

## POLICY NOTE

### THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS AND REQUIREMENTS) (LOCAL LEVELS) (SCOTLAND) AMENDMENT (NO. 7) REGULATIONS 2020

SSI 2020/427

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 set out changes to the levels that apply to 16 local government areas of Scotland. Most of these changes will come into effect at 6pm on 11 December, with the exception of retail, close contact services and betting shops currently in Level 4 areas which will be able to open from 6am on that day. These Regulations also allow for in-home socialisation in Level 1 islands, which are not connected to the mainland by a road bridge. These Regulations adjust the restrictions on travel to ensure people can travel to Republic of Ireland, with the exception of County Donegal, but are not permitted to travel to Jersey. Finally, there are adjustments to the reasonable excuses for travelling to certain areas over the Christmas period to cover the Republic of Ireland and Jersey.

#### 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

##### *Adjustments to allocation of levels*

2. The Regulations amend the current allocation of levels to 16 areas of Scotland. The following 11 local government areas are moved from Level 4 to Level 3 as a result of recent data.

- East Ayrshire
- South Ayrshire
- Stirling
- East Renfrewshire

- Renfrewshire
- West Dunbartonshire
- East Dunbartonshire
- Glasgow City
- South Lanarkshire
- North Lanarkshire
- West Lothian

3. The Regulations also amend the current allocations of levels as follows:

- Falkirk, Angus and Inverclyde local government areas move from Level 3 to Level 2.
- Scottish Borders and Dumfries and Galloway local government areas move from Level 2 to Level 1.

4. Most of the levels changes will come into effect at 6pm on Friday 11 December, with the exception of non-essential retail, close contact services and betting shops, which will be allowed to open in level 4 areas from 6am that day.

5. These changes are also being taken as a result of the the most recent data. No other changes have been made to the allocation of levels at this time. Supporting data was published on 8 December 2020 - <https://www.gov.scot/publications/coronavirus-covid-19-allocation-of-levels-to-local-authorities-8-december-2020/>.

#### *In-home socialising - Islands*

6. The principal regulations, as amended, already allow social gatherings to take place in private dwellings for those living on certain Scottish islands (Orkney, Shetland and Comhairle nan Eilean Siar) and these amending Regulations extend that further to Islands that are in a Level 1 area and have no road links to the mainland. Existing limits on the number of people and households attending social gatherings still apply. This takes account of data which shows many of the Scottish islands have had no or very few coronavirus cases in recent weeks. These islands do not have direct mainland access and lower visitation, and will face the same social isolation issues as the Island Authorities where in-home socialising is currently permitted.

#### *Changes to travel restrictions - Republic of Ireland and Jersey*

7. The Regulations modify the principal regulations to adjust the places in which restrictions on travel apply. The Regulations remove the reference to the Republic of Ireland and replace it with County Donegal in the Republic of Ireland and add Jersey. This change takes account of the change in case data. In Jersey a significant increase has been seen, and in the Republic of Ireland there has been significant decreases in the areas outwith County Donegal.

8. The Regulations make provision for travel to and from the Republic of Ireland and Jersey over the festive period. The duration of the festive period is specified in the principal regulations, as amended.

## **Consultation**

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

## **Impact Assessments**

10. An Island Communities Impact Assessment has been prepared for this instrument. Other Impact Assessments have not been prepared for this instrument. Impact Assessments have been prepared previously to assess the impact of the restrictions within levels, these are published alongside the relevant Regulations. The provisions are however subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government  
Directorate for Constitution and Cabinet  
*December 2020*