

*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.*

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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 186**

**PUBLIC HEALTH**

**The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 20) Regulations 2021**

<i>Made</i>	- - - -	<i>15th April 2021</i>
<i>Coming into force</i>	- -	<i>16th April 2021</i>
<i>Laid before the Scottish Parliament</i>		<i>13th May 2021</i>

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. 20) Regulations 2021.

(2) These Regulations come into force on 16 April 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 and 4.

### **Amendment of schedule 4: Level 3 restrictions**

- 3.—(1) Schedule 4 (level 3 restrictions) is amended in accordance with this regulation.
- (2) In paragraph 11(1) (restriction on public gatherings outdoors in a Level 3 area)—
- (a) in head (a), for “two” substitute “six”,
  - (b) omit head (b).
- (3) In paragraph 12(1) (restriction on gatherings in private dwellings in a Level 3 area)—
- (a) in head (a), for “two” substitute “six”,
  - (b) for head (b), substitute—  
“**(b)** takes place outdoors and all the persons in the gathering are under 12 years of age.”.
- (4) In paragraph 15(2)(v)(b) (examples of reasonable excuse)—
- (a) omit sub-head (ii),
  - (b) in sub-head (iii)(cc), omit “,(b)”,
  - (c) omit sub-head (iii)(dd),
  - (d) after sub-head (iii), insert—  
“and,  
(iv) does not involve an overnight stay outwith the area in which the person lives.”.

### **Amendment of schedule 5: Level 4 restrictions**

- 4.—(1) Schedule 5 (level 4 restrictions) is amended in accordance with this regulation.
- (2) In paragraph 12(1) (restrictions on public gatherings outdoors in a Level 4 area)—
- (a) in head (a)(c)—
    - (i) for “4” substitute “6”,
    - (ii) for “two” substitute “6”,
  - (b) omit head (b)(d).
- (3) For heads (a) and (b) of paragraph 13(1)(e) (restrictions on gatherings in private dwellings in a Level 4 area), substitute—
- (a) takes place outdoors and consists of no more than 6 persons from no more than 6 households,
  - (b) takes place outdoors and all the persons in the gathering are under 12 years of age.”.
- (4) In paragraph 16(2)(t)(f) (examples of reasonable excuse)—
- (a) omit sub-head (ii),
  - (b) in sub-head (iii)(cc), omit “,(b)”,

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(a) S.S.I. 2020/344, last amended by S.S.I. 2021/180.

(b) Paragraph 15 was inserted by S.S.I. 2020/389 and head (v) was substituted by S.S.I. 2021/136.

(c) Paragraph 12(1)(a) was substituted by S.S.I. 2021/136.

(d) Paragraph 12(1)(b) was inserted by S.S.I. 2021/136.

(e) Paragraph 13(1) was amended by S.S.I. 2021/136.

(f) Paragraph 16(1)(t) was substituted by S.S.I. 2021/136.

- (c) omit sub-head (iii)(dd),
- (d) after sub-head (iii), insert—
  - “and,
  - (iv) does not involve an overnight stay outwith the area in which the person lives”.

St Andrew's House,  
Edinburgh  
15th April 2021

*MICHAEL RUSSELL*  
A member of the Scottish Government

## 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”). The Regulations come into force on 16 April 2021.

Regulation 3 amends schedule 4 of the Local Levels Regulations (level 3 restrictions).

Regulation 3(2) amends paragraph 11, to increase the number of adults who can gather outdoors in a public place.

Regulation 3(3) amends paragraph 12, to increase the number of adults who can gather in private dwellings outdoors.

Regulation 3(4) relates to outdoor exercise or outdoor recreation as examples of a reasonable excuse for entering or leaving a Level 3 area. Paragraph 15 is amended so that the condition that outdoor exercise or recreation must start and end at the same place, which must be in the local government area in which the person lives, or within 5 miles of that area, no longer applies in order for the reasonable excuse to be available. The outdoor exercise or recreation cannot involve an overnight stay outwith the area in which the person lives. Paragraph 15 is further amended so that the reasonable excuse of entering or leaving a Level 3 area for the purposes of outdoor organised sport or an organised activity is not available unless the organised sport or activity is for persons under the age of 18.

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

Regulation 4(2) amends paragraph 12, to increase the number of adults who can gather outdoors in a public place.

Regulation 4(3) amends paragraph 13, to increase the number of adults who can gather in a private dwelling outdoors.

Regulation 4(4) relates to outdoor exercise or outdoor recreation as examples of a reasonable excuse for entering or leaving a Level 4 area. Paragraph 16 is amended so that the condition that outdoor exercise or recreation must start and end at the same place, which must be in the local government area in which the person lives, or within 5 miles of that area no longer, applies in order for the reasonable excuse to be available. The outdoor exercise or recreation cannot involve an overnight stay outwith the area in which the person lives. Paragraph 16 is further amended so that the reasonable excuse of entering or leaving a Level 4 area for the purposes of outdoor organised sport is not available unless the organised sport is for persons under the age of 18.

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