



The Scottish Parliament
Pàrlamaid na h-Alba

COVID-19 Recovery Committee

2nd Meeting, 2021 (Session 6), Thursday 2 September 2021

Ministerial statement on COVID-19; Two-Monthly Report to the Scottish Parliament and Freedom of Information Report; and Subordinate Legislation

Introduction

1. At this meeting, the Deputy First Minister and Cabinet Secretary for COVID Recovery (“The Cabinet Secretary”), will give evidence under agenda item 2.
2. The Committee will take evidence under this agenda item on the policy announcements arising from the latest Ministerial statement on COVID-19, which will take place on 1 September 2021 and on the [eighth Two Monthly Report](#) and [seventh Freedom of Information Report](#), published on 13 August 2021 and 9 August 2021 respectively.
3. The Committee will also take evidence on the following subordinate legislation under agenda item 2, before it considers the corresponding motions, under agenda item 3—
 - The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 27) Regulations 2021 (from here on referred to as “The No. 27 Regulations”)
 - The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 28) Regulations 2021 (from here on referred to as “The No. 28 Regulations”)
 - The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 29) Regulations 2021 (from here on referred to as “The No. 29 Regulations”)
 - The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 30) Regulations 2021 (from here on referred to as “The No. 30 Regulations”)
 - The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 31) (from here on referred to as “The No. 31 Regulations”)

- The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 32) (from here on referred to as "The No. 32 Regulations")
- The Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 (from here on referred to as "The Principal Regulations")

4. The Committee will also take evidence on three negative instruments (see list of instruments in paragraph 5 below) and a 'laid only' instrument in agenda item 2:

- The Coronavirus Act 2020 (Suspension: Disposal of Bodies) (Scotland) Regulations 2021 (SSI 2021/250) (laid only)

5. The Committee's consideration of subordinate legislation will conclude under agenda item 4, when Members will be asked whether they are content to conclude their consideration of the following negative instruments—

- The Coronavirus (Scotland) Act 2020 (Early Expiry of Provisions) Regulations 2021 (SSI 2021/214)
- The Coronavirus (Scotland) Act 2020 (Early Expiry of Provisions) (No. 2) Regulations 2021 (SSI 2021/236)
- The Coronavirus (Extension and Expiry) (Scotland) Act 2021 (Evidence) (Saving Provision) Regulations 2021 (SSI 2021/280)

6. The Parliament has 40 days to consider a motion to annul these negative instruments. No motions to annul have been lodged.

Background

7. For more background information on the statutory powers being used by the Scottish Government to respond to COVID-19 and the Scottish Government's strategy for responding to COVID-19 and COVID-19 recovery, see this [SPICe Blog](#).

Agenda item 2: Ministerial statement on COVID-19; Two-Monthly Report to the Scottish Parliament and Freedom of Information Report; and Subordinate Legislation

Ministerial statement on COVID-19: Wednesday 1 September 2021

8. The next Ministerial statement on COVID-19 will take place on 1 September 2021. Members will take evidence on any policy announcements arising from this statement in agenda item 2.

Weekly SPICe COVID-19 Update

9. SPICe produces a weekly briefing entitled 'Weekly SPICe COVID-19 Update' (see **Paper 3**). This provides Members with links to the latest guidance and supporting information published by the Scottish Government, in addition to a selection of

websites providing information on wider health and social and economic indicators in Scotland.

Eighth Two-Monthly Report and Seventh Freedom of Information Report to the Scottish Parliament

10. As required by section 15 of the Coronavirus (Scotland) Act 2020 and section 12 of the Coronavirus (Scotland) (No.2) Act 2020 Act, this latest two-monthly report sets out the status and operation of the legislation necessary to respond to the COVID-19 pandemic. It was published on 13 August 2021 and covers the period from 1 June to 31 July 2021. The report can be accessed on the [Scottish Government's website](#).

11. The Coronavirus (Scotland) (No.2) Act 2020 states that Scottish Ministers must report to the Scottish Parliament on certain aspects of their responses to requests for information under FOISA. The seventh Freedom of Information Report was published on 9 August 2021 and covers the period from 27 May 2021 to 26 July 2021. The report can be accessed on the [Scottish Government's website](#).

Subordinate Legislation

Policy Background: The No. 27 Regulations

12. On 11 June 2021, the Scottish Government laid [the No. 27 Regulations](#) and they came into force on the same day. A copy of the SSI and policy note is provided in **Annexe A** to this paper. According to the [policy note](#), the purpose of the instrument is as follows—

“These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 to provide a person designated by a Local Authority with a power of entry to enforce restrictions relating to stadia and events. The Regulations also reduce the required distances to be maintained between persons in Hampden Park, Glasgow and the Glasgow Green Event Zone during the UEFA EURO 2020 Championship period.”

13. The Scottish Government has not provided any associated impact assessments to accompany the No. 27 Regulations.

Policy Background: The No. 28 Regulations

14. On 17 June 2021, the Scottish Government laid [the No. 28 Regulations](#) and the provisions relating to Manchester and Salford came into force on 21 June, whilst the other provisions came into force on 18 June. A copy of the SSI and policy note is provided in **Annexe B** to this paper. According to the [policy note](#), the purpose of the instrument is as follows—

“These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 to remove the Republic of Ireland and the area of Bedford Borough Council from the list of areas to which the common travel area restrictions apply. These regulations

also add Manchester and Salford to the list of areas to which common travel area restrictions apply.”

15. The Scottish Government has not provided any associated impact assessments to accompany the No. 28 Regulations.

Policy Background: The No. 29 Regulations

16. On 24 June 2021, the Scottish Government laid [the No. 29 Regulations](#) and the provisions came into force on 26 and 28 June 2021. A copy of the SSI and policy note is provided in **Annexe C** to this paper. According to the [policy note](#), the purpose of the instrument is as follows—

“These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 to adjust the physical distancing requirements so that family members may be involved in funerals by carrying of the coffin or lowering the coffin into a lair. The regulations also provide extended opening hours for hospitality in the event that a match during the knockout stages of the UEFA EURO 2020 Championship which is being shown in hospitality premises runs over the currently permitted opening hours. The Regulations also adjust the physical distancing rules for the purpose of the 1888 Cup rugby event at Murrayfield Stadium, Edinburgh on 26 June 2021. The regulations also adjust the rules on face coverings at weddings and civil partnerships.”

17. The Scottish Government provided an [Equality Impact Assessment](#) and expects to publish a Business Regulatory Impact Assessment (‘BRIA’) to accompany the No. 29 Regulations. At the time of writing, the BRIA for this instrument has not been published.

Policy Background: The No. 30 Regulations

18. On 29 June 2021, the Scottish Government laid [the No. 30 Regulations](#) and they came into force on the same day. A copy of the SSI and policy note is provided in **Annexe D** to this paper. According to the [policy note](#), the purpose of the instrument is as follows—

“These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 to remove the areas of Bolton Metropolitan Borough Council, Manchester City Council and Salford City Council from the list of areas to which the common travel area restrictions apply.”

19. The Scottish Government has not provided any associated impact assessments to accompany the No. 30 Regulations.

Policy Background: The No. 31 Regulations

20. On 7 July 2021, the Scottish Government laid [the No. 31 Regulations](#) and they came into force on 8 July 2021. A copy of the SSI and policy note is provided in

Annexe E to this paper. According to the [policy note](#), the purpose of the instrument is as follows—

“These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 to reduce the required physical distances to be maintained between persons within the premises of the Renaissance Club, North Berwick for the period of the abrdn Scottish Open, which is scheduled to start on 8 July and end 11 July 2021 (or 12 July in the event play cannot be completed on the 11 July). These regulations also make a minor amendment to provisions relating to stadia and live events: a local authority will only be required to notify the Scottish Ministers of an application for an exemption on capacity in Levels 0, 1 or 2 when directed to do so by the Scottish Ministers. These regulations also remove the area of Blackburn with Darwen Borough Council in England from the list of areas to which the common travel area restrictions apply.”

21. The Scottish Government has not provided any associated impact assessments to accompany the No. 31 Regulations.

Policy Background: The No. 32 Regulations

22. On 15 July 2021, the Scottish Government laid [the No. 32 Regulations](#) and they came into force on the 19 July 2021. A copy of the SSI and policy note is provided in **Annexe F** to this paper. According to the [policy note](#), the purpose of the instrument is as follows—

“These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 to provide that physical distancing is reduced to 1 metre indoors and outdoors and to remove the requirement for physical distancing requirements between people within a social group outdoors. These regulations also provide that children under the age of 12 years do not count for the purpose of calculating the number of households permitted for gatherings indoors. The regulations also restrict hospitality trading times to between 04:00 and 00:00.”

23. The Scottish Government has said that associated impact assessments to accompany the No. 32 Regulations “will be prepared as appropriate.” At the time of writing, the Scottish Government has not published any impact assessments for this instrument.

Policy Background: The Principal Regulations

24. On 5 August 2021, the Scottish Government laid [the Principal Regulations](#) and they came into force on the 9 August 2021. A copy of the SSI and policy note is provided in **Annexe G** to this paper. According to the [policy note](#), the purpose of the instrument is as follows—

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

regulations provide that relevant hospitality and entertainment premises are required to obtain and record visitor information for the purpose of preventing the spread of coronavirus or monitoring the spread of infection and the incidence of coronavirus disease. The regulations also require persons responsible for places of worship, carrying on a business or providing a service to have regard to relevant guidance issued by the Scottish Ministers about measures to minimise risk of exposure to coronavirus. The regulations provide that persons in specified indoor places must wear a face covering unless a specific exemption applies. The regulations require persons who use a passenger transport service or passenger transport service premises to wear a face covering unless a specific exemption applies. The regulations cap numbers at live events at 5000 people for events held outdoors and at 2000 people for events held indoors subject to local authority approval of higher attendance limits in accordance with the process set out in the regulations. Enforcement powers are provided for. The regulations require Scottish Ministers to review the requirements at least once every 21 days and the regulations require Scottish Ministers to revoke any requirement as soon as it is no longer necessary.”

25. The Scottish Government has said that “appropriate impact assessments will be carried out” to accompany the Principal Regulations. At the time of writing, the Scottish Government has not published any impact assessments for this instrument.

Policy Background: The Coronavirus (Scotland) Act 2020 (Early Expiry of Provisions) Regulations 2021 ([SSI 2021/214](#))

26. This SSI was laid on 26 May 2021 and came into force on 30 June 2021. A copy of the SSI and policy note is provided in **Annexe H** to this paper. The deadline for lodging a motion to annul is 7 September 2021. The policy [note](#) states that—

“The purpose of the instrument is to expire early certain provisions in Part 1 of the Coronavirus (Scotland) Act 2020 on 30 June 2021...The Scottish Ministers are committed to expiring provisions of the Act as soon as it is appropriate to do so. It has been judged that the provisions in paragraphs 19 and 31 of schedule 7 of the Act are no longer needed and can be expired.”

Policy Background: The Coronavirus (Scotland) Act 2020 (Early Expiry of Provisions) (No. 2) Regulations 2021 ([SSI 2021/236](#))

27. This SSI was laid on 10 June 2021 and came into force on 14 June 2021. A copy of the SSI and policy note is provided in **Annexe I** to this paper. The deadline for lodging a motion to annul is 22 September 2021. The [policy note](#) states that—

“These Regulations make provision for the early expiry of certain provisions in Part 1 of the Coronavirus (Scotland) Act 2020. It provides that the modifications set out at schedule 4, paragraph 18(2), 18(4) and 18(5) of that Act expire on 14 June 2021. The provisions in schedule 4, paragraph 18((2) and (4) of the Act make changes to the Parole Board (Scotland) Rules 2001 (“the 2001 Rules”) with the effect that extended sentence prisoners recalled under section 17(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 and serving the

extension part of their sentence, can be considered under Part III of the 2001 Rules instead of Part IV. This has allowed these cases, where appropriate, to be heard at casework meetings by two members, rather than at an oral hearing.

The provisions at schedule 4, paragraph 18(5) of the Act removed the requirement for an oral hearing in a Part IV case unless the Parole Board considered that it was in the interests of justice to have one.

These provisions were designed to increase resilience within the Parole Board by reducing the number of face-to-face hearings whilst Parole Board members and staff were working remotely during the pandemic and to enable Parole Board business to continue in the event of a reduction in availability of Parole Board members. Further provision at paragraph 18(3) of schedule 4 of the Act, has allowed the Parole Board to continue to have oral hearings by video or tele conference. This measure has proved very successful with the Parole Board continuing to operate during the pandemic almost unaffected.”

Policy Background: The Coronavirus (Extension and Expiry) (Scotland) Act 2021 (Evidence) (Saving Provision) Regulations 2021 ([SSI 2021/280](#))

28. This SSI was laid on 20 August 2021 and will come into force on 30 September 2021. A copy of the SSI is provided in **Annexe J** to this paper. The deadline for lodging a motion to annul is 8 October 2021. The [explanatory note](#) states that—

“By virtue of section 2(4)(a) of the Coronavirus (Extension and Expiry) (Scotland) Act 2021, paragraph 11 of schedule 4 of the Coronavirus (Scotland) Act 2020 (“the 2020 Act”) will expire at the end of 30 September 2021. These Regulations make saving provision in connection with that expiry and provide that the modifications to section 259 of the Criminal Procedure (Scotland) Act 1995 (c.46) which were made by paragraph 11 of schedule 4 of the 2020 Act continue in effect in relation to evidence of a statement admitted before the end of 30 September 2021. This makes clear that the rules contained in section 259, as modified, continue to apply in proceedings where a statement has been introduced in evidence prior to the expiry of the relevant modifications.”

Policy Background: Coronavirus Act 2020 (Suspension: Disposal of Bodies) (Scotland) Regulations 2021 ([SSI 2021/250](#))

29. This SSI was laid on 25 June 2021 and came into force on 9 July 2021. A copy of the SSI and policy note is provided in **Annexe K** to this paper. According to the [policy note](#), the purpose of this instrument is as follows—

“To suspend the operation of Parts 2 and 3 of Schedule 28 (transportation, storage and disposal of dead bodies etc) and, so far as it applies to those Parts, section 58 (powers in relation to transportation, storage and disposal of dead bodies etc) of the Coronavirus Act 2020 (“the Act”) insofar as those provisions apply in Scotland.

The suspension means that these provisions no longer have effect in Scotland but are capable of being revived by regulations made under section 88(3) of the Act.”

Parliamentary Procedure

Made affirmative instruments

30. The No. 27 – No. 32 Regulations, as well as the Principal Regulations, are subject to the ‘made affirmative’ procedure.

31. The Coronavirus Act 2020 gives the Scottish Government emergency powers to lay regulations for ‘health protection’ measures, which can come into effect immediately. The measures introduced using this procedure can remain in force for 28 days without parliamentary approval. If the Scottish Government intends for the measures to be in force for longer than 28 days, parliamentary approval is required and must be obtained within the initial 28-day period.

32. In calculating the 28-day period, no account is taken of any time during which the Parliament is dissolved, or is in recess, for more than 4 days. In practice, this means that some of the measures introduced by the SSIs on this agenda have been superseded by events due to the delay in parliamentary scrutiny resulting from the recess period.

Negative instruments

33. The Committee is considering three negative instruments at this meeting (SSI 2021/214; SSI 2021/236; and SSI 2021/280).

34. The procedure for negative instruments allows 40 days for the Parliament to consider a motion to annul an instrument. The days are calculated from the date on which an instrument is laid. A motion to annul has not been laid in respect of the negative instruments listed on the agenda for this meeting. As such, the purpose of agenda item 4 is for the Committee to agree on whether it has concluded its consideration of these instruments.

Laid only instruments

35. The Committee is considering one laid only instrument at this meeting (SSI 2021/250).

36. Some subordinate legislation is not subject to any procedure or control by the Parliament, other than the requirement for them to be laid before it. These instruments are known as ‘laid only’ instruments. The Parliament has no role in annulling or not approving a laid only SSI. Committees can, however, write a report to the Parliament with their concerns or raise issues directly with the Scottish Government.

DPLR Committee Consideration

37. The DPLR Committee considered the No. 27 and No. 28 Regulations at its meeting on 22 June 2021 and had no points to raise.

38. The DPLR Committee expects to consider the No. 29, No. 30, No. 31 and No. 32; and the Principal Regulations at its meeting on 31 August 2021 and will publish its report shortly after that meeting. A copy of the DPLR Committee's report will be provided to Members when it becomes available.

39. The DPLR Committee considered The Coronavirus (Scotland) Act 2020 (Early Expiry of Provisions) Regulations 2021 (SSI 2021/214) and The Coronavirus (Scotland) Act 2020 (Early Expiry of Provisions) (No. 2) Regulations 2021 (SSI 2021/236) at its meeting on 22 June 2021 and had no points to raise.

40. The DPLR Committee will consider The Coronavirus (Extension and Expiry) (Scotland) Act 2021 (Evidence) (Saving Provision) Regulations 2021 (SSI 2021/280) and the Coronavirus Act 2020 (Suspension: Disposal of Bodies) (Scotland) Regulations 2021 at its meeting on 31 August 2021 and will publish its report shortly after that meeting. A copy of the DPLR Committee's report will be provided to Members when it becomes available.

Agenda item 3: Subordinate legislation

41. Under agenda item 3, the Cabinet Secretary will be invited to move motions—

- S6M-00695 That the COVID-19 Recovery Committee recommends that the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 27) Regulations 2021 (SSI 2021/238) be approved.
- S6M-00694 That the COVID-19 Recovery Committee recommends that the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 28) Regulations 2021 (SSI 2021/242) be approved.
- S6M-00693 That the COVID-19 Recovery Committee recommends that the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 29) Regulations 2021 (SSI 2021/252) be approved.
- S6M-00692 That the COVID-19 Recovery Committee recommends that the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 30) Regulations 2021 (SSI 2021/255) be approved.
- S6M-00702 That the COVID-19 Recovery Committee recommends that the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 31) Regulations 2021 (SSI 2021/262) be approved.

- S6M-00701 That the COVID-19 Recovery Committee recommends that the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 32) Regulations 2021 (SSI 2021/263) be approved.
- S6M-00901 That the COVID-19 Recovery Committee recommends that the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 (SSI 2021/277) be approved.

Next steps

42. The Committee will publish a report setting out its consideration of the motions under agenda item 3 in due course.

**Committee Clerks
August 2021**

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulations made by the Scottish Ministers and laid before the Scottish Parliament under paragraph 6(3) of schedule 19 of the Coronavirus Act 2020, for approval by resolution of the Scottish Parliament within 28 days beginning with the day on which the Regulations were made, not taking into account any period of dissolution or recess for more than 4 days.

SCOTTISH STATUTORY INSTRUMENTS

2021 No. 238

PUBLIC HEALTH

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 27) Regulations 2021

<i>Made</i>	- - - -	<i>10th June 2021</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>at 9.30 a.m. on 11th June 2021</i>
<i>Coming into force</i>	- -	<i>11th June 2021</i>

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⁽¹⁾ (“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 resolution of, the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 27) Regulations 2021 and come into force on 11 June 2021.

(1) 2020 c.7.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(2) are amended in accordance with regulations 3 to 6.

Amendment of regulation 6 (power of entry)

3. At the end of regulation 6(9), insert “or Part 4 in any of schedules 1 to 3”.

Amendment of schedule 1 (Level 0 restrictions)

4. In schedule 1 (level 0 restrictions), in paragraph 3 (requirement to take measures to minimise risk of exposure to coronavirus in a level 0 area)—

(a) in sub-paragraph (3), in the definition of “required distance”, for “or (b) in all other cases, at least two metres” substitute—

“(b) in relation to Hampden Park, at least 1.2 metres,

(c) in relation to the Glasgow Green Event Zone, at least 1.5 metres, or

(d) in all other cases, at least two metres”, and

(b) at the end, insert—

“(5) In the definition of “required distance” in sub-paragraph (3)—

(a) “Hampden Park” means Hampden Park stadium, Glasgow, during the Championship period, as defined in section 1 of the UEFA European Championship (Scotland) Act 2020(3) and specified in the UEFA European Championship (Scotland) Act 2020 (Championship Period and Transitory Provision etc.) Regulations 2021(4), and

(b) “the Glasgow Green Event Zone” means those premises at Glasgow Green designated as a fan zone by Glasgow City Council for use during the Championship period, as defined in section 1 of the UEFA European Championship (Scotland) Act 2020 and specified in the UEFA European Championship (Scotland) Act 2020 (Championship Period and Transitory Provision etc.) Regulations 2021.”.

Amendment of schedule 2 (Level 1 restrictions)

5. In schedule 2 (level 1 restrictions), in paragraph 4 (requirement to take measures to minimise risk of exposure to coronavirus in a level 1 area) —

(a) in sub-paragraph (3), in the definition of “required distance”, for “or (b) in all other cases, at least two metres” substitute—

“(b) in relation to Hampden Park, at least 1.2 metres,

(c) in relation to the Glasgow Green Event Zone, at least 1.5 metres, or

(d) in all other cases, at least two metres”, and

(b) at the end, insert—

“(5) In the definition of “required distance” in sub-paragraph (3)—

(2) S.S.I. 2020/344, last amended by S.S.I. 2021/227.

(3) 2020 asp 1 (“the Act”). Section 1 of the Act was amended by the Coronavirus (Scotland) (No. 2) Act 2020 (asp 10).

(4) S.S.I. 2021/207.

- (a) “Hampden Park” means Hampden Park stadium, Glasgow, during the Championship period, as defined in section 1 of the UEFA European Championship (Scotland) Act 2020 and specified in the UEFA European Championship (Scotland) Act 2020 (Championship Period and Transitory Provision etc.) Regulations 2021, and
- (b) “the Glasgow Green Event Zone” means those premises at Glasgow Green designated as a fan zone by Glasgow City Council for use during the Championship period, as defined in section 1 of the UEFA European Championship (Scotland) Act 2020 and specified in the UEFA European Championship (Scotland) Act 2020 (Championship Period and Transitory Provision etc.) Regulations 2021.”.

Amendment of schedule 3 (Level 2 restrictions)

6. In schedule 3 (level 2 restrictions), in paragraph 8 (requirement to take measures to minimise risk of exposure to coronavirus in a level 2 area)—

- (a) in sub-paragraph (3), in the definition of “required distance”, for “or (b) in all other cases, at least two metres” substitute—

- “(b) in relation to Hampden Park, at least 1.2 metres,
- (c) in relation to the Glasgow Green Event Zone, at least 1.5 metres, or
- (d) in all other cases, at least two metres”, and

- (b) at the end, insert—

“(5) In the definition of “required distance” in sub-paragraph (3)—

- (a) “Hampden Park” means Hampden Park stadium, Glasgow, during the Championship period, as defined in section 1 of the UEFA European Championship (Scotland) Act 2020 and specified in the UEFA European Championship (Scotland) Act 2020 (Championship Period and Transitory Provision etc.) Regulations 2021, and
- (b) “the Glasgow Green Event Zone” means those premises at Glasgow Green designated as a fan zone by Glasgow City Council for use during the Championship period, as defined in section 1 of the UEFA European Championship (Scotland) Act 2020 and specified in the UEFA European Championship (Scotland) Act 2020 (Championship Period and Transitory Provision etc.) Regulations 2021.”.

St Andrew’s House,
Edinburgh
10th June 2021

MICHAEL MATHESON
A member of the Scottish Government

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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.

Regulation 3 amends regulation 6(9) to provide a power of entry for a relevant person in performance of their functions under regulation 4(12)(b).

Regulations 4 to 6 amend schedules 1, 2 and 3 of those Regulations so that the required distances which are to be maintained between persons in Hampden Park, Glasgow, during the UEFA EURO 2020 Championship period, and at the Glasgow Green Event Zone, during that period, are reduced.

POLICY NOTE

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 27) Regulations 2021

SSI 2021/238

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 provide a person designated by a Local Authority with a power of entry to enforce restrictions relating to stadia and events. The Regulations also reduce the required distances to be maintained between persons in Hampden Park, Glasgow and the Glasgow Green Event Zone during the UEFA EURO 2020 Championship period.

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

Powers of Entry

2. These Regulations provide a person designated by a Local Authority with a power of entry to enforce restrictions relating to stadia and events in Part 4 of the principal regulations.

Physical distancing at the Hampden Park stadium and Euros fanzone

3. These Regulations amend schedules 1, 2 and 3 of the principal regulations to adjust the distances required to be maintained between persons in Hampden Park, Glasgow and the Glasgow Green Event Zone during the period of the UEFA EURO 2020 Championship.

4. These regulations adjust physical distancing requirements within Hampden Park Stadium to 1.2 metres and the Glasgow Green Event Zone to 1.5 metres during the period of the UEFA EURO 2020 Championship.

Consultation

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

Impact Assessments

6. No impact assessments are required. The provisions are also subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government
Directorate for Covid Coordination

10 June 2021

Regulations made by the Scottish Ministers and laid before the Scottish Parliament under paragraph 6(3) of schedule 19 of the Coronavirus Act 2020, for approval by resolution of the Scottish Parliament within 28 days beginning with the day on which the Regulations were made, not taking into account any period of dissolution or recess for more than 4 days.

SCOTTISH STATUTORY INSTRUMENTS

2021 No. 242

PUBLIC HEALTH

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 28) Regulations 2021

	<i>at 11.39 a.m. on 17th</i>
<i>Made</i> - - - -	<i>June 2021</i>
<i>Laid before the Scottish</i>	<i>at 2.30 p.m. on 17th</i>
<i>Parliament</i> - - - -	<i>June 2021</i>

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(1) (“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 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. 28) Regulations 2021.

(2) Except regulation 3(c), these Regulations come into force on 18 June 2021.

(3) Regulation 3(c) comes into force on 21 June 2021.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(2) are amended in accordance with regulation 3.

Amendment to schedule 7A (restrictions on leaving or entering Scotland: common travel area)

3. In paragraph 4 of schedule 7A(3) (places in respect of which restrictions on leaving or entering Scotland apply: common travel area)—

- (a) omit sub-paragraph (a),
- (b) omit sub-paragraph (b)(i),
- (c) after sub-paragraph (b)(iii) insert—
 - “(iv) Manchester City Council,
 - (v) Salford City Council.”.

St Andrew’s House,
Edinburgh
At 11.39 a.m. on 17th June 2021

JOHN SWINNEY
A member of the Scottish Government

(2) S.S.I. 2020/344, last amended by S.S.I. 2021/238.

(3) Schedule 7A was added by S.S.I. 2020/389. Paragraph 4 of schedule 7A was amended by S.S.I. 2021/193 and S.S.I. 2021/211.

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”).

Schedule 7A of the Local Levels Regulations sets out certain restrictions on entering Scotland from, or leaving Scotland to go to, the common travel area. Regulation 3 amends schedule 7A so that, from 21 June 2021, the areas of Manchester City Council and Salford City Council are added to the list of places in respect of which the restrictions set out in schedule 7A apply. It also amends schedule 7A so that, from 18 June 2021, the restrictions no longer apply in respect of the Republic of Ireland and the area of Bedford Borough Council.

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS AND REQUIREMENTS) (LOCAL LEVELS) (SCOTLAND) AMENDMENT (NO. 28) REGULATIONS 2021

SSI 2021/242

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 remove the Republic of Ireland and the area of Bedford Borough Council from the list of areas to which the common travel area restrictions apply. These regulations also add Manchester and Salford to the list of areas to which common travel area restrictions apply.

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

Common Travel Area

2. These Regulations amend schedule 7A of the principal regulations to remove the Republic of Ireland and the area of Bedford Borough Council from the list of places in the Common Travel Area (CTA) from which travel to and from Scotland is not permitted without a reasonable excuse.

3. These Regulations also amend schedule 7A of the principal regulations to add the areas of Salford and Manchester to the list of places in the CTA from which travel to and from Scotland is not permitted without a reasonable excuse.

4. These changes are being made due to changes to the epidemiological position for those areas.

Consultation

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

Impact Assessments

6. No impact assessments are required. The provisions are also subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government
Directorate for Covid Coordination

17 June 2021

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulations made by the Scottish Ministers and laid before the Scottish Parliament under paragraph 6(3) of schedule 19 of the Coronavirus Act 2020, for approval by resolution of the Scottish Parliament within 28 days beginning with the day on which the Regulations were made, not taking into account any period of dissolution or recess for more than 4 days.

SCOTTISH STATUTORY INSTRUMENTS

2021 No. 252

PUBLIC HEALTH

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 29) Regulations 2021

	<i>at 1.57 p.m. on 24th</i>
<i>Made</i> - - - -	<i>June 2021</i>
<i>Laid before the Scottish</i>	<i>at 3.30 p.m. on 24th</i>
<i>Parliament</i> - - - -	<i>June 2021</i>

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(1) (“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 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. 29) Regulations 2021.

(2) With the exception of the regulations mentioned in paragraph (3), these Regulations come into force on 28 June 2021.

(3) Regulation 4(2) and (3) and regulation 5(2), (3) and (4)(b) and (c) come into force on 26 June 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(2) are amended in accordance with regulations 3 to 8.

Amendment of schedule 1 (level 0 restrictions)

3. In paragraph 3(2) of schedule 1 (requirement to take measures to minimise risk of exposure to coronavirus in a level 0 area)(3)—

- (a) omit “or” following head (c),
- (b) after head (d), insert—
 - “(e) where a funeral is taking place, one or more persons who, as part of the funeral or the preparations for a funeral, are—
 - (i) carrying or setting down a coffin, or
 - (ii) lowering, or assisting in the lowering of, a coffin into a lair.”.

Amendment of schedule 2 (level 1 restrictions)

4.—(1) Schedule 2 (level 1 restrictions) is amended in accordance with this regulation.

(2) After paragraph 3(1) (restricted opening hours for food and drink businesses in a level 1 area)(4), insert—

“(1A) Sub-paragraph (1B) applies where a match forming part of the Championship (within the meaning of section 1(1) of the UEFA European Championship (Scotland) Act 2020(5)) is being shown live in any part of the premises of a food and drink business in a Level 1 area and the match has not concluded by 2300 hours.

(1B) Where this sub-paragraph applies, sub-paragraph (1) applies as if the duties mentioned in that sub-paragraph were instead imposed on the person responsible for carrying on the business during the period from 2330 hours on the day in question or as soon as is reasonably practicable following the conclusion of the match (whichever is the earlier) until 0600 hours the following day.”.

(3) In paragraph 3A (restricted opening hours for casinos in a level 1 area)(6)—

- (a) the existing text becomes sub-paragraph (1),
- (b) after that sub-paragraph insert—
 - “(2) Sub-paragraph (3) applies where a match forming part of the Championship (within the meaning of section 1(1) of the UEFA European Championship (Scotland) Act 2020) is being shown live in any part of the premises of a casino business in a Level 1 area and the match has not concluded by 2300 hours.
 - (3) Where this sub-paragraph applies, sub-paragraph (1) applies as if the duties mentioned in that sub-paragraph were instead imposed on the person responsible for carrying on the business during the period from 2330 hours on the day in question or

(2) [S.S.I. 2020/344](#), last amended by [S.S.I. 2021/242](#).

(3) Paragraph 3(2) was relevant amended by [S.S.I. 2021/227](#).

(4) Paragraph 3(1) was substituted by [S.S.I. 2021/193](#).

(5) [2020 asp 1](#).

(6) Paragraph 3A was inserted by [S.S.I. 2021/202](#).

as soon as is reasonably practicable following the conclusion of the match (whichever is the earlier) until 0600 hours the following day.”.

(4) In paragraph 4(2) (requirement to take measures to minimise risk of exposure to coronavirus in a level 1 area)(7)—

(a) omit “or” following head (c),

(b) after head (d), insert—

“(e) where a funeral is taking place, one or more persons who, as part of the funeral or the preparations for a funeral, are—

(i) carrying or setting down a coffin, or

(ii) lowering, or assisting in the lowering of, a coffin into a lair.”.

Amendment of schedule 3 (level 2 restrictions)

5.—(1) Schedule 3 (level 2 restrictions) is amended in accordance with this regulation.

(2) After paragraph 5(1) (restricted opening hours for food and drink businesses in a level 2 area)(8), insert—

“(1A) Sub-paragraph (1B) applies where a match forming part of the Championship (within the meaning of section 1(1) of the UEFA European Championship (Scotland) Act 2020) is being shown live in any part of the premises of a food and drink business in a Level 2 area and the match has not concluded by 2230 hours.

(1B) Where this sub-paragraph applies, sub-paragraph (1) applies as if the duties mentioned in that sub-paragraph were instead imposed on the person responsible for carrying on the business during the period from 2330 hours on the day in question or as soon as is reasonably practicable following the conclusion of the match (whichever is the earlier) until 0600 hours the following day.”.

(3) In paragraph 5A (restricted opening hours for casinos in a level 2 area)(9)—

(a) the existing text becomes sub-paragraph (1),

(b) after that sub-paragraph insert—

“(2) Sub-paragraph (3) applies where a match forming part of the Championship (within the meaning of section 1(1) of the UEFA European Championship (Scotland) Act 2020) is being shown live in any part of the premises of a casino business in a Level 2 area and the match has not concluded by 2230 hours.

(3) Where this sub-paragraph applies, sub-paragraph (1) applies as if the duties mentioned in that sub-paragraph were instead imposed on the person responsible for carrying on the business during the period from 2330 hours on the day in question or as soon as is reasonably practicable following the conclusion of the match (whichever is the earlier) until 0600 hours the following day.”.

(4) In paragraph 8 (requirement to take measures to minimise risk of exposure to coronavirus in a level 2 area)(10)—

(a) in sub-paragraph (2)—

(i) omit “or” following head (c),

(ii) after head (d), insert—

(7) Paragraph 4(2) was relevantly amended by [S.S.I. 2021/227](#).

(8) Paragraph 5(1) was relevantly amended by [S.S.I. 2021/193](#).

(9) Paragraph 5A was inserted by [S.S.I. 2021/202](#).

(10) Paragraph 8 was relevantly amended by [S.S.I. 2021/227](#) and [S.S.I. 2021/238](#).

- “(e) where a funeral is taking place, one or more persons who, as part of the funeral or the preparations for a funeral, are—
 - (i) carrying or setting down a coffin, or
 - (ii) lowering, or assisting in the lowering of, a coffin into a lair.”,
- (b) in sub-paragraph (3), in the definition of “required distance”, after paragraph (a) insert—
 - “(aa) in relation to Murrayfield, at least 1.15 metres,”,
- (c) in sub-paragraph (5), before head (a) insert—
 - “(za) “Murrayfield” means Murrayfield Stadium, Edinburgh, for the purposes of the 1888 Cup rugby event on 26 June 2021.”.

Amendment of schedule 4 (level 3 restrictions)

6. In paragraph 7(2) of schedule 4 (requirement to take measures to minimise risk of exposure to coronavirus in a level 3 area)(**11**)—

- (a) omit “or” following head (c),
- (b) after head (d), insert—
 - “(e) where a funeral is taking place, one or more persons who, as part of the funeral or the preparations for a funeral, are—
 - (i) carrying or setting down a coffin, or
 - (ii) lowering, or assisting in the lowering of, a coffin into a lair.”.

Amendment of schedule 5 (level 4 restrictions)

7. In paragraph 8(2) of schedule 5 (requirement to take measures to minimise risk of exposure to coronavirus in a level 4 area)(**12**)—

- (a) the word “or” following head (c) is omitted,
- (b) after head (d), insert—
 - “(e) where a funeral is taking place, one or more persons who, as part of the funeral or the preparations for a funeral, are—
 - (i) carrying or setting down a coffin, or
 - (ii) lowering, or assisting in the lowering of, a coffin into a lair.”.

Amendment of schedule 7 (face covering requirements)

8. In paragraph 2 of schedule 7 (requirement to wear face coverings in certain indoor places)(**13**), after head (h), insert—

- “(hza) at a marriage ceremony or civil partnership registration and is a person who is accompanying, in the circumstances described in sub-paragraph (h)(iii), one or both of the parties to be married or entering into a civil partnership.”.

(11) Paragraph 7(2) was relevantly amended by [S.S.I. 2021/227](#).

(12) Paragraph 8(2) was relevantly amended by [S.S.I. 2021/227](#).

(13) Paragraph 2 was relevantly amended by [S.S.I. 2021/227](#).

St Andrew's House,
Edinburgh
At 1.57 p.m. on 24th June 2021

JOHN SWINNEY
A member of the Scottish Government

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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”).

Regulation 3 amends schedule 1 of the Local Levels Regulations to remove the requirement, in a Level 0 area, for persons to maintain the required distance when carrying or setting down a coffin or lowering or assisting in the lowering of the coffin into a lair as part of a funeral or the preparations for a funeral. The same amendments are made to schedule 2 for Level 1 areas by regulation 4(4); to schedule 3 for Level 2 areas by regulation 5(4); to schedule 4 for Level 3 areas by regulation 6; and to schedule 5 for Level 4 areas by regulation 7.

Regulation 4(2) and (3) amends schedule 2 of the Local Levels Regulations to reduce the hours between which food and drink businesses and casinos must remain closed in Level 1 areas where the premises are showing a live match as part of the UEFA European Championship and the match has not finished by 11pm. Those premises must close at the conclusion of the match or 11.30pm, whichever is earlier. The same amendments are made to schedule 3 for Level 2 areas by regulation 5(2) and (3) where the match has not finished by 10.30pm.

Regulation 5 also amends schedule 3 so that the required distance to be maintained between persons in Murrayfield Stadium, Edinburgh, at the 1888 Cup rugby event on 26 June 2021 is reduced to at least 1.15 metres.

Regulation 8 amends schedule 7 of the Local Levels Regulations to remove the requirement for persons accompanying a party to be married or entering into a civil partnership to wear a face covering.

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS AND REQUIREMENTS) (LOCAL LEVELS) (SCOTLAND) AMENDMENT (NO. 29) REGULATIONS 2021

SSI 2021/252

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 physical distancing requirements so that family members may be involved in funerals by carrying of the coffin or lowering the coffin into a lair. The regulations also provide extended opening hours for hospitality in the event that a match during the knockout stages of the UEFA EURO 2020 Championship which is being shown in hospitality premises runs over the currently permitted opening hours. The Regulations also adjust the physical distancing rules for the purpose of the 1888 Cup rugby event at Murrayfield Stadium, Edinburgh on 26 June 2021. The regulations also adjust the rules on face coverings at weddings 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

Funerals

2. These regulations adjust the physical distancing requirements so that persons who are carrying a coffin or assisting to lower a coffin into the lair are not required to follow the physical distancing requirement while doing so.

Extended hospitality opening hours during the latter stages of the Euros

3. These regulations make adjustments to hospitality closing times in Levels 1 and 2 during the latter stages of the UEFA EURO 2020 Championship. They temporarily extend opening during the knockout stage to 23:30 (or as soon as reasonably practicable following conclusion of the match, whichever is earlier) from 26 June to conclusion of the Championships on 11 July. The extension to opening hours only applies to premises which are showing a match live and the match runs over the current permitted opening hours which are 22:30 in Level 2 areas and 23:00 in Level 1 areas.

British Lions v Japan match, Murrayfield, 26 June 2021

4. These Regulations amend schedules 1, 2 and 3 of the principal regulations to adjust the distance required to be maintained between persons in Murrayfield Stadium, Edinburgh for the purposes of the 1888 Cup rugby event on 26 June 2021.

5. These regulations adjust physical distancing requirements within Murrayfield Stadium to 1.15 metres for the purposes of that event.

Weddings

6. These regulations also adjust the existing exemptions to face covering requirements at weddings and civil partnerships so that a person accompanying a party to a wedding or civil partnership down the aisle, or similar, is not required to wear a face covering.

Consultation

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

Impact Assessments

8. A Business and Regulatory Impact Assessment and Equality Impact Assessment have 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

24 June 2021

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulations made by the Scottish Ministers and laid before the Scottish Parliament under paragraph 6(3) of schedule 19 of the Coronavirus Act 2020, for approval by resolution of the Scottish Parliament within 28 days beginning with the day on which the Regulations were made, not taking into account any period of dissolution or recess for more than 4 days.

SCOTTISH STATUTORY INSTRUMENTS

2021 No. 255

PUBLIC HEALTH

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 30) Regulations 2021

<i>Made</i>	- - - -	<i>at 1.59 p.m. on 29th June 2021</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>at 3.45 p.m. on 29th June 2021</i>
<i>Coming into force</i>	- -	<i>30th June 2021</i>

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(1) (“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 resolution of, the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 30) Regulations 2021 and come into force on 30 June 2021.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(2) are amended in accordance with regulation 3.

Amendment of schedule 7A (restrictions on leaving or entering Scotland: common travel area)

3. In paragraph 4 of schedule 7A(3) (places in respect of which restrictions in this schedule apply)

- (a) omit sub-paragraph (b)(iii) (Bolton Metropolitan Borough Council),
- (b) omit sub-paragraph (b)(iv) (Manchester City Council),
- (c) omit sub-paragraph (b)(v) (Salford City Council).

St Andrew's House,
Edinburgh
At 1.59 p.m. on 29th June 2021

HUMZA YOUSAF
A member of the Scottish Government

(2) [S.S.I. 2020/344](#), last amended by [S.S.I. 2021/252](#).

(3) Schedule 7A was inserted by [S.S.I. 2020/389](#). Paragraph 4 of schedule 7A was relevantly amended by [S.S.I. 2021/211](#) and [S.S.I. 2021/242](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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”).

Schedule 7A of the Local Levels Regulations sets out certain restrictions on entering Scotland from, or leaving Scotland to go to, the common travel area. Regulation 3 amends schedule 7A so that, from 30 June 2021, the areas of Bolton Metropolitan Borough Council, Manchester City Council and Salford City Council are omitted from the list of places to which the restrictions in schedule 7A apply, so that the restrictions no longer apply in those areas.

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS AND REQUIREMENTS) (LOCAL LEVELS) (SCOTLAND) AMENDMENT (NO. 30) REGULATIONS 2021

SSI 2021/255

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 remove the areas of Bolton Metropolitan Borough Council, Manchester City Council and Salford City Council from the list of areas to which the common travel area restrictions apply.

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

Common Travel Area

2. These Regulations amend schedule 7A of the principal regulations to remove the areas of Bolton Metropolitan Borough Council, Manchester City Council and Salford City Council from the list of places in the Common Travel Area (CTA) from which travel to and from Scotland is not permitted without a reasonable excuse.

3. These changes are being made due to changes to the epidemiological position for those areas.

Consultation

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

Impact Assessments

5. No impact assessments are required. The provisions are also subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government
Directorate for Covid Coordination

29 June 2021

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulations made by the Scottish Ministers and laid before the Scottish Parliament under paragraph 6(3) of schedule 19 of the Coronavirus Act 2020, for approval by resolution of the Scottish Parliament within 28 days beginning with the day on which the Regulations were made, not taking into account any period of dissolution or recess for more than 4 days.

SCOTTISH STATUTORY INSTRUMENTS

2021 No. 262

PUBLIC HEALTH

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 31) Regulations 2021

<i>Made</i>	- - - -	<i>at 11.30 a.m. on 7th</i>
		<i>July 2021</i>
<i>Laid before the Scottish</i>		<i>at 2.30 p.m. on 7th</i>
<i>Parliament</i>	- - - -	<i>July 2021</i>
<i>Coming into force</i>	- -	<i>8th July 2021</i>

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(1) (“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 resolution of, the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 31) Regulations 2021 and come into force on 8 July 2021.

(1) 2020 c.7.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(2) are amended in accordance with regulations 3 to 6.

Amendment of schedule 1 (Level 0 Restrictions)

3. In schedule 1 (level 0 restrictions)—

(a) in paragraph 3(3) (requirement to take measures to minimise risk of exposure to coronavirus in a Level 0 area) —

(i) in sub-paragraph (3), in the definition of “required distance”, after head (a) insert—

“(aa) in relation to the premises of the Renaissance Club (except the grandstands or any reduced distance premises) during the period of the abrdn Scottish Open golf event, at least one metre,

(ab) in relation to the grandstands of the Renaissance Club during the period of the abrdn Scottish Open golf event, at least 1.5 metres,”

(ii) in sub-paragraph (5)—

(aa) omit “and” following head (a), and

(bb) after head (b) insert—

“(c) “the Renaissance Club” means the golf club known as the Renaissance Club, North Berwick,

(d) “the grandstands” means the two grandstands positioned separately at the seventeenth and eighteenth holes on the premises of the Renaissance Club, and

(e) “the period of the abrdn Scottish Open golf event” means the period beginning with 8 July 2021 and ending with 11 July 2021, except in circumstances where the abrdn Scottish Open golf event is delayed such that play cannot be completed on 11 July 2021, in which case it means the period beginning with 8 July 2021 and ending with 12 July 2021”, and

(b) in paragraph 14 (Scottish Ministers’ power to call in applications for exemption from capacity in a Level 0 area), at the start of sub-paragraph (2) for “A” substitute “The Scottish Ministers may direct that a”.

Amendment of schedule 2 (Level 1 Restrictions)

4. In schedule 2 (level 1 restrictions)—

(a) paragraph 4(4) (requirement to take measures to minimise risk of exposure to coronavirus in a Level 1 area)—

(i) in sub-paragraph (3), in the definition of “required distance”, after head (a) insert—

“(aa) in relation to the premises of the Renaissance Club (except the grandstands or any reduced distance premises) during the period of the abrdn Scottish Open golf event, at least one metre,

(2) [S.S.I. 2020/344](#), last amended by [S.S.I. 2021/255](#).

(3) Paragraph 3 of schedule 1 was relevantly amended by [S.S.I. 2021/238](#).

(4) Paragraph 4 of schedule 2 was relevantly amended by [S.S.I. 2021/238](#).

- (ab) in relation to the grandstands of the Renaissance Club during the period of the abrdn Scottish Open golf event, at least 1.5 metres,”
- (ii) in sub-paragraph (5)—
 - (aa) omit “and” following head (a), and
 - (bb) after head (b) insert—
 - “(c) “the Renaissance Club” means the golf club known as the Renaissance Club, North Berwick,
 - (d) “the grandstands” means the two grandstands positioned separately at the seventeenth and eighteenth holes on the premises of the Renaissance Club,
 - (e) “the period of the abrdn Scottish Open golf event” means the period beginning with 8 July 2021 and ending with 11 July 2021, except in circumstances where the abrdn Scottish Open golf event is delayed such that play cannot be completed on 11 July 2021, in which case it means the period beginning with 8 July 2021 and ending with 12 July 2021”, and
- (b) in paragraph 15 (Scottish Ministers’ power to call in applications for exemption from capacity in a Level 1 area), at the start of sub-paragraph (2) for “A” substitute “The Scottish Ministers may direct that a”.

Amendment of schedule 3 (Level 2 Restrictions)

- 5. In schedule 3 (level 2 restrictions)—
 - (a) in paragraph 8(5) (requirement to take measures to minimise risk of exposure to coronavirus in a Level 2 area)—
 - (i) in sub-paragraph (3), in the definition of “required distance”, after head (aa) insert—
 - “(ab) in relation to the premises of the Renaissance Club (except the grandstands or any reduced distance premises) during the period of the abrdn Scottish Open golf event, at least one metre,
 - (ac) in relation to the grandstands of the Renaissance Club during the period of the abrdn Scottish Open golf event, at least 1.5 metres,”
 - (ii) in sub-paragraph (5)—
 - (aa) omit “and” following head (a), and
 - (bb) after paragraph (b) insert—
 - “(c) “the Renaissance Club” means the golf club known as the Renaissance Club, North Berwick,
 - (d) “the grandstands” means the two grandstands positioned separately at the seventeenth and eighteenth holes at the premises of the Renaissance Club,
 - (e) “the period of the abrdn Scottish Open golf event” means the period beginning with 8 July 2021 and ending with 11 July 2021, except in circumstances where the abrdn Scottish Open golf event is delayed such that play cannot be completed on 11 July 2021, in which case it means the period beginning with 8 July 2021 and ending with 12 July 2021”, and

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- (b) in paragraph 19 (Scottish Ministers' power to call in applications for exemption from capacity in a Level 2 area), at the start of sub-paragraph (2) for "A" substitute "The Scottish Ministers may direct that a".

Amendment of schedule 7A (restrictions on leaving or entering Scotland: common travel area)

6. In paragraph 4 of schedule 7A(6) (places in respect of which restrictions in this schedule apply) omit sub-paragraph (b).

St Andrew's House,
Edinburgh
At 11.30 a.m. on 7th July 2021

MAREE TODD
Authorised to sign by the Scottish Ministers

(6) Schedule 7A was inserted by [S.S.I. 2020/389](#). Paragraph 4 of schedule 7A was relevantly amended by [S.S.I. 2021/211](#), [S.S.I. 2021/242](#) and [S.S.I. 2021/255](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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 principal Regulations”).

Regulations 3(a), 4(a) and 5(a) make amendments to Part 2 of schedules 1, 2 and 3 of the principal Regulations (other restrictions on business) to reduce physical distancing requirements at the premises known as the Renaissance Club, North Berwick during the abrdn Scottish Open golf event starting on 8 July 2021 and ending on 11 July 2021 (or 12 July 2021 in the event play cannot be completed on 11 July 2021). During that event, the required distance to be maintained between persons on those premises is reduced to at least 1 metre, except within the two grandstands positioned separately at the seventeenth and eighteenth holes, where the distance to be maintained between persons is reduced to at least 1.5 metres.

Regulations 3(b), 4(b) and 5(b) make minor amendments to Part 4 of schedules 1, 2 and 3 of the principal Regulations (restrictions on stadia and live events). The effect of those amendments is that from the coming into force of these Regulations, local authorities will only be required to notify the Scottish Ministers of an application (made to the local authority in question) for an exemption on capacity in Levels 0, 1 or 2 when directed to do so by the Scottish Ministers.

Regulation 6 amends schedule 7A of the principal Regulations (which sets out certain restrictions on entering Scotland from, or leaving Scotland to go to, the Common Travel Area) with the effect that, from the beginning of 8 July 2021, those restrictions no longer apply in relation to the area of Blackburn with Darwen Borough Council in England.

POLICY NOTE

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 31) Regulations 2021

SSI 2021/262

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 reduce the required physical distances to be maintained between persons within the premises of the Renaissance Club, North Berwick for the period of the abrdn Scottish Open, which is scheduled to start on 8 July and end 11 July 2021 (or 12 July in the event play cannot be completed on the 11 July). These regulations also make a minor amendment to provisions relating to stadia and live events: a local authority will only be required to notify the Scottish Ministers of an application for an exemption on capacity in Levels 0, 1 or 2 when directed to do so by the Scottish Ministers. These regulations also remove the area of Blackburn with Darwen Borough Council in England from the list of areas to which the common travel area restrictions apply.

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

Physical distancing at the abrdn Scottish Open, 8 – 11 July 2021

2. These Regulations amend schedules 1, 2 and 3 of the principal regulations to reduce the distances required to be maintained between persons in the premises of the Renaissance Club, North Berwick for the period of the abrdn Scottish Open, which is scheduled to start on 8 July and end 11 July 2021 (or 12 July in the event play cannot be completed on the 11 July).

3. These Regulations reduce physical distancing requirements within the premises of the Renaissance Club during the period of the abrdn Scottish Open to 1 metre, except within two spectator grandstands where the physical distancing requirement is reduced to 1.5 metres.

4. The abrdn Scottish Open has been designated a flagship event by the Scottish Government. This designation is intended to enable a small number of internationally significant events to take place in 2021, with appropriate covid-19 mitigations in place. Delivery of flagship events aligns with ‘Scotland The Perfect Stage’¹ (Scotland’s events strategy) and supports longer-term recovery for the sector from COVID-19. Further information about flagship events, and the considerations and criteria used to determine whether an event should enter the flagship events gateway process, is available in the Scottish Government’s Events Sector Guidance.²

Stadia and Live events

5. These Regulations make a minor amendment to Part 4 (restrictions on stadia and live events) in each of schedules 1, 2 and 3. Local authorities will only be required to notify the Scottish Ministers of an application for an exemption on capacity in Levels 0, 1 or 2 when directed to do so by the Scottish Ministers, instead of such notification requirement applying to every capacity exemption application received by a Local Authority.

Common Travel Area

6. These Regulations amend schedule 7A of the principal regulations to remove the area of Blackburn with Darwen Borough Council from the list of places in the Common Travel Area (CTA) from which travel to and from Scotland is not permitted without a reasonable excuse.

7. These changes are being made due to changes to the epidemiological position for those areas.

Consultation

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

Impact Assessments

9. No impact assessments are required. The provisions are also subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government
Directorate for Covid Coordination
7 July 2021

¹ [Supporting Events in Scotland | VisitScotland.org](https://www.visitScotland.org)

²² [Coronavirus \(COVID-19\): events sector guidance - gov.scot \(www.gov.scot\)](https://www.gov.scot)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulations made by the Scottish Ministers and laid before the Scottish Parliament under paragraph 6(3) of schedule 19 of the Coronavirus Act 2020, for approval by resolution of the Scottish Parliament within 28 days beginning with the day on which the Regulations were made, not taking into account any period of dissolution or recess for more than 4 days.

SCOTTISH STATUTORY INSTRUMENTS

2021 No. 263

PUBLIC HEALTH

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 32) Regulations 2021

	<i>at 12.15 p.m. on</i>
<i>Made</i> - - - -	<i>15th July 2021</i>
<i>Laid before the Scottish Parliament</i> - - - -	<i>at 3.00 p.m. on 15th July 2021</i>
<i>Coming into force</i> - -	<i>19th July 2021</i>

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⁽¹⁾ (“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 resolution of, the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 32) Regulations 2021 and come into force on 19 July 2021.

(1) 2020 c. 7.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(2) are amended in accordance with regulations 3 to 6.

Amendment of schedule 1 (Level 0 restrictions)

3. In schedule 1 (Level 0 restrictions)—

(a) after paragraph 2 (requirement for seated food and drink sale and consumption in food and drink businesses in a Level 0 area), insert—

“Restricted opening hours for food and drink businesses in a Level 0 area

2A.—(1) A person who is responsible for carrying on a food and drink business in a Level 0 area must, between the hours of 0000 and 0400, in relation to any premises, or parts of the premises, which are indoors—

- (a) close any premises, or parts of the premises, in which food or drink are sold for consumption on those premises, to members of the public,
- (b) cease selling food or drink for consumption on those premises,
- (c) not permit consumption of food or drink on those premises by members of the public.

(2) Sub-paragraph (1) does not prevent food or drink being sold—

- (a) for consumption off the premises,
- (b) by a hotel or other accommodation for consumption as part of room service,
- (c) in a cinema to its customers for consumption in any of its auditoriums,
- (d) to customers attending a drive-in event for consumption at the event,
- (e) for consumption in a cafe, dining hall or canteen at—
 - (i) a hospital or care home,
 - (ii) a school or student accommodation,
 - (iii) a prison,
 - (iv) an establishment intended for use for naval, military or air force purposes or for the purposes of the Department of the Secretary of State responsible for defence, or
 - (v) a workplace canteen where—
 - (aa) there is no practical alternative for staff at that workplace to obtain food, and
 - (bb) so far as reasonably possible, a distance of at least one metre can be maintained between any person using the canteen,
 - (f) for consumption in premises providing food or drink to homeless persons,
 - (g) for consumption in premises which are airside at an airport,
 - (h) for consumption in premises which are on a ferry.

(3) Sub-paragraph (2)(c) to (h) does not apply in relation to the sale of alcohol.

(4) Sub-paragraph (1) does not prevent—

- (a) the consumption of food or drink by a resident of a hotel in their private room,
- (b) the consumption of food or drink by members of the public in any of the premises described in sub-paragraph (2)(c) to (h).

(5) For the purposes of sub-paragraph (1), an area adjacent to the premises of the food and drink business, where seating is made available for customers of the business (whether or not by the business), or which its customers habitually use for consumption of food or drink served by the business, is to be treated as part of the premises of that business.

(6) If a food and drink business (“business A”) forms part of a larger business (“business B”), the person responsible for carrying on business B complies with the requirements in sub-paragraph (1) if that person complies with the requirements in relation to business A.

Restricted opening hours for casinos in a Level 0 area

2B. A person who is responsible for carrying on a casino business in a Level 0 area must, between the hours of 0000 and 0400—

- (a) close to members of the public any premises operated as part of the business, and
 - (b) not carry on business at such premises.”,
- (b) in paragraph 3 (requirement to take measures to minimise risk of exposure to coronavirus in a Level 0 area)—
- (i) after sub-paragraph (2)(a) insert—
 - “(aza) the persons participating in a gathering outdoors which consists of no more than fifteen persons from no more than fifteen households,”
 - (ii) in sub-paragraph (3), for the definition of “required distance” substitute—
 - ““required distance” means at least one metre,” and
 - (iii) omit sub-paragraphs (4) and (5),
- (c) in paragraph 6 (restrictions on public gatherings indoors in a Level 0 area)(3), for sub-paragraph (2) substitute—
- “(2) For the purpose of sub-paragraph (1)(a), children under 12 years of age are not to be included when counting the number of persons or households participating in a gathering.”, and
- (d) in paragraph 8 (restriction on gatherings in private dwellings in a Level 0 area)(4), for sub-paragraphs (2) and (3) substitute—
- “(2) For the purpose of sub-paragraphs (1)(a) and (aa), children under 12 years of age are not to be included when counting the number of people or households attending a gathering.”.

Amendment of schedule 2 (Level 1 restrictions)

4. In schedule 2 (Level 1 restrictions)—

- (a) in paragraph 3 (restricted opening hours for food and drink businesses in a Level 1 area) omit sub-paragraphs (1A) and (1B)(5),

(3) Paragraph 6 was amended by [S.S.I. 2021/193](#).

(4) Paragraph 8 was relevantly amended by [S.S.I. 2020/374](#) and [S.S.I. 2021/193](#).

(5) Paragraph 3(1A) and (1B) were inserted by [S.S.I. 2021/252](#).

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- (b) in paragraph 3A (restricted opening hours for casinos in a Level 1 area) omit sub-paragraphs (2) and (3)(6), and
- (c) in paragraph 4(7) (requirement to take measures to minimise risk of exposure to coronavirus in a Level 1 area)—
 - (i) in sub-paragraph (3), in the definition of “required distance”—
 - (aa) omit heads (aa)(8) to (c),
 - (bb) after head (a) insert “ or”,
 - (cc) existing head (d) becomes head (b), and
 - (ii) omit sub-paragraph (5).

Amendment of schedule 3 (Level 2 restrictions)

- 5. In schedule 3 (Level 2 restrictions)—
 - (a) in paragraph 5 (restricted opening hours for food and drink businesses in a Level 2 area) omit sub-paragraphs (1A) and (1B)(9),
 - (b) in paragraph 5A (restricted opening hours for casinos in a Level 2 area) omit sub-paragraphs (2) and (3)(10), and
 - (c) in paragraph 8(11) (requirement to take measures to minimise risk of exposure to coronavirus in a Level 2 area)—
 - (i) in sub-paragraph (3), in the definition of “required distance”—
 - (aa) omit heads (aa)(12) to (c),
 - (bb) after head (a) insert “or”,
 - (cc) existing head (d) becomes head (b), and
 - (ii) omit sub-paragraph (5).

Amendment of schedule 6 (areas)

- 6. For schedule 6 (areas)(13) substitute—

“SCHEDULE 6

Regulation 3(6)

Areas

- 1.—(1) This is the table referred to in regulation 3(6)(a).

<i>Column (1)</i>	<i>Column (2)</i> <i>Area</i>	<i>Column (3)</i> <i>Level of Area</i>
1	Scotland	0

- (2) For the purposes of this schedule “Scotland” includes—

(6) Paragraph 3A(2) and (3) were inserted by [S.S.I. 2021/252](#).
 (7) Paragraph 4 of schedule 2 was recently amended by [S.S.I. 2021/238](#) and [S.S.I. 2021/262](#).
 (8) Head (aa) was inserted by [S.S.I. 2021/262](#).
 (9) Paragraph 5(1A) and (1B) were inserted by [S.S.I. 2021/252](#).
 (10) Paragraph 5A(2) and (3) were inserted by [S.S.I. 2021/252](#).
 (11) Paragraph 8 of schedule 3 was recently amended by [S.S.I. 2021/238](#), [S.S.I. 2021/252](#) and [S.S.I. 2021/262](#).
 (12) Head (aa) was inserted by [S.S.I. 2021/252](#).
 (13) The table in schedule 6 was substituted by [S.S.I. 2021/209](#), and last amended by [S.S.I. 2021/227](#).

- (a) so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Scotland, and
- (b) the airspace above Scotland.”.

St Andrew’s House,
Edinburgh
At 12.15 p.m. on 15th July 2021

HUMZA YOUSAF
A member of the Scottish Government

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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 principal Regulations”).

Regulation 3 makes various amendments to schedule 1 of the principal Regulations (Level 0 restrictions). Regulation 3(a) inserts new provision for restrictions to the opening and operating hours of food and drink businesses and casinos in a Level 0 area.

Paragraph 3 of schedule 1 of the principal Regulations requires a person responsible for a place of worship, carrying on a business or providing a service in a Level 0 area to take measures to ensure, so far as reasonably practicable, that the required distance is maintained between any persons on its premises, or waiting to enter its premises, except between persons mentioned in paragraph 3(2) of schedule 1.

Regulation 3(b)(i) amends paragraph 3(2) of schedule 1, to insert a further category of persons who are so mentioned - a gathering of persons outdoors consisting of no more than 15 persons from no more than 15 households. Regulation 3(b)(ii) substitutes a new “required distance” for physical distancing in paragraph 3(3) of schedule 1, which is at least one metre. Regulation 3(b)(iii) omits redundant provision.

Regulation 3(c) and (d) amends paragraphs 6 (restrictions on public gatherings indoors in a Level 0 area) and 8 (restrictions on gatherings in private dwellings in a Level 0 area) of schedule 1 of the principal Regulations. This makes provision so children under 12 years of age are not included when counting the number of households or persons who participate in a public gathering indoors in a Level 0 area, or who attend an indoors gathering in a private dwelling.

Regulation 4(a) and (b) amend paragraphs 3 (restricted opening hours for food and drink businesses in a Level 1 area) and 3A (restricted opening hours for casinos in a Level 1 area) of schedule 2 of the principal Regulations. This removes provision which extended the opening hours for food and drink businesses and casinos in a Level 1 area during UEFA European Championship matches. Regulation 4(c) amends the meaning of “required distance” in paragraph 4 of that schedule (requirement to take measures to minimise risk of exposure to coronavirus in a Level 1 area) to remove provisions relating to specified sporting events, and associated definitions.

Regulation 5 makes equivalent amendments in respect of Level 2 restrictions to those made by regulation 4 in respect of Level 1 restrictions. This amends paragraphs 5 (restricted opening hours for food and drink businesses in a Level 2 area), 5A (restricted opening hours for casinos in a Level 2 area) and 8 (requirement to take measures to minimise risk of exposure to coronavirus in a Level 2 area) of schedule 3 of the principal Regulations.

Regulation 6 substitutes a new table referred to in regulation 3(6)(a) of the principal Regulations. This provides that the whole of Scotland is in Level 0. Paragraph 1(2) of the new schedule 6 defines “Scotland” for this purpose as including so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Scotland, and Scottish airspace.

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS AND REQUIREMENTS) (LOCAL LEVELS) (SCOTLAND) AMENDMENT (NO. 32) REGULATIONS 2021

SSI 2021/263

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 provide that physical distancing is reduced to 1 metre indoors and outdoors and to remove the requirement for physical distancing requirements between people within a social group outdoors. These regulations also provide that children under the age of 12 years do not count for the purpose of calculating the number of households permitted for gatherings indoors. The regulations also restrict hospitality trading times to between 04:00 and 00:00.

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

Change of Levels Allocation

2. These Regulations provide that all of Scotland is in Level 0 for the purpose of the principal regulations and accordingly the restrictions and requirements applicable at Level 0 and set out in schedule 1 to the principal regulations apply in all areas of Scotland.

Reduction of Physical Distancing in Level 0

3. These Regulations amend schedule 1 to adjust the physical distancing requirements to 1 metre indoors and outdoors. The Regulations also remove the requirement for physical distancing between people in a gathering of up to 15 people outdoors.

4. These amendments are being made to reduce the impact of physical distancing.

Children counting towards household numbers in Level 0

5. These Regulations amend schedule 1 to provide that children under the age of 12 years do not count for the purpose of calculating the number of households permitted for gatherings indoors. This is to reduce the impact on children of the restrictions and requirements in the principal regulations.

Hospitality and Casino Trading Hours in Level 0

6. These Regulations provide that hospitality opening hours in Level 0 are restricted to between 04:00 and 00:00 and similarly for casinos. This reflects the level of risk in these environments, particularly later at night when people may be less likely to follow rules. A midnight closing time represents progress from level 1 and 2 but it will help mitigate some of the risk.

Consultation

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

Impact Assessments

8. Impact assessments will be prepared as appropriate.

Scottish Government
Directorate for Covid Coordination
15 July 2021

Regulations made by the Scottish Ministers and laid before the Scottish Parliament under paragraph 6(3) of schedule 19 of the Coronavirus Act 2020, for approval by resolution of the Scottish Parliament within 28 days beginning with the day on which the regulations were made, not taking into account any period of dissolution or recess for more than 4 days.

SCOTTISH STATUTORY INSTRUMENTS

2021 No. 277

PUBLIC HEALTH

**The Health Protection (Coronavirus)
(Requirements) (Scotland) Regulations 2021**

<i>Made</i>	- - - -	<i>at 1.50 p.m. on 5th August 2021</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>at 4.00 p.m. on 5th August 2021</i>
<i>Coming into force</i>	- -	<i>9th August 2021</i>

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⁽¹⁾ (“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 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.

PART 1

Introductory

Citation, commencement and application

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 and come into force on 9 August 2021.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (2) These Regulations apply in—
- (a) Scotland, and
 - (b) Scottish airspace, in relation to a person who is on a mode of transport which took off from, or is to land at, a place in Scotland.
- (3) In paragraph (2)—
- “Scotland” includes so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Scotland, and
- “Scottish airspace” means the airspace above Scotland.

Interpretation

2. In these Regulations—

“child” means a person who is under 16 years of age,

“constable” has the meaning given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012⁽²⁾,

“emergency responder” has the meaning given by section 153A(6) of the Inheritance Tax Act 1984⁽³⁾,

“face covering” means a covering of any type (other than a face shield) which covers a person’s nose and mouth,

“household” means—

- (a) one person living alone, or
- (b) a group of persons living together in the same place as a family or other unit (whether or not related) and who have the place as their only or main residence,

“indoors” means a place which would be considered to be wholly or substantially enclosed for the purposes of section 4(2) of the Smoking, Health and Social Care (Scotland) Act 2005⁽⁴⁾ under the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006⁽⁵⁾, and “outdoors” is to be construed accordingly,

“live event” means an event or activity which brings individuals together for the purpose of community, culture, sport, recreation, entertainment, art or business but does not include—

- (a) an event or activity which relates to a funeral, marriage ceremony or civil partnership,
- (b) a mass participation event such as a marathon, triathlon, or moonwalk,
- (c) an event designated by the Scottish Ministers as a flagship event according to criteria, and in a list, published by the Scottish Ministers,
- (d) a showing in a cinema,
- (e) a drive-in event,
- (f) an organised picket,
- (g) a public or street market, or
- (h) an illuminated trail,

“passenger transport service” means a service provided for the carriage of passengers by road, railway, tramway, air or sea,

(2) 2012 asp 8.

(3) 1984 c.51. Section 153A was inserted by section 75 of the Finance Act 2015 (c. 11).

(4) 2005 asp 13.

(5) S.S.I. 2006/90.

“passenger transport service premises” means off-road premises where a passenger transport service may stop or terminate, allowing passengers on and off,

“premises” includes any building or structure and any land,

“public place” means a place to which the public, or a section of the public, has access whether on payment or otherwise,

“school” has the meaning given by section 135(1) of the Education (Scotland) Act 1980⁽⁶⁾, and

“sexual entertainment venue” has the meaning given by section 45A of the Civic Government (Scotland) Act 1982⁽⁷⁾.

PART 2

Requirements

Requirement to collect and share information: restaurants, cafes, bars, public houses etc.

3.—(1) A person who is responsible for a relevant hospitality premises or relevant entertainment premises must, in relation to the premises, take measures to—

- (a) obtain and record visitor information,
- (b) record visitor information in a filing system (which may be an electronic system) suitable for recording, storing and retrieving the information, and
- (c) retain visitor information for a period of at least 21 days beginning with the date on which the visit occurred.

(2) Paragraph (1) does not apply in relation to a visitor to the premises who is there solely for the purpose of—

- (a) purchasing or collecting food or drink for consumption off the premises, or
- (b) voting in an election.

(3) A person who is responsible for a relevant hospitality premises or relevant entertainment premises must provide visitor information to a public health officer, as soon as reasonably practicable but in any event within 24 hours, if so requested by the public health officer for the purpose of—

- (a) preventing a threat to public health resulting from the spread of infection or contamination with coronavirus,
- (b) monitoring the spread of infection or contamination with coronavirus or the incidence of coronavirus disease.

(4) In this regulation—

“public health officer” has the meaning given by paragraph 3(2)(b) of schedule 21 of the Coronavirus Act 2020,

“relevant entertainments premises” means—

- (a) nightclub, dance hall or discotheque,
- (b) sexual entertainment venue,

“relevant hospitality premises” means—

- (a) a restaurant, cafe, bar or public house, or

(6) 1980 c.44. Amended by section 2 of the Registered Establishments (Scotland) Act 1987 (c.4) and schedule 3 of the Standards in Scotland’s Schools etc. Act 2000 (asp 6).

(7) 1982 c.45. Section 45A was inserted by the Air Weapons and Licensing (Scotland) Act 2015 (asp 10), section 76(3).

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- (b) a hotel in which food or drink is sold for consumption on the premises,
and
- “visitor information” means—
- (a) the name and telephone number of one member of each household visiting the premises,
 - (b) the date of their visit and arrival time, and
 - (c) the number of members of that person’s household visiting the premises at that time.

Guidance on minimising exposure to coronavirus

4.—(1) A person who is responsible for a place of worship, carrying on a business or providing a service must have regard to guidance issued by the Scottish Ministers about measures to minimise risk of exposure to coronavirus relating to its premises, business or service.

- (2) Guidance issued by the Scottish Ministers may—
 - (a) make different provision for different cases or descriptions of case,
 - (b) incorporate (by reference or transposition) guidance, codes of practice or other documents published by another person (for example, a trade association, a body representing members of an industry or a trade union).
- (3) Part 4 (enforcement) does not apply to a contravention of the requirement in paragraph (1).

Requirement to wear face covering in certain indoor places

5.—(1) A person who enters or remains indoors within a place listed in regulation 6 must wear a face covering, unless the person is—

- (a) a child who is under 12 years of age,
- (b) a constable acting in the course of the constable’s duty,
- (c) an emergency responder (other than a constable) acting in their capacity as an emergency responder,
- (d) a person who is responsible for a place listed in regulation 6, an employee of that person or a volunteer at that place, where—
 - (i) there is a partition between the person, employee or volunteer and members of the public, or
 - (ii) a distance of at least one metre is maintained between the person, employee or volunteer and members of the public,
- (e) in a restaurant, cafe, bar, public house, nightclub, dance hall, discotheque or sexual entertainment venue and seated at a table,
- (f) in a place of worship and leading an act of worship where—
 - (i) there is a partition between the person and any other person, or
 - (ii) a distance of at least one metre is maintained between the person and any other person,
- (g) at a funeral, marriage ceremony or civil partnership registration and leading the service, ceremony or registration where—
 - (i) there is a partition between the person and any other person, or
 - (ii) a distance of at least one metre is maintained between the person and any other person,

- (h) at a marriage ceremony or civil partnership registration and is one of the parties to be married or entering into a civil partnership, where—
 - (i) there is a partition between the parties and any other person,
 - (ii) a distance of at least one metre is maintained between the parties and any other person, or
 - (iii) as part of the ceremony or registration and within the immediate vicinity of the relevant premises, they are being accompanied by one or more other persons to the specific location at which the marriage ceremony or civil partnership registration will take place,
- (i) at a marriage ceremony or civil partnership registration and is a person who is accompanying, in the circumstances described in paragraph (h)(iii), one or both of the parties to be married or entering into a civil partnership,
- (j) performing, presenting, addressing a public gathering, making a speech or being a panel member, where—
 - (i) there is a partition between the person and other persons, or
 - (ii) a distance of at least one metre is maintained between the person and other persons,
- (k) seeking medical assistance, and—
 - (i) the wearing of a face covering would materially impede the seeking of the assistance, or
 - (ii) the assistance is emergency assistance and either the person does not have a face covering with them or there is not time to put one on,
- (l) providing care or assistance to a vulnerable person, including emergency assistance, where—
 - (i) the wearing of a face covering would materially impede the seeking of the assistance, or
 - (ii) the assistance is emergency assistance and either the person does not have a face covering with them or there is not time to put one on,
- (m) acting to avoid injury, or illness or to escape a risk of harm, where—
 - (i) the wearing of a face covering would materially impede the seeking of the assistance, or
 - (ii) the assistance is emergency assistance and either the person does not have a face covering with them or there is not time to put one on,
- (n) unable to put on, wear or remove a face covering—
 - (i) because of any physical or mental illness or impairment or disability (within the meaning of section 6 of the Equality Act 2010)(8), or
 - (ii) without severe distress,
- (o) communicating with a person who has difficulties communicating (in relation to speech, language or otherwise) and relies on lip reading or facial expression to be able to communicate,
- (p) eating or drinking,
- (q) using accommodation facilities provided by an accommodation service provider to which members of the public do not have access whilst occupied by the person and any other person with whom they share that accommodation,

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- (r) taking part in exercise of a type which reasonably requires that the person is not wearing a face covering,
 - (s) taking medication, the taking of which reasonably requires that the person is not wearing a face covering,
 - (t) receiving a close contact service that requires access to the area covered by a face covering, where—
 - (i) the face covering is removed only for as long as is necessary to receive the service to that area, and
 - (ii) the person giving the service takes appropriate mitigation measures to minimise exposure to coronavirus, taking into account any relevant guidance issued by the Scottish Ministers,
 - (u) complying with a request by a relevant person or another person acting in the course of their duties, and in this paragraph “relevant person” has the meaning given by regulation 15(8),
 - (v) undertaking food handling tasks, to avoid risk to the hygiene or safety of food arising from or in connection with the wearing of a face covering, or
 - (w) undertaking tasks in the course of their employment, where the wearing of a face covering would cause a material risk of harm.
- (2) In this regulation “a close contact service” means—
- (a) hairdressing and barber services,
 - (b) beauty and nail services (including make-up services),
 - (c) hair removal services,
 - (d) tattoo, piercing and body modification services,
 - (e) fashion design, dress-fitting and tailoring services,
 - (f) indoor portrait photography and art services,
 - (g) massage therapies,
 - (h) complementary and alternative medicine services requiring physical contact or close physical proximity between persons, but not osteopathy and chiropractic services,
 - (i) spa and wellness services,
 - (j) other services or procedures which require physical contact or close physical proximity between a provider and a customer and are not ancillary to medical, health or social care services.

Places where face coverings must be worn in accordance with regulation 5

6.—(1) These are the places where face coverings must be worn in accordance with regulation 5—

- (a) any building or room used for the retail sale or hire of goods or services, including—
 - (i) restaurants, including restaurants and dining rooms in hotels or members’ clubs,
 - (ii) cafes, including canteens except canteens in a school or any other place where child minding or day care of children within the meaning of paragraphs 12 and 13 of schedule 12 of the Public Services Reform (Scotland) Act 2010⁽⁹⁾ is provided,
 - (iii) bars, including bars in hotels or members’ clubs,

⁽⁹⁾ 2010 asp 8. Paragraph 12 of schedule 12 was amended by S.S.I. 2013/211.

- (iv) public houses,
- (b) any indoor communal area—
 - (i) in a workplace, and
 - (ii) where there are no measures in place to keep persons separated by either a—
 - (aa) partition, or
 - (bb) distance of at least one metre,
- (c) any indoor public place, or part of an indoor public place, where a marriage ceremony or civil partnership registration is taking place, including any restaurant, cafe, bar or public house for the duration of the ceremony or registration,
- (d) amusement arcades, snooker or pool halls and other indoor leisure facilities,
- (e) banks, building societies and credit unions,
- (f) bingo halls,
- (g) bowling alleys,
- (h) casinos,
- (i) cinemas,
- (j) community centres,
- (k) crematoriums and funeral directors premises,
- (l) dance halls,
- (m) discotheques,
- (n) enclosed motor vehicles while in use for a driving lesson or driving test, unless all occupants are members of the same household,
- (o) indoor fitness studios, gyms, swimming pools or other indoor leisure centres,
- (p) indoor funfairs,
- (q) indoor skating rinks,
- (r) libraries and public reading rooms,
- (s) museums and galleries,
- (t) places of worship,
- (u) post offices,
- (v) premises at which members' clubs or societies meet,
- (w) registration offices, meaning any registration office provided under section 8(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965⁽¹⁰⁾,
- (x) storage and distribution facilities, including collection and drop off points,
- (y) indoor theatres,
- (z) comedy clubs,
- (aa) concert halls,
- (bb) soft play centres,
- (cc) sports stadiums,
- (dd) conference or exhibition centres and any other place at which an exhibition takes place,

⁽¹⁰⁾ 1965 c.49. Section 8(1) was amended by section 51(3)(a) of the Local Government etc. (Scotland) Act 1994 (c. 39) and section 37(5) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14).

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- (ee) any indoor public place, or part of an indoor public place, being used—
 - (i) as a polling station,
 - (ii) for the opening of postal votes, or the counting of votes cast, in an election,
 - (ff) nightclubs,
 - (gg) sexual entertainment venues,
 - (hh) any building or room used for the provision of a close contact service.
- (2) In this regulation—
- (a) “communal area” means an area where persons mingle or gather, such as—
 - (i) entrances
 - (ii) passageways,
 - (iii) stairs,
 - (iv) lifts,
 - (v) staff rooms,
 - (vi) training rooms, or
 - (vii) changing rooms,
 - (b) “motor vehicle” has the meaning given by section 185(1) of the Road Traffic Act 1988⁽¹¹⁾, except that section 189 of that Act (exception for certain pedestrian controlled vehicles and electrically assisted pedal cycles) applies as it applies for the purposes of that Act, and
 - (c) “workplace” excludes—
 - (i) a school, and
 - (ii) any other place where child minding or day care of children within the meaning of paragraphs 12 and 13 of schedule 12 of the Public Services Reform (Scotland) Act 2010 is provided, and
 - (d) “a close contact service” has the meaning in regulation 5(2).

Requirement to wear face coverings on public transport

7.—(1) A person who uses a passenger transport service or passenger transport service premises must wear a face covering, unless the person is—

- (a) on a school transport service,
- (b) on a cruise ship,
- (c) a child who is under 12 years of age,
- (d) a constable acting in the course of their duty,
- (e) an emergency responder (other than a constable) acting in their capacity as an emergency responder,
- (f) providing a passenger transport service, or an employee of that person, and—
 - (i) there is a partition between the person or employee and members of the public, or
 - (ii) the wearing of a face covering would materially impede communicating with other persons about a risk of harm or for other safety purposes,
- (g) flying or otherwise operating a passenger transport service for the carriage of passengers by air,

(11) 1988 c.52.

- (h) on a ferry, where—
 - (i) the person is on part of the ferry which is entirely outdoors, or
 - (ii) a distance of at least one metre is maintained between the person and other persons,
 - (i) seeking medical assistance, and—
 - (i) the wearing of a face covering would materially impede the seeking of the assistance, or
 - (ii) the assistance is emergency assistance and either the person does not have a face covering with them or there is not time to put one on,
 - (j) providing care or assistance to a vulnerable person, including emergency assistance, where—
 - (i) the wearing of a face covering would materially impede the seeking of the assistance, or
 - (ii) the assistance is emergency assistance and either the person does not have a face covering with them or there is not time to put one on,
 - (k) acting to avoid injury, or illness or to escape a risk of harm, where—
 - (i) the wearing of a face covering would materially impede the seeking of the assistance, or
 - (ii) the assistance is emergency assistance and either the person does not have a face covering with them or there is not time to put one on,
 - (l) unable to put on, wear or remove a face covering—
 - (i) because of any physical or mental illness or impairment or disability (within the meaning of section 6 of the Equality Act 2010), or
 - (ii) without severe distress,
 - (m) communicating with a person who has difficulties communicating (in relation to speech, language or otherwise) and relies on lip reading or facial expression to be able to communicate,
 - (n) eating or drinking,
 - (o) taking medication, the taking of which reasonably requires that the person is not wearing a face covering, or
 - (p) complying with a request by a relevant person or another person acting in the course of their duties, and in this sub-paragraph “relevant person” has the meaning given by regulation 15(8).
- (2) For the purpose of paragraph (1)—
- (a) a person uses a passenger transport service when—
 - (i) they are—
 - (aa) boarding any mode of transport by means of which a passenger transport service is provided, or
 - (bb) on board any mode of transport, whether or not for the purpose of travel, by means of which a passenger transport service is provided, and
 - (ii) that service is available for use by the public,
 - (b) a person uses passenger transport service premises when—
 - (i) they are present at premises where a passenger transport service may provide, stop or terminate their service, and
 - (ii) the part of those premises in which they are present is available for use by the public.

PART 3

Stadia and live events

Capacity limits on stadia and live events

8.—(1) A person must not organise a live event, unless paragraph (2) applies, which takes place wholly or mainly—

- (a) outdoors at which more than five thousand persons are in attendance at any point in time during the event, or
- (b) indoors at which more than two thousand persons are in attendance at any point in time during the event.

(2) This paragraph applies where—

- (a) the event is either—
 - (i) ticketed, or
 - (ii) otherwise subject to an effective capacity control measure,
- (b) the event takes place at a location, premises or other setting whose entrances and exits are controlled for the purpose of crowd and capacity management, and
- (c) a local authority has approved a capacity exemption application (see regulation 9) in respect of the event.

(3) For the purposes of paragraph (2)(c) an approval of a capacity exemption application under paragraph 11 of schedule 1 of the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020(12) (decisions on applications for exemption from capacity limits in a Level 0 area) approved before 9 August 2021, is to be treated as if it were approved under these Regulations.

(4) For the purpose of paragraph (1) the following types of persons are not to be included when counting the number of persons in attendance at a live event—

- (a) persons who are working or providing voluntary or charitable services at the event, and
- (b) children under 5 years of age.

Applications for exemption from capacity limits

9.—(1) A person may apply to a local authority for an exemption from a requirement imposed by regulation 8(1).

(2) An application under paragraph (1) is referred to as a “capacity exemption application”.

(3) A capacity exemption application may relate to a single event or a series of events.

(4) A local authority may not charge any fee in respect of a capacity exemption application.

(5) A capacity exemption application must be in writing and must include—

- (a) a description of the type of event (or events) proposed,
- (b) an event plan for the event (or events) proposed, and
- (c) a risk assessment for the event (or events) proposed, including what measures are proposed relating to the prevention or minimisation of the risk of the incidence and spread of coronavirus arising from the event (or events).

(6) For the purpose of paragraph (1), a capacity exemption application made under paragraph 10 of schedule 1 of the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (applications for exemption from capacity limits in a Level 0 area), which has not been decided before 9 August 2021, is to be treated as if it was made under these Regulations.

Decisions on applications for exemption from capacity limits

10.—(1) A local authority must, in deciding whether to approve a capacity exemption application, have regard to—

- (a) the risk of the incidence and spread of coronavirus arising from the event (or events), and
- (b) any other relevant circumstances.

(2) A local authority may—

- (a) approve the application without conditions,
- (b) approve the application with conditions relating to the prevention or minimisation of the risk of the incidence and spread of coronavirus arising from the event (or events), or
- (c) refuse the application.

(3) A local authority must, as soon as reasonably practicable after deciding an application, notify the person who made the application of—

- (a) its decision, and
- (b) the reasons for its decision.

Guidance on applications for exemption from capacity limits

11.—(1) A person specified in paragraph (3) must have regard to any guidance issued by the Scottish Ministers about capacity exemption applications.

(2) Guidance issued by the Scottish Ministers may—

- (a) make different provision for different cases or descriptions of case,
- (b) incorporate (by reference or transposition) guidance, codes of practice or other documents published by another person (for example, a trade association, a body representing members of an industry or a trade union).

(3) The persons specified for the purpose of paragraph (1) are—

- (a) a person applying to a local authority for an exemption from a requirement imposed by regulation 8(1) or (2), and
- (b) a person determining an application.

Revocation and variation of approval of exemption from capacity limits

12.—(1) Where a local authority approves a capacity exemption application, it must keep the approval under review.

(2) Where it has approved a capacity exemption application without conditions (whether under regulation 10 or this regulation), a local authority may—

- (a) add conditions relating to the minimisation of the risk of the incidence and spread of coronavirus arising from the event (or events), or
- (b) revoke its approval of the application.

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(3) Where it has approved a capacity exemption application but imposed conditions (whether under regulation 10 or this regulation) relating to the minimisation of the risk of the incidence and spread of coronavirus arising from the event (or events), a local authority may—

- (a) vary any such condition,
- (b) add any such condition,
- (c) remove any such condition, or
- (d) revoke its approval of the application.

(4) A local authority must, in deciding whether to make a decision under paragraph (2) or (3), have regard to—

- (a) the risk of the incidence and spread of coronavirus arising from the event (or events), and
- (b) any other relevant circumstances.

(5) A local authority may make a decision under paragraph (2) or (3)—

- (a) of its own accord, or
- (b) on application by the person who made the capacity exemption application.

(6) A local authority must, as soon as reasonably practicable after making a decision under paragraph (2) or (3), notify the applicant of—

- (a) its decision, and
- (b) the reasons for its decision.

Scottish Ministers' power to call in applications for exemption from capacity

13.—(1) The Scottish Ministers may direct a local authority that a capacity exemption application must be referred by a local authority to the Scottish Ministers for decision.

(2) The Scottish Ministers may direct that a local authority must notify the Scottish Ministers when it receives a capacity exemption application where the capacity applied for exceeds a capacity specified in the direction.

(3) Where an application is referred to the Scottish Ministers for decision regulations 10 and 12 apply, subject to the modification that any reference to a local authority is to be read as a reference to the Scottish Ministers.

Offence of breaching conditions of approval to hold larger live event

14.—(1) It is an offence for a person to contravene a condition imposed—

- (a) by a local authority under regulation 10(2)(b), 12(2) or (3) or
- (b) by the Scottish Ministers by virtue of regulation 13(3).

(2) A person who commits an offence under paragraph (1) is liable, on summary conviction, to a fine not exceeding the statutory maximum.

PART 4

Enforcement

Enforcement of requirements

15.—(1) A relevant person may take such action as is necessary to enforce any requirement imposed by these Regulations.

(2) A relevant person may give a notice to a person if the relevant person reasonably believes that—

- (a) the person is contravening a requirement in these Regulations, and
- (b) it is necessary and proportionate to give the notice for the purpose of preventing that person from continuing to contravene the requirement.

(3) Where the person contravening a requirement in these Regulations is a child accompanied by an individual who has responsibility for the child, that individual must, so far as reasonably practicable, ensure that the child complies with a direction or instruction given by the relevant person to the child.

(4) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with a requirement of these Regulations, the relevant person may direct any individual who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with that requirement.

(5) For the purpose of this regulation, an individual has responsibility for a child if the individual has—

- (a) care or control of the child for the time being, or
- (b) parental responsibilities, within the meaning of section 1(3) of the Children (Scotland) Act 1995(13), in relation to the child.

(6) A relevant person may only exercise a power in paragraph (4) if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with the requirement.

(7) A relevant person exercising a power under paragraph (4) may give the person concerned any reasonable instructions the relevant person considers necessary.

(8) For the purpose of this regulation, a “relevant person” means—

- (a) a constable, or
- (b) subject to paragraph 9, a person designated by a local authority.

(9) A local authority may only designate a person for the purpose of this regulation in relation to the requirements in—

- (a) regulation 3, and
- (b) Part 3.

Offences and penalties

16.—(1) It is an offence for a person to contravene any of the requirements in these Regulations.

(2) It is an offence for a person to obstruct any person carrying out a function under these Regulations.

(3) It is an offence for a person to contravene a direction given under regulation 15.

(4) It is a defence to a charge of committing an offence under paragraph (1), (2) or (3) to show that the person, in the circumstances, had a reasonable excuse.

(5) A person who commits an offence under this regulation is liable, on summary conviction, to a fine not exceeding the statutory maximum.

(6) If an offence under this regulation committed by a body corporate is proved to—

- (a) have been committed with the consent or connivance of an officer of the body, or
- (b) be attributable to any neglect on the part of such an officer,

(13) 1995 c.36.

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the officer (as well as the body corporate) commits the offence and is liable to be prosecuted and proceeded against and punished accordingly.

- (7) In paragraph (6), “officer” in relation to a body corporate means in the case of—
- (a) a company—
 - (i) a director, secretary, manager or similar officer, or
 - (ii) where the affairs of the company are managed by its members, a member,
 - (b) a limited liability partnership, a member,
 - (c) a partnership other than a limited liability partnership, a partner, or
 - (d) another body or association, a person who is concerned in the management or control of its affairs.

Fixed penalty notices

17.—(1) A relevant person may issue a fixed penalty notice to a person the relevant person believes—

- (a) has committed an offence under these Regulations, and
- (b) is 18 years of age or over.

(2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty in accordance with these Regulations.

(3) The penalty payable in respect of a fixed penalty notice, subject to paragraphs (4) and (5), is £60.

(4) Unless paragraph (5) applies, if £30 is paid before the end of the period of 28 days beginning with the date of the fixed penalty notice, then that is the amount of the fixed penalty (and the fixed penalty notice must make known the effect of this paragraph).

(5) If the person to whom a fixed penalty notice is given has already received a fixed penalty notice under these Regulations—

- (a) paragraph (4) does not apply, and
- (b) the penalty payable in the case of—
 - (i) the second fixed penalty notice received is £120,
 - (ii) the third and subsequent fixed penalty notice received is double the amount specified in the last fixed penalty notice received by that person, to a maximum of £960.

(6) For the purpose of paragraph (5), a fixed penalty notice issued under the following provisions is to be treated as if it were issued under these Regulations—

- (a) regulation 7 of the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020(**14**),
- (b) regulation 16 of the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020(**15**),
- (c) regulation 9 of the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020(**16**),

(14) [S.S.I. 2020/344](#).

(15) [S.S.I. 2020/279](#). Revoked by [S.S.I. 2020/344](#).

(16) [S.S.I. 2020/103](#). Revoked by [S.S.I. 2020/279](#).

- (d) regulation 8 of the of the Health Protection (Coronavirus, Restrictions) (Aberdeen City) Regulations 2020⁽¹⁷⁾,
 - (e) regulation 13 of the Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020⁽¹⁸⁾, and
 - (f) regulation 27 of the Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Measures) (Scotland) Regulations 2020⁽¹⁹⁾.
- (7) For the purpose of these Regulations—
- (a) the form of a fixed penalty notice,
 - (b) the effect of a fixed penalty notice, and
 - (c) the procedure that applies to a fixed penalty notice,

are the same as those that apply to a fixed penalty notice given under section 129(1) of the Antisocial Behaviour etc. (Scotland) Act 2004⁽²⁰⁾, as provided for in section 129 to 134 of that Act and sections 226B and 226I of the Criminal Procedure (Scotland) Act 1995⁽²¹⁾, subject to the modifications in paragraph (8).

- (8) The modifications are—
- (a) section 129(1) is to be disregarded,
 - (b) the definitions of “fixed penalty notice” in sections 129(2) and 134 are to be construed as a reference to a notice under paragraph (1),
 - (c) the definition of “prescribed area” in section 129(2) is to be disregarded,
 - (d) section 130(1), (2) and (3)(f) is to be disregarded,
 - (e) the references to “section 129” in section 131(1) and section 133(1) are to be construed as references to this regulation,
 - (f) in section 131(5)—
 - (i) the reference to “in accordance with this Part” is to be construed as a reference to these Regulations, and
 - (ii) the reference to “a sum equal to one and a half times” is to be disregarded,
 - (g) the references to “constable” in section 133(1) are to be construed as references to the relevant person within the meaning of this regulation,
 - (h) the definition of “fixed penalty offence” in section 134 is to be construed as though it referred to an offence of the type referred to in paragraph (1)(a), and
 - (i) in section 226B(5)(a)(ii) of the Criminal Procedure (Scotland) Act 1995—
 - (i) the reference to “by virtue of section 131(5) of the Antisocial Behaviour etc. (Scotland) Act 2004” is to be construed as a reference to that section as modified by this paragraph, and
 - (ii) the reference to “a fixed penalty notice given under section 129 (fixed penalty notices) of that Act” is to be construed as a reference to section 129 of the Antisocial Behaviour etc. (Scotland) Act 2004 as modified by this paragraph.
- (9) For the purpose of this regulation, “relevant person” has the meaning given in regulation 15(8).

⁽¹⁷⁾ S.S.I. 2020/234. Revoked by S.S.I. 2020/234 regulation 9(1).

⁽¹⁸⁾ S.S.I. 2020/262.

⁽¹⁹⁾ S.S.I. 2020/318. Revoked by S.S.I. 2020/344.

⁽²⁰⁾ 2004 asp 8.

⁽²¹⁾ 1995 c.46. Sections 226B and 226I were inserted by section 55 of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6). Sections 226B and 226I have been amended but none of the amendments are relevant to these Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(10) Where the relevant person issuing a notice under paragraph (1) is a relevant person within the meaning of regulation 15(8)(b), the relevant person may require the person believed to have committed an offence (“A”) to give A’s name and address.

(11) When making that requirement, the relevant person must inform A that—

- (a) the relevant person believes A has committed an offence under these Regulations, and
- (b) failure to comply with the requirement may be an offence.

(12) If A has been required under this section to give A’s name and address and, without reasonable excuse, fails to do so, A will be guilty of an offence and liable, on summary conviction, to a fine not exceeding the statutory maximum.

PART 5

Final provisions

Review of requirements

18.—(1) The Scottish Ministers must review these Regulations at least every 21 days, with the first review to be carried out by 30 August 2021.

(2) As soon as the Scottish Ministers consider that any requirement set out in these Regulations is no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of infection in Scotland with coronavirus, the Scottish Ministers must revoke that requirement.

Expiry

19.—(1) These Regulations expire on 28 February 2022.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they expire.

Revocation

20. The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020(**22**) are revoked.

St Andrew’s House,
Edinburgh
At 1.50 p.m. on 5th August 2021

JOHN SWINNEY
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (which come into force on 9 August 2020) set out continuing requirements which apply in Scotland as a result of coronavirus and revoke the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020.

A person who is responsible for a relevant hospitality premises or relevant entertainment premises is required to take measures to obtain and record visitor information, in a suitable filing system, for a period of at least 21 days. They must provide this information to a public health officer as soon as reasonably practicable if so requested for the purpose of preventing the spread of coronavirus or monitoring the spread of infection and the incidence of coronavirus disease. Persons responsible for a place of worship, for carrying on a business or providing a service are also required to have regard to guidance issued by the Scottish Ministers relating to its premises, business or service.

These Regulations require persons in specified places (see regulations 5 and 6) to wear a face covering unless a specific exemption applies. They also require persons who use a passenger transport service or passenger transport service premises (which are both defined terms in the Regulations) to wear a face covering unless a specific exemption applies (regulation 7).

Part 3 of the Regulations makes provision for limits in relation to large live events and stadia, to enable approval of higher attendance numbers, and to allow revocation of approvals and of any conditions that may be applied in relation to approval.

Part 4 of the Regulations provides for the enforcement of these Regulations, including criminal offences (regulation 16) and fixed penalty notices (regulation 17).

The final provisions in Part 5 require the Scottish Ministers to review the requirements imposed by these Regulations at least once every 21 days, the first review taking place by 30 August 2021, and require them to revoke requirement as soon as it is no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of coronavirus in Scotland.

These Regulations expire on 28 February 2022.

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (REQUIREMENTS) (SCOTLAND) REGULATIONS 2021

SSI 2021/277

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 revoke the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020. The regulations provide that relevant hospitality and entertainment premises are required to obtain and record visitor information for the purpose of preventing the spread of coronavirus or monitoring the spread of infection and the incidence of coronavirus disease. The regulations also require persons responsible for places of worship, carrying on a business or providing a service to have regard to relevant guidance issued by the Scottish Ministers about measures to minimise risk of exposure to coronavirus. The regulations provide that persons in specified indoor places must wear a face covering unless a specific exemption applies. The regulations require persons who use a passenger transport service or passenger transport service premises to wear a face covering unless a specific exemption applies. The regulations cap numbers at live events at 5000 people for events held outdoors and at 2000 people for events held indoors subject to local authority approval of higher attendance limits in accordance with the process set out in the regulations. Enforcement powers are provided for. The regulations require Scottish Ministers to review the requirements at least once every 21 days and the regulations require Scottish Ministers to revoke any requirement as soon as it is no longer necessary.

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. These Regulations revoke the previous Regulations and introduce a new approach to tackling coronavirus.

Policy Objectives

2. These regulations support the Scottish Government's continued focus on suppressing the virus to a level consistent with alleviating its harms while we recover and rebuild from Covid-19.

Requirement to collect and share information: restaurants, cafes, bars, public houses etc.

3. These regulations provide that relevant hospitality and entertainment premises are required to obtain and record visitor information for a period of at least 21 days. This information must be provided to a public health officer if requested for the purpose of preventing the spread of coronavirus or monitoring the spread of infection and the incidence of coronavirus disease.

Guidance on minimising risk of exposure to coronavirus

4. These regulations also provide that persons responsible for places of worship, carrying on a business or providing a service are required to have regard to guidance issued by the Scottish Ministers about measures to minimise risk of exposure to coronavirus relating to its premises, business or service.

Face Coverings

5. These regulations require persons in places specified in these regulations to wear a face covering unless a specific exemption applies.

6. The regulations also require persons who use a passenger transport service or passenger transport service premises as defined in these regulations to wear a face covering unless a specific exemption applies.

Capacity limits on stadia and live events

7. These Regulations make provision limiting numbers at large live events and stadia and, to enable approval by local authorities of such events. They also allow appeal against decisions in relation to approval and revocation of any conditions that may be applied in relation to approval.

Enforcement of requirements

8. The regulations provide for the enforcement of the regulations. This includes criminal offences and fixed penalty notices.

Review of requirements

9. These regulations require Scottish Ministers to review the requirements imposed by of these regulations at least once every 21 days. The first review is, therefore, due to take place by 30 August 2021.

10. The regulations also require Scottish Ministers to revoke any restriction or requirement as soon as it is no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of coronavirus in Scotland.

Consultation

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

Impact Assessments

12. Appropriate impact assessments will be carried out. The provisions are also subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government
Directorate for Covid Coordination
5 August 2021

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCOTTISH STATUTORY INSTRUMENTS

2021 No. 214

PUBLIC HEALTH

**The Coronavirus (Scotland) Act 2020 (Early
Expiry of Provisions) Regulations 2021**

<i>Made</i>	- - - -	<i>24th May 2021</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>26th May 2021</i>
<i>Coming into force</i>	- -	<i>30th June 2021</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 13(1) of the Coronavirus (Scotland) Act 2020(1) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Coronavirus (Scotland) Act 2020 (Early Expiry of Provisions) Regulations 2021 and come into force on 30 June 2021.

Expiry of provisions of the Coronavirus (Scotland) Act 2020

2. 30 June 2021 is specified as the day on which the following provisions in schedule 7 of the Coronavirus (Scotland) Act 2020 expire—

- (a) paragraph 19 (land registration: period of effect of advance notice),
- (b) paragraph 31 (business improvement districts: extension of certain arrangements).

St Andrew's House,
Edinburgh
24th May 2021

JOHN SWINNEY
A member of the Scottish Government

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations expire the following provisions in schedule 7 of the Coronavirus (Scotland) Act 2020. The expiry takes effect on 30 June 2021—

paragraph 19, which protected advance notices in conveyancing while the Land Register of Scotland and the Register of Sasines were not fully open. The Keeper of the Registers of Scotland declared 1 March 2021 as the date on which the registers are fully open for the making or recording of entries.

paragraph 31, which extended to 31 March 2021 the duration of certain business improvement district arrangements (BIDs) as provided for by the Planning etc. (Scotland) Act 2006.

An impact assessment has not been produced for this instrument.

POLICY NOTE

THE CORONAVIRUS (SCOTLAND) ACT 2020 (EARLY EXPIRY OF PROVISIONS) REGULATIONS 2021

S.S.I. 2021/214

1. The above instrument is made by the Scottish Ministers in exercise of the powers conferred by section 13 of the Coronavirus (Scotland) Act 2020, and all other powers enabling them to do so. The instrument is subject to the negative procedure.

The purpose of the instrument is to expire early certain provisions in Part 1 of the Coronavirus (Scotland) Act 2020 on 30 June 2021.

Legislative background

2. The Coronavirus (Scotland) Act 2020 (“the Act”) came into force on 7 April 2020 (except for one provision). The Act provides powers and measures which have helped to protect the public, maintain essential public services and support the economy in the face of the unprecedented and ongoing public health and economic challenges created by the pandemic. This includes protections for individuals in areas such as housing, measures to support the ongoing operation of the justice system, and support for public bodies in their response to coronavirus, such as adjustments to deadlines for reports and accounts.
3. As set out under section 12 of the Act, Part 1 of that Act was initially due to expire on 30 September 2020. On 29 September 2020, the Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2020¹ came into force extending the expiry date of Part 1 of the Act to 31 March 2021. On 30 March 2021, the Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2021² came into force extending the expiry date of Part 1 of the Act to 30 September 2021.

Policy objectives

4. The Scottish Ministers are committed to expiring provisions of the Act as soon as it is appropriate to do so. It has been judged that the provisions in paragraphs 19 and 31 of schedule 7 of the Act are no longer needed and can be expired.

Business improvement districts: extension of certain arrangements

5. Paragraph 31 of schedule 7 of the Act (Business improvement districts: extension of certain arrangements) extended the duration of certain business improvement district partnerships (BIDs) as provided for by the Planning etc. (Scotland) Act 2006 to 31 March 2021. This provided increased certainty for those BIDs that would otherwise

¹ [The Coronavirus \(Scotland\) Acts \(Amendment of Expiry Dates\) Regulations 2020](#)

² [The Coronavirus \(Scotland\) Acts \(Amendment of Expiry Dates\) Regulations 2021](#)

have had to ballot for renewal in 2020 during the Covid-19 pandemic enabling them to stay in operation and provide vital support to local businesses and communities.

6. As the provision expressly states that it extended some BIDs to 31 March 2021, and no further, it has no legal effect beyond that date and it is therefore the Scottish Government's view that it should be expired.

Land registration: period of effect of advance notice

7. Paragraphs 15 to 19 of schedule 7 of the Act (Land registration: period of effect of advance notice) protected advance notices in conveyancing while the Land Register of Scotland and the Register of Sasines were not fully open. The Keeper of the Registers of Scotland declared the registers fully opened for the making or recording of entries from 1 March 2021.
8. The majority of the advance notice provisions (paragraphs 15 to 18) were expired on 30 March 2021 by the Coronavirus (Scotland) Acts (Early Expiry and Suspension of Provisions) Regulations 2021³. Paragraph 19, however, needed to remain in force beyond 31 March 2021 for a further short period, until 6 April, in order to ensure that the full protected period was applied to all advance notices entered onto the application record prior to the register fully reopening. The provision has no practical effect beyond 6 April 2021 and therefore can now be expired.

Consultation

9. A formal public consultation exercise has not been undertaken in relation to this instrument due to the fact that the provisions to be expired have no further practical effect.
10. In relation to land registration advance notice provision, the full reopening of the registers and the protected period for advance notices reverting to the position prior to commencement of these provisions has been well communicated by the Keeper and via key representative bodies including the Law Society of Scotland. Details of the change have been published on the Keeper's website since 3 December 2020.

Impact Assessments

11. No impact assessments have been completed for this instrument. However, as part of the two-monthly reporting⁴ to Parliament on the provisions in the Act, impacts on rights and equality are regularly considered.
12. Rights and equality implications were considered in relation to the land registration provisions and it was determined that no additional rights and equality implications have been identified in relation to expiring the provisions. Expiry of these provisions will result in reverting to the position that existed prior to the pandemic which is already compliant with rights and equality obligations.

³ [The Coronavirus \(Scotland\) Acts \(Early Expiry and Suspension of Provisions\) Regulations 2021](#)

⁴ Section 15 of the Act requires Scottish Ministers to review the operation of the provisions of Part 1 of that Act in each reporting period, and every two months, report on the status of the provisions and make a statement that they are satisfied that the status of those provisions is appropriate.

Financial Effect

13. The Deputy First Minister and Cabinet Secretary for Covid Recovery confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Directorate for Constitution and Cabinet
May 2021

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCOTTISH STATUTORY INSTRUMENTS

2021 No. 236

PUBLIC HEALTH

The Coronavirus (Scotland) Act 2020 (Early Expiry of Provisions) (No. 2) Regulations 2021

<i>Made</i>	- - - -	<i>at 1.15 p.m. on 10th</i>
		<i>June 2021</i>
<i>Laid before the Scottish</i>		<i>at 4.00 p.m. on 10th</i>
<i>Parliament</i>	- - - -	<i>June 2021</i>
<i>Coming into force</i>	- -	<i>14th June 2021</i>

The Scottish Ministers make the following Regulations in exercise of the power conferred by section 13(1) of the Coronavirus (Scotland) Act 2020⁽¹⁾ and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Coronavirus (Scotland) Act 2020 (Early Expiry of Provisions) (No. 2) Regulations 2021 and come into force on 14 June 2021.

(2) In these Regulations, “the 2001 Rules” means the Parole Board (Scotland) Rules 2001⁽²⁾.

Expiry of provisions of the Coronavirus (Scotland) Act 2020

2. 14 June 2021 is specified as the day on which the following provisions in schedule 4 of the Coronavirus (Scotland) Act 2020 expire—

- (a) paragraph 18(2) (modification of the definition of “prisoner” provided in rule 2(1) of the 2001 Rules),
- (b) paragraph 18(4) (modification of the cases to which Part IV procedure applies as set out in rule 17 of the 2001 Rules),
- (c) paragraph 18(5) (modification of the circumstances in which an oral hearing is to be held under rule 20 of the 2001 Rules).

(1) [2020 asp 7](#).

(2) [S.S.I. 2001/315](#). Relevant modifications and amendments have been made by the Coronavirus (Scotland) Act 2020, schedule 4, paragraph 18 and by [S.S.I 2011/133](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

St Andrew's House,
Edinburgh
At 1.15 p.m. on 10th June 2021

KEITH BROWN
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations expire the following provisions in schedule 4 of the Coronavirus (Scotland) Act 2020. The expiry takes effect on 14 June 2021—

Paragraph 18(2) and (4), which together modified the types of case to which the procedure set out in Part IV of the Parole Board (Scotland) Rules 2001 applies. The modifications removed certain types of case from that procedure.

Paragraph 18(5), which modified the procedure in Part IV of the Parole Board (Scotland) Rules 2001 to provide that an oral hearing may be held for a case considered under that procedure if a tribunal of the Parole Board for Scotland considered that such a hearing was in the interests of justice.

Together, the effect of the expiry of these provisions is to remove modifications to the criteria under which a prisoner's case is to be considered at an oral hearing of a tribunal of the Parole Board for Scotland.

An impact assessment has not been produced for this instrument.

POLICY NOTE

THE CORONAVIRUS (SCOTLAND) ACT 2020 (EARLY EXPIRY OF PROVISIONS) (NO. 2) REGULATIONS 2021

SSI 2021/236

The above instrument was made by the Scottish Ministers in exercise of the powers conferred by section 13(1) of the Coronavirus (Scotland) Act 2020, and all other powers enabling them to do so . The instrument is subject to the negative procedure.

Summary Box

These Regulations make provision for the early expiry of certain provisions in Part 1 of the Coronavirus (Scotland) Act 2020 . It provides that the modifications set out at schedule 4, paragraph 18(2), 18(4) and 18(5) of that Act expire on 14 June 2021.

Legislative Background

The Coronavirus (Scotland) Act 2020 (“the Act”) came into force on 7 April 2020 (except for one provision). The Act provides powers and measures which have helped to protect the public, maintain essential public services and support the economy in the face of the unprecedented and ongoing public health and economic challenges created by the pandemic. This includes measures to support the ongoing operation of the justice system, and support for public bodies in their response to coronavirus.

As set out under section 12 of the Act, Part 1 of that Act was initially due to expire on 30 September 2020. On 29 September 2020, the Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2020¹ came into force extending the expiry date of Part 1 of the Act to 31 March 2021. On 30 March 2021, the Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2021² came into force extending the expiry date of Part 1 of the Act to 30 September 2021.

Policy Objectives

The provisions in schedule 4, paragraph 18((2) and (4) of the Act make changes to the Parole Board (Scotland) Rules 2001 (“the 2001 Rules”) with the effect that extended sentence prisoners recalled under section 17(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 and serving the extension part of their sentence, can be considered under Part III of the 2001 Rules instead of Part IV. This has allowed these cases, where appropriate, to be heard at casework meetings by two members, rather than at an oral hearing.

The provisions at schedule 4, paragraph 18(5) of the Act removed the requirement for an oral hearing in a Part IV case unless the Parole Board considered that it was in the interests of justice to have one.

¹ S.S.I. 2020/299

² S.S.I. 2021/152

These provisions were designed to increase resilience within the Parole Board by reducing the number of face-to-face hearings whilst Parole Board members and staff were working remotely during the pandemic and to enable Parole Board business to continue in the event of a reduction in availability of Parole Board members.

Further provision at paragraph 18(3) of schedule 4 of the Act, has allowed the Parole Board to continue to have oral hearings by video or tele conference. This measure has proved very successful with the Parole Board continuing to operate during the pandemic almost unaffected.

The Scottish Ministers are committed to expiring provisions of the Act as soon as it is appropriate to do so. In reviewing the provisions it was identified that they are no longer essential in order to support the Parole Board's ongoing operations and business continuity. Further, it was identified that given the ongoing consideration of cases under the 2001 Rules as modified by the provisions, expiry should occur as quickly as possible.

Expiry of these provisions will reinstate the provisions determining a prisoners' entitlement to an oral hearing in parole proceedings to the pre-2020 position.

Consultation

The Scottish Government consulted with the Parole Board for Scotland about the expiry of these provisions. The Parole Board is fully supportive and confirmed these provisions are no longer required.

Impact Assessments

There are no impact assessments for this SSI. However, as part of the two-monthly reporting to Parliament³ on the provisions in the Act, impacts on rights and equality are regularly considered.

Financial Effects

The Cabinet Secretary for Justice and Veterans confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Justice Directorate

June 2021

³ Section 15 of the Act requires Scottish Ministers to review the operation of the provisions of Part 1 of that Act in each reporting period, and every two months, report on the status of the provisions and make a statement that they are satisfied that the status of those provisions is appropriate.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCOTTISH STATUTORY INSTRUMENTS

2021 No. 280

PUBLIC HEALTH

**The Coronavirus (Extension and Expiry) (Scotland) Act
2021 (Evidence) (Saving Provision) Regulations 2021**

<i>Made</i>	- - - -	<i>18th August 2021</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>20th August 2021</i>
<i>Coming into force</i>	- -	<i>30th September 2021</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 10(1) of the Coronavirus (Extension and Expiry) (Scotland) Act 2021⁽¹⁾.

Citation and commencement

1. These Regulations may be cited as the Coronavirus (Extension and Expiry) (Scotland) Act 2021 (Evidence) (Saving Provision) Regulations 2021 and come into force on 30 September 2021.

Evidence admitted before the end of 30 September 2021 – saving provision

2. Despite section 2(4)(a) of the Coronavirus (Extension and Expiry) (Scotland) Act 2021, paragraph 11 of schedule 4 of the Coronavirus (Scotland) Act 2020⁽²⁾ continues in effect in relation to evidence of a statement admitted before the end of 30 September 2021.

St Andrew's House,
Edinburgh
18th August 2021

ASH DENHAM
Authorised to sign by the Scottish Ministers

(1) 2021 asp 19.
(2) 2020 asp 7.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

By virtue of section 2(4)(a) of the Coronavirus (Extension and Expiry) (Scotland) Act 2021, paragraph 11 of schedule 4 of the Coronavirus (Scotland) Act 2020 (“the 2020 Act”) will expire at the end of 30 September 2021. These Regulations make saving provision in connection with that expiry and provide that the modifications to section 259 of the Criminal Procedure (Scotland) Act 1995 (c.46) which were made by paragraph 11 of schedule 4 of the 2020 Act continue in effect in relation to evidence of a statement admitted before the end of 30 September 2021. This makes clear that the rules contained in section 259, as modified, continue to apply in proceedings where a statement has been introduced in evidence prior to the expiry of the relevant modifications.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCOTTISH STATUTORY INSTRUMENTS

2021 No. 250

PUBLIC HEALTH

**The Coronavirus Act 2020 (Suspension:
Disposal of Bodies) (Scotland) Regulations 2021**

<i>Made</i>	- - - -	<i>23rd June 2021</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>25th June 2021</i>
<i>Coming into force</i>	- -	<i>9th July 2021</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 88(1) of the Coronavirus Act 2020⁽¹⁾ and all other powers enabling them to do so.

The Scottish Ministers are satisfied that the conditions specified in section 88(11) of that Act are satisfied in relation to the provisions suspended by these Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Coronavirus Act 2020 (Suspension: Disposal of Bodies) (Scotland) Regulations 2021 and come into force on 9 July 2021.

(2) In these Regulations, “the Act” means the Coronavirus Act 2020.

Suspension of provisions

2. Parts 2 and 3 of schedule 28 of the Act (and section 58 of the Act so far as it relates to those Parts) are suspended as they apply in Scotland.

St Andrew’s House,
Edinburgh
23rd June 2021

JOHN SWINNEY
A member of the Scottish Government

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations suspend the operation of Parts 2 and 3 of schedule 28 (transportation, storage and disposal of dead bodies etc) and, so far as it applies to those Parts, section 58 (powers in relation to transportation, storage and disposal of dead bodies etc) of the Coronavirus Act 2020 (“the Act”) insofar as those provisions apply in Scotland. The suspension means that these provisions no longer have effect in Scotland but are capable of being revived by regulations made under section 88(3) of the Act.

POLICY NOTE

THE CORONAVIRUS ACT 2020 (SUSPENSION: DISPOSAL OF BODIES) (SCOTLAND) REGULATIONS 2021

SSI 2021/250

The above instrument was made in exercise of the powers conferred on the Scottish Ministers by section 88(1) of the Coronavirus Act 2020.

Purpose of the instrument.

To suspend the operation of Parts 2 and 3 of Schedule 28 (transportation, storage and disposal of dead bodies etc) and, so far as it applies to those Parts, section 58 (powers in relation to transportation, storage and disposal of dead bodies etc) of the Coronavirus Act 2020 (“the Act”) insofar as those provisions apply in Scotland.

Policy Objectives

The suspension means that these provisions no longer have effect in Scotland but are capable of being revived by regulations made under section 88(3) of the Act.

Legislative background

The Coronavirus Act received Royal Assent on 25th March 2020. Section 58 of the Act introduces schedule 28 which contains powers concerning the transportation, storage and disposal of dead bodies. Part 1 of the schedule contains powers for local authorities and the Scottish Ministers to require information about capacity to manage bodies locally and nationally. Part 2 of the schedule confers powers on the Scottish Ministers and local authorities regarding the disposal of bodies where there is insufficient capacity in a local authority area. Part 3 of the schedule contains powers that allow the Scottish Minister to give local authorities directions where they fail to exercise functions in connection with the transport, storage or disposal of dead bodies.

The powers in Parts 2 and 3 of schedule 28 have not been used since they came into force however until now, the provisions were judged to continue to be necessary in order to ensure that the powers could be used in future if needed and in particular to ensure the ability to respond to particular pressures in a specific local authority area should these emerge at any point.

It is now considered that the powers in Parts 2 and 3 of schedule 28 are no longer necessary and should be suspended. However, these provisions could be brought back into effect by regulations made under section 88(3) of the 2020 Act, should the response to the virus require this. Part 1 of schedule 28 remains in force to allow the necessary information to be gathered, if necessary, to inform a decision about whether to revive Parts 2 and 3.

Consultation

The Scottish Government has consulted with the Society of Local Authority Chief Executives (SOLACE) and the National Additional Death Strategy Group. Both are content for the powers to be suspended. There has been no public consultation in relation to this instrument.

Impact Assessments

No impact assessments have been carried out for this instrument.

Financial Effects

The Cabinet Secretary for Covid Recovery confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Directorate for Organisational Readiness

June 2021