

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS AND REQUIREMENTS) (LOCAL LEVELS) (SCOTLAND) AMENDMENT (NO. 10) REGULATIONS 2021

SSI 2021/1

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 introduce a requirement to stay at home for those living in a Level 4 area, similar to the requirement included in legislation in March 2020. These Regulations also reduce the number of people who can meet for social purposes in Level 4. The limit is now 2 people from 2 households, rather than 6 people from 2 households. Existing socialisation rules still apply for those under 12 and the limit for 12-17 year olds has been reduced to 2 people from 2 households. These Regulations adjust the rules on organised outdoor activity for under 18s and for outdoor exercise in Level 4 to prohibit those aged 12 and over from undertaking such activities unless the general social gathering limit is followed.

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

Stay at home requirement

2. The new strain of coronavirus currently identified in the UK is a great cause for concern, numbers of coronavirus cases are already increasing across the country and we expect them to do so in greater numbers as the new strains continue to spread. A requirement to stay at home for those living in Level 4 areas is being introduced now to take strong and urgent action to try to mitigate the impact of the new strain. The requirement to stay at home is similar to the requirement used in legislation earlier in the year, from March onwards. There are a number of reason excuses to ensure the requirement to stay at home is proportionate, some examples include obtaining food or medical supplies or for work, where

it is not possible for the person to do so from home. A full list is found in the legislation. These regulations provide additional powers to allow the requirement to be enforced by police, where required.

3. It has been deemed essential to take these measures at this time in order to significantly reduce the opportunities for travel and household to household interaction to attempt to stop the new strains of coronavirus from taking hold and to ensure the NHS is not overwhelmed in the coming weeks, when the usual winter pressures will also be felt.

Socialising

4. These Regulations adjust the restrictions on social gatherings in Level 4 to reduce the number of people who can meet. Currently, 6 people from 2 households can meet outdoors for social interaction in public or private dwellings. These regulations limit that to 2 people from 2 households. As with the existing restrictions, children under the age of 12 are not counted towards the limit. 12 – 17 year olds are now only able to meet in groups of 2 people from 2 households to bring the rules into line with the limit for adults. These changes to social gathering limits are essential for further reducing opportunities for social mixing and deterring household to household interaction by reducing the numbers who can meet at any one time.

Organised activities and outdoor exercise

5. These Regulations adjust the restrictions for organised outdoor activities and outdoor exercise in Level 4. Organised outdoor activity is no longer permitted for anyone over the age of 11. Outdoor sport is also no longer permitted in larger groups, the 2 people from 2 households limit for those aged 12 and above must now be followed instead. These changes are intended to reduce opportunities for social mixing and to limit household to household interaction.

Consultation

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

Impact Assessments

7. An Equality Impact Assessment, Island Communities Impact Assessment and CRWIA have been prepared for this instrument and will be published shortly. Impact Assessments have been prepared previously to assess the impact of the restrictions within levels, these are published alongside the relevant Regulations. The provisions are however subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government
Directorate for Constitution and Cabinet
January 2021