].

21. Rev. Tom Budgen, having an official address at Kilmuir and Stenscholl Free Church of Scotland (Continuing), Staffin Road, Staffin, Portree, Isle of Skye, IV51 9JS.
22. Rev. Alexander James MacInnes, having an official address at Lochalsh & Strath Free Church of Scotland (Continuing), Ardelve, Dornie. Kyle, IV40 8DZ
23. Alisdair S Smith, residing at [REDACTED]
[REDACTED].
24. Edith Forrest, residing at [REDACTED]
[REDACTED]
25. Rev. Alasdair Macleod, residing at [REDACTED].
26. David Gibson, [REDACTED]
[REDACTED]
27. Rev. Murdo Macleod, having an official address at Snizort Free Church (Continuing), Skeabost Bridge, Isle of Skye, IV51 9NP

SCHEDULE FOR SERVICE

Part 1 – Respondents

The Scottish Ministers, St Andrew's House, Regent Road, Edinburgh, EH1 3DG

Part 2 – Interested Parties

1. The Lord Advocate, Crown Office and Procurator Fiscal Service, 25 Chambers Street, Edinburgh EH1 1 LA
2. The Advocate General for Scotland, Victoria Quay, Edinburgh EH6 6QQ

SCHEDULE OF DOCUMENTS

1. Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No 11) Regulations 2021 (SSI 2021/3).
2. Covid-19 Committee Report 8 January 2021
3. Official Report, Meeting of the Parliament, 20 January 2021, cols 97 – 100 and 114 – 116.
4. Report from Martin Parsons dated 26 January 2021.
5. Report from Ian Blenkharn dated 22 January 2021.
6. Letter from The Signatories to the First Minister of Scotland dated 11 January 2021.
7. Letter from Cabinet Secretary for Communities and Local Government dated 13 January 2021
8. Letter from Lindsays to The Scottish Ministers dated 15 January 2021.
9. Letter from Rev Dr William J U Philip (The Tron Church) dated 14 January 2021.
10. Letter from Alexander James MacInnes (Lochalsh & Strath Free Church (Continuing)) dated 14 January 2021.
11. Letter from Rev. Nathan Owens (Maxwell Church)
12. Letter from Rev. Paul Harkess (Maxwell Church)
13. Letter from Pastor Daniel Mihet (Bethany Evangelical Church Dumfries) dated 12 January 2021.
14. Letter from William Macleod (Knightswood Free Church (Continuing), Glasgow) dated 12 January 2021
15. Letter from Andrew R Allan (Partick Free Church (Continuing)) dated 14 January 2021.
16. Letter from Geoffrey de Bruin (Christian Revival Church Edinburgh) dated 13 January 2021.

17. Letter from John-William Noble (Grace Baptist Church Aberdeen) dated 16 January 2021.
18. The Barmen Declaration
19. Independent Review for the Foreign Secretary of FCO Support for Persecuted Christians, Rt Rev Philip Mounstephen, Introduction (pp 6 – 8).
20. *MW et al* , case nos 440366, 440380, 440410, 440531, 440550, 440562, 440563 and 440590, Administrative Court, France, 18 May 2020
21. *F* (1 BvQ 44/20), Federal Constitutional Court of Germany 29 April 2020
22. *Roman Catholic Diocese of Brooklyn v Cuomo* Supreme Court of the United States, 592 US _ (2020), 25 November 2020
23. *De Beer v The Minister of Cooperative Governance and Traditional Affairs*, High Court of South Africa, Case No 21542/2020, 2 June 2020.
24. Letter from Richard Henry, Session Clerk, Tron Church, to church members, dated 21 January 2021
25. Letter from Aileen A Nimmo, Scottish Government Legal Directorate to Brent Haywood, Lindsays WS dated 22 January 2021.