

## SCHEDULE 2

### Level 1 Restrictions

## 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

**II** 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>[F1]</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.]

<sup>[F2]</sup>(1A) Sub-paragraph (1B) applies where a match forming part of the Championship (within the meaning of section 1(1) of the UEFA European Championship (Scotland) Act 2020) is being shown live in any part of the premises of a food and drink business in a Level 1 area and the match has not concluded by 2300 hours.

(1B) Where this sub-paragraph applies, sub-paragraph (1) applies as if the duties mentioned in that sub-paragraph were instead imposed on the person responsible for carrying on the business during the period from 2330 hours on the day in question or as soon as is reasonably practicable following the conclusion of the match (whichever is the earlier) until 0600 hours the following day.]

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

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- (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

- F1** 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)
- F2** Sch. 2 para. 3(1A)(1B) inserted (26.6.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 29\) Regulations 2021 \(S.S.I. 2021/252\)](#), regs. 1(3), 4(2)

#### Commencement Information

- I2** 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.—[

<sup>F4</sup>(1)] 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.

[  
<sup>F5</sup>(2) Sub-paragraph (3) applies where a match forming part of the Championship (within the meaning of section 1(1) of the UEFA European Championship (Scotland) Act 2020) is being shown live in any part of the premises of a casino business in a Level 1 area and the match has not concluded by 2300 hours.

(3) Where this sub-paragraph applies, sub-paragraph (1) applies as if the duties mentioned in that sub-paragraph were instead imposed on the person responsible for carrying on the business during the period from 2330 hours on the day in question or as soon as is reasonably practicable following the conclusion of the match (whichever is the earlier) until 0600 hours the following day.]]

#### 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)**
- F4** Sch. 2 para. 3A renumbered as sch. 2 para. 3A(1) (26.6.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 29\) Regulations 2021 \(S.S.I. 2021/252\)](#), regs. 1(3), **4(3)(a)**
- F5** Sch. 2 para. 3A(2)(3) inserted (26.6.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 29\) Regulations 2021 \(S.S.I. 2021/252\)](#), regs. 1(3), **4(3)(b)**

#### 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>[F6]</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>[F7]</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

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- (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>F8</sup>(aa) a child under 12 years of age and any other person,]
  - (b) a carer and the person assisted by that carer, <sup>F9</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>F10</sup>, <sup>F11</sup>...]
  - [<sup>F12</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].
  - [<sup>F13</sup>(e) where a funeral is taking place, one or more persons who, as part of the funeral or the preparations for a funeral, are—
    - (i) carrying or setting down a coffin, or
    - (ii) lowering, or assisting in the lowering of, a coffin into a lair.]
- (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>M1</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>M2</sup>,
- “required distance” means—
- (a) in relation to reduced distance premises, at least one metre,
  - (aa) [<sup>F14</sup>in relation to the premises of the Renaissance Club (except the grandstands or any reduced distance premises) during the period of the abrdn Scottish Open golf event, at least one metre,
  - (ab) in relation to the grandstands of the Renaissance Club during the period of the abrdn Scottish Open golf event, at least 1.5 metres,]
  - (b) [<sup>F15</sup>in relation to Hampden Park, at least 1.2 metres,
  - (c) in relation to the Glasgow Green Event Zone, at least 1.5 metres, or
  - (d) 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>M3</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.

[<sup>F16</sup>(5) In the definition of “required distance” in sub-paragraph (3)—

- (a) “Hampden Park” means Hampden Park stadium, Glasgow, during the Championship period, as defined in section 1 of the UEFA European Championship (Scotland) Act 2020 and specified in the UEFA European Championship (Scotland) Act 2020 (Championship Period and Transitory Provision etc.) Regulations 2021, <sup>F17</sup>...
- (b) “the Glasgow Green Event Zone” means those premises at Glasgow Green designated as a fan zone by Glasgow City Council for use during the Championship period, as defined in section 1 of the UEFA European Championship (Scotland) Act 2020 and specified in the UEFA European Championship (Scotland) Act 2020 (Championship Period and Transitory Provision etc.) Regulations 2021.

[ “the Renaissance Club” means the golf club known as the Renaissance Club, North <sup>F18</sup>(c) Berwick,

- (d) “the grandstands” means the two grandstands positioned separately at the seventeenth and eighteenth holes on the premises of the Renaissance Club,
- (e) “the period of the abrdn Scottish Open golf event” means the period beginning with 8 July 2021 and ending with 11 July 2021, except in circumstances where the abrdn Scottish Open golf event is delayed such that play cannot be completed on 11 July 2021, in which case it means the period beginning with 8 July 2021 and ending with 12 July 2021]]

#### Textual Amendments

- F6** 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)**
- F7** 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)**
- F8** 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)**
- F9** 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)**
- F10** 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)**
- F11** Word in sch. 2 para. 4(2) omitted (28.6.2021) by virtue of *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 29) Regulations 2021 (S.S.I. 2021/252)*, regs. 1(2), **4(4)(a)**
- F12** 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)**
- F13** Sch. 2 para. 4(2)(e) inserted (28.6.2021) by *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 29) Regulations 2021 (S.S.I. 2021/252)*, regs. 1(2), **4(4)(b)**
- F14** Words in sch. 2 para. 4(3) inserted (8.7.2021) by *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 31) Regulations 2021 (S.S.I. 2021/262)*, regs. 1, **4(a)(i)**

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- F15** Words in sch. 2 para. 4(3) substituted (11.6.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 27\) Regulations 2021 \(S.S.I. 2021/238\)](#), regs. 1, **5(a)**
- F16** Sch. 2 para. 4(5) inserted (11.6.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 27\) Regulations 2021 \(S.S.I. 2021/238\)](#), regs. 1, **5(b)**
- F17** Word in sch. 2 para. 4(5) omitted (8.7.2021) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 31\) Regulations 2021 \(S.S.I. 2021/262\)](#), regs. 1, **4(a)(ii)(aa)**
- F18** Sch. 2 para. 4(5)(c)-(e) inserted (8.7.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 31\) Regulations 2021 \(S.S.I. 2021/262\)](#), regs. 1, **4(a)(ii)(bb)**

#### Commencement Information

- I3** Sch. 2 para. 4 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Marginal Citations

- M1** [2016 asp 9](#).
- M2** 1980 c.44. Section 135(1) has been amended but none of those amendments are relevant for this definition.
- M3** 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.

(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

- I4** 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

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- (c) retain visitor information for a period of at least 21 days beginning with the date on which the visit occurred.

[<sup>F19</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>M4</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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#### Textual Amendments

**F19** 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)**

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#### Commencement Information

**I5** Sch. 2 para. 6 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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#### Marginal Citations

**M4** 2020 c.7.

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