
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 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⁽¹⁾ 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,
 - (b) premises which are airside at an airport, and
 - (c) premises which are on a ferry.

⁽¹⁾ 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).