
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 318

**The Health Protection (Coronavirus) (Restrictions
and Requirements) (Additional Temporary
Measures) (Scotland) Regulations 2020**

PART 4

Measures applying both within and outside the protected area

Requirement to take measures to minimise risk of exposure to coronavirus

17.—(1) A person who is responsible for a place of worship, carrying on a business or providing a service 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 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 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 workstations,
 - (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.
- (2) The persons mentioned in paragraph (1)(a)(i) and (iii) are—
 - (a) two or more members of the same household,
 - (b) a carer and the person assisted by the carer, or
 - (c) in relation to premises being used to provide school education, two or more persons where at least one of them is a pupil.
- (3) In this regulation—

“carer” includes a person who provides care for the person assisted whether that care is provided—

- (a) by a carer within the meaning of section 1 of the Carers (Scotland) Act 2016⁽¹⁾,
- (b) on a paid basis, or
- (c) on a voluntary basis,

“pupil” has the meaning given by section 135(1) of the Education (Scotland) Act 1980⁽²⁾,

“required distance” means—

- (a) in relation to reduced distance premises, at least one metre, or
- (b) in all other cases, at least two metres,

“school education” has the meaning given by section 1(5)(a) of the Education (Scotland) Act 1980⁽³⁾.

- (4) In the definition of “required distance” in paragraph (3), “reduced distance premises” means—
- (a) passenger transport service premises,
 - (b) restaurants, including restaurants and dining rooms in hotels or members’ clubs,
 - (c) cafes, including workplace canteens,
 - (d) bars, including bars in hotels or members’ clubs, and
 - (e) public houses.

Requirement to collect and share information: restaurants, cafes, bars, public houses, etc.

18.—(1) A person who is responsible for a relevant hospitality premises must, in relation to the premises, take measures to—

- (a) obtain and record visitor information,
- (b) record visitor information in a filing system (which may be an electronic system) suitable for recording, storing and retrieving the information, and
- (c) retain visitor information for a period of at least 21 days beginning with the date on which the visit occurred.

(2) A person who is responsible for a relevant hospitality premises must provide visitor information to a public health officer, as soon as reasonably practicable but in any event within 24 hours, if so requested by the public health officer for the purpose of—

- (a) preventing a threat to public health resulting from the spread of infection or contamination with coronavirus,
- (b) monitoring the spread of infection or contamination with coronavirus or the incidence of coronavirus disease.

(3) In this regulation—

“public health officer” has the meaning given by paragraph 3(2)(b) of schedule 21 of the Coronavirus Act 2020⁽⁴⁾,

“relevant hospitality premises” means—

- (a) a restaurant, cafe, bar or public house, or

(1) 2016 asp 9.

(2) 1980 c.44.

(3) Section 1(5)(a) was amended by schedule 3 of the Standards in Scotland’s Schools etc. Act 2000 (asp 6), paragraph 3(2)(a) of schedule 3 of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4) and paragraph 2(2)(c) of schedule 5 of the Children and Young People (Scotland) Act 2014 (asp 8).

(4) 2020 c. 7.

- (b) a hotel in which food or drink is sold for consumption on the premises, and
- “visitor information” means—
- (a) the name and telephone number of one member of each household visiting the premises,
 - (b) the date of their visit and arrival time, and
 - (c) the number of members of that person’s household visiting the premises at that time.

Guidance on minimising exposure to coronavirus

19.—(1) A person who is responsible for a place of worship, carrying on a business or providing a service must have regard to guidance issued by the Scottish Ministers about measures which should be taken in accordance with regulation 17(1)(b) relating to its premises, business or service.

- (2) Guidance issued by the Scottish Ministers may—
 - (a) make different provision for different cases or descriptions of case,
 - (b) incorporate (by reference or transposition) guidance, codes of practice or other documents published by another person (for example, a trade association, a body representing members of an industry or a trade union).
- (3) Regulation 25 (enforcement of requirements) does not apply to a contravention of the requirement in paragraph (1).

Restriction on gatherings in private dwellings

- 20.**—(1) A person must not attend a gathering in a private dwelling, unless the gathering—
- (a) takes place outdoors and consists of no more than six persons from no more than two households,
 - (b) 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,
 - (c) is for the purpose of—
 - (i) work or providing voluntary or charitable services,
 - (ii) childcare, education or training,
 - (iii) facilitating a house move,
 - (iv) facilitating shared parenting arrangements,
 - (d) is a funeral, marriage ceremony or civil partnership registration, or
 - (e) is taking place in student accommodation, where all the persons in the gathering—
 - (i) are using cooking, dining, toilet or washing facilities which are shared with any person who is not a member of their household, and
 - (ii) have the accommodation as their only or main residence.
- (2) For the purpose of paragraph (1)(a), children under 12 years of age are not to be included when counting the number of people or households attending a gathering.
- (3) In this regulation, “gathering” has the meaning given by regulation 16(2).

Restriction on parties in private dwellings

21.—(1) A person must not attend a party in a private dwelling.

(2) In paragraph (1), “party” means a social gathering where 16 or more persons, who are members of more than one household, are present together in a place, unless the gathering is—

- (a) for the purpose of—
 - (i) work or providing voluntary or charitable services,
 - (ii) childcare, education or training,
- (b) a funeral, marriage ceremony or civil partnership registration, or
- (c) taking place in student accommodation, where all the persons in the gathering—
 - (i) are using cooking, dining, toilet or washing facilities which are shared with any person who is not a member of their household, and
 - (ii) have the accommodation as their only or main residence.

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

Power to enter a private dwelling

22.—(1) A constable may enter a private dwelling if—

- (a) the constable reasonably suspects that—
 - (i) there is a contravention of regulation 20 or 21 going on there, and
 - (ii) it is necessary and proportionate to enter the dwelling for the purpose of preventing the continuation of the contravention, and
- (b) a condition in paragraph (2) or (3) is met.

(2) Where the constable reasonably suspects that there is a contravention of regulation 20 going on at the private dwelling, the condition mentioned in paragraph (1)(b) is that either—

- (a) the person who appears to be the occupier of the dwelling has consented, or
- (b) the entry is effected under the authority of a warrant issued under paragraph (7).

(3) Where the constable reasonably suspects that there is a contravention of regulation 21 going on at the private dwelling, the condition mentioned in paragraph (1)(b) is that—

- (a) the constable has requested any person reasonably suspected to be contravening regulation 21 to stop doing so, and
- (b) the person has failed to comply with the request.

(4) The power of entry in this regulation—

- (a) may be exercised at any time, and
- (b) includes the power to use reasonable force.

(5) The constable must, if requested to do so, provide a document or any other thing showing the constable’s authority to exercise the power of entry in this regulation.

(6) Paragraph (7) applies where—

- (a) a constable has been refused entry or reasonably anticipates being refused entry, or
- (b) the occupier of the dwelling is temporarily absent and the constable considers the situation to be urgent.

(7) A sheriff or justice of the peace may by warrant authorise a constable to enter the private dwelling.

(8) A warrant under this regulation continues in force until the purpose for which it is issued is fulfilled.