
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 principal Regulations”).

Regulation 3 makes various amendments to schedule 1 of the principal Regulations (Level 0 restrictions). Regulation 3(a) inserts new provision for restrictions to the opening and operating hours of food and drink businesses and casinos in a Level 0 area.

Paragraph 3 of schedule 1 of the principal Regulations requires a person responsible for a place of worship, carrying on a business or providing a service in a Level 0 area to take measures to ensure, so far as reasonably practicable, that the required distance is maintained between any persons on its premises, or waiting to enter its premises, except between persons mentioned in paragraph 3(2) of schedule 1.

Regulation 3(b)(i) amends paragraph 3(2) of schedule 1, to insert a further category of persons who are so mentioned - a gathering of persons outdoors consisting of no more than 15 persons from no more than 15 households. Regulation 3(b)(ii) substitutes a new “required distance” for physical distancing in paragraph 3(3) of schedule 1, which is at least one metre. Regulation 3(b)(iii) omits redundant provision.

Regulation 3(c) and (d) amends paragraphs 6 (restrictions on public gatherings indoors in a Level 0 area) and 8 (restrictions on gatherings in private dwellings in a Level 0 area) of schedule 1 of the principal Regulations. This makes provision so children under 12 years of age are not included when counting the number of households or persons who participate in a public gathering indoors in a Level 0 area, or who attend an indoors gathering in a private dwelling.

Regulation 4(a) and (b) amend paragraphs 3 (restricted opening hours for food and drink businesses in a Level 1 area) and 3A (restricted opening hours for casinos in a Level 1 area) of schedule 2 of the principal Regulations. This removes provision which extended the opening hours for food and drink businesses and casinos in a Level 1 area during UEFA European Championship matches. Regulation 4(c) amends the meaning of “required distance” in paragraph 4 of that schedule (requirement to take measures to minimise risk of exposure to coronavirus in a Level 1 area) to remove provisions relating to specified sporting events, and associated definitions.

Regulation 5 makes equivalent amendments in respect of Level 2 restrictions to those made by regulation 4 in respect of Level 1 restrictions. This amends paragraphs 5 (restricted opening hours for food and drink businesses in a Level 2 area), 5A (restricted opening hours for casinos in a Level 2 area) and 8 (requirement to take measures to minimise risk of exposure to coronavirus in a Level 2 area) of schedule 3 of the principal Regulations.

Regulation 6 substitutes a new table referred to in regulation 3(6)(a) of the principal Regulations. This provides that the whole of Scotland is in Level 0. Paragraph 1(2) of the new schedule 6 defines “Scotland” for this purpose as including so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Scotland, and Scottish airspace.