

POLICY NOTE

The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 2) Regulations 2020

SSI 2020/126

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(3) of schedule 19 of the Act.

This instrument makes provision for the purpose of enabling further emergency public health measures to be taken to reduce the public health risks posed by the spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Scotland which causes the disease Covid-19.

Policy Objectives

1. It is critical for the Scottish Government to take all reasonable and possible steps to prevent the community transmission of Covid-19. In January, severe acute respiratory coronavirus 2 (SARS-CoV-2) was declared by World Health Organisation a Public Health Emergency of International Concern. These measures are deemed necessary to increase compliance with existing public health guidance and limit the further spread of the disease.
2. The UK Coronavirus Act 2020 received Royal Assent on 25 March 2020. The Scottish Government immediately used powers conferred by that Act to bring forward the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (“the Principal Regulations”), to ensure that action to implement social distancing and impose restrictions on gatherings, events and operation of business activity could be enforced. The Principal Regulations came into force on Thursday 26 March.
3. The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 2) Regulations 2020 (“the Regulations”) amend the Principal Regulations, as described below, to further ensure that social distancing can be properly enforced.
4. The Regulations impose the two metre rule on all businesses so that they must take reasonable steps to ensure their employees are able to maintain that distance from each other. Businesses must also ensure that they admit people into their premises in sufficiently small numbers to maintain a two metre distance and take steps to ensure that distance can also be maintained by people (e.g. customers) waiting to enter their premises. This strengthens the position already set out in guidance, by giving local authorities and the police powers to enforce this rule. So where a business is unreasonably not following social distancing rules they can be fined or, ultimately, prosecuted.
5. The Regulations enable holiday accommodation services (e.g. hotels) and related online services to take online bookings and provide information for future dates when these services are no longer restricted to the provision of services permitted by the Principal Regulations.

6. The Regulations make a technical change to the provision on the closure of crematoriums to members of the public. It clarifies that, whilst crematoriums are closed to the public (except for funerals), burial grounds remain open to the public.

7. Livestock markets are a vital part of Scotland's food supply chain. The Regulations provide an explicit reference to livestock markets as businesses that may remain open.

8. The Regulations extend the list of money services businesses that can stay open during the emergency period – this would include businesses such as currency exchange services and savings clubs.

Consultation

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

Impact Assessments

10. An Equality Impact Assessment has been completed and is attached. Other Impact Assessments have not been prepared for this instrument because of the need to make and lay the instrument urgently to encourage self-isolation and minimise the risks to public health arising from Covid-19. The provisions of the Regulations are however subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government
Directorate for Constitution and Cabinet

April 2020