POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (ABERDEEN CITY) REGULATIONS 2020

SSI 2020/234

The above instrument was made in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020 ("the Act"). The instrument is subject to made affirmative procedure by virtue of paragraph 6(3) of schedule 19 of the Act.

These Regulations set out restrictions on hospitality businesses and premises in "the protected area", which means the area comprising the local government area of Aberdeen City.

Legislative background

1. The UK Coronavirus Act 2020 received Royal Assent on 25 March 2020. The Act confers powers on Scottish Ministers to take various actions in response to the serious and imminent threat to public health which is posed by the incidence and spread of coronavirus in Scotland, including imposing restrictions on the operation of business activity.

2. It is critical for the Scottish Ministers to take all reasonable steps to prevent the community transmission of disease, where possible. Severe acute respiratory coronavirus 2 (SARS-CoV-2) was declared by World Health Organisation a Public Health Emergency of International Concern. These measures are deemed necessary to limit the further spread of the disease caused by SARS-CoV-2 (COVID-19) in the protected area.

Policy Objectives

Requirement to close premises and businesses

3. Regulation 5(1) of the regulations provides that a person who is responsible for carrying on a business in the protected area listed in the schedule must close any premises or part of their premises that is used for the consumption of food and drink on the premises. Any seating 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 for these purposes.

4. Regulation 5(2) provides that this does not apply to food or drink sold by a hotel or other accommodation provider as part of room service. Further limited exceptions to the requirement for a business to close any premises or part of their premises that is used for the consumption of food and drink on the premises are outlined in the schedule.

Enforcement

5. The Regulations provide "relevant persons" - constables and persons designated by a local authority - with the power to enforce measures set out in the Regulations by issuing a prohibition notice.

6. They further provide that constables can issue a Fixed Penalty Notice to anyone over 18, if the constable has reason to believe an offence has been committed under the Regulations. By a fixed penalty notice, a person may discharge any liability for the offence by payment of that penalty within a specified period. The levels of fine are set at £30 if paid within 28 days, or £60 thereafter. This rate will increase if penalties have already been issued to the same person up to a maximum of £960.

7. The restrictions and requirements imposed by these regulations will expire after three weeks and Ministers are under a duty to review the need for restrictions and requirements imposed under the regulations at least once every 7 days.

Consultation

8. There has been no public consultation in relation to this instrument. Where possible, the Scottish Government has informally consulted with public bodies and other relevant stakeholders affected by the Regulations.

Impact Assessments

9. Impact Assessments have not been prepared for this instrument because of the need to make and lay the instrument urgently to ensure compliance with restrictions on businesses and minimise the risks to public health arising from COVID-19. The Regulations expire after three weeks.

Scottish Government
Directorate for Constitution and Cabinet
5 August 2020