
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (“the Local Levels Regulations”). With the exception of regulations 4, 5, 6 and 14, these Regulations come into force on 16 January 2021. Regulations 4, 5, 6 and 14 come into force on 22 January.

Regulations 3 and 13 make minor corrections.

Regulation 4 amends regulation 5 of the Local Levels Regulations to provide that a person contravening a requirement in paragraph 9A of schedule 4 or paragraph 10A of schedule 5 does not commit an offence.

Regulation 5 amends schedule 4 of the Local Levels Regulations to prevent in a Level 3 area, except in specified circumstances, attendance at a dwelling house for the purpose of serving a charge for removing or executing a decree for removing from heritable property (giving notice of or carrying out eviction order in relation to a residential tenancy of a dwelling house).

Regulation 6 amends schedule 5 of the Local Levels Regulations to prevent in a Level 4 area, except in specified circumstances, attendance at a dwelling house for the purpose of serving a charge for removing or executing a decree for removing from heritable property (giving notice of or carrying out eviction order in relation to a residential tenancy of a dwelling house).

The specified circumstances, for the purposes of regulations 5 and 6, are where possession of the dwelling house is sought on the basis of nuisance, annoyance or conviction for using or allowing the dwelling-house to be used for immoral or illegal purposes, anti-social behaviour, certain convictions or association with a person who has relevant convictions or a person who has engaged in relevant anti-social behaviour.

Regulation 7 amends paragraph 1 of schedule 4 of the Local Level Regulations to exempt premises in Level 3 areas hosting vaccination services, at the request of the Scottish Ministers, local authority or a health board, from the requirement to close under that paragraph. Additionally, it amends paragraph 5 of that schedule to enable premises used by food and drink businesses to host vaccination services, at such request.

Regulation 8 makes provision for certain child contact centres to be required to close in a level 4 area. An exception is created, however, for child contact centres to open for the purposes of a handover of a child to a person they are not or will not be living with, and for their return from a handover to a person with whom the child is or will be living. Child contact centres provided by local authorities will be permitted to remain open.

Regulation 8 amends schedule 5 to enable premises required to close in Level 4 areas, including retail and library premises and premises used by food and drink businesses, to host vaccination services at the request of the Scottish Ministers, local authority or a health board. Additionally, it amends paragraph 1A of that schedule to enable places of worship to host vaccination services at such request.

Regulation 8 amends paragraphs 17 and 18 of schedule 5 of the Local Levels Regulations by widening the existing restriction on a person in a Level 4 area leaving the place in which they are living, without a reasonable excuse as set out in paragraph 18, to prohibit such persons remaining outside that place.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 9 amends schedule 5 of the Local Levels Regulations with the effect that only specified businesses can arrange for goods bought remotely to be collected from their premises, and to further prescribe the conditions that must be met when goods are collected. It also restricts the circumstances in which motor vehicle lots can remain open.

Regulation 10 further amends schedule 5 of the Local Levels Regulations to require that, where a food and drink business provides food or drink for consumption off the premises under paragraph 6(2)(a), the person responsible for the business must ensure that it is provided by means of a delivery to the customer or the customer who collects it does not enter the premises to do so.

Regulation 11 amends paragraph 13(1)(c)(i) of schedule 5 of the Local Levels Regulations to narrow the exception from the prohibition on gatherings in private dwellings for the purpose of work or the provision of voluntary or charitable services. This creates a new restriction to apply to persons from two or more households gathering in a dwelling to do work or provide voluntary or charitable services for the purpose of the upkeep, maintenance or functioning of the dwelling. Such gatherings are to be permitted only where the work or services are essential for the purpose in question.

Regulation 12 inserts a new Part into schedule 5 of the Local Levels Regulations to impose a prohibition on a person consuming alcohol in a public place outdoors in a Level 4 area. For the purposes of this prohibition, there is a presumption that any liquid in a container conforms, or where the container is empty, the liquid did conform, to the description of the liquid on the container. Any person charged with an offence of breaching the prohibition must give notice of an intention to rebut the presumption at trial.

Regulation 14 revokes the Health Protection (Coronavirus) (Protection from Eviction) (Scotland) Regulations 2020 which contained temporary provisions (which have now expired). Regulation 14 also revokes regulation 7 of the Health Protection (Coronavirus) (Restrictions and Requirements) (Miscellaneous Amendments) (Scotland) Regulations 2020 which is now spent.