

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS AND REQUIREMENTS) (LOCAL LEVELS) (SCOTLAND) AMENDMENT (NO. 20) REGULATIONS 2021

SSI 2021/186

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 adjust the limit on outdoor gatherings, both in public places and private gardens. The limit is being relaxed from a maximum of 4 people from 2 households to a maximum of 6 people from 6 households, those under 12 continue to be excluded from these limits. These Regulations also provide that a person who lives in a Level 3 or 4 area may leave that area and enter another Level 3 or 4 area of Scotland in order to undertake outdoor recreation or informal exercise.

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

Outdoor social gatherings

2. These Regulations adjust the limit on outdoor gatherings, both in public places and private gardens to allow groups of 6 people from 6 households to meet socially outdoors, those under 12 continue to be excluded from the limits. This amendment is supported by the latest coronavirus data. As a result of prevalence lowering, it is no longer necessary to limit social contact to groups of 4 people from 2 households. Removing this requirement will provide individuals with much needed social benefits as social gatherings of larger numbers are now possible in outdoor settings.

Travel for outdoor exercise and recreation

3. These Regulations adjust the restrictions on travelling into and out of Level 3 and 4 areas so that this is permitted if it is for the purpose of outdoor exercise or recreation, which

can include socialising, in line with the rules described in the previous paragraph. Overnight stays outwith the Level 3 or 4 area in which a person lives are not permitted for this purpose.

4. This replaces a previous rule that allowed travel for outdoor exercise and recreation only at a place up to 5 miles beyond the boundary of the local authority area in which a person lives. It will allow travel across Scotland for small-group outdoor, informal exercise subject to the social gathering limit described above. It will not permit travel across the country for adult organised sport or activities due to the increased transmission risk between people and between areas of higher and lower prevalence if adults are able to meet in larger groups for such sport and activity. A separate provision in the regulations will continue to permit travel for organised outdoor sport, exercise and activity for those under the age of 18.

5. Now travel is not restricted for outdoor exercise and recreation, individuals are able to travel greater distances to meet others outdoors settings or to undertake exercise. Travel into and out of Scotland is still restricted on the same basis as previously. This adjustment will allow friends and family, who have been unable to meet socially for an extended period of time, to travel to meet on an outdoor basis. This will assist in addressing loneliness and isolation for any individuals who live in different local areas from their family and friends and may have been unable to benefit from the previous gathering rules as a result.

Consultation

6. There has been no public consultation in relation to this instrument. The Scottish Government has informally consulted with relevant public sector bodies.

Impact Assessments

7. Impact Assessments relating to those under 18 travelling for organised sport and activity were published [previously](#). A full refresh of Impact Assessments covering all restrictions within the principal regulations will be published in the coming weeks and will outline the impact of these policies as part of those publications. The provisions are also subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government
Directorate for Constitution and Cabinet
15 April 2021