
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 318

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

PART 3

Measures applying outside the protected area

Requirement to close certain premises outside the protected area to members of the public

12.—(1) A person who is responsible for carrying on a listed business located outside the protected 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 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, or
- (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 17(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 Civil Government (Scotland) Act 1982(1).

Requirement relating to relevant hospitality premises during certain hours: restaurants, cafes, bars, public houses, etc.

13.—(1) Subject to regulation 15, a person who is responsible for carrying on a business at a relevant hospitality premises located outside the protected area must—

- (a) between the hours of 1800 and 0600, close any premises, or parts of those premises, which are indoors to members of the public, and
- (b) between the hours of 2200 and 0600, close any premises, or part of those premises, which are outdoors to members of the public.

(2) Paragraph (1) does not prevent a person who is responsible for carrying on a business at a relevant hospitality premises from selling food or drink for consumption off the premises.

(3) Paragraph (1) does not prevent a hotel or other commercial provider of accommodation from selling food and drink to its residents—

- (a) as part of room service, or
- (b) between the hours of 0600 and 2200 for consumption in any other area of the hotel or accommodation (whether indoors or outdoors).

(4) For the purposes of paragraph (1)—

- (a) 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,
- (b) toilets are not to be treated as part of the premises indoors.

(5) If a business at a relevant hospitality premises (“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 any part of the premises of business A—

- (a) which is indoors, to members of the public between the hours of 1800 and 0600, and
- (b) which is outdoors, to members of the public between the hours of 2200 and 0600.

(6) In this regulation, “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.

(7) But “relevant hospitality premises” does not include—

- (a) a cafe or canteen at—
 - (i) a hospital or care home,
 - (ii) a school or student accommodation,
 - (iii) a prison, and
 - (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,
- (b) workplace canteens where—
 - (i) there is no practical alternative for staff at that workplace to obtain food, and
 - (ii) so far as reasonably possible, a distance of at least two metres can be maintained between any person using the canteen,
- (c) premises providing food or drink to homeless persons,
- (d) premises which are airside at an airport, and
- (e) premises which are on a ferry.

(8) In this regulation, “school” has the meaning given by section 135(1) of the Education (Scotland) Act 1980⁽²⁾.

(9) For the purposes of this regulation a place is indoors if it would be considered to be wholly or substantially enclosed for the purposes of section 4(2) of the Smoking, Health and Social Care (Scotland) Act 2005 under the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006⁽³⁾, and “outdoors” is to be construed accordingly.

Restrictions on consumption of alcohol indoors in relevant hospitality premises

14.—(1) Subject to regulation 15, a person who is responsible for carrying on a business at a relevant hospitality premises must—

- (a) cease selling or supplying alcohol for consumption on any part of its premises which is indoors, and
- (b) not permit consumption of alcohol on any part of its premises which is indoors.

(2) For the purposes of paragraph (1)—

- (a) the sale of alcohol by a hotel or other accommodation as part of room service, or
- (b) consumption of alcohol by a resident of a hotel in their private room,

is not to be treated as being for consumption on part of its premises which is indoors.

(3) For the purposes of this regulation “relevant hospitality premises” has the meaning given by regulation 13(6) and (7), but also includes cinemas.

(4) For the purposes of this regulation a place is indoors if it would be considered to be wholly or substantially enclosed for the purposes of section 4(2) of the Smoking, Health and Social Care (Scotland) Act 2005⁽⁴⁾ under the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006.

Exceptions for requirements in regulations 13 and 14 for certain services

15.—(1) The requirements in regulations 13 (requirement relating to relevant hospitality premises during certain hours) and 14 (restrictions on consumption of alcohol indoors in relevant hospitality premises) do not apply where the relevant hospitality premises located outside the protected area is providing services in connection with—

- (a) a marriage ceremony or civil partnership registration, or
- (b) a funeral.

(2) For the purposes of this regulation “relevant hospitality premises” has the meaning given by regulation 13(6) and (7) and includes “licensed premises” and “unlicensed premises” for the purposes of regulations 13 and 14.

Restriction on public gatherings

16.—(1) A person must not participate in a gathering in a public place located outside the protected area, unless the gathering—

- (a) consists of no more than six persons from no more than two households,
- (b) takes place outdoors and —

(2) 1980, c.44, amended by section 2 of the Registered Establishments (Scotland) Act 1987 (c.4) and schedule 3 of the Standards in Scotland’s Schools etc. Act 2000 (asp 6).

(3) S.S.I. 2006/90.

(4) 2005, asp 13.

- (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) attending a place of worship,
 - (iv) facilitating a house move,
 - (v) an organised activity which—
 - (aa) takes place outdoors, or
 - (bb) is for persons under 18 years of age (whether indoors or outdoors),
 - (vi) organised exercise,
 - (d) relates to a funeral, marriage ceremony or civil partnership registration,
 - (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
 - (ii) have the accommodation as their only or main residence.
- (2) In this regulation, “gathering” means a situation where two or more persons, who are not members of the same household, are present together in a place in order to engage in any form of social interaction with each other.
- (3) For the purpose of paragraph (1)(a), as it applies—
- (a) indoors, 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,
 - (b) outdoors, children under 12 years of age are not to be included when counting the number of persons or households participating in a gathering.
- (4) For the purpose of paragraph (1)(b)(v) and (vi), an activity or exercise is “organised” if it is organised by—
- (a) a person who is responsible for carrying on a business or providing a service,
 - (b) a person who is responsible for a place of worship,
 - (c) a charity or other not for profit organisation,
 - (d) a club or political organisation, or
 - (e) the governing body of a sport or other activity.