

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (REQUIREMENTS) (SCOTLAND) AMENDMENT (NO. 8) REGULATIONS 2021

SSI 2021/498

The above instrument was made in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020 (“the Act”). The instrument is subject to made affirmative procedure by virtue of paragraph 6(2) and (3) of schedule 19 of the Act.

These Regulations amend the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 to allow nightclubs to adjust their operations so as to not operate as a nightclub for the purposed of remaining open in line with these regulations, without being in breach of any licensing arrangements.

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 Local Levels Regulations”) came into force and revoked the previous regulations. On 9 August 2021 the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 came into force and revoked the Local Levels Regulations. These Regulations amend the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021.

Policy Objectives

2. The Omicron variant of the SARS-CoV-2 virus first identified in South Africa and designated a Variant of Concern by the WHO on 26th November continues to transmit rapidly within Scotland with strong evidence that community transmission is widespread. This variant is significantly more transmissible, it has therefore been necessary to put in place further protective measures to reduce the rates of transmission. That includes the Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No.7) Regulations 2021 which required nightclubs, dicotheques and dance halls to close subject to certain exemptions. These further Regulations will ensure that nightclubs which choose to remain open with table service and physical distancing in place will not be in breach of licensing arrangements.

3. There is an immediate need for these measures to help stem the increase in cases, safeguard and protect the NHS, emergency services and the economy whilst we complete the booster programme and get its full effect.

Consultation

4. We have continued to consult with stakeholders on the impacts of the pandemic as we seek to balance the 4 harms in relation to this instrument.

Impact Assessments

5. Appropriate impact assessments will be prepared for these regulations.

Scottish Government
Directorate for Covid Coordination
24 December 2021