

## **POLICY NOTE**

### **The Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Amendment Regulations 2020**

#### **SSI 2020/300**

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 and Requirements) (Scotland) Regulations 2020 (“the principal regulations”) to require certain hospitality venues to close between 10pm and 5am. They also require that a person responsible for a relevant hospitality premises only sells food or drink for consumption on those premises if persons consume the food and drink while sitting at a table. The Regulations make provision for the circumstances in which persons 17 years of age and under are not to be included for the purpose of counting the number of households or persons participating in a gathering in a public space or private dwelling. The Regulations also set out that a person must not attend a gathering in a private dwelling unless an exemption applies such as where the gathering takes place outdoors and consists of no more than six persons from no more than two households, or where the gathering is facilitating shared parenting arrangements.

#### **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 regulations, to implement physical distancing and impose restrictions on gatherings, events and operation of business activity. Those regulations came into force on Thursday 26 March and were revoked and replaced by the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020, which came into force on Monday 14 September.
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 measures have been eased and a large portion of businesses have been permitted to reopen.

5. As lockdown measures have continued to be eased, additional measures have 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](http://www.gov.scot/collections/coronavirus-covid-19-guidance).

#### *Changes to hospitality*

6. The Regulations set out that relevant hospitality premises must close between 10pm and 5am. This measure is being introduced to limit the hours that such venues are operating and in turn to limit the potential transmission of coronavirus in these settings. Some exemptions exist, including for takeaway, room service in hotels and for businesses operating airside at airports to ensure passengers are still able to obtain food and drink before boarding early flights. The Regulations also set out that relevant hospitality premises may only sell food or drink for consumption on those premises if the food or drink is consumed while persons are sitting at a table. This measure is being introduced to limit the movement of customers within these settings which may increase virus transmission.

#### *Restriction on public and private gatherings*

7. The Regulations set out that a person must not attend a gathering in a private dwelling unless an exemption applies, for example, where the gathering takes place outdoors and consists of no more than six people from no more than two households or where the gathering is facilitating a shared parenting arrangement. The principle regulations are amended to restrict indoor social gatherings taking place between different households.

8. The Regulations also set out that children under the age of 12 do not count towards the 6 person limit for indoor gatherings in public places, such as restaurants. However, they do count towards the 2 household limit in these settings. When gathering outdoors, children under the age of 12 do not count towards the 2 household or 6 person limit in order to allow children to benefit from outdoor play. These regulations also allow young people aged 12 to 17 to meet up in groups of up to 6 at a time outdoors without being subject to the 2 household limit. If an outdoor gathering only consists of some children under 12 and some children aged 12 to 17 then the 6 person limit will apply to the entire gathering.

#### **Consultation**

9. 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**

10. An Equality Impact Assessment has been completed and is 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  
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