

## **POLICY NOTE**

### **The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 8) Regulations 2020**

**SSI 2020/452**

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 make adjustments to the provisions on festive gatherings and levels to which local authorities are allocated.

These Regulations limit the exemptions which allow festive gatherings to apply to the 25<sup>th</sup> of December, and removes the ability to form a festive gathering in other parts of the UK and Common Travel Area (CTA).

#### **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**

2. In applying the Strategic Framework, Scottish Ministers have made clear that, in seeking to contain and suppress the virus, they will follow the approach and principles set out in the Framework for Decision-Making, applying their best judgement to the best scientific advice; and that, in line with the general principles of public health and effective disease control, they will adopt a precautionary approach, while seeking to mitigate wider health, social and economic harms. In some circumstances, this requires early intervention.

3. These changes are being made as a result of the the most recent information on the emergence of a variant strain of Covid 19, which is significantly more transmissible than previous strains and is present everywhere in the UK to some extent. It is therefore necessary to limit the risk of transmission of this strain from other parts of the UK and CTA where it may be more prevalent, and to reduce the opportunities for transmission between households over the festive period.

### *Adjustments to allocation of levels*

4. The Regulations amend the current allocation of levels of all 32 local authority areas of Scotland. The following areas are moved from their current Level to Level 4, as a result of recent data.

- East Ayrshire
- North Ayrshire
- South Ayrshire
- Scottish Borders
- Dumfries and Galloway
- Fife
- Clackmannanshire
- Falkirk
- Stirling
- Moray
- Aberdeen City
- Aberdeenshire
- East Renfrewshire
- Inverclyde
- Renfrewshire
- West Dunbartonshire
- East Dunbartonshire
- Glasgow City
- Highland (except specific islands as specified below)
- Argyll and Bute (except specific islands as specified below)
- South Lanarkshire
- North Lanarkshire
- East Lothian
- Midlothian
- City of Edinburgh
- West Lothian
- Angus
- Dundee City
- Perth and Kinross

5. The following areas are moved from their current Level to Level 3, as a result of recent data. Previous exemptions to allow in house socialising on certain islands are removed.

- Na h-Eileanan Siar
- The islands in Highland area (except the Isle of Skye)
- Orkney Islands
- Shetland Islands
- The Isle of Coll, the Isle of Colonsay, the Isle of Erraid, the Isle of Gometra, the Isle of Iona, the Isle of Islay, the Isle of Jura, the Isle of Mull, the Isle of Oronsay, the Isle of Tiree, and the Isle of Ulva

6. These changes are being made as a result of the the most recent information on the emergence of a variant strain of Covid 19, which is significantly more transmissible than

previous strains and is present everywhere in the UK to some extent. It is therefore necessary to take additional precautions to prevent the spread of Covid 19.

### *Festive gatherings*

7. The regulations make adjustments to festive gatherings. Festive gatherings may take place only on the 25<sup>th</sup> of December. The regulations also provides that travel to an area outside of Scotland for the purpose of a holiday gathering is not permitted.

### **Consultation**

8. There has been no public consultation in relation to this instrument.

### **Impact Assessments**

9. No impact assessments have been prepared to accompany these regulations. The provisions are however subject to strict obligations on the Scottish Government to review their proportionality and necessity.

Scottish Government  
Directorate for Constitution and Cabinet  
*20 December 2020*