

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 18) Regulations 2021

ISLAND COMMUNITIES IMPACT ASSESSMENT

PURPOSE AND INTENDED EFFECT

Background

This Island Communities Impact Assessment (ICIA) is focused on the policy for amendments to The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (“the Principal Regulations”) by The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 18) Regulations 2021 (“the Regulations”). These amend the current allocation of levels in Na h-Eileanan Siar, moving the area from Level 4 to Level 3 as a result of recent data. The Regulations also permit places of worship to reopen in Level 4 and travel into and out of Level 4 areas if the purpose of that travel is for a person to attend their usual place of worship.

Regulations

The Regulations:

- Amend the Principal Regulations to move the area of Na h-Eileanan Siar to Level 3.
- Permit places of worship to reopen in Level 4 and allow individuals to travel from outside and into Level 4 areas if it is for the purpose of attending their usual place of worship.
- Make a minor technical amendment to make clear that picketing is permitted and that travel from outside and into Level 4 areas for this purpose is permitted.

Objective

Covid-19 virus transmission occurs primarily through close contact between individuals. Evidence continues to indicate that the virus can be transmitted by respiratory droplets and aerosols and direct contact with surfaces contaminated with the virus. Close-range transmission is likely to be the most significant and is strongly associated with proximity and duration of contact in indoor environments. A range of social, business and residential settings have been associated with transmission, which includes crowded indoor settings. Limiting contacts between households, particularly indoors, is one of the main interventions adopted to limit the number of individuals meeting up in order to reduce the risk of transmission. The Levels based approach allows various groups of restrictions to quickly be placed on an area depending on the latest data and prevalence of the virus in that local area.

Moving an area from Level 4 to Level 3 is intended to apply relaxed limits to inter-household contacts and on businesses, which is justified due to the recent reduction in the prevalence of Covid-19 in Na h-Eileanan Siar.

The adjustment to travel rules to and from a Level 4 area for the purpose of attending a person's usual place of worship ensures that any individual living in an area without a place of worship belonging to particular faith group is not restricted in their right to worship as a result of travel rules.

While the Scottish Government is of the view that restrictions on individuals and businesses are currently justified and a proportionate means of helping to achieve the legitimate aim of reducing the public health risks posed by coronavirus, thereby safeguarding the right to life, it is also recognised that these measures are only required to respond to the current set of circumstances, and are only necessary as long as the potential public health benefits can justify any negative impacts caused.

GATHERING DATA AND IDENTIFYING STAKEHOLDERS

Due to the need to put measures in place quickly to mitigate the risk that individual's human rights are disproportionately restricted by the Principal Regulations, no specific consultation with island communities has been undertaken in relation to the Regulations. The Island Communities Impact Assessment prepared for COVID-19 Route Map Phase 3 has been a valuable resource in highlighting not just the current situation in the islands but also potential differences between islands.

ASSESSMENT

Overview

At the end of January 2021, Na h-Eileanan Siar moved from Level 3 to Level 4 due to an increase in prevalence of coronavirus and an increase in infection rates. The Principal Regulations, as amended, therefore apply a number of restrictions on business, gatherings and other activities taking place in Na h-Eileanan Siar. The Regulations will relax these restrictions by moving Na h-Eileanan Siar into Level 3.

At present, Level 3 also applies to Orkney, Shetland and islands within Highland Council (with the exception of Skye) and the following Argyll and Bute 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.

Previous ICIA's have been prepared to accompany previous sets of Regulations which amended the Principal Regulations.

Analysis

The following section will analyse the likely effects of the Regulations on the island communities within Na h-Eileanan Siar.

Places of worship

The Regulations allow individuals to travel from outside and into a Level 4 area to attend their usual place of worship. This is already a permitted reason to travel from outside and into a Level 3 area.

The provisions considered here will have a positive impact on those islands currently in Level 3 and 4 as they ensure that people from all faith and belief groups will be able to attend their usual place of worship, even if that particular faith or belief group does not have a place of worship within a particular local area. As a result, those living on islands which are under Level 3 restrictions will be able to travel from their area into a Level 4 area in order to attend their usual place of worship.

Na h-Eileanan Siar moving to Level 3

The Regulations will move Na h-Eileanan Siar back to Level 3 following the outbreak of Covid-19 in Na h-Eileanan Siar earlier this year. Prevalence and infection rates in Na h-Eileanan Siar have now been contained and case numbers are very low. Moving Na h-Eileanan Siar to Level 3 allows a range of businesses to reopen, including retail and hospitality. Level 3 also provides increased socialising opportunities for people outdoors and inside public places, such as cafés.

The provisions considered here will have a positive impact on those living in Na h-Eileanan Siar as the adverse social and economic impacts felt by the community as a result of the Covid-19 pandemic will be reduced by the relaxation in restrictions which the Regulations effect.

CONCLUSION

The following conclusions have been reached in the production of this ICIA:

- The Regulations take a proportionate approach in relation to Scotland's island communities, supporting a geographically variable approach to restrictions that are tailored to the risks of infection in different areas.
- It is not considered that island communities will be adversely impacted by provisions in the Regulations.