

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS AND REQUIREMENTS) (LOCAL LEVELS) (SCOTLAND) AMENDMENT (NO. 18) REGULATIONS 2021

SSI 2021/166

The above instrument was made in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020. 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 allow places of worship to reopen in Level 4. As a result of this change, the restrictions on leaving your home in Level 4 and entering/leaving a Level 4 area are adjusted to ensure it is possible to leave your home and travel to your usual place of worship. These Regulations also make clear that it is possible to leave home in Level 4, travel into and out of Level 3 and 4 areas and gather for the purpose of picketing. The Regulations set out changes to the level that applies to Na h-Eileanan Siar, moving from Level 4 to Level 3. All other areas remain in the same level. Finally, these Regulation make a minor adjustment to correct some inaccurate cross references included in the most recent amending instrument.

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 2020) to implement physical distancing and impose restrictions on gatherings, events and operation of business activity. From 14 September 2020 they were replaced by the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020. From 9 October 2020 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 2020, 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

Places of worship

2. These Regulations adjust the restrictions on places of worship in Level 4 to allow them to reopen. As vaccination numbers increase and prevalence of coronavirus reduces, it has become necessary to relax some restrictions. Given the importance of the right to freedom of religion, reopening places of worship has been something which we have said we would prioritise after a return to in-person learning in schools.

3. As a result of allowing places of worship to reopen, some adjustments to the reasonable excuses to leave home in Level 4 and to enter or leave a Level 4 area are required. This allows individuals to leave home and travel to their usual place of worship now that

these premises are open. Allowing individuals to travel in to or out of a Level 4 area to attend their usual place of worship ensures that any individual whose faith group does not have a place of worship within that local authority area is not prevented from attending their place of worship due to travel restrictions.

Picketing

4. These Regulations adjust the restrictions on gatherings in Levels 0-4, leaving your home in Level 4 and traveling into and out of Level 3 and 4 areas if it is for the purpose of an organised picket. For the purpose of these regulations, a picket is “organised” if it is carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992 and the organiser of the picket has taken such measures described in the regulations as a relevant, taking into account any relevant guidance issued by the Scottish Ministers. These changes follow feedback that the current regulations were unclear on whether and how picketing was restricted by the regulations. This clarification is intended to give enforcement bodies and the public the clarity needed.

Adjustments to allocation of levels

5. The Regulations amend the current allocation of levels in Na h-Eileanan Siar, moving the area from Level 4 to Level 3. This change is necessary as a result of recent data indicating case numbers have dropped significantly in March with almost no new cases being recorded in recent days. No other changes have been made to the allocation of levels at this time.

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 Island Communities Impact Assessment and an Equality Impact Assessment have been prepared for this instrument. The provisions are also subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government
Directorate for Constitution and Cabinet
24 March 2021