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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 344**

**PUBLIC HEALTH**

**The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020**

*Approved by the Scottish Parliament*

<i>Made</i>	- - - -	<i>at 12.40 p.m. on</i>
		<i>30th October 2020</i>
<i>Laid before the Scottish</i>		<i>at 2.45 p.m. on 30th</i>
<i>Parliament</i>	- - - -	<i>October 2020</i>
		<i>at 6.00 a.m. on 2nd</i>
<i>Coming into force</i>	- -	<i>November 2020</i>

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.

**Marginal Citations**

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

**PART 1** **S**

Introductory

**Citation, commencement and application** **S**

**1.**—(1) These Regulations may be cited as the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 and come into force at 6.00 a.m. on 2 November 2020.

*Status: Point in time view as at 16/01/2021.*

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

- (2) 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 2.11.2020 at 6.00 a.m., see reg. 1(1)

### Interpretation **S**

#### 2.—(1) In these Regulations—

“alcohol” has the same meaning as in section 2 of the Licensing (Scotland) Act 2005 <sup>M2</sup>,

“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>M3</sup>,

“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,

<sup>F1</sup> ...

“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,

“emergency responder” has the meaning given by section 153A(6) of the Inheritance Tax Act 1984 <sup>M4</sup>,

<sup>F2</sup>“end of term household” means a household consisting of—

- (a) one or more students of a further education institution or a higher education institution within the meaning of—
  - (i) paragraph 6 of schedule 16 of the Coronavirus Act 2020,
  - (ii) heads (c) to (f) in the definition of “educational institution” in paragraph 1(11) of schedule 16 of that Act, or
  - (iii) heads (b) to (e) in the definition of “educational institution” in paragraph 1(12) of schedule 16 of that Act,

(iv) the definition of “relevant institution” in paragraph 15(11) of schedule 16 of that Act, and

- (b) one other household with which the student has, or as the case may be students have, chosen to live with in a place which is to be the student’s or students’ sole or main residence during the period between the first and second academic terms,]

“extended household” means two individual households which have chosen to be treated as the same household for the purposes of the restrictions in these Regulations, but an individual household may only form part of one extended household at any one time,

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

“food and drink business” means—

- (a) a restaurant, including a restaurant or dining room in a hotel or members’ club,  
(b) a takeaway service,  
(c) a cafe or canteen,  
(d) a bar, including a bar in a hotel or members’ club,  
(e) a public house,

[<sup>F3</sup>“further education institution” has the meaning given in paragraph 6 of schedule 16 of the Coronavirus Act 2020,]

“gathering” means a situation where two or more persons, who are not members of the same household, are present together in the same place in order—

- (a) to engage in any form of social interaction with each other, or  
(b) to undertake any other activity with each other,

[<sup>F3</sup>“higher education institution” has the meaning given in paragraph 6 of schedule 16 of the Coronavirus Act 2020,]

“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>M5</sup> under the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 <sup>M6</sup>, and “outdoors” is to be construed accordingly,

“Level 0 area”, “Level 1 area”, “Level 2 area”, “Level 3 area” and “Level 4 area” have the meanings given in regulation 3(6),

“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 include 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—

**Status:** Point in time view as at 16/01/2021.

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

- (a) accommodation in a hotel, hostel, members club, boarding house or bed and breakfast,
- (b) 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>M7</sup>,
- (c) accommodation for children at a residential establishment, within the meaning of section 93(1) of the Children (Scotland) Act 1995 <sup>M8</sup>,
- (d) school boarding accommodation, within the meaning of paragraph 10(5) of schedule 16 of the Coronavirus Act 2020 <sup>M9</sup>,
- (e) accommodation intended for use by the army, navy or air force,
- (f) a prison,
- (g) a young offenders institution <sup>F4</sup> ... ,
- (h) secure accommodation <sup>F5</sup> ... , and
- (i) a remand centre <sup>F6</sup> ... ,

“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, or
- (d) is not a child and is on an elite development pathway,

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

“public procession” means a procession in a public place, whether or not involving the use of vehicles or other conveyances,

“relevant sporting body”, in relation to a professional sportsperson means the national governing body of a sport which may nominate sportspeople 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 a sport that is not part of the Tokyo Olympic and Paralympic Games programme,

[<sup>F3</sup>“remand centre” has the meaning given in section 19(1)(a) of the Prisons (Scotland) Act 1989,]

“school” has the meaning given by section 135(1) of the Education (Scotland) Act 1980 <sup>M10</sup>,

[<sup>F3</sup>“secure accommodation” has the meaning given in section 108 of the Criminal Justice (Scotland) Act 2016,]

“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,

“shared parenting arrangements” includes, in relation to children who do not live in the same household as their parents, or one of their parents, arrangements for contact between parents

and their children, and for the purposes of this definition “parent” includes a person who, not being a parent of the child—

- (a) has contact with the child pursuant to an order of court, or
- (b) has previously had care of the child, and

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

[<sup>F3</sup>“young offenders institution” has the meaning given in section 19(1)(b) of the Prisons (Scotland) Act 1989.]

(2) For the purpose of these Regulations, references to a household include an extended household [<sup>F7</sup>or end of term household].

### Textual Amendments

- F1** Words in reg. 2(1) omitted (26.12.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 9\) Regulations 2020 \(S.S.I. 2020/471\)](#), regs. 1, **3**
- F2** Words in reg. 2(1) inserted (27.11.2020) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 5\) Regulations 2020 \(S.S.I. 2020/400\)](#), regs. 1, **3(a)**
- F3** Words in reg. 2(1) inserted (20.11.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, **3(1)(b)**
- F4** Words in reg. 2(1) omitted (20.11.2020 at 6.00 p.m.) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, **3(1)(a)(i)**
- F5** Words in reg. 2(1) omitted (20.11.2020 at 6.00 p.m.) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, **3(1)(a)(ii)**
- F6** Words in reg. 2(1) omitted (20.11.2020 at 6.00 p.m.) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, **3(1)(a)(iii)**
- F7** Words in reg. 2(2) inserted (27.11.2020) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 5\) Regulations 2020 \(S.S.I. 2020/400\)](#), regs. 1, **3(b)**

### Commencement Information

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

### Marginal Citations

- M2** 2005 asp 16. Section 2 was amended by section 54 of the [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#).
- M3** 2012 asp 8.
- M4** 1984 c.51. Section 153A was inserted by section 75 of the [Finance Act 2015 \(c.11\)](#).
- M5** 2005 asp 13.
- M6** S.S.I. 2006/90.
- M7** 2010 asp 8.
- M8** 1995 c.36, relevantly amended by S.I. 2013/1465.
- M9** 2020 c.7.
- M10** 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 \(asp 6\)](#).

## PART 2 **S**

### Restrictions

#### Application of the Restrictions **S**

3.—(1) The restrictions and requirements set out in schedule 1 (“Level 0 restrictions”) [<sup>F8</sup>, paragraph 14 of schedule 4, paragraph 15 of schedule 5 (restrictions on leaving and entering Level 3 and 4 areas)] and schedule 7 (face covering requirements) apply in relation to a Level 0 area.

(2) The restrictions and requirements set out in schedule 2 (“Level 1 restrictions”) [<sup>F9</sup>, paragraph 14 of schedule 4, paragraph 15 of schedule 5] and schedule 7 apply in relation to a Level 1 area.

(3) The restrictions and requirements set out in schedule 3 (“Level 2 restrictions”) [<sup>F10</sup>, paragraph 14 of schedule 4, paragraph 15 of schedule 5] and schedule 7 apply in relation to a Level 2 area.

(4) The restrictions and requirements set out in schedule 4 (“Level 3 restrictions”) [<sup>F11</sup>, paragraph 15 of schedule 5] and schedule 7 apply in relation to a Level 3 area.

(5) The restrictions and requirements set out in schedule 5 (“Level 4 restrictions”) [<sup>F12</sup>, paragraph 14 of schedule 4] and schedule 7 apply in relation to a Level 4 area.

[<sup>F13</sup>(5A) The requirements set out in paragraph 2A of each of schedules 3 and 4 and paragraph 4B of schedule 5 also apply (where they so indicate) in relation to other areas.]

[<sup>F14</sup>(5B) The restrictions set out in schedule 7A (restrictions on leaving or entering Scotland: common travel area) have effect.]

(6) In these Regulations—

- (a) a “Level 0 area” is an area specified in the table in schedule 6, where the table indicates it is a Level 0 area,
- (b) a “Level 1 area” is an area so specified, where the table indicates it is a Level 1 area,
- (c) a “Level 2 area” is an area so specified, where the table indicates it is a Level 2 area,
- (d) a “Level 3 area” is an area so specified, where the table indicates it is a Level 3 area, and
- (e) a “Level 4 area” is an area so specified, where the table indicates it is a Level 4 area.

#### Textual Amendments

- F8** Words in reg. 3(1) inserted (20.11.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, **5(1)(a)**
- F9** Words in reg. 3(2) inserted (20.11.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, **5(1)(b)**
- F10** Words in reg. 3(3) inserted (20.11.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, **5(1)(c)**
- F11** Words in reg. 3(4) inserted (20.11.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, **5(1)(d)**
- F12** Words in reg. 3(5) inserted (20.11.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, **5(1)(e)**

- F13** Reg. 3(5A) inserted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **12**
- F14** Reg. 3(5B) inserted (20.11.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, **5(1)(f)**

#### Commencement Information

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

### Modification of the restrictions in certain areas **S**

<sup>F15</sup>**3A.** .....

#### Textual Amendments

- F15** Reg. 3A omitted (21.12.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 8\) Regulations 2020 \(S.S.I. 2020/452\)](#), regs. 1(2), **3**

### [<sup>F16</sup>Temporary modification of restrictions: holiday gatherings **S**

- 3B.**—(1) [<sup>F17</sup>On 25 December] the restrictions in these Regulations have effect as if—
- (a) in regulation 2(1) (interpretation), after the definition of “gathering” there were inserted—
- ““holiday gathering” means a gathering of no more than 8 persons from no more than 3 households who have chosen to be treated as a holiday gathering for the purposes of—
- (a) gathering in a private dwelling which is either—
- (i) the main residence of one of the households, or
- (ii) located in the same local authority area as the place which is the main residence of one of the households,
- (b) gathering outdoors,”
- (b) in schedule 2 (level 1 restrictions) before paragraph 9(1)(a) (restriction on gatherings in private dwellings in a level 1 area) there were inserted—
- “(za) is a holiday gathering,”
- (c) in schedule 3 (level 2 restrictions)—
- (i) before paragraph 12(1)(a) (restriction on public gatherings outdoors in a level 2 area) there were inserted—
- “(za) is a holiday gathering,”
- (ii) before paragraph 13(1)(a) (restriction on gatherings in private dwellings in a level 2 area) there were inserted—
- “(za) is a holiday gathering,”
- (d) in schedule 4 (level 3 restrictions)—
- (i) before paragraph 11(1)(a) (restriction on public gatherings outdoors in a level 3 area) there were inserted—
- “(za) is a holiday gathering,”

*Status: Point in time view as at 16/01/2021.*

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- (ii) before paragraph 12(1)(a) (restriction on gatherings in private dwellings in a level 3 area) there were inserted—
  - “(za) is a holiday gathering,”
- (iii) before paragraph 15(2)(a) (travel restrictions: reasonable excuses) there were inserted—
  - “(za) gather with one or more other households as a holiday gathering<sup>F18</sup> ... of a kind only permitted during the relevant period,”
- (e) in schedule 5 (level 4 restrictions)—
  - <sup>F19</sup>(i) . . . . .
  - <sup>F19</sup>(ii) . . . . .
  - (iii) before paragraph 12(1)(a) (restriction on public gatherings outdoors in a level 4 area) there were inserted—
    - “(za) is a holiday gathering,”
  - (iv) before paragraph 13(1)(a) (restriction on gatherings in private dwellings in a level 4 area) there were inserted—
    - “(za) is a holiday gathering,”
  - (v) before paragraph 16(2)(a) (travel restrictions: reasonable excuses) there were inserted—
    - “(za) gather with one or more other households as a holiday gathering<sup>F20</sup> ... of a kind only permitted during the relevant period,”

<sup>F21</sup>(f) . . . . .

<sup>F22</sup>(2) . . . . .

(3) In this regulation a reference to the “relevant period” is a reference to the period in paragraph (1).

(4) For the purpose of sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of persons attending a holiday gathering but are to be included when counting the number of households attending a holiday gathering.

(5) A person who during the relevant period attends—

- (a) a holiday gathering may attend a subsequent gathering of that holiday gathering provided that in aggregate they gather with no more than 8 persons from not more than 3 households and may not attend any other holiday gathering,
- (b) a gathering in England, Wales or Northern Ireland of a kind only permitted during the relevant period may not attend a holiday gathering.

(6) A holiday gathering may not include more than one extended household.]

**Textual Amendments**

- F16** Reg. 3B inserted (4.12.2020) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 6\) Regulations 2020 \(S.S.I. 2020/415\)](#), regs. 1, 3
- F17** Words in reg. 3B(1) substituted (21.12.2020) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 8\) Regulations 2020 \(S.S.I. 2020/452\)](#), regs. 1(2), 4(1)
- F18** Words in reg. 3B(1)(d)(iii) omitted (21.12.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 8\) Regulations 2020 \(S.S.I. 2020/452\)](#), regs. 1(2), 4(2)



- F19** Reg. 3B(1)(e)(i)(ii) omitted (21.12.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 8\) Regulations 2020 \(S.S.I. 2020/452\)](#), regs. 1(2), **4(3)**
- F20** Words in reg. 3B(1)(e)(v) omitted (21.12.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 8\) Regulations 2020 \(S.S.I. 2020/452\)](#), regs. 1(2), **4(4)**
- F21** Reg. 3B(1)(f) omitted (21.12.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 8\) Regulations 2020 \(S.S.I. 2020/452\)](#), regs. 1(2), **4(5)**
- F22** Reg. 3B(2) omitted (21.12.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 8\) Regulations 2020 \(S.S.I. 2020/452\)](#), regs. 1(2), **4(6)**

## PART 3 **S**

### Enforcement

#### Enforcement of requirements **S**

4.—(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 requirement mentioned in paragraph (5), 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 requirement.

(5) The requirements mentioned in paragraph (4) are those in Part 3 of each of schedules 1 to 5.

(6) 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>M11</sup>, in relation to the child.

(7) Where a relevant person considers that persons are gathered together in contravention of the requirements mentioned in paragraph (5), 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

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(c) remove any person in the gathering to the place where the person is living.

<sup>F23</sup>(7A) Where a relevant person considers that a person is outside the place where that person is living, the relevant person may—

- (a) direct that person to return to the place where they are living, or
- (b) remove that person to the place where they are living.

(7B) A constable, exercising the power in paragraph (7A)(b) to remove a person to the place where that person is living, may use reasonable force, if necessary, in exercise of the power.]

(8) A relevant person may only exercise a power in paragraph (3), (4) [<sup>F24</sup>, (7) or (7A)] if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with the requirement.

(9) A relevant person exercising a power under paragraph (3), (4) [<sup>F25</sup>, (7) or (7A)] may give the person concerned any reasonable instructions the relevant person considers necessary.

(10) A constable, exercising the power in paragraph (7)(c) to remove a person to the place where the person is living, may use reasonable force, if necessary, in exercise of the power.

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

- (a) a constable, or
- (b) subject to paragraph (12), a person designated by a local authority.

(12) A local authority may only designate a person for the purpose of this regulation in relation to the requirements in Part 1 (closure of premises) and Part 2 (other restrictions on business) in each of schedules 1 to 5.

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

#### Textual Amendments

- F23** Reg. 4(7A)(7B) inserted (5.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 10\) Regulations 2021 \(S.S.I. 2021/1\)](#), regs. 1, 3
- F24** Words in reg. 4(8) substituted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), 3(a)
- F25** Words in reg. 4(9) substituted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), 3(b)

#### Commencement Information

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

#### Marginal Citations

- M11** 1995 c.36.

## Offences and penalties **S**

5.—(1) It is an offence for a person to contravene any of the restrictions or requirements in schedules 1 to 5 [<sup>F26</sup>, 7 and 7A] other than a restriction or requirement in—

- (a) schedule 1, paragraphs [<sup>F27</sup>3(1)(b)] and 4,
- (b) schedule 2, paragraphs [<sup>F28</sup>4(1)(b)] and 5,

- (c) schedule 3, paragraphs [<sup>F29</sup>8(1)(b) and 9],
  - (d) schedule 4, paragraphs [<sup>F30</sup>7(1)(b) and 8], or
  - (e) schedule 5, paragraphs [<sup>F31</sup>8(1)(b)] and 9.
- (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 4, or
  - (b) fail to comply with an instruction or prohibition notice given under regulation 4.
- (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
  - (d) another body or association, a person who is concerned in the management or control of its affairs.

#### Textual Amendments

- F26** Words in reg. 5(1) substituted (20.11.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, **5(2)**
- F27** Word in reg. 5(1)(a) substituted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **5(a)**
- F28** Word in reg. 5(1)(b) substituted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **5(b)**
- F29** Words in reg. 5(1)(c) substituted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **5(c)**
- F30** Words in reg. 5(1)(d) substituted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **5(d)**
- F31** Word in reg. 5(1)(e) substituted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **5(e)**

**Commencement Information**

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

**Power of entry** **S**

- 6.—(1) A relevant person may enter premises—
- (a) for the purpose of the performance of that person's functions under these Regulations, and
  - (b) if the condition in paragraph (3)(a) is met.
- (2) A relevant person may enter premises at any time if—
- (a) that person reasonably suspects that an offence under regulation 5(1) is taking place on the premises,
  - (b) that person reasonably believes that it is necessary and proportionate to enter the premises for the purpose of preventing the continuation of the offence, and
  - (c) a condition in paragraph (3)(b), (c) or (d) is met.
- (3) The condition is that—
- (a) the person who appears to be the occupier of the premises has consented to the relevant person entering the premises,
  - (b) the relevant person—
    - (i) has requested permission to enter the premises from the person who appears to be the occupier of the premises, but permission has been refused, and
    - (ii) reasonably believes the situation to be urgent,
  - (c) the occupier of the premises is temporarily absent and the relevant person reasonably believes the situation to be urgent, or
  - (d) the entry is effected under the authority of a warrant issued under paragraph (10).
- (4) For the purposes of paragraph (3)(b)(ii) and (c), a reasonable belief in urgency means that the relevant person considers immediate entry to the premises to be necessary and proportionate for the purpose of preventing the continuation of the offence and for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination with coronavirus.
- (5) Where the offence referred to in paragraph (2)(a) is a contravention of paragraph 8 of schedule 1, paragraph 9 of schedule 2, [F32 paragraph 13 of schedule 3, paragraph 12] of schedule 4 or paragraph 13 of schedule 5, a constable must reasonably suspect that there is a gathering inside a private dwelling which consists of more than six persons.
- (6) A relevant person entering premises in accordance with paragraph (1) or (2) may—
- (a) use reasonable force to enter the premises if necessary, and
  - (b) take such other persons, equipment and materials onto the premises as the relevant person considers necessary.
- (7) A relevant person must, if requested to do so, provide a document or any other thing showing the relevant person's authority to exercise the power of entry in this regulation.
- (8) Subject to paragraph (9), for the purposes of this regulation, “relevant person” has the meaning in regulation 4(11).
- (9) A relevant person within the meaning of regulation 4(11)(b) may only enter premises in relation to a requirement in Part 1 (closure of premises) or Part 2 (other restrictions on business) in any of schedules 1 to 5.

(10) A sheriff or justice of the peace may by warrant authorise a relevant person to enter the premises.

(11) A warrant under this regulation continues in force until the purpose for which it is issued is fulfilled.

#### Textual Amendments

**F32** Words in reg. 6(5) substituted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, 6

#### Commencement Information

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

### Fixed penalty notices **S**

7.—(1) A relevant person may issue a fixed penalty notice to a person the relevant person 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 <sup>M12</sup>,
- (b) regulation 9 of the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 <sup>M13</sup>,
- (c) regulation 8 of the Health Protection (Coronavirus, Restrictions) (Aberdeen City) Regulations 2020 <sup>M14</sup>,
- (d) regulation 13 of the Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020 <sup>M15</sup>, and

- (e) regulation 27 of the Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Measures) (Scotland) Regulations 2020 <sup>M16</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>M17</sup>, as provided for in sections 129 to 134 of that Act and sections 226B and 226I of the Criminal Procedure (Scotland) Act 1995 <sup>M18</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 references to “constable” in section 133(1) are to be construed as references to the relevant person within the meaning of this regulation,
  - (h) 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), and
  - (i) 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.
- (9) For the purpose of this regulation, “relevant person” has the meaning given in regulation 4(11).
- (10) Where the relevant person issuing a notice under paragraph (1) is a relevant person within the meaning of regulation 4(11)(b), the relevant person may require the person believed to have committed an offence (“A”) to give A's name and address.
- (11) When making that requirement, the relevant person must inform A that—
- (a) the relevant person believes A has committed an offence under these Regulations, and
  - (b) failure to comply with the requirement may be an offence.
- (12) If A has been required under this section to give A's name and address and, without reasonable excuse, fails to do so, A will be guilty of an offence and liable, on summary conviction, to a fine not exceeding the statutory maximum.

#### Commencement Information

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

#### Marginal Citations

**M12** [S.S.I. 2020/279](#).

**M13** [S.S.I. 2020/103](#), revoked by [S.S.I. 2020/279](#).

**M14** [S.S.I. 2020/234](#), amended by [S.S.I. 2020/253](#).

**M15** [S.S.I. 2020/262](#).

**M16** [S.S.I. 2020/318](#).

**M17** [2004 asp 8](#).

**M18** [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 4 **S**

### Final provisions

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

**8.—(1)** The Scottish Ministers must review these Regulations at least every 21 days, with the first review to be carried out by 18 November 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.

(3) As soon as the Scottish Ministers consider that it is no longer necessary or proportionate for the Level 0 restrictions, Level 1 restrictions, Level 2 restrictions Level 3 restrictions or Level 4 restrictions to apply to an area specified in schedule 6, the Scottish Ministers must amend the Regulations so that those restrictions no longer apply to that area.

#### Commencement Information

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

#### Expiry **S**

**9.—(1)** These Regulations expire on 31 March 2021.

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

#### Commencement Information

**I9** Reg. 9 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

*Status: Point in time view as at 16/01/2021.*

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

## **Amendment of the Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020 S**

**10.**—(1) In the Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020 <sup>M19</sup>—

(a) after regulation 11 (enforcement of requirements), insert—

### **“Power of entry**

**11A.**—(1) A local authority designated officer may enter premises—

- (a) for the purpose of the performance of the officer's functions under these Regulations, and
- (b) if the condition in paragraph (3)(a) is met.

(2) A local authority designated officer may enter premises if—

- (a) the officer reasonably believes that—
  - (i) a direction under regulation 5(1), 6(1) or 7(1) is being, has been or is about to be contravened, and
  - (ii) it is necessary and proportionate to enter the premises for the purpose of—
    - (aa) ascertaining whether a contravention is taking, has taken or is about to take place,
    - (bb) preventing the initiation or continuation of the contravention, and
- (b) a condition in paragraph (3)(b), (c) or (d) is met.

(3) The condition is that—

- (a) the person who appears to be the occupier of the premises has consented to the local authority designated officer entering the premises,
- (b) the local authority designated officer—
  - (i) has requested permission to enter the premises from the person who appears to be the occupier of the premises, but permission has been refused, and
  - (ii) reasonably believes the situation to be urgent,
- (c) the occupier of the premises is temporarily absent and the local authority designated officer reasonably believes the situation to be urgent, or
- (d) the entry is effected under the authority of a warrant issued under paragraph (8).

(4) For the purposes of paragraph (3)(b)(ii) and (c), a reasonable belief in urgency means that the local authority designated officer considers immediate entry to the premises to be necessary and proportionate for the purpose of preventing the continuation of the contravention and for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination of coronavirus.

(5) A local authority designated officer entering premises in accordance with paragraph (2) may—

- (a) use reasonable force to enter the premises if necessary, and
- (b) take such other persons, equipment and materials onto the premises as the local authority designated officer considers necessary.



(6) A local authority designated officer must, if requested to do so, provide a document or any other thing showing the officer's authority to exercise the power of entry in this regulation.

(7) For the purpose of this regulation, "premises" includes any building or structure and any land.

(8) A sheriff or justice of the peace may by warrant authorise a relevant person to enter the premises.

(9) A warrant under this regulation continues in force until the purpose for which it is issued is fulfilled.", and

(b) in regulation 13 (fixed penalty notices)—

(i) in paragraph (1), after "constable", in both places where it occurs, insert " or local authority designated officer ",

(ii) in paragraph (6), after sub-paragraph (b), insert—

"(c) regulation 16 of the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020,

(d) regulation 27 of the Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Measures) (Scotland) Regulations 2020.",

(iii) in paragraph (8), after sub-paragraph (f), insert—

"(ff) the references to "constable" in section 133(1) are to be construed as references to a constable or local authority designated officer," and

(iv) after paragraph (8), insert—

"(9) Where the person issuing a notice under paragraph (1) is a local authority designated officer, the officer may require the person believed to have committed an offence ("A") to give A's name and address.

(10) When making that requirement, the officer must inform A—

(a) that the officer believes A has committed an offence under these Regulations, and

(b) that failure to comply with the requirement may be an offence.

(11) If A has been required under this section to give A's name and address and, without reasonable excuse, fails to do so, A will be guilty of an offence and liable, on summary conviction, to a fine not exceeding the statutory maximum."

**Commencement Information**

**I10** Reg. 10 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

**Marginal Citations**

**M19** [S.S.I. 2020/262](#), as amended by [S.S.I. 2020/279](#).

**Revocations** **S**

**11.** The Regulations listed in schedule 8 are revoked.

**Status:** Point in time view as at 16/01/2021.

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

**Commencement Information**

**III** Reg. 11 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

St Andrew's House,  
Edinburgh

*MICHAEL RUSSELL*  
A member of the Scottish Government

## SCHEDULE 1 **S**

Regulation 3(1)

### Level 0 Restrictions

## PART 1 **S**

### Closure of Premises

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

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

- (a) close to members of the public any premises operated as part of the business, and
  - (b) not carry on business at such premises otherwise than in accordance with this regulation.
- (2) In sub-paragraph (1), “listed business” means—
- (a) a nightclub, dance hall or discotheque,
  - (b) a sexual entertainment venue.
- (3) Sub-paragraph (1) does not prevent the use of—
- (a) premises, while those premises remain closed to members of the public, to—
    - (i) record a performance or sporting event,
    - (ii) broadcast a performance or sporting event to persons outside the premises, whether over the internet or as part of a radio or television broadcast, or
    - (iii) rehearse, train, practise or otherwise prepare for a performance or sporting event,  
F33  
...
  - (b) premises of a listed business in sub-paragraph (2)(a) for any purpose requested by the Scottish Ministers, a health board, a local authority or the Scottish Courts and Tribunals Service,
  - (c) any suitable premises to host blood donation sessions,
  - (d) any suitable premises that are used for the purposes of professional sport.

(4) Sub-paragraph (1) does not prevent the use of premises, while those remain closed to members of the public, to take preparatory steps in pursuance of a requirement in paragraph 3.

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

(6) In sub-paragraph (2), “sexual entertainment venue” has the meaning given by section 45A of the Civic Government (Scotland) Act 1982 <sup>M20</sup>.

#### **Textual Amendments**

**F33** Word in sch. 1 para. 1(3) omitted (13.11.2020 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **18(1)**

#### **Commencement Information**

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

**Status:** Point in time view as at 16/01/2021.

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

#### Marginal Citations

**M20** 1982 c.45. Section 45A was inserted by the [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\), section 76\(3\)](#).

## PART 2 **S**

### Other restrictions on business

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

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

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

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

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

#### Commencement Information

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

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

3.—(1) A person who is responsible for a place of worship, carrying on a business or providing a service in a Level 0 area must take—

- (a) measures to ensure, so far as reasonably practicable, that—
  - (i) the required distance is maintained between any persons on its premises (except between persons mentioned in sub-paragraph (2)<sup>[F34]</sup>],
  - (ii) persons are admitted to its premises in sufficiently small numbers to make it possible to maintain the required distance, and
  - (iii) the required distance is maintained between any persons waiting to enter its premises (except between persons mentioned in sub-paragraph (2)<sup>[F35]</sup>], 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,

**Status:** Point in time view as at 16/01/2021.

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

- (iv) otherwise controlling the use of, or access to, any other part of the premises,
  - (v) installing barriers or screens,
  - (vi) providing, or requiring the use of, personal protective equipment, and
  - (vii) providing information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus.
- (2) The persons mentioned in sub-paragraph (1)(a)(i) and (iii) are—
- (a) two or more members of the same household,
  - (b) a carer and the person assisted by that carer, or
  - (c) in relation to premises being used to provide school education, two or more persons where at least one of them is a pupil.
- (3) In this paragraph—
- “carer” includes a person who provides care for the person assisted whether that care is provided—
- (a) by a carer within the meaning of section 1 of the Carers (Scotland) Act 2016 <sup>M21</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>M22</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>M23</sup>.
- (4) In the definition of “required distance” in sub-paragraph (3), “reduced distance premises” means—
- (a) passenger transport service premises,
  - (b) restaurants, including restaurants and dining rooms in hotels or members' clubs,
  - (c) cafes, including workplace canteens,
  - (d) bars, including bars in hotels or members' clubs, and
  - (e) public houses.

#### Textual Amendments

**F34** Closing bracket in sch. 1 para. 3(1)(a)(i) inserted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **18(2)(a)**

**F35** Closing bracket in sch. 1 para. 3(1)(a)(iii) inserted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **18(2)(a)**

#### Commencement Information

**I14** Sch. 1 para. 3 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Marginal Citations

**M21** 2016 asp 9.

**Status:** Point in time view as at 16/01/2021.

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

**M22** 1980 c.44. Section 135(1) has been amended but none of those amendments are relevant for this definition.

**M23** Section 1(5)(a) was amended by the [Education \(Scotland\) Act 1981 \(c. 58\)](#), [section 3\(1\)\(a\)](#), by the [Standards in Scotland's Schools etc. Act 2000 \(asp 6\)](#), [schedule 3](#), and by the [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), [schedule 5](#), paragraph 2(2)(c).

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

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

(2) Guidance issued by the Scottish Ministers may—

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

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

#### Commencement Information

**I15** Sch. 1 para. 4 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

5.—(1) A person who is responsible for a relevant hospitality premises in a Level 0 area must, in relation to the premises, take measures to—

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

(2) Sub-paragraph (1) does not apply in relation to a visitor to the premises who is there solely for the purpose of purchasing or collecting food or drink for consumption off the premises.

(3) A person who is responsible for a relevant hospitality premises in a Level 0 area must provide visitor information to a public health officer, as soon as reasonably practicable but in any event within 24 hours, if so requested by the public health officer for the purpose of—

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

(4) In this paragraph—

“public health officer” has the meaning given by paragraph 3(2)(b) of schedule 21 of the Coronavirus Act 2020 <sup>M24</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

**I16** Sch. 1 para. 5 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Marginal Citations

**M24** 2020 c.7.

## PART 3 **S**

### Restrictions on gatherings

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

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

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

**Status:** Point in time view as at 16/01/2021.

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

- (i) are using cooking, dining, toilet or washing facilities which are shared with any person who is not a member of their household, and
- (ii) have the accommodation as their only or main residence.

(2) For the purpose of sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of persons participating in a gathering but are to be included when counting the number of households participating in a gathering.

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

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

#### Commencement Information

I17 Sch. 1 para. 6 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

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

- (a) consists of no more than fifteen persons from no more than five households,
- (b) consists of no more than [F36eight] persons who are all under 18 years of age, where at least one person in the gathering has attained 12 years of age but has not attained 18 years of age,
- (c) consists of persons who are all under 12 years of age,
- (d) is for the purpose of—
  - (i) work or providing voluntary or charitable services,
  - (ii) childcare, education or training,
  - (iii) attending a place of worship,
  - (iv) providing care or assistance to a vulnerable person,
  - (v) providing emergency or medical assistance,
  - (vi) avoiding injury, illness or escaping a risk of harm,
  - (vii) facilitating a house move,
  - (viii) facilitating shared parenting arrangements,
  - (ix) participating in legal proceedings or fulfilling a legal obligation,
  - (x) donating blood,
  - (xi) accessing public services, including—
    - (aa) social services,



- (bb) services provided by the Department for Work and Pensions,
- (cc) services provided to victims (such as victims of crime),
- (xii) an organised activity which is not a public procession,
- (xiii) organised exercise,
- (e) relates to a funeral, marriage ceremony or civil partnership registration, or
- (f) is taking place in student accommodation, where all the persons in the gathering—
  - (i) are using cooking, dining, toilet or washing facilities which are shared with any person who is not a member of their household, and
  - (ii) have the accommodation as their only or main residence.
- (2) For the purpose of sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of persons or households participating in a gathering.
- (3) For the purpose of sub-paragraph (1)(d)(xii) and (xiii), an activity or exercise is “organised” if—
  - (a) it is organised by—
    - (i) a person who is responsible for carrying on a business or providing a service,
    - (ii) a person who is responsible for a place of worship,
    - (iii) a charity or other not for profit organisation,
    - (iv) a club or political organisation, or
    - (v) the governing body of a sport or other activity, and
  - (b) the organiser has taken such measures described in paragraph 3(1)(a) and (b) as are relevant to the particular activity or exercise, taking into account any relevant guidance issued by the Scottish Ministers.

#### Textual Amendments

**F36** Word in sch. 1 para. 7(1)(b) substituted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, 7

#### Commencement Information

**I18** Sch. 1 para. 7 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

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

- (a) takes place indoors and consists of no more than eight persons from no more than three households,
- [<sup>F37</sup>(aa) takes place outdoors and consists of no more than 15 persons from no more than five households,]
- (b) takes place outdoors and—
  - (i) where at least one person in the gathering has attained 12 years of age but has not attained 18 years of age, consists of no more than eight persons who are all under 18 years of age, or
  - (ii) all the persons in the gathering are under 12 years of age,

**Status:** Point in time view as at 16/01/2021.

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

- (c) is for the purpose of—
- (i) work or providing voluntary or charitable services,
  - (ii) childcare, education or training,
  - (iii) providing care or assistance to a vulnerable person,
  - (iv) providing emergency or medical assistance,
  - (v) avoiding injury, illness or escaping a risk of harm,
  - (vi) facilitating a house move,
  - (vii) facilitating shared parenting arrangements,
  - (viii) fulfilling a legal obligation,
- (d) [<sup>F38</sup>is] a funeral, marriage ceremony or civil partnership registration, or
- (e) is taking place in student accommodation, where all the persons in the gathering—
- (i) are using cooking, dining, toilet or washing facilities which are shared with any person who is not a member of their household, and
  - (ii) have the accommodation as their only or main residence.

(2) For the purpose of sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of people <sup>F39</sup>... attending a gathering [<sup>F40</sup>but are to be included when counting the number of households attending a gathering].

[<sup>F41</sup>(3) For the purpose of sub-paragraph (1)(aa), children under 12 years of age are not to be included when counting the number of people or households attending a gathering.]

#### Textual Amendments

- F37** Sch. 1 para. 8(1)(aa) inserted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **8(a)**
- F38** Word in sch. 1 para. 8(1)(d) substituted (18.12.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/439\)](#), regs. 1, **4**
- F39** Words in sch. 1 para. 8(2) omitted (13.11.2020 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **8(b)(i)**
- F40** Words in sch. 1 para. 8(2) inserted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **8(b)(ii)**
- F41** Sch. 1 para. 8(3) inserted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **8(c)**

#### Commencement Information

- I19** Sch. 1 para. 8 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

## SCHEDULE 2 **S**

Regulation 3(2)

### Level 1 Restrictions

## PART 1 **S**

### Closure of Premises

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

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

- (a) close to members of the public any premises operated as part of the business, and
  - (b) not carry on business at such premises otherwise than in accordance with this regulation.
- (2) In sub-paragraph (1), “listed business” means—
- (a) a nightclub, dance hall or discotheque,
  - (b) a sexual entertainment venue.
- (3) Sub-paragraph (1) does not prevent the use of—
- (a) premises, while those premises remain closed to members of the public, to—
    - (i) record a performance or sporting event,
    - (ii) broadcast a performance or sporting event to persons outside the premises, whether over the internet or as part of a radio or television broadcast, or
    - (iii) rehearse, train, practise or otherwise prepare for a performance or sporting event,
  - (b) premises of a listed business in sub-paragraph (2)(a) for any purpose requested by the Scottish Ministers, a health board, a local authority or the Scottish Courts and Tribunals Service,
  - (c) any suitable premises to host blood donation sessions,
  - (d) any suitable premises that are used for the purposes of professional sport.

(4) Sub-paragraph (1) does not prevent the use of premises, while those remain closed to members of the public, to take preparatory steps in pursuance of a requirement in paragraph 4.

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

(6) In sub-paragraph (2), “sexual entertainment venue” has the meaning given by section 45A of the Civic Government (Scotland) Act 1982 <sup>M25</sup>.

#### **Commencement Information**

**I20** Sch. 2 para. 1 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### **Marginal Citations**

**M25** 1982 c.45. Section 45A was inserted by the [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [section 76\(3\)](#).

**Status:** Point in time view as at 16/01/2021.

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

## PART 2 **S**

### Other restrictions on business

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

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

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

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

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

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

#### Commencement Information

**I21** Sch. 2 para. 2 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

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

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

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

- (a) for consumption off the premises,
- (b) by a hotel or other accommodation for consumption as part of room service,
- (c) in a cinema to its customers for consumption in any of its auditoriums,
- (d) to customers attending a drive-in event for consumption at the event,
- (e) for consumption in a cafe, dining hall or canteen at—
  - (i) a hospital or care home,
  - (ii) a school or student accommodation,
  - (iii) a prison,

**Status:** Point in time view as at 16/01/2021.

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

- (iv) an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence, or
  - (v) a workplace canteen where—
    - (aa) there is no practical alternative for staff at that workplace to obtain food, and
    - (bb) so far as reasonably possible, a distance of at least two metres can be maintained between any person using the canteen,
  - (f) for consumption in premises providing food or drink to homeless persons,
  - (g) for consumption in premises which are airside at an airport,
  - (h) for consumption in premises which are on a ferry.
- (3) Sub-paragraph (2)(c) to (h) does not apply in relation to the sale of alcohol.
- (4) Sub-paragraph (1) does not prevent—
- (a) the consumption of food or drink by a resident of a hotel in their private room,
  - (b) the consumption of food or drink by members of the public in any of the premises described in sub-paragraph (2)(c) to (h).
- (5) For the purposes of sub-paragraph (1), an area adjacent to the premises of the food and drink business, where seating is made available for customers of the business (whether or not by the business), or which its customers habitually use for consumption of food or drink served by the business, is to be treated as part of the premises of that business.
- (6) If a food and drink business (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirements in sub-paragraph (1) if that person complies with the requirements in relation to business A.

**Commencement Information**

**I22** Sch. 2 para. 3 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

- 4.—(1) A person who is responsible for a place of worship, carrying on a business or providing a service in a Level 1 area must take—
- (a) measures to ensure, so far as reasonably practicable, that—
    - (i) the required distance is maintained between any persons on its premises (except between persons mentioned in sub-paragraph (2)<sup>[F42]</sup>],
    - (ii) persons are admitted to its premises in sufficiently small numbers to make it possible to maintain the required distance, and
    - (iii) the required distance is maintained between any persons waiting to enter its premises (except between persons mentioned in sub-paragraph (2)<sup>[F43]</sup>], 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,

**Status:** Point in time view as at 16/01/2021.

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

- (v) installing barriers or screens,
  - (vi) providing, or requiring the use of, personal protective equipment, and
  - (vii) providing information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus.
- (2) The persons mentioned in sub-paragraph (1)(a)(i) and (iii) are—
- (a) two or more members of the same household,
  - (b) a carer and the person assisted by that carer, or
  - (c) in relation to premises being used to provide school education, two or more persons where at least one of them is a pupil.
- (3) In this paragraph—
- “carer” includes a person who provides care for the person assisted whether that care is provided—
- (a) by a carer within the meaning of section 1 of the Carers (Scotland) Act 2016 <sup>M26</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>M27</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>M28</sup>.
- (4) In the definition of “required distance” in sub-paragraph (3), “reduced distance premises” means—
- (a) passenger transport service premises,
  - (b) restaurants, including restaurants and dining rooms in hotels or members' clubs,
  - (c) cafes, including workplace canteens,
  - (d) bars, including bars in hotels or members' clubs, and
  - (e) public houses.

#### Textual Amendments

- F42** Closing bracket in sch. 2 para. 4(1)(a)(i) inserted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **18(2)(b)**
- F43** Closing bracket in sch. 2 para. 4(1)(a)(iii) inserted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **18(2)(b)**

#### Commencement Information

- I23** Sch. 2 para. 4 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Marginal Citations

- M26** 2016 asp 9.

**M27** 1980 c.44. Section 135(1) has been amended but none of those amendments are relevant for this definition.

**M28** Section 1(5)(a) was amended by the [Education \(Scotland\) Act 1981 \(c. 58\)](#), [section 3\(1\)\(a\)](#), by the [Standards in Scotland's Schools etc. Act 2000 \(asp 6\)](#), [schedule 3](#), and by the [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), [schedule 5](#), paragraph 2(2)(c).

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

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

(2) Guidance issued by the Scottish Ministers may—

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

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

### Commencement Information

**I24** Sch. 2 para. 5 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

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

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

(2) Sub-paragraph (1) does not apply in relation to a visitor to the premises who is there solely for the purpose of purchasing or collecting food or drink for consumption off the premises.

(3) A person who is responsible for a relevant hospitality premises in a Level 1 area must provide visitor information to a public health officer, as soon as reasonably practicable but in any event within 24 hours, if so requested by the public health officer for the purpose of—

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

(4) In this paragraph—

“public health officer” has the meaning given by paragraph 3(2)(b) of schedule 21 of the Coronavirus Act 2020 <sup>M29</sup>,

“relevant hospitality premises” means—

**Status:** Point in time view as at 16/01/2021.

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

- (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

**I25** Sch. 2 para. 6 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Marginal Citations

**M29** 2020 c.7.

## PART 3 S

### Restrictions on gatherings

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

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

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



- (c) relates to a funeral, marriage ceremony or civil partnership registration, or
  - (d) is taking place in student accommodation, where all the persons in the gathering—
    - (i) are using cooking, dining, toilet or washing facilities which are shared with any person who is not a member of their household, and
    - (ii) have the accommodation as their only or main residence.
- (2) For the purpose of sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of persons participating in a gathering but are to be included when counting the number of households participating in a gathering.
- (3) For the purpose of sub-paragraph (1)(b)(xii) and (xiii), an activity or exercise is “organised” if—
- (a) it is organised by—
    - (i) a person who is responsible for carrying on a business or providing a service,
    - (ii) a person who is responsible for a place of worship,
    - (iii) a charity or other not for profit organisation,
    - (iv) a club or political organisation, or
    - (v) the governing body of a sport or other activity, and
  - (b) the organiser has taken such measures described in paragraph 4(1)(a) and (b) as are relevant to the particular activity or exercise, taking into account any relevant guidance issued by the Scottish Ministers.

**Commencement Information**

**I26** Sch. 2 para. 7 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

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

- (a) consists <sup>F44</sup>... of no more than eight persons from no more than three households,
- <sup>F45</sup>(b) consists of no more than eight persons who are all under 18 years of age, where at least one person in the gathering has attained 12 years of age but has not attained 18 years of age,]
- (c) consists of persons who are all under 12 years of age,
- (d) is for the purpose of—
  - (i) work or providing voluntary or charitable services,
  - (ii) childcare, education or training,
  - (iii) attending a place of worship,
  - (iv) providing care or assistance to a vulnerable person,
  - (v) providing emergency or medical assistance,
  - (vi) avoiding injury, illness or escaping a risk of harm,
  - (vii) facilitating a house move,
  - (viii) facilitating shared parenting arrangements,
  - (ix) participating in legal proceedings or fulfilling a legal obligation,
  - (x) donating blood,

**Status:** Point in time view as at 16/01/2021.

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

- (xi) accessing public services, including—
    - (aa) social services,
    - (bb) services provided by the Department for Work and Pensions,
    - (cc) services provided to victims (such as victims of crime),
  - (xii) an organised activity which is not a public procession,
  - (xiii) organised exercise,
  - (e) relates to a funeral, marriage ceremony or civil partnership registration, or
  - (f) is taking place in student accommodation, where all the persons in the gathering—
    - (i) are using cooking, dining, toilet or washing facilities which are shared with any person who is not a member of their household, and
    - (ii) have the accommodation as their only or main residence.
- (2) For the purpose of sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of persons or households participating in a gathering.
- (3) For the purpose of sub-paragraph (1)(d)(xii) and (xiii), an activity or exercise is “organised” if—
- (a) it is organised by—
    - (i) a person who is responsible for carrying on a business or providing a service,
    - (ii) a person who is responsible for a place of worship,
    - (iii) a charity or other not for profit organisation,
    - (iv) a club or political organisation, or
    - (v) the governing body of a sport or other activity, and
  - (b) the organiser has taken such measures described in paragraph 4(1)(a) and (b) as are relevant to the particular activity or exercise, taking into account any relevant guidance issued by the Scottish Ministers.

#### Textual Amendments

**F44** Words in sch. 2 para. 8(1)(a) omitted (20.11.2020 at 6.00 p.m.) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, **8(a)**

**F45** Sch. 2 para. 8(1)(b) substituted (20.11.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, **8(b)**

#### Commencement Information

**I27** Sch. 2 para. 8 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

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

- (a) takes place outdoors and consists of no more than [<sup>F46</sup>eight] persons from no more than [<sup>F47</sup>three] households,
- (b) takes place outdoors and—

**Status:** Point in time view as at 16/01/2021.

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

- (i) where at least one person in the gathering has attained 12 years of age but has not attained 18 years of age, consists of no more than [<sup>F48</sup>eight] persons who are all under 18 years of age, or
  - (ii) all the persons in the gathering are under 12 years of age,
  - (c) is for the purpose of—
    - (i) work or providing voluntary or charitable services,
    - (ii) childcare, education or training,
    - (iii) providing care or assistance to a vulnerable person,
    - (iv) providing emergency or medical assistance,
    - (v) avoiding injury, illness or escaping a risk of harm,
    - (vi) facilitating a house move,
    - (vii) facilitating shared parenting arrangements,
    - (viii) fulfilling a legal obligation,
  - (d) [<sup>F49</sup>is] a funeral, marriage ceremony or civil partnership registration, or
  - (e) is taking place in student accommodation, where all the persons in the gathering—
    - (i) are using cooking, dining, toilet or washing facilities which are shared with any person who is not a member of their household, and
    - (ii) have the accommodation as their only or main residence.
- (2) For the purpose of sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of people or households attending a gathering.

#### Textual Amendments

- F46** Word in sch. 2 para. 9(1)(a) substituted (20.11.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, **9(a)(i)**
- F47** Word in sch. 2 para. 9(1)(a) substituted (20.11.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, **9(a)(ii)**
- F48** Word in sch. 2 para. 9(1)(b)(i) substituted (20.11.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, **9(b)**
- F49** Word in sch. 2 para. 9(1)(d) substituted (18.12.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/439\)](#), regs. 1, **5**

#### Commencement Information

- I28** Sch. 2 para. 9 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

**Status:** Point in time view as at 16/01/2021.**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020. (See end of Document for details)**SCHEDULE 3** **S**

Regulation 3(3)

## Level 2 Restrictions

**PART 1** **S**

## Closure of Premises

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

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

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

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

- (a) a nightclub, dance hall or discotheque,
- (b) a concert hall,
- (c) any other venue which—
  - (i) normally opens at night,
  - (ii) has a dance floor or other space for dancing or spectating by members of the public (and for these purposes, members of staff of the venue in question are to be considered members of the public), and
  - (iii) provides music, whether live or recorded,
- (d) a sexual entertainment venue,
- (e) an indoor or outdoor theatre,
- (f) a comedy club,
- (g) a soft play centre,
- (h) a sports stadium,
- (i) a conference or exhibition centre,
- (j) a snooker or pool hall,
- (k) a bowling alley,
- (l) a casino,
- (m) a funfair <sup>F50</sup> ....

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

- (a) premises, while those premises remain closed to members of the public, to—
  - (i) record a performance or sporting event,
  - (ii) broadcast a performance or sporting event to persons outside the premises, whether over the internet or as part of a radio or television broadcast, or
  - (iii) rehearse, train, practise or otherwise prepare for a performance or sporting event,
- (b) premises of a listed business in sub-paragraph (2)(b), (e), or (h) for education or training purposes,
- (c) premises of a listed business in sub-paragraph (2)(h) for providing voluntary or charitable services,

- (d) premises of a listed business in sub-paragraph (2)(a), (b), (c), (e), (f), (h) or (i) for any purpose requested by the Scottish Ministers, a health board, a local authority or the Scottish Courts and Tribunals Service,
  - (e) any suitable premises to host blood donation sessions,
  - (f) any suitable premises that are used for the purposes of professional sport.
- (4) Sub-paragraph (1) does not prevent the use of premises, while those remain closed to members of the public, to take preparatory steps in pursuance of a requirement in paragraph 8.
- (5) Sub-paragraph (1) does not prevent the use of premises for a drive-in event.
- (6) If a listed business (“business A”) forms part of a larger business (“business B”) the person responsible for carrying on business B complies with the requirement in sub-paragraph (1)(a) if it closes down business A.
- (7) In sub-paragraph (2), “sexual entertainment venue” has the meaning given by section 45A of the Civic Government (Scotland) Act 1982 <sup>M30</sup>.

#### Textual Amendments

**F50** Words in sch. 3 para. 1(2)(m) omitted (2.11.2020 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment Regulations 2020 \(S.S.I. 2020/347\)](#), regs. 1, 2

#### Commencement Information

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

#### Marginal Citations

**M30** 1982 c.45. Section 45A was inserted by the [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [section 76\(3\)](#).

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

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

(2) For the purposes of this paragraph—

(a) a “close contact service” means:

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

**Status:** Point in time view as at 16/01/2021.

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

- (b) a “mobile close contact service” means a close contact service which is provided at a location other than—
- (i) fixed business premises which have as one of their uses the provision of the service,
  - (ii) a room which is used exclusively for the provision of the service and is situated within a private dwelling, hospice, or other care setting.

#### Commencement Information

**I30** Sch. 3 para. 2 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### [<sup>F51</sup>Requirement to cease mobile close contact services in respect of Level 2 areas **S**

**2A.**—(1) A person who is living in a Level 2 area who provides a mobile close contact service must not provide that service in any other local authority area.

(2) In this paragraph, “mobile close contact service” has the meaning given in paragraph 2(2).]

#### Textual Amendments

**F51** Sch. 3 para. 2A inserted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **13**

## PART 2 **S**

### Other restrictions on business

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

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

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

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

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

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

**Commencement Information**

**I31** Sch. 3 para. 3 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

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

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

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

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

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

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

**Commencement Information**

**I32** Sch. 3 para. 4 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

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

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

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

- (a) between the hours of 2130 and 0600, cease to admit any additional customers to the premises,
- (b) between the hours of 2230 and 0600—

**Status:** Point in time view as at 16/01/2021.

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

- (i) close any premises, or parts of the premises, in which food or drink are sold for consumption on those premises, to members of the public,
  - (ii) cease selling food or drink for consumption on those premises,
  - (iii) not permit consumption of food or drink on those premises by members of the public.
- (3) Sub-paragraphs (1) and (2) do not prevent food or drink being sold—
- (a) for consumption off the premises,
  - (b) by a hotel or other accommodation for consumption as part of room service,
  - (c) by a hotel or other accommodation between the hours of 0600 and 2200 for consumption by its residents in any other area of the hotel or accommodation,
  - (d) in a cinema to its customers for consumption in any of its auditoriums,
  - (e) to customers attending a drive-in event for consumption at the event,
  - (f) for consumption in a cafe, dining hall or canteen at—
    - (i) a hospital or care home,
    - (ii) a school or student accommodation,
    - (iii) a prison,
    - (iv) an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence, or
    - (v) a workplace canteen where—
      - (aa) there is no practical alternative for staff at that workplace to obtain food, and
      - (bb) so far as reasonably possible, a distance of at least two metres can be maintained between any person using the canteen,
  - (g) for consumption in premises providing food or drink to homeless persons,
  - (h) for consumption in premises which are airside at an airport,
  - (i) for consumption in premises which are on a ferry.
- (4) Sub-paragraph (3)(c) does not apply in relation to the sale of alcohol by a hotel or other accommodation to its residents between 2000 and 0600.
- (5) Sub-paragraph (3)(d) to (i) does not apply in relation to the sale of alcohol.
- (6) Sub-paragraph (1) does not prevent—
- (a) the consumption of food or drink by a resident of a hotel in their private room,
  - (b) the consumption of food or drink by members of the public in any of the premises described in sub-paragraph (3)(d) to (i).
- (7) For the purposes of sub-paragraph (1), an area adjacent to the premises of the food and drink business, where seating is made available for customers of the business (whether or not by the business), or which its customers habitually use for consumption of food or drink served by the business, is to be treated as part of the premises of that business.
- (8) If a food and drink business (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirements in sub-paragraph (1) or (2) if that person complies with the requirements in relation to business A.

#### **Commencement Information**

**I33** Sch. 3 para. 5 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)



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

6.—(1) Subject to paragraph 7, a person who is responsible for carrying on a food and drink business in a Level 2 area (other than one to which paragraph 4 applies) must—

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

(2) Sub-paragraph (1) does not apply if alcohol is served for consumption on the premises indoors ancillary to the taking of a table meal, and the meal—

- (a) has been prepared on the premises, and
- (b) is such as might be expected to be served as the main midday or main evening meal (irrespective of the actual time of service), or as a main course at either such meal.

(3) For the purposes of this paragraph, a table meal means a meal eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purposes of a table.

(4) Sub-paragraph (1) does not apply if—

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

### Commencement Information

**I34** Sch. 3 para. 6 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

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

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

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

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

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

### Commencement Information

**I35** Sch. 3 para. 7 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

**Status:** Point in time view as at 16/01/2021.

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

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

8.—(1) A person who is responsible for a place of worship, carrying on a business or providing a service in a Level 2 area must take—

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

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

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

(3) In this paragraph—

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

- (a) by a carer within the meaning of section 1 of the Carers (Scotland) Act 2016 <sup>M31</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>M32</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>M33</sup>.

(4) In the definition of “required distance” in sub-paragraph (3), “reduced distance premises” means—

- (a) passenger transport service premises,

- (b) restaurants, including restaurants and dining rooms in hotels or members' clubs,
- (c) cafes, including workplace canteens,
- (d) bars, including bars in hotels or members' clubs, and
- (e) public houses.

#### Commencement Information

**I36** Sch. 3 para. 8 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Marginal Citations

**M31** 2016 asp 9.

**M32** 1980 c.44.

**M33** Section 1(5)(a) was amended by the [Education \(Scotland\) Act 1981 \(c.58\)](#), [section 3\(1\)\(a\)](#), by the [Standards in Scotland's Schools etc. Act 2000 \(asp 6\)](#), [schedule 3](#), and by the [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#), [schedule 5](#), paragraph 2(2)(c).

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

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

(2) Guidance issued by the Scottish Ministers may—

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

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

#### Commencement Information

**I37** Sch. 3 para. 9 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

**10.—(1)** A person who is responsible for a relevant hospitality premises in a Level 2 area must, in relation to the premises, take measures to—

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

(2) Sub-paragraph (1) does not apply in relation to a visitor to the premises who is there solely for the purpose of purchasing or collecting food or drink for consumption off the premises.

**Status:** Point in time view as at 16/01/2021.

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

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

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

(4) In this paragraph—

“public health officer” has the meaning given by paragraph 3(2)(b) of schedule 21 of the Coronavirus Act 2020 <sup>M34</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

**I38** Sch. 3 para. 10 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Marginal Citations

**M34** 2020 c.7.

## PART 3 **S**

### Restrictions on gatherings

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

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

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

- (x) donating blood,
  - (xi) accessing public services, including—
    - (aa) social services,
    - (bb) services provided by the Department for Work and Pensions,
    - (cc) services provided to victims (such as victims of crime),
  - (xii) an organised activity which is for persons under 18 years of age,
  - (xiii) organised exercise which—
    - (aa) is not a contact sport, or
    - (bb) is for persons under 18 years of age,
  - (c) relates to a funeral, marriage ceremony or civil partnership registration, or
  - (d) is taking place in student accommodation, where all the persons in the gathering—
    - (i) are using cooking, dining, toilet or washing facilities which are shared with any person who is not a member of their household, and
    - (ii) have the accommodation as their only or main residence.
- (2) For the purpose of sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of persons participating in a gathering but are to be included when counting the number of households participating in a gathering.
- (3) For the purpose of sub-paragraph (1)(b)(xii) and (xiii), an activity or exercise is “organised” if—
- (a) it is organised by—
    - (i) a person who is responsible for carrying on a business or providing a service,
    - (ii) a person who is responsible for a place of worship,
    - (iii) a charity or other not for profit organisation,
    - (iv) a club or political organisation, or
    - (v) the governing body of a sport or other activity, and
  - (b) the organiser has taken such measures described in paragraph 8(1)(a) and (b) as are relevant to the particular activity or exercise, taking into account any relevant guidance issued by the Scottish Ministers.

**Commencement Information**

**I39** Sch. 3 para. 11 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

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

- (a) consists of no more than six persons from no more than two households,
- (b) consists of no more than six persons who are all under 18 years of age, where at least one person in the gathering has attained 12 years of age but has not attained 18 years of age,
- (c) consists of persons who are all under 12 years of age,
- (d) is for the purpose of—
  - (i) work or providing voluntary or charitable services,

**Status:** Point in time view as at 16/01/2021.

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

- (ii) childcare, education or training,
  - (iii) attending a place of worship,
  - (iv) providing care or assistance to a vulnerable person,
  - (v) providing emergency or medical assistance,
  - (vi) avoiding injury, illness or escaping a risk of harm,
  - (vii) facilitating a house move,
  - (viii) facilitating shared parenting arrangements,
  - (ix) participating in legal proceedings or fulfilling a legal obligation,
  - (x) donating blood,
  - (xi) accessing public services, including—
    - (aa) social services,
    - (bb) services provided by the Department for Work and Pensions,
    - (cc) services provided to victims (such as victims of crime),
  - (xii) an organised activity which is not a public procession,
  - (xiii) organised exercise,
  - (e) relates to a funeral, marriage ceremony or civil partnership registration, or
  - (f) is taking place in student accommodation, where all the persons in the gathering—
    - (i) are using cooking, dining, toilet or washing facilities which are shared with any person who is not a member of their household, and
    - (ii) have the accommodation as their only or main residence.
- (2) For the purpose of sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of persons or households participating in a gathering.
- (3) For the purpose of sub-paragraph (1)(d)(xii) and (xiii), an activity or exercise is “organised” if—
- (a) it is organised by—
    - (i) a person who is responsible for carrying on a business or providing a service,
    - (ii) a person who is responsible for a place of worship,
    - (iii) a charity or other not for profit organisation,
    - (iv) a club or political organisation, or
    - (v) the governing body of a sport or other activity, and
  - (b) the organiser has taken such measures described in paragraph 8(1)(a) and (b) as are relevant to the particular activity or exercise, taking into account any relevant guidance issued by the Scottish Ministers.

#### Commencement Information

**I40** Sch. 3 para. 12 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

**13.—(1)** A person must not attend a gathering in a private dwelling located in a Level 2 area, unless the gathering—

- (a) takes place outdoors and consists of no more than six persons from no more than two households,
  - (b) takes place outdoors and—
    - (i) where at least one person in the gathering has attained 12 years of age but has not attained 18 years of age, consists of no more than six persons who are all under 18 years of age, or
    - (ii) all the persons in the gathering are under 12 years of age,
  - (c) is for the purpose of—
    - (i) work or providing voluntary or charitable services,
    - (ii) childcare, education or training,
    - (iii) providing care or assistance to a vulnerable person,
    - (iv) providing emergency or medical assistance,
    - (v) avoiding injury, illness or escaping a risk of harm,
    - (vi) facilitating a house move,
    - (vii) facilitating shared parenting arrangements,
    - (viii) fulfilling a legal obligation,
  - (d) is a funeral, marriage ceremony or civil partnership registration, or
  - (e) is taking place in student accommodation, where all the persons in the gathering—
    - (i) are using cooking, dining, toilet or washing facilities which are shared with any person who is not a member of their household, and
    - (ii) have the accommodation as their only or main residence.
- (2) For the purpose of sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of people or households attending a gathering.

**Commencement Information**

**I41** Sch. 3 para. 13 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

SCHEDULE 4 **S**

Regulation 3(4)

Level 3 Restrictions

**PART 1 S**

Closure of Premises

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

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

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

**Status:** Point in time view as at 16/01/2021.

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

- (2) In sub-paragraph (1), “listed business” means—
- (a) a cinema,
  - (b) a nightclub, dance hall or discotheque,
  - (c) a concert hall,
  - (d) any other venue which—
    - (i) normally opens at night,
    - (ii) has a dance floor or other space for dancing or spectating by members of the public (and for these purposes, members of staff of the venue in question are to be considered members of the public), and
    - (iii) provides music, whether live or recorded,
  - (e) a sexual entertainment venue,
  - (f) an indoor or outdoor theatre,
  - (g) a comedy club,
  - (h) a soft play centre,
  - (i) a sports stadium,
  - (j) a conference or exhibition centre,
  - (k) a snooker or pool hall,
  - (l) a bowling alley,
  - (m) a casino,
  - (n) a bingo hall,
  - (o) a funfair,
  - (p) an amusement arcade,
- (3) Sub-paragraph (1) does not prevent the use of—
- (a) premises, while those premises remain closed to members of the public, to—
    - (i) record a performance or sporting event,
    - (ii) broadcast a performance or sporting event to persons outside the premises, whether over the internet or as part of a radio or television broadcast, or
    - (iii) rehearse, train, practise or otherwise prepare for a performance or sporting event,
  - (b) premises of a listed business in sub-paragraph (2)(c), (f), or (i) for education or training purposes,
  - (c) premises of a listed business in sub-paragraph (2)(i) for providing voluntary or charitable services,
  - (d) premises of a listed business in sub-paragraph (2)(a), (b), (c), (d), (f), (g), (i), or (j) for any purpose requested by the Scottish Ministers, a health board, a local authority or the Scottish Courts and Tribunals Service,
  - (e) any suitable premises to host blood donation sessions,
  - (f) any suitable premises that are used for the purposes of professional sport.
  - [<sup>r52</sup>(g) any suitable premises to host vaccination services, where requested to do so by the Scottish Ministers, a local authority or a health board.]
- (4) Sub-paragraph (1) does not prevent the use of premises, while those remain closed to members of the public, to take preparatory steps in pursuance of a requirement in paragraph 7.



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

(6) In sub-paragraph (2), “sexual entertainment venue” has the meaning given by section 45A of the Civic Government (Scotland) Act 1982 <sup>M35</sup>.

#### Textual Amendments

**F52** Sch. 4 para. 1(3)(g) inserted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), 7(a)

#### Commencement Information

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

#### Marginal Citations

**M35** 1982 c.45. Section 45A was inserted by the [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), section 76(3).

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

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

(2) For the purposes of this paragraph—

(a) a “close contact service” means:

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

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

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

#### Commencement Information

**I43** Sch. 4 para. 2 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

**Status:** Point in time view as at 16/01/2021.

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

### <sup>F53</sup> Requirement to cease mobile close contact services in respect of Level 3 areas **S**

**2A.**—(1) A person who is living in a Level 3 area who provides a mobile close contact service must not provide that service in any other local authority area.

(2) In this paragraph, “mobile close contact service” has the meaning given in paragraph 2(2).]

#### Textual Amendments

**F53** Sch. 4 para. 2A inserted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, 14

## PART 2 **S**

### Other restrictions on business

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

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

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

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

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

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

#### Commencement Information

**I44** Sch. 4 para. 3 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

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

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

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

(3) For the purposes of this paragraph, a “drinks-only public house business” means any public house which does not have available on its premises facilities to allow the preparation and service

of a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal.

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

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

#### Commencement Information

**I45** Sch. 4 para. 4 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

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

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

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

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

**Status:** Point in time view as at 16/01/2021.

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

(g) premises which are on a ferry.

<sup>F54</sup>(3) .....

(4) Sub-paragraph [<sup>F55</sup>(2)(c) to (g)] does not apply in relation to the sale of alcohol.

(5) Sub-paragraph (1) does not prevent—

- (a) the consumption of food or drink by a resident of a hotel in their private room,
- (b) the consumption of food or drink by members of the public in any of the premises described in sub-paragraph (2)(d) to (g).

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

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

[<sup>F56</sup>(8) Sub-paragraph (1) does not prevent the use of suitable premises to host vaccination services, where requested to do so by the Scottish Ministers, a local authority or a health board.]

**Textual Amendments**

**F54** Sch. 4 para. 5(3) omitted (13.11.2020 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **10(a)**

**F55** Words in sch. 4 para. 5(4) substituted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **10(b)**

**F56** Sch. 4 para. 5(8) inserted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **7(b)**

**Commencement Information**

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

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

**6.—**(1) Where sub-paragraph (2) applies, the requirements in paragraph 5 (restrictions on food and drink businesses in a Level 3 area) apply with the following modifications—

- (a) sub-paragraph (1)(a) to (c) is omitted,
- (b) in sub-paragraph (1)(d), for “1800” substitute “ 2200 ”,

[<sup>F57</sup>(c) sub-paragraph (2) is omitted.]

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

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

### Textual Amendments

**F57** Sch. 4 para. 6(1)(c) substituted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **11**

### Commencement Information

**I47** Sch. 4 para. 6 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

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

- (a) measures to ensure, so far as reasonably practicable, that—
    - (i) the required distance is maintained between any persons on its premises (except between persons mentioned in sub-paragraph (2)<sup>F58</sup>],
    - (ii) persons are admitted to its premises in sufficiently small numbers to make it possible to maintain the required distance, and
    - (iii) the required distance is maintained between any persons waiting to enter its premises (except between persons mentioned in sub-paragraph (2)<sup>F59</sup>], and
  - (b) all other measures which are reasonably practicable to minimise the risk of the incidence and spread of coronavirus on the premises, for example measures which limit close face to face interaction and maintain hygiene such as—
    - (i) changing the layout of premises including the location of furniture and workstations,
    - (ii) controlling the use of entrances, passageways, stairs and lifts,
    - (iii) controlling the use of shared facilities such as toilets and kitchens,
    - (iv) otherwise controlling the use of, or access to, any other part of the premises,
    - (v) installing barriers or screens,
    - (vi) providing, or requiring the use of, personal protective equipment, and
    - (vii) providing information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus.
- (2) The persons mentioned in sub-paragraph (1)(a)(i) and (iii) are—
- (a) two or more members of the same household,
  - (b) a carer and the person assisted by that carer, or
  - (c) in relation to premises being used to provide school education, two or more persons where at least one of them is a pupil.
- (3) In this paragraph—
- “carer” includes a person who provides care for the person assisted whether that care is provided—
- (a) by a carer within the meaning of section 1 of the Carers (Scotland) Act 2016<sup>M36</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>M37</sup>,

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

“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>M38</sup>.

(4) In the definition of “required distance” in sub-paragraph (3), “reduced distance premises” means—

- (a) passenger transport service premises,
- (b) restaurants, including restaurants and dining rooms in hotels or members' clubs,
- (c) cafes, [<sup>F60</sup>excluding] workplace canteens,
- (d) bars, including bars in hotels or members' clubs, and
- (e) public houses.

#### Textual Amendments

**F58** Closing bracket in sch. 4 para. 7(1)(a)(i) inserted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **18(2)(c)**

**F59** Closing bracket in sch. 4 para. 7(1)(a)(iii) inserted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **18(2)(c)**

**F60** Word in sch. 4 para. 7(4)(c) substituted (8.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **3**

#### Commencement Information

**I48** Sch. 4 para. 7 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Marginal Citations

**M36** 2016 asp 9.

**M37** 1980 c.44.

**M38** Section 1(5)(a) was amended by schedule 3 of the [Standards in Scotland's Schools etc. Act 2000 \(asp 6\)](#), paragraph 3(2)(a) of schedule 3 of the [Education \(Additional Support for Learning\) \(Scotland\) Act 2004 \(asp 4\)](#) and paragraph 2(2)(c) of schedule 5 of the [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#).

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

**8.—(1)** A person who is responsible for a place of worship, carrying on a business or providing a service in a Level 3 area must have regard to guidance issued by the Scottish Ministers about measures which should be taken in accordance with paragraph 7(1)(b) relating to its premises, business or service.

(2) Guidance issued by the Scottish Ministers may—

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

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

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**Commencement Information**

**I49** Sch. 4 para. 8 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

**9.—**(1) A person who is responsible for a relevant hospitality premises in a Level 3 area must, in relation to the premises, take measures to—

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

(2) Sub-paragraph (1) does not apply in relation to a visitor to the premises who is there solely for the purpose of purchasing or collecting food or drink for consumption off the premises.

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

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

(4) In this paragraph—

“public health officer” has the meaning given by paragraph 3(2)(b) of schedule 21 of the Coronavirus Act 2020 <sup>M39</sup>,

“relevant hospitality premises” means—

- (a) a restaurant, cafe, bar or public house, or
- (b) a hotel in which food or drink is sold for consumption on the premises, and

“visitor information” means—

- (a) the name and telephone number of one member of each household visiting the premises,
- (b) the date of their visit and arrival time, and
- (c) the number of members of that person's household visiting the premises at that time.

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**Commencement Information**

**I50** Sch. 4 para. 9 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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**Marginal Citations**

**M39** 2020 c.7.

**Status:** Point in time view as at 16/01/2021.

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

## PART 3 **S**

### Restrictions on gatherings

#### Restriction on public gatherings indoors in <sup>F61</sup>... Level 3 area **S**

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

- (a) consists of no more than six persons from no more than two households,
- (b) is for the purpose of—
  - (i) work or providing voluntary or charitable services,
  - (ii) childcare, education or training,
  - (iii) attending a place of worship,
  - (iv) providing care or assistance to a vulnerable person,
  - (v) providing emergency or medical assistance,
  - (vi) avoiding injury, illness or escaping a risk of harm,
  - (vii) facilitating a house move,
  - (viii) facilitating shared parenting arrangements,
  - (ix) participating in legal proceedings or fulfilling a legal obligation,
  - (x) donating blood,
  - (xi) accessing public services, including—
    - (aa) social services,
    - (bb) services provided by the Department for Work and Pensions,
    - (cc) services provided to victims (such as victims of crime),
  - (xii) an organised activity which is for persons under 18 year of age,
  - (xiii) organised exercise which is for persons under 18 years of age,
- (c) relates to a funeral, marriage ceremony or civil partnership registration, or
- (d) is taking place in student accommodation, where all the persons in the gathering—
  - (i) are using cooking, dining, toilet or washing facilities which are shared with any person who is not a member of their household, and
  - (ii) have the accommodation as their only or main residence.

(2) For the purpose of sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of persons participating in a gathering but are to be included when counting the number of households participating in a gathering.

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

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



- (b) the organiser has taken such measures described in paragraph 7(1)(a) and (b) as are relevant to the particular activity or exercise, taking into account any relevant guidance issued by the Scottish Ministers.

#### Textual Amendments

**F61** Word in sch. 4 para. 10 heading omitted (13.11.2020 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **18(3)**

#### Commencement Information

**I51** Sch. 4 para. 10 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

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

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

**Status:** Point in time view as at 16/01/2021.

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

- (ii) have the accommodation as their only or main residence.
- (2) For the purpose of sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of persons or households participating in a gathering.
- (3) For the purpose of sub-paragraph (1)(d)(xii) and (xiii), an activity or exercise is “organised” if—
  - (a) it is organised by—
    - (i) a person who is responsible for carrying on a business or providing a service,
    - (ii) a person who is responsible for a place of worship,
    - (iii) a charity or other not for profit organisation,
    - (iv) a club or political organisation, or
    - (v) the governing body of a sport or other activity, and
  - (b) the organiser has taken such measures described in paragraph 7(1)(a) and (b) as are relevant to the particular activity or exercise, taking into account any relevant guidance issued by the Scottish Ministers.

#### Commencement Information

**I52** Sch. 4 para. 11 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

- 12.—(1)** A person must not attend a gathering in a private dwelling located in a Level 3 area, unless the gathering—
- (a) takes place outdoors and consists of no more than six persons from no more than two households,
  - (b) takes place outdoors and—
    - (i) where at least one person in the gathering has attained 12 years of age but has not attained 18 years of age, consists of no more than six persons who are all under 18 years of age, or
    - (ii) all the persons in the gathering are under 12 years of age,
  - (c) is for the purpose of—
    - (i) work or providing voluntary or charitable services,
    - (ii) childcare, education or training,
    - (iii) providing care or assistance to a vulnerable person,
    - (iv) providing emergency or medical assistance,
    - (v) avoiding injury, illness or escaping a risk of harm,
    - (vi) facilitating a house move,
    - (vii) facilitating shared parenting arrangements,
    - (viii) fulfilling a legal obligation,
  - (d) is a funeral, marriage ceremony or civil partnership registration, or
  - (e) is taking place in student accommodation, where all the persons in the gathering—
    - (i) are using cooking, dining, toilet or washing facilities which are shared with any person who is not a member of their household, and

(ii) have the accommodation as their only or main residence.

(2) For the purpose of sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of people or households attending a gathering.

#### Commencement Information

**I53** Sch. 4 para. 12 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

## [<sup>F62</sup>PART 4 S

### Restrictions on movement

#### Textual Amendments

**F62** Sch. 4 Pt. 4 inserted (20.11.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, 5(3)

#### Restrictions on leaving Level 3 area S

**13.**—(1) A person who lives in a Level 3 area must not leave or remain away from that area.

(2) But a person who lives in a Level 3 area may leave the area in order to travel to another part of the same area.

#### Restrictions on entering Level 3 area S

**14.**—(1) A person who does not live in a Level 3 area must not enter or remain in that area.

(2) But a person who does not live in a Level 3 area may travel through it in order to reach a place outwith the area.

#### Examples of reasonable excuse S

**15.**—(1) For the purposes of this Part, examples of what constitutes a reasonable excuse (see regulation 5(4)) include leaving or remaining away from the area in which the person lives, or (as the case may be) entering or remaining in a Level 3 area that the person does not live in, for the purposes set out in sub-paragraph (2).

(2) The purposes are to—

(a) obtain or provide—

(i) food and medical supplies for those in the same household (including animals in the household) or for vulnerable persons,

(ii) supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person,

(b) work or provide voluntary or charitable services, where it is not possible for the person to do so from home,

(c) access, provide or receive childcare, education or training, including a support service for parents or expectant parents,

(d) access or undertake driving tuition or take a driving test,

**Status:** Point in time view as at 16/01/2021.

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

- (e) lead an act of worship or attend the person's usual place of worship,
- (f) provide care or assistance to a vulnerable person,
- (g) visit a person detained in a prison, young offenders institution, remand centre, secure accommodation or other place of detention,
- (h) provide or receive emergency assistance,
- (i) provide or obtain medical assistance, including accessing any of the following—
  - (i) audiology services,
  - (ii) chiropody services,
  - (iii) chiropractic services,
  - (iv) dental services,
  - (v) ophthalmic services,
  - (vi) osteopathic services,
  - (vii) services relating to mental health,
- (j) accompany a person obtaining medical assistance, or visit a person receiving treatment in a hospital or who is residing in a hospice or care home,
- (k) avoid injury, illness or other risk of harm, or support someone who is doing so,
- (l) move home or undertake activities in connection with the maintenance, purchase, sale, letting, or rental of residential property that the person owns or is otherwise responsible for,
- (m) participate in or facilitate shared parenting arrangements,
- (n) fulfil a legal obligation or participate in legal proceedings,
- (o) vote, or register to vote, in an election (including to vote as proxy),
- (p) donate blood,
- (q) access public services, including any of the following—
  - (i) social services,
  - (ii) services provided by the Department for Work and Pensions,
  - (iii) services provided to victims (such as victims of crime),
  - (iv) asylum and immigration services and interviews,
- (r) access services provided by voluntary or charitable services, including food banks,
- (s) access waste disposal or recycling facilities,
- (t) obtain money from or deposit money with a business mentioned in paragraph 2(3)(j) or (k) of schedule 5,
- (u) participate in or facilitate organised activity, sport or exercise which is for persons under 18 years of age,
- (v) exercise outdoors, provided that the exercise—
  - (i) is not organised, and
  - (ii) starts and ends at the same place, which place must be—
    - (aa) in the local government area in which the person lives, or
    - (bb) within 5 miles of such local government area,
- (w) where the person is a professional sportsperson, or the coach of a professional sportsperson, coach, train or compete,
- (x) attend a gathering which relates to a marriage ceremony or civil partnership registration,

**Status:** Point in time view as at 16/01/2021.

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

- (y) attend a gathering which relates to a funeral or to travel for compassionate reasons which relate to the end of a person's life,
- (z) feed or care for an animal, including obtaining veterinary services,
- (aa) where the person is a member of an extended household, visit a member of the household which forms the other part of the extended household and who lives outwith the area in which the person lives or, as the case may be, in a Level 3 area,
  - [ facilitate the formation of an end of term household, where either or both of the student or
  - <sup>F63</sup>(ab) the other household which will make up the end of term household live outwith the same area or, as the case may be, in a Level 3 area.]
- (3) For the purpose of sub-paragraph (2)(u) and (v), activity, sport or exercise is “organised” if—
  - (a) it is organised by—
    - (i) a person who is responsible for carrying on a business or providing a service,
    - (ii) a person who is responsible for a place of worship,
    - (iii) a charity or other not for profit organisation,
    - (iv) a club or political organisation,
    - (v) the governing body of a sport or other activity, and
  - (b) the organiser has taken such measures described in paragraph 7(1)(a) and (b) as are relevant to the particular activity, sport or exercise, taking into account any relevant guidance issued by the Scottish Ministers.]

#### Textual Amendments

**F63** Sch. 4 para. 15(2)(ab) inserted (27.11.2020) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 5\) Regulations 2020 \(S.S.I. 2020/400\)](#), regs. 1, 4

## SCHEDULE 5 **S**

Regulation 3(5)

### Level 4 Restrictions

## PART 1 **S**

### Closure of Premises

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

- 1.—(1) A person who is responsible for carrying on a listed business located in a Level 4 area must—
- (a) close to members of the public any premises operated as part of the business, and
  - (b) not carry on business at such premises otherwise than in accordance with this regulation.
- (2) In sub-paragraph (1), “listed business” means—
- (a) a cinema,
  - (b) a nightclub, dance hall or discotheque,

**Status:** Point in time view as at 16/01/2021.

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- (c) a concert hall,
- (d) any other venue which—
  - (i) normally opens at night,
  - (ii) has a dance floor or other space for dancing or spectating by members of the public (and for these purposes, members of staff of the venue in question are to be considered members of the public) and
  - (iii) provides music, whether live or recorded,
- (e) a sexual entertainment venue,
- (f) an indoor or outdoor theatre,
- (g) a comedy club,
- (h) a museum or gallery,
- [<sup>F64</sup>(ha) an indoor attraction at a visitor attraction,]
  - (i) a soft play centre,
  - (j) a sports stadium,
  - (k) a conference or exhibition centre,
  - (l) a snooker or pool hall,
- (m) a bowling alley,
- (n) a casino,
- (o) a betting shop,
- (p) a bingo hall,
- (q) a funfair,
- (r) an amusement arcade,
- (s) premises which provide a close contact service,
- [<sup>F65</sup>(sa) a driving instructor or examiner,]
- [<sup>F66</sup>(sb) a tanning salon or premises which operates a self-tanning machine or a spray-tan booth,
- (sc) a travel agency,
- (sd) a premises [<sup>F67</sup>or an area within a premises] laid out as a showroom to demonstrate products for installation in residential property, such as kitchen, bathroom, furniture or glazing showrooms,]
- [<sup>F68</sup>(se) an independent clinic which is registered with Healthcare Improvement Scotland under section 10P of the 1978 Act,
- (sf) an independent medical agency which is registered with Healthcare Improvement Scotland under section 10P of the 1978 Act,
- (sg) an independent hospital which is registered with Healthcare Improvement Scotland under section 10P of the 1978 Act,]
- (t) a skating rink,
- [<sup>F69</sup>(ta) a snow sports centre,]
- (u) an indoor fitness studio, gym, swimming pool or other indoor leisure centre or facility.
- [<sup>F70</sup>(v) child contact centres]
- (3) Sub-paragraph (1) does not prevent the use of—
  - (a) premises, while those premises remain closed to members of the public, to—

- (i) record a performance or sporting event,
- (ii) broadcast a performance or sporting event to persons outside the premises, whether over the internet or as part of a radio or television broadcast, or
- (iii) rehearse, train, practise or otherwise prepare for a performance or sporting event,
- (b) premises of a listed business in sub-paragraph (2)(c), (f), or (j) for education or training purposes,
- (c) premises of a listed business in sub-paragraph (2)(j) for providing voluntary or charitable services,
- (d) premises of a listed business in sub-paragraph (2)(a), (b), (c), (d), (f), (g), (j) or (k) for any purpose requested by the Scottish Ministers, a health board, a local authority or the Scottish Courts and Tribunals Service,
- [<sup>F71</sup>(da) premises of a listed business in sub-paragraph (2)(se), (sf) or (sg) for the purposes of providing medical or surgical assistance,]
- (e) any suitable premises to host blood donation sessions,
- (f) any suitable premises that are used for the purposes of professional sport.
- [<sup>F72</sup>(g) any suitable premises to host vaccination services, where requested to do so by the Scottish Ministers, a local authority or a health board,
- (h) premises of a listed business in sub-paragraph (2)(v),—
  - (i) where—
    - (aa) the child contact centre is provided by a local authority, and
    - (bb) the contact is facilitated by a local authority,
  - (ii) for the purposes of—
    - (aa) a handover of a child to a person with whom the child is not, or will not be, living, or
    - (bb) for the return of a child from a handover to a person with whom the child is or will be living.]

(4) Sub-paragraph (1) does not prevent the use of premises, while those remain closed to members of the public, to take preparatory steps in pursuance of a requirement in paragraph 8.

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

(6) In sub-paragraph (2)—

- (a) “sexual entertainment venue” has the meaning given by section 45A of the Civic Government (Scotland) Act 1982 <sup>M40</sup>,
- (b) “close contact service” means—
  - (i) hairdressing and barber services,
  - (ii) beauty and nail services (including make-up services),
  - (iii) hair removal services,
  - (iv) tattoo, piercing and body modification services,
  - (v) fashion design, dress-fitting and tailoring services,
  - (vi) indoor portrait photography and art services,
  - (vii) massage therapies, but not sports massage provided only to professional sportspersons,

**Status:** Point in time view as at 16/01/2021.

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- (viii) complementary and alternative medicine services requiring physical contact or close physical proximity between persons, but not osteopathy and chiropractic services,
- (ix) spa and wellness services,
- (x) other services or procedures which require physical contact or close physical proximity between a provider and a customer and are not ancillary to medical, health, or social care services,

[<sup>F73</sup>(c) “indoor attraction” means those parts of a venue, including visitor centres but not including toilets for visitors, which—

- (i) 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, and
- (ii) are, in normal times, open for members of the public to visit for the purposes of recreation, whether or not for payment.]

[<sup>F74</sup>(7) In this paragraph—

“the 1978 Act” means the National Health Service (Scotland) Act 1978,

“medical or surgical assistance” does not include a cosmetic or aesthetic procedure (such as the injection or implantation into or under the skin of a substance for cosmetic purposes, or electrolysis)

[<sup>F75</sup>“child contact centres” means any place that is used for the facilitation of contact between a child and a person with whom the child is not, or will not be, living (including the handover of the child to that person)].]

#### Textual Amendments

- F64** Sch. 5 para. 1(2)(ha) inserted (20.11.2020 at 6.00 p.m.) by The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 3) Regulations 2020 (S.S.I. 2020/389), regs. 1, **6(a)**
- F65** Sch. 5 para. 1(2)(sa) inserted (13.11.2020 at 6.00 a.m.) by The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 2) Regulations 2020 (S.S.I. 2020/374), regs. 1, **15(a)**
- F66** Sch. 5 para. 1(2)(sb)-(sd) inserted (26.12.2020) by The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 9) Regulations 2020 (S.S.I. 2020/471), regs. 1, **5**
- F67** Words in sch. 5 para. 1(2)(sd) inserted (8.1.2021) by The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021 (S.S.I. 2021/3), regs. 1, **4(a)(i)(aa)**
- F68** Sch. 5 para. 1(2)(se)-(sg) inserted (8.1.2021) by The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021 (S.S.I. 2021/3), regs. 1, **4(a)(i)(bb)**
- F69** Sch. 5 para. 1(2)(ta) inserted (8.1.2021) by The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021 (S.S.I. 2021/3), regs. 1, **4(a)(i)(cc)**
- F70** Sch. 5 para. 1(2)(v) inserted (16.1.2021) by The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 12) Regulations 2021 (S.S.I. 2021/17), regs. 1(2), **8(a)**
- F71** Sch. 5 para. 1(3)(da) inserted (8.1.2021) by The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021 (S.S.I. 2021/3), regs. 1, **4(a)(ii)**



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

- F72** Sch. 5 para. 1(3)(g)(h) inserted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **8(b)**
- F73** Sch. 5 para. 1(6)(c) inserted (20.11.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, **6(b)**
- F74** Sch. 5 para. 1(7) inserted (8.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(a)(iii)**
- F75** Words in sch. 5 para. 1(7) inserted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **8(c)**

#### Modifications etc. (not altering text)

- C1** Sch. 5 para. 1(1) modified (temp.) (11.12.2020 from 0600 hours until 1759 hours) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/427\)](#), regs. 1(3), **8(a)**

#### Commencement Information

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

#### Marginal Citations

- M40** 1982 c.45. Section 45A was inserted by the [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [section 76\(3\)](#).

### [<sup>F76</sup> Requirement to close places of worship in a level 4 area to members of the public **S**

**1A.**—(1) A person who is responsible for a place of worship must close that place of worship, except for a use permitted in paragraph (2).

(2) A place of worship may be used—

- (a) for a funeral,
- (b) for a commemorative event for a person who has died but is not a wake or a funeral tea,
- (c) to broadcast an act of worship, whether over the internet or as part of a radio or television broadcast,
- (d) for a marriage ceremony or civil partnership registration which—
  - (i) consists of no more than 5 persons, or
  - (ii) where an interpreter is required to attend, consists of no more than 6 persons, or
- (e) to provide essential voluntary services or urgent public support services (including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions, <sup>F77</sup>... or support in an emergency),

provided that, in each case, the premises are used in accordance with the requirements of paragraph 8.

[<sup>F78</sup>(2A) A place of worship may be used if it is a suitable premises to host vaccination services, where requested to do so by the Scottish Ministers, a local authority or a health board.]

(3) Sub-paragraph (1) does not prevent the use of premises, while those remain closed to members of the public, to take preparatory steps in pursuance of a requirement in paragraph 8.]

**Status:** Point in time view as at 16/01/2021.

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

### Textual Amendments

- F76** Sch. 5 para. 1A inserted (8.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(b)**
- F77** Words in sch. 5 para. 1A(2)(e) omitted (16.1.2021) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **8(d)(i)**
- F78** Sch. 5 para. 1A(2A) inserted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **8(d)(ii)**

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

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

- (a) cease to carry on that business or provide that service except by making deliveries or otherwise providing [<sup>F79</sup>a permitted collection service] in response to orders received—
  - (i) through a website, or otherwise by on-line communication,
  - (ii) by telephone, including orders by text message, or
  - (iii) by post,
- (b) close any premises which are not required to carry out its business or provide its services as permitted by sub-paragraph (1)(a),
- (c) cease to admit any person to its premises who is not required to carry on its business or provide its services as permitted by sub-paragraph (1)(a).

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

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

- (a) food retailers, including food markets, supermarkets, convenience stores and corner shops,
- (b) off licenses and licensed shops selling alcohol (including breweries),
- (c) pharmacies (including non-dispensing pharmacies) and chemists,
- (d) newsagents,
- [<sup>F80</sup>(e) building merchants and suppliers of products and tools used in building work and repairs,]
- (f) petrol stations,
- (g) car repair and MOT services,
- (h) bicycle shops,
- (i) taxi or vehicle hire businesses,
- (j) banks, building societies, credit unions, short-term loan providers, savings clubs, cash points and undertakings which by way of business operate a currency exchange office, transmit money (or any representation of money) by any means or cash cheques which are made payable to customers,
- (k) post offices,
- (l) funeral directors,
- (m) laundrettes and dry cleaners,

**Status:** Point in time view as at 16/01/2021.

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

- (n) dental services, opticians, audiology services, chiropody services, chiropractors, osteopaths and other medical or health services, including services relating to mental health,
  - (o) veterinary surgeons and pet shops,
  - (p) agricultural supplies shops and agricultural markets,
  - (q) storage and distribution facilities, including delivery drop off or collection points, where the facilities are in the premises of a business included in this sub-paragraph,
  - (r) car parks,
  - (s) public toilets,
  - (t) livestock markets or auctions,
  - (u) <sup>F81</sup> ... outdoor markets, <sup>F82</sup> ....
- [<sup>F83</sup>(ua) subject to sub-paragraph (5), outdoor motor vehicle lots,]
- [<sup>F84</sup>(v) libraries operated by, or associated with, a further education institution or a higher education institution in relation to the provision of library services to a member of staff or a student of the institution.]
- [<sup>F85</sup>(4) Sub-paragraph (1) does not prevent the use of suitable premises to host vaccination services, where requested to do so by the Scottish Ministers, a local authority or a health board.]
- [<sup>F86</sup>(5) An outdoor motor vehicle lot may open only to the extent necessary to enable—
- (a) collection of a vehicle that has been purchased, or
  - (b) delivery or collection of a vehicle for the purposes of a repair, MOT or service.
- (6) In this paragraph “permitted collection service” means a service that is provided—
- (a) by any of the following—
    - (i) baby equipment shops,
    - (ii) book shops,
    - (iii) clothing shops,
    - (iv) electrical goods shops, including repair shops,
    - (v) footwear shops,
    - (vi) garden centres and plant nurseries,
    - (vii) homeware shops,
    - (viii) key cutting shops,
    - (ix) libraries, and
    - (x) shoe repair shops,
  - (b) by staggered appointment, with where reasonably practicable a gap between each appointment, and
  - (c) where access to the premises is given only to the extent necessary to provide the service.]

#### Textual Amendments

- F79** Words in sch. 5 para. 2(1)(a) substituted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **9(a)**

**Status:** Point in time view as at 16/01/2021.

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

- F80** Sch. 5 para. 2(3)(e) substituted (26.12.2020) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 9\) Regulations 2020 \(S.S.I. 2020/471\)](#), regs. 1, 6(a)
- F81** Words in sch. 5 para. 2(3)(u) omitted (26.12.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 9\) Regulations 2020 \(S.S.I. 2020/471\)](#), regs. 1, 6(b)
- F82** Words in sch. 5 para. 2(3)(u) omitted (16.1.2021) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), 9(b)
- F83** Sch. 5 para. 2(3)(ua) inserted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), 9(c)
- F84** Sch. 5 para. 2(3)(v) inserted (20.11.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, 7
- F85** Sch. 5 para. 2(4) inserted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), 8(e)
- F86** Sch. 5 para. 2(5)(6) inserted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), 9(d)

#### Modifications etc. (not altering text)

- C2** Sch. 5 para. 2 modified (temp.) (11.12.2020 from 0600 hours until 1759 hours) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/427\)](#), regs. 1(3), 8(b)

#### Commencement Information

- I55** Sch. 5 para. 2 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

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

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

(a) to any person, who—

- (i) is unable to return to their main residence,
- (ii) uses that accommodation as their main residence,
- (iii) is living in that accommodation for work purposes,
- (iv) needs accommodation while moving house,
- (v) needs accommodation to attend a funeral, [<sup>F87</sup>a marriage ceremony or civil partnership registration,]

[<sup>F88</sup>(vi) needs accommodation in order to participate in or facilitate shared parenting arrangements,]

(b) to the homeless or to support services for the homeless,

(c) to host blood donation sessions, or

- (d) for any purpose requested by the Scottish Ministers <sup>F89</sup>, a local authority or a health board.]

#### Textual Amendments

- F87** Words in sch. 5 para. 3(2)(a)(v) inserted (4.12.2020) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 6\) Regulations 2020 \(S.S.I. 2020/415\)](#), regs. 1, **4(a)**
- F88** Sch. 5 para. 3(2)(a)(vi) added (4.12.2020) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 6\) Regulations 2020 \(S.S.I. 2020/415\)](#), regs. 1, **4(b)**
- F89** Words in sch. 5 para. 3(2)(d) substituted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **8(f)**

#### Commencement Information

- I56** Sch. 5 para. 3 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

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

(2) For the purposes of this paragraph—

(a) a “close contact service” means—

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

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

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

#### Commencement Information

- I57** Sch. 5 para. 4 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

**Status:** Point in time view as at 16/01/2021.

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

#### [<sup>F90</sup> Requirement to cease driving lessons and tests in a Level 4 area **S**

**4A.** A person who provides a driving lesson or driving test for which a motor vehicle is used (unless all occupants are members of the same household) must not provide that service in a Level 4 area.]

##### Textual Amendments

**F90** Sch. 5 para. 4A inserted (13.11.2020 at 6.00 a.m.) by *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 2) Regulations 2020 (S.S.I. 2020/374)*, regs. 1, **15(b)**

#### [<sup>F91</sup> Requirement to cease mobile close contact services or vehicle driving lessons or tests in respect of Level 4 areas **S**

**4B.—(1)** A person responsible for carrying on a business, or who operates from premises, located in a Level 4 area who provides a mobile close contact service, must not provide that service in any other local authority area.

(2) A person responsible for carrying on a business, or who operates from premises, located in a Level 4 area who provides a driving lesson or test for which a motor vehicle is used (unless all occupants are members of the same household) must not provide that service in any other local authority area.

(3) A person who is living in a Level 4 area who provides a mobile close contact service must not provide that service in any other local authority area.

(4) A person who is living in a Level 4 area who provides a driving lesson or test for which a motor vehicle is used (unless all occupants are members of the same household) must not provide that service in any other local authority area.

(5) No person may provide a driving lesson or test for which a motor vehicle is used (unless all occupants are members of the same household) to a person who is living in a Level 4 area.

(6) In this paragraph, “mobile close contact service” has the meaning given in paragraph 4(2).]

##### Textual Amendments

**F91** Sch. 5 para. 4B inserted (13.11.2020 at 6.00 a.m.) by *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 2) Regulations 2020 (S.S.I. 2020/374)*, regs. 1, **16**

## PART 2 **S**

### Other restrictions on business

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

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

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

(b) the customer remains seated whilst consuming the food or drink on the premises.

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

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

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

#### Commencement Information

**I58** Sch. 5 para. 5 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

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

- (a) close any premises, or parts of the premises, in which food or drink are sold for consumption on those premises, to members of the public,
- (b) cease selling food or drink for consumption on those premises,
- (c) not permit consumption of food or drink on those premises by members of the public.

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

- (a) for consumption off the premises, [<sup>F92</sup>provided that the person responsible for carrying on the food and drink business ensures that—
  - (i) the food or drink is provided by means of a delivery to the customer, or
  - (ii) the customer who collects the food or drink does not enter into the premises to do so,]
  - (b) by a hotel or other accommodation for consumption as part of room service,
  - (c) by a hotel or other accommodation between the hours of 0600 and 2200 for consumption by its residents in any other area of the hotel or accommodation,
  - (d) for consumption in a cafe, dining hall or canteen at—
    - (i) a hospital or care home,
    - (ii) a school or student accommodation,
    - (iii) a prison,
    - (iv) an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence, or
    - (v) a workplace canteen where—
      - (aa) there is no practical alternative for staff at that workplace to obtain food, and
      - (bb) so far as reasonably possible, a distance of at least two metres can be maintained between any person using the canteen,
  - (e) for consumption in premises providing food or drink to homeless persons,
  - (f) for consumption in premises which are airside at an airport,
  - (g) for consumption in premises which are on a ferry.

(3) Sub-paragraph (2)(c) to (g) does not apply in relation to the sale of alcohol.

**Status:** Point in time view as at 16/01/2021.

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

(4) Sub-paragraph (1) does not prevent—

- (a) the consumption of food or drink by a resident of a hotel in their private room,
- (b) the consumption of food or drink by members of the public in any of the premises described in sub-paragraph (2)(d) to (g).

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

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

[<sup>F93</sup>(7) Sub-paragraph (1) does not prevent the use of suitable premises to host vaccination services, where requested to do so by the Scottish Ministers, a local authority or a health board.]

**Textual Amendments**

**F92** Sch. 5 para. 6(2)(a)(i)(ii) and words inserted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **10**

**F93** Sch. 5 para. 6(7) inserted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **8(g)**

**Commencement Information**

**I59** Sch. 5 para. 6 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

7.—(1) Where sub-paragraph (2) applies, the requirements in paragraph 6 (closure of food and drink businesses in a level 4 area) apply with the following modifications:

- (a) in sub-paragraph (1), after “must”, insert “between the hours of 2200 and 0600”,
- (b) sub-paragraphs (2) and (3) are omitted.

(2) This sub-paragraph applies where a food and drink business located in a Level 4 area is providing services—

- (a) for the purpose of a marriage ceremony or civil partnership registration, or
- <sup>F94</sup>(b) .....

**Textual Amendments**

**F94** Sch. 5 para. 7(2)(b) omitted (8.1.2021) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(c)**

**Commencement Information**

**I60** Sch. 5 para. 7 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)



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

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

- (a) measures to ensure, so far as reasonably practicable, that—
  - (i) the required distance is maintained between any persons on its premises (except between persons mentioned in sub-paragraph (2)<sup>[F95]</sup>],
  - (ii) persons are admitted to its premises in sufficiently small numbers to make it possible to maintain the required distance, and
  - (iii) the required distance is maintained between any persons waiting to enter its premises (except between persons mentioned in sub-paragraph (2)<sup>[F96]</sup>], and
- (b) all other measures which are reasonably practicable to minimise the risk of the incidence and spread of coronavirus on the premises, for example measures which limit close face to face interaction and maintain hygiene such as—
  - (i) changing the layout of premises including the location of furniture and workstations,
  - (ii) controlling the use of entrances, passageways, stairs and lifts,
  - (iii) controlling the use of shared facilities such as toilets and kitchens,
  - (iv) otherwise controlling the use of, or access to, any other part of the premises,
  - (v) installing barriers or screens,
  - (vi) providing, or requiring the use of, personal protective equipment, and
  - (vii) providing information to those entering or working at the premises about how to minimise the risk of exposure to coronavirus.

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

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

(3) In this paragraph—

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

- (a) by a carer within the meaning of section 1 of the Carers (Scotland) Act 2016<sup>M41</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>M42</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>M43</sup>.

(4) In the definition of “required distance” in sub-paragraph (3), “reduced distance premises” means—

- (a) passenger transport service premises,

**Status:** Point in time view as at 16/01/2021.

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

- (b) restaurants, including restaurants and dining rooms in hotels or members' clubs,
- (c) cafes, [<sup>F97</sup>excluding] workplace canteens,
- (d) bars, including bars in hotels or members' clubs, and
- (e) public houses.

#### Textual Amendments

- F95** Closing bracket in sch. 5 para. 8(1)(a)(i) inserted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **18(2)(d)**
- F96** Closing bracket in sch. 5 para. 8(1)(a)(iii) inserted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **18(2)(d)**
- F97** Word in sch. 5 para. 8(4)(c) substituted (8.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(d)**

#### Commencement Information

- I61** Sch. 5 para. 8 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Marginal Citations

- M41** 2016 asp 9.
- M42** 1980 c.44.
- M43** Section 1(5)(a) was amended by schedule 3 of the [Standards in Scotland's Schools etc. Act 2000 \(asp 6\)](#), paragraph 3(2)(a) of schedule 3 of the [Education \(Additional Support for Learning\) \(Scotland\) Act 2004 \(asp 4\)](#) and paragraph 2(2)(c) of schedule 5 of the [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#).

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

**9.—(1)** A person who is responsible for a place of worship, carrying on a business or providing a service in a Level 4 area must have regard to guidance issued by the Scottish Ministers about measures which should be taken in accordance with paragraph 8(1)(b) relating to its premises, business or service.

(2) Guidance issued by the Scottish Ministers may—

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

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

#### Commencement Information

- I62** Sch. 5 para. 9 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

**10.**—(1) A person who is responsible for a relevant hospitality premises in a Level 4 area must, in relation to the premises, take measures to—

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

(2) Sub-paragraph (1) does not apply in relation to a visitor to the premises who is there solely for the purpose of purchasing or collecting food or drink for consumption off the premises.

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

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

(4) In this paragraph—

“public health officer” has the meaning given by paragraph 3(2)(b) of schedule 21 of the Coronavirus Act 2020 <sup>M44</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**

**I63** Sch. 5 para. 10 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

### **Marginal Citations**

**M44** 2020 c.7.

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

### **Restrictions on gatherings**

#### **<sup>F98</sup>Restriction on public gatherings indoors in ... Level 4 area** **S**

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

**Status:** Point in time view as at 16/01/2021.

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

- (a) consists of no more than <sup>F99</sup>two] persons from no more than two households,
  - (b) is for the purpose of—
    - (i) work or providing voluntary or charitable services,
    - (ii) childcare, education or training,
    - <sup>F100</sup>(iii) . . . . .
    - (iv) providing care or assistance to a vulnerable person,
    - (v) providing emergency or medical assistance,
    - (vi) avoiding injury, illness or escaping a risk of harm,
    - (vii) facilitating a house move,
    - (viii) facilitating shared parenting arrangements,
    - (ix) participating in legal proceedings or fulfilling a legal obligation,
    - (x) donating blood,
    - (xi) accessing public services, including—
      - (aa) social services,
      - (bb) services provided by the Department for Work and Pensions,
      - (cc) services provided to victims (such as victims of crime),
  - (c) [<sup>F101</sup>is] a funeral, <sup>F102</sup>...
  - <sup>F103</sup>(ca) is a marriage ceremony or civil partnership registration and—
    - (i) consists of no more than 5 persons, or
    - (ii) where an interpreter is required to attend, consists of no more than 6 persons,]
  - <sup>F104</sup>(cb) is a commemorative event for a person who has died but is not a wake or a funeral tea,] or
  - (d) is taking place in student accommodation, where all the persons in the gathering—
    - (i) are using cooking, dining, toilet or washing facilities which are shared with any person who is not a member of their household, and
    - (ii) have the accommodation as their only or main residence.
- (2) For the purpose of sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of persons participating in a gathering but are to be included when counting the number of households participating in a gathering.

**Textual Amendments**

**F98** Word in sch. 5 para. 11 heading omitted (13.11.2020 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **18(3)**

**F99** Word in sch. 5 para. 11(1)(a) substituted (5.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 10\) Regulations 2021 \(S.S.I. 2021/1\)](#), regs. 1, **4(a)**

**F100** Sch. 5 para. 11(1)(b)(iii) omitted (8.1.2021) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(e)(i)**

**F101** Word in sch. 5 para. 11(1)(c) substituted (8.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(e)(ii)**

**Status:** Point in time view as at 16/01/2021.

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

**F102** Words in sch. 5 para. 11(1)(c) omitted (20.11.2020 at 6.00 p.m.) by virtue of *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 3) Regulations 2020* (S.S.I. 2020/389), regs. 1, **10(a)**

**F103** Sch. 5 para. 11(1)(ca) substituted (8.1.2021) by *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021* (S.S.I. 2021/3), regs. 1, **4(e)(iii)**

**F104** Sch. 5 para. 11(1)(cb) inserted (8.1.2021) by *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021* (S.S.I. 2021/3), regs. 1, **4(e)(iv)**

#### Commencement Information

**I64** Sch. 5 para. 11 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

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

[<sup>F105</sup>(a) consists of no more than two persons from different households,]

<sup>F106</sup>(b) .....

(c) consists of persons who are all under 12 years of age,

(d) is for the purpose of—

(i) work or providing voluntary or charitable services,

(ii) childcare, education or training,

<sup>F107</sup>(iii) .....

(iv) providing care or assistance to a vulnerable person,

(v) providing emergency or medical assistance,

(vi) avoiding injury, illness or escaping a risk of harm,

(vii) facilitating a house move,

(viii) facilitating shared parenting arrangements,

(ix) participating in legal proceedings or fulfilling a legal obligation,

(x) donating blood,

(xi) accessing public services, including—

(aa) social services,

(bb) services provided by the Department for Work and Pensions,

(cc) services provided to victims (such as victims of crime),

<sup>F108</sup>(xii) .....

[<sup>F109</sup>(xiii) an organised activity which is for persons under [<sup>F110</sup>12] years of age, but which is not a public procession,]

(e) [<sup>F111</sup>is] a funeral, <sup>F112</sup>...

[<sup>F113</sup>(ea) is a marriage ceremony or civil partnership registration and—

(i) consists of no more than 5 persons, or

(ii) where an interpreter is required to attend, consists of no more than 6 persons,]

[<sup>F114</sup>(eb) is a commemorative event for a person who has died but is not a wake or funeral tea,] or

**Status:** Point in time view as at 16/01/2021.

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

- (f) is taking place in student accommodation, where all the persons in the gathering—
- (i) are using cooking, dining, toilet or washing facilities which are shared with any person who is not a member of their household, and
  - (ii) have the accommodation as their only or main residence.
- (2) For the purpose of sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of persons or households participating in a gathering.
- (3) For the purpose of [<sup>F115</sup>sub-paragraph <sup>F116</sup>... [<sup>F117</sup>(1)(d)](xiii), exercise or activity] is “organised” if—
- (a) it is organised by—
    - (i) a person who is responsible for carrying on a business or providing a service,
    - (ii) a person who is responsible for a place of worship,
    - (iii) a charity or other not for profit organisation,
    - (iv) a club or political organisation, or
    - (v) the governing body of a sport or other activity, and
  - (b) the organiser has taken such measures described in paragraph 8(1)(a) and (b) as are relevant to the particular activity or exercise, taking into account any relevant guidance issued by the Scottish Ministers.

#### Textual Amendments

- F105** Sch. 5 para. 12(1)(a) substituted (5.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 10\) Regulations 2021 \(S.S.I. 2021/1\)](#), regs. 1, **4(b)(i)**
- F106** Sch. 5 para. 12(1)(b) omitted (5.1.2021) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 10\) Regulations 2021 \(S.S.I. 2021/1\)](#), regs. 1, **4(b)(ii)**
- F107** Sch. 5 para. 12(1)(d)(iii) omitted (8.1.2021) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(f)(i)**
- F108** Sch. 5 para. 12(1)(d)(xii) omitted (5.1.2021) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 10\) Regulations 2021 \(S.S.I. 2021/1\)](#), regs. 1, **4(b)(iii)**
- F109** Sch. 5 para. 12(1)(d)(xiii) inserted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **9(a)**
- F110** Word in sch. 5 para. 12(1)(d)(xiii) substituted (5.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 10\) Regulations 2021 \(S.S.I. 2021/1\)](#), regs. 1, **4(b)(iv)**
- F111** Word in sch. 5 para. 12(1)(e) substituted (8.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(f)(ii)**
- F112** Words in sch. 5 para. 12(1)(e) omitted (20.11.2020 at 6.00 p.m.) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, **11(a)**
- F113** Sch. 5 para. 12(1)(ea) substituted (8.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(f)(iii)**

- F114** Sch. 5 para. 12(1)(eb) inserted (8.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(f)(iv)**
- F115** Words in sch. 5 para. 12(3) substituted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **9(b)**
- F116** Words in sch. 5 para. 12(3) omitted (5.1.2021) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 10\) Regulations 2021 \(S.S.I. 2021/1\)](#), regs. 1, **4(b)(v)**
- F117** Word in sch. 5 para. 12(3) inserted (8.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(f)(v)**

**Commencement Information**

- I65** Sch. 5 para. 12 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

**13.—(1)** A person must not attend a gathering in a private dwelling located in a Level 4 area, unless the gathering—

- [<sup>F118</sup>(a) takes place outdoors and consists of no more than two persons from different households,]
- (b) takes place outdoors and—
  - [<sup>F119</sup>(i) .....
  - (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 [<sup>F120</sup>, but, where the work or provision of services is for the purpose of the upkeep, maintenance or functioning of the dwelling, a person may attend the gathering only if the work or provision of services is essential for that purpose],
  - (ii) childcare, education or training,
  - (iii) providing care or assistance to a vulnerable person,
  - (iv) providing emergency or medical assistance,
  - (v) avoiding injury, illness or escaping a risk of harm,
  - (vi) facilitating a house move,
  - (vii) fulfilling a legal obligation,
  - (viii) facilitating shared parenting arrangements,
- (d) is a funeral, <sup>F121</sup>...
- [<sup>F122</sup>(da) is a marriage ceremony or civil partnership registration and—
  - (i) consists of no more than 5 persons, or
  - (ii) where an interpreter is required to attend, consists of no more than 6 persons, or]
- (e) is taking place in student accommodation, where all the persons in the gathering—
  - (i) are using cooking, dining, toilet or washing facilities which are shared with any person who is not a member of their household, and
  - (ii) have the accommodation as their only or main residence.

**Status:** Point in time view as at 16/01/2021.

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

(2) For the purpose of sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of people or households attending a gathering.

**Textual Amendments**

- F118** Sch. 5 para. 13(1)(a) substituted (5.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 10\) Regulations 2021 \(S.S.I. 2021/1\)](#), regs. 1, **4(c)(i)**
- F119** Sch. 5 para. 13(1)(b)(i) omitted (5.1.2021) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 10\) Regulations 2021 \(S.S.I. 2021/1\)](#), regs. 1, **4(c)(ii)**
- F120** Words in sch. 5 para. 13(1)(c)(i) inserted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **11**
- F121** Words in sch. 5 para. 13(1)(d) omitted (8.1.2021) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(g)(i)**
- F122** Sch. 5 para. 13(1)(da) inserted (8.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(g)(ii)**

**Commencement Information**

- I66** Sch. 5 para. 13 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

**[<sup>F123</sup>PART 4 S**

**Restrictions on movement**

**Textual Amendments**

- F123** Sch. 5 Pt. 4 inserted (20.11.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, **5(4)**

**Restrictions on leaving Level 4 area S**

<sup>F124</sup>**14.** . . . . .

**Textual Amendments**

- F124** Sch. 5 para. 14 omitted (5.1.2021) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 10\) Regulations 2021 \(S.S.I. 2021/1\)](#), regs. 1, **4(d)**

**Restrictions on entering Level 4 area S**

- 15.—(1)** A person who does not live in a Level 4 area must not enter or remain in that area.
- (2)** But a person who does not live in a Level 4 area may travel through it in order to reach a place outwith the area.



## Examples of reasonable excuse **S**

**16.**—<sup>F125</sup>(1) For the purposes of [<sup>F126</sup>paragraph 15], examples of what constitutes a reasonable excuse (see regulation 5(4)) include entering or remaining in a Level 4 area that the person does not live in, for the purposes set out in sub-paragraph (2).]

- (2) The purposes are to—
- (a) obtain or provide—
    - (i) food and medical supplies for those in the same household (including animals in the household) or for vulnerable persons,
    - (ii) supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person,
  - (b) work or provide voluntary or charitable services, where it is not possible for the person to do so from home,
  - (c) access, provide or receive childcare, education or training, including a support service for parents or expectant parents,
  - (d) lead an act of worship,
  - (e) provide care or assistance to a vulnerable person,
  - (f) visit a person detained in a prison, young offenders institution, remand centre, secure accommodation or other place of detention,
  - (g) provide or receive emergency assistance,
  - (h) provide or obtain medical assistance, including accessing any of the following—
    - (i) audiology services,
    - (ii) chiropody services,
    - (iii) chiropractic services,
    - (iv) dental services,
    - (v) ophthalmic services,
    - (vi) osteopathic services,
    - (vii) services relating to mental health,
  - (i) accompany a person obtaining medical assistance, or visit a person receiving treatment in a hospital or who is residing in a hospice or care home,
  - (j) avoid injury, illness or other risk of harm, or support someone who is doing so,
  - (k) move home or undertake activities in connection with the maintenance, purchase, sale, letting, or rental of residential property that the person owns or is otherwise responsible for,
  - (l) participate in or facilitate shared parenting arrangements,
  - (m) fulfil a legal obligation or participate in legal proceedings,
  - (n) donate blood,
  - (o) vote, or register to vote, in an election (including to vote as proxy),
  - (p) access public services, including any of the following—
    - (i) social services,
    - (ii) services provided by the Department for Work and Pensions,
    - (iii) services provided to victims (such as victims of crime),
    - (iv) asylum and immigration services and interviews,
  - (q) access services provided by voluntary or charitable services, including food banks,

**Status:** Point in time view as at 16/01/2021.

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

- (r) access waste disposal or recycling facilities,
- (s) obtain money from or deposit money with a business mentioned in paragraph 2(3)(j) or (k),
- (t) exercise outdoors, provided that the exercise—
  - (i) is not organised, and
  - (ii) starts and ends at the same place, which place must be—
    - (aa) in the local government area in which the person lives, or
    - (bb) within 5 miles of such local government area,
- (u) where the person is a professional sportsperson, or the coach of a professional sportsperson, coach, train or compete,
- (v) attend a solemnisation of a marriage or registration of a civil partnership,
- (w) attend a gathering which relates to a funeral, or to travel for compassionate reasons which relate to the end of a person’s life,
- (x) feed or care for an animal, including obtaining veterinary services,
- (y) where the person is a member of an extended household, visit a member of the household which forms the other part of the extended household and who lives outwith the area in which the person lives or, as the case may be, in a Level 4 area,
- [ facilitate the formation of an end of term household, where either or both of the student or <sup>F127</sup>(z) the other household which will make up the end of term household live outwith the same area or, as the case may be, in a Level 4 area.]
- (3) For the purpose of sub-paragraph (2)(t) exercise is “organised” if—
  - (a) it is organised by—
    - (i) a person who is responsible for carrying on a business or providing a service,
    - (ii) a person who is responsible for a place of worship,
    - (iii) a charity or other not for profit organisation,
    - (iv) a club or political organisation,
    - (v) the governing body of a sport or other activity, and
  - (b) the organiser has taken such measures described in paragraph 8(1)(a) and (b) as are relevant to the particular activity or exercise, taking into account any relevant guidance issued by the Scottish Ministers.]

#### Textual Amendments

- F125** Sch. 5 para. 16(1) substituted (5.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 10\) Regulations 2021 \(S.S.I. 2021/1\)](#), regs. 1, **4(e)**
- F126** Words in sch. 5 para. 16(1) substituted (8.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(h)**
- F127** Sch. 5 para. 16(2)(z) inserted (27.11.2020) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 5\) Regulations 2020 \(S.S.I. 2020/400\)](#), regs. 1, **5**

## <sup>F128</sup> Requirement to stay at home in Level 4 areas **S**

17.—(1) A person who is living in a Level 4 area must not leave [<sup>F129</sup>or remain outside of] the place where that person is living.

(2) For the purposes of sub-paragraph (1), the place where a person is living includes the premises where they live together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.

(3) Sub-paragraph (1) does not apply to any person who is homeless.

### Textual Amendments

**F128** Sch. 5 paras. 17, 18 inserted (5.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 10\) Regulations 2021 \(S.S.I. 2021/1\)](#), regs. 1, 4(f)

**F129** Words in sch. 5 para. 17(1) inserted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), 8(h)

## Examples of reasonable excuse **S**

18.—(1) For the purposes of [<sup>F130</sup>paragraph 17], examples of what constitutes a reasonable excuse (see regulation 5(4)) include leaving [<sup>F131</sup>or remaining outside of] the place where the person is living, for the purposes set out in sub-paragraph (2).

(2) The purposes are to—

(a) obtain or provide—

(i) food and medical supplies for those in the same household (including animals in the household) or for vulnerable persons,

(ii) supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person,

(b) work or provide voluntary or charitable services, where it is not possible for the person to do so from home,

(c) access, provide or receive childcare, education or training, including a support service for parents or expectant parents,

(d) lead an act of worship,

(e) provide care or assistance to a vulnerable person,

(f) visit a person detained in a prison, young offenders institution, remand centre, secure accommodation or other place of detention,

(g) provide or receive emergency assistance,

(h) provide or obtain medical assistance, including accessing any of the following—

(i) audiology services,

(ii) chiropody services,

(iii) chiropractic services,

(iv) dental services,

(v) ophthalmic services,

(vi) osteopathic services,

**Status:** Point in time view as at 16/01/2021.

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

- (vii) services relating to mental health,
- (viii) vaccination services,
- (i) accompany a person obtaining medical assistance, or visit a person receiving treatment in a hospital or who is residing in a hospice or care home,
- (j) avoid injury, illness or other risk of harm, or support someone who is doing so,
- (k) move home or undertake activities in connection with the maintenance, purchase, sale, letting, or rental of residential property that the person owns or is otherwise responsible for,
- (l) participate in or facilitate shared parenting arrangements,
- (m) fulfil a legal obligation or participate in legal proceedings where it is not possible for the person to do so from the place where the person is living,
- (n) vote, or register to vote, in an election (including to vote as proxy),
- (o) donate blood,
- (p) access public services, including any of the following, where it is not possible for the person to do so from the place where the person is living—
  - (i) social services,
  - (ii) services provided by the Department for Work and Pensions,
  - (iii) services provided to victims (such as victims of crime),
  - (iv) asylum and immigration services and interviews,
- (q) access services provided by voluntary or charitable services, including food banks,
- (r) access waste disposal or recycling facilities,
- (s) obtain money from or deposit money with a business mentioned in paragraph 2(3)(j) or (k), where it is not possible for the person to do so from the place where the person is living,
- (t) undertake exercise or recreation—
  - (i) outdoors,
  - (ii) that starts and ends at the same place, which place must be—
    - (aa) in the local government area in which that person lives, or
    - (bb) within 5 miles of such local government area, and
  - (iii) is either undertaken—
    - (aa) alone,
    - (bb) with members of that person’s household,
    - (cc) in a gathering within the meaning of paragraph 12(1)(a) [<sup>F132</sup>or (c)],
    - (dd) in a gathering within the meaning of paragraph 12(1)(d)(xiii),
    - (ee) in a gathering within the meaning of paragraph 13(1)(a), or
    - (ff) in a gathering within the meaning of paragraph 13(1)(b) <sup>F133</sup>... (ii),
- (u) where the person is a professional sportsperson, or the coach of a professional sportsperson, coach, train or compete,
- [<sup>F134</sup>(v) attend a marriage ceremony or registration of a civil partnership, where the person is, in relation to that marriage ceremony or civil partnership registration—
  - (i) a party,
  - (ii) a witness,

**Status:** Point in time view as at 16/01/2021.

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

- (iii) the approved celebrant or authorised registrar within the meaning of section 8(2) of the Marriage (Scotland) Act 1977,
- (iv) the approved celebrant within the meaning of section 94A(4)(a) of the Civil Partnership Act 2004,
- (v) the authorised registrar within the meaning of section 87 of the Civil Partnership Act 2004, or
- (vi) a required interpreter,]
- (w) attend a funeral [<sup>F135</sup>or commemorative event for a person who has died (other than a wake or a funeral tea),] or to travel for compassionate reasons which relate to the end of a person's life,
- (x) feed or care for an animal, including obtaining veterinary services,
- (y) where the person is a member of an extended household, visit a member of the household which forms the other part of the extended household in the place where that other member is living, and
- (z) facilitate the formation of an end of term household, where either or both of the student or the other household which will make up the end of term household live outwith the same area or, as the case may be, in a Level 4 area.]

#### Textual Amendments

- F128** Sch. 5 paras. 17, 18 inserted (5.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 10\) Regulations 2021 \(S.S.I. 2021/1\)](#), regs. 1, **4(f)**
- F130** Words in sch. 5 para. 18(1) substituted (8.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(i)(i)**
- F131** Words in sch. 5 para. 18(1) inserted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **8(i)**
- F132** Words in sch. 5 para. 18(2)(t)(iii)(cc) substituted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **13(a)**
- F133** Words in sch. 5 para. 18(2)(t)(iii)(ff) omitted (16.1.2021) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **13(b)**
- F134** Sch. 5 para. 18(2)(v) substituted (8.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(i)(ii)**
- F135** Words in sch. 5 para. 18(2)(w) inserted (8.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(i)(iii)**

**Status:** Point in time view as at 16/01/2021.

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

## [<sup>F136</sup>PART 5 S

### Restriction on consumption of alcohol

#### Textual Amendments

**F136** Sch. 5 Pt. 5 inserted (16.1.2021) by *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 12) Regulations 2021* (S.S.I. 2021/17), regs. 1(2), **12**

### Restriction on consumption of alcohol in a public place outdoors in a Level 4 area S

**19.**—(1) A person must not consume alcohol in a public place outdoors located in a Level 4 area.

(2) For the purposes of the restriction in sub-paragraph (1)—

- (a) any liquid found in a container is presumed to conform to the description of the liquid on the container,
- (b) a container which is found to contain—
  - (i) no liquid, or
  - (ii) insufficient liquid to permit analysis

is presumed to have contained, at the time of any alleged breach of that restriction, liquid which conformed to the description of the liquid on the container.

(3) A person is not entitled to lead evidence for the purpose of rebutting a presumption mentioned in sub-paragraph (2) unless, not less than 7 days before the date of any trial in proceedings for an alleged offence for a breach of the restriction in sub-paragraph (1), that person has given notice to the prosecutor of an intention to do so.]

## [<sup>F137</sup>SCHEDULE 6 S

Regulation 3(6)

### Areas

#### Textual Amendments

**F137** Sch. 6 substituted (26.12.2020) by *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 8) Regulations 2020* (S.S.I. 2020/452), regs. 1(3), **5**

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

(2) The entries in column 2 are references to local government areas except as otherwise specified.

Column (1)	Column (2)	Column (3)
	Area	Level of Area
1	East Ayrshire	4
2	North Ayrshire	4
3	South Ayrshire	4
4	Scottish Borders	4

**Status:** Point in time view as at 16/01/2021.**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020. (See end of Document for details)

Column (1)	Column (2)	Column (3)
5	Dumfries and Galloway	4
6	Fife	4
7	Clackmannanshire	4
8	Falkirk	4
9	Stirling	4
10	Moray	4
11	Aberdeen City	4
12	Aberdeenshire	4
13	East Renfrewshire	4
14	Inverclyde	4
15	Renfrewshire	4
16	West Dunbartonshire	4
17	East Dunbartonshire	4
18	Glasgow City	4
19	Highland (except the areas set out in row 20)	4
20	The islands in Highland area (except the Isle of Skye)	3
21	Argyll and Bute (except the areas set out in row 22)	4
22	The Isle of Coll, the Isle of Colonsay, the Isle of Erraid, the Isle of Gometra, the Isle of Iona, the Isle of Islay, the Isle of Jura, the Isle of Mull, the Isle of Oronsay, the Isle of Tiree, and the Isle of Ulva	3
23	South Lanarkshire	4
24	North Lanarkshire	4
25	East Lothian	4
26	Midlothian	4
27	City of Edinburgh	4
28	West Lothian	4
29	Orkney Islands	3
30	Shetland Islands	3
31	Angus	4
32	Dundee City	4

**Status:** Point in time view as at 16/01/2021.

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

Column (1)	Column (2)	Column (3)
33	Perth and Kinross	4
34	Na h-Eileanan Siar	3]

## SCHEDULE 7 **S**

Regulation 3

### Face Covering Requirements

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

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

- (a) on a school transport service,
- (b) on a cruise ship,
- (c) a child who is under 5 years of age,
- (d) a constable acting in the course of their duty,
- (e) an emergency responder (other than a constable) acting in their capacity as an emergency responder,
- (f) providing a passenger transport service, or an employee of that person, and—
  - (i) there is a partition between the person or employee and members of the public, or
  - (ii) the wearing of a face covering would materially impede communicating with other persons about a risk of harm or for other safety purposes,
- (g) flying or otherwise operating a passenger transport service for the carriage of passengers by air,
- (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>M45</sup>), or
    - (ii) without severe distress,
  - (m) communicating with a person who has difficulties communicating (in relation to speech, language or otherwise) and relies on lip reading or facial expression to be able to communicate,
  - (n) eating or drinking,
  - (o) taking medication, the taking of which reasonably requires that the person is not wearing a face covering, or
  - (p) complying with a request by a relevant person or another person acting in the course of their duties, and in this sub-paragraph “relevant person” has the meaning given by regulation 4(11).
- (2) For the purpose of paragraph (1)—
- (a) a person uses a passenger transport service when—
    - (i) they are—
      - (aa) boarding any mode of transport by means of which a passenger transport service is provided, or
      - (bb) on board any mode of transport, whether or not for the purpose of travel, by means of which a passenger transport service is provided, and
    - (ii) that service is available for use by the public,
  - (b) a person uses passenger transport service premises when—
    - (i) they are present at premises where a passenger transport service may provide, stop or terminate their service, and
    - (ii) the part of those premises in which they are present is available for use by the public.

**Commencement Information**

**I67** Sch. 7 para. 1 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

**Marginal Citations**

**M45** 2010 c.15.

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

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

- (a) a child who is under 5 years of age,
- (b) a constable acting in the course of the constable's duty,
- (c) an emergency responder (other than a constable) acting in their capacity as an emergency responder,
- (d) a person who is responsible for a place listed in paragraph 3, an employee of that person or a volunteer at that place, where—
  - (i) there is a partition between the person, employee or volunteer and members of the public, or

**Status:** Point in time view as at 16/01/2021.

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

- (ii) a distance of at least two metres is maintained between the person, employee or volunteer and members of the public,
- (e) in a restaurant, cafe, bar or public house and seated at a table,
- (f) in a place of worship and leading an act of worship where—
  - (i) there is a partition between the person and any other person, or
  - (ii) a distance of at least two metres is maintained between the person and any other person,
- (g) at a funeral, marriage ceremony or civil partnership registration and leading the service, ceremony or registration where—
  - (i) there is a partition between the person and any other person, or
  - (ii) a distance of at least two metres is maintained between the person and any other person,
- (h) at a marriage ceremony or civil partnership registration and is one of the parties to be married or entering into a civil partnership, where—
  - (i) there is a partition between the parties and any other person, or
  - (ii) a distance of at least two metres is maintained between the parties and any other person,
- [<sup>F138</sup>(ha) performing, presenting, addressing a public gathering, making a speech or being a panel member, where—
  - (i) there is a partition between the person and other persons, 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), or
  - (ii) without severe distress,
- (m) communicating with a person who has difficulties communicating (in relation to speech, language or otherwise) and relies on lip reading or facial expression to be able to communicate,

**Status:** Point in time view as at 16/01/2021.

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

- (n) eating or drinking,
- (o) taking part in exercise of a type which reasonably requires that the person is not wearing a face covering,
- (p) taking medication, the taking of which reasonably requires that the person is not wearing a face covering,
- (q) complying with a request by a relevant person or another person acting in the course of their duties, and in this sub-paragraph “relevant person” has the meaning given by regulation 4(11),
- (r) undertaking food handling tasks, to avoid risk to the hygiene or safety of food arising from or in connection with the wearing of a face covering, or
- (s) undertaking tasks in the course of their employment, where the wearing of a face covering would cause a material risk of harm.

#### Textual Amendments

**F138** Sch. 7 para. 2(ha) inserted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **17(a)**

#### Commencement Information

**I68** Sch. 7 para. 2 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

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

- (a) any building or room used for the retail sale or hire of goods or services, including—
  - (i) restaurants, including restaurants and dining rooms in hotels or members' clubs,
  - (ii) cafes, including canteens except canteens in a school or any other place where child minding or day care of children within the meaning of paragraphs 12 and 13 of schedule 12 of the Public Services Reform (Scotland) Act 2010 <sup>M46</sup> is provided,
  - (iii) bars, including bars in hotels or members' clubs,
  - (iv) public houses,
- (b) any indoor communal area—
  - (i) in a workplace, and
  - (ii) where there are no measures in place to keep persons separated by either a—
    - (aa) partition, or
    - (bb) distance of at least two metres,
- (c) any indoor public place, or part of an indoor public place, where a marriage ceremony or civil partnership registration is taking place, including any restaurant, cafe, bar or public house for the duration of the ceremony or registration,
- (d) amusement arcades [<sup>F139</sup>, snooker or pool halls] and other indoor leisure facilities,
- (e) banks, building societies and credit unions,
- (f) bingo halls,
- (g) bowling alleys,

**Status:** Point in time view as at 16/01/2021.

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

- (h) casinos,
- (i) cinemas,
- (j) community centres,
- (k) crematoriums and funeral directors premises,
- (l) enclosed motor vehicles while in use for a driving lesson or driving test, unless all occupants are members of the same household,
- (m) indoor fitness studios, gyms, swimming pools or other indoor leisure centres,
- (n) indoor funfairs,
- (o) indoor skating rinks,
- (p) libraries and public reading rooms,
- (q) museums and galleries,
- (r) places of worship,
- (s) post offices,
- (t) registration offices, meaning any registration office provided under section 8(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 <sup>M47</sup>, <sup>F140</sup> ...
- (u) storage and distribution facilities, including collection and drop off points.
- [<sup>F141</sup>(v) indoor theatres,
- (w) comedy clubs,
- (x) concert halls,
- (y) soft play centres,
- (z) sports stadiums, and
- (aa) conference or exhibition centres]

(2) In this paragraph—

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

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

“motor vehicle” has the meaning given by section 185(1) of the Road Traffic Act 1988 <sup>M48</sup>, except that section 189 of that Act (exception for certain pedestrian controlled vehicles and electrically assisted pedal cycles) applies as it applies for the purposes of that Act, and

“workplace” excludes—

- (a) a school, and
- (b) any other place where child minding or day care of children within the meaning of paragraphs 12 and 13 of schedule 12 of the Public Services Reform (Scotland) Act 2010 <sup>M49</sup> is provided.

**Status:** Point in time view as at 16/01/2021.

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

#### Textual Amendments

- F139** Words in sch. 7 para. 3(1)(d) inserted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **17(b)**
- F140** Word in sch. 7 para. 3(1) omitted (13.11.2020 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **17(c)**
- F141** Sch. 7 para. 3(1)(v)-(aa) inserted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **17(d)**

#### Commencement Information

- I69** Sch. 7 para. 3 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Marginal Citations

- M46** 2010 asp 8.
- M47** 1965 c.49. Section 8(1) was amended by section 51(3)(a) of the [Local Government etc. \(Scotland\) Act 1994 \(c.39\)](#) and section 37(5) of the [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#).
- M48** 1988 c.52.
- M49** 2010 asp 8.

## <sup>F142</sup>SCHEDULE 7A **S**

Regulation 3(5B)

### Restrictions on leaving or entering Scotland: common travel area

#### Textual Amendments

- F142** Sch. 7A inserted (20.11.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, **5(5)**

### Restrictions on leaving Scotland **S**

1.—(1) A person who lives in Scotland must not leave Scotland for the purpose of entering or remaining in a place within the common travel area mentioned in paragraph 4.

(2) But a person who lives in Scotland may travel through such a place in order to reach another destination.

(3) This paragraph is without prejudice to the restrictions in Part 4 of schedule 4 and Part 4 of schedule 5.

### Restrictions on entering Scotland **S**

2.—(1) A person who lives in a place within the common travel area mentioned in paragraph 4 must not enter or remain in Scotland.

(2) But a person who does not live in Scotland may travel through Scotland in order to reach a place outwith Scotland.

**Status:** Point in time view as at 16/01/2021.

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

## Examples of reasonable excuse **S**

3.—(1) For the purposes of this schedule, examples of what constitutes a reasonable excuse (see regulation 5(4)) include leaving Scotland or (as the case may be) entering or remaining in Scotland, for the purposes set out in sub-paragraph (2).

(2) The purposes are to—

(a) obtain or provide—

(i) food and medical supplies for those in the same household (including animals in the household) or for vulnerable persons,

(ii) supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person,

(b) work or provide voluntary or charitable services, where it is not possible for the person to do so from home,

(c) access, provide or receive childcare, education or training, including a support service for parents or expectant parents,

(d) access or undertake driving tuition or take a driving test,

(e) lead an act of worship or attend the person's usual place of worship,

(f) provide care or assistance to a vulnerable person,

(g) visit a person detained in a prison, young offenders institution, remand centre, secure accommodation or other place of detention,

(h) provide or receive emergency assistance,

(i) provide or obtain medical assistance, including accessing any of the following—

(i) audiology services,

(ii) chiropody services,

(iii) chiropractic services,

(iv) dental services,

(v) ophthalmic services,

(vi) osteopathic services,

(vii) services relating to mental health,

(j) accompany a person obtaining medical assistance, or visit a person receiving treatment in a hospital or who is residing in a hospice or care home,

(k) avoid injury, illness or other risk of harm, or support someone who is doing so,

(l) move home or undertake activities in connection with the maintenance, purchase, sale, letting, or rental of residential property that the person owns or is otherwise responsible for,

(m) participate in or facilitate shared parenting arrangements,

(n) fulfil a legal obligation or participate in legal proceedings,

(o) vote, or register to vote, in an election (including to vote as proxy),

(p) donate blood,

(q) access public services, including any of the following—

(i) social services,

(ii) services provided by the Department for Work and Pensions,

(iii) services provided to victims (such as victims of crime),

(iv) asylum and immigration services and interviews,

- (r) access services provided by voluntary or charitable services, including food banks,
- (s) access waste disposal or recycling facilities,
- (t) obtain money from or deposit money with a business mentioned in paragraph 2(3)(j) or (k) of schedule 5,
- (u) participate in or facilitate organised activity, sport or exercise which is for persons under 18 years of age,
- (v) exercise outdoors, provided that the exercise—
  - (i) is not organised, and
  - (ii) starts and ends at the same place, which place must be—
    - (aa) in the local government area in which the person lives, or
    - (bb) within 5 miles of such local government area,
- (w) where the person is a professional sportsperson, or the coach of a professional sportsperson, coach, train or compete,
- <sup>F143</sup>(x) attend a marriage ceremony or registration of a civil partnership, where the person is, in relation to that marriage ceremony or civil partnership registration—
  - (i) a party,
  - (ii) a witness,
  - (iii) the religious or belief celebrant who is to solemnise the marriage or register the civil partnership, or
  - (iv) a required interpreter,]
- (y) attend a gathering which <sup>F144</sup>is a funeral or commemorative event for a person who has died (other than a wake or a funeral tea)] or to travel for compassionate reasons which relate to the end of a person's life,
- (z) feed or care for an animal, including obtaining veterinary services,
- (aa) where the person is a member of an extended household, visit a member of the household which forms the other part of the extended household and who lives outwith the area in which the person lives or, as the case may be, in Scotland,
  - [ facilitate the formation of an end of term household, where either or both of the student or
- <sup>F145</sup>(ab) the other household which will make up the end of term household live outwith the same area or, as the case may be, in Scotland.]
- (3) For the purpose of sub-paragraph (2)(u) and (v), activity, sport or exercise is “organised” if—
  - (a) it is organised by—
    - (i) a person who is responsible for carrying on a business or providing a service,
    - (ii) a person who is responsible for a place of worship,
    - (iii) a charity or other not for profit organisation,
    - (iv) a club or political organisation,
    - (v) the governing body of a sport or other activity, and
  - (b) if taking place in Scotland, the organiser has taken such measures described in these regulations as are relevant to the particular activity, sport or exercise, taking into account the level of the area in question and any relevant guidance issued by the Scottish Ministers or, if taking place outwith Scotland, the organiser has taken into account such equivalent measures as are relevant to the particular exercise as are applicable in that place.

**Status:** Point in time view as at 16/01/2021.

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

(4) For the purpose of sub-paragraph (2)(v)(ii), a reference to a local government area is a reference to a local government area in Scotland or, as the case may be, the area of a county within the meaning of section 1 of the Local Government Act 1972.

#### Textual Amendments

- F143** Sch. 7A para. 3(2)(x) substituted (8.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **5(a)**
- F144** Words in sch. 7A para. 3(2)(y) substituted (8.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **5(b)**
- F145** Sch. 7A para. 3(2)(ab) inserted (27.11.2020) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 5\) Regulations 2020 \(S.S.I. 2020/400\)](#), regs. 1, **6**

#### Places in respect of which restrictions in this schedule apply **S**

4. The places are—
- (a) England,
  - (b) Northern Ireland,
  - (c) [<sup>F146</sup>the Republic of Ireland],
  - (d) Wales.
- [ Jersey.]
- <sup>F147</sup>(e)

#### Textual Amendments

- F146** Words in sch. 7A para. 4 substituted (26.12.2020) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 9\) Regulations 2020 \(S.S.I. 2020/471\)](#), regs. 1, **4**
- F147** Sch. 7A para. 4(e) inserted (11.12.2020 at 1800 hours) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/427\)](#), regs. 1(2), **7(b)**

5. In this schedule, the “common travel area” has the meaning given in section 1(3) of the Immigration Act 1971.]

#### Textual Amendments

- F146** Words in sch. 7A para. 4 substituted (26.12.2020) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 9\) Regulations 2020 \(S.S.I. 2020/471\)](#), regs. 1, **4**
- F147** Sch. 7A para. 4(e) inserted (11.12.2020 at 1800 hours) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/427\)](#), regs. 1(2), **7(b)**



SCHEDULE 8 **S**

Regulation 11

## Revocations

**Commencement Information****I70** Sch. 8 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

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

These Regulations (which come into force at 6 a.m. on 2 November 2020) set out restrictions and requirements which apply in Scotland as a result of coronavirus. Different levels of restrictions and requirements (Level 0 to Level 4) are provided for in schedules 1 to 5 respectively of these Regulations. The levels apply to the local areas specified in schedule 6.

The Regulations require certain premises to close to members of the public. They also require a person who is responsible for a place of worship, carrying on a business or providing a service to take measures, where reasonably practicable, to minimise the risk of exposure to coronavirus. Certain food and drink and public house businesses are made subject to restrictions on opening times and sales.

A person who is responsible for a relevant hospitality premises is required to take measures to obtain and record visitor information, in a suitable filing system, for a period of at least 21 days. They must provide this information to a public health officer as soon as reasonably practicable if so requested for the purpose of preventing the spread of coronavirus or monitoring the spread of infection and the incidence of coronavirus disease. Persons responsible for a place of worship, for carrying on a business or providing a service are also required to have regard to guidance issued by the Scottish Ministers relating to its premises, business or service.

These Regulations create restrictions on gatherings in public places and private dwellings, limiting the number of persons and households which can meet. There are exemptions to these restrictions. Part 3 of the Regulations also provides for the enforcement of these Regulations, including criminal offences (regulation 5), power of entry (regulation 6) and fixed penalty notices (regulation 7).

**Status:** Point in time view as at 16/01/2021.

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

At all levels, the Regulations require persons who use a passenger transport service or passenger transport service premises (which are both defined terms in the Regulations) to wear a face covering unless a specific exemption applies (schedule 7). They also require persons who use certain other places, which are listed in schedule 7, to wear a face covering unless a specific exemption applies.

The Scottish Ministers must review the restrictions and requirements imposed by the Regulations at least once every 21 days and must terminate any restriction or requirement as soon as it is no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of coronavirus in Scotland. The first review is required by 18 November 2020. These Regulations expire on 31 March 2021.

These Regulations replace the *Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020* and the *Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Measures) (Scotland) Regulations 2020*.

A Business and Regulatory Impact Assessment has been prepared. Copies may be obtained online at [www.legislation.gov.uk](http://www.legislation.gov.uk).

**Status:**

Point in time view as at 16/01/2021.

**Changes to legislation:**

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