

POLICY NOTE

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 26) Regulations 2021

SSI 2021/227

The above instrument was made in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020. The instrument is subject to made affirmative procedure by virtue of paragraph 6(3) of schedule 19 of the Act.

These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 to adjust the Levels allocation across Scotland as a result of the most recent data. The Regulations also permit funfairs to reopen in Level 2 areas and adjust the rules on physical distancing and face coverings at marriage and civil partnerships.

Legislative background

1. The UK Coronavirus Act 2020 received Royal Assent on 25 March 2020. Under that Act, the Scottish Government made regulations (in force from 26 March 2020) to implement physical distancing and impose restrictions on gatherings, events and operation of business activity. From 14 September 2020 they were replaced by the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020. From 9 October 2020 those Regulations were suspended and replaced by the Health Protection (Coronavirus) Restrictions and Requirements) (Additional Temporary Measures) (Scotland) Regulations 2020. A new levels-based approach was introduced on 2 November 2020, when the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (“the principal regulations”) came into force and revoked the previous regulations.

Policy Objectives

Allocation of levels

2. These Regulations amend schedule 6 of the principal regulations to adjust the allocation of levels across Scotland. These changes are being made as a result of the most recent data and evidence available. These Regulations make the following changes –

Moving to Level 2

- City of Glasgow

Moving to Level 1

- Highland
- Argyll & Bute
- Aberdeen City
- Aberdeenshire
- Moray
- Angus
- Perth & Kinross

- Fife
- Falkirk
- West Lothian
- East Lothian
- Inverclyde
- West Dunbartonshire
- Dumfries & Galloway
- Borders

Moving to Level 0

- The islands in the Highland area (except the Isle of Skye)
- Orkney Islands
- Shetland Islands
- Na h-Eileanan Siar
- 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.

3. All other areas remain at their previous level.

Physical distancing at marriages and civil partnerships

4. These Regulations adjust the requirements placed on those responsible for businesses, services and places of worship. The physical distancing requirements now allow businesses, services and places of worship to permit no physical distancing when a person being married or entering a civil partnership is being accompanied from one part of a premises to the part of those premises where the marriage ceremony or civil partnership registration is taking place. This ensures that a party to the marriage or civil partnership can be accompanied down the aisle, or similar, by a family member or friend from another household, as is in line with many traditions.

5. These Regulations also adjust the existing exemptions to face covering requirements applying in respect of parties to be married or enter into a civil partnership, to the effect that the exemption also applies while they are being accompanied by other persons as described above.

Funfairs

6. These Regulations adjust the restrictions in Schedule 3 to permit funfairs to open to the public in Level 2 areas. This change reflects the increasing economic harm being felt by the sector, particularly moving into the summer season, the anticipated minor impact on the R number of allowing the sector to reopen in level 2 subject to mitigations to reduce transmission, and taking into account the lead time necessary for travelling funfairs to resume operation, and the desirability of allowing operators to plan for the summer season.

Consultation

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

Impact Assessments

8. An Equality Impact Assessment has been prepared for this instrument The provisions are also subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government
Directorate for Covid Coordination
3 June 2021