

DOCUMENT 1

From: [Redacted]@transport.gov.scot

Sent: 24 May 2020 16:14

To: [Redacted]@gov.scot

Cc: Irvine A (Alison) Alison.Irvine@transport.gov.scot; [Redacted]@transport.gov.scot; Chief Executive Transport Scotland ceo@transport.gov.scot

Subject: RE: urgent - for comments by 1630 tomorrow (Sunday) please - draft guidance - outdoor physical distancing changes for 28 May

[Redacted],

As discussed, not much to add from a Transport Scotland perspective but consideration should be given to possibly restricting or amending the examples of recreational activities to reduce the potential mixed message on the general 5 mile guideline. It's not to say that any particular activities should be advised against, but some which are generally not accessible to the large majority of the population without significant travel might not be the best examples to give in the main guidance document (i.e. Canoeing, Hang gliding, Mountaineering, Surfing). The other activity noted which may be seen as mixed messaging to some extent is Motor Cycling, which could encourage a rise in longer trips on strategic or scenic routes.

Happy to discuss.

[Redacted]

DOCUMENT 2

From: [Redacted]@gov.scot

Sent: 25 May 2020 11:35

To: Deputy First Minister and Cabinet Secretary for Education and Skills DFMCS@gov.scot

Cc: First Minister firstminister@gov.scot; Executive Team DLPSECPET@gov.scot; Permanent Secretary permanentsecretary@gov.scot; [Redacted]@gov.scot; Halliday R (Roger) roger.halliday@gov.scot; [Redacted]@gov.scot; Hicks C (Clare) clare.hicks@gov.scot; Irvine A (Alison) alison.irvine@transport.gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Paterson J (John) john.paterson@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Bird L (Lisa) lisa.bird@gov.scot; [Redacted]@gov.scot; Munro D (Dominic) dominic.munro@gov.scot; Dornan B (Brian) brian.dornan@gov.scot; [Redacted]@gov.scot; Chief Medical Officer CMO@gov.scot; DCMO Health COVID19 DCMOHealth.COVID19@gov.scot; McQueen F (Fiona) fiona.mcqueen@gov.scot; Covid-19 Director covid-19.director@gov.scot; Nicholson J (John) john.nicholson@gov.scot; [Redacted]@gov.scot; Leitch J (Jason) jason.leitch@gov.scot; Head of HSCA HeadofHSCA@gov.scot; Tannahill C (Carol) carol.tannahill@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Tynte-Irvine C (Claire); Donaldson I (Ian) ian.donaldson@gov.scot; Johnston ATF (Alan) alan.johnston@gov.scot; Organisational Readiness OrganisationalReadiness@gov.scot; Organisational Readiness 01 OrganisationalReadiness01@gov.scot; SG CoronaVirus SGCoronavirus@gov.scot; Economy Covid-19 Hub BESTCovidHub@gov.scot; CPS Group Hub CPSGroupHubCovid@gov.scot; SGoRR Major Events sgormajorevents@gov.scot; [Redacted]@gov.scot; Rogers D (David) (Constitution and Cabinet Director) david.rogers@gov.scot; Hynd JS (James) james.hynd@gov.scot; Rogers S (Shirley) shirley.rogers@gov.scot; [Redacted]@gov.scot; covid-19 Policy covid-19.policy@gov.scot; Communications Covid-19 CommunicationsCovid-19@gov.scot; Neilson N (Natalie) natalie.neilson@gov.scot; Ellis T (Tim) tim.ellis@gov.scot; Macniven R (Ruaraidh) ruaraidh.macniven@gov.scot

Subject: Draft guidance on outdoor physical distancing and outdoor activity - COVID-19 Phase 1 relaxations

PS/DFM

PS/FM copied for info

I attach a note for the Deputy First Minister's urgent consideration about the draft guidance to be published on Thursday on the Phase 1 changes to outdoor physical distancing and outdoor activity.

Many thanks

[Redacted]

[Redacted] **Organisational Readiness Directorate: COVID-19 response**

Scottish Government | Organisational Readiness Directorate

PS/Deputy First Minister

Exit from Lockdown: Phase 1: Guidance on outdoor distancing, exercise and sport

Purpose

1. To provide a draft version of guidance for publication on 28 May, prior to wider circulation.

Timing

2. Immediate. If the Deputy First Minister is generally content with the draft, we would intend to send it for comment to the First Minister, other Cabinet Secretaries and the Lord Advocate, and subject to those comments, to provide a final draft or the Deputy First Minister to approve in advance of the possible move to Phase 1 on Thursday.

Detail

3. The attached draft guidance is intended for publication if it is decided that the Phase 1 relaxation measures can go ahead.
4. The draft guidance takes into account comments from the Deputy CMO, Chief Nursing Officer, National Clinical Director, SGLD, health and comms colleagues, the Covid-Exit team, Special Advisers and others within the Scottish Government. If the Deputy First Minister agrees we propose to share it in draft with other stakeholders with a direct interest such as Police Scotland and local authorities.
5. Further work is under way to establish detail of how some of the new arrangements for outdoor sport will operate. The First Minister said in her statement to Parliament on Thursday that in Phase 1, *'Some non-contact outdoor leisure activities will be allowed to restart, such as golf, **tennis, bowls and fishing**'*. Opening outdoor courts to allow this will require a change in the regulations – but the routemap does not envisage sports courts (without stipulating indoor or outdoor) opening until phase 2. Urgent advice will be provided separately to DFM and the Health Secretary for a decision on whether *all* outdoor sports courts should be opened, and what the impacts of that would be.
6. We intend to submit a final draft of the guidance to the Deputy First Minister for formal clearance before publication. Parallel work is under way to prepare the changes to regulations required for the changes in Phase 1.

Draft Guidance

7. The draft guidance is consistent with the route map and with statements made by the First Minister and others since its publication. Key points include:
 - The guidance indicates what is permitted and not permitted (for example that outdoor gatherings of *more* than 2 households will not be allowed).
 - Beyond those areas of regulation, the guidance provides advice, and emphasises the importance of physical distancing and hand hygiene, and of using judgement, bearing in mind the aim of the restrictions as being to protect loved ones
 - Outdoor meetings are to be between two households at most. This is a clear message. Although the route map says such meetings should involve “small numbers”, we do not

propose to fix or imply a limit, either in regulations or guidance. At present, scientific advice and modelling do not provide a basis for justifying a particular number. Moreover, we might risk legal challenge if a household, which for cultural or religious reasons had more members than a limit we fixed or implied, sought to argue that the limit was indirectly discriminatory.

- The draft guidance emphasises that people should not travel beyond a local area for exercise or other outdoor activity, and that the purpose of such guidance is to prevent crowding in popular areas and difficulties with physical distancing. The five-mile estimate provided in the route map is described as a guide rather than a limit
- That the guidance on not travelling beyond the local area does not apply if the purpose of travel is to meet family and friends outdoors. In such cases people should apply judgement around the duration of travel, avoiding for example travel which would require using shared indoor facilities, and the risks to loved ones that could create
- There is emphasis on the risks of touching hard surfaces, including in sharing utensils (for example at a picnic), and that these should be avoided
- The draft guidance includes examples of non-contact outdoor activities which can be undertaken, in the local area, within Phase 1. The list is not exhaustive, and the inclusion of a sport on the list does not mean it will always be safe to undertake. The guidance encourages people to assess the risk and use their judgement.

Considerations on outdoor activities

8. In order for non-contact outdoor activities to be undertaken safely and adhere to the guidance on physical distancing it has been important to work with the relevant Governing Bodies of each sport to ensure robust and medically approved advice was in place for both operators and participants. Colleagues have worked with sportscotland to develop a process to bring together outdoor non-contact sports to develop bespoke but consistent guidance to provide the necessary assurances to government that these activities can be undertaken safely.
9. The guidance for tennis, golf and bowls has been reviewed by the Scottish Government and assessed by Health Protection Scotland prior to being circulated to their clubs and membership in preparation for Phase 1. This week a similar process will be undertaken with the remaining sports/activities. Given that the activities are primarily undertaken by participants in informal natural environments, the need for planning is focussed on communicating clear guidance to participants rather than advice to club and facility operators. A link to individual guidance documents will be included in the main SG outdoor exercise and activities guidance.
10. The Phase 1 amendments in relation to outdoor exercise and activities have been reviewed by the Working Group on the review of physical distancing, which includes membership from Police Scotland and representatives of Local Authorities. No issues have been identified in relation to the enforcement of any Phase 1 changes. We propose to share the draft regulations and guidance with Police Scotland tomorrow to aid their preparations.

Recommendation

11. I recommend that the Deputy First Minister indicate whether he is:
 - a) in general content with the approach taken by the draft guidance, and any comments he wishes to make
 - b) content for the draft, amended as necessary, to be circulated for comment to the First Minister, other Cabinet Secretaries and the Lord Advocate content for the draft to be shared with key stakeholders

c) content to receive a final version of the guidance for clearance before publication, expected on Thursday 28 May.

12. I recommend that the Deputy First Minister notes that further advice will come forward for a decision on whether *all* outdoor sports courts should be allowed to open.

[Redacted]

Directorate for Organisational Readiness

**DRAFT – changes to Staying at Home (physical distancing) Guidance – for
28 May review**

[This draft text will replace the current [staying at home \(physical distancing\) guidance](#)]

The purpose of the guidance set out below is to minimise opportunities for the virus to transmit from one person to another. You should exercise your judgement and consider your safety, and the safety of others, at all times.

Before leaving your home you should plan how you will keep safe and minimise risk. For example, consider whether and how you will avoid touching surfaces that others have touched; how you will practice good hygiene; consider circumstances where physical distancing might be impaired and how you will avoid or mitigate the risk. Also consider what additional things you may need to take with you, such as hand sanitiser or a bag for discarded tissues etc.

Staying at home and going out

You should stay at home as much as possible. You should only leave the house for very limited purposes, for example:

- for basic necessities, such as food and medicine
- exercise and other outdoor activity
- to use outdoor spaces for other recreational purposes, for example to sit or relax
- to ensure basic animal welfare needs are met, including taking dogs out when necessary
- any medical need, including to donate blood, avoid or escape risk of injury or harm, or to provide care or to help a vulnerable person
- travelling for work purposes, but only where you cannot work from home.

Meeting others outdoors

You can carry out the permitted outdoor activities alone or with members of your household and/or members of one other household at a time, providing that physical distancing is maintained between the different households at all times.

The purpose of asking you to meet with only one other household is to prevent the transmission of the virus. We are not setting a fixed limit on the number of people from each household who can meet. But you should use your judgement and bear in mind that the aim of these restrictions is to protect yourself and other people, including those we care about.

Meeting outdoors with members of more than one other household at a time is not permitted. This is to minimise the risk that the virus could be transmitted to multiple households if they were meeting at the same time.

Meeting members of any household other than your own *indoors*, without a reasonable excuse (such as providing assistance to a person at risk), is also not permitted. This is because the risk of transmission in more confined spaces is greater than it is outdoors.

You should at all times:

- stay 2 metres away from other people apart from members of your household
- maintain hand hygiene and cough etiquette
- avoid touching with your hands hard surfaces such as gates, walls, fences and park benches
- follow advice on the [NHS Inform website](#) about physical distancing and hygiene and wash your hands as soon as you get home.

It is particularly important that people who have been advised to shield continue to follow [shielding guidance](#).

Those at a higher risk of severe illness from coronavirus (including people over 70, people who are pregnant and people with an underlying medical condition) should strictly follow the physical distancing guidance.

Relaxing and meeting friends and family outdoors

- You can use outdoor spaces or gardens for recreational purposes, for example to sit, relax or have a picnic or barbecue - alone or with members of your household and/or members of one other household at a time.
- Meeting outdoors with members of more than one other household at a time is not permitted. Meeting members of another household indoors, without a reasonable excuse (such as providing assistance to a person at risk), is also not permitted.
- Take an alcohol based hand rub (hand sanitiser) with you and use it often, especially before eating or after touching surfaces
- If you eat outdoors you should be particularly careful about hand hygiene. If you are eating with members of another household, each household should bring, prepare and eat their own food separately, you should avoid sharing utensils, dishes or plates between households and ensure that you maintain physical distancing between households.

- You should avoid using shared facilities such as bathrooms, as the risk of transmitting the virus is greater indoors, and the virus could be transmitted by or to you when you touch surfaces. You should consider this and use your judgement when deciding whether to travel longer distances, or undertake journeys that will take a long time, to meet another household.

Travel for exercise, recreation and to meet friends and family outdoors

You should avoid crowded places where physical distancing may be difficult. For this reason, our advice is that you should stay within your local area when you go outside for exercise or other activities. As a guide, rather than a fixed limit, 5 miles from your home would be within your local area. This is to reduce the risk that places such as beaches or popular beauty spots could become crowded and make physical distancing harder to maintain. You should use your judgement - if somewhere is likely to be busy, you should avoid going there – and if you arrive somewhere and it is busy, alter your plans and consider going somewhere else that is quieter.

If you (or a person in your care) have a specific health condition that requires you to travel beyond your local area to maintain your health, then you can do so. For example, this could include where individuals with learning disabilities or autism require specific exercise in an open space.

If you have a disability and need to travel a bit further to appropriate outdoor space where you can enjoy outdoor space, or exercise or participate in an outdoor activity safely, you can do so. For example, if you use a wheelchair you can travel to a location that has accessible parking and level access.

It is acceptable to travel outside your local area to meet members of another household in an outdoor space such as a garden, but you should use your judgement about how far to travel. Keep in mind that the purpose of the continuing restrictions is to prevent the transmission of the virus, including to those we care about. For this reason, you should avoid long journeys that would require you to use indoor facilities such as toilets while away from home, as the risk of transmitting the virus is greater indoors, and the virus could be transmitted by or to you when you touch surfaces.

Outdoor exercise and non-contact activities

Meeting outdoors with members of more than one other household at a time for outdoor exercise or activity is not permitted. This means that events such as organised races, walking club trips and cycle club rides that would involve people from more than two households are not permitted.

Exercise and non-contact outdoor activities can include:

- Angling

- Archery
- Athletics – Running / Jogging
- Croquet
- Cycling
- Equestrian - Riding
- Golf
- Walking
- Water sports
- Lawn Bowls
- Outdoor Tennis

This is not an exhaustive list. Nor does it mean that taking part in one of the activities listed will always be safe. You should use judgement and take part in any activity only if you can do so safely, maintaining physical distancing and not putting yourself or others at risk.

It is important to plan in advance and not take unnecessary risks that may result in the need for medical care or emergency services support.

Participants are advised to consult the safety guidance for each individual activity prior to taking part.

When participating in outdoors activity avoid touching surfaces with your hands, sharing equipment and touching your mouth and face. Please follow advice on the [NHS Inform website](#) about hygiene and wash your hands as soon as you get home.

Personal Training / Coaching

One on one personal training or coaching is permitted if outside, physical distancing can be maintained, and is with members of your household and/or members of one other household. When participating in training or coaching, where possible, avoid touching surfaces and sharing equipment and touching your mouth and face.

Facilities

Indoor sport facilities must remain closed at this time.

Play parks must also remain closed due to the increased risk of transmission via surfaces such as playground equipment.

Public gatherings

Public gatherings are still not permitted. There are only exceptions to this rule for very limited purposes, including:

- where a gathering indoors is of a group of people who live together
- where a gathering outdoors is of people from no more than two households - this means that members of one household can meet members of one other household outdoors. If someone from one of those households requires a carer, from another household, to assist them for their health and wellbeing, that carer is also permitted to attend.
- where the gathering is essential for work purposes, or to fulfil legal obligations - but workers should try to minimise all meetings and other gatherings in the workplace, and practice physical distancing, hand hygiene and cough etiquette.

DOCUMENT 4

From: [Redacted]@gov.scot

Sent: 03 June 2020 13:30

To: Halliday R (Roger) roger.halliday@gov.scot; McNairney J (John) john.mcnairney@gov.scot

Subject: Covid 19 - phase 1 - travel for outdoor exercise and recreation

Roger, John,

The First Minister asked for urgent advice on whether a 5 mile travel limit, for the purpose of recreation or exercise, should be enshrined in law, rather than in guidance (as at present).

Advice is currently with FM and we await a response. In parallel though, and also with an eye to the move to Phase 2 and subsequent phases of the routemap, it would be helpful to marshal whatever available evidence exists to support a 5 mile travel restriction for recreation or exercise (or indeed any other distance limit that Ministers may wish to place in regulations or guidance).

The policy rationale for imposing a limit is to avoid people travelling to popular beauty spots (such as beaches) and recreational areas to prevent them from becoming crowded, which would make physical distancing more difficult. So the intention would be to encourage people not to travel beyond their 'local area'. We are conscious that what may be considered a local area in an urban setting may be different from what is considered a local area in a remote or rural setting.

Is there data or analysis that could be used to better inform decision making on this? You will I'm sure have a more informed view of the sort of data or analysis would be helpful, but I was thinking of things like:

- what services/amenities are available within a 5 mile radius for a given % of the population.
- what percentage of the population live within 5 miles (vs 4 miles / 6 miles) of open (ie publically accessible) green space and/or beach
- is there any way of estimating what proportion of people may come into contact with each other if they're able to travel five miles as compared with a greater distance?

Many thanks – let me know if it would be helpful to discuss.

[Redacted]

[Redacted]

Organisational Readiness Directorate: COVID-19 response
Scottish Government
Organisational Readiness Directorate

From: [Redacted]@transport.gov.scot

Sent: 03 June 2020 10:21

To: [Redacted]@transport.gov.scot; [Redacted]@transport.gov.scot; [Redacted]@transport.gov.scot; TS Covid19 Support Hub - Briefings Team DLECONPTSC19SHBT@gov.scot; TS Covid19 Support Hub - Enquiries Team DLECONPTSC19SHET@gov.scot; TS Covid19 Support Hub - Info Management team DLECONPTSCOV19SHST@gov.scot; Transport Covid-19 Analytical group DLDGECONPTC19AG@gov.scot

Subject: FW: Advice for FM - regulations change

All

This is the advice that was sent up yesterday, as requested.

Thanks

[Redacted]

Thank you for the opportunity to comment on the draft submission.

Firstly, we are aware of a number of issues over the weekend – Loch Lomond, Cairngorms National Park and Trossachs National Park being examples. We have also had representations from East Lothian Council via COSLA concerning pressures, particularly in Gullane and Dirleton as visitors flocked to their communities in numbers. In addition, they faced serious cleaning issues arising from no availability of public toilets. Their preference is to have the guidance made prescriptive and to link outdoor space with the home in terms of travel distance.

We don't know whether the events of last weekend were as a result of it being the first weekend after lockdown was eased, lack of understanding of the guidance or indeed the weather.

So it is with interest that we looked at the proposals from a transport context. When the original regulations were proposed we were of the view that they gave sufficient powers to manage any transport related issues, given that people were not allowed to leave their home except in defined circumstances. So we did not seek further specific transport related powers. That remains our position.

In addition, we have powers to close roads. This is a bit of a blunt instrument as the powers to close roads apply to the use of vehicles on roads, not the actions of individuals. So they could not in practice be used to restrict people to five miles from their home. But they can be used to protect sensitive or overcrowded areas, for example of excess traffic or congestion is causing a safety issue.

Turning to the proposals in the earlier draft circulated, these powers are really for police, although there is the potential for a read across to transport operators. There are also equalities issues associated with the specification of a 5 mile limit.

Our previous advice on consideration of the 5 mile limit was that it would be difficult to enforce and the distance was rather arbitrary. In many parts of rural Scotland it is necessary to travel more than 5 miles to reach essential services, and many people going to work in essential sectors have to travel more than five miles.

For police, with options A and B there would be the issue as to how they assess whether someone is a) more than five miles from home or within their "local area" and b) whether there

was a reasonable excuse from in being beyond those limits. This could be time consuming and difficult to enforce, though the risks in that regard are ultimately a public health matter. From a transport perspective, there may be more emphasis on using existing police powers to set up check points to protect crowded areas and to carry out spot checks.

For transport operators there could be pressures to consider how they sell tickets. Thinking of Scotrail issues around Balloch at the weekend, could Scotrail have had a role in restricting ticket sales? In practice it would be virtually impossible for transport operators to assess whether individuals met criteria for travel before selling them a ticket. While we think it is reasonably unlikely that transport operators could be held criminally liable for facilitating travel beyond any statutory limits, it is possible that pressure will be put on operators to fulfil a moral obligation to assist in the policing and enforcement of public health rules. Given the fragile nature of the sector (and the essential nature of public transport for many groups) we would want to avoid an signal that would encourage operators to withdraw from providing services.

There are similar issues with options for guidance, but clearly less of an immediate pressure on operators.

The position remains as with the drafting of the original regulations: this is a public health issue rather than a transport issue. As such our preference would be around Option E – to strengthen the messaging but with the caveat that it is not reasonable to ask transport operators to enforce any additional regulations.

Alison

Alison Irvine

Transport Strategy and Analysis
Transport Scotland

From: [Redacted] **On Behalf Of** Chief Medical Officer [Redacted]@gov.scot
Sent: 02 June 2020 10:53
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Subject: RE: Advice for FM - regulations change

Colleagues

CMO has commented as follows:

[Redacted]

Private Secretary CMO

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Sent: 01 June 2020 18:34

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joe.griffin@gov.scot; Halliday R (Roger) roger.halliday@gov.scot; Head of COVID Analysis

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C (Clare) clare.hicks@gov.scot; [Redacted]@gov.scot; Hynd JS (James) james.hynd@gov.scot;

[Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Macniven R (Ruaraidh)

ruaraidh.macniven@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot;

Mitchell E (Elinor) elinor.mitchell@gov.scot; Morrison A (Anita) anita.morrison@gov.scot; Troup C (Colin)

(Dr) colin.troup@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; First Minister Covid Briefing

Unit FMcovidbriefingunit@gov.scot

Subject: RE: Advice for FM - regulations change

Thanks Liz.

[Redacted]

[Redacted] – it would be helpful to have PS's views on this approach as well as on the option of specifying 5 miles in the regulations.

Thanks to other colleagues who have already offered input. Further initial comments would be welcome this evening. A draft submission will come round for comment tonight or tomorrow morning.

Ian

Ian Donaldson

Deputy Director – Covid-19 Response (Social)

Directorate for Organisational Readiness

From: Lloyd E (Elizabeth) elizabeth.lloyd@gov.scot
Sent: 01 June 2020 18:17
To: First Minister firstminister@gov.scot; [Redacted]@gov.scot
Cc: Lord Advocate LordAdvocate@gov.scot; Permanent Secretary permanentsecretary@gov.scot; Thomson KAL (Ken) (Director-General) ken.thomson@gov.scot; Rogers S (Shirley) shirley.rogers@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Tynte-Irvine C (Claire) claire.tyneirvine@gov.scot; Donaldson I (Ian) ian.donaldson@gov.scot; Johnston ATF (Alan) alan.jonhston@gov.scot; Organisational Readiness organisationalreadiness@gov.scot; SG CoronaVirus SGCoronavirus@gov.scot; Economy Covid-19 Hub BESTCovidHub@gov.scot; CPS Group Hub CPSGroupHubCovid@gov.scot; SGoRR Major Events sgorrmajorevents@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Halliday R (Roger) roger.halliday@gov.scot; MacDougall A (Audrey) audrey.macdougall@gov.scot; Hicks C (Clare) clare.hicks@gov.scot; Irvine A (Alison) alison.irvine@transport.gov.scot; [Redacted]@gov.scot; Paterson J (John) john.paterson@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Bird L (Lisa) lisa.bird@gov.scot; [Redacted]@gov.scot; Munro D (Dominic) dominic.munro@gov.scot; Dornan B (Brian) brian.dornan@gov.scot; [Redacted]@gov.scot; Chief Medical Officer CMO@gov.scot; DCMO Health COVID19 DCMOHealth.COVID19@gov.scot; McQueen F (Fiona) fiona.mcqueen@gov.scot; Covid-19 Deputy Directors Covid-19.DeputyDirectors@gov.scot; Nicholson J (John) john.nicholson@gov.scot; [Redacted]@gov.scot; Leitch J (Jason) jason.leitch@gov.scot; Head of HSCA HeadofHSCA@gov.scot; Tannahill C (Carol) carol.tannahill@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Cabinet Secretariat inbox CabinetSecretariat3@gov.scot; Chief Scientific Adviser for Scotland ChiefScientificAdviser@gov.scot; Chief Social Policy Advisor Mailbox ChiefSocialPolicyAdvisor@gov.scot; Chief Statistician ChiefStatistician@gov.scot; [Redacted]@gov.scot; Colvin I (Iona) iona.colvin@gov.scot; Communications Covid-19 CommunicationsCovid-19@gov.scot; Covid-19 Director covid-19.director@gov.scot; [Redacted]@gov.scot; DCMO Health COVID19 DCMOHealth.COVID19@gov.scot; Director Communications, Ministerial Support & Facilities DirectorCMSF@gov.scot; Munro D (Dominic) dominic.munro@gov.scot; [Redacted]@gov.scot; Gallagher S (Stephen) stephen.gallagher@gov.scot; Gillespie G (Gary) gary.gillespie@gov.scot; Griffin J (Joe) joe.griffin@gov.scot; Halliday R (Roger) roger.halliday@gov.scot; Head of COVID Analysis HeadofCOVIDAnalysis@gov.scot; Head of HSCA HeadofHSCA@gov.scot; [Redacted]@gov.scot; Hicks C (Clare) clare.hicks@gov.scot; [Redacted]@gov.scot; Hynd JS (James) james.hynd@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Macniven R (Ruaraidh) ruaraidh.macniven@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Mitchell E (Elinor) elinor.mitchell@gov.scot; Morrison A (Anita) anita.morrison@gov.scot; Troup C (Colin) (Dr) colin.troup@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; First Minister Covid Briefing Unit FMcovidbriefingunit@gov.scot

Subject: RE: Advice for FM - regulations change

[Redacted]

[Redacted]

Liz

Elizabeth Lloyd
Chief of Staff to the First Minister
St Andrew's House
Regent Road
Edinburgh EH1 3DG

Please note Scottish Ministers, Special advisers and the Permanent Secretary to the Scottish Government are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot for information.

From: Rogers D (David) david.rogers@gov.scot

Sent: 01 June 2020 17:12

To: Donaldson I (Ian) ian.donaldson@gov.scot; [Redacted]@gov.scot; [Redacted] @gov.scot; Hicks C (Clare) clare.hicks@gov.scot

Cc: Lord Advocate LordAdvocate@gov.scot; Permanent Secretary permanentsecretary@gov.scot; Thomson KAL (Ken) (Director-General) ken.thomson@gov.scot; Rogers S (Shirley) shirley.rogers@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Tynte-Irvine C (Claire) claire.tyneirvine@gov.scot; Donaldson I (Ian) ian.donaldson@gov.scot; Johnston ATF (Alan) alan.jonhston@gov.scot; Organisational Readiness organisationalreadiness@gov.scot; SG CoronaVirus SGCoronavirus@gov.scot; Economy Covid-19 Hub BESTCovidHub@gov.scot; CPS Group Hub CPSGroupHubCovid@gov.scot; SGoRR Major Events sgormmajorevents@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Halliday R (Roger) roger.halliday@gov.scot; MacDougall A (Audrey) audrey.macdougall@gov.scot; Hicks C (Clare) clare.hicks@gov.scot; Irvine A (Alison) alison.irvine@transport.gov.scot; [Redacted]@gov.scot; Paterson J (John) john.paterson@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Bird L (Lisa) lisa.bird@gov.scot; [Redacted]@gov.scot; Munro D (Dominic) dominic.munro@gov.scot; Dornan B (Brian) brian.dornan@gov.scot; [Redacted]@gov.scot; Chief Medical Officer CMO@gov.scot; DCMO Health COVID19 DCMOHealth.COVID19@gov.scot; McQueen F (Fiona) fiona.mcqueen@gov.scot; Covid-19 Deputy Directors Covid-19.DeputyDirectors@gov.scot; Nicholson J (John) john.nicholson@gov.scot; [Redacted]@gov.scot; Leitch J (Jason) jason.leitch@gov.scot; Head of HSCA HeadofHSCA@gov.scot; Tannahill C (Carol) carol.tannahill@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Cabinet Secretariat inbox CabinetSecretariat3@gov.scot; Chief Scientific Adviser for Scotland ChiefScientificAdviser@gov.scot; Chief Social Policy Advisor Mailbox ChiefSocialPolicyAdvisor@gov.scot; Chief Statistician ChiefStatistician@gov.scot; [Redacted]@gov.scot; Colvin I (Iona) iona.colvin@gov.scot; Communications Covid-19 CommunicationsCovid-19@gov.scot; Covid-19 Director covid-19.director@gov.scot; [Redacted]@gov.scot; DCMO Health COVID19 DCMOHealth.COVID19@gov.scot; Director Communications, Ministerial Support & Facilities DirectorCMSF@gov.scot; Munro D (Dominic) dominic.munro@gov.scot; [Redacted]@gov.scot; Gallagher S (Stephen) stephen.gallagher@gov.scot; Gillespie G (Gary) gary.gillespie@gov.scot; Griffin J (Joe) joe.griffin@gov.scot; Halliday R (Roger) roger.halliday@gov.scot; Head of COVID Analysis HeadofCOVIDAnalysis@gov.scot; Head of HSCA HeadofHSCA@gov.scot; [Redacted]@gov.scot; Hicks C (Clare) clare.hicks@gov.scot; [Redacted]@gov.scot; Hynd JS (James) james.hynd@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Macniven R (Ruaraidh) ruaraidh.macniven@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Mitchell E (Elinor) elinor.mitchell@gov.scot; Morrison A (Anita) anita.morrison@gov.scot; Troup C (Colin) (Dr) colin.troup@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; First Minister Covid Briefing Unit FMcovidbriefingunit@gov.scot

Subject: RE: Advice for FM - regulations change

A couple of points on the 5 miles:

- Developing, consulting and instructing a policy that gives legal effect to the flexibilities in the guidance – the point about people with specific health conditions such as autism, or with disabilities – strikes me as challenging to get right
- As the problem seems to result from people using cars to drive to places, could any legal restriction apply to that? It seems unnecessary to apply it to an unfortunate cyclist, walker or runner who happens to stray beyond a 5 mile radius from home. Not sure about public transport. Could the restriction be on distance travelled by motor vehicle or public transport to or from the point where exercise or outdoor recreation starts?

David

David Rogers
Director, Constitution and Cabinet

DOCUMENT 5

From [Redacted] **On Behalf Of** First Minister [Redacted]@gov.scot

Sent: 01 June 2020 15:02

To: [Redacted]@gov.scot; First Minister firstminister@gov.scot; Lloyd E (Elizabeth) elizabeth.lloyd@gov.scot

Cc: Lord Advocate LordAdvocate@gov.scot; Permanent Secretary permanentsecretary@gov.scot; Thomson KAL (Ken) (Director-General) ken.thomson@gov.scot; Rogers S (Shirley) shirley.rogers@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Tynte-Irvine C (Claire) claire.tyneirvine@gov.scot; Donaldson I (Ian) ian.donaldson@gov.scot; Johnston ATF (Alan) alan.jonhston@gov.scot; Organisational Readiness organisationalreadiness@gov.scot; SG CoronaVirus SGCoronavirus@gov.scot; Economy Covid-19 Hub BESTCovidHub@gov.scot; CPS Group Hub CPSGroupHubCovid@gov.scot; SGoRR Major Events sgorrmajorevents@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Halliday R (Roger) roger.halliday@gov.scot; MacDougall A (Audrey) audrey.macdougall@gov.scot; Hicks C (Clare) clare.hicks@gov.scot; Irvine A (Alison) alison.irvine@transport.gov.scot; [Redacted]@gov.scot; Paterson J (John) john.paterson@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Bird L (Lisa) lisa.bird@gov.scot; [Redacted]@gov.scot; Munro D (Dominic) dominic.munro@gov.scot; Dornan B (Brian) brian.dornan@gov.scot; [Redacted]@gov.scot; Chief Medical Officer CMO@gov.scot; DCMO Health COVID19 DCMOHealth.COVID19@gov.scot; McQueen F (Fiona) fiona.mcqueen@gov.scot; Covid-19 Deputy Directors Covid-19.DeputyDirectors@gov.scot; Nicholson J (John) john.nicholson@gov.scot; [Redacted]@gov.scot; Leitch J (Jason) jason.leitch@gov.scot; Head of HSCA HeadofHSCA@gov.scot; Tannahill C (Carol) carol.tannahill@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Cabinet Secretariat inbox CabinetSecretariat3@gov.scot; Chief Scientific Adviser for Scotland ChiefScientificAdviser@gov.scot; Chief Social Policy Advisor Mailbox ChiefSocialPolicyAdvisor@gov.scot; Chief Statistician ChiefStatistician@gov.scot; [Redacted]@gov.scot; Colvin I (Iona) iona.colvin@gov.scot; Communications Covid-19 CommunicationsCovid-19@gov.scot; Covid-19 Director covid-19.director@gov.scot; [Redacted]@gov.scot; DCMO Health COVID19 DCMOHealth.COVID19@gov.scot; Director Communications, Ministerial Support & Facilities DirectorCMSF@gov.scot; Munro D (Dominic) dominic.munro@gov.scot; [Redacted]@gov.scot; Gallagher S (Stephen) stephen.gallagher@gov.scot; Gillespie G (Gary) gary.gillespie@gov.scot; Griffin J (Joe) joe.griffin@gov.scot; Halliday R (Roger) roger.halliday@gov.scot; Head of COVID Analysis HeadofCOVIDAnalysis@gov.scot; Head of HSCA HeadofHSCA@gov.scot; [Redacted]@gov.scot; Hicks C (Clare) clare.hicks@gov.scot; [Redacted]@gov.scot; Hynd JS (James) james.hynd@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Macniven R (Ruaraidh) ruaraidh.macniven@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; Mitchell E (Elinor) elinor.mitchell@gov.scot; Morrison A (Anita) anita.morrison@gov.scot; Troup C (Colin) (Dr) colin.troup@gov.scot; [Redacted]@gov.scot; [Redacted]@gov.scot; First Minister Covid Briefing Unit FMcovidbriefingunit@gov.scot

Afternoon all,

Firstly apologies for using an old copy list.

The First Minister would like some formal consideration and advice on whether we should add 8 people and/or 5 miles to the regulations ahead of next weekend. The First Minister thinks there is a very strong case for the former especially given two households is already stipulated.

At this point the First Minister is minded to add 8 people, the latter may be more arguable and more difficult to enforce.

I would be grateful for this advice by close of play tomorrow please.

Many thanks and as always happy to discuss.

PS/First Minister

**DRAFT
OFFICIAL SENSITIVE**

From: [Redacted]
Organisational Readiness
2 June 2020

PS/First Minister

Cc: PS Cabinet Secretaries, PS/Lord Advocate

COVID19: Phase 1 – regulations on meeting with other households and on travel

Purpose

1. To provide advice on whether to strengthen regulations on leaving home to meet other households and for travel for exercise and recreation by including:
 - a maximum limit of 8 people and/or
 - a maximum travel distance of 5 miles
 - both of which elements are now in guidance.

Timing

2. Immediate. The First Minister has requested advice by close today.

Advice

3. This submission takes account of views from the CMO, CNO and National Clinical Director.
4. Relevant extracts from existing regulations and guidance are attached at Annexes A and B. [Redacted]
5. During her daily press conference on 1 June, the First Minister noted that if there was continued evidence of a minority not abiding by existing guidelines – travelling unnecessarily or meeting in larger groups – the government would have to put restrictions on group size and travel distance into law.
6. [Redacted]
7. [Redacted]
8. [Redacted]
9. It is unclear, at present, to what extent the issues of last weekend were as a result of it being the first weekend after lockdown was eased, a lack of understanding of the guidance or the good weather. Comparisons between last weekend and the previous weekend, may be skewed because the weather of the weekend of 22 – 24 May was inclement. [Redacted]

Further data may help to better understand the reasons for apparent changes in non-compliance.

Options

10. Potential options for change are to amend regulations as follows.

On travel distances:

- A. to say that people should not travel more than five miles from home to reach a place to take exercise or take part in outdoor recreation.
- B. to say that when leaving home to exercise or take part in outdoor recreation, people should, if they are not exercising directly from home, remain in their local area. [Redacted]

Exceptions would be needed in either option (as in the current guidance) for people with health conditions who require travel beyond the local area, for example those with learning disabilities or autism that require exercise in an open space, or wheelchair users who need to travel to a location that has accessible parking and level access.

On group size:

- C. to say that when leaving home to exercise or take part in outdoor recreation with members of one other household, the maximum number of people allowed to meet is eight

12. For any of options A to C, guidance would also be amended to support and provide clarity on the parameters of the restrictions.

13. A further option is:

- D. to make no change to regulations now, but to keep the situation under review. In the meantime, communications and messaging will reinforce existing messages about the importance of the 8-person and 5-mile limits. For example, guidance and marketing materials could be amended to say that no-one should travel more than 5 miles to reach a place to take exercise or leisure, unless they have a specific health condition or disability requiring them to do so. This would still allow travel beyond a 5 mile limit to meet family or friends.

Consideration of the options

14. The *Framework for Decision Making* undertakes that options for change will be considered under the headings of: technical assessment; viability; and broader considerations.

Technical Assessment to minimise harm and suppress transmission of the virus

15. As noted in previous advice, the risk of transmission of the virus is reduced outdoors, so long as physical distancing and hygiene measures are observed. The purpose of limiting travel for exercise and recreation to the local area is to help ensure that physical distancing is observed, by reducing the risk that popular outdoor spaces may become crowded. The purpose of limiting group size when meeting outdoors is to help reduce the number of people to whom the virus can be directly transmitted.

16. If options A to C above improved compliance with the limits now set out in guidance, they would therefore help to suppress transmission of the virus.

Viability

Enforcement and likelihood of compliance

17. [Redacted]

18. [Redacted]

Communication

19. A marketing communications campaign for Phase One is currently live. The messaging is chiefly around what people can now do, with limits, rather than what they can't. To address current concerns, a change in emphasis is recommended.
20. For Options A – C messaging could be strengthened by changing from 'should' to 'must' and consider adding 'this is now the law, to help keep us safe and save lives'. For TV adverts, the 2 household / 8 people maximum is communicated by voiceover only but for all scenarios, A – D, this could be strengthened to also display '2 households, no more than 8 people' and '5 mile maximum' in text on screen. Further to this, we know that 77% of 18+ adults in Scotland are concerned about 'a second spike in infections coming when the government starts to lift the lockdown restrictions' (source: YouGov polling, 26-27 May). Therefore all advertising materials could be edited with this as a further motivator, in addition to 'keeping us safe'. A further possibility is to emphasise the importance of strictly following advice to help avoid lockdown restrictions being tightened once again. Other advertising activity (radio, digital, social) can be updated in a similar manner or some bespoke new ads could be created specifically addressing this. Please note these changes are over and above the original costs outlined in last week's marketing submission and additional funding will need to be agreed.
21. Should compliance data indicate that young people are a particular concern in regards to compliance, we can also strengthen compliance communications for this audience by adapting existing social content developed for this audience.
22. News teams will be reaching out to media contacts and influencers to reinforce messaging around these points. Social Content Hub can develop content to reinforce the practicalities of how comply with phase one safely. We also know that just over half of people in Scotland claim to use the FMs daily briefing as a regular source of information and this is therefore a vital place to reinforce any changes in legislation and potential for restriction lifting to be reversed.

Legal and equalities considerations

23. [Redacted] If Option A was to be pursued, it would represent a significant change in approach from that taken when the Regulations were made on 26 March 2020. At that point, it was decided that the Regulations should not specify any geographical limit on exercise or travel as what is, and is not, a reasonable distance to travel would depend on the circumstances of the individual case (as noted above, individuals with a medical condition may require to travel further to exercise or relax than the rest of the population generally). It was also considered that such an approach would be very difficult, if not impossible, to enforce. [Redacted]

It is important that any restrictions provided for in statute are enforceable and sufficiently precise for the purposes of legal certainty. [Redacted]

24. If Option C was to be pursued, [Redacted]. The Regulations, as amended last week, permit two households to meet without any limit as to the total number in the meeting. In addition, an amendment to place a limit on that provision would represent a tightening of restrictions since last week insofar as the Regulations are concerned, so there would be a risk of challenge if there has not been a clear intervening change in known scientific and medical evidence about the spread of coronavirus.
25. Any change to the law as proposed in Option A or C would need to be both necessary and proportionate. The proposed amendments will not be capable of justification in the absence of clear scientific and medical evidence that imposing these specific measures are necessary and proportionate to control the spread of coronavirus in Scotland.
26. [Redacted]. As Ministers are aware, the list of reasonable excuses are defences to an offence of not complying with the restrictions or requirements imposed by the Regulations. Any of the proposed amendments would need to be accompanied by a savings provision, the effect of which will be to

provide that the limitations do not apply to any offence committed prior to the date on which those amendments enter into force. Such a provision would give rise to the question as to why it is now necessary to legislate for a five mile limit on travelling for the purpose of exercise when it was not necessary at the initial stage of lockdown when the rates of transmission of coronavirus were far greater than they are now.

Implementation

27. Should Ministers wish to implement one of Options A to D, this could be done in time for revised regulations, if necessary, to be in force this weekend, along with amended guidance as necessary.

Conclusion

28. I recommend that the First Minister notes this advice and indicates which, if any, of options A to D, Ministers wish to implement now.

[Redacted]

Directorate for Organisational Readiness: Covid-19 Response

EXISTING REGULATIONS: SCOTLAND

(<http://www.legislation.gov.uk/ssi/2020/103> amended by <http://www.legislation.gov.uk/ssi/2020/164/made>)

5.—(1) Except to the extent that a defence would be available under regulation 8(4), during the emergency period, no person may leave the place where they are living.

[...]

8.—(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) In paragraph (4), a reasonable excuse includes the need—

[...]

(b) to take exercise—

- (i) alone,
- (ii) with members of their household,
- (iii) with members of one other household

[...]

(o) to take part in outdoor recreation—

- (i) alone,
- (ii) with members of their household,
- (iii) with members of one other household.”.

EXISTING GUIDANCE: SCOTLAND

(<https://www.gov.scot/publications/coronavirus-covid-19-staying-at-home-and-away-from-others/pages/meeting-others-outdoors/>)

Meeting others outdoors

You can take part in outdoor recreation alone or with members of your household and/or members of 1 other household at a time, providing that physical distancing of at least 2 metres is maintained between the different households at all times.

If people from 2 households are meeting, you should meet in small numbers – no more than 8 people in total at a time.

You should not meet people from more than 1 other household each day.

Meeting only in small groups will reduce the risk that outdoor spaces could become crowded and make physical distancing harder to maintain, and meeting no more than 1 household each day will minimise the risk that someone who had the virus without realising it could infect multiple households on the same day.

Meeting outdoors with members of more than 1 other household at a time is not permitted.

Meeting members of any household other than your own indoors, without a reasonable excuse (such as providing assistance to a person at risk), is also not permitted. This is because the risk of transmission in more confined spaces is greater than it is outdoors.

When you meet outdoors, you should at all times:

- stay 2 metres away from other people apart from members of your household
- maintain hand and cough hygiene
- avoid touching with your hands hard surfaces such as gates, walls, fences and park benches
- follow advice on the NHS Inform website about physical distancing and hygiene and wash your hands as soon as you get home

It is particularly important that people who have been advised to shield continue to follow shielding guidance.

Those at a higher risk of severe illness from coronavirus (including people over 70, people who are pregnant and people with an underlying medical condition) should strictly follow the physical distancing guidance.

[...]

Travel for exercise, recreation and to meet friends and family outdoors

You should avoid crowded places where physical distancing may be difficult.

For this reason, our advice is that you should stay within your local area when you go outside for exercise or other activities.

As a guide, rather than a fixed limit, 5 miles from your home would be within your local area. This is to reduce the risk that places such as beaches or popular beauty spots could become crowded and make physical distancing harder to maintain. For that reason we would not encourage the re-opening of car parks that are currently closed, other than a phased re-opening to support local travel.

You should use your judgement - if somewhere is likely to be busy, you should avoid going there – and if you arrive somewhere and it is busy, alter your plans and consider going somewhere else that is quieter. You should also not travel to places for exercise or recreation where you would need to travel by ferry.

If you (or a person in your care) have a specific health condition that requires you to travel beyond your local area to maintain your health, then you can do so. For example, this could include where individuals with learning disabilities or autism require specific exercise in an open space.

If you have a disability and need to travel a bit further to appropriate outdoor space where you can enjoy outdoor space, or exercise or participate in an outdoor activity safely, you can do so. For example, if you use a wheelchair you can travel to a location that has accessible parking and level access.

It is acceptable to travel outside your local area to meet members of another household in an outdoor space such as a private garden, but you should use your judgement about how far to travel. Keep in mind that the purpose of the continuing restrictions is to prevent the transmission of the virus, including to those we care about.

For this reason, you should avoid long journeys that would require you to use indoor facilities such as toilets while away from home, as the risk of transmitting the virus is greater indoors, and the virus could be transmitted by or to you when you touch surfaces.

Non-essential travel to and from the islands continues to be discouraged to prevent spreading the virus to more remote communities and ferry capacity will remain restricted: where a visit to a family member is essential, please limit the number of visits to the absolute minimum.

REGULATIONS: ENGLAND

<http://www.legislation.gov.uk/ukxi/2020/350>)

7.—(1) During the emergency period, unless paragraph (2) applies, no person may participate in a gathering which takes place in a public or private place—

- (a) outdoors, and consists of more than six persons, or
- (b) indoors, and consists of two or more persons.

GUIDANCE: ENGLAND

<https://www.gov.uk/government/publications/staying-alert-and-safe-social-distancing/staying-alert-and-safe-social-distancing>)

At this stage, from Monday 1 June:

- You can spend time outdoors, including private gardens and other outdoor spaces, in groups of up to six people from different households, following social distancing guidelines

[...]

You should continue to avoid public transport other than for essential journeys so should make journeys by cycling, walking or driving in a private vehicle.

You may drive to outdoor publicly accessible open spaces irrespective of distance with people in your household, but should follow social distancing guidance while you are there. You should plan ahead to ensure that, where you are visiting places like National Parks, you have checked that they are open and appropriately prepared for visitors. Many other outdoor venues where there is a higher risk of close contact and touching surfaces will remain closed as set out in the law. Campsites will remain closed and you are not allowed to stay away overnight, so should allow enough time to return home.

When travelling to outdoor spaces, it is important that people respect the rules in Scotland, Wales and Northern Ireland and do not travel to different parts of the UK where their intended activities there would be prohibited by legislation passed by the relevant devolved administration.

REGULATIONS: WALES

(<http://www.legislation.gov.uk/wsi/2020/353> amended by
<http://www.legislation.gov.uk/wsi/2020/557/made>)

8.—(1) During the emergency period, no person may, without reasonable excuse—

(a) leave the area local to the place where they are living or remain away from that area;

[...]

(3) For the purposes of paragraph (1)(a), it is not a reasonable excuse for a person to leave the area local to the place where the person is living to do something, or remain away from the area to do something, if it would be reasonably practicable for them to do that thing within the area.

(4) Paragraph (1)(a) does not apply to a person who is exercising, but only where the exercise starts and finishes at the place where the person is living.

[...]

During the emergency period no person may participate in a gathering outdoors except—

(a) where the persons gathering are members of no more than two households,

GUIDANCE: WALES

(<https://gov.wales/coronavirus-regulations-guidance#section-39239>)

[Redacted]

What does staying local mean?

People should not travel a significant distance from their home to exercise. We have deliberately not defined this more precisely as it could be seen to be arbitrary and it will also depend on the circumstances – what is “local” in Cardiff on the one hand, and in mid Wales on the other, could be quite different. People are asked to exercise good judgement. If you live in Cardiff and have driven to Porthcawl to exercise on the beach, you know you haven’t stayed local.

REGULATIONS: NORTHERN IRELAND

(<http://www.legislation.gov.uk/nisr/2020/55>)

5.—(1) During the emergency period, no person may leave the place where they are living without reasonable excuse.

(2) For the purposes of paragraph (1), a reasonable excuse includes the need—

[...]

(b) to take exercise either alone or with other members of their household;

[...]

(o) to take part in an outdoor activity;

(p) to take part in an outdoor gathering, in accordance with regulation 6A.

6A. During the emergency period, a person may participate in an outdoor gathering consisting of—

(i) up to six people who are not members of the same household; or

(ii) any number of members of the same household.

GUIDANCE: NORTHERN IRELAND

(<https://www.nidirect.gov.uk/articles/coronavirus-regulations-and-what-they-mean-you>)

There is no limit on how far you can travel for a walk or exercise. However, people are urged to be responsible and avoid travelling to places where there may be lots of people and where it will be difficult to maintain social distancing.

There is no limit on the distance travelled in NI. However, you must not leave the place where you live unless you have a reasonable excuse (defined in the Regulations).

There are no restrictions on how long you are allowed to meet with others. You can meet up to six people outdoors as long as you maintain social distancing. However, coronavirus remains a real threat to public health and people should maintain social distancing by being at least 2 metres apart and maintaining hand hygiene. People are encouraged to return home as soon as reasonably practicable.

[Redacted]

DOCUMENT 7

Minister for Public Health, Sport and Wellbeing
Joe FitzPatrick MSP



Mel Young
Chair, **sportscotland**

SGB CHIEF EXECUTIVES

5 June 2020

Dear colleague,

COVID-19 TRAVEL RESTRICTIONS

Last week we entered Phase 1 of the Scottish Government Route Map for moving out of lockdown, which allowed some flexibility to the existing restrictions. As part of Phase 1, we were pleased that a number of outdoor activities and sport could return. We were grateful for the work you did to support that and provide clear guidance to your clubs and members.

As part of that guidance we recommended that people do not travel more than 5 miles for recreation, but we left room for some discretion so that people could go further to visit family.

While the majority adhered to this guidance, there was some evidence of a minority not abiding by those guidelines and travelling significant distances unnecessarily. If people continue to make journeys which risk spreading the virus - we may have to put the restrictions on travel distance into law. This is something we do not want to do, but may have to if we think it is necessary for the collective safety and wellbeing of everyone.

We have made significant progress in tackling Covid-19 but this is not irreversible. It requires us all to be responsible and adhere to the rules that are in place.

If we all stick to these rules we are helping to suppress this virus. However, by travelling greater distances to undertake activities unnecessarily, we are providing a chance for the virus to spread more quickly, and to spread to different parts of the country.

We welcome your support on this issue and ask that you reinforce this with your clubs and members as a matter of urgency.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

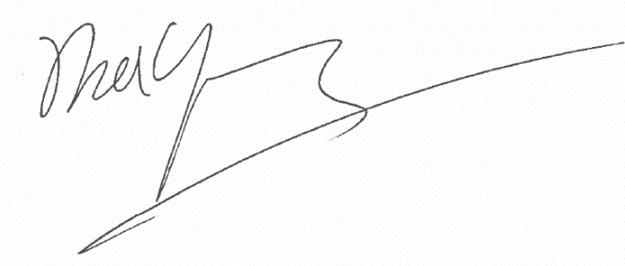
St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



Yours sincerely



JOE FITZPATRICK
MINISTER FOR PUBLIC HEALTH, WELLBEING & SPORT



MEL YOUNG
CHAIR OF SPORTSCOTLAND

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