

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS AND REQUIREMENTS) (LOCAL LEVELS) (SCOTLAND) AMENDMENT (NO. 14) REGULATIONS 2021

SSI 2021/35

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 prohibit mortgage repossessions from taking place in Level 3 or 4 areas.

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) to implement physical distancing and impose restrictions on gatherings, events and operation of business activity. From 14 September they were replaced by the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020. From 9 October 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, 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

Mortgage repossession evictions

2. The emergence of a new variant of the virus has significantly altered the public health landscape and led to the First Minister’s announcement that from Tuesday 5 January, mainland Scotland would move to a temporary lockdown, with new guidance to stay at home except for essential purposes.

3. The continued rise in cases caused by the new variant of the virus means that we must continue to take unprecedented action to ensure everyone is protected from the health, social and economic harms of the virus by being able to remain in their homes during this time.

4. Therefore, this change will ensure mortgage repossessions cannot be executed within an area under level 3 or 4 restrictions. These provisions will provide home owners with similar protection as those in the rented housing sector. The key purpose in stopping mortgage repossessions at this time is to prevent households becoming at risk of homelessness and being forced to enter (possibly multiple) other households at a time when that is prohibited.

Consultation

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

Impact Assessments

6. An Equality Impact Assessment, an Island Communities Impact Assessment and a Business and Regulatory Impact Assessment have been prepared for this instrument. Other Impact Assessments have not been prepared for this instrument. The provisions are however subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government

Directorate for Constitution and Cabinet

22 January 2021