

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS AND REQUIREMENTS) (LOCAL LEVELS) (SCOTLAND) AMENDMENT (NO. 32) REGULATIONS 2021

SSI 2021/263

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 provide that physical distancing is reduced to 1 metre indoors and outdoors and to remove the requirement for physical distancing requirements between people within a social group outdoors. These regulations also provide that children under the age of 12 years do not count for the purpose of calculating the number of households permitted for gatherings indoors. The regulations also restrict hospitality trading times to between 04:00 and 00:00.

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

Change of Levels Allocation

2. These Regulations provide that all of Scotland is in Level 0 for the purpose of the principal regulations and accordingly the restrictions and requirements applicable at Level 0 and set out in schedule 1 to the principal regulations apply in all areas of Scotland.

Reduction of Physical Distancing in Level 0

3. These Regulations amend schedule 1 to adjust the physical distancing requirements to 1 metre indoors and outdoors. The Regulations also remove the requirement for physical distancing between people in a gathering of up to 15 people outdoors.

4. These amendments are being made to reduce the impact of physical distancing.

Children counting towards household numbers in Level 0

5. These Regulations amend schedule 1 to provide that children under the age of 12 years do not count for the purpose of calculating the number of households permitted for gatherings indoors. This is to reduce the impact on children of the restrictions and requirements in the principal regulations.

Hospitality and Casino Trading Hours in Level 0

6. These Regulations provide that hospitality opening hours in Level 0 are restricted to between 04:00 and 00:00 and similarly for casinos. This reflects the level of risk in these environments, particularly later at night when people may be less likely to follow rules. A midnight closing time represents progress from level 1 and 2 but it will help mitigate some of the risk.

Consultation

7. There has been no public consultation in relation to this instrument.

Impact Assessments

8. Impact assessments will be prepared as appropriate.

Scottish Government
Directorate for Covid Coordination
15 July 2021