POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS AND REQUIREMENTS) (LOCAL LEVELS) (SCOTLAND) AMENDMENT (NO. 17) REGULATIONS 2021

SSI 2021/136

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

These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 to remove a number of restrictions on socialising, sport and exercise in order to provide individuals with greater opportunities for social, recreational and sporting activity outdoors. The Regulations also permit activity for election purposes or to observe an election in Level 4 areas from 15 March ahead of the Scottish Parliament Election in May 2021.

Legislative background

1. The UK Coronavirus Act 2020 received Royal Assent on 25 March 2020. Under that Act, the Scottish Government made regulations (in force from 26 March) to implement physical distancing and impose restrictions on gatherings, events and operation of business activity. From 14 September they were replaced by the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020. From 9 October those Regulations were suspended and replaced by the Health Protection (Coronavirus) Restrictions and Requirements) (Additional Temporary Measures) (Scotland) Regulations 2020. A new levels-based approach was introduced on 2 November, when the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 ("the principal regulations") came into force and revoked the previous regulations.

Policy Objectives

Gathering rules

2. These Regulations adjust the restrictions on social gatherings to provide some more freedom for individuals. The Regulations replace the 2 people from 2 households limit with a 4 people from 2 households limit for those aged 18 and over. The limit for those aged 12 – 17 years old is now 4 people from 4 households. This applies in public places and in outdoor private dwellings, such as private gardens. The Regulations also clarify that it is possible to travel a short distance over your local authority boundary in order to undertake exercise and recreation, such a socialising with family.

3. We know that social isolation has had a significant impact on the mental health and wellbeing of the population. Allowing increased mixing will help mitigate these impacts. The gradual easing of adult socialising, whilst it will increase social interaction, will allow us to observe and react quickly, if required, to any increased transmissibility of the virus. The harm caused to children is much more likely to be social harm and linked to their wider

wellbeing rather than becoming unwell due to coronavirus. Most children have had their freedoms and access to in-person learning severely restricted for a number of months. This is significantly reducing mental wellbeing overall. For most children, meeting up with more households is how they interact, as opposed to meeting up with more people from one households, in the way that adults might benefit from. This is why a change to allow these children to meet in groups of 4 people from 4 households is being brought forward. This will provide significant benefits by increasing the number of households they can meet at any one time to 4, even if the number of people permitted in the group is 4.

Sport and exercise

4. These Regulations adjust the existing restrictions to permit organised outdoor non-contact sports and group exercise for those aged 12 and over, including adults. These changes are being brought forward due to the health and wellbeing benefits from taking part in outdoor physical activity. These Regulations also set out that it is possible to leave your Local Authority area participate in or facilitate organised activity, sport or exercise which is for persons under 18 years of age. This ensures children and young people are able to continue with their usual organised activity, including sports clubs, if that activity takes place outwith the local authority that they live. Guidance will set out that this should be done locally and travel should be minimised, where possible.

5. It is important to differentiate between organised and informal activity at this time. Organised activity requires the organiser to take account of any relevant guidance issued by Scottish Ministers. It is undertaken in accordance with strict protocols agreed between the relevant sport and sportscotland. Organised activity will also require the taking of contact details for contact tracing purposes as well as having a trained COVID Officer in attendance. Guidance will limit the number of participants to 15 people in total.

Organised activity for 12 – 17 year olds

6. These Regulations adjusts the restrictions to allow organised activity to take place for 12-17 year olds on an outdoor basis. Organised activities for children were permitted to restart from late August 2020. During Stay at Home Level 4, they have been restricted to outdoor activities for under 12s only but this is now being extended to cover all those aged 17 and below. These activities are broad ranging, and can include anything from uniformed activities (e.g. scouts/brownies) to Sunday schools and other faith based activities, to art, drama, dance and physical based activities that are not classed a sport (coming under Sport Scotland guidance). These also include universally available Youth Work activities, as well as targeted activities such as detached youth work. The provisions relating to travel, mentioned in paragraph 4 of this policy note, also apply to this activity.

7. There is strong evidence that participating in group based activities supports development and promotes wellbeing, absolutely vital at a time of great uncertainty. Indeed, responses from various surveys on children and young people across Scotland, the UK and Internationally all put hobbies and other activities, along with meeting up with friends, at the top of the list of things that children and young people are keen to return to as early as possible, to help normalise their lives.

Changes ahead of the Scottish Parliament Election

8. These Regulations add activity for election purposes and observing an election to the list of reasonable excuses for leaving your home in a Level 4 area. This ensures that leafleting activity for the Scottish Parliament Election, scheduled for May, can take place from 15 March, as planned. It also ensures observing an election, including observing voting, opening postal votes or counting votes in an election, is possible if the current restrictions are in place when the Scottish Parliament Election takes place. Guidance is being prepared and will be published to ensure only safe campaigning activity is undertaken. The guidance will limit this activity to leafleting in small groups, as per the social gathering rules. Other campaign activity should not take place at this time. The Minister for Parliamentary Business and Veterans made a statement to Parliament on 2 March setting out the approach, including when face to face campaigning may be able to take place.

Consultation

9. There has been no public consultation in relation to this instrument. The Scottish Government has informally consulted with the industry bodies affected.

Impact Assessments

10. An Island Communities Impact Assessment, an Equality Impact Assessment, and a Children's Rights and Wellbeing Impact Assessment have been prepared for this instrument. The provisions are also subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government
Directorate for Constitution and Cabinet
11 March 2021