



Coronavirus UPDATE

Scotland

With more areas of Scotland being placed into the highest tier of Coronavirus Controls from 6pm on Friday 20th November, it is more important than ever for members to understand the restrictions that are imposed.

The Scottish Government has produced [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Regulations 2020](#) which are designed to govern the tiered approach taken in Scotland.

What level am I at?

Whilst it is a 5-tier system, as this starts at level 0 the highest level is in fact level 4.

0-Very Low

1-Low

2-Medium

3-High

4-Very High

The Scottish Government maintains a database checkable by postcode that can be found at <https://www.gov.scot/check-local-covid-level/> .

What does this mean for the motor industry?

The full controls can be seen in the legislation and guidance from The Scottish Government (see above).

A condensed version of the controls that are likely to affect the Motor Industry are:

0-Very Low

- Groups of eight people from three households allowed indoors; groups of fifteen from five households allowed outdoors
- No non-essential travel to or from level three area
- Avoid car sharing with people outside extended household
- Retail sector open
- Outdoor events permitted; indoor events - seated and ambulatory permitted with restricted numbers; indoor grouped standing not permitted; stadia open with restricted numbers
- Public services open
- Work from home advised

1-Low

- Groups of six people from two households permitted indoors and outdoors
- Hospitality permitted; curfews on food and alcohol may apply
- No non-essential travel to or from level three area
- Avoid car sharing with people outside extended household
- Retail sector open
- Outdoor events seated and open space permitted, outdoor grouped standing events not allowed; small seated indoor events permitted; stadia open with restricted numbers
- Essential office work only, with work from home if possible
- Work from home remains default for workplaces

2-Medium

- No in-home socialising
- Groups of six people from two households can meet outdoor or in public places
- Hospitality permitted; curfews on food and alcohol may apply
- No non-essential travel to or from level three area
- Avoid car sharing with people outside extended bubble
- Retail sector open
- Essential office work only, with work from home if possible
- Work from home remains default for workplaces

3-High

- No in-home socialising
- Groups of six people from two households can meet outdoor or in public places
- Hospitality closed other than food for consumption on premises with possible curfews in place
- No non-essential travel in or out of level three area
- Avoid non-essential use of public transport; avoid car sharing
- Retail sector open
- Essential office work only, with work from home if possible
- Work from home remains default for workplaces

4-Very High

- No in-home socialising
- Outdoor groups capped at six people from two households
- All hospitality closed - except for hotels for work purposes
- No non-essential travel in or out of level four area, with limits on travel distance or requirement to stay at home if necessary
- No use of public transport except for essential purposes; avoid car sharing
- Non-essential retail closed (click and collect permitted)
- Essential office work only, with work from home if possible
- Outdoor workplaces, construction and manufacturing permitted

What are essential services?

As in England and Wales, Scotland has deemed petrol stations, car repairs and MOT services as exempt and they are entitled to continue to trade in a Covid secure fashion in all tiers.

However, with retail, Scotland has taken a different approach. Provided businesses put in place measures to operate safely, including physical distancing and other measures, they can remain open with increasing requirements to control Coronavirus up to tier 3. Tier 4 requires all businesses who offer goods for sale or hire in a 'shop' to close.

Whilst the Act does not define a 'shop' in any way, it is highly likely that this does not include outdoor spaces, and indeed outdoor car lots are expressly exempt from closing even under the highest tier.

Whilst Auction Houses and motor dealers are required to close their 'shops' to members of the public, they are allowed to continue to carry out business at the site where this is necessary for the provision of services or information including the sale, hire or delivery of goods or services:

- i) through a website, or otherwise by on-line communication;
- ii) by telephone, including by Text Message; or
- iii) by post

When taken with the ability of outdoor car lots to remain open, there should be minimal effect on any motor traders operating in a Covid secure manner.

Further Information

Further Information, including full details of all tiers etc...can be found at <https://www.gov.scot/coronavirus-covid-19/>

Conclusion

It is important to note that the Regulations are not specific to the motor industry and therefore do not deal with the particular challenges we face. We can therefore only provide a general guide that should be used with care.

Members need to consider what risks they wish to take. Whilst these Regulations have minimal effect on petrol stations, car repairs and MOT services and outdoor car lots, they do affect car showrooms and auction houses. The Regulations continue to allow any business to continue to provide goods and services at a distance. However, where businesses wish to offer vehicles at a distance, it is vital that they fully understand the implications of distance sales, including any cooling off periods as appropriate.

Should you have any questions, please do not hesitate to call the member helpline on 0845 305 42 30

Motor Industry Legal Services

Motor Industry Legal Services (MILS Legal Ltd) provides fully comprehensive legal advice and representation to UK motor retailers for one annual fee. It is the only law firm in the UK which

specialises in motor law and motor trade law. MILS currently advises over 1,000 individual businesses within the sector as well as the Retail Motor Industry Federation (RMI) and its members.