SCOTTISH STATUTORY INSTRUMENTS

2021 No. 193

PUBLIC HEALTH

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 21) Regulations 2021

Approved by the Scottish Parliament

Made - - - -	*22nd April 2021*
Coming into force - -	*26th April 2021*
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. 21) Regulations 2021.

(2) These Regulations come into force on 26 April 2021.

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(**b**) are amended in accordance with regulations 3 to 9.

(**a**) 2020 c.7.
(**b**) S.S.I. 2020/344, last amended by S.S.I. 2021/186.

Amendment of schedule 1: Level 0 restrictions

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

(2) In paragraph 6(1)(a) (restrictions on public gatherings indoors)—

(a) for "eight" substitute "ten",

(b) for "three" substitute "four".

(3) In paragraph 7(1) (restriction on public gatherings outdoors)—

(a) in head (a), for "five" substitute "fifteen",

(b) omit head (b)(**a**).

(4) In paragraph 8(1) (restriction on gatherings in private dwellings)—

(a) in head (a), for "three" substitute "four",

(b) in head (aa)(**b**), for "five" substitute "15",

(c) for head (b), substitute—

"(b) takes place outdoors and all the persons in the gathering are under 12 years of age,".

Amendment of schedule 2: Level 1 restrictions

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

(2) For paragraph 3(1) (restricted opening hours for food and drink businesses), substitute—

"(1) A person who is responsible for carrying on a food and drink business in a Level 1 area must, between the hours of 2300 and 0600, in relation to any premises, or parts of the premises, which are indoors—

(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.".

(3) In paragraph 7(1)(a) (restriction on public gatherings indoors)—

(a) for "six" substitute "eight",

(b) for "two" substitute "three".

(4) In paragraph 8(1)(**c**) (restriction on public gatherings outdoors)—

(a) in head (a)—

(i) for "eight" substitute "twelve",

(ii) for "three" substitute "twelve",

(b) omit head (b).

(5) In paragraph 9(1)(**d**) (restriction on gatherings in private dwellings)—

(a) before head (a) insert—

"(za) takes place indoors and consists of no more than six persons from no more than three households,",

(b) in head (a)—

(i) for "eight" substitute "twelve",

(**a**) Paragraph 7(1)(b) was amended by S.S.I. 2020/374.
(**b**) Paragraph 8(1)(aa) was added by S.S.I. 2020/374.
(**c**) Paragraph 8(1) was amended by S.S.I. 2020/389.
(**d**) Paragraph 9(1) was amended by S.S.I. 2020/389.

(ii) for "three" substitute "twelve",

(c) for head (b), substitute—

"(b) takes place outdoors and all the persons in the gathering are under 12 years of age,".

Amendment of schedule 3: Level 2 restrictions

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

(2) In paragraph 1 (requirement to close certain premises to members of the public)—

(a) in sub-paragraph (2), omit heads (b), (c), (e), (f), (h), and (i)(**a**),

(b) in sub-paragraph (3)—

(i) omit heads (b) and (c),

(ii) in head (d), omit "(b), (c), (e), (f), (h) or (i)".

(3) Omit paragraphs 2 (requirement to cease mobile close contact services) and 2A (requirement to cease mobile close contact services)(**b**).

(4) Omit paragraph 4 (closure of drinks-only public house businesses).

(5) In paragraph 5 (restricted opening hours for food and drink businesses)—

(a) for the opening text of sub-paragraph (1), substitute—

"(1) A person who is responsible for carrying on a food and drink business in a Level 2 area must, in relation to any premises, or parts of the premises, which are indoors—",

(b) for "2000" in each place where it occurs, substitute "2230",

(c) omit sub-paragraph (1)(a),

(d) omit sub-paragraph (2),

(e) for the opening text of sub-paragraph (3), substitute—

"(3) Sub-paragraph (1) does not prevent food or drink being sold—".

(6) Omit paragraphs 6 (restrictions on sale and consumption of alcohol in food and drink businesses) and 7 (special opening hours for certain services).

(7) In paragraph 11(1)(a) (restriction on public gatherings indoors), for "two" substitute "three".

(8) In paragraph 12(1)(a) (restriction on public gatherings outdoors)—

(a) for "six" substitute "eight",

(b) for "two" substitute "eight".

(9) In paragraph 13(1) (restriction on gatherings in private dwellings)—

(a) before head (a) insert—

"(za) takes place indoors and consists of no more than four persons from no more than two households,",

(b) in head (a)—

(i) for "six" substitute "eight",

(ii) for "two" substitute "eight",

(c) for head (b), substitute—

"(b) takes place outdoors and all the persons in the gathering are under 12 years of age,".

(**a**) Paragraph 1(2)(m) was amended by S.S.I. 2020/347.
(**b**) Paragraph 2A was added by S.S.I. 2020/374.

Amendment of schedule 4: Level 3 restrictions

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

(2) In paragraph 1 (requirement to close certain premises to members of the public)—

(a) in sub-paragraph (2), omit head (q)(**a**),

(b) after sub-paragraph (4), insert—

"(4A) Sub-paragraph (1) does not prevent the use of premises for a drive-in event.",

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

(3) Omit paragraphs 2 (requirement to cease mobile close contact services) and 2A(**c**) (requirement to cease mobile close contact services).

(4) Omit paragraph 4 (closure of drinks-only public house businesses).

(5) For paragraph 5(1) (restrictions on food and drink businesses) substitute—

"(1) Subject to paragraph 6, a person who is responsible for carrying on a food and drink business in a Level 3 area must, in relation to any premises, or parts of the premises, which are indoors—

(a) cease selling or supplying alcohol for consumption on any part of its premises which are indoors,

(b) not permit consumption of alcohol indoors,

(c) between the hours of 2000 and 0600—

(i) close the premises or parts of the premises, in which food or drink are sold for consumption on those premises, to members of the public,

(ii) cease selling food or drink for consumption on those premises,

(iii) not permit consumption of food or drink on those premises by members of the public.".

(6) In paragraph 6(1)(b)(**d**) (exceptions to food and drink business restrictions for certain services)—

(a) for "(1)(d)" substitute "(1)(c)",

(b) for "1800" substitute "2000".

(7) For paragraph 13(2)(**e**) (restrictions on leaving level 3 area), substitute—

"(2) But a person who lives in a Level 3 area may—

(a) leave the area in order to travel to another part of the same area,

(b) leave or remain away from the area, but only for the purpose of entering or remaining in a place in—

(i) England,

(ii) Wales,

(iii) Northern Ireland,

(iv) the Bailiwick of Guernsey,

(v) the Bailiwick of Jersey,

(vi) the Isle of Man.".

(8) For paragraph 14(2)(**f**) (restrictions on entering level 3 area), substitute—

"(2) But a person who does not live in a Level 3 area may—

(**a**) Paragraph 1(2)(q) was added by S.S.I. 2021/49.
(**b**) Paragraph 1(6) was substituted by S.S.I. 2021/49.
(**c**) Paragraph 2A was added by S.S.I. 2020/374.
(**d**) Paragraph 6(1) was amended by S.S.I. 2020/374.
(**e**) Paragraph 13 was added by S.S.I. 2020/389.
(**f**) Paragraph 14 was added by S.S.I. 2020/389.

(a) travel through it in order to reach a place outwith the area,

(b) enter or remain in a Level 3 area, if entry to the Level 3 area is from—

(i) England,

(ii) Wales,

(iii) Northern Ireland,

(iv) the Bailiwick of Guernsey,

(v) the Bailiwick of Jersey,

(vi) the Isle of Man."

Amendment of schedule 5: Level 4 restrictions

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

(2) In paragraph 11(1)(ca) (restriction on public gatherings indoors), omit the words from "and" to the end.

(3) In paragraph 12(1)(**a**) (restriction on public gatherings outdoors)—

(a) in head (a)—

(i) for "6" where it first appears substitute "four",

(ii) for "6" where it second appears substitute "two",

(b) after head (a), insert—

"(b) consists of no more than four persons from no more than four households who are all under 18 years of age, where at least one person in the gathering has attained 12 years of age,".

(c) in head (ea), omit the words from "and" to the end

(4) In paragraph 13(1)(**b**) (restriction on gatherings in private dwellings)—

(a) in head (a)—

(i) for "6" where it first appears substitute "four",

(ii) for "6" where it second appears substitute "two",

(b) for head (b) substitute—

"(b) takes place outdoors and—

(i) consists of no more than four persons from no more than four households, who are all under 18 years of age, where at least one person in the gathering has attained 12 years of age, or

(ii) all the persons in the gathering are under 12 years of age,",

(c) in head (da), omit the words from "and" to the end.

Amendment of schedule 6: Areas

8.—(1) Schedule 6 (areas)(**c**) is amended in accordance with this regulation.

(2) Omit paragraph (2).

(3) For the table following paragraph (2), substitute the following table—

"*Column (1)*	*Column (2)* *Area*	*Column (3)* *Level of area*
1	Scotland	3"

(**a**) Paragraph 12(1) was amended by S.S.I. 2021/136 and S.S.I. 2021/186.
(**b**) Paragraph 13(1) was amended by S.S.I. 2021/1, 2021/136 and S.S.I. 2021/186.
(**c**) The table in schedule 6 was amended by S.S.I. 2021/166.

Amendment of schedule 7A: Restrictions on leaving or entering Scotland

9.—(1) Schedule 7A(**a**) (restrictions on entering or leaving Scotland: common travel area) is amended in accordance with this regulation.

(2) For paragraph 4 (places in respect of which restrictions in this schedule apply) substitute—

"Places in respect of which restrictions in this schedule apply

4. The places are—

(a) the Republic of Ireland.".

MICHAEL RUSSELL
A member of the Scottish Government

St Andrew's House,
Edinburgh
22nd April 2021

(**a**) Schedule 7A was added by S.S.I. 2020/389.

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"). The Regulations come into force on 26 April 2021.

Regulation 3 amends paragraphs 6, 7 and 8 of schedule 1 of the Local Levels Regulations (level 0 restrictions), to increase the number of adults who can gather indoors and outdoors in public places and private dwellings in level 0.

Regulation 4 amends schedule 2 of the Local Levels Regulations (level 1 restrictions).

Regulation 4(2) amends paragraph 3, to restrict the opening hours of indoor premises of food and drink businesses between the hours of 11.00 p.m. and 6.00 a.m. at level 1. The opening hours of outdoor premises are no longer restricted by the Local Levels Regulations at any level.

Regulations 4(3), (4) and (5) amend paragraphs 6, 7 and 8, to increase the number of adults who can gather indoors and outdoors in public places and private dwellings in level 1.

Regulation 5 amends schedule 3 of the Local Levels Regulations (level 2 restrictions).

Regulation 5(2) amends paragraph 1, to remove the requirement for concert halls, other evening venues for music and dancing, theatres, comedy clubs, sports stadia and conference and exhibition centres to close at level 2.

Regulation 5(3) omits paragraphs 2 and 2A, in order that mobile close contact services can resume in level 2 areas.

Regulation 5(4) omits paragraph 4, to remove the requirement for drinks-only public house businesses to close in a level 2 area.

Regulation 5(5) amends paragraph 5, to restrict the opening hours of indoor premises of food and drink businesses between the hours of 10.30 p.m. and 6.00 a.m. at level 2.

Regulation 5(6) omits paragraph 6, removing the requirement for alcohol to be served with a main meal in a food and drink business. It further omits paragraph 7, so that food and drink businesses in a level 2 area providing services in connection with a wedding or funeral are not subject to any special opening hours in a level 2 area.

Regulations 5(7), (8) and (9) amend paragraphs 11, 12 and 13, to increase the number of adults who can gather indoors and outdoors in public places and private dwellings in level 2.

Regulation 6 amends schedule 4 of the Local Levels Regulations (level 3 restrictions).

Regulation 6(2) amends paragraph 1, to permit drive-in events at level 3.

Regulation 6(3) omits paragraph 2 and 2A, in order that mobile close contact services can resume in level 3 areas.

Regulation 6(4) omits paragraph 4, to remove the requirement for drinks-only public house businesses to close in a level 3 area.

Regulation 6(5) amends paragraph 5, to restrict the opening hours of indoor premises of food and drink businesses between the hours of 8.00 p.m. and 6.00 a.m. at level 3. Alcohol cannot be consumed in any indoor premises of a food and drink business.

Regulation 6(6) amends paragraph 6 to provide that where a food and drink business in a level 3 area is providing services in connection with a wedding or funeral the restricted opening hours are between 10.00 p.m. and 6.00 a.m.

Regulation 6(7), amends paragraph 13(2) and permits a person who lives in a Level 3 area to leave the area in order to travel to another part of the same area and to leave or remain away from the

area, for the purpose of entering or remaining in England, Wales, Northern Ireland, Guernsey, Jersey, or the Isle of Man.

Regulation 6(8) amends paragraph 14(2) to permit persons not living in a Level 3 area to enter and remain in a Level 3 area if that area is entered from England, Wales, Northern Ireland, Guernsey, Jersey, or the Isle of Man.

Regulation 7 amends schedule 5 of the Local Levels Regulations (level 4 restrictions).

Regulations 7 amends paragraphs 11, 12 and 13 to remove the restriction on the number of persons attending a marriage ceremony or civil partnership registration indoors and outdoors in public and private places. The Local Levels Regulations will no longer provide for an upper limit of attendees at a marriage ceremony or civil partnership registration.

Regulation 7(3) amends paragraph 12, to reduce the number of adults who can gather outdoors in a public place in a level 4 area. It further provides for a different limit for those aged 12-17.

Regulation 7(4) amends paragraph 13, to reduce the number of adults who can gather outdoors in a private dwelling in a level 4 area. It further provides for a different limit for those aged 12-17.

Regulation 8 amends the table in schedule 6 (levels of areas) which now refers to the whole of Scotland rather than to the 32 local government areas and changes the protection level of Scotland presently at level 4 to level 3.

Regulation 9 amends paragraph (4) of schedule 7A of the Local Levels Regulations (Restrictions on leaving or entering Scotland: common travel area) to permit persons resident in Scotland to travel within the common travel area save for the Republic of Ireland.

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