
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (which come into force at 6 a.m. on 2 November 2020) set out restrictions and requirements which apply in Scotland as a result of coronavirus. Different levels of restrictions and requirements (Level 0 to Level 4) are provided for in schedules 1 to 5 respectively of these Regulations. The levels apply to the local areas specified in schedule 6.

The Regulations require certain premises to close to members of the public. They also require a person who is responsible for a place of worship, carrying on a business or providing a service to take measures, where reasonably practicable, to minimise the risk of exposure to coronavirus. Certain food and drink and public house businesses are made subject to restrictions on opening times and sales.

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

These Regulations create restrictions on gatherings in public places and private dwellings, limiting the number of persons and households which can meet. There are exemptions to these restrictions.

Part 3 of the Regulations also provides for the enforcement of these Regulations, including criminal offences (regulation 5), power of entry (regulation 6) and fixed penalty notices (regulation 7).

At all levels, the Regulations require persons who use a passenger transport service or passenger transport service premises (which are both defined terms in the Regulations) to wear a face covering unless a specific exemption applies (schedule 7). They also require persons who use certain other places, which are listed in schedule 7, to wear a face covering unless a specific exemption applies.

The Scottish Ministers must review the restrictions and requirements imposed by the Regulations at least once every 21 days and must terminate any restriction or requirement as soon as it is no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of coronavirus in Scotland. The first review is required by 18 November 2020.

These Regulations expire on 31 March 2021.

These Regulations replace the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 and the Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Measures) (Scotland) Regulations 2020.

A Business and Regulatory Impact Assessment has been prepared. Copies may be obtained online at www.legislation.gov.uk.