

# **The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 19) Regulations 2021**

## **ISLAND COMMUNITIES IMPACT ASSESSMENT**

### **PURPOSE AND INTENDED EFFECT**

#### **Background**

This Island Communities Impact Assessment (ICIA) is focused on the policy for amendments to The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (“the Principal Regulations”) by The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 19) Regulations 2021 (“the Regulations”).

The Regulations amend the Principal Regulations to lift the “Stay at Home” requirement from Level 4 from Friday, 2 April 2021. The Regulations also allow 12 to 17 year olds to participate in contact sport in Level 4 areas from 5 April 2021 and expand the list of essential retailers allowed to open in Level 4 areas. The Regulations remove the restrictions on non-essential click and collect retail and allow non-mobile hairdressers and barbers to reopen, by appointment only, in Level 4. The Regulations widen the definition of professional sport to ensure an additional group of elite athletes are able to train. Finally, the Regulations adjust the face coverings requirements to make clear that face coverings are required in polling stations, unless a person has a reasonable excuse not to wear one, and remove the requirement for visitor information to be collected if a hospitality venue is being used as a polling station, in order to align with the true policy intention.

#### **Regulations**

The Regulations:

- Lift the Stay at Home requirement from Level 4,
- Allow 12 to 17 year olds to participate in contact sport in Level 4 areas,
- Expand the list of essential retailers allowed to open in Level 4 areas,
- Remove the restrictions on non-essential click and collect retail in Level 4,
- Allow non-mobile hairdressers and barbers to reopen in Level 4,
- Widen the definition of professional sport to ensure an additional group of elite athletes are able to train,
- Adjust the face coverings requirements to make clear that face coverings are required in polling stations, unless a person has a reasonable excuse not to wear one and,
- Remove the requirement for visitor information to be collected if a hospitality venue is being used as a polling station, in line with the true policy intention of the Principal Regulations.

#### **Objective**

The measures contained in the Principal Regulations are required for a number of purposes, all of which are intended to contribute to controlling the spread of Covid-19.

The Regulations are intended to provide opportunities that will increase socialisation opportunities in society, allow businesses to begin reopening to assist with economic recovery and reduce the social and economic harms caused by the continued need for restrictions.

While the Scottish Government is of the view that restrictions on businesses and individuals are currently justified and a proportionate means of helping to achieve the legitimate aim of reducing the public health risks posed by coronavirus, thereby safeguarding the right to life, it is also recognised that these measures are only required to respond to the current set of circumstances, and are only necessary as long as the potential public health benefits can justify any negative impacts caused by them.

Scottish Government published [Coronavirus \(COVID-19\) Strategic Framework Update – February 2021](#) on 23 February 2021. This sets out how Scottish Government intends to restore, in a phased way, greater normality to our everyday lives.

It updates the original [Strategic Framework](#) to take account of important developments, including:

- new and highly infectious strains of the virus
- progress with the vaccination roll-out

It provides the background, context, policy aims, rationale and evidence to support decisions being taken.

The Framework explains how we will use all of the tools we have available to get coronavirus to the lowest possible level and keep it there.

## **GATHERING DATA AND IDENTIFYING STAKEHOLDERS**

Due to the need to put measures in place quickly to mitigate the risk that individual's human rights are disproportionately restricted by the Principal Regulations, no specific consultation with island communities has been undertaken in relation to the Regulations. The Island Communities Impact Assessment prepared for COVID-19 Route Map Phase 3 has been a valuable resource in highlighting not just the current situation in the islands but also potential differences between islands.

## **ASSESSMENT**

### **Overview**

The Principal Regulations, as amended, already place a number of restrictions on business, gatherings and other activities.

Currently, the following islands are in Level 3: the Orkney Islands, the Shetland Islands, islands forming the Comhairle nan Eilean Siar local authority area, islands

within Highland Council (with the exception of Skye) and the following Argyll and Bute Islands: The Isle of Coll, the Isle of Colonsay, the Isle of Erraid, the Isle of Gometra, the Isle of Iona, the Isle of Islay, the Isle of Jura, the Isle of Mull, the Isle of Oronsay, the Isle of Tiree, and the Isle of Ulva.

All other islands are in Level 4.

## **Analysis**

### Removal of Stay at Home in Level 4

The Regulations remove the Stay at Home requirement in Level 4.

Like the rest of the population in Level 4 areas, people who are residents in Level 4 islands will benefit from the relaxation as it provides them with greater freedom to undertake activities in their area.

### Contact sport for 12-17 year olds

The Regulations adjust the restrictions to allow contact sport to take place for 12-17 year olds on an outdoor basis.

Like the rest of the population in Level 4 areas, children and young people who are residents in Level 4 islands will benefit from the relaxation which allows 12 -17 year olds to take part in contact sport.

### Changes to retail in Level 4

The Regulations adjust the restrictions on retail in Level 4 areas to allow a greater list of retailers to open. The Regulations also allow premises-based hairdressers and barbers to reopen by appointment only and non-essential click and collect shopping to resume.

Like the rest of the population in Level 4 areas, people who are residents in Level 4 islands will benefit from the relaxation. The easing of these restrictions will have a positive impact on those businesses in island communities who were previously closed or unable to offer click and collect services and often already had lesser footfall compared to businesses on the mainland. It also allows customers in island communities to purchase goods within a shorter timeframe where they were previously disadvantaged by lengthy delivery times, delivery charges, or lack of access to a delivery service, when compared with much of mainland Scotland.

### Additional changes

The Regulations make some minor amendments and adjustments relating to professional sport and polling stations. These are not expected to have a significant impact on any individuals living in island communities due to the technical nature of the changes which clarify and bring consistency to the existing policy aims of the Principal Regulations.

## **CONCLUSION**

The following conclusions have been reached in the production of this ICIA:

- The Regulations take a proportionate approach in relation to Scotland's island communities, supporting a geographically variable approach to restrictions that are tailored to the risks of infection in different areas.
- It is not considered that island communities will be adversely impacted by provisions in the Regulations.
- For these reasons, the provisions in the Regulations are not deemed likely to have effects on island communities that are significantly different from their effects on other communities in Scotland.