

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (DIRECTIONS BY LOCAL AUTHORITIES) (SCOTLAND) AMENDMENT REGULATIONS 2022

SSI 2022/XXX

The above instrument is made in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020. The instrument is subject to the affirmative procedure by virtue of paragraph 6(1) of schedule 19 of the Act.

These Regulations amend the date on which The Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020 (“the Directions Regulations”) expire from 25 March 2022 to 24 September 2022.
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Legislative background

1. The UK Coronavirus Act 2020 (“the Act”) received Royal Assent on 25 March 2020. The Directions Regulations make provision for local authority enforcement powers in respect of businesses, premises, events and access to public outdoor places. The Directions Regulations came into force on 28 August 2020 and were due to expire on 31 January 2021. The Directions Regulations were extended to 31 March 2021 by the Health Protection (Coronavirus) (Restrictions and Requirements) (Miscellaneous Amendment) (Scotland) Regulations 2021 and were subsequently extended to 30 September 2021 by the Health Protection (Coronavirus) (Restrictions and Requirements) (Miscellaneous Amendments) (Scotland) (No.2) Regulations 2021 and were further extended to 25 March 2022 by the Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Amendment Regulations 2021. The Directions Regulations will automatically expire on 25 March 2022 if action is not taken.

2. The power to make these Regulations and the Directions Regulations conferred by paragraph 1(1) of schedule 19 of the Act is due to expire on 24 March 2022. The Coronavirus Act 2020 (Alteration of Expiry Date) (Scotland) Regulations 2022 (S.S.I. 2022/40) extend the expiry date of certain provisions of the Act, including schedule 19, to 24 September 2022. Those Regulations were made and laid on 3 February 2022 under the made affirmative procedure and come into force on 24 March 2022.

Policy Objectives

Extension of regulations

3. The Directions Regulations are in place to support local outbreak management and responding to cases in the community, ensuring that local authorities have powers to take direct measures where necessary and proportionate in relation to premises, events, and public outdoor spaces. At this stage of the pandemic, local action to control or close the premises or businesses at the centre of an outbreak will, in many cases, be the most efficient and proportionate response and could avoid more wide-ranging measures. The proposed extension of the Directions Regulations ensures that powers to support this are able to remain

in place beyond 25 March 2022, with an expiry date of 24 September 2022. This is in line with the extended expiry date of the power to make regulations in paragraph 1(1) of schedule 19 of the Act.

4. The Directions Regulations are required to be reviewed at least every 42 days, under regulation 15(2). Extending the expiry date to 24 September 2022 will ensure that these powers remain in place beyond 25 March 2022 if required and support the process of review as we move into the next phase of the pandemic response.

Consultation

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

Impact Assessments

6. Impact Assessments are considered to be not required for these regulations.

Scottish Government
Directorate for Covid Coordination
9 February 2022