POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS) (SCOTLAND) AMENDMENT (NO. 8) REGULATIONS 2020

SSI 2020/211

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 businesses may serve food and drink for consumption indoors. The Regulations also provide that libraries, holiday accommodation providers and places of worship, that could only open in certain circumstances, may now fully reopen. The Regulations provide that a number of other businesses and services that were previously required to be closed under the principal regulations, such as museums, galleries, cinemas, beauty parlours and spas, may reopen. Some of these businesses or services can reopen from 15 July while others may resume business from 22 July. The Regulations also ease the restrictions on gatherings at funerals, marriage ceremonies and civil partnership registrations or where the gathering is for the purpose of childcare.

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.

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.

Businesses serving food and drink for consumption indoors

6. Regulation 3(1) of the principal regulations requires any person who is responsible for carrying on a restaurant, cafe, bar or public house to close any place on the premises which is indoors and used for the consumption of food or drink. These Regulations revokes that requirement, enabling such businesses to carry on their business using indoor premises. People responsible for businesses or services that are allowed to reopen, continue to be under a duty to take all reasonable measures to ensure that physical distancing is maintained on their premises. In addition, relevant Scottish Government guidance should be adhered to.

Libraries, holiday accommodation, places of worship and crematoriums

7. Regulation 4(2), (4), (6) and (9) of the principal regulations requires any person responsible for a library, the provision of holiday accommodation, a place of worship or a crematorium to stop providing that service except in certain circumstances. These Regulations revoke those requirements, enabling such services to be provided. As above, duties in relation to physical distancing and relevant guidance should be adhered to.

Gatherings for specific purposes

8. Regulation 6(1) 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. Regulation 2(4) of these Regulations provides further exceptions for where the gathering is for the purpose of a marriage ceremony, civil partnership registration or childcare. These Regulations also substitute a new definition of "gathering" in consequence of the re-opening of certain types of business.

Cinemas, museums, galleries and auction houses

9. These Regulations also omit paragraphs 5, 10 and 23 of schedule 1 of the principal regulations from 15 July 2020, with the effect that a person responsible for a cinema, museum, gallery, or auction house is no longer required to cease to carry on that business from that date. As above, duties in relation to physical distancing and relevant guidance should be adhered to by those responsible for the business or service being provided.

Hairdressers, spas, beauty parlours, massage parlours and tattoo and piercing parlours

10. Paragraphs 13, 15 and 16 of schedule 1 pf the principal regulations are omitted from 22 July 2020, enabling spas, massage parlours and tattoo and piercing parlours to reopen from that date. These Regulations also enable hair salons, barbers and certain beauty salons to open from 15 July 2020, with nail salons and the remaining beauty salons allowed to open from 22 July 2020. As above, duties in relation to physical distancing and relevant guidance should be adhered to by those responsible for the business or service being provided..

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
14 July 2020