

Regulations made by the Scottish Ministers and laid before the Scottish Parliament under paragraph 6(3) of schedule 19 of the Coronavirus Act 2020 for approval by resolution of the Scottish Parliament within 28 days beginning with the day on which the Regulations were made, not taking into account any period of dissolution or recess for more than 4 days.

SCOTTISH STATUTORY INSTRUMENTS

2021 No. 117

PUBLIC HEALTH

The Health Protection (Coronavirus) (Restrictions and Requirements) (Miscellaneous Amendments) (Scotland) (No. 2) Regulations 2021

Made - - - - at 11.26 a.m. on 4th March 2021

Laid before the Scottish Parliament at 2.45 p.m. on 4th March 2021

Coming into force - - 5th March 2021

The Scottish Ministers make the following Regulations in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020(a) (“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) (No. 2) Regulations 2021 and come into force on 5 March 2021.

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(a) are amended in accordance with regulations 3 to 8.

Amendment to regulation 2: interpretation

3. In regulation 2 (interpretation)—

- (a) in the definition of “end of term household”, in sub-paragraph (b)—
 - (i) omit “has”,
 - (ii) for “have, chosen to live with” substitute “chose to live”,
 - (iii) for “is to be” substitute “was”,
 - (iv) after “terms” insert “and which continues to be the student’s or students’ sole or main residence”,
- (b) for the definition of “professional sportsperson” substitute—
 - ““professional sportsperson” means an individual who—
 - (a) either—
 - (i) derives a living from competing in sport,
 - (ii) is a senior representative nominated by a relevant sporting body,
 - (iii) is a member of the senior training squad for a relevant sporting body, or
 - (iv) is on an elite development pathway, and
 - (b) trains or competes in a sport for which a resumption of performance sport plan has been approved by sportscotland or the Scottish Ministers,”,
- (c) in the appropriate places, insert the following definitions—
 - “resumption of performance sport plan”, in relation to a professional sportsperson, means a plan relating to the safe resumption of a professional and performance (elite) sport which is prepared by the governing body of that sport for approval by sportscotland or the Scottish Ministers in line with guidance published by sportscotland,”
 - “sportscotland” means the Scottish Sports Council,”.

Amendment to regulation 3B: temporary modification of restrictions: holiday gatherings

4. Omit regulation 3B (temporary modification of restrictions: holiday gatherings).

Amendment to regulation 9: expiry

5. In regulation 9(1) (expiry), for “31 March 2021” substitute “30 September 2021”.

Amendment to schedule 4: level 3 restrictions

6. In paragraph 15(2) of schedule 4 (restrictions on entering level 3 area: examples of reasonable excuse), omit head (ab).

Amendment to schedule 5: level 4 restrictions

7.—(1) Schedule 5 (level 4 restrictions) is amended in accordance with paragraphs (2) to (5).

(a) 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, S.S.I. 2020/427, S.S.I. 2020/439, S.S.I. 2020/452, S.S.I. 2020/471, S.S.I. 2021/1, S.S.I. 2021/3, S.S.I. 2021/17, S.S.I. 2021/25, S.S.I. 2021/35, S.S.I. 2021/49, S.S.I. 2021/54 and S.S.I. 2021/86.

(2) In paragraph 1 (requirement to close certain premises in a level 4 area to members of the public)—

(a) in sub-paragraph (2), omit head (v),

(b) in sub-paragraph (3)—

(i) in head (a)(i), (ii) and (iii) omit “or sporting event”,

(ii) after head (a) insert—

“(aa) premises, except premises of a listed business in sub-paragraph (2)(u), while those premises remain closed to members of the public, to—

(i) record a sporting event other than a professional sporting event,

(ii) broadcast a sporting event other than a professional sporting event to persons outside the premises, whether over the internet or as part of a radio or television broadcast, or

(iii) train, practise or otherwise prepare for a sporting event other than a professional sporting event,”

(iii) in head (f) at the end insert—

“, including the use of premises of a listed business in sub-paragraph (2)(u), to—

(i) record a professional sporting event,

(ii) broadcast a professional sporting event to persons outside the premises, whether over the internet or as part of a radio or television broadcast, or

(iii) train, practise or otherwise prepare for a professional sporting event,”

(iv) omit head (h),

(c) in sub-paragraph (7), omit the definition of “child contact centres”.

(3) In paragraph 2(3) (requirement to close retail and library premises in a level 4 area to members of the public), after head (v) insert—

“(w)public libraries providing free computer and internet access by appointment, but only in so far as necessary to provide access to that service”.

(4) In paragraph 16(2) (restrictions on entering level 4 area: examples of reasonable excuse), omit head (z).

(5) In paragraph 18(2) (requirement to stay at home: examples of reasonable excuse), omit head (z).

Amendment to schedule 7A: restrictions on leaving or entering Scotland: common travel area

8. In paragraph 3(2) of schedule 7A (entering or leaving Scotland: examples of reasonable excuse), omit head (ab).

Amendment of the Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020

9. In regulation 15(1) (expiry and review) of the Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020(a), for “31 March 2021” substitute “30 September 2021”.

MICHAEL RUSSELL

A member of the Scottish Government

St Andrew’s House,
Edinburgh
At 11.26 a.m. on 4th March 2021

(a) S.S.I. 2020/262, relevantly amended by S.S.I. 2021/49.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (“the Local Levels Regulations”) and the Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020 (“the Directions Regulations”). These Regulations come into force on 5 March 2021.

Regulation 3 amends the definition of “end of term household” in regulation 2 of the Local Levels Regulations to reflect removal by regulations 6, 7(4) and (5) and 8 of provisions relating to the formation of such a household by students which are no longer relevant. It also substitutes the definition of “professional sportsperson” and inserts related definitions. Regulation 4 removes provision relating to holiday gatherings.

Regulation 5 amends regulation 9 of the Local Levels Regulations to extend the date on which those regulations are due to expire until 30 September 2021.

Regulation 7 makes amendments to schedule 5 of the Local Levels Regulations. It amends paragraph 1 of the schedule to remove the requirement for child contact centres to close to members of the public. Amendments are also made in relation to the permitted use of premises that are required to be closed to the public, for the purposes of a performance, professional sport and non-professional sport. These amendments clarify that use of indoor fitness studios, gyms, swimming pools and other indoor leisure centres or facilities is restricted to performers and professional sportspersons. Regulation 7 also removes public libraries from the requirement to close to members of the public insofar as is necessary to provide free computer and internet access by appointment.

Regulation 9 amends regulation 15(1) of the Directions Regulations to extend the date on which those regulations are due to expire until 30 September 2021.

© Crown copyright 2021

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, the Queen’s Printer for Scotland.

£4.90

<http://www.legislation.gov.uk/id/ssi/2021/117>

ISBN 978-0-11-104982-2



9 780111 049822