POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS AND REQUIREMENTS) (LOCAL LEVELS) (SCOTLAND) AMENDMENT (NO. 3) REGULATIONS 2020

SSI 2020/389

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 amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020.. The Regulations modify some of the restrictions and requirements in some levels and set out changes to the level that applies to 11 areas of Scotland, all other areas remain in the same level.

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

Adjustments to allocation of levels

2. The Regulations amend the current allocation of levels to different areas of Scotland. The local government areas listed below are moved from Level 3 to Level 4 as a result of the most recent data. No other changes have been made to the allocation of levels in these regulations. Supporting data was published on 17 November 2020 - https://www.gov.scot/publications/coronavirus-covid-19-allocation-of-levels-to-local-authorities-17-november-2020/.

- Glasgow City
- East Renfrewshire
- Renfrewshire
- East Dunbartonshire
- West Dunbartonshire
- North Lanarkshire
- South Lanarkshire
- East Ayrshire

- South Ayrshire
- West Lothian
- Stirling

Gatherings

3. These Regulations amend the principal regulations to adjust the social gathering rules in Level 1. The regulations allows outdoor gatherings in a private dwellings to take place with a maximum of 8 people from 3 households, the previous limit was 6 people from 2 households. This brings the restrictions into lines with the limit for outdoor public gatherings which came into effect on 19 November.

4. These Regulations also adjust the restrictions on gatherings to make clear that marriage and civil partnership receptions must not take place in Level 4 areas. Marriage ceremonies and civil partnership registrations are still permitted, subject to limits on numbers, but celebratory events related to these are not permitted in Level 4.

Travel restrictions

5. These Regulations place current guidance restricting travel into law. The regulations restrict travel outwith the local authority area in which a person lives. They permit such travel "with a reasonable excuse", and give a non-exhaustive list of such excuses; examples are included in the legislation i.e. to ensure individuals are still able to travel for work, essential shopping and similar reasons. These restrictions are considered necessary to ensure transmission between areas with higher prevalence and other local authority areas is limited as much as possible so the virus can be effectively contained.

Visitor attractions

6. These Regulations amend the principal regulations to require indoor visitors attractions to close in Level 4 areas. This change puts more of the Strategic Framework into law and ensures that opportunities for social interactions are limited in Level 4 areas.

University and college libraries

7. These Regulations amend the principal regulations to allow university and college libraries to remain open in Level 4. The continued access to safe study spaces on campus, including in college and university libraries, is an essential part of blended and restricted blended learning, to support education outcomes and student wellbeing, particularly for more vulnerable students which is why this change is being introduced.

Consultation

8. Due to the urgency of the situation, 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. An Equality Impact Assessment and a Business and Regulatory Impact Assessment have been completed and are attached. A further Equality Impact Assessment and a further Business and Regulatory Impact Assessment are due to be published shortly. Other Impact Assessments have not been prepared for this instrument. The provisions are however subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government
Directorate for Constitution and Cabinet
November 2020