

2021 No. 3

PUBLIC HEALTH

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021

Approved by the Scottish Parliament

Made - - - - at 12.25 p.m. on 6th January 2021

Laid before the Scottish Parliament at 3.00 p.m. on 6th January 2021

Coming into force - - - - 8th January 2021

The Scottish Ministers make the following Regulations in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020^(a) (“the Act”) and all other powers enabling them to do so.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of coronavirus in Scotland.

The Scottish Ministers consider that the restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with paragraph 6(2) and (3) of schedule 19 of the Act, the Scottish Ministers are of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft having been laid before, and approved by, a resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021 and come into force on 8 January 2021.

Amendment of the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020

2. The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020^(b) are amended in accordance with regulations 3 to 5.

^(a) 2020 c.7.

^(b) S.S.I. 2020/344, amended by S.S.I. 2020/347, S.S.I. 2020/374, S.S.I. 2020/389, S.S.I. 2020/392, S.S.I. 2020/400, S.S.I. 2020/415, S.S.I. 2020/427, S.S.I. 2020/439, S.S.I. 2020/452, S.S.I. 2020/471 and S.S.I. 2021/1.

Amendment to Level 3: reduced distance premises

3. In schedule 4 (level 3 restrictions), in paragraph 7(4)(c) for “including” substitute “excluding”.

Amendment to Level 4: restrictions

4. In schedule 5 (level 4 restrictions)—

- (a) in paragraph 1 (requirement to close certain premises in a level 4 area to members of the public)—
 - (i) in sub-paragraph (2)—
 - (aa) in head (sd) after “premises” insert “or an area within a premises”,
 - (bb) after head (sd) insert—
 - “(se) an independent clinic which is registered with Healthcare Improvement Scotland under section 10P of the 1978 Act(a),
 - (sf) an independent medical agency which is registered with Healthcare Improvement Scotland under section 10P of the 1978 Act,
 - (sg) an independent hospital which is registered with Healthcare Improvement Scotland under section 10P of the 1978 Act”, and
 - (cc) after head (t) insert—
 - “(ta) a snow sports centre.”,
 - (ii) in sub-paragraph (3) after head (d) insert—
 - “(da) premises of a listed business in sub-paragraph (2)(se), (sf) or (sg) for the purposes of providing medical or surgical assistance.”, and
 - (iii) after sub-paragraph (6) insert—
 - “(7) In this paragraph—
 - “the 1978 Act” means the National Health Service (Scotland) Act 1978,
 - “medical or surgical assistance” does not include a cosmetic or aesthetic procedure (such as the injection or implantation into or under the skin of a substance for cosmetic purposes, or electrolysis).”,
 - (b) after paragraph 1 insert—

“Requirement to close places of worship in a level 4 area to members of the public

1A.—(1) A person who is responsible for a place of worship must close that place of worship, except for a use permitted in paragraph (2).

(2) A place of worship may be used—

- (a) for a funeral,
- (b) for a commemorative event for a person who has died but is not a wake or a funeral tea,
- (c) to broadcast an act of worship, whether over the internet or as part of a radio or television broadcast,
- (d) for a marriage ceremony or civil partnership registration which—
 - (i) consists of no more than 5 persons, or
 - (ii) where an interpreter is required to attend, consists of no more than 6 persons, or

(a) 1978 c.29, section 10P was added by section 108 of the Public Services Reform (Scotland) Act 2010 (asp 8).

- (e) to provide essential voluntary services or urgent public support services (including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions, vaccination centres or support in an emergency), provided that, in each case, the premises are used in accordance with the requirements of paragraph 8.
- (3) Sub-paragraph (1) does not prevent the use of premises, while those remain closed to members of the public, to take preparatory steps in pursuance of a requirement in paragraph 8.”,
- (c) in paragraph 7 (exceptions to food and drink business closures for certain services) omit sub-paragraph (2)(b),
 - (d) in paragraph 8(4)(c) (requirement to take measures to minimise risk of exposure to coronavirus in a level 4 area) for “including” substitute “excluding”,
 - (e) in paragraph 11 (restriction on public gatherings indoors in level 4 area)—
 - (i) omit sub-paragraph (1)(b)(iii),
 - (ii) in sub-paragraph (1)(c), for “relates to” substitute “is”,
 - (iii) for sub-paragraph (1)(ca) substitute—
 - “(ca) is a marriage ceremony or civil partnership registration and—
 - (i) consists of no more than 5 persons, or
 - (ii) where an interpreter is required to attend, consists of no more than 6 persons.”, and
 - (iv) after sub-paragraph (1)(ca) insert—
 - “(cb) is a commemorative event for a person who has died but is not a wake or a funeral tea.”,
 - (f) in paragraph 12 (restriction on public gatherings outdoors in a level 4 area)—
 - (i) omit sub-paragraph (1)(d)(iii),
 - (ii) in sub-paragraph (1)(e), for “relates to” substitute “is”,
 - (iii) for sub-paragraph (1)(ea) substitute—
 - “(ea) is a marriage ceremony or civil partnership registration and—
 - (i) consists of no more than 5 persons, or
 - (ii) where an interpreter is required to attend, consists of no more than 6 persons.”
 - (iv) after sub-paragraph (1)(ea) insert—
 - “(eb) is a commemorative event for a person who has died but is not a wake or funeral tea.”, and
 - (v) in sub-paragraph (3) insert “(1)(d)” before “(xiii)”,
 - (g) in paragraph 13 (restriction on gatherings in private dwellings in a level 4 area)—
 - (i) in sub-paragraph (1)(d), omit “marriage ceremony or civil partnership registration, or,” and
 - (ii) after sub-paragraph (1)(d), insert—
 - “(da) is a marriage ceremony or civil partnership registration and—
 - (i) consists of no more than 5 persons, or
 - (ii) where an interpreter is required to attend, consists of no more than 6 persons, or”,
 - (h) in paragraph 16(1) (examples of reasonable excuse), for “regulation 15” substitute “paragraph 15”,

- (i) in paragraph 18 (requirement to stay at home in level 4 areas: examples of reasonable excuse)(a)—
 - (i) in sub-paragraph (1), for “regulation 17” substitute “paragraph 17”,
 - (ii) for sub-paragraph (2)(v) substitute—
 - “(v) attend a marriage ceremony or registration of a civil partnership, where the person is, in relation to that marriage ceremony or civil partnership registration—
 - (i) a party,
 - (ii) a witness,
 - (iii) the approved celebrant or authorised registrar within the meaning of section 8(2) of the Marriage (Scotland) Act 1977(b),
 - (iv) the approved celebrant within the meaning of section 94A(4)(a) of the Civil Partnership Act 2004(c),
 - (v) the authorised registrar within the meaning of section 87(d) of the Civil Partnership Act 2004, or
 - (vi) a required interpreter,” and
 - (iii) in sub-paragraph (2)(w) after “funeral”, insert “or commemorative event for a person who has died (other than a wake or a funeral tea)”.

Amendment to restrictions on leaving or entering Scotland: examples of reasonable excuse

5. In schedule 7A (restrictions on leaving or entering Scotland: common travel area) in paragraph 3 (examples of reasonable excuse)—

- (a) for sub-paragraph (2)(x) substitute—
 - “(x) attend a marriage ceremony or registration of a civil partnership, where the person is, in relation to that marriage ceremony or civil partnership registration—
 - (i) a party,
 - (ii) a witness,
 - (iii) the religious or belief celebrant who is to solemnise the marriage or register the civil partnership, or
 - (iv) a required interpreter,”
- (b) in sub-paragraph (2)(y), for “relates to a funeral” substitute “is a funeral or commemorative event for a person who has died (other than a wake or a funeral tea)”.

JOHN SWINNEY
A member of the Scottish Government

St Andrew’s House,
Edinburgh
At 12.25 p.m. on 6th January 2021

(a) Paragraph 18 was inserted by S.S.I. 2021/1.
 (b) 1977 c.15. Section 8(2) was relevantly amended by section 12(2)(c) of the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5) (“the 2014 Act”).
 (c) 2004 c.33. Section 94A was inserted by section 24(13) of the 2014 Act.
 (d) Section 87 was amended by section 24(4) of the 2014 Act.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) (No 11) Regulations 2020 (“the Local Levels Regulations”). These Regulations come into force on 8 January 2021.

Regulation 3 amends schedule 4 and regulation 4(d) amends schedule 5 of the Local Levels Regulations to exclude workplace canteens from the definition of cafes which are treated as reduced distance premises.

Regulation 4 amends schedule 5 of the Local Levels Regulations to require the closure of showroom areas within larger premises and snow sports centres in Level 4 areas. Regulation 4 also requires the closure of independent clinics, independent hospitals and independent medical agencies, in relation to the provision of cosmetic procedures, but not for other provision of medical or surgical assistance.

Regulation 4 also inserts new paragraph 1A into schedule 5 of the Local Levels Regulations to require the closure of places of worship in level 4 areas for all uses except for those explicitly listed within the regulations. These are for a funeral; a commemorative event for a person who has died (other than a wake or a funeral tea); to broadcast an act of worship (whether over the internet or as part of a radio or television broadcast); for a marriage ceremony or civil partnership registration which consists of no more than 5 persons or where an interpreter is required, 6 persons; or to provide essential voluntary services or urgent public support services (including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions, vaccination centres or support in an emergency). It is necessary, however, if a place of worship is to be used for any of these circumstances, that in each case the premises are used in accordance with paragraph 8 of schedule 5 to the Local Levels Regulations (which provides the requirements to take measures to minimise risk of exposure to coronavirus in a Level 4 area). Regulation 4 also details that the provision for closure of places of worship does not prevent the use of the premises in order to take preparatory steps for the purposes of the requirements under paragraph 8 of schedule 5.

Regulation 4 further amends schedule 5 of the Local Levels Regulations to reflect the above restrictions imposed upon attending places of worship. It also modifies the lists of circumstances for which there may be a public gathering indoors or outdoors in a level 4 area, to include funerals, commemorative events for a person who has died (but not to include a wake or funeral tea), and marriage ceremonies or civil partnership registrations which consist of no more than 5 persons or, where an interpreter is required, 6 persons.

Regulation 4(f)(v), (h) and (i)(i) makes minor corrections.

Regulation 4 amends the list in paragraph 18 of schedule 5 of the Local Levels Regulations of examples of reasonable excuse for a person leaving the place where they are living. The changes are to update when this can be to attend a marriage ceremony or registration of a civil partnership. Attendance at a commemorative event for a person who has died (other than a wake or a funeral tea) is also added to the list of examples.

Regulation 5 amends schedule 7A of the Local Levels Regulations to update the examples of a reasonable excuse for entering or leaving Scotland. The changes are to update when this can be to attend a marriage ceremony or registration of a civil partnership, as well as to add the example of attendance at a commemorative event for a person who has died (other than a wake or a funeral tea).

An Equality Impact Assessment, a Business Regulatory Impact Assessment and an Island Communities Impact Assessment have been prepared. Copies may be obtained online at www.legislation.gov.uk.

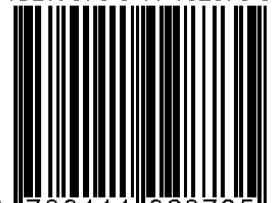
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