

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS AND REQUIREMENTS) (LOCAL LEVELS) (SCOTLAND) AMENDMENT (NO. 25) REGULATIONS 2021

SSI 2021/224

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 make an adjustment in relation to requirement to wear a face covering in certain settings. The Regulations also permit indoor organised activity in Level 2 for all ages.

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 principal regulations”) came into force and revoked the previous regulations.

Policy Objectives

Wearing of face coverings during close contact services

3. These Regulations make adjustments to the requirement to wear a face covering. The Regulations now allow the temporary removal of face coverings by a person receiving treatments around the mouth and nose. The individual providing the treatment must take appropriate mitigation measures to minimise exposure to coronavirus. Guidance will recommend that Type II or Fluid Resistant Surgical Mask plus face shield/goggles should be in place for the individual providing the treatment as a mitigating measure. Face coverings must not be removed for other close contact treatments, unless another relevant exception applies.

Adult organised indoor activity

4. These Regulations permit indoor organised activity in Level 2 areas. This was previously limited to under 18s or for sport and exercise only in Level 2. This adjustment allows non-sporting organised activity to take place in Level 2 areas for individuals of all

ages. The changes recognise the social and wellbeing benefit that can be felt from attending such clubs and groups.

Consultation

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

Impact Assessments

6. An Equality Impact Assessment, a Business Impact Assessment and an Island Communities Impact Assessment have been prepared for this instrument. The provisions are also subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government
Directorate for Constitution and Cabinet
27 May 2021