

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS AND REQUIREMENTS) (ADDITIONAL TEMPORARY MEASURES) (SCOTLAND) AMENDMENT REGULATIONS 2020

SSI 2020/325

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.

The regulations adjust the current temporary restrictions in the the Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Measures) (Scotland) Regulations 2020 (“the temporary regulations”), both outside the central belt and inside the central belt. These regulations adjust the requirement to wear a face covering to exempt a couple from wearing a face covering during their marriage or civil partnership ceremony. These regulations also require face coverings to be worn, unless an exemption applies, in workplace canteens and when in communal areas of workplaces indoors.

Legislative background

1. The UK Coronavirus Act 2020 received Royal Assent on 25 March 2020. The Scottish Government immediately used powers conferred by that Act to bring forward the regulations, to implement physical distancing and impose restrictions on gatherings, events and operation of business activity. Those regulations came into force on Thursday 26 March and were revoked and replaced by the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 (“the Regulations”), which came into force on Monday 14 September. The temporary regulations suspend the Regulations for a 16 day period, and make tighter additional measures during that period.

Policy Objectives

2. As we are beginning to see an increase in transmission across Scotland, additional mitigating measures are being introduced in order to prevent the spread of the virus. An evidence paper was published on 7 October to sum up evidence on infection trends, confirmed cases, hospital admissions and deaths, and how these vary across Scotland. This paper is available at <https://www.gov.scot/publications/coronavirus-covid-19-evidence-paper-october-2020/>.

3. The Scottish Government’s guidance has been updated to reflect these changes and to make other changes for the purpose of implementing proposals in the route map. The revised guidance is available at www.gov.scot/collections/coronavirus-covid-19-guidance.

Face coverings

4. The regulations provide an exemption to the requirement to wear a face covering for couples who are getting married or entering into a civil partnership. The new exemption

allows couples to attend the legal ceremony without wearing a face covering, provided that physical distancing from others can be maintained. Guests are still required to wear a face covering during the ceremony or registration, unless exempt, and the couple must still wear a face covering at a reception held to celebrate, unless exempt for another reason such as eating or drinking.

5. These regulations also now require face coverings to be worn in workplaces in certain communal areas. Face coverings are now required in workplace canteens, unless seated, and are now also required in communal areas such as passageways, lifts and entrances.

Consultation

6. There has been no public consultation in relation to this instrument. Where possible, the Scottish Government has informally consulted with public bodies and other relevant stakeholders affected by the Regulations.

Impact Assessments

7. A Business and Regulatory Impact Assessment and an Equality Impact Assessment have been completed and are attached. In addition, the provisions of the Regulations are subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government
Directorate for Constitution and Cabinet
15 October 2020