SCOTTISH STATUTORY INSTRUMENTS

# 2021 No. 180

# PUBLIC HEALTH

# The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 19) Regulations 2021

*Approved by the Scottish Parliament*

*Made - - - - 1st April 2021*

*Coming into force in accordance with regulation 1*

*Laid before the Scottish Parliament 13th May 2021*

The Scottish Ministers make the following Regulations in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020(**a**) ("the Act") and all other powers enabling them to do so.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of coronavirus in Scotland.

The Scottish Ministers consider that the restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with paragraph 6(2) and (3) of schedule 19 of the Act, the Scottish Ministers are of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft having been laid before, and approved by, a resolution of the Scottish Parliament.

**Citation and commencement**

**1.**—(1) These Regulations may be cited as the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 19) Regulations 2021.

(2) With the exception of the provisions mentioned in paragraph (3), these Regulations come into force on 2 April 2021.

(3) Regulation 9(2)(a) and (c), (3) and (5) comes into force on 5 April 2021.

(**a**) 2020 c.7.

**Amendment of the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020**

**2.** The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020(**a**) are amended in accordance with regulations 3 to 10.

**Amendment of regulation 2: interpretation**

**3.**—(1) Regulation 2(1) (interpretation) is amended in accordance with this regulation.

(2) In the definition of "relevant sporting body"—

(a) omit "or" following sub-paragraph (a),

(b) in sub-paragraph (b), after "Paralympic Games programme," insert "or",

(c) after sub-paragraph (b) insert—

"(c) the professional sportsperson's nation at a relevant sporting event,".

(3) After the definition of "relevant sporting body" insert—

""relevant sporting event" means an international championship in a sport for which there is a recognised sport governing body (having the meaning given by section 217C(2) of the Corporation Tax Act 2010(**b**)),".

(4) In the definition of "senior representative"—

(a) omit "or" following sub-paragraph (a),

(b) in sub-paragraph (b), after "Paralympic Games programme," insert "or",

(c) after sub-paragraph (b) insert—

"(c) the professional sportsperson's nation at a relevant sporting event,".

**Amendment of regulation 4: enforcement of requirements**

**4.**—(1) Regulation 4 (enforcement of requirements) is amended in accordance with this regulation.

(2) Paragraphs (7A) and (7B)(**c**) are revoked.

(3) In paragraph (8)(**d**), for ", (7) or (7A)" substitute "or (7)".

(4) In paragraph (9), for ", (7) or (7A)" substitute "or (7)".

**Amendment of schedule 1: Level 0 restrictions**

**5.**—(1) Schedule 1 (level 0 restrictions) is amended in accordance with this regulation.

(2) In paragraph 1(3)(d) (requirement to close certain premises), for "professional sport" substitute "training or competing by a professional sportsperson".

(3) For paragraph 5(2) (requirement to collect and share information) substitute—

"(2) Sub-paragraph (1) does not apply in relation to a visitor to the premises who is there solely for the purpose of—

(a) purchasing or collecting food or drink for consumption off the premises, or

(b) voting in an election.".

**Amendment of schedule 2: Level 1 restrictions**

**6.**—(1) Schedule 2 (level 1 restrictions) is amended in accordance with this regulation.

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(**a**) S.S.I. 2020/344, last amended by S.S.I. 2021/166.
(**b**) 2010 c.4. Section 217C(2) was inserted by section 22(5) of the Finance (No. 2) Act 2017 (c.32).
(**c**) Paragraphs (7A) and (7B) were inserted by S.S.I. 2021/1.
(**d**) Paragraphs (8) and (9) were amended by S.S.I. 2021/17.

(2) In paragraph 1(3)(d) (requirement to close certain premises), for "professional sport" substitute "training or competing by a professional sportsperson".

(3) For paragraph 6(2) (requirement to collect and share information) substitute—

"(2) Sub-paragraph (1) does not apply in relation to a visitor to the premises who is there solely for the purpose of—

(a) purchasing or collecting food or drink for consumption off the premises, or

(b) voting in an election.".

**Amendment of schedule 3: Level 2 restrictions**

**7.**—(1) Schedule 3 (level 2 restrictions) is amended in accordance with this regulation.

(2) In paragraph 1(3)(f) (requirement to close certain premises), for "professional sport" substitute "training or competing by a professional sportsperson".

(3) For paragraph 10(2) (requirement to collect and share information) substitute—

"(2) Sub-paragraph (1) does not apply in relation to a visitor to the premises who is there solely for the purpose of—

(a) purchasing or collecting food or drink for consumption off the premises, or

(b) voting in an election.".

**Amendment of schedule 4: Level 3 restrictions**

**8.**—(1) Schedule 4 (level 3 restrictions) is amended in accordance with this regulation.

(2) In paragraph 1(3)(f) (requirement to close certain premises) for "professional sport" substitute "training or competing by a professional sportsperson".

(3) For paragraph 9(2) (requirement to collect and share information) substitute—

"(2) Sub-paragraph (1) does not apply in relation to a visitor to the premises who is there solely for the purpose of—

(a) purchasing or collecting food or drink for consumption off the premises, or

(b) voting in an election.".

**Amendment to schedule 5: Level 4 restrictions**

**9.**—(1) Schedule 5 (level 4 restrictions) is amended in accordance with this regulation.

(2) In paragraph 1 (requirement to close certain premises)—

(a) omit sub-paragraph (2)(sd)(**a**),

(b) in sub-paragraph (3)(f)(**b**), for "professional sport" substitute "training or competing by a professional sportsperson",

(c) in sub-paragraph (6)(b)(i) after "barber services," insert "other than where those services are provided exclusively by appointment and for a specified time,".

(3) In paragraph 2 (requirement to close retail and library premises)—

(a) in sub-paragraph (3)—

(i) in head (ua)(**c**), for "outdoor motor vehicle lots" substitute "motor vehicle traders",

(ii) after head (w), insert—

"(x) baby equipment shops,

(y) electrical goods shops, for the purpose of repairs,

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(**a**) Sub-paragraph (2)(sd) was inserted by S.S.I. 2020/471 and amended by S.S.I. 2021/3.
(**b**) Sub-paragraph (3)(f) was amended by S.S.I. 2021/117.
(**c**) Sub-paragraph (3)(ua) was inserted by S.S.I. 2021/17.

(z) garden centres and plant nurseries,

(za) homeware shops,

(zb) key cutting shops,

(zc) shops selling mobility and independent living aids,

(zd) premises, or an area within premises, laid out as a showroom to demonstrate products for installation in a residential property, such as kitchen, bathroom, furniture or glazing showrooms.",

(b) for sub-paragraph (5), substitute—

"(5) A person who is responsible for carrying on a business as a motor vehicle trader may only admit customers to an indoor showroom by staggered appointment with, where reasonably practicable, a gap between each appointment.".

(c) in sub-paragraph (6), omit head (a).

(4) For paragraph 10(2) (requirement to collect and share information) substitute—

"(2) Sub-paragraph (1) does not apply in relation to a visitor to the premises who is there solely for the purpose of—

(a) purchasing or collecting food or drink for consumption off the premises, or

(b) voting in an election.".

(5) In paragraph 12(1)(d)(xii)(bb)(**a**) (restrictions on public gatherings outdoors), for "12" substitute "18".

(6) Before paragraph 15 (restrictions on entering level 4 area)(**b**), insert—

**"Restrictions on leaving Level 4 area**

**14.**—(1) A person who lives in a Level 4 area must not leave or remain away from that area.

(2) But a person who lives in a Level 4 area may leave the area in order to travel to another part of the same area.".

(7) In paragraph 16 (examples of reasonable excuse)(**c**), for sub-paragraph (1) substitute—

"(1) For the purposes of this Part, examples of what constitutes a reasonable excuse (see regulation 5(4)) include leaving or remaining away from the area in which the person lives, or (as the case may be) entering or remaining in a Level 4 area that the person does not live in, for the purposes set out in sub-paragraph (2).".

(8) Paragraphs 17 (requirement to stay at home in level 4 areas)(**d**) and 18 (examples of reasonable excuse) are revoked.

**Amendment of schedule 7**

**10.** In paragraph 3(1) of schedule 7 (places where face coverings must be worn)(**e**)—

(a) omit "and" following head (z), and

(b) after head (aa) insert—

"(ab) any indoor public place, or part of an indoor public place, being used—

(i) as a polling station,

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(**a**) Paragraph 12(1)(d)(xii) was inserted by S.S.I. 2021/136.
(**b**) Paragraph 15 was inserted by S.S.I. 2020/389. The inserted paragraph replaces paragraph 14 which was inserted by S.S.I. 2020/389 and omitted by S.S.I. 2021/1.
(**c**) Paragraph 16 was inserted by S.S.I. 2020/389. Sub-paragraph (1) was previously substituted by S.S.I. 2021/1 and amended by S.S.I. 2021/3.
(**d**) Paragraphs 17 and 18 were inserted by S.S.I. 2021/1.
(**e**) Paragraph 3(1)(z) and (aa) were inserted by S.S.I. 2020/374.

(ii) for the opening of postal votes, or the counting of votes cast, in an election.".

*MICHAEL RUSSELL*
A member of the Scottish Government

St Andrew's House,
Edinburgh
1st April 2021

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 ("the Local Levels Regulations").

Regulations 4 and 9(6) to (8) amend the Local Levels Regulations to revoke the requirement to stay at home in a Level 4 area, provide that a person who lives in a Level 4 area must not leave or remain away from that area, and make a number of consequential amendments.

Regulations 5(3), 6(3), 7(3), 8(3) and 9(4) amend the Local Levels Regulations to provide that the requirement to obtain and record visitor information in a relevant hospitality premises does not apply to a visitor to the premises who is there solely for the purpose of voting in an election.

Regulation 9(2)(a) and (c) and (3) amend the restrictions on retail premises in paragraphs 1 and 2 of schedule 5 of the Local Levels Regulations. These amendments provide that hairdressing and barber services may be provided where those services are provided exclusively by appointment and enable a number of other premises to open in a Level 4 area, including motor vehicle traders in certain circumstances, garden centres and homeware shops.

Regulation 9(5) amends the restriction on public gatherings outdoors in a Level 4 area to provide an exception for a gathering which is for the purpose of organised exercise for persons under 18 years of age.

Regulation 10 amends the list of places where face coverings must be worn in schedule 7 of the Local Levels Regulations to include any indoor public place, or part of such a place, being used as a polling station, for the opening of postal votes or the counting of votes in an election.

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