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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 279**

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

**PART 2**

**Businesses and premises**

**Requirement to close certain premises to members of the public**

- 4.—(1) A person who is responsible for carrying on a listed business 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 paragraph (1), “listed business” means—
- (a) a nightclub or discotheque,
  - (b) a sexual entertainment venue,
  - (c) an indoor theatre,
  - (d) a concert hall, or
  - (e) a soft play centre.
- (3) 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,
    - (ii) broadcast a performance to persons outside the premises, whether over the internet or as part of a radio or television broadcast, or
    - (iii) rehearse or otherwise prepare for a performance,
  - (b) any suitable premises to host blood donation sessions.
- (4) 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 regulation 5(1).
- (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 paragraph (1)(a) if it closes down business A.
- (6) In paragraph (2), “sexual entertainment venue” has the meaning given by section 45A of the Civic Government (Scotland) Act 1982(1).

**Requirement to take measures to minimise risk of exposure to coronavirus**

- 5.—(1) A person who is responsible for a place of worship, carrying on a business or providing a service must take—

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(1) 1982 c.45. Section 45A was inserted by section 76(3) of the Air Weapons and Licensing (Scotland) Act 2015 (asp 10).

- (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 paragraph (2)),
    - (ii) persons are admitted to its premises in sufficiently small numbers to make it possible to maintain the required distance,
    - (iii) the required distance is maintained between any persons waiting to enter its premises (except between persons mentioned in paragraph (2)),
  - (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 paragraph (1)(a)(i) and (iii) are—
- (a) two or more members of the same household,
  - (b) a carer and the person assisted by the 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 regulation—
- “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(2),
  - (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(3),
- “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(4).
- (4) In the definition of “required distance” in paragraph (3), “reduced distance premises” means—
- (a) passenger transport service premises, or
  - (b) a building, room or other premises used for the retail sale or hire of goods, including—

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(2) 2016 asp 9.

(3) 1980 c.44.

(4) 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).

- (i) restaurants, including restaurants and dining rooms in hotels or members' clubs,
- (ii) cafes, including workplace canteens,
- (iii) bars, including bars in hotels or members' clubs,
- (iv) public houses.

**Requirement to collect and share information: restaurants, cafes, bars, public houses, etc.**

6.—(1) A person who is responsible for a relevant hospitality premises 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,
- (c) retain visitor information for a period of at least 21 days beginning with the date on which the visit occurred.

(2) 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.

(3) In this regulation—

“public health officer” has the meaning given by paragraph 3(2)(b) of schedule 21 of the Coronavirus Act 2020,

“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,

“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,
- (c) the number of members of that person's household visiting the premises at that time.

**Guidance on minimising exposure to coronavirus**

7.—(1) A person who is responsible for a place of worship, carrying on a business or providing a service must have regard to guidance issued by the Scottish Ministers about measures which should be taken in accordance with regulation 5(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 14 (enforcement of requirements) does not apply to a contravention of the requirement in paragraph (1).

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**Status:** *This is the original version (as it was originally made).*

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