

SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 318**

**PUBLIC HEALTH**

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

*Made - - - - at 11.55 a.m. on 9th  
October 2020*  
*Laid before the Scottish Parliament - - - - at 4.00 p.m. on 9th  
October 2020*  
*Coming into force in accordance with regulation 1(1)*

The Scottish Ministers make the following Regulations in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020 <sup>M1</sup> (“the Act”) and all other powers enabling them to do so.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of coronavirus in Scotland.

The Scottish Ministers consider that the restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with paragraph 6(2) and (3) of schedule 19 of the Act, the Scottish Ministers are of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft having been laid before, and approved by, a resolution of the Scottish Parliament.

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**Marginal Citations**

**M1** [2020 c.7.](#)

**Status:** Point in time view as at 09/10/2020. This version of this

Instrument contains provisions that are not valid for this point in time.

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

## PART 1

### Introduction, application and review

#### Citation, commencement and application

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Measures) (Scotland) Regulations 2020 and come into force as follows—

- (a) except for the regulations mentioned in sub-paragraph (b), these Regulations come into force at 1800 on 9 October 2020, and
- (b) regulations 7, 11, 12, 16, and 17 come into force on 10 October 2020.

(2) These Regulations apply in—

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

(3) In paragraph (2)—

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

“Scottish airspace” means the airspace above Scotland.

#### Commencement Information

II Reg. 1 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

#### Meaning of “the protected area”

2. In these Regulations, “the protected area” means the area comprising the local government areas<sup>M2</sup> of—

- (a) City of Glasgow,
- (b) Clackmannanshire,
- (c) East Ayrshire,
- (d) East Dunbartonshire,
- (e) East Renfrewshire,
- (f) East Lothian,
- (g) Edinburgh City,
- (h) Falkirk,
- (i) Inverclyde,
- (j) Midlothian,
- (k) North Ayrshire,
- (l) North Lanarkshire,
- (m) Renfrewshire,
- (n) South Ayrshire,
- (o) South Lanarkshire,

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- (p) Stirling,
- (q) West Dunbartonshire, and
- (r) West Lothian.

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**Commencement Information**

**I2** Reg. 2 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

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**Marginal Citations**

**M2** The local government areas are listed in column 1 of part 1 of schedule 1 of the [Local Government etc. \(Scotland\) Act 1994 \(c.39\)](#).

**Effect of Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020**

3.—(1) Except for the provisions mentioned in paragraph (2) the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations<sup>M3</sup> cease to have effect from 18:00 on 9 October 2020 for the duration of the period of time that these Regulations are in force.

(2) Parts 1, regulation 4, Pars 3 and 5 of the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations cease to have effect from 10October 2020 for the duration of the period of time that these Regulations are in force.

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**Commencement Information**

**I3** Reg. 3 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

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**Marginal Citations**

**M3** [S.S.I. 2020/279](#), last amended by [S.S.I. 2020/300](#).

**Application of these Regulations**

4. These Regulations apply as follows—
- (a) Part 2 applies in the protected area only,
  - (b) Part 3 applies outside the protected area only, and
  - (c) Parts 1, 4, 5 and 6 apply both in and outside the protected area.

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**Commencement Information**

**I4** Reg. 4 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

**Interpretation**

5.—(1) In these Regulations—  
“alcohol” has the same meaning as in section 2 of the Licensing (Scotland) Act 2005<sup>M4</sup>,  
“cafe” means an establishment whose primary business activity, in the ordinary course of its business, is the sale of non-alcoholic drinks, snacks or light meals, which may be consumed on the premises,

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

“constable” has the meaning given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012 <sup>M5</sup>,

“emergency responder” has the meaning given by section 153A(6) of the Inheritance Tax Act 1984 <sup>M6</sup>,

“extended household” means two households—

- (a) which have chosen to be treated as a single household for the purpose of—
  - (i) these Regulations, or
  - (ii) the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 <sup>M7</sup>, and

- (b) have not already chosen to be treated as a single household with any other household,

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

“household” means—

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

“indoors” means a place which would be considered to be wholly or substantially enclosed for the purposes of section 4(2) of the Smoking, Health and Social Care (Scotland) Act 2005 <sup>M8</sup> under the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 <sup>M9</sup>, and

“outdoors” is to be construed accordingly,

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

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

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

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

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

- (c) accommodation in a hotel, hostel, members club, boarding house or bed and breakfast,
- (d) accommodation provided by a care home service, within the meaning of paragraph 2 of schedule 12 of the Public Services Reform (Scotland) Act 2010 <sup>M10</sup>,
- (e) accommodation for children at a residential establishment, within the meaning of section 93(1) of the Children (Scotland) Act 1995 <sup>M11</sup>,
- (f) school boarding accommodation, within the meaning of paragraph 10(5) of schedule 16 of the Coronavirus Act 2020 <sup>M12</sup>,
- (g) accommodation intended for use by the army, navy or air force,
- (h) a prison,
- (i) a young offenders institution, within the meaning of section 19(1)(b) of the Prisons (Scotland) Act 1989 <sup>M13</sup>,

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(j) secure accommodation, within the meaning of section 108 of the Criminal Justice (Scotland) Act 2016 <sup>M14</sup>, and

(k) a remand centre, within the meaning of section 19(1)(a) of the Prisons (Scotland) Act 1989,

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

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

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

#### **Commencement Information**

**I5** Reg. 5 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

#### **Marginal Citations**

**M4** 2005 asp 16.

**M5** 2012 asp 8.

**M6** 1984 c.51. Section 153A(6) was inserted by section 75 of the [Finance Act 2015 \(c.11\)](#).

**M7** [S.S.I. 2020/103](#).

**M8** 2005 asp 13.

**M9** [S.S.I. 2006/90](#).

**M10** 2010 asp 8.

**M11** 1995 c.36, relevantly amended by [S.I. 2013/1465](#).

**M12** 2020 c.7.

**M13** 1989 c.45, relevantly amended by section 23(1) of the [Criminal Justice \(Scotland\) Act 2003 \(asp 7\)](#).

**M14** 2016 asp 1.

#### **Review of requirements and restrictions**

6.—(1) The Scottish Ministers must review the need for the restrictions and requirements imposed by these Regulations by no later than 16 October 2020.

(2) As soon as the Scottish Ministers consider that any restriction or requirement set out in these Regulations is no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in Scotland with coronavirus, the Scottish Ministers must revoke that restriction or requirement.

#### **Commencement Information**

**I6** Reg. 6 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

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

## PART 2

### Measures applying within the protected area

VALID FROM 10/10/2020

#### Requirement to close certain premises in the protected area to members of the public

7.—(1) A person who is responsible for carrying on a listed business located within the protected 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 paragraph (1), “listed business” means—

- (a) a nightclub or discotheque,
- (b) a sexual entertainment venue,
- (c) an indoor theatre,
- (d) a concert hall,
- (e) a soft play centre,
- (f) a snooker hall,
- (g) a pool hall,
- (h) a bowling alley,
- (i) a casino, or
- (j) a bingo hall.

(3) 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,
  - (ii) broadcast a performance to persons outside the premises, whether over the internet or as part of a radio or television broadcast, or
  - (iii) rehearse or otherwise prepare for a performance,
- (b) any suitable premises to host blood donation sessions,
- (c) any suitable premises that are used for the purposes of professional sport.

(4) 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 regulation 17(1).

(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 paragraph (1)(a) if it closes down business A.

(6) In paragraph (2), “sexual entertainment venue” has the meaning given by section 45A of the Civil Government (Scotland) Act 1982<sup>M15</sup>.

#### Commencement Information

**I7** Reg. 7 in force at 10.10.2020, see reg. 1(1)(b)

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### Marginal Citations

**M15** 1982 c.45. Section 45A was inserted by section 76(3) of the [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#).

### Requirement to close licensed premises in the protected area

**8.—(1)** Subject to regulation 10, a person who is responsible for carrying on a business at a licensed premises located within the protected area—

- (a) must—
  - (i) close any premises, or part of the premises, in which food or drink are sold for consumption on those premises, and
  - (ii) cease selling food or drink for consumption on its premises, or
- (b) if the business sells food or drink for consumption off the premises, must cease selling food or drink for consumption on its premises.

(2) Paragraph (1) does not prevent a hotel or other commercial provider of accommodation from selling food and drink to its residents—

- (a) as part of room service, or
- (b) between the hours of 0600 and 2200 for consumption in any other area of the hotel or accommodation.

(3) Paragraph (1) does not prevent food or drink being sold or served in student accommodation to persons who live in the accommodation as their only or main residence, for consumption on its premises.

(4) Paragraph (1) does not prevent food or drink being sold or served in a cinema to its customers for consumption in any of its auditoriums.

(5) Paragraphs 2(b), (3) and (4) do not apply in relation to the sale of alcohol.

(6) For the purposes of paragraph (1)—

- (a) in sub-paragraph (a)(i), toilets are not to be treated as part of the premises,
- (b) in sub-paragraphs (a)(ii) and (b) an area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business) is to be treated as part of the premises of that business.

(7) If a business which sells food or drink for consumption on its premises (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in paragraph (1) if it closes down business A.

(8) For the purposes of this regulation, “licensed premises” means premises in respect of which—

- (a) a premises licence or an occasional licence issued by a licensing board under section 26 or 56 of the Licensing (Scotland) Act 2005<sup>M16</sup> has effect, and
- (b) either—
  - (i) in the case of a premises licence, the operating plan for that premises licence or occasional licence specifies that alcohol may be sold for consumption on the premises, or
  - (ii) in the case of an occasional licence, the licence includes a statement that alcohol can be sold for consumption on the premises.

(9) But “licensed premises” does not include—

- (a) cafes or canteens,

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- (b) premises which are airside at an airport, and
- (c) premises which are on a ferry.

#### Commencement Information

**I8** Reg. 8 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

#### Marginal Citations

**M16** 2005 asp 16, relevantly amended by section 187 of the [Criminal Justice and Licensing \(Scotland\) Act 2020 \(asp 13\)](#), [section 13](#) of the [Alcohol etc. \(Scotland\) Act 2010 \(asp 18\)](#) and paragraph 29 of schedule 7 of the [Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#).

### Requirement to close unlicensed premises during certain hours and to prohibit consumption of alcohol in the protected area

**9.—(1)** Subject to regulation 10, a person who is responsible for carrying on a business at an unlicensed premises located within the protected area—

- (a) must not permit consumption of alcohol on its premises, and
- (b) must, 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, or
- (c) if the business sells food or drink for consumption off the premises, cease selling food or drink for consumption on its premises between the hours of 1800 and 0600.

(2) Paragraph (1) does not prevent a hotel or other commercial provider of accommodation from selling food and drink to its residents—

- (a) as part of room service, or
- (b) between the hours of 0600 and 2200 for consumption in any other area of the hotel or accommodation.

(3) Paragraph (1) does not prevent food or drink being sold or served in a cinema to its customers for consumption in any of its auditoriums.

(4) For the purposes of paragraph (1)—

- (a) in sub-paragraph (b)(i), toilets are not to be treated as part of the premises,
- (b) in sub-paragraphs (b)(ii) and (iii) and (c) an area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business) is to be treated as part of the premises of that business.

(5) If a business which sells food or drink for consumption on its premises (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in paragraph (1) if it closes business A to members of the public between the hours of 1800 and 0600.

(6) In this regulation, “unlicensed premises” means any premises other than “licensed premises” (as defined in regulation 8(8)) in which food or drink are sold for consumption on those premises, but does not include—

- (a) a café or canteen at—



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- (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 airforce purposes or for the purposes of the Department of the Secretary of State responsible for defence,
- (b) workplace canteens where—
- (i) there is no practical alternative for staff at that workplace to obtain food, and
  - (ii) so far as reasonably possible, a distance of at least two metres can be maintained between any person using the canteen,
- (c) premises providing food or drink to homeless persons,
- (d) premises which are airside at an airport,
- (e) premises which are on a ferry.

(7) In this regulation, “school” has the meaning given by section 135(1) of the Education (Scotland) Act 1980 <sup>M17</sup>.

#### Commencement Information

**I9** Reg. 9 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

#### Marginal Citations

**M17** 1980 c. 44, amended by section 2 of the [Registered Establishments \(Scotland\) Act 1987 \(c.4\)](#) and schedule 3 of the Standards in [Scotland's Schools etc. Act 2000 \(asp 6\)](#).

### Exceptions for requirements in regulations 8 and 9 for certain services

**10.**—(1) The requirements in regulations 8 (requirement to close licensed premises in the protected area) and 9 (requirement to close unlicensed premises during certain hours and to prohibit consumption of alcohol in the protected area) do not apply where the relevant hospitality premises located within the protected area is providing services in connection with—

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

(2) For the purposes of this regulation “relevant hospitality premises” has the meaning given by regulation 13(6) and (7) and includes “licensed premises” and “unlicensed premises” for the purposes of regulations 8 and 9.

#### Commencement Information

**I10** Reg. 10 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

VALID FROM 10/10/2020

### Restriction on public gatherings in the protected area

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

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- (a) 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) attending a place of worship,
    - (iv) facilitating a house move,
    - (v) an organised activity which—
      - (aa) takes place outdoors, and
      - (bb) consists of a sport other than a contact sport,
    - (vi) an organised activity which is for persons under 18 year of age (whether indoors or outdoors),
    - (vii) organised exercise which—
      - (aa) takes place outdoors but is not a contact sport, or
      - (bb) is for persons under 18 years of age (whether indoors or outdoors),
  - (d) relates to a funeral, marriage ceremony or civil partnership registration,
  - (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) In this regulation, “gathering” means a situation where two or more persons, who are not members of the same household, are present together in a place in order to engage in any form of social interaction with each other.
- (3) For the purposes of paragraph (1)(a), as it applies—
- (a) indoors, children under 12 years of age are not to be included when counting the number of persons participating in a gathering but are to be included when counting the number of households participating in a gathering, and
  - (b) outdoors, children under 12 years of age are not to be included when counting the number of persons or households participating in a gathering.
- (4) For the purpose of paragraph 1(c)(v) to (vii), an activity or exercise is “organised” if it is organised by—
- (a) a person who is responsible for carrying on a business or providing a service,
  - (b) a person who is responsible for a place of worship,
  - (c) a charity or other not for profit organisation,
  - (d) a club or political organisation, or
  - (e) the governing body of a sport or other activity.
- (5) For the purpose of paragraph (1)(c)(v) and (vii)—
- “contact sport” means a sport or activity during which the participants—

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- (a) are required to make physical contact with each other, or
- (b) do not generally maintain a distance of two metres from each other, but does not include a sport or activity in which the participants are wholly or mainly professional sportspersons,  
“professional sportsperson” means an individual who—
  - (a) derives a living from competing in sport,
  - (b) is a senior representative nominated by a relevant sporting body,
  - (c) is a member of the senior training squad for a relevant sporting body, and
  - (d) is not a child and is on an elite development pathway.
- (6) For the purposes of the definition of professional sportsperson in paragraph (5)—  
“elite development pathway” means a development pathway established by the national governing body of a sport to prepare sportspersons—
  - (a) so that they may derive a living from competing in that sport, or
  - (b) to compete at that sport at the Tokyo or Beijing Olympic or Paralympic Games, or, if that sport is not part of the Tokyo Olympic and Paralympic Games programme, in the Commonwealth Games to be held in Birmingham,  
“relevant sporting body”, in relation to a professional sportsperson means the national governing body of a sport which may nominate sportspersons to represent—
    - (a) the professional sportsperson's nation at the Tokyo or Beijing Olympic or Paralympic Games, or
    - (b) the professional sportsperson's nation at the Commonwealth Games to be held in Birmingham in those sports which are not part of the Tokyo Olympic and Paralympic Games programme, and  
“senior representative”, in relation to a professional sportsperson, means an individual who is considered by a relevant sporting body to be a candidate to qualify to compete on behalf of—
      - (a) the professional sportsperson's nation at the Tokyo or Beijing Olympic or Paralympic Games, or
      - (b) the professional sportsperson's nation at the Commonwealth Games to be held in Birmingham in a sport that is not part of the Tokyo Olympic and Paralympic Games programme.

**Commencement Information**

**I11** Reg. 11 in force at 10.10.2020, see reg. 1(1)(b)

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## PART 3

### Measures applying outside the protected area

VALID FROM 10/10/2020

#### Requirement to close certain premises outside the protected area to members of the public

**12.—**(1) A person who is responsible for carrying on a listed business located outside the protected 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 paragraph (1), “listed business” means—

- (a) a nightclub or discotheque,
- (b) a sexual entertainment venue,
- (c) an indoor theatre,
- (d) a concert hall, or
- (e) a soft play centre.

(3) 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,
  - (ii) broadcast a performance to persons outside the premises, whether over the internet or as part of a radio or television broadcast, or
  - (iii) rehearse or otherwise prepare for a performance, or
- (b) any suitable premises to host blood donation sessions.

(4) 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 regulation 17(1).

(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 paragraph (1)(a) if it closes down business A.

(6) In paragraph (2), “sexual entertainment venue” has the meaning given by section 45A of the Civil Government (Scotland) Act 1982<sup>M18</sup>.

#### Commencement Information

**I12** Reg. 12 in force at 10.10.2020, see reg. 1(1)(b)

#### Marginal Citations

**M18** 1982 c. 45.

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### **Requirement relating to relevant hospitality premises during certain hours: restaurants, cafes, bars, public houses, etc.**

13.—(1) Subject to regulation 15, a person who is responsible for carrying on a business at a relevant hospitality premises located outside the protected area must—

- (a) between the hours of 1800 and 0600, close any premises, or parts of those premises, which are indoors to members of the public, and
- (b) between the hours of 2200 and 0600, close any premises, or part of those premises, which are outdoors to members of the public.

(2) Paragraph (1) does not prevent a person who is responsible for carrying on a business at a relevant hospitality premises from selling food or drink for consumption off the premises.

(3) Paragraph (1) does not prevent a hotel or other commercial provider of accommodation from selling food and drink to its residents—

- (a) as part of room service, or
- (b) between the hours of 0600 and 2200 for consumption in any other area of the hotel or accommodation (whether indoors or outdoors).

(4) For the purposes of paragraph (1)—

- (a) an area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business) is to be treated as part of the premises of that business,
- (b) toilets are not to be treated as part of the premises indoors.

(5) If a business at a relevant hospitality premises (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in paragraph (1) if it closes any part of the premises of business A—

- (a) which is indoors, to members of the public between the hours of 1800 and 0600, and
- (b) which is outdoors, to members of the public between the hours of 2200 and 0600.

(6) In this regulation, “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.

(7) But “relevant hospitality premises” does not include—

- (a) a cafe or canteen at—
  - (i) a hospital or care home,
  - (ii) a school or student accommodation,
  - (iii) a prison, and
  - (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,
- (b) workplace canteens where—
  - (i) there is no practical alternative for staff at that workplace to obtain food, and
  - (ii) so far as reasonably possible, a distance of at least two metres can be maintained between any person using the canteen,
- (c) premises providing food or drink to homeless persons,
- (d) premises which are airside at an airport, and
- (e) premises which are on a ferry.

*Status: Point in time view as at 09/10/2020. This version of this*

*Instrument contains provisions that are not valid for this point in time.*

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

(8) In this regulation, “school” has the meaning given by section 135(1) of the Education (Scotland) Act 1980 <sup>M19</sup>.

(9) For the purposes of this regulation a place is indoors if it would be considered to be wholly or substantially enclosed for the purposes of section 4(2) of the Smoking, Health and Social Care (Scotland) Act 2005 under the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 <sup>M20</sup>, and “outdoors” is to be construed accordingly.

#### Commencement Information

**I13** Reg. 13 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

#### Marginal Citations

**M19** 1980, c.44, amended by section 2 of the [Registered Establishments \(Scotland\) Act 1987 \(c.4\)](#) and schedule 3 of the Standards in [Scotland's Schools etc. Act 2000 \(asp 6\)](#).

**M20** [S.S.I. 2006/90](#).

### Restrictions on consumption of alcohol indoors in relevant hospitality premises

**14.**—(1) Subject to regulation 15, a person who is responsible for carrying on a business at a relevant hospitality premises must—

- (a) cease selling or supplying alcohol for consumption on any part of its premises which is indoors, and
- (b) not permit consumption of alcohol on any part of its premises which is indoors.

(2) For the purposes of paragraph (1)—

- (a) the sale of alcohol by a hotel or other accommodation as part of room service, or
- (b) consumption of alcohol by a resident of a hotel in their private room,

is not to be treated as being for consumption on part of its premises which is indoors.

(3) For the purposes of this regulation “relevant hospitality premises” has the meaning given by regulation 13(6) and (7), but also includes cinemas.

(4) For the purposes of this regulation a place is indoors if it would be considered to be wholly or substantially enclosed for the purposes of section 4(2) of the Smoking, Health and Social Care (Scotland) Act 2005 <sup>M21</sup> under the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006.

#### Commencement Information

**I14** Reg. 14 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

#### Marginal Citations

**M21** 2005, asp 13.

### Exceptions for requirements in regulations 13 and 14 for certain services

**15.**—(1) The requirements in regulations 13 (requirement relating to relevant hospitality premises during certain hours) and 14 (restrictions on consumption of alcohol indoors in relevant hospitality premises) do not apply where the relevant hospitality premises located outside the protected area is providing services in connection with—

- (a) a marriage ceremony or civil partnership registration, or

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(b) a funeral.

(2) For the purposes of this regulation “relevant hospitality premises” has the meaning given by regulation 13(6) and (7) and includes “licensed premises” and “unlicensed premises” for the purposes of regulations 13 and 14.

#### Commencement Information

**I15** Reg. 15 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

VALID FROM 10/10/2020

#### Restriction on public gatherings

**16.—(1)** A person must not participate in a gathering in a public place located outside the protected area, unless the gathering—

- (a) 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) attending a place of worship,
  - (iv) facilitating a house move,
  - (v) an organised activity which—
    - (aa) takes place outdoors, or
    - (bb) is for persons under 18 years of age (whether indoors or outdoors),
  - (vi) organised exercise,
- (d) relates to a funeral, marriage ceremony or civil partnership registration,
- (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) In this regulation, “gathering” means a situation where two or more persons, who are not members of the same household, are present together in a place in order to engage in any form of social interaction with each other.

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

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

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(4) For the purpose of paragraph (1)(b)(v) and (vi), an activity or exercise is “organised” if it is organised by—

- (a) a person who is responsible for carrying on a business or providing a service,
- (b) a person who is responsible for a place of worship,
- (c) a charity or other not for profit organisation,
- (d) a club or political organisation, or
- (e) the governing body of a sport or other activity.

#### Commencement Information

**I16** Reg. 16 in force at 10.10.2020, see reg. 1(1)(b)

## PART 4

### Measures applying both within and outside the protected area

VALID FROM 10/10/2020

#### Requirement to take measures to minimise risk of exposure to coronavirus

**17.—(1)** A person who is responsible for a place of worship, carrying on a business or providing a service must take—

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

(2) The persons mentioned in paragraph (1)(a)(i) and (iii) are—

- (a) two or more members of the same household,



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- (b) a carer and the person assisted by the carer, or
- (c) in relation to premises being used to provide school education, two or more persons where at least one of them is a pupil.

(3) In this regulation—

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

- (a) by a carer within the meaning of section 1 of the Carers (Scotland) Act 2016 <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 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

**I17** Reg. 17 in force at 10.10.2020, see reg. 1(1)(b)

#### 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).

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

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

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

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

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

(3) In this regulation—

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

#### Commencement Information

**I18** Reg. 18 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

#### Marginal Citations

**M25** 2020 c. 7.

### Guidance on minimising exposure to coronavirus

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

(2) Guidance issued by the Scottish Ministers may—

- (a) make different provision for different cases or descriptions of case,
- (b) incorporate (by reference or transposition) guidance, codes of practice or other documents published by another person (for example, a trade association, a body representing members of an industry or a trade union).

(3) Regulation 25 (enforcement of requirements) does not apply to a contravention of the requirement in paragraph (1).

#### Commencement Information

**I19** Reg. 19 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

### Restriction on gatherings in private dwellings

**20.**—(1) A person must not attend a gathering in a private dwelling, unless the gathering—

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- (a) takes place outdoors and consists of no more than six persons from no more than two households,
  - (b) takes place outdoors and—
    - (i) where at least one person in the gathering has attained 12 years of age but has not attained 18 years of age, consists of no more than six persons who are all under 18 years of age, or
    - (ii) all the persons in the gathering are under 12 years of age,
  - (c) is for the purpose of—
    - (i) work or providing voluntary or charitable services,
    - (ii) childcare, education or training,
    - (iii) facilitating a house move,
    - (iv) facilitating shared parenting arrangements,
  - (d) is a funeral, marriage ceremony or civil partnership registration, or
  - (e) is taking place in student accommodation, where all the persons in the gathering—
    - (i) are using cooking, dining, toilet or washing facilities which are shared with any person who is not a member of their household, and
    - (ii) have the accommodation as their only or main residence.
- (2) For the purpose of paragraph (1)(a), children under 12 years of age are not to be included when counting the number of people or households attending a gathering.
- (3) In this regulation, “gathering” has the meaning given by regulation 16(2).

#### **Commencement Information**

**I20** Reg. 20 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

#### **Restriction on parties in private dwellings**

- 21.**—(1) A person must not attend a party in a private dwelling.
- (2) In paragraph (1), “party” means a social gathering where 16 or more persons, who are members of more than one household, are present together in a place, unless the gathering is—
- (a) for the purpose of—
    - (i) work or providing voluntary or charitable services,
    - (ii) childcare, education or training,
  - (b) a funeral, marriage ceremony or civil partnership registration, or
  - (c) taking place in student accommodation, where all the persons in the gathering—
    - (i) are using cooking, dining, toilet or washing facilities which are shared with any person who is not a member of their household, and
    - (ii) have the accommodation as their only or main residence.
- (3) For the purpose of the definition of “party” in paragraph (2), children under 12 years of age are not to be included when counting the number of persons attending a gathering but are to be included when counting the number of households attending a gathering.

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**Commencement Information**

**I21** Reg. 21 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

**Power to enter a private dwelling**

- 22.**—(1) A constable may enter a private dwelling if—
- (a) the constable reasonably suspects that—
    - (i) there is a contravention of regulation 20 or 21 going on there, and
    - (ii) it is necessary and proportionate to enter the dwelling for the purpose of preventing the continuation of the contravention, and
  - (b) a condition in paragraph (2) or (3) is met.
- (2) Where the constable reasonably suspects that there is a contravention of regulation 20 going on at the private dwelling, the condition mentioned in paragraph (1)(b) is that either—
- (a) the person who appears to be the occupier of the dwelling has consented, or
  - (b) the entry is effected under the authority of a warrant issued under paragraph (7).
- (3) Where the constable reasonably suspects that there is a contravention of regulation 21 going on at the private dwelling, the condition mentioned in paragraph (1)(b) is that—
- (a) the constable has requested any person reasonably suspected to be contravening regulation 21 to stop doing so, and
  - (b) the person has failed to comply with the request.
- (4) The power of entry in this regulation—
- (a) may be exercised at any time, and
  - (b) includes the power to use reasonable force.
- (5) The constable must, if requested to do so, provide a document or any other thing showing the constable's authority to exercise the power of entry in this regulation.
- (6) Paragraph (7) applies where—
- (a) a constable has been refused entry or reasonably anticipates being refused entry, or
  - (b) the occupier of the dwelling is temporarily absent and the constable considers the situation to be urgent.
- (7) A sheriff or justice of the peace may by warrant authorise a constable to enter the private dwelling.
- (8) A warrant under this regulation continues in force until the purpose for which it is issued is fulfilled.

**Commencement Information**

**I22** Reg. 22 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

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## PART 5

### Face coverings

#### Requirement to wear face coverings on public transport

**23.—**(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,
- (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>M26</sup>), or
  - (ii) without severe distress,

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- (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,
  - (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 25(10).
- (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

**I23** Reg. 23 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

#### Marginal Citations

**M26** 2010 c.15.

### Requirement to wear face coverings in certain indoor public places

**24.** A person who enters or remains within a place listed in the schedule 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 the person's capacity as an emergency responder,
- (d) a person who is responsible for a place listed in the schedule, 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—

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- (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) 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,
- (i) 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,
- (j) 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,
- (k) 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,
- (l) 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,
- (m) eating or drinking,
- (n) taking part in exercise of a type which reasonably requires that the person is not wearing a face covering,
- (o) taking medication, the taking of which reasonably requires that the person is not wearing a face covering,
- (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 25(10), or
- (q) 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.

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**Commencement Information**

**I24** Reg. 24 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

## **PART 6**

### **Enforcement**

#### **Enforcement of requirements**

**25.**—(1) A relevant person may take such action as is necessary to enforce any requirement imposed by these Regulations.

(2) A relevant person may give a prohibition notice to a person if the relevant person reasonably believes that—

- (a) the person is contravening a requirement in these Regulations, and
- (b) it is necessary and proportionate to give the prohibition notice for the purpose of preventing that person from continuing to contravene the requirement.

(3) Where the person contravening a requirement in these Regulations is a child accompanied by an individual who has responsibility for the child—

- (a) the relevant person may direct that individual to take the child to the place where they are living, and
- (b) that individual must, so far as reasonably practicable, ensure that the child complies with a direction or instruction given by the relevant person to the child.

(4) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with a restriction in regulation 11 (restrictions on public gatherings in the protected area), 16 (restrictions on public gatherings), 20 (restriction on gatherings in private dwellings), or 21 (restriction on parties in private dwellings), the relevant person may direct any individual who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with that restriction.

(5) For the purpose of this regulation, an individual has responsibility for a child if the individual has—

- (a) care or control of the child for the time being, or
- (b) parental responsibilities, within the meaning of section 1(3) of the Children (Scotland) Act 1995 <sup>M27</sup>, in relation to the child.

(6) Where a relevant person considers that persons are gathered together in contravention of regulation 11, 16, 20, or 21, the relevant person may—

- (a) direct the gathering to disperse,
- (b) direct any person in the gathering to return to the place where the person is living, or
- (c) remove any person in the gathering to the place where the person is living.

(7) A relevant person may only exercise a power in paragraph (3), (4) or (6) if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with the requirement.

(8) A relevant person exercising a power under paragraph (3), (4) or (6) may give the person concerned any reasonable instructions the relevant person considers necessary.

(9) A constable, exercising the power in paragraph (6)(c) to remove a person to the place where the person is living, may use reasonable force, if necessary, in exercise of the power.



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(10) For the purpose of this regulation, a “relevant person” means—

- (a) a constable, or
- (b) subject to paragraph (11), a person designated by a local authority.

(11) A local authority may only designate a person for the purpose of this regulation in relation to a requirement in regulation 7, (requirement to close certain premises to members of the public in the protected area), 8 (requirement to close licensed premises in the protected area), 9 (requirement to close unlicensed premises during certain hours and to prohibit consumption of alcohol in the protected area), 12 (requirement to close certain premises outside the protected area to members of the public) 13 (requirements relating to relevant hospitality premises during certain hours) 17 (requirement to take measures to minimise risk of exposure to coronavirus) or 18 (requirement to collect and share information).

(12) For the purpose of this Part, references to a requirement include references to a restriction.

**Commencement Information**

**I25** Reg. 25 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

**Marginal Citations**

**M27** 1995 c.36.

**Offences and penalties**

**26.**—(1) It is an offence for a person to contravene regulation 7, 8, 9, 11, 12, 13, 14, 16, 17(1)(a), 18, 20, 21, 23 or 24.

(2) It is an offence for a person to obstruct any person carrying out a function under these Regulations.

(3) It is an offence for a person to—

- (a) contravene a direction given under regulation 25, or
- (b) fail to comply with an instruction or prohibition notice given under regulation 25.

(4) It is a defence to a charge of committing an offence under paragraph (1), (2) or (3) to show that the person, in the circumstances, had a reasonable excuse.

(5) A person who commits an offence under this regulation is liable, on summary conviction, to a fine not exceeding the statutory maximum.

(6) If an offence under this regulation committed by a body corporate is proved to—

- (a) have been committed with the consent or connivance of an officer of the body, or
- (b) be attributable to any neglect on the part of such an officer,

the officer (as well as the body corporate) commits the offence and is liable to be prosecuted and proceeded against and punished accordingly.

(7) In paragraph (6), “officer” in relation to a body corporate means in the case of—

- (a) a company—
  - (i) a director, secretary, manager or similar officer, or
  - (ii) where the affairs of the company are managed by its members, a member,
- (b) a limited liability partnership, a member,
- (c) a partnership other than a limited liability partnership, a partner, or

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- (d) another body or association, a person who is concerned in the management or control of its affairs.

#### Commencement Information

**I26** Reg. 26 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

#### Fixed penalty notices

**27.—**(1) A constable may issue a fixed penalty notice to a person the constable reasonably believes—

- (a) has committed an offence under these Regulations, and
- (b) is 18 years of age or over.

(2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty in accordance with these Regulations.

(3) The penalty payable in respect of a fixed penalty notice, subject to paragraphs (4) and (5), is £60.

(4) Unless paragraph (5) applies, if £30 is paid before the end of the period of 28 days beginning with the date of the fixed penalty notice, then that is the amount of the fixed penalty (and the fixed penalty notice must make known the effect of this paragraph).

(5) If the person to whom a fixed penalty notice is given has already received a fixed penalty notice under these Regulations—

- (a) paragraph (4) does not apply, and
- (b) the penalty payable in the case of—
  - (i) the second fixed penalty notice received is £120,
  - (ii) the third and subsequent fixed penalty notice received is double the amount specified in the last fixed penalty notice received by that person, to a maximum of £960.

(6) For the purpose of paragraph (5), a fixed penalty notice issued under the following provisions is to be treated as if it were issued under these Regulations—

- (a) regulation 16 of the Health Protection (Coronavirus)(Restrictions and Requirements) (Scotland) Regulations 2020,
- (b) regulation 9 of the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 <sup>M28</sup>,
- (c) regulation 8 of the Health Protection (Coronavirus, Restrictions) (Aberdeen City) Regulations 2020 <sup>M29</sup>,
- (d) regulation 13 of the Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020 <sup>M30</sup>.

(7) For the purpose of these Regulations—

- (a) the form of a fixed penalty notice,
- (b) the effect of a fixed penalty notice, and
- (c) the procedure that applies to a fixed penalty notice,

are the same as those that apply to a fixed penalty notice given under section 129(1) of the Antisocial Behaviour etc. (Scotland) Act 2004 <sup>M31</sup>, as provided for in sections 129 to 134 of that Act and sections

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226B and 226I of the Criminal Procedure (Scotland) Act 1995 <sup>M32</sup>, subject to the modifications in paragraph (8).

- (8) The modifications are—
- (a) section 129(1) is to be disregarded,
  - (b) the definitions of “fixed penalty notice” in sections 129(2) and 134 are to be construed as a reference to a notice under paragraph (1),
  - (c) the definition of “prescribed area” in section 129(2) is to be disregarded,
  - (d) section 130(1), (2) and (3)(f) is to be disregarded,
  - (e) the references to “section 129” in section 131(1) and section 133(1) are to be construed as references to this regulation,
  - (f) in section 131(5)—
    - (i) the reference to “in accordance with this Part” is to be construed as a reference to these Regulations, and
    - (ii) the reference to “a sum equal to one and a half times” is to be disregarded,
  - (g) the definition of “fixed penalty offence” in section 134 is to be construed as though it referred to an offence of the type referred to in paragraph (1)(a),
  - (h) in section 226B(5)(a)(ii) of the Criminal Procedure (Scotland) Act 1995—
    - (i) the reference to “by virtue of section 131(5) of the Antisocial Behaviour etc. (Scotland) Act 2004” is to be construed as a reference to that section as modified by this paragraph, and
    - (ii) the reference to “a fixed penalty notice given under section 129 (fixed penalty notices) of that Act” is to be construed as a reference to section 129 of the Antisocial Behaviour etc. (Scotland) Act 2004 as modified by this paragraph.

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#### Commencement Information

**I27** Reg. 27 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

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#### Marginal Citations

**M28** [S.S.I. 2020/103](#). Schedule 2 of these Regulations revokes [S.S.I. 2020/103](#).

**M29** [S.S.I. 2020/234](#), as amended by [S.S.I. 2020/253](#).

**M30** [S.S.I. 2020/262](#).

**M31** 2004 asp 8.

**M32** 1995 c.46. Sections 226B and 226I were inserted by section 55 of the [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#). Sections 226B and 226I have been amended but none of the amendments are relevant to these Regulations.

## PART 7

### Expiry

#### Expiry

**28.**—(1) These Regulations expire at 0600 on 26 October 2020.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they expire.

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**Commencement Information**

**I28** Reg. 28 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

St Andrew's House,  
Edinburgh

*MICHAEL RUSSELL*  
A member of the Scottish Government

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## SCHEDULE

Regulation 24

### Places where face coverings must be worn

1. Any building or room used for the retail sale or hire of goods or services, including—
  - (a) restaurants, including restaurants and dining rooms in hotels or members' clubs,
  - (b) cafes, except workplace canteens,
  - (c) bars, including bars in hotels or members' clubs,
  - (d) public houses.

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**Commencement Information**

**I29** Sch. para. 1 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

2. 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.

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**Commencement Information**

**I30** Sch. para. 2 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

3. Aquariums, indoor zoos or visitor farms, and any other indoor tourist, heritage or cultural site.

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**Commencement Information**

**I31** Sch. para. 3 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

4. Banks, building societies and credit unions.

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**Commencement Information**

**I32** Sch. para. 4 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

5. Cinemas.

.....  
**Commencement Information**

**I33** Sch. para. 5 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

6. Community centres.

.....  
**Commencement Information**

**I34** Sch. para. 6 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

7. Crematoriums and funeral directors premises.

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**Commencement Information**

**I35** Sch. para. 7 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

**8.** Libraries and public reading rooms.

**Commencement Information**

**I36** Sch. para. 8 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

**9.** Museums and galleries.

**Commencement Information**

**I37** Sch. para. 9 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

**10.** Places of worship.

**Commencement Information**

**I38** Sch. para. 10 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

**11.** Post offices.

**Commencement Information**

**I39** Sch. para. 11 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

**12.** Registration offices, meaning any registration office provided under section 8(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 <sup>M33</sup>.

**Commencement Information**

**I40** Sch. para. 12 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

**Marginal Citations**

**M33** 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)(a) of the [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#).

**13.** Storage and distribution facilities, including collection and drop off points.

**Commencement Information**

**I41** Sch. para. 13 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

**14.** Amusement arcades and other indoor leisure facilities.

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**Commencement Information**

**I42** Sch. para. 14 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

**15.** Bingo halls.

**Commencement Information**

**I43** Sch. para. 15 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

**16.** Bowling alleys.

**Commencement Information**

**I44** Sch. para. 16 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

**17.** Casinos.

**Commencement Information**

**I45** Sch. para. 17 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

**18.** Indoor funfairs.

**Commencement Information**

**I46** Sch. para. 18 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

**19.** Indoor fitness studios, gyms, swimming pools or other indoor leisure centres.

**Commencement Information**

**I47** Sch. para. 19 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

**20.** Indoor skating rinks.

**Commencement Information**

**I48** Sch. para. 20 in force at 9.10.2020 at 1800 hours, see reg. 1(1)(a)

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

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These Regulations make additional temporary restrictions and requirements in response to the serious and imminent threat to public health posed by the incidence and spread of coronavirus in Scotland. They make provision for the areas specified in regulation 2 (“the protected area”) and for the rest of Scotland. They expire at 6 a.m. on 26 October 2020. The Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 (“the 2020 Regulations”) re suspended during the life of these Regulations.

The Regulations replicate the restrictions and requirements provided for under the 2020 Regulations and make additional temporary measures. Part 2 makes provision which applies to the protected area only. Part 3 makes provision which applies outwith the protected area in Scotland. Parts 1, 4, 5 and 6 make provision applicable to the whole of Scotland.

Part 2 requires the closure of licensed hospitality premises with the exception of cafes and require the closure of specific venues and make restrictions in respect of certain indoor activities.

Part 3 makes provision to require the closure of hospitality venues between 6 p.m. and 6 a.m. and prohibits the sale of alcohol for consumption on the premises.

Parts 4, 5 and 6 make provision on gatherings, face coverings and enforcement.



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**Changes to legislation:**

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