

2021 No. 136

PUBLIC HEALTH

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 17) Regulations 2021

Approved by the Scottish Parliament

Made - - - - at 11.47 a.m. on 11th March 2021

Laid before the Scottish Parliament at 3.45 p.m. on 11th March 2021

Coming into force in accordance with regulation 1

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.—(1) These Regulations may be cited as the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 17) Regulations 2021.

(2) With the exception of those provisions mentioned in paragraph (3), these Regulations come into force on 12 March 2021.

(3) Regulations 3 and 5(6)(c) come into force on 15 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 5.

Amendment to regulation 2: interpretation

3. In regulation 2 (interpretation)—

- (a) in paragraph (1), after the definition of “public procession”, insert—
 - ““registered political party” has the meaning given in section 202(1) of the Representation of the People Act 1983(b),”
- (b) after paragraph (2), insert—
 - “(3) For the purpose of these Regulations, activities are undertaken for election purposes if they are undertaken—
 - (a) for the purposes of or in connection with—
 - (i) promoting or procuring electoral success for a registered political party, or
 - (ii) promoting or procuring a candidate’s election, or
 - (b) otherwise with a view to influencing how electors vote in an election.”

Amendment to schedule 4: Level 3 restrictions

4. For paragraph 15(2)(v) of schedule 4 (Level 3 restrictions) substitute—

- “(v) undertake exercise or recreation—
 - (i) outdoors,
 - (ii) that starts and ends at the same place, which place must be—
 - (aa) in the local government area in which the person lives, or
 - (bb) within 5 miles of such local government area, and
 - (iii) is either undertaken—
 - (aa) alone,
 - (bb) with members of the person’s household,
 - (cc) in a gathering within the meaning of paragraph 11(1)(a), (b) or (c),
 - (dd) in a gathering within the meaning of paragraph 11(1)(d)(xii) or (xiii),
 - (ee) in a gathering within the meaning of paragraph 12(1)(a), or
 - (ff) in a gathering within the meaning of paragraph 12(1)(b).”

Amendment to schedule 5: Level 4 restrictions

5.—(1) Schedule 5 (Level 4 restrictions) is amended as follows.

(2) In paragraph 11(1)(a) (restriction on public gatherings indoors in Level 4 area), for “two” where the word first occurs(c), substitute “four”.

(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, S.S.I. 2021/86 and S.S.I. 2021/117.

(b) 1983 c.2. The definition of “registered political party” was inserted by paragraph 38(3) of schedule 3 of the Greater London Authority Act 1999 (c.29), and amended by paragraph 6(8) of schedule 21 of the Political Parties, Elections and Referendums Act 2000 (c.41).

(c) The word “two” was substituted by S.S.I. 2021/1.

- (3) In paragraph 12 (restrictions on public gatherings outdoors in a Level 4 area)—
- (a) in sub-paragraph (1)—
 - (i) for head (a) substitute—
 - “(a) consists of no more than 4 persons from no more than two households,”
 - (ii) after head (a), insert—
 - “(b) consists of no more than 4 persons from no more than 4 households, who are all under 18 years of age, where at least one person in the gathering has attained 12 years of age,”
 - (iii) in head (d)—
 - (aa) after sub-head (xi) insert—
 - “(xii) organised exercise which—
 - (aa) is not a contact sport, or
 - (bb) is for persons under 12 years of age,”
 - (bb) for sub-head (xiii), substitute—
 - “(xiii) an organised activity, which is not a public procession, and which is for persons who are all under 18 years of age,”
 - (b) in sub-paragraph (3), for “sub-paragraph (1)(d)(xiii)”(a) substitute “sub-paragraph (1)(d)(xii) and (xiii)”.
- (4) In paragraph 13(1) (restriction on gatherings in private dwellings in a Level 4 area)—
- (a) in head (a), for “two persons from different households”(b) substitute “4 persons from no more than 2 households”,
 - (b) in head (b), insert before sub-head (ii)(c)—
 - “(i) consists of no more than 4 persons from no more than 4 households, who are all under 18 years of age, where at least one person in the gathering has attained 12 years of age, or”.
- (5) In paragraph 16(2) (restrictions on entering Level 4 area: examples of reasonable excuse)—
- (a) after head (s) insert—
 - “(sa) participate in or facilitate organised activity, sport or exercise which is for persons under 18 years of age,”
 - (b) for head (t) substitute—
 - “(t) undertake exercise or recreation—
 - (i) outdoors,
 - (ii) that starts and ends at the same place, which place must be—
 - (aa) in the local government area in which the person lives, or
 - (bb) within 5 miles of such local government area, and
 - (iii) is either undertaken—
 - (aa) alone,
 - (bb) with members of the person’s household,
 - (cc) in a gathering within the meaning of paragraph 12(1)(a), (b) or (c),
 - (dd) in a gathering within the meaning of paragraph 12(1)(d)(xii) or (xiii),
 - (ee) in a gathering within the meaning of paragraph 13(1)(a), or
 - (ff) in a gathering within the meaning of paragraph 13(1)(b),”.

(a) Sub-paragraph (3) was amended by S.S.I. 2000/347, S.S.I. 2021/1 and S.S.I. 2021/3.
 (b) Head (a) was amended by S.S.I. 2021/1.
 (c) A sub-head (i) was revoked by S.S.I. 2021/1.

(6) In paragraph 18(2) (requirement to stay at home in Level 4 areas: examples of reasonable excuse)—

(a) after head (s) insert—

“(sa) participate in or facilitate organised activity, sport or exercise which is for persons under 18 years of age,”,

(b) in head (t)—

(i) in sub-head (iii)(cc), for “paragraph 12(1)(a) or (c)”**(a)** substitute “paragraph 12(1)(a), (b) or (c)”,

(ii) omit sub-head (iii)(dd),

(iii) in sub-head (iii)(ff), for “paragraph 13(1)(b)(ii)”**(b)** substitute “paragraph 13(1)(b)(i) or (ii)”,

(c) after head (za)**(c)** insert—

“(zb) undertake activities for election purposes,

(zc) observe an election, including observing voting, opening postal votes or counting votes in an election held in accordance with provision made by or under an Act, and where such observation is in accordance with provision made by or under an Act.”.

MICHAEL RUSSELL

A member of the Scottish Government

St Andrew’s House,
Edinburgh

At 11.47 a.m. on 11th March 2021

(a) The reference to paragraph 12(1)(c) was substituted by S.S.I. 2021/17.

(b) The reference to paragraph 13(1)(b) was amended by S.S.I. 2021/17.

(c) Head (za) was inserted by S.S.I. 2021/86.

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”). Regulations 3 and 5(6)(c) come into force on 15 March 2021. Otherwise these Regulations come into force on 12 March 2021.

Regulation 3 amends regulation 2 of the Local Levels Regulations (interpretation) to insert definitions relevant to the amendments made by regulation 5(6)(c).

Regulation 4 amends schedule 4 of the Local Levels Regulations (level 3 restrictions). Paragraph 15 is amended, to make provision so that outdoor exercise or outdoor recreation are examples of a reasonable excuse for entering or leaving a Level 3 area. Some conditions apply for the reasonable excuse to be available, including that the activity starts and ends at the same place, which must be in the local government area in which the person lives, or within 5 miles of that area.

Regulation 5 amends schedule 5 of the Local Levels Regulations (level 4 restrictions).

Regulation 5(2) amends paragraph 11, to increase the number of persons who can gather indoors in a public place.

Regulation 5(3) amends paragraph 12, to increase the number of adults and the number of persons aged 12 to 17 years who can gather outdoors. It increases the number of adults and persons aged 12 to 17 years who can meet outdoors, including for organised exercise and non-contact sport. It also re-introduces provision which enables 12 to 17 year olds to take part in organised activities. Regulation 5(4) amends paragraph 13, to increase the number of adults and persons aged 12 to 17 years who can gather in private dwellings outdoors.

Regulation 5(5) amends paragraph 16, so that it is an example of a reasonable excuse to enter a level 4 area to participate in or facilitate organised activity, sport or exercise which is for persons under 18 years of age. Paragraph 16 is also amended, so that outdoor exercise or outdoor recreation are examples of a reasonable excuse to enter a level 4 area. Similarly to the provision in regulation 4 in regard to level 3, some conditions apply for the reasonable excuse to be available.

Regulation 5(6)(a) and (b) amend paragraph 18, so that it is an example of a reasonable excuse to leave home in a level 4 area, to participate in or facilitate organised activity, sport or exercise which is for persons under 18 years of age. Regulation 5(6)(c) makes provision so that it is an example of a reasonable excuse to leave home in a level 4 area to undertake activities for election purposes or to observe an election.

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