

SCHEDULE 1 **S**

Regulation 3(1)

Level 0 Restrictions

**PART 1 S**

Closure of Premises

**Requirement to close certain premises in a Level 0 area to members of the public S**

1.—(1) A person who is responsible for carrying on a listed business located in a Level 0 area must—

- (a) close to members of the public any premises operated as part of the business, and
  - (b) not carry on business at such premises otherwise than in accordance with this regulation.
- (2) In sub-paragraph (1), “listed business” means—
- (a) a nightclub, dance hall or discotheque,
  - (b) a sexual entertainment venue.
- (3) Sub-paragraph (1) does not prevent the use of—
- (a) premises, while those premises remain closed to members of the public, to—
    - (i) record a performance or sporting event,
    - (ii) broadcast a performance or sporting event to persons outside the premises, whether over the internet or as part of a radio or television broadcast, or
    - (iii) rehearse, train, practise or otherwise prepare for a performance or sporting event, or
  - (b) premises of a listed business in sub-paragraph (2)(a) for any purpose requested by the Scottish Ministers, a health board, a local authority or the Scottish Courts and Tribunals Service,
  - (c) any suitable premises to host blood donation sessions,
  - (d) any suitable premises that are used for the purposes of professional sport.
- (4) 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 3.
- (5) If a listed business (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in sub-paragraph (1)(a) if it closes down business A.
- (6) In sub-paragraph (2), “sexual entertainment venue” has the meaning given by section 45A of the Civic Government (Scotland) Act 1982 <sup>M1</sup>.

**Commencement Information**

**II** Sch. 1 para. 1 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

**Marginal Citations**

**M1** 1982 c.45. Section 45A was inserted by the [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [section 76\(3\)](#).

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*Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020. (See end of Document for details)*

## PART 2 **S**

### Other restrictions on business

#### **Requirement for seated food and drink sale and consumption in food and drink businesses in a Level 0 area **S****

2.—(1) A person who is responsible for carrying on a food and drink business in a Level 0 area may sell food or drink for consumption on the premises only if—

- (a) where reasonably practicable, the food or drink is ordered by, and served to, a customer who is seated on the premises, and
- (b) the customer remains seated whilst consuming the food or drink on the premises.

(2) For the purposes of sub-paragraph (1), an area adjacent to the premises of the food and drink business, where seating is made available for customers of the business (whether or not by the business), or which its customers habitually use for consumption of food or drink served by the business, is to be treated as part of the premises of that business.

(3) If a food and drink business (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirements in sub-paragraph (1) if that person complies with the requirements in relation to business A.

#### **Commencement Information**

**I2** Sch. 1 para. 2 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### **Requirement to take measures to minimise risk of exposure to coronavirus in a Level 0 area **S****

3.—(1) A person who is responsible for a place of worship, carrying on a business or providing a service in a Level 0 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 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 sub-paragraph (1)(a)(i) and (iii) are—
- (a) two or more members of the same household,
  - (b) a carer and the person assisted by that 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 paragraph—
- “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 <sup>M2</sup>,
  - (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 <sup>M3</sup>,
- “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 <sup>M4</sup>.
- (4) In the definition of “required distance” in sub-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.

#### Commencement Information

**I3** Sch. 1 para. 3 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Marginal Citations

**M2** 2016 asp 9.

**M3** 1980 c.44. Section 135(1) has been amended but none of those amendments are relevant for this definition.

**M4** Section 1(5)(a) was amended by the [Education \(Scotland\) Act 1981 \(c. 58\)](#), [section 3\(1\)\(a\)](#), by the [Standards in Scotland's Schools etc. Act 2000 \(asp 6\)](#), [schedule 3](#), and by the [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), [schedule 5](#), paragraph 2(2)(c).

#### Guidance on minimising exposure to coronavirus in a Level 0 area **S**

4.—(1) A person who is responsible for a place of worship, carrying on a business or providing a service in a Level 0 area must have regard to guidance issued by the Scottish Ministers about measures which should be taken in accordance with paragraph 3(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,

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- (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 4 (enforcement of requirements) does not apply to a contravention of the requirement in sub-paragraph (1).

**Commencement Information**

**I4** Sch. 1 para. 4 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

**Requirement to collect and share information in a Level 0 area: restaurants, cafes, bars, public houses, etc. S**

**5.—(1)** A person who is responsible for a relevant hospitality premises in a Level 0 area 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) Sub-paragraph (1) does not apply in relation to a visitor to the premises who is there solely for the purpose of purchasing or collecting food or drink for consumption off the premises.

(3) A person who is responsible for a relevant hospitality premises in a Level 0 area 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.

(4) In this paragraph—

“public health officer” has the meaning given by paragraph 3(2)(b) of schedule 21 of the Coronavirus Act 2020 <sup>M5</sup>,

“relevant hospitality premises” means—

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

**Commencement Information**

**I5** Sch. 1 para. 5 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

**Marginal Citations**

M5 2020 c.7.

## PART 3 **S**

### Restrictions on gatherings

#### Restrictions on public gatherings indoors in a Level 0 area **S**

6.—(1) A person must not participate in a gathering in a public place indoors located in a Level 0 area, unless the gathering—

- (a) consists of no more than eight persons from no more than three households,
- (b) is for the purpose of—
  - (i) work or providing voluntary or charitable services,
  - (ii) childcare, education or training,
  - (iii) attending a place of worship,
  - (iv) providing care or assistance to a vulnerable person,
  - (v) providing emergency or medical assistance,
  - (vi) avoiding injury, illness or escaping a risk of harm,
  - (vii) facilitating a house move,
  - (viii) facilitating shared parenting arrangements,
  - (ix) participating in legal proceedings or fulfilling a legal obligation,
  - (x) donating blood,
  - (xi) accessing public services, including—
    - (aa) social services,
    - (bb) services provided by the Department for Work and Pensions,
    - (cc) services provided to victims (such as victims of crime),
  - (xii) an organised activity,
  - (xiii) organised exercise,
- (c) relates to a funeral, marriage ceremony or civil partnership registration, or
- (d) 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 sub-paragraph (1)(a), 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.

(3) For the purpose of sub-paragraph (1)(b)(xii) and (xiii), an activity or exercise is “organised” if—

- (a) it is organised by—
  - (i) a person who is responsible for carrying on a business or providing a service,
  - (ii) a person who is responsible for a place of worship,

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- (iii) a charity or other not for profit organisation,
- (iv) a club or political organisation, or
- (v) the governing body of a sport or other activity, and
- (b) the organiser has taken such measures described in paragraph 3(1)(a) and (b) as are relevant to the particular activity or exercise, taking into account any relevant guidance issued by the Scottish Ministers.

#### Commencement Information

**I6** Sch. 1 para. 6 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Restriction on public gatherings outdoors in a Level 0 area **S**

7.—(1) A person must not participate in a gathering in a public place outdoors located in a Level 0 area, unless the gathering—

- (a) consists of no more than fifteen persons from no more than five households,
- (b) consists of no more than 15 persons who are all under 18 years of age, where at least one person in the gathering has attained 12 years of age but has not attained 18 years of age,
- (c) consists of persons who are all under 12 years of age,
- (d) is for the purpose of—
  - (i) work or providing voluntary or charitable services,
  - (ii) childcare, education or training,
  - (iii) attending a place of worship,
  - (iv) providing care or assistance to a vulnerable person,
  - (v) providing emergency or medical assistance,
  - (vi) avoiding injury, illness or escaping a risk of harm,
  - (vii) facilitating a house move,
  - (viii) facilitating shared parenting arrangements,
  - (ix) participating in legal proceedings or fulfilling a legal obligation,
  - (x) donating blood,
  - (xi) accessing public services, including—
    - (aa) social services,
    - (bb) services provided by the Department for Work and Pensions,
    - (cc) services provided to victims (such as victims of crime),
  - (xii) an organised activity which is not a public procession,
  - (xiii) organised exercise,
- (e) relates to a funeral, marriage ceremony or civil partnership registration, or
- (f) 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 sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of persons or households participating in a gathering.

(3) For the purpose of sub-paragraph (1)(d)(xii) and (xiii), an activity or exercise is “organised” if—

- (a) it is organised by—
  - (i) a person who is responsible for carrying on a business or providing a service,
  - (ii) a person who is responsible for a place of worship,
  - (iii) a charity or other not for profit organisation,
  - (iv) a club or political organisation, or
  - (v) the governing body of a sport or other activity, and
- (b) the organiser has taken such measures described in paragraph 3(1)(a) and (b) as are relevant to the particular activity or exercise, taking into account any relevant guidance issued by the Scottish Ministers.

#### Commencement Information

I7 Sch. 1 para. 7 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Restriction on gatherings in private dwellings in a Level 0 area **S**

8.—(1) A person must not attend a gathering in a private dwelling located in a Level 0 area, unless the gathering—

- (a) takes place indoors and consists of no more than eight persons from no more than three 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 eight 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) providing care or assistance to a vulnerable person,
  - (iv) providing emergency or medical assistance,
  - (v) avoiding injury, illness or escaping a risk of harm,
  - (vi) facilitating a house move,
  - (vii) facilitating shared parenting arrangements,
  - (viii) fulfilling a legal obligation,
- (d) relates to 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.

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(2) For the purpose of sub-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.

**Commencement Information**

**I8** Sch. 1 para. 8 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

SCHEDULE 2 **S**

Regulation 3(2)

Level 1 Restrictions

**PART 1 S**

Closure of Premises

**Requirement to close certain premises in a Level 1 area to members of the public S**

1.—(1) A person who is responsible for carrying on a listed business located in a Level 1 area must—

- (a) close to members of the public any premises operated as part of the business, and
- (b) not carry on business at such premises otherwise than in accordance with this regulation.

(2) In sub-paragraph (1), “listed business” means—

- (a) a nightclub, dance hall or discotheque,
- (b) a sexual entertainment venue.

(3) Sub-paragraph (1) does not prevent the use of—

- (a) premises, while those premises remain closed to members of the public, to—
  - (i) record a performance or sporting event,
  - (ii) broadcast a performance or sporting event to persons outside the premises, whether over the internet or as part of a radio or television broadcast, or
  - (iii) rehearse, train, practise or otherwise prepare for a performance or sporting event,
- (b) premises of a listed business in sub-paragraph (2)(a) for any purpose requested by the Scottish Ministers, a health board, a local authority or the Scottish Courts and Tribunals Service,
- (c) any suitable premises to host blood donation sessions,
- (d) any suitable premises that are used for the purposes of professional sport.

(4) 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 4.

(5) If a listed business (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in sub-paragraph (1)(a) if it closes down business A.

(6) In sub-paragraph (2), “sexual entertainment venue” has the meaning given by section 45A of the Civic Government (Scotland) Act 1982 <sup>M6</sup>.



**Commencement Information**

**I9** Sch. 2 para. 1 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

**Marginal Citations**

**M6** 1982 c.45. Section 45A was inserted by the [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [section 76\(3\)](#).

## PART 2 **S**

### Other restrictions on business

#### Requirement for seated food and drink sale and consumption in food and drink businesses in a Level 1 area **S**

2.—(1) A person who is responsible for carrying on a food and drink business in a Level 1 area may sell food or drink for consumption on the premises only if—

- (a) where reasonably practicable, the food or drink is ordered by, and served to, a customer who is seated on the premises, and
- (b) the customer remains seated whilst consuming the food or drink on the premises.

(2) For the purposes of sub-paragraph (1), an area adjacent to the premises of the food and drink business, where seating is made available for customers of the business (whether or not by the business), or which its customers habitually use for consumption of food or drink served by the business, is to be treated as part of the premises of that business.

(3) If a food and drink business (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirements in sub-paragraph (1) if that person complies with the requirements in relation to business A.

(4) Sub-paragraph (1) is subject to the restriction on opening hours in paragraph 3.

**Commencement Information**

**I10** Sch. 2 para. 2 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Restricted opening hours for food and drink businesses in a Level 1 area **S**

3.—(1) A person who is responsible for carrying on a food and drink business in a Level 1 area must—

- (a) between the hours of 2130 and 0600, cease to admit any additional customers to the premises,
- (b) between the hours of 2230 and 0600—
  - (i) close any premises, or parts of the premises, in which food or drink are sold for consumption on those premises, to members of the public,
  - (ii) cease selling food or drink for consumption on those premises,
  - (iii) not permit consumption of food or drink on those premises by members of the public.

(2) Sub-paragraph (1) does not prevent food or drink being sold—

- (a) for consumption off the premises,

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- (b) by a hotel or other accommodation for consumption as part of room service,
  - (c) in a cinema to its customers for consumption in any of its auditoriums,
  - (d) to customers attending a drive-in event for consumption at the event,
  - (e) for consumption in a cafe, dining hall or canteen at—
    - (i) a hospital or care home,
    - (ii) a school or student accommodation,
    - (iii) a prison,
    - (iv) 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, or
    - (v) a workplace canteen where—
      - (aa) there is no practical alternative for staff at that workplace to obtain food, and
      - (bb) so far as reasonably possible, a distance of at least two metres can be maintained between any person using the canteen,
  - (f) for consumption in premises providing food or drink to homeless persons,
  - (g) for consumption in premises which are airside at an airport,
  - (h) for consumption in premises which are on a ferry.
- (3) Sub-paragraph (2)(c) to (h) does not apply in relation to the sale of alcohol.
- (4) Sub-paragraph (1) does not prevent—
- (a) the consumption of food or drink by a resident of a hotel in their private room,
  - (b) the consumption of food or drink by members of the public in any of the premises described in sub-paragraph (2)(c) to (h).
- (5) For the purposes of sub-paragraph (1), an area adjacent to the premises of the food and drink business, where seating is made available for customers of the business (whether or not by the business), or which its customers habitually use for consumption of food or drink served by the business, is to be treated as part of the premises of that business.
- (6) If a food and drink business (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirements in sub-paragraph (1) if that person complies with the requirements in relation to business A.

#### Commencement Information

I11 Sch. 2 para. 3 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Requirement to take measures to minimise risk of exposure to coronavirus in a Level 1 area **S**

4.—(1) A person who is responsible for a place of worship, carrying on a business or providing a service in a Level 1 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

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- (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 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 sub-paragraph (1)(a)(i) and (iii) are—
  - (a) two or more members of the same household,
  - (b) a carer and the person assisted by that 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 paragraph—
  - “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 <sup>M7</sup>,
    - (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 <sup>M8</sup>,
  - “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 <sup>M9</sup>.
- (4) In the definition of “required distance” in sub-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.

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**Commencement Information**

**I12** Sch. 2 para. 4 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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### Marginal Citations

- M7** 2016 asp 9.
- M8** 1980 c,44. Section 135(1) has been amended but none of those amendments are relevant for this definition.
- M9** Section 1(5)(a) was amended by the [Education \(Scotland\) Act 1981 \(c. 58\)](#), [section 3\(1\)\(a\)](#), by the [Standards in Scotland's Schools etc. Act 2000 \(asp 6\)](#), [schedule 3](#), and by the [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), [schedule 5](#), paragraph 2(2)(c).

### Guidance on minimising exposure to coronavirus in a Level 1 area **S**

5.—(1) A person who is responsible for a place of worship, carrying on a business or providing a service in a Level 1 area must have regard to guidance issued by the Scottish Ministers about measures which should be taken in accordance with paragraph 4(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 4 (enforcement of requirements) does not apply to a contravention of the requirement in sub-paragraph (1).

### Commencement Information

- I13** Sch. 2 para. 5 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

### Requirement to collect and share information in a Level 1 area: restaurants, cafes, bars, public houses, etc. **S**

6.—(1) A person who is responsible for a relevant hospitality premises in a Level 1 area 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) Sub-paragraph (1) does not apply in relation to a visitor to the premises who is there solely for the purpose of purchasing or collecting food or drink for consumption off the premises.

(3) A person who is responsible for a relevant hospitality premises in a Level 1 area 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.

(4) In this paragraph—

“public health officer” has the meaning given by paragraph 3(2)(b) of schedule 21 of the Coronavirus Act 2020 <sup>M10</sup>,

“relevant hospitality premises” means—

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

**Commencement Information**

**I14** Sch. 2 para. 6 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

**Marginal Citations**

**M10** 2020 c.7.

## **PART 3** **S**

### Restrictions on gatherings

#### **Restriction on public gatherings indoors in a Level 1 area** **S**

7.—(1) A person must not participate in a gathering in a public place indoors located in a Level 1 area, unless the gathering—

- (a) consists of no more than six persons from no more than two households,
- (b) is for the purpose of—
  - (i) work or providing voluntary or charitable services,
  - (ii) childcare, education or training,
  - (iii) attending a place of worship,
  - (iv) providing care or assistance to a vulnerable person,
  - (v) providing emergency or medical assistance,
  - (vi) avoiding injury, illness or escaping a risk of harm,
  - (vii) facilitating a house move,
  - (viii) facilitating shared parenting arrangements,
  - (ix) participating in legal proceedings or fulfilling a legal obligation,
  - (x) donating blood,
  - (xi) accessing public services, including—
    - (aa) social services,
    - (bb) services provided by the Department for Work and Pensions,
    - (cc) services provided to victims (such as victims of crime),
  - (xii) an organised activity,
  - (xiii) organised exercise which—

**Status:** Point in time view as at 02/11/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020. (See end of Document for details)

- (aa) is not a contact sport, or
  - (bb) is for persons under 18 years of age,
  - (c) relates to a funeral, marriage ceremony or civil partnership registration, or
  - (d) 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 sub-paragraph (1)(a), 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.
- (3) For the purpose of sub-paragraph (1)(b)(xii) and (xiii), an activity or exercise is “organised” if—
- (a) it is organised by—
    - (i) a person who is responsible for carrying on a business or providing a service,
    - (ii) a person who is responsible for a place of worship,
    - (iii) a charity or other not for profit organisation,
    - (iv) a club or political organisation, or
    - (v) the governing body of a sport or other activity, and
  - (b) the organiser has taken such measures described in paragraph 4(1)(a) and (b) as are relevant to the particular activity or exercise, taking into account any relevant guidance issued by the Scottish Ministers.

#### Commencement Information

**I15** Sch. 2 para. 7 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

### Restriction on public gatherings outdoors in a Level 1 area **S**

**8.—(1)** A person must not participate in a gathering in a public place outdoors located in a Level 1 area, unless the gathering—

- (a) consists, in the period to 18 November 2020, of no more than six persons from no more than two households, and from 19 November 2020, of no more than eight persons from no more than three households,
- (b) consists, in the period to 18 November 2020, of no more than six persons who are all under 18 years of age, and from 19 November 2020, of no more than eight such persons, where at least one person in the gathering has attained 12 years of age but has not attained 18 years of age,
- (c) consists of persons who are all under 12 years of age,
- (d) is for the purpose of—
  - (i) work or providing voluntary or charitable services,
  - (ii) childcare, education or training,
  - (iii) attending a place of worship,
  - (iv) providing care or assistance to a vulnerable person,
  - (v) providing emergency or medical assistance,

- (vi) avoiding injury, illness or escaping a risk of harm,
  - (vii) facilitating a house move,
  - (viii) facilitating shared parenting arrangements,
  - (ix) participating in legal proceedings or fulfilling a legal obligation,
  - (x) donating blood,
  - (xi) accessing public services, including—
    - (aa) social services,
    - (bb) services provided by the Department for Work and Pensions,
    - (cc) services provided to victims (such as victims of crime),
  - (xii) an organised activity which is not a public procession,
  - (xiii) organised exercise,
  - (e) relates to a funeral, marriage ceremony or civil partnership registration, or
  - (f) 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 sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of persons or households participating in a gathering.
- (3) For the purpose of sub-paragraph (1)(d)(xii) and (xiii), an activity or exercise is “organised” if—
- (a) it is organised by—
    - (i) a person who is responsible for carrying on a business or providing a service,
    - (ii) a person who is responsible for a place of worship,
    - (iii) a charity or other not for profit organisation,
    - (iv) a club or political organisation, or
    - (v) the governing body of a sport or other activity, and
  - (b) the organiser has taken such measures described in paragraph 4(1)(a) and (b) as are relevant to the particular activity or exercise, taking into account any relevant guidance issued by the Scottish Ministers.

#### **Commencement Information**

**I16** Sch. 2 para. 8 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### **Restriction on gatherings in private dwellings in a Level 1 area** S

**9.—(1)** A person must not attend a gathering in a private dwelling located in a Level 1 area, 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—

**Status:** Point in time view as at 02/11/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020. (See end of Document for details)

- (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) providing care or assistance to a vulnerable person,
    - (iv) providing emergency or medical assistance,
    - (v) avoiding injury, illness or escaping a risk of harm,
    - (vi) facilitating a house move,
    - (vii) facilitating shared parenting arrangements,
    - (viii) fulfilling a legal obligation,
  - (d) relates to 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 sub-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.

#### Commencement Information

**I17** Sch. 2 para. 9 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

## SCHEDULE 3 **S**

Regulation 3(3)

### Level 2 Restrictions

## PART 1 **S**

### Closure of Premises

#### Requirement to close certain premises in a Level 2 area to members of the public **S**

**1.—(1)** A person who is responsible for carrying on a listed business located in a Level 2 area must—

- (a) close to members of the public any premises operated as part of the business, and
- (b) not carry on business at such premises otherwise than in accordance with this regulation.

**(2)** In sub-paragraph (1), “listed business” means—

- (a) a nightclub, dance hall or discotheque,
- (b) a concert hall,



- (c) any other venue which—
    - (i) normally opens at night,
    - (ii) has a dance floor or other space for dancing or spectating by members of the public (and for these purposes, members of staff of the venue in question are to be considered members of the public), and
    - (iii) provides music, whether live or recorded,
  - (d) a sexual entertainment venue,
  - (e) an indoor or outdoor theatre,
  - (f) a comedy club,
  - (g) a soft play centre,
  - (h) a sports stadium,
  - (i) a conference or exhibition centre,
  - (j) a snooker or pool hall,
  - (k) a bowling alley,
  - (l) a casino,
  - (m) a funfair <sup>F1</sup>....
- (3) Sub-paragraph (1) does not prevent the use of—
- (a) premises, while those premises remain closed to members of the public, to—
    - (i) record a performance or sporting event,
    - (ii) broadcast a performance or sporting event to persons outside the premises, whether over the internet or as part of a radio or television broadcast, or
    - (iii) rehearse, train, practise or otherwise prepare for a performance or sporting event,
  - (b) premises of a listed business in sub-paragraph (2)(b), (e), or (h) for education or training purposes,
  - (c) premises of a listed business in sub-paragraph (2)(h) for providing voluntary or charitable services,
  - (d) premises of a listed business in sub-paragraph (2)(a), (b), (c), (e), (f), (h) or (i) for any purpose requested by the Scottish Ministers, a health board, a local authority or the Scottish Courts and Tribunals Service,
  - (e) any suitable premises to host blood donation sessions,
  - (f) any suitable premises that are used for the purposes of professional sport.
- (4) 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.
- (5) Sub-paragraph (1) does not prevent the use of premises for a drive-in event.
- (6) If a listed business (“business A”) forms part of a larger business (“business B”) the person responsible for carrying on business B complies with the requirement in sub-paragraph (1)(a) if it closes down business A.
- (7) In sub-paragraph (2), “sexual entertainment venue” has the meaning given by section 45A of the Civic Government (Scotland) Act 1982 <sup>M11</sup>.

**Status:** Point in time view as at 02/11/2020.

**Changes to legislation:** There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020*. (See end of Document for details)

#### Textual Amendments

**F1** Words in sch. 3 para. 1(2)(m) omitted (2.11.2020 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment Regulations 2020 \(S.S.I. 2020/347\)](#), regs. 1, 2

#### Commencement Information

**I18** Sch. 3 para. 1 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Marginal Citations

**M11** [1982 c.45](#). Section 45A was inserted by the [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [section 76\(3\)](#).

### Requirement to cease mobile close contact services in a Level 2 area **S**

2.—(1) A person who provides a close contact service must not provide that service in a Level 2 area as a mobile close contact service.

(2) For the purposes of this paragraph—

(a) a “close contact service” means:

- (i) beauty and nail services (including make-up services),
- (ii) hair removal services,
- (iii) tattoo, piercing and body modification services,
- (iv) fashion design, dress-fitting and tailoring services,
- (v) indoor portrait photography and art services,
- (vi) massage therapies,
- (vii) complementary and alternative medicine services requiring physical contact or close physical proximity between persons, but not osteopathy and chiropractic services,
- (viii) spa and wellness services,
- (ix) other services or procedures which require physical contact or close physical proximity between a provider and a customer and are not ancillary to medical, health, or social care services.

(b) a “mobile close contact service” means a close contact service which is provided at a location other than—

- (i) fixed business premises which have as one of their uses the provision of the service,
- (ii) a room which is used exclusively for the provision of the service and is situated within a private dwelling, hospice, or other care setting.

#### Commencement Information

**I19** Sch. 3 para. 2 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

## PART 2 **S**

### Other restrictions on business

#### **Requirement for seated food and drink sale and consumption in food and drink businesses in a Level 2 area **S****

3.—(1) A person who is responsible for carrying on a food and drink business in a Level 2 area may sell food or drink for consumption on the premises only if—

- (a) where reasonably practicable, the food or drink is ordered by, and served to, a customer who is seated on the premises, and
- (b) the customer remains seated whilst consuming the food or drink on the premises.

(2) For the purposes of sub-paragraph (1), an area adjacent to the premises of the food and drink business, where seating is made available for customers of the business (whether or not by the business), or which its customers habitually use for consumption of food or drink served by the business, is to be treated as part of the premises of that business.

(3) If a food and drink business (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirements in sub-paragraph (1) if that person complies with the requirements in relation to business A.

(4) Sub-paragraph (1) is subject to the closure of drinks-only public house businesses in paragraph 4, the restriction on opening hours in paragraph 5 and the restrictions on sale and consumption of alcohol in paragraph 6.

#### **Commencement Information**

**I20** Sch. 3 para. 3 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### **Closure of drinks-only public house businesses in a Level 2 area **S****

4.—(1) A person who is responsible for carrying on a drinks-only public house business in a Level 2 area must—

- (a) close to members of the public any premises operated as part of the business, and
- (b) not carry on business at such premises otherwise than in accordance with this paragraph.

(2) Sub-paragraph (1) does not prevent food or drink being sold for consumption off the premises.

(3) For the purposes of this paragraph, a “drinks-only public house business” means any public house which does not have available on its premises facilities to allow the preparation and service of a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal.

(4) For the purposes of sub-paragraph (1), an area adjacent to the premises of the drinks-only public house business, where seating is made available for customers of the business (whether or not by the business), or which its customers habitually use for consumption of food or drink served by the business, is to be treated as part of the premises of that business.

(5) If a drinks-only public house business (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirements in sub-paragraph (1) if that person complies with the requirements in relation to business A.

**Status:** Point in time view as at 02/11/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020. (See end of Document for details)

### Commencement Information

**I21** Sch. 3 para. 4 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

### Restricted opening hours for food and drink businesses in a Level 2 area **S**

**5.—(1)** Subject to paragraph 7, a person who is responsible for carrying on a food and drink business in a Level 2 area (other than one to which paragraph 4 applies) must, in relation to any premises, or parts of the premises, which are indoors—

- (a) between the hours of 1900 and 0600, cease to admit any additional customers to the premises,
- (b) between the hours of 2000 and 0600—
  - (i) close any premises, or parts of the premises, in which food or drink are sold for consumption on those premises, to members of the public,
  - (ii) cease selling food or drink for consumption on those premises,
  - (iii) not permit consumption of food or drink on those premises by members of the public.

**(2)** Subject to paragraph 7, a person who is responsible for carrying on a food and drink business in a Level 2 area (other than one to which paragraph 4 applies) must, in relation to any premises, or parts of the premises, which are outdoors—

- (a) between the hours of 2130 and 0600, cease to admit any additional customers to the premises,
- (b) between the hours of 2230 and 0600—
  - (i) close any premises, or parts of the premises, in which food or drink are sold for consumption on those premises, to members of the public,
  - (ii) cease selling food or drink for consumption on those premises,
  - (iii) not permit consumption of food or drink on those premises by members of the public.

**(3)** Sub-paragraphs (1) and (2) do not prevent food or drink being sold—

- (a) for consumption off the premises,
- (b) by a hotel or other accommodation for consumption as part of room service,
- (c) by a hotel or other accommodation between the hours of 0600 and 2200 for consumption by its residents in any other area of the hotel or accommodation,
- (d) in a cinema to its customers for consumption in any of its auditoriums,
- (e) to customers attending a drive-in event for consumption at the event,
- (f) for consumption in a cafe, dining hall or canteen at—
  - (i) a hospital or care home,
  - (ii) a school or student accommodation,
  - (iii) a prison,
  - (iv) 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, or
  - (v) a workplace canteen where—
    - (aa) there is no practical alternative for staff at that workplace to obtain food, and
    - (bb) so far as reasonably possible, a distance of at least two metres can be maintained between any person using the canteen,

- (g) for consumption in premises providing food or drink to homeless persons,
  - (h) for consumption in premises which are airside at an airport,
  - (i) for consumption in premises which are on a ferry.
- (4) Sub-paragraph (3)(c) does not apply in relation to the sale of alcohol by a hotel or other accommodation to its residents between 2000 and 0600.
- (5) Sub-paragraph (3)(d) to (i) does not apply in relation to the sale of alcohol.
- (6) Sub-paragraph (1) does not prevent—
- (a) the consumption of food or drink by a resident of a hotel in their private room,
  - (b) the consumption of food or drink by members of the public in any of the premises described in sub-paragraph (3)(d) to (i).
- (7) For the purposes of sub-paragraph (1), an area adjacent to the premises of the food and drink business, where seating is made available for customers of the business (whether or not by the business), or which its customers habitually use for consumption of food or drink served by the business, is to be treated as part of the premises of that business.
- (8) If a food and drink business (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirements in sub-paragraph (1) or (2) if that person complies with the requirements in relation to business A.

**Commencement Information**

**I22** Sch. 3 para. 5 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

**Restrictions on sale and consumption of alcohol in food and drink businesses in a Level 2 area** **S**

- 6.—**(1) Subject to paragraph 7, a person who is responsible for carrying on a food and drink business in a Level 2 area (other than one to which paragraph 4 applies) must—
- (a) cease selling or supplying alcohol for consumption on any part of its premises indoors, and
  - (b) not permit consumption of alcohol on any part of its premises indoors.
- (2) Sub-paragraph (1) does not apply if alcohol is served for consumption on the premises indoors ancillary to the taking of a table meal, and the meal—
- (a) has been prepared on the premises, and
  - (b) is such as might be expected to be served as the main midday or main evening meal (irrespective of the actual time of service), or as a main course at either such meal.
- (3) For the purposes of this paragraph, a table meal means a meal eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purposes of a table.
- (4) Sub-paragraph (1) does not apply if—
- (a) the sale of alcohol is by a hotel or other accommodation as part of room service, or
  - (b) consumption of alcohol is by a resident of a hotel in their private room.

**Commencement Information**

**I23** Sch. 3 para. 6 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

**Status:** Point in time view as at 02/11/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020. (See end of Document for details)

### Special opening hours for certain services **S**

7.—(1) Where sub-paragraph (3) applies, the requirements in paragraph 5 (restricted opening hours for food and drink businesses in a Level 2 area) apply with the following modifications:—

- (a) sub-paragraph (1)(a) is omitted,
- (b) in sub-paragraph (1)(b), for “2000” substitute “ 2200 ”,
- (c) sub-paragraph (2)(a) is omitted,
- (d) sub-paragraphs (3) and (4) are omitted.

(2) Where sub-paragraph (3) applies, the requirements in paragraph 6 (restrictions on sale and consumption of alcohol in food and drink businesses in a Level 2 area) do not apply.

(3) This sub-paragraph applies where a food and drink business located in a Level 2 area is providing services in connection with—

- (a) a marriage ceremony or civil partnership registration, or
- (b) a funeral.

#### Commencement Information

**I24** Sch. 3 para. 7 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

### Requirement to take measures to minimise risk of exposure to coronavirus in a Level 2 area **S**

8.—(1) A person who is responsible for a place of worship, carrying on a business or providing a service in a Level 2 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 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 sub-paragraph (1)(a)(i) and (iii) are—

- (a) two or more members of the same household,
- (b) a carer and the person assisted by that 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 paragraph—

“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 <sup>M12</sup>,
- (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 <sup>M13</sup>,

“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 <sup>M14</sup>.

(4) In the definition of “required distance” in sub-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.

#### Commencement Information

**I25** Sch. 3 para. 8 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Marginal Citations

**M12** 2016 asp 9.

**M13** 1980 c.44.

**M14** Section 1(5)(a) was amended by the [Education \(Scotland\) Act 1981 \(c.58\)](#), [section 3\(1\)\(a\)](#), by the [Standards in Scotland's Schools etc. Act 2000 \(asp 6\)](#), [schedule 3](#), and by the [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), [schedule 5](#), paragraph 2(2)(c).

### Guidance on minimising exposure to coronavirus in a Level 2 area **S**

**9.—(1)** A person who is responsible for a place of worship, carrying on a business or providing a service in a Level 2 area must have regard to guidance issued by the Scottish Ministers about measures which should be taken in accordance with paragraph 8(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).

**Status:** Point in time view as at 02/11/2020.

**Changes to legislation:** There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020*. (See end of Document for details)

(3) Regulation 4 (enforcement of requirements) does not apply to a contravention of the requirement in sub-paragraph (1).

#### Commencement Information

**I26** Sch. 3 para. 9 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Requirement to collect and share information in a Level 2 area: restaurants, cafes, bars, public houses, etc. **S**

**10.**—(1) A person who is responsible for a relevant hospitality premises in a Level 2 area 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) Sub-paragraph (1) does not apply in relation to a visitor to the premises who is there solely for the purpose of purchasing or collecting food or drink for consumption off the premises.

(3) 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.

(4) In this paragraph—

“public health officer” has the meaning given by paragraph 3(2)(b) of schedule 21 of the Coronavirus Act 2020 <sup>M15</sup>,

“relevant hospitality premises” means—

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

#### Commencement Information

**I27** Sch. 3 para. 10 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Marginal Citations

**M15** 2020 c.7.



## PART 3 S

### Restrictions on gatherings

#### Restriction on public gatherings indoors in a Level 2 area S

11.—(1) A person must not participate in a gathering in a public place indoors located in a Level 2 area, unless the gathering—

- (a) consists of no more than six persons from no more than two households,
- (b) is for the purpose of—
  - (i) work or providing voluntary or charitable services,
  - (ii) childcare, education or training,
  - (iii) attending a place of worship,
  - (iv) providing care or assistance to a vulnerable person,
  - (v) providing emergency or medical assistance,
  - (vi) avoiding injury, illness or escaping a risk of harm,
  - (vii) facilitating a house move,
  - (viii) facilitating shared parenting arrangements,
  - (ix) participating in legal proceedings or fulfilling a legal obligation,
  - (x) donating blood,
  - (xi) accessing public services, including—
    - (aa) social services,
    - (bb) services provided by the Department for Work and Pensions,
    - (cc) services provided to victims (such as victims of crime),
  - (xii) an organised activity which is for persons under 18 years of age,
  - (xiii) organised exercise which—
    - (aa) is not a contact sport, or
    - (bb) is for persons under 18 years of age,
- (c) relates to a funeral, marriage ceremony or civil partnership registration, or
- (d) 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 sub-paragraph (1)(a), 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.

(3) For the purpose of sub-paragraph (1)(b)(xii) and (xiii), an activity or exercise is “organised” if—

- (a) it is organised by—
  - (i) a person who is responsible for carrying on a business or providing a service,
  - (ii) a person who is responsible for a place of worship,
  - (iii) a charity or other not for profit organisation,
  - (iv) a club or political organisation, or

**Status:** Point in time view as at 02/11/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020. (See end of Document for details)

- (v) the governing body of a sport or other activity, and
- (b) the organiser has taken such measures described in paragraph 8(1)(a) and (b) as are relevant to the particular activity or exercise, taking into account any relevant guidance issued by the Scottish Ministers.

#### Commencement Information

**I28** Sch. 3 para. 11 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

### Restriction on public gatherings outdoors in a Level 2 area **S**

**12.—(1)** A person must not participate in a gathering in a public place outdoors located in a Level 2 area, unless the gathering—

- (a) consists of no more than six persons from no more than two households,
- (b) consists of no more than six persons who are all under 18 years of age, where at least one person in the gathering has attained 12 years of age but has not attained 18 years of age,
- (c) consists of persons who are all under 12 years of age,
- (d) is for the purpose of—
  - (i) work or providing voluntary or charitable services,
  - (ii) childcare, education or training,
  - (iii) attending a place of worship,
  - (iv) providing care or assistance to a vulnerable person,
  - (v) providing emergency or medical assistance,
  - (vi) avoiding injury, illness or escaping a risk of harm,
  - (vii) facilitating a house move,
  - (viii) facilitating shared parenting arrangements,
  - (ix) participating in legal proceedings or fulfilling a legal obligation,
  - (x) donating blood,
  - (xi) accessing public services, including—
    - (aa) social services,
    - (bb) services provided by the Department for Work and Pensions,
    - (cc) services provided to victims (such as victims of crime),
  - (xii) an organised activity which is not a public procession,
  - (xiii) organised exercise,
- (e) relates to a funeral, marriage ceremony or civil partnership registration, or
- (f) 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 sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of persons or households participating in a gathering.

(3) For the purpose of sub-paragraph (1)(d)(xii) and (xiii), an activity or exercise is “organised” if—

- (a) it is organised by—
  - (i) a person who is responsible for carrying on a business or providing a service,
  - (ii) a person who is responsible for a place of worship,
  - (iii) a charity or other not for profit organisation,
  - (iv) a club or political organisation, or
  - (v) the governing body of a sport or other activity, and
- (b) the organiser has taken such measures described in paragraph 8(1)(a) and (b) as are relevant to the particular activity or exercise, taking into account any relevant guidance issued by the Scottish Ministers.

#### Commencement Information

**I29** Sch. 3 para. 12 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

### Restriction on gatherings in private dwellings in a Level 2 area **S**

**13.**—(1) A person must not attend a gathering in a private dwelling located in a Level 2 area, 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) providing care or assistance to a vulnerable person,
  - (iv) providing emergency or medical assistance,
  - (v) avoiding injury, illness or escaping a risk of harm,
  - (vi) facilitating a house move,
  - (vii) facilitating shared parenting arrangements,
  - (viii) fulfilling a legal obligation,
- (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 sub-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.

**Status:** Point in time view as at 02/11/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020. (See end of Document for details)

**Commencement Information**

**I30** Sch. 3 para. 13 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

SCHEDULE 4 **S**

Regulation 3(4)

Level 3 Restrictions

**PART 1 S**

Closure of Premises

**Requirement to close certain premises in a Level 3 area to members of the public S**

1.—(1) A person who is responsible for carrying on a listed business located in a Level 3 area must—

- (a) close to members of the public any premises operated as part of the business, and
- (b) not carry on business at such premises otherwise than in accordance with this regulation.

(2) In sub-paragraph (1), “listed business” means—

- (a) a cinema,
- (b) a nightclub, dance hall or discotheque,
- (c) a concert hall,
- (d) any other venue which—
  - (i) normally opens at night,
  - (ii) has a dance floor or other space for dancing or spectating by members of the public (and for these purposes, members of staff of the venue in question are to be considered members of the public), and
  - (iii) provides music, whether live or recorded,
- (e) a sexual entertainment venue,
- (f) an indoor or outdoor theatre,
- (g) a comedy club,
- (h) a soft play centre,
- (i) a sports stadium,
- (j) a conference or exhibition centre,
- (k) a snooker or pool hall,
- (l) a bowling alley,
- (m) a casino,
- (n) a bingo hall,
- (o) a funfair,
- (p) an amusement arcade,

(3) Sub-paragraph (1) does not prevent the use of—

- (a) premises, while those premises remain closed to members of the public, to—
    - (i) record a performance or sporting event,
    - (ii) broadcast a performance or sporting event to persons outside the premises, whether over the internet or as part of a radio or television broadcast, or
    - (iii) rehearse, train, practise or otherwise prepare for a performance or sporting event,
  - (b) premises of a listed business in sub-paragraph (2)(c), (f), or (i) for education or training purposes,
  - (c) premises of a listed business in sub-paragraph (2)(i) for providing voluntary or charitable services,
  - (d) premises of a listed business in sub-paragraph (2)(a), (b), (c), (d), (f), (g), (i), or (j) for any purpose requested by the Scottish Ministers, a health board, a local authority or the Scottish Courts and Tribunals Service,
  - (e) any suitable premises to host blood donation sessions,
  - (f) any suitable premises that are used for the purposes of professional sport.
- (4) 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 7.
- (5) If a listed business (“business A”) forms part of a larger business (“business B”) the person responsible for carrying on business B complies with the requirement in sub-paragraph (1)(a) if it closes down business A.
- (6) In sub-paragraph (2), “sexual entertainment venue” has the meaning given by section 45A of the Civic Government (Scotland) Act 1982<sup>M16</sup>.

#### Commencement Information

**I31** Sch. 4 para. 1 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Marginal Citations

**M16** 1982 c.45. Section 45A was inserted by the [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\), section 76\(3\)](#).

## Requirement to cease mobile close contact services in a Level 3 area **S**

2.—(1) A person who provides a close contact service must not provide that service in a Level 3 area as a mobile close contact service.

(2) For the purposes of this paragraph—

- (a) a “close contact service” means:
  - (i) beauty and nail services (including make-up services),
  - (ii) hair removal services,
  - (iii) tattoo, piercing and body modification services,
  - (iv) fashion design, dress-fitting and tailoring services,
  - (v) indoor portrait photography and art services,
  - (vi) massage therapies,
  - (vii) complementary and alternative medicine services requiring physical contact or close physical proximity between persons, but not osteopathy and chiropractic services,
  - (viii) spa and wellness services,

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- (ix) other services or procedures which require physical contact or close physical proximity between a provider and a customer and are not ancillary to medical, health, or social care services.
- (b) a “mobile close contact service” means a close contact service which is provided at a location other than—
  - (i) fixed business premises which have as one of their uses the provision of the service,
  - (ii) a room which is used exclusively for the provision of the service and is situated within a private dwelling, hospice, or other care setting.

**Commencement Information**

**I32** Sch. 4 para. 2 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

## **PART 2** **S**

### Other restrictions on business

#### **Requirement for seated food and drink sale and consumption in food and drink businesses in a Level 3 area** **S**

**3.—**(1) A person who is responsible for carrying on a food and drink business in a Level 3 area may sell food or drink for consumption on the premises only if—

- (a) where reasonably practicable, the food or drink is ordered by, and served to, a customer who is seated on the premises, and
- (b) the customer remains seated whilst consuming the food or drink on the premises.

(2) For the purposes of sub-paragraph (1), an area adjacent to the premises of the food and drink business, where seating is made available for customers of the business (whether or not by the business), or which its customers habitually use for consumption of food or drink served by the business, is to be treated as part of the premises of that business.

(3) If a food and drink business (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirements in sub-paragraph (1) if that person complies with the requirements in relation to business A.

(4) Sub-paragraph (1) is subject to the restrictions in paragraphs 4 and 5.

**Commencement Information**

**I33** Sch. 4 para. 3 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### **Closure of drinks-only public house businesses in a Level 3 area** **S**

**4.—**(1) A person who is responsible for carrying on a drinks-only public house business in a Level 3 area must—

- (a) close to members of the public any premises operated as part of the business, and
  - (b) not carry on business at such premises otherwise than in accordance with this paragraph.
- (2) Sub-paragraph (1) does not prevent food or drink being sold for consumption off the premises.

(3) For the purposes of this paragraph, a “drinks-only public house business” means any public house which does not have available on its premises facilities to allow the preparation and service of a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal.

(4) For the purposes of sub-paragraph (1), an area adjacent to the premises of the drinks-only public house business, where seating is made available for customers of the business (whether or not by the business), or which its customers habitually use for consumption of food or drink served by the business, is to be treated as part of the premises of that business.

(5) If a drinks-only public house business (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirements in sub-paragraph (1) if that person complies with the requirements in relation to business A.

#### Commencement Information

**I34** Sch. 4 para. 4 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

### Restrictions on food and drink businesses in a Level 3 area **S**

5.—(1) Subject to paragraph 6, a person who is responsible for carrying on a food and drink business in a Level 3 area (other than one to which paragraph 4 applies) must—

- (a) cease selling or supplying alcohol for consumption on any part of its premises,
- (b) not permit consumption of alcohol on any part of its premises,
- (c) between the hours of 1700 and 0600, cease to admit any additional customers to the premises,
- (d) between the hours of 1800 and 0600—
  - (i) close any premises, or parts of the premises, in which food or drink are sold for consumption on those premises, to members of the public,
  - (ii) cease selling food or drink for consumption on those premises,
  - (iii) not permit consumption of food or drink on those premises by members of the public.

(2) Sub-paragraph (1) does not prevent food or drink being sold—

- (a) for consumption off the premises,
- (b) by a hotel or other accommodation for consumption as part of room service,
- (c) by a hotel or other accommodation between the hours of 0600 and 2200 for consumption by its residents in any other area of the hotel or accommodation,
- (d) for consumption in a cafe, dining hall or canteen at—
  - (i) a hospital or care home,
  - (ii) a school or student accommodation,
  - (iii) a prison,
  - (iv) 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, or
  - (v) a workplace canteen where—
    - (aa) there is no practical alternative for staff at that workplace to obtain food, and
    - (bb) so far as reasonably possible, a distance of at least two metres can be maintained between any person using the canteen,
- (e) for consumption in premises providing food or drink to homeless persons,

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- (f) for consumption in premises which are airside at an airport,
  - (g) premises which are on a ferry.
- (3) Sub-paragraph (2)(c) does not apply in relation to the sale of alcohol by a hotel or other accommodation to its residents between 1800 and 0600.
- (4) Sub-paragraph (2)(d) to (g) does not apply in relation to the sale of alcohol.
- (5) Sub-paragraph (1) does not prevent—
- (a) the consumption of food or drink by a resident of a hotel in their private room,
  - (b) the consumption of food or drink by members of the public in any of the premises described in sub-paragraph (2)(d) to (g).
- (6) For the purposes of sub-paragraph (1), an area adjacent to the premises of the food and drink business, where seating is made available for customers of the business (whether or not by the business), or which its customers habitually use for consumption of food or drink served by the business, is to be treated as part of the premises of that business.
- (7) If a food and drink business (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirements in sub-paragraph (1) if that person complies with the requirements in relation to business A.

#### Commencement Information

**I35** Sch. 4 para. 5 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Exceptions to food and drink business restrictions for certain services **S**

- 6.—(1) Where sub-paragraph (2) applies, the requirements in paragraph 5 (restrictions on food and drink businesses in a Level 3 area) apply with the following modifications—
- (a) sub-paragraph (1)(a) to (c) is omitted,
  - (b) in sub-paragraph (1)(d), for “1800” substitute “ 2200 ”,
  - (c) sub-paragraphs (2) and (3) are omitted.
- (2) This sub-paragraph applies where a food and drink business located in a Level 3 area is providing services in connection with—
- (a) a marriage ceremony or civil partnership registration, or
  - (b) a funeral.

#### Commencement Information

**I36** Sch. 4 para. 6 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Requirement to take measures to minimise risk of exposure to coronavirus in a Level 3 area **S**

- 7.—(1) A person who is responsible for a place of worship, carrying on a business or providing a service in a Level 3 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),



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- (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 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 sub-paragraph (1)(a)(i) and (iii) are—
  - (a) two or more members of the same household,
  - (b) a carer and the person assisted by that 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 paragraph—

“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 <sup>M17</sup>,
  - (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 <sup>M18</sup>,

“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 <sup>M19</sup>.
- (4) In the definition of “required distance” in sub-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.

**Status:** Point in time view as at 02/11/2020.

**Changes to legislation:** There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020*. (See end of Document for details)

#### Commencement Information

**I37** Sch. 4 para. 7 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Marginal Citations

**M17** 2016 asp 9.

**M18** 1980 c.44.

**M19** 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).

### Guidance on minimising exposure to coronavirus **S**

**8.—(1)** A person who is responsible for a place of worship, carrying on a business or providing a service in a Level 3 area must have regard to guidance issued by the Scottish Ministers about measures which should be taken in accordance with paragraph 7(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 4 (enforcement of requirements) does not apply to a contravention of the requirement in sub-paragraph (1).

#### Commencement Information

**I38** Sch. 4 para. 8 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

**9.—(1)** A person who is responsible for a relevant hospitality premises in a Level 3 area 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) Sub-paragraph (1) does not apply in relation to a visitor to the premises who is there solely for the purpose of purchasing or collecting food or drink for consumption off the premises.

(3) 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.

(4) In this paragraph—

“public health officer” has the meaning given by paragraph 3(2)(b) of schedule 21 of the Coronavirus Act 2020<sup>M20</sup>,

“relevant hospitality premises” means—

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

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#### Commencement Information

**I39** Sch. 4 para. 9 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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#### Marginal Citations

**M20** 2020 c.7.

## PART 3 **S**

### Restrictions on gatherings

#### Restriction on public gatherings indoors in protected Level 3 area **S**

**10.**—(1) A person must not participate in a gathering in a public place indoors located in a Level 3 area, unless the gathering—

- (a) consists of no more than six persons from no more than two households,
- (b) is for the purpose of—
  - (i) work or providing voluntary or charitable services,
  - (ii) childcare, education or training,
  - (iii) attending a place of worship,
  - (iv) providing care or assistance to a vulnerable person,
  - (v) providing emergency or medical assistance,
  - (vi) avoiding injury, illness or escaping a risk of harm,
  - (vii) facilitating a house move,
  - (viii) facilitating shared parenting arrangements,
  - (ix) participating in legal proceedings or fulfilling a legal obligation,
  - (x) donating blood,
  - (xi) accessing public services, including—
    - (aa) social services,
    - (bb) services provided by the Department for Work and Pensions,

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- (cc) services provided to victims (such as victims of crime),
  - (xii) an organised activity which is for persons under 18 year of age,
  - (xiii) organised exercise which is for persons under 18 years of age,
  - (c) relates to a funeral, marriage ceremony or civil partnership registration, or
  - (d) 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 sub-paragraph (1)(a), 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.
- (3) For the purpose of sub-paragraph (1)(b)(xii) and (xiii), an activity or exercise is “organised” if—
- (a) it is organised by—
    - (i) a person who is responsible for carrying on a business or providing a service,
    - (ii) a person who is responsible for a place of worship,
    - (iii) a charity or other not for profit organisation,
    - (iv) a club or political organisation, or
    - (v) the governing body of a sport or other activity, and
  - (b) the organiser has taken such measures described in paragraph 7(1)(a) and (b) as are relevant to the particular activity or exercise, taking into account any relevant guidance issued by the Scottish Ministers.

#### Commencement Information

**I40** Sch. 4 para. 10 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

### Restriction on public gatherings outdoors in a Level 3 area **S**

**11.**—(1) A person must not participate in a gathering in a public place outdoors located in a Level 3 area, unless the gathering—

- (a) consists of no more than six persons from no more than two households,
- (b) consists of no more than six persons who are all under 18 years of age, where at least one person in the gathering has attained 12 years of age but has not attained 18 years of age,
- (c) consists of persons who are all under 12 years of age,
- (d) is for the purpose of—
  - (i) work or providing voluntary or charitable services,
  - (ii) childcare, education or training,
  - (iii) attending a place of worship,
  - (iv) providing care or assistance to a vulnerable person,
  - (v) providing emergency or medical assistance,
  - (vi) avoiding injury, illness or escaping a risk of harm,
  - (vii) facilitating a house move,

- (viii) facilitating shared parenting arrangements,
  - (ix) participating in legal proceedings or fulfilling a legal obligation,
  - (x) donating blood,
  - (xi) accessing public services, including—
    - (aa) social services,
    - (bb) services provided by the Department for Work and Pensions,
    - (cc) services provided to victims (such as victims of crime),
  - (xii) an organised activity which is not a public procession,
  - (xiii) organised exercise which—
    - (aa) is not a contact sport, or
    - (bb) is for persons under 18 years of age,
  - (e) relates to a funeral, marriage ceremony or civil partnership registration, or
  - (f) 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 sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of persons or households participating in a gathering.
- (3) For the purpose of sub-paragraph (1)(d)(xii) and (xiii), an activity or exercise is “organised” if—
- (a) it is organised by—
    - (i) a person who is responsible for carrying on a business or providing a service,
    - (ii) a person who is responsible for a place of worship,
    - (iii) a charity or other not for profit organisation,
    - (iv) a club or political organisation, or
    - (v) the governing body of a sport or other activity, and
  - (b) the organiser has taken such measures described in paragraph 7(1)(a) and (b) as are relevant to the particular activity or exercise, taking into account any relevant guidance issued by the Scottish Ministers.

#### **Commencement Information**

**I41** Sch. 4 para. 11 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### **Restriction on gatherings in private dwellings in a Level 3 area** **S**

**12.—**(1) A person must not attend a gathering in a private dwelling located in a Level 3 area, 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—

**Status:** Point in time view as at 02/11/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020. (See end of Document for details)

- (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) providing care or assistance to a vulnerable person,
    - (iv) providing emergency or medical assistance,
    - (v) avoiding injury, illness or escaping a risk of harm,
    - (vi) facilitating a house move,
    - (vii) facilitating shared parenting arrangements,
    - (viii) fulfilling a legal obligation,
  - (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 sub-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.

#### Commencement Information

**I42** Sch. 4 para. 12 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

## SCHEDULE 5 **S**

Regulation 3(5)

### Level 4 Restrictions

## PART 1 **S**

### Closure of Premises

#### Requirement to close certain premises in a Level 4 area to members of the public **S**

1.—(1) A person who is responsible for carrying on a listed business located in a Level 4 area must—

- (a) close to members of the public any premises operated as part of the business, and
- (b) not carry on business at such premises otherwise than in accordance with this regulation.

(2) In sub-paragraph (1), “listed business” means—

- (a) a cinema,
- (b) a nightclub, dance hall or discotheque,

- (c) a concert hall,
  - (d) any other venue which—
    - (i) normally opens at night,
    - (ii) has a dance floor or other space for dancing or spectating by members of the public (and for these purposes, members of staff of the venue in question are to be considered members of the public) and
    - (iii) provides music, whether live or recorded,
  - (e) a sexual entertainment venue,
  - (f) an indoor or outdoor theatre,
  - (g) a comedy club,
  - (h) a museum or gallery,
  - (i) a soft play centre,
  - (j) a sports stadium,
  - (k) a conference or exhibition centre,
  - (l) a snooker or pool hall,
  - (m) a bowling alley,
  - (n) a casino,
  - (o) a betting shop,
  - (p) a bingo hall,
  - (q) a funfair,
  - (r) an amusement arcade,
  - (s) premises which provide a close contact service,
  - (t) a skating rink,
  - (u) an indoor fitness studio, gym, swimming pool or other indoor leisure centre or facility.
- (3) Sub-paragraph (1) does not prevent the use of—
- (a) premises, while those premises remain closed to members of the public, to—
    - (i) record a performance or sporting event,
    - (ii) broadcast a performance or sporting event to persons outside the premises, whether over the internet or as part of a radio or television broadcast, or
    - (iii) rehearse, train, practise or otherwise prepare for a performance or sporting event,
  - (b) premises of a listed business in sub-paragraph (2)(c), (f), or (j) for education or training purposes,
  - (c) premises of a listed business in sub-paragraph (2)(j) for providing voluntary or charitable services,
  - (d) premises of a listed business in sub-paragraph (2)(a), (b), (c), (d), (f), (g), (j) or (k) for any purpose requested by the Scottish Ministers, a health board, a local authority or the Scottish Courts and Tribunals Service,
  - (e) any suitable premises to host blood donation sessions,
  - (f) any suitable premises that are used for the purposes of professional sport.
- (4) 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.

**Status:** Point in time view as at 02/11/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020. (See end of Document for details)

(5) If a listed business (“business A”) forms part of a larger business (“business B”) the person responsible for carrying on business B complies with the requirement in sub-paragraph (1)(a) if it closes down business A.

(6) In sub-paragraph (2)—

- (a) “sexual entertainment venue” has the meaning given by section 45A of the Civic Government (Scotland) Act 1982 <sup>M21</sup>,
- (b) “close contact service” means—
  - (i) hairdressing and barber services,
  - (ii) beauty and nail services (including make-up services),
  - (iii) hair removal services,
  - (iv) tattoo, piercing and body modification services,
  - (v) fashion design, dress-fitting and tailoring services,
  - (vi) indoor portrait photography and art services,
  - (vii) massage therapies, but not sports massage provided only to professional sportspersons,
  - (viii) complementary and alternative medicine services requiring physical contact or close physical proximity between persons, but not osteopathy and chiropractic services,
  - (ix) spa and wellness services,
  - (x) other services or procedures which require physical contact or close physical proximity between a provider and a customer and are not ancillary to medical, health, or social care services.

#### Commencement Information

**I43** Sch. 5 para. 1 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Marginal Citations

**M21** 1982 c.45. Section 45A was inserted by the [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [section 76\(3\)](#).

### Requirement to close retail and library premises in a Level 4 area to members of the public **S**

2.—(1) A person who is responsible for carrying on a business which offers goods for sale or hire in a shop or provides library services in a Level 4 area must—

- (a) cease to carry on that business or provide that service except by making deliveries or otherwise providing collection services in response to orders received—
  - (i) through a website, or otherwise by on-line communication,
  - (ii) by telephone, including orders by text message, or
  - (iii) by post,
- (b) close any premises which are not required to carry out its business or provide its services as permitted by sub-paragraph (1)(a),
- (c) cease to admit any person to its premises who is not required to carry on its business or provide its services as permitted by sub-paragraph (1)(a).



(2) Sub-paragraph (1) does not apply to any business which provides hot or cold food for consumption off the premises.

(3) Sub-paragraph (1) does not apply to any of the following—

- (a) food retailers, including food markets, supermarkets, convenience stores and corner shops,
- (b) off licenses and licensed shops selling alcohol (including breweries),
- (c) pharmacies (including non-dispensing pharmacies) and chemists,
- (d) newsagents,
- (e) homeware, building supplies and hardware stores,
- (f) petrol stations,
- (g) car repair and MOT services,
- (h) bicycle shops,
- (i) taxi or vehicle hire businesses,
- (j) banks, building societies, credit unions, short-term loan providers, savings clubs, cash points and undertakings which by way of business operate a currency exchange office, transmit money (or any representation of money) by any means or cash cheques which are made payable to customers,
- (k) post offices,
- (l) funeral directors,
- (m) laundrettes and dry cleaners,
- (n) dental services, opticians, audiology services, chiropody services, chiropractors, osteopaths and other medical or health services, including services relating to mental health,
- (o) veterinary surgeons and pet shops,
- (p) agricultural supplies shops and agricultural markets,
- (q) storage and distribution facilities, including delivery drop off or collection points, where the facilities are in the premises of a business included in this sub-paragraph,
- (r) car parks,
- (s) public toilets,
- (t) livestock markets or auctions,
- (u) garden centres, plant nurseries, outdoor markets, and outdoor car lots.

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**Commencement Information**

**I44** Sch. 5 para. 2 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

**Requirement to cease providing holiday accommodation in a Level 4 area** **S**

**3.—**(1) A person who is responsible for carrying on a business in a Level 4 area consisting of the provision of holiday accommodation, whether in a hotel, hostel, bed and breakfast accommodation, holiday apartment, home, cottage or bungalow, campsite, caravan park or boarding house, must cease to carry on that business.

(2) Sub-paragraph (1) does not prevent holiday accommodation from being provided—

- (a) to any person, who—
  - (i) is unable to return to their main residence,

**Status:** Point in time view as at 02/11/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020. (See end of Document for details)

- (ii) uses that accommodation as their main residence,
- (iii) is living in that accommodation for work purposes,
- (iv) needs accommodation while moving house,
- (v) needs accommodation to attend a funeral,
- (b) to the homeless or to support services for the homeless,
- (c) to host blood donation sessions, or
- (d) for any purpose requested by the Scottish Ministers or a local authority.

#### Commencement Information

**I45** Sch. 5 para. 3 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Requirement to cease mobile close contact services in a Level 4 area **S**

**4.—(1)** A person who provides a close contact service must not provide that service in a Level 4 area as a mobile close contact service.

**(2)** For the purposes of this paragraph—

**(a)** a “close contact service” means—

- (i) hairdressing and barber services,
- (ii) beauty and nail services (including make-up services),
- (iii) hair removal services,
- (iv) tattoo, piercing and body modification services,
- (v) fashion design, dress-fitting and tailoring services,
- (vi) indoor portrait photography and art services,
- (vii) massage therapies,
- (viii) complementary and alternative medicine services requiring physical contact or close physical proximity between persons, but not osteopathy and chiropractic services,
- (ix) spa and wellness services,
- (x) other services or procedures which require physical contact or close physical proximity between a provider and a customer and are not ancillary to medical, health, or social care services.

**(b)** a “mobile close contact service” means a close contact service which is provided at a location other than—

- (i) fixed business premises which have as one of their uses the provision of the service,
- (ii) a room which is used exclusively for the provision of the service and is situated within a private dwelling, hospice, or other care setting.

#### Commencement Information

**I46** Sch. 5 para. 4 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

## PART 2 **S**

### Other restrictions on business

#### **Requirement for seated food and drink sale and consumption in food and drink businesses in a Level 4 area **S****

5.—(1) A person who is responsible for carrying on a food and drink business in a Level 4 area may sell food or drink for consumption on the premises only if—

- (a) where reasonably practicable, the food or drink is ordered by, and served to, a customer who is seated on the premises, and
- (b) the customer remains seated whilst consuming the food or drink on the premises.

(2) For the purposes of sub-paragraph (1), an area adjacent to the premises of the food and drink business, where seating is made available for customers of the business (whether or not by the business), or which its customers habitually use for consumption of food or drink served by the business, is to be treated as part of the premises of that business.

(3) If a food and drink business (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirements in sub-paragraph (1) if that person complies with the requirements in relation to business A.

(4) Sub-paragraph (1) is subject to paragraph 6.

#### **Commencement Information**

**I47** Sch. 5 para. 5 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### **Closure of food and drink businesses in a Level 4 area **S****

6.—(1) A person who is responsible for carrying on a food and drink business in a Level 4 area must—

- (a) close any premises, or parts of the premises, in which food or drink are sold for consumption on those premises, to members of the public,
  - (b) cease selling food or drink for consumption on those premises,
  - (c) not permit consumption of food or drink on those premises by members of the public.
- (2) Sub-paragraph (1) does not prevent food or drink being sold—
- (a) for consumption off the premises,
  - (b) by a hotel or other accommodation for consumption as part of room service,
  - (c) by a hotel or other accommodation between the hours of 0600 and 2200 for consumption by its residents in any other area of the hotel or accommodation,
  - (d) for consumption in a cafe, dining hall or canteen at—
    - (i) a hospital or care home,
    - (ii) a school or student accommodation,
    - (iii) a prison,
    - (iv) 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, or
    - (v) a workplace canteen where—
      - (aa) there is no practical alternative for staff at that workplace to obtain food, and

**Status:** Point in time view as at 02/11/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020. (See end of Document for details)

- (bb) so far as reasonably possible, a distance of at least two metres can be maintained between any person using the canteen,
- (e) for consumption in premises providing food or drink to homeless persons,
- (f) for consumption in premises which are airside at an airport,
- (g) for consumption in premises which are on a ferry.
- (3) Sub-paragraph (2)(c) to (g) does not apply in relation to the sale of alcohol.
- (4) Sub-paragraph (1) does not prevent—
- (a) the consumption of food or drink by a resident of a hotel in their private room,
- (b) the consumption of food or drink by members of the public in any of the premises described in sub-paragraph (2)(d) to (g).
- (5) For the purposes of sub-paragraph (1), an area adjacent to the premises of the food and drink business, where seating is made available for customers of the business (whether or not by the business), or which its customers habitually use for consumption of food or drink served by the business, is to be treated as part of the premises of that business.
- (6) If a food and drink business (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirements in sub-paragraph (1) if that person complies with the requirements in relation to business A.

#### Commencement Information

**I48** Sch. 5 para. 6 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

### Exceptions to food and drink business closures for certain services **S**

- 7.—(1) Where sub-paragraph (2) applies, the requirements in paragraph 6 (closure of food and drink businesses in a level 4 area) apply with the following modifications:
- (a) in sub-paragraph (1), after “must”, insert “ between the hours of 2200 and 0600 ”,
- (b) sub-paragraphs (2) and (3) are omitted.
- (2) This sub-paragraph applies where a food and drink business located in a Level 4 area is providing services—
- (a) for the purpose of a marriage ceremony or civil partnership registration, or
- (b) in connection with a funeral.

#### Commencement Information

**I49** Sch. 5 para. 7 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

### Requirement to take measures to minimise risk of exposure to coronavirus in a Level 4 area **S**

- 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),

**Status:** Point in time view as at 02/11/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020. (See end of Document for details)

- (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 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 sub-paragraph (1)(a)(i) and (iii) are—
  - (a) two or more members of the same household,
  - (b) a carer and the person assisted by that 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 paragraph—

“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 <sup>M22</sup>,
  - (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 <sup>M23</sup>,

“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 <sup>M24</sup>.
- (4) In the definition of “required distance” in sub-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.

**Status:** Point in time view as at 02/11/2020.

**Changes to legislation:** There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020*. (See end of Document for details)

#### Commencement Information

**I50** Sch. 5 para. 8 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Marginal Citations

**M22** 2016 asp 9.

**M23** 1980 c.44.

**M24** 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).

### Guidance on minimising exposure to coronavirus in a Level 4 area **S**

**9.—(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 have regard to guidance issued by the Scottish Ministers about measures which should be taken in accordance with paragraph 8(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 4 (enforcement of requirements) does not apply to a contravention of the requirement in paragraph (1).

#### Commencement Information

**I51** Sch. 5 para. 9 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

### Requirement to collect and share information: restaurants, cafes, bars, public houses, etc. in a Level 4 area **S**

**10.—(1)** A person who is responsible for a relevant hospitality premises in a Level 4 area 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) Sub-paragraph (1) does not apply in relation to a visitor to the premises who is there solely for the purpose of purchasing or collecting food or drink for consumption off the premises.

(3) 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.

(4) In this paragraph—

“public health officer” has the meaning given by paragraph 3(2)(b) of schedule 21 of the Coronavirus Act 2020 <sup>M25</sup>,

“relevant hospitality premises” means—

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

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**Commencement Information**

**I52** Sch. 5 para. 10 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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**Marginal Citations**

**M25** 2020 c.7.

## **PART 3** **S**

### Restrictions on gatherings

#### **Restriction on public gatherings indoors in protected Level 4 area** **S**

**11.**—(1) A person must not participate in a gathering in a public place located in a Level 4 area, unless the gathering—

- (a) consists of no more than six persons from no more than two households,
- (b) is for the purpose of—
  - (i) work or providing voluntary or charitable services,
  - (ii) childcare, education or training,
  - (iii) attending a place of worship,
  - (iv) providing care or assistance to a vulnerable person,
  - (v) providing emergency or medical assistance,
  - (vi) avoiding injury, illness or escaping a risk of harm,
  - (vii) facilitating a house move,
  - (viii) facilitating shared parenting arrangements,
  - (ix) participating in legal proceedings or fulfilling a legal obligation,
  - (x) donating blood,
  - (xi) accessing public services, including—
    - (aa) social services,
    - (bb) services provided by the Department for Work and Pensions,

**Status:** Point in time view as at 02/11/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020. (See end of Document for details)

- (cc) services provided to victims (such as victims of crime),
- (c) relates to a funeral, marriage ceremony or civil partnership registration, or
- (d) 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 sub-paragraph (1)(a), 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.

#### Commencement Information

**I53** Sch. 5 para. 11 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Restriction on public gatherings outdoors in a Level 4 area **S**

**12.—(1)** A person must not participate in a gathering in a public place outdoors located in a Level 4 area, unless the gathering—

- (a) consists of no more than six persons from no more than two households,
- (b) consists of no more than six persons who are all under 18 years of age, where at least one person in the gathering has attained 12 years of age but has not attained 18 years of age,
- (c) consists of persons who are all under 12 years of age,
- (d) is for the purpose of—
  - (i) work or providing voluntary or charitable services,
  - (ii) childcare, education or training,
  - (iii) attending a place of worship,
  - (iv) providing care or assistance to a vulnerable person,
  - (v) providing emergency or medical assistance,
  - (vi) avoiding injury, illness or escaping a risk of harm,
  - (vii) facilitating a house move,
  - (viii) facilitating shared parenting arrangements,
  - (ix) participating in legal proceedings or fulfilling a legal obligation,
  - (x) donating blood,
  - (xi) accessing public services, including—
    - (aa) social services,
    - (bb) services provided by the Department for Work and Pensions,
    - (cc) services provided to victims (such as victims of crime),
  - (xii) organised exercise which is not a contact sport,
- (e) relates to a funeral, marriage ceremony or civil partnership registration, or
- (f) 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 sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of persons or households participating in a gathering.
- (3) For the purpose of sub-paragraph (1)(d)(xii), exercise is “organised” if—
  - (a) it is organised by—
    - (i) a person who is responsible for carrying on a business or providing a service,
    - (ii) a person who is responsible for a place of worship,
    - (iii) a charity or other not for profit organisation,
    - (iv) a club or political organisation, or
    - (v) the governing body of a sport or other activity, and
  - (b) the organiser has taken such measures described in paragraph 8(1)(a) and (b) as are relevant to the particular activity or exercise, taking into account any relevant guidance issued by the Scottish Ministers.

#### Commencement Information

**I54** Sch. 5 para. 12 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Restriction on gatherings in private dwellings in a Level 4 area **S**

- 13.**—(1) A person must not attend a gathering in a private dwelling located in a Level 4 area, 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) providing care or assistance to a vulnerable person,
    - (iv) providing emergency or medical assistance,
    - (v) avoiding injury, illness or escaping a risk of harm,
    - (vi) facilitating a house move,
    - (vii) fulfilling a legal obligation,
    - (viii) 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.

**Status:** Point in time view as at 02/11/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020. (See end of Document for details)

(2) For the purpose of sub-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.

**Commencement Information**

**I55** Sch. 5 para. 13 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

SCHEDULE 6 **S**

Regulation 3(6)

Areas

1.—(1) This is the table referred to in regulation 3(6).

(2) The entries in column 2 are references to local government areas <sup>M26</sup>.

<i>Column (1)</i>	<i>Column (2) Area</i>	<i>Column (3) Level of area</i>
1	East Ayrshire	3
2	North Ayrshire	3
3	South Ayrshire	3
4	Scottish Borders	2
5	Dumfries and Galloway	2
6	Fife	2
7	Clackmannanshire	3
8	Falkirk	3
9	Stirling	3
10	Moray	1
11	Aberdeen City	2
12	Aberdeenshire	2
13	East Renfrewshire	3
14	Inverclyde	3
15	Renfrewshire	3
16	West Dunbartonshire	3
17	East Dunbartonshire	3
18	Glasgow City	3
19	Highland	1
20	Argyll and Bute	2
21	South Lanarkshire	3
22	North Lanarkshire	3

23	East Lothian	3
24	Midlothian	3
25	City of Edinburgh	3
26	West Lothian	3
27	Orkney Islands	1
28	Shetland Islands	1
29	Angus	2
30	Dundee City	3
31	Perth and Kinross	2
32	Na h-Eileanan Siar	1

**Commencement Information**

**I56** Sch. 6 para. 1 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

**Marginal Citations**

**M26** See the [Local Government etc. \(Scotland\) Act 1994 \(c.39\)](#) (“the 1994 Act”), sections 1 and 3 and schedule 1; and the [Local Government \(Scotland\) Act 1975 \(c.65\)](#), **section 23** (as amended by the 1994 Act, schedule 13, paragraph 92(5) and the [Local Government \(Gaelic Names\) \(Scotland\) Act 1997 \(c.6\)](#), **section 1**).

SCHEDULE 7 **S**

Regulation 3

## Face Covering Requirements

**Requirement to wear face coverings on public transport** **S**

1.—(1) A person who uses a passenger transport service or passenger transport service premises must wear a face covering, unless the person is—

- (a) on a school transport service,
- (b) on a cruise ship,
- (c) a child who is under 5 years of age,
- (d) a constable acting in the course of their duty,
- (e) an emergency responder (other than a constable) acting in their capacity as an emergency responder,
- (f) providing a passenger transport service, or an employee of that person, and—
  - (i) there is a partition between the person or employee and members of the public, or
  - (ii) the wearing of a face covering would materially impede communicating with other persons about a risk of harm or for other safety purposes,
- (g) flying or otherwise operating a passenger transport service for the carriage of passengers by air,

**Status:** Point in time view as at 02/11/2020.

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- (h) on a ferry, where—
    - (i) the person is on part of the ferry which is entirely outdoors, or
    - (ii) a distance of at least two metres is maintained between the person and other persons,
  - (i) seeking medical assistance, and—
    - (i) the wearing of a face covering would materially impede the seeking of the assistance, or
    - (ii) the assistance is emergency assistance and either the person does not have a face covering with them or there is not time to put one on,
  - (j) providing care or assistance to a vulnerable person, including emergency assistance, where—
    - (i) the wearing of a face covering would materially impede the seeking of the assistance, or
    - (ii) the assistance is emergency assistance and either the person does not have a face covering with them or there is not time to put one on,
  - (k) acting to avoid injury, or illness or to escape a risk of harm, where—
    - (i) the wearing of a face covering would materially impede the seeking of the assistance, or
    - (ii) the assistance is emergency assistance and either the person does not have a face covering with them or there is not time to put one on,
  - (l) unable to put on, wear or remove a face covering—
    - (i) because of any physical or mental illness or impairment or disability (within the meaning of section 6 of the Equality Act 2010 <sup>M27</sup>), or
    - (ii) without severe distress,
  - (m) communicating with a person who has difficulties communicating (in relation to speech, language or otherwise) and relies on lip reading or facial expression to be able to communicate,
  - (n) eating or drinking,
  - (o) taking medication, the taking of which reasonably requires that the person is not wearing a face covering, or
  - (p) complying with a request by a relevant person or another person acting in the course of their duties, and in this sub-paragraph “relevant person” has the meaning given by regulation 4(11).
- (2) For the purpose of paragraph (1)—
- (a) a person uses a passenger transport service when—
    - (i) they are—
      - (aa) boarding any mode of transport by means of which a passenger transport service is provided, or
      - (bb) on board any mode of transport, whether or not for the purpose of travel, by means of which a passenger transport service is provided, and
    - (ii) that service is available for use by the public,
  - (b) a person uses passenger transport service premises when—
    - (i) they are present at premises where a passenger transport service may provide, stop or terminate their service, and
    - (ii) the part of those premises in which they are present is available for use by the public.

**Commencement Information**

**I57** Sch. 7 para. 1 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

**Marginal Citations**

**M27** 2010 c.15.

**Requirement to wear face coverings in certain indoor places** **S**

2. A person who enters or remains within a place listed in paragraph 3 must wear a face covering, unless the person is—

- (a) a child who is under 5 years of age,
- (b) a constable acting in the course of the constable's duty,
- (c) an emergency responder (other than a constable) acting in their capacity as an emergency responder,
- (d) a person who is responsible for a place listed in paragraph 3, an employee of that person or a volunteer at that place, where—
  - (i) there is a partition between the person, employee or volunteer and members of the public, or
  - (ii) a distance of at least two metres is maintained between the person, employee or volunteer and members of the public,
- (e) in a restaurant, cafe, bar or public house and seated at a table,
- (f) in a place of worship and leading an act of worship where—
  - (i) there is a partition between the person and any other person, or
  - (ii) a distance of at least two metres is maintained between the person and any other person,
- (g) at a funeral, marriage ceremony or civil partnership registration and leading the service, ceremony or registration where—
  - (i) there is a partition between the person and any other person, or
  - (ii) a distance of at least two metres is maintained between the person and any other person,
- (h) at a marriage ceremony or civil partnership registration and is one of the parties to be married or entering into a civil partnership, where—
  - (i) there is a partition between the parties and any other person, or
  - (ii) a distance of at least two metres is maintained between the parties and any other person,
- (i) seeking medical assistance, and—
  - (i) the wearing of a face covering would materially impede the seeking of the assistance, or
  - (ii) the assistance is emergency assistance and either the person does not have a face covering with them or there is not time to put one on,
- (j) providing care or assistance to a vulnerable person, including emergency assistance, where—
  - (i) the wearing of a face covering would materially impede the seeking of the assistance, or

**Status:** Point in time view as at 02/11/2020.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020. (See end of Document for details)

- (ii) the assistance is emergency assistance and either the person does not have a face covering with them or there is not time to put one on,
- (k) acting to avoid injury, or illness or to escape a risk of harm, where—
  - (i) the wearing of a face covering would materially impede the seeking of the assistance, or
  - (ii) the assistance is emergency assistance and either the person does not have a face covering with them or there is not time to put one on,
- (l) unable to put on, wear or remove a face covering—
  - (i) because of any physical or mental illness or impairment or disability (within the meaning of section 6 of the Equality Act 2010), or
  - (ii) without severe distress,
- (m) communicating with a person who has difficulties communicating (in relation to speech, language or otherwise) and relies on lip reading or facial expression to be able to communicate,
- (n) eating or drinking,
- (o) taking part in exercise of a type which reasonably requires that the person is not wearing a face covering,
- (p) taking medication, the taking of which reasonably requires that the person is not wearing a face covering,
- (q) complying with a request by a relevant person or another person acting in the course of their duties, and in this sub-paragraph “relevant person” has the meaning given by regulation 4(11),
- (r) undertaking food handling tasks, to avoid risk to the hygiene or safety of food arising from or in connection with the wearing of a face covering, or
- (s) undertaking tasks in the course of their employment, where the wearing of a face covering would cause a material risk of harm.

#### Commencement Information

**I58** Sch. 7 para. 2 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

### Places where face coverings must be worn **S**

**3.—(1)** These are the places where face coverings must be worn in accordance with paragraph 2—

- (a) any building or room used for the retail sale or hire of goods or services, including—
  - (i) restaurants, including restaurants and dining rooms in hotels or members' clubs,
  - (ii) cafes, including canteens except canteens in a school or any other place where child minding or day care of children within the meaning of paragraphs 12 and 13 of schedule 12 of the Public Services Reform (Scotland) Act 2010 <sup>M28</sup> is provided,
  - (iii) bars, including bars in hotels or members' clubs,
  - (iv) public houses,
- (b) any indoor communal area—
  - (i) in a workplace, and
  - (ii) where there are no measures in place to keep persons separated by either a—

- (aa) partition, or
  - (bb) distance of at least two metres,
  - (c) any indoor public place, or part of an indoor public place, where a marriage ceremony or civil partnership registration is taking place, including any restaurant, cafe, bar or public house for the duration of the ceremony or registration,
  - (d) amusement arcades and other indoor leisure facilities,
  - (e) banks, building societies and credit unions,
  - (f) bingo halls,
  - (g) bowling alleys,
  - (h) casinos,
  - (i) cinemas,
  - (j) community centres,
  - (k) crematoriums and funeral directors premises,
  - (l) enclosed motor vehicles while in use for a driving lesson or driving test, unless all occupants are members of the same household,
  - (m) indoor fitness studios, gyms, swimming pools or other indoor leisure centres,
  - (n) indoor funfairs,
  - (o) indoor skating rinks,
  - (p) libraries and public reading rooms,
  - (q) museums and galleries,
  - (r) places of worship,
  - (s) post offices,
  - (t) registration offices, meaning any registration office provided under section 8(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 <sup>M29</sup>, and
  - (u) storage and distribution facilities, including collection and drop off points.
- (2) In this paragraph—

“communal area” means an area where persons mingle or gather, such as—

- (a) passageways,
- (b) stairs,
- (c) lifts,
- (d) staff rooms,
- (e) training rooms,
- (f) changing rooms, or
- (g) entrances,

“motor vehicle” has the meaning given by section 185(1) of the Road Traffic Act 1988 <sup>M30</sup>, except that section 189 of that Act (exception for certain pedestrian controlled vehicles and electrically assisted pedal cycles) applies as it applies for the purposes of that Act, and

“workplace” excludes—

- (a) a school, and

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- (b) any other place where child minding or day care of children within the meaning of paragraphs 12 and 13 of schedule 12 of the Public Services Reform (Scotland) Act 2010<sup>M31</sup> is provided.

#### Commencement Information

**I59** Sch. 7 para. 3 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Marginal Citations

**M28** 2010 asp 8.

**M29** 1965 c.49. Section 8(1) was amended by section 51(3)(a) of the [Local Government etc. \(Scotland\) Act 1994](#) (c.39) and section 37(5) of the [Local Electoral Administration and Registration Services \(Scotland\) Act 2006](#) (asp 14).

**M30** 1988 c.52.

**M31** 2010 asp 8.

## SCHEDULE 8 **S**

Regulation 11

### Revocations

#### Commencement Information

**I60** Sch. 8 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

<i>Regulations revoked</i>	<i>Reference</i>
The Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020	S.S.I. 2020/279
The Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Amendment Regulations 2020	S.S.I. 2020/300
The Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Measures) (Scotland) Regulations 2020	S.S.I. 2020/318
The Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Measures) (Scotland) Amendment Regulations 2020	S.S.I. 2020/325



**Status:**

Point in time view as at 02/11/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020.