

## SCHEDULE 2

Regulation 3(2)

### Level 1 Restrictions

## PART 1

### Closure of Premises

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

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 [<sup>F1</sup>training or competing by a professional sports<sup>person</sup>].

(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>M1</sup>.

#### Textual Amendments

- F1** Words in sch. 2 para. 1(3)(d) substituted (2.4.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 19\) Regulations 2021 \(S.S.I. 2021/180\)](#), regs. 1(2), **6(2)**

#### Commencement Information

- I1** Sch. 2 para. 1 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

**Status:** Point in time view as at 05/06/2021.

**Changes to legislation:** There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, SCHEDULE 2.* (See end of Document for details)

#### Marginal Citations

**M1** 1982 c.45. Section 45A was inserted by the [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\), section 76\(3\)](#).

## PART 2

### Other restrictions on business

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

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

**I2** 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

3.—<sup>F2</sup>(1) A person who is responsible for carrying on a food and drink business in a Level 1 area must, between the hours of 2300 and 0600, in relation to any premises, or parts of the premises, which are indoors—

- (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,
  - (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,
  - (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.

#### Textual Amendments

- F2** Sch. 2 para. 3(1) substituted (26.4.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 21\) Regulations 2021 \(S.S.I. 2021/193\)](#), regs. 1(2), 4(2)

#### Commencement Information

- I3** Sch. 2 para. 3 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

### [<sup>F3</sup>Restricted opening hours for casinos in a Level 1 area

**3A.** A person who is responsible for carrying on a casino business in a Level 1 area must, between the hours of 2300 and 0600—

- (a) close to members of the public any premises operated as part of the business, and
- (b) not carry on business at such premises.]

#### Textual Amendments

- F3** Sch. 2 para. 3A inserted (5.5.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 22\) Regulations 2021 \(S.S.I. 2021/202\)](#), regs. 1(2), 3(2)

**Status:** Point in time view as at 05/06/2021.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, SCHEDULE 2. (See end of Document for details)

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

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>[F4]</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>[F5]</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,
  - <sup>[F6]</sup>(aa) a child under 12 years of age and any other person,]
  - (b) a carer and the person assisted by that carer, <sup>F7</sup>...
  - (c) in relation to premises being used to provide school education, two or more persons where at least one of them is a pupil <sup>[F8]</sup>, or]
  - <sup>[F9]</sup>(d) where a marriage ceremony or civil partnership registration is taking place—
    - (i) one or more persons who, as part of the ceremony or registration and within the immediate vicinity of the relevant venue, premises or other setting, accompany one or both parties to the marriage or civil partnership to the specific location at which the marriage ceremony or civil partnership registration will take place, and
    - (ii) one or both parties to the marriage or civil partnership].
- (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>M2</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>M3</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>M4</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

- F4** 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)**
- F5** 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)**
- F6** Sch. 2 para. 4(2)(aa) inserted (17.5.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 23\) Regulations 2021 \(S.S.I. 2021/209\)](#), regs. 1(2), **7(2)**
- F7** Word in sch. 2 para. 4(2)(b) omitted (5.6.2021) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 26\) Regulations 2021 \(S.S.I. 2021/227\)](#), regs. 1(2), **5(a)**
- F8** Word in sch. 2 para. 4(2)(c) inserted (5.6.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 26\) Regulations 2021 \(S.S.I. 2021/227\)](#), regs. 1(2), **5(b)**
- F9** Sch. 2 para. 4(2)(d) inserted (5.6.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 26\) Regulations 2021 \(S.S.I. 2021/227\)](#), regs. 1(2), **5(c)**

#### Commencement Information

- I4** Sch. 2 para. 4 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Marginal Citations

- M2** [2016 asp 9](#).
- M3** 1980 c.44. Section 135(1) has been amended but none of those amendments are relevant for this definition.
- M4** 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

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.

**Status:** Point in time view as at 05/06/2021.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, SCHEDULE 2. (See end of Document for details)

- (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

**I5** 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.

**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.

[<sup>F10</sup>(2) Sub-paragraph (1) does not apply in relation to a visitor to the premises who is there solely for the purpose of—

- (a) purchasing or collecting food or drink for consumption off the premises, or
- (b) voting in an election.]

(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>M5</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.

#### Textual Amendments

**F10** Sch. 2 para. 6(2) substituted (2.4.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 19\) Regulations 2021 \(S.S.I. 2021/180\)](#), regs. 1(2), **6(3)**

#### Commencement Information

**I6** Sch. 2 para. 6 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Marginal Citations

**M5** [2020 c.7](#).

## PART 3

### Restrictions on gatherings

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

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 [<sup>F11</sup>eight] persons from no more than [<sup>F12</sup>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 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—

**Status:** Point in time view as at 05/06/2021.

**Changes to legislation:** There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, SCHEDULE 2.* (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 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**

**F11** Word in sch. 2 para. 7(1)(a) substituted (26.4.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 21\) Regulations 2021 \(S.S.I. 2021/193\)](#), regs. 1(2), **4(3)(a)**

**F12** Word in sch. 2 para. 7(1)(a) substituted (26.4.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 21\) Regulations 2021 \(S.S.I. 2021/193\)](#), regs. 1(2), **4(3)(b)**

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**Commencement Information**

**I7** 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**

**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>F13</sup>... of no more than [<sup>F14</sup>twelve] persons from no more than [<sup>F15</sup>twelve] households,
- <sup>F16</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,
  - (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 <sup>F17</sup> ...,
- (xiii) organised exercise,

[<sup>F18</sup>(xiv) an organised picket,]

[<sup>F19</sup>(xv) an organised public procession which meets the conditions specified in sub-paragraph (5),]

- (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 [<sup>F20</sup>sub-paragraph (1)(d)(xii), (xiii) and (xv)], 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.

[<sup>F21</sup>(4) For the purpose of sub-paragraph (1)(d)(xiv), a picket is “organised” if—

- (a) it is carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, and
- (b) the organiser of the picket has taken such measures described in paragraph 4(1)(a) and (b) as are relevant taking into account any relevant guidance issued by the Scottish Ministers.]

[<sup>F22</sup>(5) For the purpose of sub-paragraph (1)(d)(xv), the specified conditions are that the organised public procession—

- (a) consists of not more than 100 persons, and
- (b) has a duration of not more than 2 hours.]

**Status:** Point in time view as at 05/06/2021.

**Changes to legislation:** There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, SCHEDULE 2.* (See end of Document for details)

### Textual Amendments

- F13** 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)**
- F14** Word in sch. 2 para. 8(1)(a) substituted (26.4.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 21\) Regulations 2021 \(S.S.I. 2021/193\)](#), regs. 1(2), **4(4)(a)(i)**
- F15** Word in sch. 2 para. 8(1)(a) substituted (26.4.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 21\) Regulations 2021 \(S.S.I. 2021/193\)](#), regs. 1(2), **4(4)(a)(ii)**
- F16** Sch. 2 para. 8(1)(b) omitted (26.4.2021) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 21\) Regulations 2021 \(S.S.I. 2021/193\)](#), regs. 1(2), **4(4)(b)**
- F17** Words in sch. 2 para. 8(1)(d)(xii) omitted (17.5.2021) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 23\) Regulations 2021 \(S.S.I. 2021/209\)](#), regs. 1(2), **7(3)(a)(i)**
- F18** Sch. 2 para. 8(1)(d)(xiv) inserted (26.3.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 18\) Regulations 2021 \(S.S.I. 2021/166\)](#), regs. 1(2), **4(a)**
- F19** Sch. 2 para. 8(1)(d)(xv) inserted (17.5.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 23\) Regulations 2021 \(S.S.I. 2021/209\)](#), regs. 1(2), **7(3)(a)(ii)**
- F20** Words in sch. 2 para. 8(3) substituted (17.5.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 23\) Regulations 2021 \(S.S.I. 2021/209\)](#), regs. 1(2), **7(3)(b)**
- F21** Sch. 2 para. 8(4) inserted (26.3.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 18\) Regulations 2021 \(S.S.I. 2021/166\)](#), regs. 1(2), **4(b)**
- F22** Sch. 2 para. 8(5) inserted (17.5.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 23\) Regulations 2021 \(S.S.I. 2021/209\)](#), regs. 1(2), **7(3)(c)**

### Commencement Information

- I8** 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

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

[<sup>F23</sup>(za) takes place indoors and consists of no more than six persons from no more than three households,]

(a) takes place outdoors and consists of no more than [<sup>F24</sup>twelve] persons from no more than [<sup>F25</sup>twelve] households,

[<sup>F26</sup>(b) takes place outdoors and 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>F27</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

- F23** Sch. 2 para. 9(1)(za) inserted (26.4.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 21\) Regulations 2021 \(S.S.I. 2021/193\)](#), regs. 1(2), **4(5)(a)**
- F24** Word in sch. 2 para. 9(1)(a) substituted (26.4.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 21\) Regulations 2021 \(S.S.I. 2021/193\)](#), regs. 1(2), **4(5)(b)(i)**
- F25** Word in sch. 2 para. 9(1)(a) substituted (26.4.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 21\) Regulations 2021 \(S.S.I. 2021/193\)](#), regs. 1(2), **4(5)(b)(ii)**
- F26** Sch. 2 para. 9(1)(b) substituted (26.4.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 21\) Regulations 2021 \(S.S.I. 2021/193\)](#), regs. 1(2), **4(5)(c)**
- F27** 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

- I9** Sch. 2 para. 9 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

## [<sup>F28</sup>PART 4

### Restrictions on stadia and live events

#### Textual Amendments

- F28** Sch. 2 Pt. 4 inserted (17.5.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 23\) Regulations 2021 \(S.S.I. 2021/209\)](#), regs. 1(2), **7(4)**

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### **Capacity limits on stadia and live events in a Level 1 area**

**10.—(1)** A person must not organise a live event in a Level 1 area which takes place wholly or mainly outdoors at which—

- (a) more than the specified (outdoors seated) number of persons are in attendance at any point in time during the event, where seating capacity is provided for each person attending, or
- (b) more than the specified (outdoors free-standing) number of persons are in attendance, where no seating capacity is provided,

unless sub-paragraph (3) applies.

(2) A person must not organise a live event in a Level 1 area which takes place wholly or mainly indoors at which more than the specified (indoors) number of persons are in attendance at any point in time during the event, unless sub-paragraph (3) applies.

(3) This sub-paragraph applies where—

- (a) the event is either—
  - (i) ticketed, or
  - (ii) otherwise subject to an effective capacity control measure,
- (b) the event takes place at a location, premises or other setting whose entrances and exits are controlled for the purpose of crowd and capacity management, and
- (c) a local authority has approved a capacity exemption application (see paragraph 11) in respect of the event.

(4) For the purpose of sub-paragraphs (1) and (2) the following types of persons are not to be included when counting the number of persons in attendance at a live event—

- (a) persons who are working or providing voluntary or charitable services at the event, and
- (b) children under 5 years of age.

(5) In this paragraph, “specified (outdoors seated)”, “specified (outdoors free-standing)” and “specified (indoors)” mean as specified for each scenario in Level 1 in the Strategic Framework Protection Levels Table published by the Scottish Ministers.

### **Applications for exemption from capacity limits in a Level 1 area**

**11.—(1)** A person may apply to a local authority for an exemption from a requirement imposed by paragraph 10(1) or (2).

(2) In this schedule, an application under sub-paragraph (1) is referred to as a “capacity exemption application”.

- (3) A capacity exemption application may relate to a single event or a series of events.
- (4) A local authority may not charge any fee in respect of a capacity exemption application.
- (5) A capacity exemption application must be in writing and must include—
  - (a) a description of the type of event (or events) proposed,
  - (b) an event plan for the event (or events) proposed, and
  - (c) a risk assessment for the event (or events) proposed, including what measures are proposed relating to the prevention or minimisation of the risk of the incidence and spread of coronavirus arising from the event (or events).

### **Decisions on applications for exemption from capacity limits in a Level 1 area**

**12.—(1)** A local authority must, in deciding whether to approve a capacity exemption application, have regard to—

- (a) the risk of the incidence and spread of coronavirus arising from the event, and
  - (b) any other relevant circumstances.
- (2) A local authority may—
- (a) approve the application without conditions,
  - (b) approve the application with conditions relating to the prevention or minimisation of the risk of the incidence and spread of coronavirus arising from the event, or
  - (c) refuse the application.
- (3) A local authority must, as soon as reasonably practicable after deciding an application, notify the person who made the application of—
- (a) its decision, and
  - (b) the reasons for its decision.

### **Guidance on applications for exemption from capacity limits in a Level 1 area**

**13.**—(1) A person specified in sub-paragraph (3) must have regard to any guidance issued by the Scottish Ministers about capacity exemption applications.

- (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) The persons specified for the purpose of sub-paragraph (1) are—
- (a) a person applying to a local authority for an exemption from a requirement imposed by paragraph 10(1) or (2), and
  - (b) a person determining an application.

### **Revocation and variation of approval of exemption from capacity limits in a Level 1 area**

**14.**—(1) Where a local authority approves a capacity exemption application, it must keep its approval under review.

(2) Where it has approved a capacity exemption application without conditions (whether under paragraph 12 or this paragraph), a local authority may—

- (a) add conditions relating to the minimisation of the risk of the incidence and spread of coronavirus arising from the event (or events), or
- (b) revoke its approval of the application.

(3) Where it has approved a capacity exemption application but imposed conditions (whether under paragraph 12 or this paragraph) relating to the minimisation of the risk of the incidence and spread of coronavirus arising from the event (or events), a local authority may—

- (a) vary any such condition,
- (b) add any such condition,
- (c) remove any such condition, or
- (d) revoke its approval of the application.

(4) A local authority must, in deciding whether to make a decision under sub-paragraph (2) or (3), have regard to—

- (a) the risk of the incidence and spread of coronavirus arising from the event (or events), and

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- (b) any other relevant circumstances.
- (5) A local authority may make a decision under sub-paragraph (2) or (3)—
  - (a) of its own accord, or
  - (b) on application by the person who made the capacity exemption application.
- (6) A local authority must, as soon as reasonably practicable after making a decision under sub-paragraph (2) or (3), notify the applicant of—
  - (a) its decision, and
  - (b) the reasons for its decision.

### **Scottish Ministers' power to call in applications for exemption from capacity in a Level 1 area**

**15.**—(1) The Scottish Ministers may direct a local authority that a capacity exemption application must be referred by a local authority to the Scottish Ministers for decision.

(2) A local authority must notify the Scottish Ministers when it receives a capacity exemption application where the capacity applied for exceeds the maximum capacity for that category of event specified for Level 0 in the Strategic Framework Protection Levels Table published by the Scottish Ministers.

(3) Where an application is referred to the Scottish Ministers for decision paragraphs 12 and 14 apply, subject to the modification that any reference to a local authority is to be read as a reference to the Scottish Ministers.

### **Offence of breaching conditions of approval to hold larger live event in a Level 1 area**

**16.**—(1) It is an offence for a person to contravene a condition imposed—

- (a) by a local authority under paragraph 12(2)(b), 14(2) or (3), or
- (b) by the Scottish Ministers by virtue of paragraph 15(3).

(2) A person who commits an offence under sub-paragraph (1) is liable, on summary conviction, to a fine not exceeding the statutory maximum.]

**Status:**

Point in time view as at 05/06/2021.

**Changes to legislation:**

There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, SCHEDULE 2.