

# **CORONAVIRUS (RECOVERY AND REFORM) (SCOTLAND) ACT 2022**

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## **EXPLANATORY NOTES**

### **THE ACT: OVERVIEW**

#### **Part 2: Education**

##### *Chapter 1: Educational establishments etc.*

##### *Section 9: Regulations on school boarding accommodation*

47. This section confers a power on the Scottish Ministers to make regulations applying to boarding schools during the subsistence of threats to public health in Scotland.
48. Regulations under this section may require the restriction or prohibition of access to boarding accommodation premises (or part of such premises). The restriction or prohibition of access may be framed in terms of specified activities (for example, access could be permitted only for urgent pupil welfare reasons or the carrying on of activities which are necessary for the continuing provision of education). Furthermore, the regulations may require actions to be taken by school boarding establishments in general terms, or may require particular actions to be taken.
49. Regulations under this section may also, alternatively or additionally to making provision on the restriction of access, require the managers of school boarding establishments to provide support for pupils in order to assist them to comply with any legal requirement relating to public health: an example would be a requirement to quarantine under Part 4 of the Public Health etc. (Scotland) Act 2008. Support may also be required for pupils to assist them to follow public health guidance or advice from a public authority, for instance from the CMO; or to assist them to respond to specific requests or recommendations relating to public health from a public authority, for instance a recommendation from a health board for an individual pupil or group of pupils to self-isolate. The detail of what support should be provided will be set out in guidance.
50. Subsection (3) of this section sets out the preconditions for making regulations under this section: Ministers must have regard to any advice from the CMO about protecting public health, and in that context, must also be satisfied that making the regulations is a necessary and proportionate action to protect public health.
51. Subsection (4) states that regulations under this section may provide that any failure of compliance by a school with statutory or common law rules relating to education is to be disregarded where it is attributable to the regulations: the effect of this is that, where regulations under this section contain such provision, they effectively override other legal requirements while in force to the extent required by the regulations.