

SCHEDULE 5

Level 4 Restrictions

PART 1

Closure of Premises

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

1.—(1) A person who is responsible for carrying on a listed business located in a Level 4 area must—

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

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

- (a) a cinema,
- (b) a nightclub, dance hall or discotheque,
- (c) a concert hall,
- (d) any other venue which—
 - (i) normally opens at night,
 - (ii) has a dance floor or other space for dancing or spectating by members of the public (and for these purposes, members of staff of the venue in question are to be considered members of the public) and
 - (iii) provides music, whether live or recorded,
- (e) a sexual entertainment venue,
- (f) an indoor or outdoor theatre,
- (g) a comedy club,
- (h) a museum or gallery,
- (i) a soft play centre,
- (j) a sports stadium,
- (k) a conference or exhibition centre,
- (l) a snooker or pool hall,
- (m) a bowling alley,
- (n) a casino,
- (o) a betting shop,
- (p) a bingo hall,
- (q) a funfair,
- (r) an amusement arcade,
- (s) premises which provide a close contact service,
- [^{F1}(sa) a driving instructor or examiner,]
- (t) a skating rink,
- (u) an indoor fitness studio, gym, swimming pool or other indoor leisure centre or facility.

Status: Point in time view as at 13/11/2020.

Changes to legislation: There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, PART 1.* (See end of Document for details)

- (3) Sub-paragraph (1) does not prevent the use of—
- (a) premises, while those premises remain closed to members of the public, to—
 - (i) record a performance or sporting event,
 - (ii) broadcast a performance or sporting event to persons outside the premises, whether over the internet or as part of a radio or television broadcast, or
 - (iii) rehearse, train, practise or otherwise prepare for a performance or sporting event,
 - (b) premises of a listed business in sub-paragraph (2)(c), (f), or (j) for education or training purposes,
 - (c) premises of a listed business in sub-paragraph (2)(j) for providing voluntary or charitable services,
 - (d) premises of a listed business in sub-paragraph (2)(a), (b), (c), (d), (f), (g), (j) or (k) for any purpose requested by the Scottish Ministers, a health board, a local authority or the Scottish Courts and Tribunals Service,
 - (e) any suitable premises to host blood donation sessions,
 - (f) any suitable premises that are used for the purposes of professional sport.
- (4) Sub-paragraph (1) does not prevent the use of premises, while those remain closed to members of the public, to take preparatory steps in pursuance of a requirement in paragraph 8.
- (5) If a listed business (“business A”) forms part of a larger business (“business B”) the person responsible for carrying on business B complies with the requirement in sub-paragraph (1)(a) if it closes down business A.
- (6) In sub-paragraph (2)—
- (a) “sexual entertainment venue” has the meaning given by section 45A of the Civic Government (Scotland) Act 1982 ^{M1},
 - (b) “close contact service” means—
 - (i) hairdressing and barber services,
 - (ii) beauty and nail services (including make-up services),
 - (iii) hair removal services,
 - (iv) tattoo, piercing and body modification services,
 - (v) fashion design, dress-fitting and tailoring services,
 - (vi) indoor portrait photography and art services,
 - (vii) massage therapies, but not sports massage provided only to professional sportspeople,
 - (viii) complementary and alternative medicine services requiring physical contact or close physical proximity between persons, but not osteopathy and chiropractic services,
 - (ix) spa and wellness services,
 - (x) other services or procedures which require physical contact or close physical proximity between a provider and a customer and are not ancillary to medical, health, or social care services.

Textual Amendments

- F1** Sch. 5 para. 1(2)(sa) inserted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **15(a)**

Commencement Information

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

Marginal Citations

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

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

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

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

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

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

- (a) food retailers, including food markets, supermarkets, convenience stores and corner shops,
- (b) off licenses and licensed shops selling alcohol (including breweries),
- (c) pharmacies (including non-dispensing pharmacies) and chemists,
- (d) newsagents,
- (e) homeware, building supplies and hardware stores,
- (f) petrol stations,
- (g) car repair and MOT services,
- (h) bicycle shops,
- (i) taxi or vehicle hire businesses,
- (j) banks, building societies, credit unions, short-term loan providers, savings clubs, cash points and undertakings which by way of business operate a currency exchange office, transmit money (or any representation of money) by any means or cash cheques which are made payable to customers,
- (k) post offices,
- (l) funeral directors,
- (m) laundrettes and dry cleaners,
- (n) dental services, opticians, audiology services, chiropody services, chiropractors, osteopaths and other medical or health services, including services relating to mental health,
- (o) veterinary surgeons and pet shops,
- (p) agricultural supplies shops and agricultural markets,

Status: Point in time view as at 13/11/2020.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, PART 1. (See end of Document for details)

- (q) storage and distribution facilities, including delivery drop off or collection points, where the facilities are in the premises of a business included in this sub-paragraph,
- (r) car parks,
- (s) public toilets,
- (t) livestock markets or auctions,
- (u) garden centres, plant nurseries, outdoor markets, and outdoor car lots.

Commencement Information

I2 Sch. 5 para. 2 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

Requirement to cease providing holiday accommodation in a Level 4 area

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

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

- (a) to any person, who—
 - (i) is unable to return to their main residence,
 - (ii) uses that accommodation as their main residence,
 - (iii) is living in that accommodation for work purposes,
 - (iv) needs accommodation while moving house,
 - (v) needs accommodation to attend a funeral,
- (b) to the homeless or to support services for the homeless,
- (c) to host blood donation sessions, or
- (d) for any purpose requested by the Scottish Ministers or a local authority.

Commencement Information

I3 Sch. 5 para. 3 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

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

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

(2) For the purposes of this paragraph—

- (a) a “close contact service” means—
 - (i) hairdressing and barber services,
 - (ii) beauty and nail services (including make-up services),
 - (iii) hair removal services,
 - (iv) tattoo, piercing and body modification services,
 - (v) fashion design, dress-fitting and tailoring services,
 - (vi) indoor portrait photography and art services,

- (vii) massage therapies,
 - (viii) complementary and alternative medicine services requiring physical contact or close physical proximity between persons, but not osteopathy and chiropractic services,
 - (ix) spa and wellness services,
 - (x) other services or procedures which require physical contact or close physical proximity between a provider and a customer and are not ancillary to medical, health, or social care services.
- (b) a “mobile close contact service” means a close contact service which is provided at a location other than—
- (i) fixed business premises which have as one of their uses the provision of the service,
 - (ii) a room which is used exclusively for the provision of the service and is situated within a private dwelling, hospice, or other care setting.

Commencement Information

I4 Sch. 5 para. 4 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

[^{F2}Requirement to cease driving lessons and tests in a Level 4 area

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

Textual Amendments

F2 Sch. 5 para. 4A inserted (13.11.2020 at 6.00 a.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **15(b)**

[^{F3}Requirement to cease mobile close contact services or vehicle driving lessons or tests in respect of Level 4 areas

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

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

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

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

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

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

Status: Point in time view as at 13/11/2020.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, PART 1. (See end of Document for details)

Textual Amendments

- F3** Sch. 5 para. 4B inserted (13.11.2020 at 6.00 a.m.) by The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 2) Regulations 2020 (S.S.I. 2020/374), regs. 1, 16

Status:

Point in time view as at 13/11/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, PART 1.