POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS AND REQUIREMENTS) (LOCAL LEVELS) (SCOTLAND) REGULATIONS 2020

SSI 2020/344

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 implement a levels-based approach across Scotland, as set out in the Covid-19 Strategic Framework. The Regulations set the restrictions and requirements for five different levels and set out which levels apply to different geographical areas across Scotland allowing targeted action to be taken.

Legislative background

1. The UK Coronavirus Act 2020 received Royal Assent on 25 March 2020. The Scottish Government immediately used powers conferred by that Act to bring forward regulations to implement physical distancing and impose restrictions on gatherings, events and operation of business activity. Those regulations came into force on Thursday 26 March 2020 and were revoked and replaced by the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 ("the Regulations"), which came into force on Monday 14 September 2020. The new levels-based approach, that these Regulations implement, replaces the previous Regulations and introduces a new approach to tackling coronavirus in a more targeted manner.

Policy Objectives

2. As we are beginning to see an increase in transmission across Scotland, additional mitigating measures have been introduced in order to prevent the spread of the virus. An evidence paper was published on 7 October 2020 to sum up evidence on infection trends, confirmed cases, hospital admissions and deaths, and how these vary across Scotland. This paper is available at https://www.gov.scot/publications/coronavirus-covid-19-evidence-paper-october-2020/.

3. The Scottish Government's guidance is being updated to reflect the changes implemented by these Regulations. The guidance can be found at www.gov.scot/coronavirus.

Levels-based approach

4. A five-level framework which will allow for a refreshed strategic approach to suppressing coronavirus outbreaks across Scotland is being implemented by these Regulations. The framework indicates different levels of protection that might be needed based on different levels of transmission for the virus. It will allow for rapid but proportionate

responses on both a local and national basis using a transparent range of measures and options.

5. This new approach is comprised of five protection levels. ‘Level 0’ is effectively the same level of protection as the Route Map Phase 3 measures Scotland reached in August and will act as a baseline, with four levels above that designed to apply increasing protection from the virus in areas according to prevalence, the risk to communities and the need to protect the NHS.

6. Levels 1, 2 and 3 are broadly equivalent to the UK Government levels (medium, high and very high), to offer some uniformity with measures south of the border. Level 4 is the most restrictive level and is intended to be used to provide short, sharp action to reduce transmission rates quickly, where that is required. Levels will be reviewed on a regular basis to ensure they are operating effectively.

7. The Regulations set out which areas of Scotland fall under which levels, following discussions with directors of public health and local authorities and taking on board recommendations from the national incident management team. These decisions will be reviewed regularly to ensure the Scottish Government adjusts the levels to remove additional restrictions as soon as they are no longer necessary for a particular area.

Consultation

8. There has been no public consultation in relation to this instrument. The Scottish Government has informally consulted with public bodies and other relevant stakeholders affected by the levels-based approach which the Regulations implement.

Impact Assessments

9. A partial Equality Impact Assessment and a partial Business and Regulatory Impact Assessment have been completed and are attached. Further Impact Assessments will be published to complete these documents in the future.

Scottish Government
Directorate for Constitution and Cabinet
30 October 2020