

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 11) Regulations 2021

Introduction

1. The COVID-19 pandemic has led to unprecedented calls on the health system as well as policy and financial decisions that have made fundamental changes to everyday life for people in Scotland. While it has been necessary to take these extraordinary measures to respond to the pandemic, in order to protect the right to life and the right to health for Scotland's population, the unequal impact of the pandemic and the need to advance equality, eliminate discrimination and foster good relations (as per our Public Sector Equality Duty), and take an integrated and balanced approach to ensuring the proportionality of the measures taken, have also been at the forefront of consideration of these actions during this emergency situation.
2. The Coronavirus (COVID-19): Framework for Decision-Making and Scotland's route map through and out of the crisis ("the Route Map") published earlier this year made clear that COVID-19 is first and foremost a public health crisis, and the measures to combat it have been necessary to save lives. The *Framework for Decision-Making* identified four main categories of harm: **direct health impacts, non-COVID-19 health harms, societal impacts and economic impacts**. These harms are deeply inter-related: health harms impact on society and the economy, just as the societal and economic effects impact on physical and mental health and wellbeing.
3. On Friday 23 October, we published *COVID-19: Scotland's Strategic Framework*. This new framework sets out how we intend to respond to the crisis over the coming period, across the four key harms of the virus. It details how we will work to suppress the virus and sets out our proposal to move to a strategic approach to outbreak management based on five levels of protection, across many aspects of our lives.
4. Some harms will be felt over different time horizons: short, medium and long-term. Some may not be fully understood for many months or even years, such as the long term impacts on mental health and school attainment. However, even in these initial stages, it is clear that impacts have not been felt equally across the population. Consideration of the continued, but differential, impacts at the different levels is therefore critical to the decision making process.

Legislative background

5. The UK Coronavirus Act 2020 received Royal Assent on 25 March 2020. The Scottish Government immediately used powers conferred by that Act to bring forward the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 ("the first regulations"), to implement physical distancing and impose restrictions on gatherings, events and operation of business activity. They came into force on Thursday 26 March 2020.
6. The Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 came into force on 14 September 2020 and revoked and replaced the first regulations. They make provision which is substantially similar to the first regulations, as amended at the date on which they were revoked.
7. On 9 October 2020, the Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Restrictions) Regulations 2020 ("the additional temporary restrictions") set out additional restrictions, both nationally and specific to the central belt. These regulations suspended the effect of the Health Protection (Coronavirus)

(Restrictions and Requirements) (Scotland) Regulations 2020 while the additional temporary restriction regulations were in force. The additional temporary restriction regulations were due to expire on 26 October but were extended by amendment until 6.00 am on 2 November to allow for consultation on the levels-based approach.

8. The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 implement the new strategic framework and came into effect at 0600 hours on 2 November 2020. These regulations revoke the additional temporary restrictions regulations and the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020.
9. Decision making under the new Strategic Framework system is more straightforward and transparent. It will build on existing structures and processes and will include engagement with local leadership as decisions to move up and down levels are taken. However, decisions will be made by Ministers, with input from relevant advisers, because implementing levels decisions is the exercise of a statutory power for the protection of public health, for which Ministers are responsible and accountable.
10. It always remained possible to introduce additional restrictions beyond those specified in the 2020 Regulations. It is necessary now urgently to go beyond the requirements and restrictions set out in the 2020 Regulations. This is because of a changed assessment of the risks of transmission of the virus in light of the emergence of a new strain (VUI 202012/01) of COVID-19 in November 2020. The latest evidence from Imperial College, published on 31 December presents a consensus that this new variant has a substantial transmission advantage, with an estimated increased rate of transmission between 0.4 and 0.7.¹ The percentage of cases composed of this new variant is increasing rapidly, from 42.7 per cent on 31 December to 47.5 per cent on 3 January. It is very likely that this strain will further increase in dominance in Scotland in a similar way to that already seen in London and SE England. Strengthening Level 4 restrictions is needed immediately in order to try to curb exponential growth. Further changes may be required in the coming weeks.
11. As soon as the Scottish Ministers consider that any restriction or requirement 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, they must revoke that restriction or requirement. Under the new levels approach, Scottish Government will work closely with local authority leaders when making these decisions.
12. The *Framework for Decision Making* makes clear that the reviews will be informed by assessments of options for relaxation or restriction under their impact on the four harms, their viability, and broader considerations including equality impacts, the impact on individual rights and consideration of measures, for example, for specific geographies and sectors.
13. The Scottish Government considered from the outset whether the lockdown provisions were consistent with the Equality Act 2010 and also considered whether the provisions could constitute indirect discrimination. In many cases, the provisions have applied to all persons irrespective of protected characteristic, although we acknowledge that the same provision may not have equal impacts. Equality Impact Assessments (EQIAs) have been carried out to consider the likely or anticipated impact of the measures contained in the Coronavirus (Scotland) Act 2020 and for the respective legislation thereafter, as mentioned in paragraphs five, six and seven above. Where some possible negative

¹ [Report 42 - Transmission of SARS-CoV-2 Lineage B.1.1.7 in England: insights from linking epidemiological and genetic data | Faculty of Medicine | Imperial College London](#)

impacts have been identified, the Scottish Government has considered these to be justified as both a necessary and proportionate means of achieving the legitimate aim of protecting the general public from the threats posed by the outbreak of the Coronavirus pandemic and, therefore, the threat to human life in Scotland; and has sought to mitigate disadvantage wherever possible, e.g. developing exemption cards for people whose health or disability makes the wearing of face coverings unsuitable. However, from the beginning, measures were put in place to support people with protected characteristics as they complied with lockdown guidance, such as the £350 million of community funding announced on the 18 March 2020. More recently, the £100m Winter Plan for Social Protection, announced on 30th November 2020, has been developed to mitigate social harms posed by the concurrent risks of COVID-19, winter cost of living increases and EU exit, as well as to promote equality and human rights.

14. The impact assessment has identified some potential positive impacts on one or more of the protected characteristics. Reductions in the spread of coronavirus are designed to positively affect the whole population, but will particularly affect the health of those people who are more severely affected by the disease.
15. This includes older people (age), those with underlying health conditions (some disabled people are more likely to experience severe ill-health from contracting COVID-19 than the general population), ethnicity and sex. [Early data](#) showed that the COVID-19 virus was more deadly for people with underlying health conditions. Prevalence of some of these health conditions is known to be higher in certain ethnic groups², for example Type 2 diabetes is 6 times more likely in people of South Asian descent and over 2 times more likely in African and Afro-Caribbean people³.
16. All measures are given thorough consideration on the basis of their impact, including on equality and human rights⁴.

Policy Objectives

17. These Regulations require places of worship to close for most purposes in Level 4 areas, including services and private prayer. They can remain open for the purpose of broadcasting a service; conducting a funeral, marriage or civil partnership registration; or for a commemorative event for a person who has died but is not a wake or a funeral tea. . It is also possible for places of worship to open for essential voluntary services or public support services (including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions, vaccination centres or support in an emergency). These Regulations also reduce the number of people allowed at a marriage ceremony or civil partnership registration taking place in Level 4 to the legal minimum, 5 people plus the possibility of an interpreter if one is required. Provision is also made for people living in Level 4 areas not to attend marriage ceremonies or civil partnership registrations unless they are the parties; witnesses; celebrant or registrar; or interpreter if required. The Regulations also prohibit funeral teas and wakes from taking place in Level

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SAGE:https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/895841/S0483_Ethnicity_and_Covid-19.pdf

³ <https://www.diabetes.co.uk/south-asian/>
<https://www.diabetes.co.uk/news/2013/jan/those-of-african-caribbean-descent-more-likely-to-have-diabetes-92672091.html>

⁴ A summary of equality and Fairer Scotland evidence was published for Phase 1 and 2 of the Route Map. An update for Phase 3 is forthcoming. <https://www.gov.scot/publications/equality-fairer-scotland-impact-assessment-evidence-gathered-scotlands-route-map-through-out-crisis/>

4 areas. Certain other commemorative events for a person who has died will, however, still be allowed in outdoor public places, indoor public places and places of worship.

18. These changes reflect the need to restrict social contact as much as possible due to the increasing case numbers. Given the new variant of coronavirus is thought to be up to 70% more transmissible, it is important that opportunities for leaving the home, travelling or interacting with others are limited to only the most essential activities.
19. The Regulations close showroom elements of larger retailers and snow sports centres. The Regulations also require the closure of independent clinics, independent hospitals and independent medical agencies, in relation to the provision of cosmetic and aesthetic procedures, but not for other provision of medical or surgical assistance. These premises are no longer permitted to operate in Level 4 areas to align with the previous changes limiting essential retail in a narrower manner.
20. These Regulations require 2 metre distancing to be maintained in workplace canteens between individuals from different households, these settings had previously been able to operate with reduced, 1 metre, distancing in place. This change is required to provide an additional mitigation and reduce potential spread of coronavirus in workplace settings now that the new variant is circulating in Scotland.

Title of Proposal: Life Events – Marriages, funerals and the associated receptions and wakes

In response to rising COVID-19 cases and a more transmissible variant, the following is proposed on a contingency basis:

- Tightening of marriage and civil partnership restrictions in level 4 areas by reducing the numbers attending a marriage ceremony or civil partnership registration to the legal minimum of 5 (or 6 if an interpreter is needed). (Receptions are already not allowed at level 4).
- Tightening of funeral restrictions at level 4 by prohibiting post-funeral gatherings (e.g. wakes)

Impact:

Marriage

The numbers attending a marriage ceremony or civil partnership registration in Level 4 should be reduced, if required, to the legal minimum of 5 (or 6 if an interpreter is needed).

Allowing 5 people (or 6 if an interpreter is needed) (the statutory minimum) to attend a marriage ceremony protects the ECHR right to marry. The same provision is made for civil partnerships.

Making provision for an interpreter when required helps those who may not speak English or who need help with a (hearing) disability.

A review in due course would consider if more people should be allowed at marriage ceremonies and civil partnership registrations to reflect religious concerns.

Funerals

Funeral services and ceremonial events (e.g. ashes scattering) will continue to be permitted with up to 20 people in attendance as per the current strategic framework. If required, however, post-funeral gatherings, such as wakes, will not be permitted in level 4. This aligns with the position prior to 14 September 2020.

Importantly this proposal protects the attendance numbers at funeral services (e.g. the service which accompanies the burial or cremation) which must proceed in real time and cannot be delayed. Delays to funerals risk a significant impact on body storage capacity. This consistent approach also helps to mitigate against the risk that people will arrange a funeral in another local authority area so that more people can attend. Funeral services are also an essential part of the bereavement process and vital to people’s wellbeing.

Unlike the funeral service, it is possible for post-funeral gatherings to be delayed to a later date. Post-funeral gatherings are likely to involve many people who know one another well and alcohol consumption is permitted. They have been linked to a small number of COVID-19 outbreaks.

Maintaining the numbers at funeral services in level 4 areas will likely have a positive impact for all members of society who are bereaved, regardless of a protected characteristic(s). The prohibition of wakes at level 4 is not considered to create any particular inequalities for those with protected characteristic(s).

Differential impacts	Age: Children and Younger People	Baseline and Level 1	No change since previous impact assessment (November 2020). We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
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	Level 2 - 3	<p>No change since previous impact assessment (November 2020).</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 4	<p>Marriages</p> <p>At level 4, the numbers able to attend a marriage ceremony or civil partnership registration reduces to 5 (or 6 if an interpreter is needed). (Receptions are already not permitted at level 4). Children are included in this headcount, which is based on the statutory minimum required to carry out a legal marriage ceremony or civil partnership registration in Scotland⁵.</p> <p>Funerals</p> <p>At level 4, the numbers able to attend a funeral service will remain at 20 people and post-funeral gatherings will not be permitted. Children are included in this headcount. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
Age: Older People	Baseline and Level 1	<p>No change since previous impact assessment (November 2020).</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 2 - 3	<p>No change since previous impact assessment (November 2020).</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 4	<p>Marriages</p> <p>At level 4, the numbers able to attend a marriage ceremony or civil partnership registration reduces to 5 (or 6 if an interpreter is needed). (Receptions are already not permitted at level 4). We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p> <p>Funerals</p> <p>At level 4, the numbers able to attend a funeral service will remain at 20 people and post-funeral gatherings will not be permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>

⁵ Under the Marriage (Scotland) Act 1977 and the Civil Partnership Act 2004, you have to be aged at least 16 to be able to marry or enter a civil partnership in Scotland. Witnesses at a marriage ceremony or civil partnership registration must profess to be 16 years or age or over.

Sex: Women	Baseline and Level 1	<p>No change since previous impact assessment (November 2020).</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 2 - 3	<p>No change since previous impact assessment (November 2020).</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 4	<p>Marriages</p> <p>At level 4, the numbers able to attend a marriage ceremony or civil partnership registration reduces to 5 (or 6 if an interpreter is needed). (Receptions are already not permitted at level 4). We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p> <p>Funerals</p> <p>At level 4, the numbers able to attend a funeral service will remain at 20 people and post-funeral gatherings will not be permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
Sex: Men	Baseline and Level 1	<p>No change since previous impact assessment (November 2020).</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 2 - 3	<p>No change since previous impact assessment (November 2020).</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 4	<p>Marriages</p> <p>At level 4, the numbers able to attend a marriage ceremony or civil partnership registration reduces to 5 (or 6 if an interpreter is needed). (Receptions are already not permitted at level 4) We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic</p> <p>Marriage is one of the ways in which fathers can obtain parental responsibilities and rights (“PRRs”) (similarly, second female parents can obtain PRRs through being married to, or in a civil partnership with, the mother). Marriages can take place at all protection levels including level 4.</p> <p>Funerals</p>

			At level 4, the numbers able to attend a funeral service will remain at 20 people and post-funeral gatherings will not be permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.
Race	Baseline and Level 1	No change since previous impact assessment (November 2020). We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.	
	Level 2 - 3	No change since previous impact assessment (November 2020). We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.	
	Level 4	Marriages At level 4, the numbers able to attend a marriage ceremony or civil partnership registration reduces to 5 (or 6 if an interpreter is needed). (Receptions are already not permitted at level 4). We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic. Allowing an interpreter when required may help couples who do not speak English ⁶ . Funerals At level 4, the numbers able to attend a funeral service will remain at 20 people and post-funeral gatherings will not be permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.	
Religion or Belief	Baseline and Level 1	No change since previous impact assessment (November 2020). We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.	
	Level 2 - 3	No change since previous impact assessment (November 2020). We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.	
	Level 4	Marriages The draft Strategic Framework as published on 23 October suggested restricting the numbers who may attend a marriage ceremony to the minimum required by law (5 or 6 if an interpreter is needed). This was	

⁶ There is specific provision on interpreters at section 22 of the Marriage (Scotland) Act 1977

		<p>later revised to take account of religious and belief requirements as it had the potential to impact adversely for some groups. Our stakeholder consultation indicated that 5 or 6 attendees would not have addressed religious requirements.</p> <p>The Scottish Government recognises that reducing the number who can attend a marriage ceremony to the statutory minimum of 5 (or 6 if an interpreter is required) may not fit with all religious requirements or preferred approaches by religious bodies to marriage ceremonies.</p> <p>The Scottish Government considers that reducing the number to 5 or 6 is justified by the need to respond to the apparent greater transmissibility of the new variant of the virus. In addition, the reduction to 5 or 6 is only designed to be temporary.</p> <p>However, the Scottish Government will carry out a review of the impact on religious bodies and people of faith of reducing numbers who can attend to 5 or 6. In carrying out this review, the Scottish Government will seek views from religious or belief bodies.</p> <p>Funerals</p> <p>At level 4, the numbers able to attend a funeral service will remain at 20 people and post-funeral gatherings will not be permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
Disability	Baseline and Level 1	<p>No change since previous impact assessment (November 2020).</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 2 - 3	<p>No change since previous impact assessment (November 2020).</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 4	<p>Marriages</p> <p>At level 4, the numbers able to attend a marriage ceremony or civil partnership registration reduces to 5 (or 6 if an interpreter is needed). (Receptions are already not permitted at level 4). We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p> <p>Making provision for an interpreter when required supports those who need help with a (hearing) disability.</p>

		<p>Funerals</p> <p>At level 4, the numbers able to attend a funeral service will remain at 20 people and post-funeral gatherings will not be permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
Sexual Orientation	Baseline and Level 1	<p>No change since previous impact assessment (November 2020).</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 2 - 3	<p>No change since previous impact assessment (November 2020).</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 4	<p>Marriages</p> <p>At level 4, the numbers able to attend a marriage ceremony or civil partnership registration reduces to 5 (or 6 if an interpreter is needed). (Receptions are already not permitted at level 4). We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic. The restrictions apply in the same way to mixed and to same sex marriages and to civil partnerships.</p> <p>Funerals</p> <p>At level 4, the numbers able to attend a funeral service will remain at 20 people and post-funeral gatherings will not be permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
Pregnancy and Maternity	Baseline and Level 1	<p>No change since previous impact assessment (November 2020).</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 2 - 3	<p>No change since previous impact assessment (November 2020).</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 4	<p>Marriages</p> <p>At level 4, the numbers able to attend a marriage ceremony or civil partnership registration reduces to 5 (or 6 if an interpreter is needed). (Receptions are already not permitted at level 4). We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic. We are aware of some requests that very young children (babes in arms) should not</p>

		<p>count towards limits on numbers. Given the need for tight restrictions as a consequence of the pandemic, the Scottish Government does not consider this relaxation could be made at the moment. However, the Scottish Government will keep this under regular review.</p> <p>Funerals</p> <p>At level 4, the numbers able to attend a funeral service will remain at 20 people and post-funeral gatherings will not be permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
Gender Reassignment	Baseline and Level 1	<p>No change since previous impact assessment (November 2020).</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 2 - 3	<p>No change since previous impact assessment (November 2020).</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 4	<p>Marriages</p> <p>At level 4, the numbers able to attend a marriage ceremony or civil partnership registration reduces to 5 (or 6 if an interpreter is needed). (Receptions are already not permitted at level 4). We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic. The restrictions apply in the same way to mixed and to same sex marriages and to civil partnerships.</p> <p>Funerals</p> <p>At level 4, the numbers able to attend a funeral service will remain at 20 people and post-funeral gatherings will not be permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
Socio-economic disadvantage	Baseline and Level 1	<p>No change since previous impact assessment (November 2020).</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 2 - 3	<p>No change since previous impact assessment (November 2020).</p> <p>We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
	Level 4	<p>Marriages</p> <p>At level 4, the numbers able to attend a marriage ceremony or civil partnership registration reduces to 5 (or 6 if an interpreter is needed). (Receptions are already not permitted at level 4). We are not aware of</p>

		<p>any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic⁷.</p> <p>Funerals</p> <p>At level 4, the numbers able to attend a funeral service will remain at 20 people and post-funeral gatherings will not be permitted. We are not aware of any evidence that suggests this level of restriction will create any particular inequalities for this protected characteristic.</p>
Mitigating actions:	Baseline and Level 1	<p>A range of mitigations in relation to the transmission of COVID-19 have been considered and implemented through guidance, both specifically for marriages, civil partnerships and funerals and in related guidance for hospitality venues and for receptions and funeral wakes to minimise the risks to all attendees at life events.</p> <p>This guidance is updated regularly to ensure clear communication of the requirements and continue to communicate with interested stakeholders.</p>
	Level 2 - 3	<p>We have updated our guidance for marriages, civil partnerships and funerals to ensure clear communication of the requirements and continue to communicate regularly with interested stakeholders.</p>
	Level 4	<p>We have updated our guidance for marriages, civil partnerships and funerals to ensure clear communication of the requirements and continue to communicate regularly with interested stakeholders.</p> <p>As indicated above:</p> <ul style="list-style-type: none"> • Allowing interpreters to attend a marriage ceremony or civil partnership registration helps those who may not speak English or who need help with a (hearing) disability. • The Scottish Government will carry out a review of the impact on religious bodies and people of faith of reducing numbers who can attend a marriage ceremony or civil partnership registration to 5 or 6. In carrying out this review, the Scottish Government will seek views from religious or belief bodies.

⁷ National Records of Scotland have published information on the costs of getting married in Scotland [Marriage in Scotland - What You Would Pay \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk/information/costs-of-getting-married) and on the costs of entering a civil partnership in Scotland [Civil Partnership Registration in Scotland - What You Would Pay \(nrscotland.gov.uk\)](https://www.nrscotland.gov.uk/information/costs-of-getting-married)

Assessing the impacts and identifying opportunities to promote equality

Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	
Promoting good relations among and between different age groups			X	

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	
Promoting good relations among and between disabled and non-disabled people			X	

Do you think that the policy impacts on men and women in different ways?

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	

Promoting good relations between men and women			X	
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Do you think that the policy impacts on women because of pregnancy and maternity?

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	
Promoting good relations			X	

Do you think your policy impacts on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex? (NB: the Equality Act 2010 uses the term 'transsexual people' but 'trans people' is more commonly used, although it may include a wide range of people not covered by the Act).

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	
Promoting good relations			X	

Do you think that the policy impacts on people because of their sexual orientation?

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	

Promoting good relations			X	
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Do you think the policy impacts on people on the grounds of their race?

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity			X	
Promoting good race relations			X	

Do you think the policy impacts on people because of their religion or belief?

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.
Advancing equality of opportunity		X		<p>The Scottish Government recognises that reducing the number who can attend a marriage ceremony to the statutory minimum of 5 (or 6 if an interpreter is required) may not fit with all religious requirements or preferred approaches by religious bodies to marriage ceremonies.</p> <p>The Scottish Government considers that reducing the number to 5 or 6 is justified by the need to respond to the apparent greater transmissibility of the new variant of the virus. In addition, the reduction to 5 or 6 is only designed to be temporary.</p> <p>However, the Scottish Government will carry out a review of the impact on religious bodies and people of faith of</p>

				reducing numbers who can attend to 5 or 6. In carrying out this review, the Scottish Government will seek views from religious or belief bodies.
Promoting good relations			X	The Scottish Government recognises the importance to individuals of particular faiths that they marry in accordance with their faith.

Do you think the policy impacts on people because of their marriage or civil partnership?⁸

Marriage and Civil Partnership	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	For the position at all levels, the measures do not constitute unlawful discrimination, harassment and victimisation.

Conclusion

The Strategic Framework and approach set out in these Regulations are intended to balance the restrictions necessary to protect people from the direct harms to health from catching the virus, with the unintended potential harms the restrictions may have on isolation, wellbeing and the economy.

⁸ In terms of section 149(7) of the Equality Act 2010 the Public Sector Equality Duty does not apply to the protected characteristic of marriage and civil partnership

Title of Proposal: Places of Worship

Places of worship located in Level 4 areas to be closed until further notice, with exceptions for:

- (a) funerals;
- (b) commemorative event for a person who has died but is not a wake or a funeral tea;
- (c) weddings, or civil partnership registration – max 5 capacity (or 6 if an interpreter is required);
- (d) to broadcast an act of worship, whether over the internet or as part of a radio or television broadcast; or
- (e) to provide essential voluntary services or urgent public support services (including the provision of food banks or other support for the homeless or vulnerable people, blood donation sessions, assist COVID vaccinations or support in an emergency).

Impact

Regulations introduced on 8 January 2021 state that places of worship in Level 4 areas must close to all forms of worship. This will have a detrimental effect across faith communities where individuals can no longer exercise their right to practice their religion within a place of worship.

For many of our faith communities, places of worship are also community spaces where individuals meet to not only worship and pray, but also interact with others from across their congregation.

Strategic Framework originally stated that places of worship could remain open, in level 4 albeit with a maximum capacity of 20 people. However, the new variant nature of the virus and increased transmission rates has led to a clinically informed decision that tighter restrictions are necessary to protect people from the direct harms to health from catching the virus balanced against the unintended potential harms the restrictions may have on isolation and wellbeing.

Differential impacts	Age: Children and Younger People	No children and younger people will be able to attend their place of worship, for general acts of worship. This will include attending religious education classes, e.g. bible study, madrasas and Sunday schools.
	Age: Older People	The further restrictions on places of worship will have more of an adverse impact on older people with the loss of group worship etc. as evidence would suggest they attend places of worship more regularly than younger groups and may struggle more with online worship. However, this measure will have a positive impact in protecting this group of people who are more at risk from the virus
	Sex: Women	The Scottish Church Census 2016 indicated that three-fifths of churchgoers are women. We do not have similar data available for other religions. The Scotland Household Survey 2018 indicated that more women than men who volunteered profess 'religion and belief' (17 and 13 per cent respectively). This suggests that further restricting attendance at places of worship may have greater negative impact on women than men.

Sex: Men	As detailed above, the Scottish Church Census suggests that further restricting attendance at places of worship may have less of an impact on men than women.
Race	No impact identified.
Religion & Faith	<p>Clearly the additional restrictions that have been introduced will have significant impact on members of faith communities. They will not be able to attend places of worship for communal or congregational worship, prayer, and wider activities, ceremonies and services (except for listed exceptions), to exercise their religious rights.</p> <p>A number of people rely on attending places of worship for social and spiritual wellbeing and, as such, this may result in impacts on social isolation and mental health issues.</p> <p>However, revised restrictions could promote greater use of digital technologies to allow live-streaming of acts of worship or the distribution of recorded material to those who may not have managed to attend, regardless.</p> <p>These restrictions are aimed at preventing people attending places of worship from catching a potentially deadly virus.</p>
Disability	No specific impact identified. Level 4 is likely to be associated with a higher prevalence of virus infection and at-risk groups, including some disabled people, may therefore have been at particular risk had they been allowed to attend places of worship whilst COVID incidence and transmission risk is so high.
Sexual Orientation	No impact identified.
Marriage and Civil Partnership	Limited numbers able to attend – for full details refer to EQIA for “Life Events – Marriages, funerals and the associated receptions and wakes”
Pregnancy and Maternity	No specific impact identified. Level 4 is likely to be associated with a higher prevalence of virus infection and at-risk groups, including some pregnant women, may therefore have been at particular risk had they been allowed to attend places of worship whilst COVID incidence and transmission risk is so high.
Gender Reassignment	No impact identified.
Socio-economic disadvantage	No impact identified.
<p>Mitigating actions:</p> <p>Scottish Government officials are very aware of, and focussed on the importance of faith and worship for a significant proportion of the Scottish population and the benefits to spiritual and wider wellbeing that communal worship can bring.</p> <p>We have regular engagement meetings with faith and belief communities around all aspects on restrictions on attendance at places of worship and regarding all associated guidance.</p>	

We will continue to engage with faith communities throughout this difficult period of fuller lockdown, and will prioritise the re-opening of places of worship as soon as this can be safely achieved. We will continue to work with faith and belief partners to ensure that appropriate mitigations and guidance are in place, steered in particular by evolving scientific and health advice on transmission risks.

Online streaming, broadcasting or recording of services will continue to facilitate virtual congregational worship for individuals who are unable to attend places of worship (whether because of restrictions or because they are shielding, or self-isolating).

Scottish Government arranged for a representative from Digital Scotland to provide our weekly faith and belief stakeholder group meeting with an overview of the work of [Connecting Scotland](#), and the assistance that is available in providing mobile devices, e.g. tablets, internet connections and digital support to those who would otherwise be excluded from connecting online. The group members were encouraged to advise leaders of their respective faith groups of this initiative, and promote the benefits how this could assist members of their congregations who would otherwise be unable to attend a place of worship in person, to be able to participate in online services.

Assessing the impacts and identifying opportunities to promote equality

Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation
Advancing equality of opportunity		X		Being isolated from others is likely to result in reducing equalities of opportunity, e.g. should acts of worship/information be distributed on-line and someone does not have access to internet.
Promoting good relations among and between different age groups		X		Inability to mix with friends and peers could result in mental and social isolation. However, restrictions are aimed at preventing them from catching a potentially deadly virus. Whilst unable to mix within a place of worship environment, it may give younger people the opportunity to teach older people how to use new digital technologies, to participate on on-line services

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation
Advancing equality of opportunity		X		Being isolated from others is likely to result in reducing equalities of opportunity, e.g. should acts of worship/information be distributed on-line and someone does not have access to internet.
Promoting good relations among and between disabled and non-disabled people		X		Inability to mix with friends and peers could result in mental and social isolation. However, restrictions are aimed at preventing them from catching a potentially deadly virus. Whilst unable to mix within a place of worship environment, it may give the opportunity for other people within a congregation to teach disabled persons how to use new digital technologies, to participate on on-line services

Do you think that the policy impacts on men and women in different ways?

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation
Advancing equality of opportunity		X		As statistics would suggest that more women than men attend places of worship, it is likely that more women will be affected. However, restrictions are aimed at preventing them from catching a potentially deadly virus.
Promoting good relations between men and women		x	X	

Do you think that the policy impacts on women because of pregnancy and maternity?

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination,			X	The measure does not constitute unlawful discrimination, harassment and victimisation

harassment and victimisation				
Advancing equality of opportunity			X	As above
Promoting good relations		X		Could result in pregnant woman not getting support and encouragement from others in congregation and sharing experience with others, which could affect mental wellbeing. However, restrictions are aimed at preventing them from catching a potentially deadly virus, or could harm baby. NHS advice considers pregnant women high risk and also advises them to minimise contact with others.

Do you think your policy impacts on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex? (NB: the Equality Act 2010 uses the term 'transsexual people' but 'trans people' is more commonly used, although it may include a wide range of people not covered by the Act).

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation
Advancing equality of opportunity			X	As above
Promoting good relations		X		Not enabling trans people to interact with others, who could offer support in difficult times.

Do you think that the policy impacts on people because of their sexual orientation?

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation
Advancing equality of opportunity			X	As above
Promoting good relations		X		Not enabling people who may be confused or struggling to accept their

				sexual orientation to interact with others, who could offer support in difficult times.
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Do you think the policy impacts on people on the grounds of their race?

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The measure does not constitute unlawful discrimination, harassment and victimisation
Advancing equality of opportunity			X	As above
Promoting good race relations			X	As above

Do you think the policy impacts on people because of their religion or belief?

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	The measures do not constitute unlawful discrimination, harassment and victimisation – all faiths are being treated equally.
Advancing equality of opportunity			X	The measure does not constitute unlawful discrimination, harassment and victimisation – all faiths are being treated equally.
Promoting good relations		X		May be seen as not allowing people to exercise their religious rights to worship. However, restrictions are aimed at preventing them from catching a potentially deadly virus.

Do you think the policy impacts on people because of their marriage or civil partnership?⁹

Marriage and Civil Partnership	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination,			X	Refer to the EQIA for Life events. [Section 149(7) of the Equality Act 2010 - the PSED does not apply to the

⁹ The PSED does not apply to the protected characteristic of marriage and civil partnership
<https://www.gov.uk/guidance/equality-act-2010-guidance>

harassment and victimisation				protected characteristic of marriage and civil partnership]
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