

## SCHEDULE 4

Regulation 3(4)

### Level 3 Restrictions

## PART 1

### Closure of Premises

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

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.

(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,
- [<sup>F1</sup>(q) a drive-in event 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

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- (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>F2</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,]
  - [<sup>F3</sup>(h) any suitable premises which a returning officer or electoral registration officer has requested the use of in connection with the carrying out of any of their functions in relation to an election.]
- (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.

[<sup>F4</sup>(6) In sub-paragraph (2)—

- (a) “sexual entertainment venue” has the meaning given by section 45A of the Civic Government (Scotland) Act 1982,
- (b) “drive-in event venue” means any premises or place indoors to which the public, or a section of the public, has access, whether on payment or otherwise, for the purpose of participating in or attending from within vehicles a drive-in or drive-through event, including an act of worship, a sporting event, a film or the performance of music, comedy or a play.]

#### Textual Amendments

- F1** Sch. 4 para. 1(2)(q) inserted (29.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/49\)](#), regs. 1, **4(a)(i)**
- F2** 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)**
- F3** Sch. 4 para. 1(3)(h) inserted (29.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/49\)](#), regs. 1, **4(a)(ii)**
- F4** Sch. 4 para. 1(6) substituted (29.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/49\)](#), regs. 1, **4(a)(iii)**

#### Commencement Information

- I1** Sch. 4 para. 1 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 3 area**

**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**

**I2** Sch. 4 para. 2 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

### **[<sup>F5</sup>Requirement to cease mobile close contact services in respect of Level 3 areas**

**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**

**F5** 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

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## PART 2

### Other restrictions on business

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

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

**I3** 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

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

**I4** 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

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,
- (g) premises which are on a ferry.

<sup>F6</sup>(3) .....

(4) Sub-paragraph [<sup>F7</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.

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(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>F8</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.]

[<sup>F9</sup>(9) Sub-paragraph (1) does not prevent the use of suitable premises which a returning officer or electoral registration officer has requested the use of in connection with the carrying out of any of their functions in relation to an election.]

#### Textual Amendments

- F6** 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)**
- F7** 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)**
- F8** 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)**
- F9** Sch. 4 para. 5(9) inserted (29.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/49\)](#), regs. 1, **4(b)**

#### Commencement Information

- I5** 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

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>F10</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

- F10** 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

- I6** 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**

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>[F11]</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>[F12]</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>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, 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>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,

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- (c) cafes, [<sup>F13</sup>excluding] workplace canteens,
- (d) bars, including bars in hotels or members' clubs, and
- (e) public houses.

#### Textual Amendments

- F11** 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)**
- F12** 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)**
- F13** 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

- I7** Sch. 4 para. 7 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](#).
- M3** 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

**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).

#### Commencement Information

- I8** 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.

**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>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.

**Commencement Information**

**I9** Sch. 4 para. 9 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

**Marginal Citations**

**M4** 2020 c.7.

**[<sup>F14</sup>[<sup>F15</sup>Residential properties (eviction)]**

- 9A.**—(1) No person may attend at a dwelling house for the purpose of—
- (a) serving a charge for removing, or
  - (b) executing a decree for removing from heritable property.
- (2) Sub-paragraph (1) does not apply where the charge for removing relates to a decree for removing from heritable property, or where the decree for removing from heritable property is granted wholly or partly on the basis that possession is sought in the circumstances as specified in—
- (a) Case 2 (nuisance, annoyance or conviction for using or allowing the dwelling-house to be used for immoral or illegal purposes) in schedule 2 of the Rent (Scotland) Act 1984,
  - (b) Ground 15 (conviction for certain offences, acting in an anti-social manner or pursuing a course of anti-social conduct) in schedule 5 of the Housing (Scotland) Act 1988,

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- (c) Paragraph 2 (conviction for certain offences), 7 (anti-social behaviour or harassment) or 8 (nuisance, annoyance or harassment) of schedule 2 of the Housing (Scotland) Act 2001, or
  - (d) Paragraph 13 (criminal behaviour), 14 (anti-social behaviour) or 15 (association with person who has relevant conviction or engaged in relevant anti-social behaviour) in schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.
- (3) The period mentioned in section 16(5A)(c) of the Housing (Scotland) Act 2001 (powers of court in possession proceedings) does not run during any period for which this paragraph has effect.
- (4) In this paragraph—
- “the 2007 Act” means the Bankruptcy and Diligence etc. (Scotland) Act 2007,
- [<sup>F16</sup>“a charge for removing” means a charge to remove from subjects or premises, as required by section 216(1) (service of charge before removing) of the 2007 Act in the case of a decree for removing from heritable property,] and
- [<sup>F17</sup>“a decree for removing from heritable property” means a decree, order or warrant of a type mentioned in any of the following paragraphs of section 214(2) of the 2007 Act—
- (a) paragraph (a) or (b), where the decree or warrant is obtained by a creditor in a security over land used to any extent for residential purposes following an application under either or both—
    - (i) section 5(1) (power to eject proprietor in personal occupation) of the Heritable Securities (Scotland) Act 1894, or
    - (ii) section 24(1B) (application by creditor to court for remedies on default) of the Conveyancing and Feudal Reform (Scotland) Act 1970,
  - (b) paragraph (f),
  - (c) paragraph (g), or
  - (d) paragraph (k).]

#### Textual Amendments

- F14** Sch. 4 para. 9A inserted (22.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(3), **5**
- F15** Sch. 4 para. 9A cross-heading substituted (23.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 14\) Regulations 2021 \(S.S.I. 2021/35\)](#), regs. 1, **3(a)**
- F16** Words in sch. 4 para. 9A(4) substituted (23.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 14\) Regulations 2021 \(S.S.I. 2021/35\)](#), regs. 1, **3(b)(i)**
- F17** Words in sch. 4 para. 9A(4) substituted (23.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 14\) Regulations 2021 \(S.S.I. 2021/35\)](#), regs. 1, **3(b)(ii)**

## PART 3

### Restrictions on gatherings

#### Restriction on public gatherings indoors in <sup>F18</sup>... Level 3 area

**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

**Status:** Point in time view as at 05/03/2021.

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- (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

**F18** 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

**I10** 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

**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

(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**

**111** 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**

**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

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(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

**I12** Sch. 4 para. 12 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

## <sup>F19</sup>PART 4

### Restrictions on movement

#### Textual Amendments

**F19** 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

**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

**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

**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,

- (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,

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- (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.

<sup>F20</sup>(ab) .....

- (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**

**F20** Sch. 4 para. 15(2)(ab) omitted (5.3.2021) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Miscellaneous Amendments\) \(Scotland\) \(No. 2\) Regulations 2021 \(S.S.I. 2021/117\)](#), regs. 1, 6



**Status:**

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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, SCHEDULE 4.