

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS) (SCOTLAND) AMENDMENT (NO. 13) REGULATIONS 2020

SSI 2020/261

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 principal regulations to provide that no person may attend a party in a private dwelling and provides the police with powers to enter a private dwelling if they reasonably suspect that a party is taking place. These Regulations also amend the list of exceptions to the restriction on gatherings in public places in the principal regulations with the effect that a gathering may take place where it is for the purpose of organised exercise and certain other organised activities. These Regulations amend the principal regulations in order to require the wearing of face coverings in a number of sport and exercise related venues which are now reopening. The Regulations set out that a face covering does not need to be worn for the purpose of exercise. These Regulations also amend the principal regulations to permit indoor fitness studios, gyms, swimming pools or other indoor leisure centres, including skating rinks to reopen.

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. Since then, six amending instruments have been brought forward to introduce various Phase 3 changes in line with the route map.

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.

Indoor activities for children

6. Regulation 6 of the principal regulations provides that no person may participate in a gathering in a public place with certain exceptions. These Regulations provide further exceptions for where the gathering is for the purpose of organised exercise (whether indoors or outdoors) or other organised activities for children (which may take place indoors or outdoors) or for adults (which may take place outdoors only). An activity is organised if it 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.

Restriction on parties in private dwellings

7. Regulation 2(3) of these Regulations sets out that no person may attend a party in a private dwelling. A party is defined as a social gathering where 16 or more people, who are members of more than one household, are present together in a place. Some exemptions are set out to ensure certain gatherings are not covered, such as for the purposes of work.

8. The Regulations also provide a power to enter a private dwelling if a police officer reasonably suspects that a party, as defined in the regulations, is taking place and it is necessary and proportionate for the officer to enter the property to prevent the party from continuing. The power can only be used if the constable has first requested any person reasonably suspected to be contravening regulation 6ZA to stop doing so and the person has failed to comply with the request.

Face coverings

9. These Regulations amend the principal regulations, with the effect that face coverings must be worn in indoor fitness studios, gyms, swimming pools or other indoor leisure centres, and indoor skating rinks.

10. The Regulations also provide a new reasonable excuse for not wearing a face covering, this new exemption is for the purpose of exercise. The result of these Regulations is that face coverings must be worn when inside indoor sport and exercise venues such as corridors, changing rooms and reception areas but do not need to be worn when exercise is being undertaken.

Reopening of certain fitness premises

11. These Regulations amend the principal regulations, with the effect that indoor fitness studios, gyms, swimming pools or other indoor leisure centres, including skating rinks can now reopen.

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
27 August 2020