

## SCHEDULE 5

Regulation 3(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,
- [<sup>F1</sup>(ha) an indoor attraction at a visitor attraction,]
  - (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,

[<sup>F2</sup>(sa) a driving instructor or examiner,]

[<sup>F3</sup>(sb) a tanning salon or premises which operates a self-tanning machine or a spray-tan booth,

**Status:** Point in time view as at 16/01/2021.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, SCHEDULE 5. (See end of Document for details)

- (sc) a travel agency,
- (sd) a premises [<sup>F4</sup>or an area within a premises] laid out as a showroom to demonstrate products for installation in residential property, such as kitchen, bathroom, furniture or glazing showrooms,]
- [<sup>F5</sup>(se) an independent clinic which is registered with Healthcare Improvement Scotland under section 10P of the 1978 Act,
- (sf) an independent medical agency which is registered with Healthcare Improvement Scotland under section 10P of the 1978 Act,
- (sg) an independent hospital which is registered with Healthcare Improvement Scotland under section 10P of the 1978 Act,]
- (t) a skating rink,
- [<sup>F6</sup>(ta) a snow sports centre,]
- (u) an indoor fitness studio, gym, swimming pool or other indoor leisure centre or facility.
- [<sup>F7</sup>(v) child contact centres]
- (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,
  - [<sup>F8</sup>(da) premises of a listed business in sub-paragraph (2)(se), (sf) or (sg) for the purposes of providing medical or surgical assistance,]
  - (e) any suitable premises to host blood donation sessions,
  - (f) any suitable premises that are used for the purposes of professional sport.
  - [<sup>F9</sup>(g) any suitable premises to host vaccination services, where requested to do so by the Scottish Ministers, a local authority or a health board,
  - (h) premises of a listed business in sub-paragraph (2)(v),—
    - (i) where—
      - (aa) the child contact centre is provided by a local authority, and
      - (bb) the contact is facilitated by a local authority,
    - (ii) for the purposes of—
      - (aa) a handover of a child to a person with whom the child is not, or will not be, living, or
      - (bb) for the return of a child from a handover to a person with whom the child is or will be living.]

(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<sup>M1</sup>,

(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 sportspersons,

(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,

[<sup>F10</sup>(c) “indoor attraction” means those parts of a venue, including visitor centres but not including toilets for visitors, which—

(i) 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, and

(ii) are, in normal times, open for members of the public to visit for the purposes of recreation, whether or not for payment.]

[<sup>F11</sup>(7) In this paragraph—

“the 1978 Act” means the National Health Service (Scotland) Act 1978,

“medical or surgical assistance” does not include a cosmetic or aesthetic procedure (such as the injection or implantation into or under the skin of a substance for cosmetic purposes, or electrolysis)

[<sup>F12</sup>“child contact centres” means any place that is used for the facilitation of contact between a child and a person with whom the child is not, or will not be, living (including the handover of the child to that person)].]

**F1** Sch. 5 para. 1(2)(ha) inserted (20.11.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, **6(a)**

**F2** 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)**

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**Changes to legislation:** There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, SCHEDULE 5*. (See end of Document for details)

- F3** Sch. 5 para. 1(2)(sb)-(sd) inserted (26.12.2020) by *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 9) Regulations 2020 (S.S.I. 2020/471)*, regs. 1, **5**
- F4** Words in sch. 5 para. 1(2)(sd) inserted (8.1.2021) by *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021 (S.S.I. 2021/3)*, regs. 1, **4(a)(i)(aa)**
- F5** Sch. 5 para. 1(2)(se)-(sg) inserted (8.1.2021) by *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021 (S.S.I. 2021/3)*, regs. 1, **4(a)(i)(bb)**
- F6** Sch. 5 para. 1(2)(ta) inserted (8.1.2021) by *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021 (S.S.I. 2021/3)*, regs. 1, **4(a)(i)(cc)**
- F7** Sch. 5 para. 1(2)(v) inserted (16.1.2021) by *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 12) Regulations 2021 (S.S.I. 2021/17)*, regs. 1(2), **8(a)**
- F8** Sch. 5 para. 1(3)(da) inserted (8.1.2021) by *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021 (S.S.I. 2021/3)*, regs. 1, **4(a)(ii)**
- F9** Sch. 5 para. 1(3)(g)(h) inserted (16.1.2021) by *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 12) Regulations 2021 (S.S.I. 2021/17)*, regs. 1(2), **8(b)**
- F10** Sch. 5 para. 1(6)(c) inserted (20.11.2020 at 6.00 p.m.) by *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 3) Regulations 2020 (S.S.I. 2020/389)*, regs. 1, **6(b)**
- F11** Sch. 5 para. 1(7) inserted (8.1.2021) by *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021 (S.S.I. 2021/3)*, regs. 1, **4(a)(iii)**
- F12** Words in sch. 5 para. 1(7) inserted (16.1.2021) by *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 12) Regulations 2021 (S.S.I. 2021/17)*, regs. 1(2), **8(c)**

#### Modifications etc. (not altering text)

- C1** Sch. 5 para. 1(1) modified (temp.) (11.12.2020 from 0600 hours until 1759 hours) by *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 7) Regulations 2020 (S.S.I. 2020/427)*, regs. 1(3), **8(a)**

#### Commencement Information

- I1** 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)**.

### <sup>F13</sup> Requirement to close places of worship in a level 4 area to members of the public

**1A.—**(1) A person who is responsible for a place of worship must close that place of worship, except for a use permitted in paragraph (2).

(2) A place of worship may be used—

- (a) for a funeral,
- (b) for a commemorative event for a person who has died but is not a wake or a funeral tea,

- (c) to broadcast an act of worship, whether over the internet or as part of a radio or television broadcast,
  - (d) for a marriage ceremony or civil partnership registration which—
    - (i) consists of no more than 5 persons, or
    - (ii) where an interpreter is required to attend, consists of no more than 6 persons, or
  - (e) 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, <sup>F14</sup>... or support in an emergency),
- provided that, in each case, the premises are used in accordance with the requirements of paragraph 8.

[  
<sup>F15</sup>(2A) A place of worship may be used if it is a suitable premises to host vaccination services, where requested to do so by the Scottish Ministers, a local authority or a health board.]

(3) 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.]

- F13** Sch. 5 para. 1A inserted (8.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(b)**
- F14** Words in sch. 5 para. 1A(2)(e) omitted (16.1.2021) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **8(d)(i)**
- F15** Sch. 5 para. 1A(2A) inserted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **8(d)(ii)**

## **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 [<sup>F16</sup>a permitted collection service] 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,

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- (d) newsagents,
- [<sup>F17</sup>(e) building merchants and suppliers of products and tools used in building work and repairs,]
- (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,
- (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) <sup>F18</sup>... outdoor markets, <sup>F19</sup>....
- [<sup>F20</sup>(ua) subject to sub-paragraph (5), outdoor motor vehicle lots,]
- [<sup>F21</sup>(v) libraries operated by, or associated with, a further education institution or a higher education institution in relation to the provision of library services to a member of staff or a student of the institution.]
- [<sup>F22</sup>(4) Sub-paragraph (1) does not prevent the use of suitable premises to host vaccination services, where requested to do so by the Scottish Ministers, a local authority or a health board.]
- [<sup>F23</sup>(5) An outdoor motor vehicle lot may open only to the extent necessary to enable—
  - (a) collection of a vehicle that has been purchased, or
  - (b) delivery or collection of a vehicle for the purposes of a repair, MOT or service.
- (6) In this paragraph “permitted collection service” means a service that is provided—
  - (a) by any of the following—
    - (i) baby equipment shops,
    - (ii) book shops,
    - (iii) clothing shops,
    - (iv) electrical goods shops, including repair shops,
    - (v) footwear shops,
    - (vi) garden centres and plant nurseries,

- (vii) homeware shops,
  - (viii) key cutting shops,
  - (ix) libraries, and
  - (x) shoe repair shops,
- (b) by staggered appointment, with where reasonably practicable a gap between each appointment, and
- (c) where access to the premises is given only to the extent necessary to provide the service.]

- F16** Words in sch. 5 para. 2(1)(a) substituted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **9(a)**
- F17** Sch. 5 para. 2(3)(e) substituted (26.12.2020) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 9\) Regulations 2020 \(S.S.I. 2020/471\)](#), regs. 1, 6(a)
- F18** Words in sch. 5 para. 2(3)(u) omitted (26.12.2020) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 9\) Regulations 2020 \(S.S.I. 2020/471\)](#), regs. 1, **6(b)**
- F19** Words in sch. 5 para. 2(3)(u) omitted (16.1.2021) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **9(b)**
- F20** Sch. 5 para. 2(3)(ua) inserted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **9(c)**
- F21** Sch. 5 para. 2(3)(v) inserted (20.11.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, **7**
- F22** Sch. 5 para. 2(4) inserted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **8(e)**
- F23** Sch. 5 para. 2(5)(6) inserted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **9(d)**

**Modifications etc. (not altering text)**

- C2** Sch. 5 para. 2 modified (temp.) (11.12.2020 from 0600 hours until 1759 hours) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 7\) Regulations 2020 \(S.S.I. 2020/427\)](#), regs. 1(3), **8(b)**

**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—

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- (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, [<sup>F24</sup>a marriage ceremony or civil partnership registration,]
- [<sup>F25</sup>(vi) needs accommodation in order to participate in or facilitate shared parenting arrangements,]
- (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 [<sup>F26</sup>, a local authority or a health board.]

**F24** Words in sch. 5 para. 3(2)(a)(v) inserted (4.12.2020) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 6\) Regulations 2020 \(S.S.I. 2020/415\)](#), regs. 1, **4(a)**

**F25** Sch. 5 para. 3(2)(a)(vi) added (4.12.2020) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 6\) Regulations 2020 \(S.S.I. 2020/415\)](#), regs. 1, **4(b)**

**F26** Words in sch. 5 para. 3(2)(d) substituted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **8(f)**

#### 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)

#### [<sup>F27</sup> 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.]

**F27** 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)**

#### [<sup>F28</sup> 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).]

**F28** 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**

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## PART 2

### Other restrictions on business

#### Requirement for seated food and drink sale and consumption in food and drink businesses in a Level 4 area

5.—(1) A person who is responsible for carrying on a food and drink business in a Level 4 area may sell food or drink for consumption on the premises only if—

- (a) where reasonably practicable, the food or drink is ordered by, and served to, a customer who is seated on the premises, and
- (b) the customer remains seated whilst consuming the food or drink on the premises.

(2) For the purposes of sub-paragraph (1), an area adjacent to the premises of the food and drink business, where seating is made available for customers of the business (whether or not by the business), or which its customers habitually use for consumption of food or drink served by the business, is to be treated as part of the premises of that business.

(3) If a food and drink business (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirements in sub-paragraph (1) if that person complies with the requirements in relation to business A.

(4) Sub-paragraph (1) is subject to paragraph 6.

#### Commencement Information

**I5** Sch. 5 para. 5 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Closure of food and drink businesses in a Level 4 area

6.—(1) A person who is responsible for carrying on a food and drink business in a Level 4 area must—

- (a) close any premises, or parts of the premises, in which food or drink are sold for consumption on those premises, to members of the public,
  - (b) cease selling food or drink for consumption on those premises,
  - (c) not permit consumption of food or drink on those premises by members of the public.
- (2) Sub-paragraph (1) does not prevent food or drink being sold—
- (a) for consumption off the premises, [F29] provided that the person responsible for carrying on the food and drink business ensures that—
    - (i) the food or drink is provided by means of a delivery to the customer, or
    - (ii) the customer who collects the food or drink does not enter into the premises to do so,]
  - (b) by a hotel or other accommodation for consumption as part of room service,
  - (c) by a hotel or other accommodation between the hours of 0600 and 2200 for consumption by its residents in any other area of the hotel or accommodation,
  - (d) for consumption in a cafe, dining hall or canteen at—
    - (i) a hospital or care home,
    - (ii) a school or student accommodation,
    - (iii) a prison,

- (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, or
  - (v) a workplace canteen where—
    - (aa) there is no practical alternative for staff at that workplace to obtain food, and
    - (bb) so far as reasonably possible, a distance of at least two metres can be maintained between any person using the canteen,
  - (e) for consumption in premises providing food or drink to homeless persons,
  - (f) for consumption in premises which are airside at an airport,
  - (g) for consumption in premises which are on a ferry.
- (3) Sub-paragraph (2)(c) to (g) does not apply in relation to the sale of alcohol.
- (4) Sub-paragraph (1) does not prevent—
- (a) the consumption of food or drink by a resident of a hotel in their private room,
  - (b) the consumption of food or drink by members of the public in any of the premises described in sub-paragraph (2)(d) to (g).
- (5) For the purposes of sub-paragraph (1), an area adjacent to the premises of the food and drink business, where seating is made available for customers of the business (whether or not by the business), or which its customers habitually use for consumption of food or drink served by the business, is to be treated as part of the premises of that business.
- (6) If a food and drink business (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirements in sub-paragraph (1) if that person complies with the requirements in relation to business A.
- [<sup>F30</sup>(7) Sub-paragraph (1) does not prevent the use of suitable premises to host vaccination services, where requested to do so by the Scottish Ministers, a local authority or a health board.]

**F29** Sch. 5 para. 6(2)(a)(i)(ii) and words inserted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **10**

**F30** Sch. 5 para. 6(7) inserted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **8(g)**

**Commencement Information**

**I6** Sch. 5 para. 6 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

**Exceptions to food and drink business closures for certain services**

- 7.—(1) Where sub-paragraph (2) applies, the requirements in paragraph 6 (closure of food and drink businesses in a level 4 area) apply with the following modifications:
- (a) in sub-paragraph (1), after “must”, insert “between the hours of 2200 and 0600”,
  - (b) sub-paragraphs (2) and (3) are omitted.
- (2) This sub-paragraph applies where a food and drink business located in a Level 4 area is providing services—
- (a) for the purpose of a marriage ceremony or civil partnership registration, or
  - <sup>F31</sup>(b) .....

**Status:** Point in time view as at 16/01/2021.

**Changes to legislation:** There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, SCHEDULE 5.* (See end of Document for details)

**F31** Sch. 5 para. 7(2)(b) omitted (8.1.2021) by virtue of *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021 (S.S.I. 2021/3)*, regs. 1, 4(c)

**Commencement Information**

**I7** Sch. 5 para. 7 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

**Requirement to take measures to minimise risk of exposure to coronavirus in a Level 4 area**

**8.—(1)** A person who is responsible for a place of worship, carrying on a business or providing a service in a Level 4 area must take—

- (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 sub-paragraph (2)<sup>[F32]</sup>],
    - (ii) persons are admitted to its premises in sufficiently small numbers to make it possible to maintain the required distance, and
    - (iii) the required distance is maintained between any persons waiting to enter its premises (except between persons mentioned in sub-paragraph (2)<sup>[F33]</sup>], and
  - (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 sub-paragraph (1)(a)(i) and (iii) are—
- (a) two or more members of the same household,
  - (b) a carer and the person assisted by that 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 paragraph—
- “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>M2</sup>,
  - (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<sup>M3</sup>,
- “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 <sup>M4</sup>.

(4) In the definition of “required distance” in sub-paragraph (3), “reduced distance premises” means—

- (a) passenger transport service premises,
- (b) restaurants, including restaurants and dining rooms in hotels or members' clubs,
- (c) cafes, [<sup>F34</sup>excluding] workplace canteens,
- (d) bars, including bars in hotels or members' clubs, and
- (e) public houses.

- F32** Closing bracket in sch. 5 para. 8(1)(a)(i) 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, **18(2)(d)**
- F33** Closing bracket in sch. 5 para. 8(1)(a)(iii) 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, **18(2)(d)**
- F34** Word in sch. 5 para. 8(4)(c) substituted (8.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(d)**

#### Commencement Information

- I8** Sch. 5 para. 8 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Marginal Citations

- M2** 2016 asp 9.
- M3** 1980 c.44.
- M4** 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 \(asp 8\)](#).

### Guidance on minimising exposure to coronavirus in a Level 4 area

9.—(1) A person who is responsible for a place of worship, carrying on a business or providing a service in a Level 4 area must have regard to guidance issued by the Scottish Ministers about measures which should be taken in accordance with paragraph 8(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 4 (enforcement of requirements) does not apply to a contravention of the requirement in paragraph (1).

**Status:** Point in time view as at 16/01/2021.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, SCHEDULE 5. (See end of Document for details)

#### Commencement Information

**I9** Sch. 5 para. 9 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Requirement to collect and share information: restaurants, cafes, bars, public houses, etc. in a Level 4 area

**10.**—(1) A person who is responsible for a relevant hospitality premises in a Level 4 area 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, and
- (c) retain visitor information for a period of at least 21 days beginning with the date on which the visit occurred.

(2) Sub-paragraph (1) does not apply in relation to a visitor to the premises who is there solely for the purpose of purchasing or collecting food or drink for consumption off the premises.

(3) 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.

(4) In this paragraph—

“public health officer” has the meaning given by paragraph 3(2)(b) of schedule 21 of the Coronavirus Act 2020 <sup>M5</sup>,

“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, and

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

#### Commencement Information

**I10** Sch. 5 para. 10 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

#### Marginal Citations

**M5** 2020 c.7.

## PART 3

### Restrictions on gatherings

#### <sup>F35</sup>Restriction on public gatherings indoors in ... Level 4 area

**11.**—(1) A person must not participate in a gathering in a public place located in a Level 4 area, unless the gathering—

(a) consists of no more than [<sup>F36</sup>two] persons from no more than two households,

(b) is for the purpose of—

(i) work or providing voluntary or charitable services,

(ii) childcare, education or training,

<sup>F37</sup>(iii) . . . . .

(iv) providing care or assistance to a vulnerable person,

(v) providing emergency or medical assistance,

(vi) avoiding injury, illness or escaping a risk of harm,

(vii) facilitating a house move,

(viii) facilitating shared parenting arrangements,

(ix) participating in legal proceedings or fulfilling a legal obligation,

(x) donating blood,

(xi) accessing public services, including—

(aa) social services,

(bb) services provided by the Department for Work and Pensions,

(cc) services provided to victims (such as victims of crime),

(c) [<sup>F38</sup>is] a funeral, <sup>F39</sup>...

<sup>F40</sup>(ca) is a marriage ceremony or civil partnership registration and—

(i) consists of no more than 5 persons, or

(ii) where an interpreter is required to attend, consists of no more than 6 persons,]

<sup>F41</sup>(cb) is a commemorative event for a person who has died but is not a wake or a funeral tea,] or

(d) 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) For the purpose of sub-paragraph (1)(a), 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.

**F35** Word in sch. 5 para. 11 heading omitted (13.11.2020 at 6.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/374\)](#), regs. 1, **18(3)**

**F36** Word in sch. 5 para. 11(1)(a) substituted (5.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 10\) Regulations 2021 \(S.S.I. 2021/1\)](#), regs. 1, **4(a)**

**Status:** Point in time view as at 16/01/2021.

**Changes to legislation:** There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, SCHEDULE 5.* (See end of Document for details)

|                                 |   |
|---------------------------------|---|
| <b>F37</b>                      | Sch. 5 para. 11(1)(b)(iii) omitted (8.1.2021) by virtue of <i>The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021 (S.S.I. 2021/3)</i> , regs. 1, <b>4(e)(i)</b>                   |
| <b>F38</b>                      | Word in sch. 5 para. 11(1)(c) substituted (8.1.2021) by <i>The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021 (S.S.I. 2021/3)</i> , regs. 1, <b>4(e)(ii)</b>                     |
| <b>F39</b>                      | Words in sch. 5 para. 11(1)(c) omitted (20.11.2020 at 6.00 p.m.) by virtue of <i>The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 3) Regulations 2020 (S.S.I. 2020/389)</i> , regs. 1, <b>10(a)</b> |
| <b>F40</b>                      | Sch. 5 para. 11(1)(ca) substituted (8.1.2021) by <i>The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021 (S.S.I. 2021/3)</i> , regs. 1, <b>4(e)(iii)</b>                           |
| <b>F41</b>                      | Sch. 5 para. 11(1)(cb) inserted (8.1.2021) by <i>The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021 (S.S.I. 2021/3)</i> , regs. 1, <b>4(e)(iv)</b>                               |
| <b>Commencement Information</b> |   |
| <b>I11</b>                      | Sch. 5 para. 11 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)   |

**Restriction on public gatherings outdoors in a Level 4 area**

**12.—(1)** A person must not participate in a gathering in a public place outdoors located in a Level 4 area, unless the gathering—

- <sup>F42</sup>(a) consists of no more than two persons from different households,]
- <sup>F43</sup>(b) .....
- (c) consists of persons who are all under 12 years of age,
- (d) is for the purpose of—
  - (i) work or providing voluntary or charitable services,
  - (ii) childcare, education or training,
  - <sup>F44</sup>(iii) .....
  - (iv) providing care or assistance to a vulnerable person,
  - (v) providing emergency or medical assistance,
  - (vi) avoiding injury, illness or escaping a risk of harm,
  - (vii) facilitating a house move,
  - (viii) facilitating shared parenting arrangements,
  - (ix) participating in legal proceedings or fulfilling a legal obligation,
  - (x) donating blood,
  - (xi) accessing public services, including—
    - (aa) social services,
    - (bb) services provided by the Department for Work and Pensions,
    - (cc) services provided to victims (such as victims of crime),
  - <sup>F45</sup>(xii) .....
  - <sup>F46</sup>(xiii) an organised activity which is for persons under <sup>F47</sup>[12] years of age, but which is not a public procession,]
  - (e) <sup>F48</sup>[is] a funeral, <sup>F49</sup>...



- [<sup>F50</sup>(ea) is a marriage ceremony or civil partnership registration and—
- (i) consists of no more than 5 persons, or
  - (ii) where an interpreter is required to attend, consists of no more than 6 persons,]

[<sup>F51</sup>(eb) is a commemorative event for a person who has died but is not a wake or funeral tea,] or

(f) 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) For the purpose of sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of persons or households participating in a gathering.

(3) For the purpose of [<sup>F52</sup>sub-paragraph <sup>F53</sup>... [<sup>F54</sup>(1)(d)](xiii), exercise or activity] is “organised” if—

    - (a) it is organised by—
      - (i) a person who is responsible for carrying on a business or providing a service,
      - (ii) a person who is responsible for a place of worship,
      - (iii) a charity or other not for profit organisation,
      - (iv) a club or political organisation, or
      - (v) the governing body of a sport or other activity, and
    - (b) the organiser has taken such measures described in paragraph 8(1)(a) and (b) as are relevant to the particular activity or exercise, taking into account any relevant guidance issued by the Scottish Ministers.

|            |  |
|------------|--|
| <b>F42</b> | Sch. 5 para. 12(1)(a) substituted (5.1.2021) by <a href="#">The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 10) Regulations 2021 (S.S.I. 2021/1)</a> , regs. 1, <b>4(b)(i)</b>                              |
| <b>F43</b> | Sch. 5 para. 12(1)(b) omitted (5.1.2021) by virtue of <a href="#">The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 10) Regulations 2021 (S.S.I. 2021/1)</a> , regs. 1, <b>4(b)(ii)</b>                       |
| <b>F44</b> | Sch. 5 para. 12(1)(d)(iii) omitted (8.1.2021) by virtue of <a href="#">The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021 (S.S.I. 2021/3)</a> , regs. 1, <b>4(f)(i)</b>                   |
| <b>F45</b> | Sch. 5 para. 12(1)(d)(xii) omitted (5.1.2021) by virtue of <a href="#">The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 10) Regulations 2021 (S.S.I. 2021/1)</a> , regs. 1, <b>4(b)(iii)</b>                 |
| <b>F46</b> | Sch. 5 para. 12(1)(d)(xiii) inserted (13.11.2020 at 6.00 a.m.) by <a href="#">The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 2) Regulations 2020 (S.S.I. 2020/374)</a> , regs. 1, <b>9(a)</b>              |
| <b>F47</b> | Word in sch. 5 para. 12(1)(d)(xiii) substituted (5.1.2021) by <a href="#">The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 10) Regulations 2021 (S.S.I. 2021/1)</a> , regs. 1, <b>4(b)(iv)</b>               |
| <b>F48</b> | Word in sch. 5 para. 12(1)(e) substituted (8.1.2021) by <a href="#">The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021 (S.S.I. 2021/3)</a> , regs. 1, <b>4(f)(ii)</b>                     |
| <b>F49</b> | Words in sch. 5 para. 12(1)(e) omitted (20.11.2020 at 6.00 p.m.) by virtue of <a href="#">The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 3) Regulations 2020 (S.S.I. 2020/389)</a> , regs. 1, <b>11(a)</b> |

**Status:** Point in time view as at 16/01/2021.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, SCHEDULE 5. (See end of Document for details)

|                                 |   |
|---------------------------------|---|
| <b>F50</b>                      | Sch. 5 para. 12(1)(ea) substituted (8.1.2021) by The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021 (S.S.I. 2021/3), regs. 1, <b>4(f)(iii)</b>                 |
| <b>F51</b>                      | Sch. 5 para. 12(1)(eb) inserted (8.1.2021) by The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021 (S.S.I. 2021/3), regs. 1, <b>4(f)(iv)</b>                     |
| <b>F52</b>                      | Words in sch. 5 para. 12(3) substituted (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, <b>9(b)</b> |
| <b>F53</b>                      | Words in sch. 5 para. 12(3) omitted (5.1.2021) by virtue of The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 10) Regulations 2021 (S.S.I. 2021/1), regs. 1, <b>4(b)(v)</b>        |
| <b>F54</b>                      | Word in sch. 5 para. 12(3) inserted (8.1.2021) by The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021 (S.S.I. 2021/3), regs. 1, <b>4(f)(v)</b>                  |
| <hr/>                           |   |
| <b>Commencement Information</b> |   |
| <b>I12</b>                      | Sch. 5 para. 12 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)   |

**Restriction on gatherings in private dwellings in a Level 4 area**

**13.—(1)** A person must not attend a gathering in a private dwelling located in a Level 4 area, unless the gathering—

- [<sup>F55</sup>(a) takes place outdoors and consists of no more than two persons from different households,]
- (b) takes place outdoors and—
  - <sup>F56</sup>(i) .....
  - (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 [<sup>F57</sup>, but, where the work or provision of services is for the purpose of the upkeep, maintenance or functioning of the dwelling, a person may attend the gathering only if the work or provision of services is essential for that purpose],
  - (ii) childcare, education or training,
  - (iii) providing care or assistance to a vulnerable person,
  - (iv) providing emergency or medical assistance,
  - (v) avoiding injury, illness or escaping a risk of harm,
  - (vi) facilitating a house move,
  - (vii) fulfilling a legal obligation,
  - (viii) facilitating shared parenting arrangements,
- (d) is a funeral, <sup>F58</sup>...
- [<sup>F59</sup>(da) is a marriage ceremony or civil partnership registration and—
  - (i) consists of no more than 5 persons, or
  - (ii) where an interpreter is required to attend, consists of no more than 6 persons, or]
- (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) For the purpose of sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of people or households attending a gathering.

- F55** Sch. 5 para. 13(1)(a) substituted (5.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 10\) Regulations 2021 \(S.S.I. 2021/1\)](#), regs. 1, **4(c)(i)**
- F56** Sch. 5 para. 13(1)(b)(i) omitted (5.1.2021) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 10\) Regulations 2021 \(S.S.I. 2021/1\)](#), regs. 1, **4(c)(ii)**
- F57** Words in sch. 5 para. 13(1)(c)(i) inserted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **11**
- F58** Words in sch. 5 para. 13(1)(d) omitted (8.1.2021) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(g)(i)**
- F59** Sch. 5 para. 13(1)(da) inserted (8.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(g)(ii)**

**Commencement Information**

- I13** Sch. 5 para. 13 in force at 2.11.2020 at 6.00 a.m., see reg. 1(1)

**[<sup>F60</sup>PART 4**

**Restrictions on movement**

- F60** Sch. 5 Pt. 4 inserted (20.11.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/389\)](#), regs. 1, **5(4)**

**Restrictions on leaving Level 4 area**

<sup>F61</sup>**14.** . . . . .

- F61** Sch. 5 para. 14 omitted (5.1.2021) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 10\) Regulations 2021 \(S.S.I. 2021/1\)](#), regs. 1, **4(d)**

**Restrictions on entering Level 4 area**

**15.—(1)** A person who does not live in a Level 4 area must not enter or remain in that area.

(2) But a person who does not live in a Level 4 area may travel through it in order to reach a place outwith the area.

**Status:** Point in time view as at 16/01/2021.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, SCHEDULE 5. (See end of Document for details)

### Examples of reasonable excuse

**16.**—<sup>F62</sup>(1) For the purposes of <sup>F63</sup>paragraph 15], examples of what constitutes a reasonable excuse (see regulation 5(4)) include entering or remaining in a Level 4 area that the person does not live in, for the purposes set out in sub-paragraph (2).]

- (2) The purposes are to—
- (a) obtain or provide—
    - (i) food and medical supplies for those in the same household (including animals in the household) or for vulnerable persons,
    - (ii) supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person,
  - (b) work or provide voluntary or charitable services, where it is not possible for the person to do so from home,
  - (c) access, provide or receive childcare, education or training, including a support service for parents or expectant parents,
  - (d) lead an act of worship,
  - (e) provide care or assistance to a vulnerable person,
  - (f) visit a person detained in a prison, young offenders institution, remand centre, secure accommodation or other place of detention,
  - (g) provide or receive emergency assistance,
  - (h) provide or obtain medical assistance, including accessing any of the following—
    - (i) audiology services,
    - (ii) chiropody services,
    - (iii) chiropractic services,
    - (iv) dental services,
    - (v) ophthalmic services,
    - (vi) osteopathic services,
    - (vii) services relating to mental health,
  - (i) accompany a person obtaining medical assistance, or visit a person receiving treatment in a hospital or who is residing in a hospice or care home,
  - (j) avoid injury, illness or other risk of harm, or support someone who is doing so,
  - (k) move home or undertake activities in connection with the maintenance, purchase, sale, letting, or rental of residential property that the person owns or is otherwise responsible for,
  - (l) participate in or facilitate shared parenting arrangements,
  - (m) fulfil a legal obligation or participate in legal proceedings,
  - (n) donate blood,
  - (o) vote, or register to vote, in an election (including to vote as proxy),
  - (p) access public services, including any of the following—
    - (i) social services,
    - (ii) services provided by the Department for Work and Pensions,
    - (iii) services provided to victims (such as victims of crime),
    - (iv) asylum and immigration services and interviews,
  - (q) access services provided by voluntary or charitable services, including food banks,

- (r) access waste disposal or recycling facilities,
- (s) obtain money from or deposit money with a business mentioned in paragraph 2(3)(j) or (k),
- (t) exercise outdoors, provided that the exercise—
  - (i) is not organised, and
  - (ii) starts and ends at the same place, which place must be—
    - (aa) in the local government area in which the person lives, or
    - (bb) within 5 miles of such local government area,
- (u) where the person is a professional sportsperson, or the coach of a professional sportsperson, coach, train or compete,
- (v) attend a solemnisation of a marriage or registration of a civil partnership,
- (w) attend a gathering which relates to a funeral, or to travel for compassionate reasons which relate to the end of a person’s life,
- (x) feed or care for an animal, including obtaining veterinary services,
- (y) where the person is a member of an extended household, visit a member of the household which forms the other part of the extended household and who lives outwith the area in which the person lives or, as the case may be, in a Level 4 area,
  - [ facilitate the formation of an end of term household, where either or both of the student or
  - <sup>F64</sup>(z) the other household which will make up the end of term household live outwith the same area or, as the case may be, in a Level 4 area.]
- (3) For the purpose of sub-paragraph (2)(t) exercise is “organised” if—
  - (a) it is organised by—
    - (i) a person who is responsible for carrying on a business or providing a service,
    - (ii) a person who is responsible for a place of worship,
    - (iii) a charity or other not for profit organisation,
    - (iv) a club or political organisation,
    - (v) the governing body of a sport or other activity, and
  - (b) the organiser has taken such measures described in paragraph 8(1)(a) and (b) as are relevant to the particular activity or exercise, taking into account any relevant guidance issued by the Scottish Ministers.]

**F62** Sch. 5 para. 16(1) substituted (5.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 10\) Regulations 2021 \(S.S.I. 2021/1\)](#), regs. 1, **4(e)**

**F63** Words in sch. 5 para. 16(1) substituted (8.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(h)**

**F64** Sch. 5 para. 16(2)(z) inserted (27.11.2020) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 5\) Regulations 2020 \(S.S.I. 2020/400\)](#), regs. 1, **5**

#### **[<sup>F65</sup>Requirement to stay at home in Level 4 areas**

17.—(1) A person who is living in a Level 4 area must not leave [<sup>F66</sup>or remain outside of] the place where that person is living.

**Status:** Point in time view as at 16/01/2021.

**Changes to legislation:** There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, SCHEDULE 5*. (See end of Document for details)

(2) For the purposes of sub-paragraph (1), the place where a person is living includes the premises where they live together with any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.

(3) Sub-paragraph (1) does not apply to any person who is homeless.

**F65** Sch. 5 paras. 17, 18 inserted (5.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 10\) Regulations 2021 \(S.S.I. 2021/1\)](#), regs. 1, **4(f)**

**F66** Words in sch. 5 para. 17(1) inserted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **8(h)**

### Examples of reasonable excuse

**18.**—(1) For the purposes of [<sup>F67</sup>paragraph 17], examples of what constitutes a reasonable excuse (see regulation 5(4)) include leaving [<sup>F68</sup>or remaining outside of] the place where the person is living, for the purposes set out in sub-paragraph (2).

(2) The purposes are to—

(a) obtain or provide—

(i) food and medical supplies for those in the same household (including animals in the household) or for vulnerable persons,

(ii) supplies for the essential upkeep, maintenance and functioning of the household, or the household of a vulnerable person,

(b) work or provide voluntary or charitable services, where it is not possible for the person to do so from home,

(c) access, provide or receive childcare, education or training, including a support service for parents or expectant parents,

(d) lead an act of worship,

(e) provide care or assistance to a vulnerable person,

(f) visit a person detained in a prison, young offenders institution, remand centre, secure accommodation or other place of detention,

(g) provide or receive emergency assistance,

(h) provide or obtain medical assistance, including accessing any of the following—

(i) audiology services,

(ii) chiropody services,

(iii) chiropractic services,

(iv) dental services,

(v) ophthalmic services,

(vi) osteopathic services,

(vii) services relating to mental health,

(viii) vaccination services,

(i) accompany a person obtaining medical assistance, or visit a person receiving treatment in a hospital or who is residing in a hospice or care home,

(j) avoid injury, illness or other risk of harm, or support someone who is doing so,

- (k) move home or undertake activities in connection with the maintenance, purchase, sale, letting, or rental of residential property that the person owns or is otherwise responsible for,
- (l) participate in or facilitate shared parenting arrangements,
- (m) fulfil a legal obligation or participate in legal proceedings where it is not possible for the person to do so from the place where the person is living,
- (n) vote, or register to vote, in an election (including to vote as proxy),
- (o) donate blood,
- (p) access public services, including any of the following, where it is not possible for the person to do so from the place where the person is living—
  - (i) social services,
  - (ii) services provided by the Department for Work and Pensions,
  - (iii) services provided to victims (such as victims of crime),
  - (iv) asylum and immigration services and interviews,
- (q) access services provided by voluntary or charitable services, including food banks,
- (r) access waste disposal or recycling facilities,
- (s) obtain money from or deposit money with a business mentioned in paragraph 2(3)(j) or (k), where it is not possible for the person to do so from the place where the person is living,
- (t) undertake exercise or recreation—
  - (i) outdoors,
  - (ii) that starts and ends at the same place, which place must be—
    - (aa) in the local government area in which that person lives, or
    - (bb) within 5 miles of such local government area, and
  - (iii) is either undertaken—
    - (aa) alone,
    - (bb) with members of that person’s household,
    - (cc) in a gathering within the meaning of paragraph 12(1)(a) [<sup>F69</sup>or (c)],
    - (dd) in a gathering within the meaning of paragraph 12(1)(d)(xiii),
    - (ee) in a gathering within the meaning of paragraph 13(1)(a), or
    - (ff) in a gathering within the meaning of paragraph 13(1)(b) <sup>F70</sup>... (ii),
- (u) where the person is a professional sportsperson, or the coach of a professional sportsperson, coach, train or compete,
- [<sup>F71</sup>(v) attend a marriage ceremony or registration of a civil partnership, where the person is, in relation to that marriage ceremony or civil partnership registration—
  - (i) a party,
  - (ii) a witness,
  - (iii) the approved celebrant or authorised registrar within the meaning of section 8(2) of the Marriage (Scotland) Act 1977,
  - (iv) the approved celebrant within the meaning of section 94A(4)(a) of the Civil Partnership Act 2004,
  - (v) the authorised registrar within the meaning of section 87 of the Civil Partnership Act 2004, or
  - (vi) a required interpreter,]

**Status:** Point in time view as at 16/01/2021.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, SCHEDULE 5. (See end of Document for details)

- (w) attend a funeral [<sup>F72</sup>or commemorative event for a person who has died (other than a wake or a funeral tea),] or to travel for compassionate reasons which relate to the end of a person's life,
- (x) feed or care for an animal, including obtaining veterinary services,
- (y) where the person is a member of an extended household, visit a member of the household which forms the other part of the extended household in the place where that other member is living, and
- (z) facilitate the formation of an end of term household, where either or both of the student or the other household which will make up the end of term household live outwith the same area or, as the case may be, in a Level 4 area.]

- F65** Sch. 5 paras. 17, 18 inserted (5.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 10\) Regulations 2021 \(S.S.I. 2021/1\)](#), regs. 1, **4(f)**
- F67** Words in sch. 5 para. 18(1) substituted (8.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(i)(i)**
- F68** Words in sch. 5 para. 18(1) inserted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **8(i)**
- F69** Words in sch. 5 para. 18(2)(t)(iii)(cc) substituted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **13(a)**
- F70** Words in sch. 5 para. 18(2)(t)(iii)(ff) omitted (16.1.2021) by virtue of [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **13(b)**
- F71** Sch. 5 para. 18(2)(v) substituted (8.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(i)(ii)**
- F72** Words in sch. 5 para. 18(2)(w) inserted (8.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 11\) Regulations 2021 \(S.S.I. 2021/3\)](#), regs. 1, **4(i)(iii)**

## [<sup>F73</sup>PART 5

### Restriction on consumption of alcohol

- F73** Sch. 5 Pt. 5 inserted (16.1.2021) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/17\)](#), regs. 1(2), **12**

#### **Restriction on consumption of alcohol in a public place outdoors in a Level 4 area**

- 19.—**(1) A person must not consume alcohol in a public place outdoors located in a Level 4 area.
- (2) For the purposes of the restriction in sub-paragraph (1)—
- (a) any liquid found in a container is presumed to conform to the description of the liquid on the container,
  - (b) a container which is found to contain—
    - (i) no liquid, or



(ii) insufficient liquid to permit analysis

is presumed to have contained, at the time of any alleged breach of that restriction, liquid which conformed to the description of the liquid on the container.

(3) A person is not entitled to lead evidence for the purpose of rebutting a presumption mentioned in sub-paragraph (2) unless, not less than 7 days before the date of any trial in proceedings for an alleged offence for a breach of the restriction in sub-paragraph (1), that person has given notice to the prosecutor of an intention to do so.]

**Status:**

Point in time view as at 16/01/2021.

**Changes to legislation:**

There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, SCHEDULE 5.