

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS AND REQUIREMENTS) (ADDITIONAL TEMPORARY MEASURES) (SCOTLAND) AMENDMENT (NO. 2) REGULATIONS 2020

SSI 2020/329

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 extend the expiry date of the Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Measures) (Scotland) Regulations 2020 (“the current regulations”) to ensure that the restrictions and requirements do not expire before it is appropriate for them to be lifted.

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 2020 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 2020. The Regulations are suspended whilst the current regulations are in force and the effect of this is that tighter measures are in force during that period.

Policy Objectives

2. As we are beginning to see an increase in transmission across Scotland, additional mitigating measures have been introduced in order to prevent the spread of the virus. An evidence paper was published on 7 October 2020 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.

Expiry

4. The current regulations came into force on 9 October 2020. The current regulations state that the provisions expire at 6am on 26 October 2020. This means that they would automatically expire on 26 October if action was not taken to amend them. It has been deemed necessary to extend these restrictions for an additional week as the full impact these measures are having on reducing transmission cannot yet be seen, although initial signs are

positive. The intention is to continue with these current regulations until a levels-based approach can be implemented across Scotland from Monday, 2 November 2020.

Consultation

5. 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

6. An Equality Impact Assessment and a Business and Regulatory Impact Assessment have been completed and are attached. Other Impact Assessments have not been prepared for this instrument. The provisions are however subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government
Directorate for Constitution and Cabinet
22 October 2020