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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 103**

**The Health Protection (Coronavirus)  
(Restrictions) (Scotland) Regulations 2020**

**PART 2**

**Requirement to close premises and businesses**

**Requirement to close premises and businesses during the emergency period**

**3.—**(1) A person who is responsible for carrying on a business which is listed in Part 1 of schedule 1 must—

- (a) during the emergency period—
  - (i) close any premises, or part of the premises, in which food or drink are sold for consumption on those premises, and
  - (ii) cease selling food or drink for consumption on its premises, or
- (b) if the business sells food or drink for consumption off the premises, cease selling food or drink for consumption on its premises during the emergency period.

(2) For the purposes of paragraph (1)(a), food or drink sold by a hotel or other accommodation as part of room service is not to be treated as being sold for consumption on its premises.

(3) For the purposes of paragraph (1)(a)(ii) and (b), an area adjacent to the premises of the business where seating is made available for customers of the business (whether or not by the business) is to be treated as part of the premises of that business.

(4) A person responsible for carrying on a business or providing a service which is listed in Part 2 of schedule 1 must cease to carry on that business or to provide that service during the emergency period.

(5) Paragraph (4) does not prevent the use of—

- (a) premises used for the businesses or services listed in paragraphs 5, 6, 8, 9 or 10 of schedule 1 to broadcast a performance to people outside the premises, whether over the internet or as part of a radio or television broadcast,
- (b) any suitable premises used for the businesses or services listed in that schedule to host blood donation sessions.

(6) If a business listed in Part 1 or 2 of schedule 1 (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in paragraph (1) if it closes down business A.

**Further restrictions and closures during the emergency period**

**4.—**(1) A person who is responsible for carrying on a business or providing a service listed in Part 3 of schedule 1 must, during the emergency period—

- (a) take all reasonable measures to ensure that a distance of two metres is maintained between any persons on the premises (except between two members of the same household, or a carer and the person assisted by the carer),
  - (b) take all reasonable measures to ensure that it only admits people to its premises in sufficiently small numbers to make it possible to maintain that distance,
  - (c) take all reasonable measures to ensure that a distance of two metres is maintained between any person waiting to enter its premises (except between two members of the same household, or a carer and the person assisted by the carer).
- (2) A person who is responsible for carrying on a business not listed in Part 3 of schedule 1 and which offers goods for sale or hire in a shop or provides library services must, during the emergency period—
- (a) cease to carry on that business or provide that service except by making deliveries or otherwise providing 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 (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 (a).
- (3) Paragraph (1) does not apply to any business which provides hot or cold food for consumption off the premises, provided that it observes the requirements set out in paragraph (1)(a) to (c).
- (4) Subject to paragraph (5), a person who is responsible for carrying on a business 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 during the emergency period.
- (5) A person referred to in paragraph (4) may continue to carry on their business and keep any premises used in that business open—
- (a) to provide accommodation for any person, who—
    - (i) is unable to return to their main residence,
    - (ii) uses that accommodation as their main residence,
    - (iii) needs accommodation while moving house,
    - (iv) needs accommodation to attend a funeral,
  - (b) to provide accommodation or 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.
- (6) A person who is responsible for a place of worship must ensure that, during the emergency period, the place of worship is closed, except for uses permitted in paragraph (7).
- (7) A place of worship may be used—
- (a) for funerals,
  - (b) to broadcast an act of worship, whether over the internet or as part of a radio or television broadcast, or

- (c) to provide essential voluntary services or urgent public support services (including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions or support in an emergency),

provided that, in each case, a distance of two metres is maintained between every person on the premises (except between two members of the same household, or a carer and the person being assisted by the carer).

(8) A person who is responsible for a community centre must ensure that, during the emergency period, the community centre is closed except where—

- (a) it is used to provide essential voluntary activities or urgent public support services (including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions or support in an emergency), and
- (b) reasonable measures are taken to ensure that a distance of two metres is maintained between every person on the premises while those services are provided (other than between two members of the same household, or a carer and the person being assisted by the carer).

(9) A person who is responsible for a crematorium or burial ground must ensure that, during the emergency period, the crematorium is closed to members of the public, except for funerals or burials where reasonable measures are taken to ensure that a distance of two metres is maintained between every person on the premises of the crematorium during the funeral or burial (other than between two members of the same household, or a carer and the person assisted by the carer).

(10) If a business referred to in paragraph (2) or (4) (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirement in paragraph (2) or (4) to cease to carry on its business if it ceases to carry on business A.

(11) In this regulation, a 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>(1)</sup>,
- (b) on a paid basis, or
- (c) on a voluntary basis.

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(1) 2016 asp 9.