

**2020 No. 439**

**PUBLIC HEALTH**

**The Health Protection (Coronavirus) (Restrictions and Requirements) (Miscellaneous Amendments) (Scotland) Regulations 2020**

*Approved by the Scottish Parliament*

*Made - - - -at 12.20 p.m. on 17th December 2020*

*Laid before the Scottish Parliament at 3.30 p.m. on 17th December 2020*

*Coming into force - -at 6.00 p.m. on 18th December 2020*

The Scottish Ministers make the following Regulations in exercise of the power conferred by paragraphs 1(1) of schedule 19 of the Coronavirus Act 2020<sup>(a)</sup> (“the Act”) and all other powers enabling them to do so.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of coronavirus in Scotland.

The Scottish Ministers consider that the restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with paragraph 6(2) and (3) of schedule 19 of the Act, the Scottish Ministers are of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft having been laid before, and approved by, a resolution of the Scottish Parliament.

**Citation and commencement**

1. These Regulations may be cited as the Health Protection (Coronavirus) (Restrictions and Requirements) (Miscellaneous Amendments) (Scotland) Regulations 2020 and come into force at 6.00 p.m. on 18 December 2020.

**Amendment of the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020**

2. The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020<sup>(b)</sup> are amended in accordance with regulations 3 to 6.

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<sup>(a)</sup> 2020 c.7.

<sup>(b)</sup> S.S.I. 2020/344, amended by S.S.I. 2020/347, S.S.I. 2020/374, S.S.I. 2020/389, S.S.I. 2020/392, S.S.I. 2020/400, S.S.I. 2020/415 and S.S.I. 2020/427.

### **Amendment to modification of the restrictions in certain areas**

3. In regulation 3A (modification of the restrictions in certain areas) after paragraph (2) insert—

“(3) In its application in relation to the area mentioned in paragraph (4), paragraph 13 of schedule 3 (restrictions on gatherings in private dwellings in a level 2 area) has effect as if—

(a) before sub-paragraph (1)(a) there is inserted—

“(zb) takes place indoors and consists of no more than six persons from no more than two households,” and

(b) after sub-paragraph (1) there is inserted—

“(1A) For the purpose of sub-paragraph (1)(zb), children under 12 years of age are not to be included when counting the number of people attending a gathering but are to be included when counting the number of households attending a gathering.”.

(4) The area is the area specified in entry 20 in the table in schedule 6 (Argyll and Bute) but for the purpose of this regulation that area is limited to the following islands—

- (a) the Isle of Coll,
- (b) the Isle of Colonsay,
- (c) the Isle of Erraid,
- (d) the Isle of Gometra,
- (e) the Isle of Iona,
- (f) the Isle of Islay,
- (g) the Isle of Jura,
- (h) the Isle of Mull,
- (i) the Isle of Oronsay,
- (j) the Isle of Tiree, and
- (k) the Isle of Ulva.”.

### **Amendment to restriction on gatherings in private dwellings in a Level 0 area**

4. In schedule 1 (level 0 restrictions), in paragraph 8(1)(d) (restriction on gatherings in private dwellings in a level 0 area) for “relates to” substitute “is”.

### **Amendment to restriction on gatherings in private dwellings in a Level 1 area**

5. In schedule 2 (level 1 restrictions), in paragraph 9(1)(d) (restriction on gatherings in private dwellings in a level 1 area) for “relates to” substitute “is”.

### **Changes to levels of areas**

6.—(1) In the table in schedule 6 (areas), in column 3 (level of area), in each of the entries mentioned in paragraph (2), for “2” substitute “3”.

(2) The entries are 11 (Aberdeen City), 12 (Aberdeenshire) and 23 (East Lothian).

### **Amendment of the Health Protection (Coronavirus) (Protection from Eviction) (Scotland) Regulations 2020**

7. For regulation 3 (consequential provision) of the Health Protection (Coronavirus) (Protection from Eviction) (Scotland) Regulations 2020(a), substitute—

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(a) S.S.I. 2020/425.

“3. The period mentioned in section 16(5A)(c) of the Housing (Scotland) Act 2001<sup>(a)</sup> (powers of court in possession proceedings) does not run during any period for which regulation 2 has effect.”.

*MICHAEL RUSSELL*

A member of the Scottish Government

St Andrew's House,  
Edinburgh  
At 12.20 p.m. on 17th December 2020

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(a) 2001 asp 10. Subsection (5A) was inserted by section 153(a) of the Housing (Scotland) Act 2010 (asp 17).

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations (which come into force at 6.00 p.m. on 18 December 2020) amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (“the Local Levels Regulations”), and the Health Protection (Coronavirus) (Protection from Eviction) (Scotland) Regulations 2020 (“the Protection from Eviction Regulations”).

Regulation 3 amends regulation 3A of the Local Levels Regulations so that, in relation to the following islands in Argyll and Bute, it is permitted to hold gatherings indoors in private dwellings in certain circumstances: the Isles of Coll, Colonsay, Erraid, Gometra, Iona, Islay, Jura, Mull, Oronsay, Tiree and Ulva.

Regulation 4 amends paragraph 8(1)(d) of schedule 1 of the Local Levels Regulations, restricting gatherings in private dwellings for a funeral, marriage ceremony or civil partnership registration in a Level 0 area.

Regulation 5 amends paragraph 9(1)(d) of schedule 2 of those Regulations, restricting gatherings in private dwellings in a Level 1 area for a funeral, marriage ceremony or civil partnership registration.

Regulation 6 changes the levels of restrictions and requirements which apply in the local authority areas listed in paragraph (2) of that regulation. The restrictions and requirements applicable in relation to the different levels are set out in schedules 1 to 5 of the Local Levels Regulations.

Regulation 7 amends the Protection from Eviction Regulations, and is relevant to orders made under section 16(2) of the Housing (Scotland) Act 2001 (“the 2001 Act”) for recovery of possession of a property subject to a secure tenancy. Section 16(5A) of the 2001 Act provides that where an order is made on the ground of rent arrears, or on grounds including rent arrears, the order must specify the period for which the landlord’s right to recover possession of the property is to have effect. Regulation 7 has the effect of ensuring that the period of time for which regulation 2 of the Protection from Eviction Regulations is in force is not counted when calculating the period of time specified.

An Island Communities Impact Assessment has been prepared. Copies may be obtained online at [www.legislation.gov.uk](http://www.legislation.gov.uk).

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