
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 318

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

PART 2

Measures applying within the protected area

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⁽¹⁾.

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⁽²⁾ 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

(1) 1982 c.45. Section 45A was inserted by section 76(3) of the Air Weapons and Licensing (Scotland) Act 2015 (asp 10).

(2) 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).

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

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—
 - (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(3).

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.

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—

- (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,

(3) 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).

- (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—
- (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.