



# Coronavirus (Recovery and Reform) (Scotland) Act 2022

2022 asp 8

## PART 2

### EDUCATION

#### CHAPTER 1

##### EDUCATIONAL ESTABLISHMENTS ETC.

## 9 Regulations on school boarding accommodation

- (1) The Scottish Ministers may by regulations—
- (a) require a relevant manager of a school boarding establishment to take reasonable steps to restrict or prohibit access to the establishment for a specified period,
  - (b) require a relevant manager of a school boarding establishment to provide support for pupils for a specified period in order to assist—
    - (i) their compliance with any restriction or requirement relating to the protection of public health imposed by virtue of an enactment or rule of law,
    - (ii) their following of any guidance or advice from a public authority relating to the protection of public health,
    - (iii) their response to a particular request or recommendation from a public authority relating to the protection of public health (for example, a recommendation for a pupil or group of pupils to self-isolate).
- (2) Regulations under [subsection \(1\)](#) may make provision applying to—
- (a) the relevant manager of one or more named school boarding establishments,
  - (b) the relevant manager of all school boarding establishments,
  - (c) the relevant managers of a particular description of school boarding establishment.
- (3) Before making regulations under [subsection \(1\)](#), the Scottish Ministers—

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*Status: This is the original version (as it was originally enacted).*

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- (a) must have regard to any advice from the Chief Medical Officer of the Scottish Administration about protecting public health (or, as the case may be, from another person designated for the purposes of this section by the Scottish Ministers), and
  - (b) must be satisfied, in view of that advice, that making the regulations is a necessary and proportionate action for or in connection with protecting public health.
- (4) Regulations under [subsection \(1\)](#) may provide that any failure to comply with a duty or time limit imposed under any enactment or rule of law relating to education is to be disregarded to the extent that the failure would be attributable to the regulations.
- (5) Regulations under [subsection \(1\)](#) may—
- (a) restrict or prohibit access in respect of the whole or a specified part of premises in which school boarding accommodation is provided,
  - (b) restrict or prohibit access in respect of the carrying on of all activities or in respect of the carrying on of specified activities,
  - (c) require the taking of actions in general terms, or require the taking of particular actions, that the Scottish Ministers consider appropriate,
  - (d) make different provision for different purposes (for example, for different descriptions of people for whom school boarding accommodation is provided),
  - (e) make transitional, transitory or saving provision.
- (6) In this section—
- “pupil” has the meaning given by section 135(1) of the 1980 Act,
  - “relevant manager”, in relation to school boarding accommodation, means a person having responsibility for the management of the accommodation,
  - “school boarding accommodation”, in relation to a pupil, means residential accommodation provided to the pupil by a school care accommodation service (within the meaning of paragraph 3 of schedule 12 of the Public Services Reform (Scotland) Act 2010),
  - “school boarding establishment” means a place where school boarding accommodation is provided,
  - “specified” means specified, or falling within a description specified, in regulations under [subsection \(1\)](#).