

Final Business and Regulatory Impact Assessment

Title of Legislation: The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 13) Regulations 2020

Purpose and intended effect:

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 Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (“the Principal Regulations”), to ensure that action to implement physical distancing and impose restrictions on gatherings, events and operation of business activity could be enforced. The Principal Regulations came into force on Thursday 26 March.

The Principal Regulations are reviewed at least once every 21 days and as soon as the Scottish Ministers consider that any restriction or requirement set out in these Regulations are 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.

Policy Objectives:

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 have a negative impact on people’s lives, such as increasing loneliness and social isolation, deepening inequalities and damaging our economy. And that, subject to the available data and evidence, these restrictions should be gradually and carefully eased. As such, the route-map has also been updated.

Some changes to the lockdown restrictions are made by this instrument and are described below. Other changes have been made through Scottish Government guidance, available at www.gov.scot/collections/coronavirus-covid-19-guidance.

Title of proposal: Indoor activities for children.

Purpose and intended effect:

Background

Indoor organised activities for children and young people have not been taking place since the beginning of the pandemic for health reasons, primarily the risk of transmission. These activities may take place once again from 31 August 2020.

Objective

The measure will benefit the health and wellbeing of those who participate in the broad scope of indoor activities for children and young people for an age range from newborn babies up to 18 years old, for example; youth work, play, activity clubs, support groups and faith-based education.

Rationale for Government intervention

This will enable the safe reopening of organised activities, which were previously prohibited by the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020.

Consultation:

Public Consultation

We have not undertaken any public consultation on this measure but key stakeholders in the sector have been consulted. In addition, a large volume of correspondence has been received from the public, which has provided an insight into the impact on children, young people and families who usually undertake these activities.

Business

To keep individuals safe and reduce transmission risks, the providers - using indoor facilities where the organised activities for children and young people take place - will be expected to follow published guidance. Face coverings will also be required in these premises (except where exercising or the person has another reasonable excuse or is otherwise exempt from wearing a face covering).

Options:

The option to reopen these facilities was based health and wellbeing benefits to the families who use them such as child development, childcare, socialisation, attainment, mental wellbeing and broad family support.

Scottish Firms Impact Test:

None available

Competition Assessment:

N/A

Consumer Assessment:

None

Test run of business forms:

No statutory forms will be created

Digital Impact Test:

N/A

Legal Aid Impact Test:

This measure does not in itself create any new legal rights.

Enforcement, sanctions and monitoring:

The same enforcement, sanctions and monitoring regime will apply in this measure as per the wider route map BRIA.

Implementation and delivery plan and post-implementation review:

Implementation via guidance, for each organisation to draw up plans and risk assessments. There is no post-implementation plan or, plans for a post-implementation review.

Summary and recommendations:

The impact of lockdown on children, young people and families has been well documented. We believe these measures will bring significant health and wellbeing benefits to children, young people and families. The guidance will ensure any risks and mitigations are managed. It may also provide economic benefits to the sector for example private tutoring and breakfast clubs. Face coverings will be required.

It is therefore recommended that this measure is introduced in full.

Title of proposal: Indoor gyms and fitness studios.

Purpose and intended effect:

Background

The measure allows re-opening of Indoor gyms and fitness studios with physical distancing and enhanced hygiene measures.

Objective

To provide mental and physical health benefits for those who use gyms and fitness studios and to relieve economic pressure on the fitness sector.

Rationale for Government intervention

This will enable the reopening of facilities, which was previously prohibited by the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020.

Consultation:

Public Consultation

We have not undertaken any public consultation on this measure.

Business

To keep individuals safe and reduce transmission risks, indoor gyms and fitness facilities will be expected to adhere to physical distancing duties and follow published guidance drafted in collaboration with the sector for the opening of sport and leisure facilities.

Options:

The option to reopen these facilities was based on the health and wellbeing benefits to those who use them.

Scottish Firms Impact Test:

The measure applies to all facilities both private and public sector.

Competition Assessment:

N/A

Consumer Assessment:

The measure will benefit all groups who use these facilities.

Test run of business forms:

No statutory forms will be created.

Digital Impact Test:

Route Map lead officials will lead on wider considerations.

Legal Aid Impact Test:

This measure itself does not in itself create any new legal rights.

Enforcement, sanctions and monitoring:

The same enforcement, sanctions and monitoring regime will apply in this measure as per the wider route map BRIA.

Implementation and delivery plan and post-implementation review:

Sportscotland will be communicating with the sector, including setting out their own guidance, approving sectoral guidance and discussing any issues. They will raise any concerns or issues from the sector with the Scottish Government.

Summary and recommendations:

We believe these measures will bring health and wellbeing benefits to adults who use these facilities while guidance will ensure any risks and mitigations are managed.

It is therefore recommended that this measure is introduced.

Title of proposal: Swimming pools.

Purpose and intended effect:

Background

The measure allows re-opening of swimming pools with physical distancing and enhanced hygiene measures.

Objective

To provide mental and physical health benefits for those who use swimming pools and to relieve economic pressure on the sector.

Rationale for Government intervention

This will enable the reopening of facilities, which was previously prohibited by the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020.

Consultation:

Public Consultation

We have not undertaken any public consultation on this measure

Business

To keep individuals safe and reduce transmission risks, swimming pools will be expected to adhere to physical distancing duties and follow published guidance drafted in collaboration with the sector for the opening of sport and leisure facilities.

Options:

The option to reopen swimming pools was based on the health and wellbeing benefits to those who use them.

Scottish Firms Impact Test:

The measure applies to all facilities both private and public sector.

Competition Assessment:

N/A

Consumer Assessment:

The measure will benefit all groups who use these facilities.

Test run of business forms:

No statutory forms will be created.

Digital Impact Test:

Route Map lead officials will lead on wider considerations.

Legal Aid Impact Test:

This measure itself does not in itself create any new legal rights.

Enforcement, sanctions and monitoring:

The same enforcement, sanctions and monitoring regime will apply in this measure as per the wider route map BRIA.

Implementation and delivery plan and post-implementation review:

Sportscotland will be communicating with the sector, including setting out their own guidance, approving sectoral guidance and discussing any issues. They will raise any concerns or issues from the sector with the Scottish Government

Summary and recommendations:

We believe these measures will bring health and wellbeing benefits to adults who use these facilities while guidance will ensure any risks and mitigations are managed.

It is therefore recommended that this measure is introduced.

Title of proposal: Indoor sports premises with distancing (including skating rinks and dance studios).

Purpose and intended effect:

Background

The measure allows re-opening of certain indoor sports premises with physical distancing and enhanced hygiene measures.

Objective

To provide mental and physical health benefits for those who use indoor sports courts and to relieve economic pressure on the sector.

Rationale for Government intervention

This will enable the reopening of facilities, which was previously prohibited by the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020.

Consultation:**Public Consultation**

We have not undertaken any public consultation on this measure

Business

To keep individuals safe and reduce transmission risks, indoor sports courts will follow published guidance drafted in collaboration with the sector for the opening of sport and leisure facilities, with physical distancing.

Options:

The option to reopen certain indoor sports premises was based on the health and wellbeing benefits to those who use them.

Scottish Firms Impact Test:

The measure applies to all facilities both private and public sector.

Competition Assessment:

N/A

Consumer Assessment:

The measure will benefit all groups who use these facilities.

Test run of business forms:

No statutory forms will be created.

Digital Impact Test:

Route Map lead officials will lead on wider considerations.

Legal Aid Impact Test:

This measure itself does not in itself create any new legal rights.

Enforcement, sanctions and monitoring:

The same enforcement, sanctions and monitoring regime will apply in this measure as per the wider route map BRIA.

Implementation and delivery plan and post-implementation review:

Sportscotland will be communicating with the sector, including setting out their own guidance, approving sectoral guidance and discussing any issues. They will raise any concerns or issues from the sector with the Scottish Government

Summary and recommendations:

We believe these measures will bring health and wellbeing benefits to adults who use these facilities while guidance will ensure any risks and mitigations are managed.

It is therefore recommended that this measure is introduced.

Declaration and publication

Sign-off for BRIA:

I have read the Business and Regulatory Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the measures set out in the regulations and guidance. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed: Michael Russell

Date: 27/08/20

Minister's name: Michael Russell

Minister's title: Cabinet Secretary for Constitution, Europe and External Affairs.