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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 344**

**The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020**

**PART 1**

Introductory

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 and come into force at 6.00 a.m. on 2 November 2020.

(2) These Regulations apply in—

(a) Scotland, and

(b) Scottish airspace, in relation to a person who is on a mode of transport which took off from, or is to land at, a place in Scotland.

(3) In paragraph (2)—

“Scotland” includes so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Scotland, and

“Scottish airspace” means the airspace above Scotland.

**Interpretation**

2.—(1) In these Regulations—

“alcohol” has the same meaning as in section 2 of the Licensing (Scotland) Act 2005<sup>(1)</sup>,

“child” means a person who is under 16 years of age, and “childcare” is to be construed accordingly,

“constable” has the meaning given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012<sup>(2)</sup>,

“contact sport” means a sport or activity during which the participants—

(a) are required to make physical contact with each other, or

(b) do not generally maintain a distance of two metres from each other,

but does not include a sport or activity in which the participants are wholly or mainly professional sportspersons,

“elite development pathway” means a development pathway established by the national governing body of a sport to prepare sportspersons—

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(1) 2005 asp 16. Section 2 was amended by section 54 of the Air Weapons and Licensing (Scotland) Act 2015 (asp 10).

(2) 2012 asp 8.

- (a) so that they may derive a living from competing in that sport, or
- (b) to compete at that sport at the Tokyo or Beijing Olympic or Paralympic Games, or, if that sport is not part of the Tokyo Olympic and Paralympic Games programme, in the Commonwealth Games to be held in Birmingham,

“emergency responder” has the meaning given by section 153A(6) of the Inheritance Tax Act 1984<sup>(3)</sup>,

“extended household” means two individual households which have chosen to be treated as the same household for the purposes of the restrictions in these Regulations, but an individual household may only form part of one extended household at any one time,

“face covering” means a covering of any type (other than a face shield) which covers a person’s nose and mouth,

“food and drink business” means—

- (a) a restaurant, including a restaurant or dining room in a hotel or members’ club,
- (b) a takeaway service,
- (c) a café or canteen,
- (d) a bar, including a bar in a hotel or members’ club,
- (e) a public house,

“gathering” means a situation where two or more persons, who are not members of the same household, are present together in the same place in order—

- (a) to engage in any form of social interaction with each other, or
- (b) to undertake any other activity with each other,

“household” means—

- (a) one person living alone, or
- (b) a group of persons living together in the same place as a family or other unit (whether or not related) and who have the place as their only or main residence,

“indoors” means a place which would be considered to be wholly or substantially enclosed for the purposes of section 4(2) of the Smoking, Health and Social Care (Scotland) Act 2005<sup>(4)</sup> under the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006<sup>(5)</sup>, and “outdoors” is to be construed accordingly,

“Level 0 area”, “Level 1 area”, “Level 2 area”, “Level 3 area” and “Level 4 area” have the meanings given in regulation 3(6),

“passenger transport service” means a service provided for the carriage of passengers by road, railway, tramway, air or sea,

“passenger transport service premises” means off-road premises where a passenger transport service may stop or terminate, allowing passengers on and off,

“a person who is responsible for carrying on a business” and similar expressions include the owner, occupier and manager,

“premises” includes any building or structure and any land,

“private dwelling” means a caravan, houseboat or any building, or part of a building, used or intended to be used as a dwelling (including any garden or yard and any indoor passage or stair, outhouse or other structure of the dwelling) but does not include—

<sup>(3)</sup> 1984 c.51. Section 153A was inserted by section 75 of the Finance Act 2015 (c.11).

<sup>(4)</sup> 2005 asp 13.

<sup>(5)</sup> S.S.I. 2006/90.

- (a) accommodation in a hotel, hostel, members club, boarding house or bed and breakfast,
- (b) accommodation provided by a care home service, within the meaning of paragraph 2 of schedule 12 of the Public Services Reform (Scotland) Act 2010<sup>(6)</sup>,
- (c) accommodation for children at a residential establishment, within the meaning of section 93(1) of the Children (Scotland) Act 1995<sup>(7)</sup>,
- (d) school boarding accommodation, within the meaning of paragraph 10(5) of schedule 16 of the Coronavirus Act 2020<sup>(8)</sup>,
- (e) accommodation intended for use by the army, navy or air force,
- (f) a prison,
- (g) a young offenders institution, within the meaning of section 19(1)(b) of the Prisons (Scotland) Act 1989<sup>(9)</sup>,
- (h) secure accommodation, within the meaning of section 108 of the Criminal Justice (Scotland) Act 2016<sup>(10)</sup>, and
- (i) a remand centre, within the meaning of section 19(1)(a) of the Prisons (Scotland) Act 1989,

“professional sportsperson” means an individual who—

- (a) derives a living from competing in sport,
- (b) is a senior representative nominated by a relevant sporting body,
- (c) is a member of the senior training squad for a relevant sporting body, or
- (d) is not a child and is on an elite development pathway,

“public place” means a place to which the public, or a section of the public, has access whether on payment or otherwise,

“public procession” means a procession in a public place, whether or not involving the use of vehicles or other conveyances,

“relevant sporting body”, in relation to a professional sportsperson means the national governing body of a sport which may nominate sportspersons to represent—

- (a) the professional sportsperson’s nation at the Tokyo or Beijing Olympic or Paralympic Games, or
- (b) the professional sportsperson’s nation at the Commonwealth Games to be held in Birmingham in a sport that is not part of the Tokyo Olympic and Paralympic Games programme,

“school” has the meaning given by section 135(1) of the Education (Scotland) Act 1980<sup>(11)</sup>,

“senior representative”, in relation to a professional sportsperson, means an individual who is considered by a relevant sporting body to be a candidate to qualify to compete on behalf of—

- (a) the professional sportsperson’s nation at the Tokyo or Beijing Olympic or Paralympic Games, or
- (b) the professional sportsperson’s nation at the Commonwealth Games to be held in Birmingham in a sport that is not part of the Tokyo Olympic and Paralympic Games programme,

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<sup>(6)</sup> 2010 asp 8.

<sup>(7)</sup> 1995 c.36, relevantly amended by S.I. 2013/1465.

<sup>(8)</sup> 2020 c.7.

<sup>(9)</sup> 1989 c.45, relevantly amended by section 23(1) of the Criminal Justice (Scotland) Act 2003 (asp 7).

<sup>(10)</sup> 2016 asp 1.

<sup>(11)</sup> 1980 c.44, amended by section 2 of the Registered Establishments (Scotland) Act 1987 (c.4) and schedule 3 of the Standards in Scotland’s Schools etc. Act 2000 (asp 6).

“shared parenting arrangements” includes, in relation to children who do not live in the same household as their parents, or one of their parents, arrangements for contact between parents and their children, and for the purposes of this definition “parent” includes a person who, not being a parent of the child—

- (a) has contact with the child pursuant to an order of court, or
- (b) has previously had care of the child, and

“student accommodation” has the meaning given in paragraph 11(5) of schedule 16 of the Coronavirus Act 2020.

(2) For the purpose of these Regulations, references to a household include an extended household.