

2021 No. 166

PUBLIC HEALTH

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 18) Regulations 2021

Approved by the Scottish Parliament

Made - - - - at 11.37 a.m. on 24th March 2021

Laid before the Scottish Parliament at 2.00 p.m. on 24th March 2021

Coming into force in accordance with regulation 1

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.—(1) These Regulations may be cited as the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 18) Regulations 2021.

(2) With the exception of regulation 8, these Regulations come into force on 26 March 2021.

(3) Regulation 8 comes into force at 6.00 p.m. on 24 March 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 8.

(a) 2020 c.7.

(b) S.S.I. 2020/344, last amended by S.S.I. 2021/136.

Amendment of schedule 1: Level 0 restrictions

3. In paragraph 7 of schedule 1 (restriction on public gatherings outdoors in a level 0 area)—
- (a) after sub-paragraph (1)(d)(xiii) insert—
“(xiv) an organised picket,”,
 - (b) after sub-paragraph (3) insert—
“(4) For the purpose of sub-paragraph (1)(d)(xiv), a picket is “organised” if—
 - (a) it is carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992^(a), and
 - (b) the organiser of the picket has taken such measures described in paragraph 3(1)(a) and (b) as are relevant taking into account any relevant guidance issued by the Scottish Ministers.”.

Amendment of schedule 2: Level 1 restrictions

4. In paragraph 8 of schedule 2 (restriction on public gatherings outdoors in a level 1 area)—
- (a) after sub-paragraph (1)(d)(xiii) insert—
“(xiv) an organised picket,”,
 - (b) after sub-paragraph (3) insert—
“(4) For the purpose of sub-paragraph (1)(d)(xiv), a picket is “organised” if—
 - (a) it is carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, and
 - (b) the organiser of the picket has taken such measures described in paragraph 4(1)(a) and (b) as are relevant taking into account any relevant guidance issued by the Scottish Ministers.”.

Amendment of schedule 3: Level 2 restrictions

5. In paragraph 12 of schedule 3 (restriction on public gatherings outdoors in a level 2 area)—
- (a) after sub-paragraph (1)(d)(xiii) insert—
“(xiv) an organised picket,”,
 - (b) after sub-paragraph (3) insert—
“(4) For the purpose of sub-paragraph (1)(d)(xiv), a picket is “organised” if—
 - (a) it is carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, and
 - (b) the organiser of the picket has taken such measures described in paragraph 8(1)(a) and (b) as are relevant taking into account any relevant guidance issued by the Scottish Ministers.”.

Amendment of schedule 4: Level 3 restrictions

- 6.—(1) Schedule 4 (level 3 restrictions) is amended in accordance with paragraphs (2) and (3).
- (2) In paragraph 11 (restriction on public gatherings outdoors in a level 3 area)—
- (a) after sub-paragraph (1)(d)(xiii) insert—
“(xiv) an organised picket,”,
 - (b) after sub-paragraph (3) insert—
“(4) For the purpose of sub-paragraph (1)(d)(xiv), a picket is “organised” if—

(a) 1992 c.52.

- (a) it is carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, and
 - (b) the organiser of the picket has taken such measures described in paragraph 7(1)(a) and (b) as are relevant taking into account any relevant guidance issued by the Scottish Ministers.”.
- (3) In paragraph 15 (examples of reasonable excuse)—
- (a) after sub-paragraph (2)(aa) insert—
 - “(ab) attend an organised picket.”,
 - (b) in sub-paragraph (3), omit “and (v)”,
 - (c) after sub-paragraph (3) insert—
 - “(4) For the purpose of sub-paragraph (2)(ab), a picket is “organised” if—
 - (a) it is carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, and
 - (b) the organiser of the picket has taken such measures described in paragraph 7(1)(a) and (b) as are relevant taking into account any relevant guidance issued by the Scottish Ministers.”.

Amendment of schedule 5: Level 4 restrictions

- 7.—(1) Schedule 5 (level 4 restrictions) is amended in accordance with paragraphs (2) to (6).
- (2) Omit paragraph 1A (requirement to close places of worship)(a).
- (3) In paragraph 11(1)(b) (restriction on public gatherings indoors), after sub-head (ii) insert—
- “(iii) subject to head (ca), attending a place of worship,”.
- (4) In paragraph 12 (restriction on public gatherings outdoors)—
- (a) in sub-paragraph (1)(d)—
 - (i) after sub-head (ii) insert—
 - “(iii) subject to head (ea), attending a place of worship,”,
 - (ii) after sub-head (xiii) insert—
 - “(xiv) an organised picket,”,
 - (b) after sub-paragraph (3) insert—
 - “(4) For the purpose of sub-paragraph (1)(d)(xiv), a picket is “organised” if—
 - (a) it is carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, and
 - (b) the organiser of the picket has taken such measures described in paragraph 8(1)(a) and (b) as are relevant taking into account any relevant guidance issued by the Scottish Ministers.”.

(a) Paragraph 1A was inserted by S.S.I. 2021/3 and amended by S.S.I. 2021/17 and S.S.I. 2021/49.

- (5) In paragraph 16 (examples of reasonable excuse)(a)—
- (a) in sub-paragraph (2)—
 - (i) in head (d), after “act of worship” insert “or attend the person’s usual place of worship”,
 - (ii) after head (za) insert—
 - “(zb) attend an organised picket.”,
 - (b) in sub-paragraph (3)—
 - (i) for “sub-paragraph (2)(t) exercise” substitute “sub-paragraph (2)(sa)(b), activity, sport or exercise”,
 - (ii) in head (b), for “activity or exercise” substitute “activity, sport or exercise”,
 - (c) after sub-paragraph (3) insert—
 - “(4) For the purpose of sub-paragraph (2)(zb), a picket is “organised” if—
 - (a) it is carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, and
 - (b) the organiser of the picket has taken such measures described in paragraph 8(1)(a) and (b) as are relevant taking into account any relevant guidance issued by the Scottish Ministers.”.
- (6) In paragraph 18 (examples of reasonable excuse)(c)—
- (a) in sub-paragraph (2)—
 - (i) in head (d), after “an act of worship” insert “or attend a place of worship”,
 - (ii) after head (zc) insert—
 - “(zd) attend an organised picket.”,
 - (b) after sub-paragraph (2) insert—
 - “(3) For the purpose of sub-paragraph (2)(zd), a picket is “organised” if—
 - (a) it is carried out in accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, and
 - (b) the organiser of the picket has taken such measures described in paragraph 8(1)(a) and (b) as are relevant taking into account any relevant guidance issued by the Scottish Ministers.”.

Change to level of area

8. In the table in schedule 6 (areas), in column 3 (level of area) of entry 34 (Na h-Eileanan Siar), for “4”(d) substitute “3”.

MICHAEL RUSSELL

A member of the Scottish Government

St Andrew’s House,
Edinburgh
At 11.37 a.m. on 24th March 2021

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- (a) Paragraph 16 was inserted by S.S.I. 2020/389 and amended by S.S.I. 2021/1, S.S.I. 2021/3, S.S.I. 2021/49, S.S.I. 2021/86, S.S.I. 2021/117 and S.S.I. 2021/136.
 - (b) Paragraph 16(2)(sa) was inserted by S.S.I. 2021/136.
 - (c) Paragraph 18 was inserted by S.S.I. 2021/1 and amended by S.S.I. 2021/3, S.S.I. 2021/17, S.S.I. 2021/86, S.S.I. 2021/117 and S.S.I. 2021/136.
 - (d) The figure “4” was substituted by S.S.I. 2021/54.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (“the Local Levels Regulations”).

Regulations 3 to 5, 6(2) and 7(4)(a)(ii) and (b) make amendments to include organised picketing to the purposes for which persons are permitted to gather in outdoor public places in Level 0 to 4 areas. Regulations 6(3), 7(5)(a)(ii) and (c) and 7(6)(a)(ii) and (b) include organised picketing as a reasonable excuse for leaving your home in a Level 4 area and travelling into and out of Level 3 and 4 areas.

Regulation 7 amends provisions in schedule 5 of the Local Levels Regulations (level 4 restrictions) in relation to places of worship. Regulation 7(2) omits paragraph 1A of the schedule (requirement to close places of worship). Regulation 7(3) and (4)(a)(i) amends the Local Levels Regulations to add attending a place of worship to the purposes for which persons are permitted to gather in indoor and outdoor public places in a Level 4 area. Regulation 7(5)(a)(i) amends paragraph 16(2) of the Local Levels Regulations to add attending a person’s usual place of worship to the examples of reasonable excuses for entering a Level 4 area. Regulation 7(6)(a)(i) amends paragraph 18(2) of the Local Levels Regulations to add attending a place of worship to the examples of reasonable excuses for leaving home in a Level 4 area.

Regulation 8 amends the table at schedule 6 of the Local Levels Regulations, to apply level 3 restrictions and requirements to Na h-Eileanan Siar.

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