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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 318**

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

**PART 1**

Introduction, application and review

**Interpretation**

**5.—(1)** In these Regulations—

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

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

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

“emergency responder” has the meaning given by section 153A(6) of the Inheritance Tax Act 1984<sup>(3)</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>(4)</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,

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(1) 2005 asp 16.

(2) 2012 asp 8.

(3) 1984 c.51. Section 153A(6) was inserted by section 75 of the Finance Act 2015 (c.11).

(4) S.S.I. 2020/103.

“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>(5)</sup> under the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006<sup>(6)</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>(7)</sup>,
- (e) accommodation for children at a residential establishment, within the meaning of section 93(1) of the Children (Scotland) Act 1995<sup>(8)</sup>,
- (f) school boarding accommodation, within the meaning of paragraph 10(5) of schedule 16 of the Coronavirus Act 2020<sup>(9)</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>(10)</sup>,
- (j) secure accommodation, within the meaning of section 108 of the Criminal Justice (Scotland) Act 2016<sup>(11)</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.

<sup>(5)</sup> 2005 asp 13.

<sup>(6)</sup> S.S.I. 2006/90.

<sup>(7)</sup> 2010 asp 8.

<sup>(8)</sup> 1995 c.36, relevantly amended by S.I. 2013/1465.

<sup>(9)</sup> 2020 c.7.

<sup>(10)</sup> 1989 c.45, relevantly amended by section 23(1) of the Criminal Justice (Scotland) Act 2003 (asp 7).

<sup>(11)</sup> 2016 asp 1.