

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS AND REQUIREMENTS) (LOCAL LEVELS) (SCOTLAND) AMENDMENT (NO. 11) REGULATIONS 2021

SSI 2021/3

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 prohibit places of worship from opening for most purposes. These Regulations reduce the number of people who are able to attend a marriage ceremony or civil partnership registration and also prohibit funeral teas or wakes from taking place in Level 4 areas (whilst still allowing for commemorative events). These Regulations require snow sports centres, showrooms within larger retailers, independent clinics, independent hospitals and independent medical agencies in relation to certain procedures or treatments to close in Level 4 areas. The Regulations also require 2 metre distancing to be maintained in workplace canteens. Finally, these Regulations make minor amendments to correct inaccuracies in the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 10) Regulations 2021.

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) to implement physical distancing and impose restrictions on gatherings, events and operation of business activity. From 14 September they were replaced by the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020. From 9 October 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, 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

Places of worship, weddings, civil partnerships and funeral wakes

2. These Regulations require places of worship to close for most purposes in Level 4 areas, including services and private prayer. They can remain open for the purpose of broadcasting a service; conducting a funeral, marriage or civil partnership registration; or for a commemorative event for a person who has died but is not a wake or a funeral tea. . It is also possible for places of worship to open for essential voluntary services or public support services (including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions, vaccination centres or support in an emergency). These Regulations also reduce the number of people allowed at a marriage ceremony or civil

partnership registration taking place in Level 4 to the legal minimum, 5 people plus the possibility of an interpreter if one is required. Provision is also made for people living in Level 4 areas not to attend marriage ceremonies or civil partnership registrations unless they are the parties; witnesses; celebrant or registrar; or interpreter if required. The Regulations also prohibit funeral teas and wakes from taking place in Level 4 areas. Certain other commemorative events for a person who has died will, however, still be allowed in outdoor public places, indoor public places and places of worship.

3. These changes reflect the need to restrict social contact as much as possible due to the increasing case numbers, especially in situations where people may find it difficult to maintain physical distancing such as at weddings or post-funeral gatherings.

Closing some additional premises, service providers and retailers

4. These Regulations close showroom elements of larger retailers and snow sports centres. The Regulations also require the closure of independent clinics, independent hospitals and independent medical agencies, in relation to the provision of cosmetic procedures, but not for other provision of medical or surgical assistance. These premises are no longer permitted to operate in Level 4 areas to align with the previous changes limiting essential retail in a narrower manner. Given the new variant of coronavirus is thought to be up to 70% more transmissible, it is essential that opportunities for leaving the home, travelling or interacting with others are limited to only the most essential activities.

Physical distancing in workplace canteens

5. These Regulations require 2 metre distancing to be maintained in workplace canteens between individuals from different households, these settings had previously been able to operate with reduced, 1 metre, distancing in place. This change is required to provide an additional mitigation and reduce potential spread of coronavirus in workplace settings now that the new variant is circulating in Scotland.

Consultation

6. There has been no public consultation in relation to this instrument. The Scottish Government has informally consulted with the industry bodies affected.

Impact Assessments

7. An Equality Impact Assessment, a Business and Regulatory Impact Assessment and an Island Communities Impact Assessment have been prepared for this instrument and will be published shortly. 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
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