

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS AND REQUIREMENTS) (ADDITIONAL TEMPORARY MEASURES) (SCOTLAND) REGULATIONS 2020

SSI 2020/318

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.

The Regulations set out additional temporary restrictions, both outside the central belt and specific to the central belt. These Regulations suspend the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 while these Regulations are in force and will expire at 0600 on 26 October 2020.

Outside the central belt, the Regulations require indoor hospitality venues to close between 6 pm and 6 am. Licensed premises are not permitted to sell alcohol for consumption inside the premises but premises can sell alcohol for consumption outdoors. Licensed premises can continue to sell food and non-alcoholic drinks for consumption indoors. The Regulations require retail premises to return to 2 metre physical distancing, having previously been provided with an exemption that allowed 1 metre distancing to be applied.

In the central belt, licensed hospitality venues, other than cafes, must close their premises to the public for the duration that the Regulations are in force. Other hospitality venues are subject to the same restrictions as those outside the central belt. The Regulations restrict indoor group exercise classes, for those aged 18 and over, from taking place and also restricts contact sport for this age group, unless it is for the purpose of professional sport. The Regulations restrict outdoor live events from taking place in this geographical area and requires the closure of snooker/pool halls, indoor bowling, casinos and bingo halls.

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.

Policy Objectives

2. As we are beginning to see an increase in transmission across Scotland, it has become necessary to implement some further restrictions to bring these numbers down again. An evidence paper was published on 7 October to sum up evidence on infection trends, confirmed cases, hospital use and deaths, and how these vary across Scotland. This paper is available at <https://www.gov.scot/publications/coronavirus-covid-19-evidence-paper-october-2020/>.

3. 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.

Measures outside the central belt

4. The Regulations take steps to limit the amount of time households can spend socialising with one another in hospitality settings by limiting operating hours. Indoor hospitality must now close between 6 pm and 6 am and cannot sell alcohol for consumption inside the premises. Where a premise is licensed to do so, they can provide food and drink, including alcoholic beverages, for consumption outdoors. Life events such as weddings, civil partnership, funerals and the associate receptions and wakes can continue in these premises with certain restrictions in place.

5. These Regulations also require retail premises to return to 2 metre physical distancing, having previously been provided with an exemption that allowed 1 metre physical distancing to be applied in these settings. The increase to 2 metres is intended to provide customers and staff with an extra layer of protection now that transmission levels are higher. Non-legislative measures such as the re-introduction of one way systems are being pursued with stakeholders to complement this change.

Measures taken in the central belt

6. Some stricter measures are being imposed across 5 Health Board areas in central Scotland. The Regulations set out that licensed hospitality venues, other than cafes, premises which are airside at an airport or premises which are on a ferry must remain closed to the public for the duration that the Regulations are in force in order to stop transmission between households in these settings. Such premises may continue to sell food and drink for consumption off their premises. All cafes and other hospitality settings without a license to sell alcohol are subject to the national restrictions outlined above.

7. The Regulations restrict indoor group exercise classes for those aged 18 and over from taking place and also restrict contact sport for this age group, unless for professional sport. The Regulations restrict outdoor live events from taking place in this area and require the closure of snooker/pool halls, indoor bowling, casinos and bingo halls. All of these measures are intended to limit the amount of household to household contact that can take place and reduce the likelihood of transmission as a result.

Consultation

8. 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

9. An Equality Impact Assessment, a Business and Regulatory Impact Assessment and a Children's Right and Wellbeing Impact Assessment have been completed and are attached. In

addition, the provisions of the Regulations are subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government
Directorate for Constitution and Cabinet
October 2020