POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS) (SCOTLAND) AMENDMENT (NO. 12) REGULATIONS 2020

SSI 2020/251

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) (Scotland) Regulations 2020 ("the principal regulations"). These Regulations amend the prinicipal regulations to provide that the premises of a theatre or concert hall may be used to record a performance, broadcast a performance or to rehearse or otherwise prepare for a performance. These Regulations also amend the principal regulations to provide that an organised outdoor activity is exempt from the public gathering restrictions . These Regulations also amend the prinicipal regulations in order to permit the reopening of bingo halls, amusement arcades, casinos, bowling alleys, outdoor theatres and funfairs. These Regulations amend the principal regulations to require a face covering to be worn in amusement arcades, bingo halls, bowling alleys, casinos and indoor funfairs.

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 the principal regulations, to implement physical distancing and impose restrictions on gatherings, events and operation of business activity. The principal regulations came into force on Thursday 26 March.

2. The restrictions and requirements imposed by the principal regulations must be reviewed at least once every 21 days. As soon as the Scottish Ministers consider that any restriction or requirement is no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in Scotland with coronavirus, the Scottish Ministers must revoke that restriction or requirement.

3. On 21 May 2020 the Scottish Government published a route map setting out a phased approach to easing lockdown restrictions while still suppressing coronavirus (COVID-19). The route map recognises that the restrictions and requirements in place have a negative impact on some aspects of people's lives, such as increasing loneliness and social isolation and have potential to deepen inequalities and damage our economy.

Policy Objectives

4. Following the review required by 9 July 2020, Scottish Ministers decided to progress to Phase 3 of the route map. The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 7) Regulations 2020 were made on 9 July and introduced a number of changes for the purposes of implementing certain Phase 3 policies. The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 8) Regulations 2020 were made on

14 July and introduced a number of further changes for the purposes of implementing certain Phase 3 policies. The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 9) Regulations 2020 were made on 21 July and introduced some further changes for the purposes of implementing certain Phase 3 policies. The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 10) Regulations 2020 were made on 7 August and introduced changes to face coverings, to extend the settings in which they are required, to exclude face shields from the definition of a face covering, and to require those responsible for certain premises to take measures to minimise risk of exposure to coronavirus. The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 11) Regulations 2020 were made on 13 August and introduced new measures to make it mandatory for the certain businesses in the hospitality sector to record contact details.

5. As lockdown measures continue to be eased, additional measures may become necessary to limit the spread of Covid 19. The Scottish Government's guidance has been updated to reflect these changes and to make other changes for the purpose of implementing proposals in the route map. The revised guidance is available at www.gov.scot/collections/coronavirus-covid-19-guidance.

Outdoor contact sports

6. Regulation 6 of the principal regulations provides that no person may participate in a gathering in a public place with certain exceptions, including where a gathering takes place outdoors and consists of no more than five households or where the gathering takes place indoors and consists of no more than three households.

7. Regulation 2(3) of these Regulations provides a further exception for where the gathering is for the purposes of an organised outdoor activity. For the purpose of that exception, an activity is an organised outdoor activity if it takes place outdoors and is organised by a person responsible for carrying on a business or providing a service, a place of worship, a charity or other not for profit organisation, a club or political organisation or the governing body of a sport or other activity.

Theatres and concert halls

8. Regulation 3(4) of the principal regulations requires a person responsible for carrying on a business or providing a service listed in Part 2 of schedule 1 to cease carrying on that business or providing that service. Theatres and concert halls are so listed.

9. Regulation 2(2) of these Regulations amends the exceptions to that requirement to provide that the premises of a theatre or concert hall may be used to record a performance, broadcast a performance or to rehearse or otherwise prepare for a performance. This allows preparatory work to take place ahead of 14 September which is currently the indicative date for the re-opening of theatres and concert halls.

Leisure and entertainment venues

10. Regulation 2(5) amends schedule 1 of the principal regulations, with the effect that bingo halls, casinos, bowling alleys, amusement arcades, funfairs, outdoor theatres may open or provide services.

11. Regulation 2(4) amends regulation 6B of the principal regulations to require a face covering in amusement arcades, bingo halls, bowling alleys, casinos and indoor funfairs.

Consultation

12. 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

13. An Equality Impact Assessment and a Business and Regulatory Impact Assessment have been completed and are attached. Other Impact Assessments have not been prepared for this instrument. The provisions of the Regulations are however subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government
Directorate for Constitution and Cabinet
21 August 2020