

SCHEDULE 3

Level 2 Restrictions

PART 1

Closure of Premises

Requirement to close certain premises in a Level 2 area to members of the public

1.—(1) A person who is responsible for carrying on a listed business located in a Level 2 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 nightclub, dance hall or discotheque,
- (b) a concert hall,
- (c) 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,
- (d) a sexual entertainment venue,
- (e) an indoor or outdoor theatre,
- (f) a comedy club,
- (g) a soft play centre,
- (h) a sports stadium,
- (i) a conference or exhibition centre,
- (j) a snooker or pool hall,
- (k) a bowling alley,
- (l) a casino,
- (m) a funfair or amusement arcade.

(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)(b), (e), or (h) for education or training purposes,
- (c) premises of a listed business in sub-paragraph (2)(h) for providing voluntary or charitable services,

Status: This is the original version (as it was originally made).

- (d) premises of a listed business in sub-paragraph (2)(a), (b), (c), (e), (f), (h) or (i) 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) Sub-paragraph (1) does not prevent the use of premises for a drive-in event.
- (6) 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.
- (7) In sub-paragraph (2), “sexual entertainment venue” has the meaning given by section 45A of the Civic Government (Scotland) Act 1982(1).

Requirement to cease mobile close contact services in a Level 2 area

2.—(1) A person who provides a close contact service must not provide that service in a Level 2 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.

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