POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS) (SCOTLAND) AMENDMENT (NO. 5) REGULATIONS 2020

SSI 2020/190

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") to provide that, in relation to a civil partnership or marriage, an approved celebrant, authorised registrar and any interpreter will not be included for the purposes of calculating the three households that may take part in the gathering. They provide that it is now a reasonable excuse for a person to leave the place where they are living to move house, to undertake certain activities in connection with the purchase, sale, letting or rental of a residential property or to attend a property owned by that person to ensure it is in good condition and to undertake or arrange for the upkeep and maintenance of the property. The Regulations omit certain businesses and services from the list of businesses and services that are required to be closed, with the effect that they can reopen to the public. The reasonable excuse relating to obtaining supplies for your household has been updated accordingly. A further reasonable excuse has been added; to make use of a service provided by a business or service that is not listed in Part 2 of schedule 1. The Regulations also enable libraries at, or associated with, a college or university to re-open to members of staff and postgraduate students, where it is not reasonably possible for those services to be accessed from home.

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 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 18 June 2020, Scottish Ministers decided to progress to Phase 2 of the route map. The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 4) Regulations 2020 were made on 18 June and introduced a number of Phase 2 changes.

5. Some further changes to the lockdown measures are made by this instrument and are described below. 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.

Marriages and civil partnerships

6. The Scottish Ministers intend that in Phase 2 of the route map marriages and civil partnerships should be able to take place outdoors and with limited attendees. Regulation 6 of the principal regulations provides that no person may participate in a gathering in a public place with certain exceptions, including where everyone in the gathering are members of no more than three households. These Regulations amend the principal regulations to provide that, in relation to a civil partnership or marriage, an approved celebrant, authorised registrar and any interpreter may take part in the gathering and do not count towards the limit of three households for gatherings in a public place.

Moving home and property maintenance

7. These Regulations amend the principal regulations to provide that it is a reasonable excuse for a person to leave the place where they are living to move house, to undertake certain activities in connection with the purchase, sale, letting or rental of a residential property or to attend a property owned by that person to ensure it is in good condition or to undertake or arrange for upkeep and maintenance of the property.

Resumption of certain business and services

8. The Scottish Government's intention is that all retail with street access (outdoor entrances and exits) is able to re-open in Phase 2 with appropriate guidance on physical distancing within their premises. These Regulations amend the principal regulations with the effect certain businesses and services, which were specifically required to be closed under the principal regulations, may now reopen. The businesses or services which may now reopen are: outdoor markets, playgrounds, outdoor gyms sports courts and betting shops. A further reasonable excuse has been added; to make use of a service provided by a business or service that is not listed in Part 2 of schedule 1 of the principal regulations.

University and college libraries

9. The Regulations also enable libraries at, or associated with, a college or university to re-open to members of staff and postgraduate students, where it is not reasonably possible for those services to be accessed from home.

Commencement

10. These Regulations will come into force changes will come into force on Monday 29 June 2020.

Consultation

11. 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

12. An Equality Impact Assessment and a Partial Business and Regulatory Impact Assessment have been completed and are attached. A Children's Rights and Welfare Impact Assessment has not been prepared, however any future changes to the principal regulations which do have a direct impact on children's rights or welfare will be assessed.

Scottish Government
Directorate for Constitution and Cabinet
26 June 2020