

## POLICY NOTE

### THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS AND REQUIREMENTS) (LOCAL LEVELS) (SCOTLAND) AMENDMENT (NO. 5) REGULATIONS 2020

SSI 2020/400

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.

These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 to allow students to return home at the end of term 1 of academic year 2020-21. The Regulations permit an “end of term household” to be formed and also allow travel across different areas if the purpose is to facilitate the formation of an end of term household.

#### 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

##### *Students returning home at end of term*

2. The Regulations permit students to travel home from their term-time address and join one other household at the end of term and for the duration of the winter holiday period. This is permitted across all levels in the strategic framework. In order to account for the different circumstances of students, the Regulations allow this to be one household of a student’s choosing, as opposed specifying this be the household they resided in prior to moving to their term-time address or a family home. Students need to select one household to move to at the end of term and cannot switch between households, except where this is already covered by an existing exemption.

3. The Regulations also provide an exemption to the travel restrictions for all college and university students travelling to or from any local authority areas in Scotland at the end of term, including those travelling to or from elsewhere in the UK. Quarantine requirements will continue to apply to people travelling to Scotland from outside the Common Travel Area, unless an exemption applies, in line with existing guidance and legislation on

international travel. Others can travel in order to facilitate the formation of an end of term household, this could involve collecting students from their term-time accommodation or similar activity, if that is required.

### **Consultation**

4. There has been no public consultation in relation to this instrument. The Scottish Government has informally consulted with the industry bodies affected.

### **Impact Assessments**

5. An Equality Impact Assessment is due to be published shortly. 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  
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