

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS AND REQUIREMENTS) (LOCAL LEVELS) (SCOTLAND) AMENDMENT (NO. 6) REGULATIONS 2020

SSI 2020/415

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) (Local Levels) (Scotland) Regulations 2020 to modify the principal regulations during the period from and including 23 December 2020 to 27 December 2020. The Regulations add a new definition of “holiday gathering” and include attending a holiday gathering as an exception to the restrictions on gatherings in private dwellings and outdoor public places. It also adds gathering as a holiday gathering to the list of reasonable excuse examples for the travel restrictions in Level 3 or 4 areas, or within the common travel area. The Regulations also make special provision for travel to or from Northern Ireland on 22 December 2020.

The Regulations also amend the principal Regulations to allow holiday accommodation in Level 4 areas to be provided to a person attending a marriage ceremony or civil partnership registration or to facilitate shared parenting arrangements.

Legislative background

1. The UK Coronavirus Act 2020 received Royal Assent on 25 March 2020. Under that Act, the Scottish Government made regulations (in force from 26 March) to implement physical distancing and impose restrictions on gatherings, events and operation of business activity. From 14 September they were replaced by the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020. From 9 October those regulations were suspended and replaced by the Health Protection (Coronavirus) Restrictions and Requirements) (Additional Temporary Measures) (Scotland) Regulations 2020. A new levels-based approach was introduced on 2 November, when the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (“the principal regulations”) came into force and revoked the previous regulations.

Policy Objectives

Holiday gatherings

2. These Regulations introduce a number of changes that allow for a slight relaxation of rules surrounding travel and gatherings over a short period in December to allow those who are at risk of experiencing loneliness and isolation to spend Christmas with others. These Regulations adjust the existing rules during the period from and including 23 December 2020 to 27 December 2020.

3. The Regulations allow a “holiday gathering” to be attended as an exception to the restrictions on gatherings in private dwellings in Level 1, 2, 3 and 4 areas and in outdoor public places in Level 2, 3 and 4 areas. These must consist of no more than 8 people from no more than 3 households – under 12s do not count towards the 8 person limit. The Regulations set out that a person or household may only take part in one holiday gathering to ensure household to household interaction remains limited over this period. These changes ensure that those who chose to take part in a holiday gathering are able to do so legally in small and controlled numbers.

4. The Regulations also modify the principal regulations to add gathering as a holiday gathering to the list of examples of a purpose for which a contravention of the travel restrictions in Level 3 or 4 areas, or within the common travel area, will constitute a reasonable excuse. This ensures individuals or households are able to travel into or out of a Level 3 or 4 area if it is for the purpose of attending a holiday gathering during the specified period. Regulation 3B(2) further modifies the principle Regulations to make special provision for travel to or from Northern Ireland on 22 December 2020.

5. The Regulations also set out that holiday gatherings can take place in any private dwelling which is the main residence of one of the households and in the same local authority area of one of the households which are part of that gathering. This is to ensure that people who require a larger space for their gathering are able to do so in their local area without permitting increased travel to second homes or typical holiday locations in Scotland such as the highlands and islands, where transmission rates remain low. The private dwelling may include holiday accommodation such as self-catered cottage – hotels, hostel and bed and breakfasts must not be used for the purposes of the gathering given the shared nature of these environments.

Use of holiday accommodation in Level 4 areas

6. The Regulations allow holiday accommodation in Level 4 areas to be provided to a person attending a marriage ceremony or civil partnership registration or to facilitate shared parenting arrangements. This brings the restrictions on use of holiday accommodation into line with the approach taken for other exemptions for the travel restrictions such as attending work or a funeral, where it is already possible to use holiday accommodation in Level 4 if you are in the area for certain purposes. It also allows holiday accommodation in level 4 to be used for the purposes of enabling a person to attend a holiday gathering within the local authority area where the accommodation is located.

Consultation

7. There has been no public consultation in relation to this instrument. The Scottish Government has informally consulted with the industry bodies affected.

Impact Assessments

8. An Equality Impact Assessment and an Islands Impact Assessment have been prepared for this instrument. Other Impact Assessments have not been prepared for this instrument. The provisions 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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