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*Status: Point in time view as at 28/01/2022.*

*Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021. (See end of Document for details)*

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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 277**

**PUBLIC HEALTH**

**The Health Protection (Coronavirus)  
(Requirements) (Scotland) Regulations 2021**

*Approved by the Scottish Parliament*

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|--|---------|--|
| <i>Made</i>                                    | - - - - | <i>at 1.50 p.m. on 5th<br/>August 2021</i> |
| <i>Laid before the Scottish<br/>Parliament</i> | - - - - | <i>at 4.00 p.m. on 5th<br/>August 2021</i> |
| <i>Coming into force</i>                       | - -     | <i>9th August 2021</i>                     |

The Scottish Ministers make the following Regulations in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020 <sup>M1</sup> (“the Act”) and all other powers enabling them to do so.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of coronavirus in Scotland.

The Scottish Ministers consider that the requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with paragraph 6(2) and (3) of schedule 19 of the Act, the Scottish Ministers are of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft having been laid before, and approved by, a resolution of the Scottish Parliament.

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**Marginal Citations**

**M1** 2020 c.7.

**PART 1**

Introductory

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 and come into force on 9 August 2021.

(2) These Regulations apply in—

(a) Scotland, and

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- (b) Scottish airspace, in relation to a person who is on a mode of transport which took off from, or is to land at, a place in Scotland.
- (3) In paragraph (2)—
- “Scotland” includes so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Scotland, and
- “Scottish airspace” means the airspace above Scotland.

#### Commencement Information

**II** Reg. 1 in force at 9.8.2021, see [reg. 1\(1\)](#)

#### Interpretation

##### 2. In these Regulations—

[<sup>F1</sup>“alcohol” has the same meaning as in section 2 of the Licensing (Scotland) Act 2005,]

“child” means a person who is under 16 years of age,

“constable” has the meaning given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012 <sup>M2</sup>,

“emergency responder” has the meaning given by section 153A(6) of the Inheritance Tax Act 1984 <sup>M3</sup>,

“face covering” means a covering of any type (other than a face shield) which covers a person's nose and mouth,

“household” means—

- (a) one person living alone, or
- (b) a group of persons living together in the same place as a family or other unit (whether or not related) and who have the place as their only or main residence,

“indoors” means a place which would be considered to be wholly or substantially enclosed for the purposes of section 4(2) of the Smoking, Health and Social Care (Scotland) Act 2005 <sup>M4</sup> under the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 <sup>M5</sup>, and

“outdoors” is to be construed accordingly,

<sup>F2</sup> ...

<sup>F3</sup>[<sup>F4</sup> ...

“passenger transport service” means a service provided for the carriage of passengers by road, railway, tramway, air or sea,

“passenger transport service premises” means off-road premises where a passenger transport service may stop or terminate, allowing passengers on and off,

“premises” includes any building or structure and any land,

“public place” means a place to which the public, or a section of the public, has access whether on payment or otherwise,

“school” has the meaning given by section 135(1) of the Education (Scotland) Act 1980 <sup>M6</sup>, and

“sexual entertainment venue” has the meaning given by section 45A of the Civic Government (Scotland) Act 1982 <sup>M7</sup>.]

### Textual Amendments

- F1** Words in [reg. 2](#) inserted (26.12.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 6\) Regulations 2021 \(S.S.I. 2021/496\)](#), regs. 1(2), **3(a)**
- F2** Words in [reg. 2](#) omitted (24.1.2022 at 5.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 2\) Regulations 2022 \(S.S.I. 2022/13\)](#), regs. 1, **2(2)**
- F3** Words in [reg. 2](#) omitted (1.10.2021 at 5.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 2\) Regulations 2021 \(S.S.I. 2021/349\)](#), regs. 1(1), **2(2)**
- F4** Words in [reg. 2](#) inserted (26.12.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 6\) Regulations 2021 \(S.S.I. 2021/496\)](#), regs. 1(2), **3(b)**

### Commencement Information

- I2** Reg. 2 in force at 9.8.2021, see [reg. 1\(1\)](#)

### Marginal Citations

- M2** 2012 asp 8.
- M3** 1984 c.51. Section 153A was inserted by section 75 of the [Finance Act 2015 \(c. 11\)](#).
- M4** 2005 asp 13.
- M5** S.S.I. 2006/90.
- M6** 1980 c.44. Amended by section 2 of the [Registered Establishments \(Scotland\) Act 1987 \(c.4\)](#) and schedule 3 of the Standards in [Scotland's Schools etc. Act 2000 \(asp 6\)](#).
- M7** 1982 c.45. Section 45A was inserted by the [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), [section 76\(3\)](#).

## PART 2

### Requirements

#### Requirement to collect and share information: restaurants, cafes, bars, public houses etc.

3.—(1) A person who is responsible for a relevant hospitality premises or relevant entertainment premises must, in relation to the premises, take measures to—

- (a) obtain and record visitor information,
- (b) record visitor information in a filing system (which may be an electronic system) suitable for recording, storing and retrieving the information, and
- (c) retain visitor information for a period of at least 21 days beginning with the date on which the visit occurred.

(2) Paragraph (1) does not apply in relation to a visitor to the premises who is there solely for the purpose of—

- (a) purchasing or collecting food or drink for consumption off the premises, or
- (b) voting in an election.

(3) A person who is responsible for a relevant hospitality premises or relevant entertainment premises must provide visitor information to a public health officer, as soon as reasonably practicable but in any event within 24 hours, if so requested by the public health officer for the purpose of—

- (a) preventing a threat to public health resulting from the spread of infection or contamination with coronavirus,
- (b) monitoring the spread of infection or contamination with coronavirus or the incidence of coronavirus disease.

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(4) In this regulation—

“public health officer” has the meaning given by paragraph 3(2)(b) of schedule 21 of the Coronavirus Act 2020,

“relevant entertainments premises” means—

- (a) nightclub, dance hall or discotheque,
- (b) sexual entertainment venue,

“relevant hospitality premises” means—

- (a) a restaurant, cafe, bar or public house, or
- (b) a hotel in which food or drink is sold for consumption on the premises,

and

“visitor information” means—

- (a) the name and telephone number of one member of each household visiting the premises,
- (b) the date of their visit and arrival time, and
- (c) the number of members of that person's household visiting the premises at that time.

#### **Commencement Information**

**I3** Reg. 3 in force at 9.8.2021, see [reg. 1\(1\)](#)

#### **[<sup>F5</sup>Guidance on minimising exposure to and requirement to take measures to minimise incidence and spread of coronavirus**

4.—(1) A person who is responsible for a place of worship, carrying on a business or providing a service must—

- (a) have regard to guidance issued by the Scottish Ministers about measures to minimise risk of exposure to coronavirus relating to its premises, business or service, and
- (b) take such of those measures as are reasonably practicable to minimise the incidence and spread of coronavirus on its premises, for example measures which limit close face to face interaction and maintain hygiene such as—
  - (i) changing the layout of premises including the location of furniture and workstations,
  - (ii) controlling the use of entrances, passageways, stairs and lifts,
  - (iii) controlling the use of shared facilities such as toilets and kitchens,
  - (iv) otherwise controlling the use of, or access to, any other part of the premises,
  - (v) installing barriers or screens,
  - (vi) providing, or requiring the use of, personal protective equipment, and
  - (vii) providing information to those entering or working at the premises about how to minimise the risk.

(2) Guidance issued by the Scottish Ministers may—

- (a) make different provision for different cases or descriptions of cases,
- (b) incorporate (by reference or transposition) guidance, codes of practice or other documents published by another person (for example, a trade association, a body representing members of an industry or a trade union).

(3) Part 4 (enforcement) does not apply to a contravention of the requirement in paragraph (1)(a).]

**Textual Amendments**

**F5** Reg. 4 substituted (17.12.2021) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 5\) Regulations 2021 \(S.S.I. 2021/475\)](#), regs. 1, **3**

**Requirements to take measures to ensure the required distance is maintained**

<sup>F6</sup>**4A.** . . . . .

**Textual Amendments**

**F6** Reg. 4A omitted (24.1.2022 at 5.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 2\) Regulations 2022 \(S.S.I. 2022/13\)](#), regs. 1, **2(3)(a)**

**Requirement for seated food and drink consumption**

<sup>F7</sup>**4B.** . . . . .

**Textual Amendments**

**F7** Reg. 4B omitted (24.1.2022 at 5.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 2\) Regulations 2022 \(S.S.I. 2022/13\)](#), regs. 1, **2(3)(b)**

**Requirement to close nightclubs etc. to members of the public**

<sup>F8</sup>**4C.** . . . . .

**Textual Amendments**

**F8** Reg. 4C omitted (24.1.2022 at 5.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 2\) Regulations 2022 \(S.S.I. 2022/13\)](#), regs. 1, **2(3)(c)**

**Nightclubs etc. – supplemental provision – licensing**

<sup>F9</sup>**4D.** . . . . .

**Textual Amendments**

**F9** Reg. 4D omitted (24.1.2022 at 5.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 2\) Regulations 2022 \(S.S.I. 2022/13\)](#), regs. 1, **2(3)(d)**

**Requirement to wear face covering in certain indoor places**

**5.—(1)** A person who enters or remains indoors within a place listed in regulation 6 must wear a face covering, unless the person is—

- (a) a child who is under 12 years of age,
- (b) a constable acting in the course of the constable's duty,

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- (c) an emergency responder (other than a constable) acting in their capacity as an emergency responder,
- (d) a person who is responsible for a place listed in regulation 6, an employee of that person or a volunteer at that place, where—
  - (i) there is a partition between the person, employee or volunteer and members of the public, or
  - (ii) a distance of at least [<sup>F10</sup>one metre] is maintained between the person, employee or volunteer and members of the public,
- (e) in a restaurant, cafe, bar, public house, nightclub, dance hall, discotheque or sexual entertainment venue and seated at a table,
- (f) in a place of worship and leading an act of worship where—
  - (i) there is a partition between the person and any other person, or
  - (ii) a distance of at least [<sup>F10</sup>one metre] is maintained between the person and any other person,
- (g) at a funeral, marriage ceremony or civil partnership registration and leading the service, ceremony or registration where—
  - (i) there is a partition between the person and any other person, or
  - (ii) a distance of at least [<sup>F10</sup>one metre] is maintained between the person and any other person,
- (h) at a marriage ceremony or civil partnership registration and is one of the parties to be married or entering into a civil partnership, where—
  - (i) there is a partition between the parties and any other person,
  - (ii) a distance of at least [<sup>F10</sup>one metre] is maintained between the parties and any other person, or
  - (iii) as part of the ceremony or registration and within the immediate vicinity of the relevant premises, they are being accompanied by one or more other persons to the specific location at which the marriage ceremony or civil partnership registration will take place,
- (i) at a marriage ceremony or civil partnership registration and is a person who is accompanying, in the circumstances described in paragraph (h)(iii), one or both of the parties to be married or entering into a civil partnership,
- (j) performing, [<sup>F11</sup>rehearsing for a performance,] presenting, addressing a public gathering, making a speech or being a panel member, where—
  - (i) there is a partition between the person and other persons, or
  - (ii) a distance of at least [<sup>F10</sup>one metre] is maintained between the person and other persons,
- [<sup>F12</sup>(ja) performing or rehearsing for a performance, in the circumstances described in sub-paragraph (i) and where the conditions in sub-paragraph (ii) are met—
  - (i) (aa) the use of the measures in sub-paragraphs (j)(i) and (ii) would materially impede the performance or rehearsal, and
  - (bb) the wearing of a face covering would materially impede the performance or rehearsal,
  - (ii) (aa) there is a partition between the person and all other persons except those who are performing or rehearsing with the person or assisting with the performance or rehearsal, or

- (bb) a distance of at least [<sup>F10</sup>one metre] is maintained between the person and all other persons except those who are performing or rehearsing with the person or assisting with the performance or rehearsal.]
- (k) seeking medical assistance, and—
  - (i) the wearing of a face covering would materially impede the seeking of the assistance, or
  - (ii) the assistance is emergency assistance and either the person does not have a face covering with them or there is not time to put one on,
- (l) providing care or assistance to a vulnerable person, including emergency assistance, where—
  - (i) the wearing of a face covering would materially impede the seeking of the assistance, or
  - (ii) the assistance is emergency assistance and either the person does not have a face covering with them or there is not time to put one on,
- (m) acting to avoid injury, or illness or to escape a risk of harm, where—
  - (i) the wearing of a face covering would materially impede the seeking of the assistance, or
  - (ii) the assistance is emergency assistance and either the person does not have a face covering with them or there is not time to put one on,
- (n) unable to put on, wear or remove a face covering—
  - (i) because of any physical or mental illness or impairment or disability (within the meaning of section 6 of the Equality Act 2010)<sup>M8</sup>, or
  - (ii) without severe distress,
- (o) communicating with a person who has difficulties communicating (in relation to speech, language or otherwise) and relies on lip reading or facial expression to be able to communicate,
- (p) eating or drinking,
- (q) using accommodation facilities provided by an accommodation service provider to which members of the public do not have access whilst occupied by the person and any other person with whom they share that accommodation,
- (r) taking part in exercise of a type which reasonably requires that the person is not wearing a face covering,
- (s) taking medication, the taking of which reasonably requires that the person is not wearing a face covering,
- (t) receiving a close contact service that requires access to the area covered by a face covering, where—
  - (i) the face covering is removed only for as long as is necessary to receive the service to that area, and
  - (ii) the person giving the service takes appropriate mitigation measures to minimise exposure to coronavirus, taking into account any relevant guidance issued by the Scottish Ministers,
- (u) complying with a request by a relevant person or another person acting in the course of their duties, and in this paragraph “relevant person” has the meaning given by regulation 15(8),

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- (v) undertaking food handling tasks, to avoid risk to the hygiene or safety of food arising from or in connection with the wearing of a face covering, or
  - (w) undertaking tasks in the course of their employment, where the wearing of a face covering would cause a material risk of harm.
- (2) In this regulation “a close contact service” means—
- (a) hairdressing and barber services,
  - (b) beauty and nail services (including make-up services),
  - (c) hair removal services,
  - (d) tattoo, piercing and body modification services,
  - (e) fashion design, dress-fitting and tailoring services,
  - (f) indoor portrait photography and art services,
  - (g) massage therapies,
  - (h) complementary and alternative medicine services requiring physical contact or close physical proximity between persons, but not osteopathy and chiropractic services,
  - (i) spa and wellness services,
  - (j) other services or procedures which require physical contact or close physical proximity between a provider and a customer and are not ancillary to medical, health or social care services.

#### Textual Amendments

- F10** Words in [reg. 5\(1\)](#) substituted (28.1.2022 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/29\)](#), regs. 1, **2(2)**
- F11** Words in [reg. 5\(1\)\(j\)](#) inserted (3.9.2021) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/299\)](#), regs. 1, **2(2)**
- F12** [Reg. 5\(1\)\(ja\)](#) inserted (3.9.2021) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/299\)](#), regs. 1, **2(3)**

#### Commencement Information

- I4** [Reg. 5](#) in force at 9.8.2021, see [reg. 1\(1\)](#)

#### Marginal Citations

- M8** [2010 c.15](#).

### Places where face coverings must be worn in accordance with regulation 5

**6.—(1)** These are the places where face coverings must be worn in accordance with regulation 5—

- (a) any building or room used for the retail sale or hire of goods or services, including—
  - (i) restaurants, including restaurants and dining rooms in hotels or members' clubs,
  - (ii) cafes, including canteens except canteens in a school or any other place where child minding or day care of children within the meaning of paragraphs 12 and 13 of schedule 12 of the Public Services Reform (Scotland) Act 2010 <sup>M9</sup> is provided,
  - (iii) bars, including bars in hotels or members' clubs,
  - (iv) public houses,
- (b) any indoor communal area—



- (i) in a workplace, and
- (ii) where there are no measures in place to keep persons separated by either a—
  - (aa) partition, or
  - (bb) distance of at least [<sup>F13</sup>one metre],
- (c) any indoor public place, or part of an indoor public place, where a marriage ceremony or civil partnership registration is taking place, including any restaurant, cafe, bar or public house for the duration of the ceremony or registration,
- (d) amusement arcades, snooker or pool halls and other indoor leisure facilities,
- (e) banks, building societies and credit unions,
- (f) bingo halls,
- (g) bowling alleys,
- (h) casinos,
- (i) cinemas,
- (j) community centres,
- (k) crematoriums and funeral directors premises,
- (l) dance halls,
- (m) discotheques,
- (n) enclosed motor vehicles while in use for a driving lesson or driving test, unless all occupants are members of the same household,
- (o) indoor fitness studios, gyms, swimming pools or other indoor leisure centres,
- (p) indoor funfairs,
- (q) indoor skating rinks,
- (r) libraries and public reading rooms,
- (s) museums and galleries,
- (t) places of worship,
- (u) post offices,
- (v) premises at which members' clubs or societies meet,
- (w) registration offices, meaning any registration office provided under section 8(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 <sup>M10</sup>,
- (x) storage and distribution facilities, including collection and drop off points,
- (y) indoor theatres,
- (z) comedy clubs,
- (aa) concert halls,
- (bb) soft play centres,
- (cc) sports stadiums,
- (dd) conference or exhibition centres and any other place at which an exhibition takes place,
- (ee) any indoor public place, or part of an indoor public place, being used—
  - (i) as a polling station,
  - (ii) for the opening of postal votes, or the counting of votes cast, in an election,
- (ff) nightclubs,

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- (gg) sexual entertainment venues,
  - (hh) any building or room used for the provision of a close contact service.
- (2) In this regulation—
- (a) “communal area” means an area where persons mingle or gather, such as—
    - (i) entrances
    - (ii) passageways,
    - (iii) stairs,
    - (iv) lifts,
    - (v) staff rooms,
    - (vi) training rooms, or
    - (vii) changing rooms,
  - (b) “motor vehicle” has the meaning given by section 185(1) of the Road Traffic Act 1988<sup>M11</sup>, except that section 189 of that Act (exception for certain pedestrian controlled vehicles and electrically assisted pedal cycles) applies as it applies for the purposes of that Act, and
  - (c) “workplace” excludes—
    - (i) a school, and
    - (ii) any other place where child minding or day care of children within the meaning of paragraphs 12 and 13 of schedule 12 of the Public Services Reform (Scotland) Act 2010 is provided, and
  - (d) “a close contact service” has the meaning in regulation 5(2).

#### Textual Amendments

**F13** Words in [reg. 6\(1\)\(b\)\(ii\)\(bb\)](#) substituted (28.1.2022 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/29\)](#), regs. 1, **2(3)**

#### Commencement Information

**I5** Reg. 6 in force at 9.8.2021, see [reg. 1\(1\)](#)

#### Marginal Citations

**M9** 2010 asp 8. Paragraph 12 of schedule 12 was amended by [S.S.I. 2013/211](#).

**M10** 1965 c.49. Section 8(1) was amended by section 51(3)(a) of the [Local Government etc. \(Scotland\) Act 1994 \(c. 39\)](#) and section 37(5) of the [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#).

**M11** 1988 c.52.

### Requirement to wear face coverings on public transport

7.—(1) A person who uses a passenger transport service or passenger transport service premises must wear a face covering, unless the person is—

- (a) on a school transport service,
- (b) on a cruise ship,
- (c) a child who is under 12 years of age,
- (d) a constable acting in the course of their duty,

- (e) an emergency responder (other than a constable) acting in their capacity as an emergency responder,
  - (f) providing a passenger transport service, or an employee of that person, and—
    - (i) there is a partition between the person or employee and members of the public, or
    - (ii) the wearing of a face covering would materially impede communicating with other persons about a risk of harm or for other safety purposes,
  - (g) flying or otherwise operating a passenger transport service for the carriage of passengers by air,
  - (h) on a ferry, where—
    - (i) the person is on part of the ferry which is entirely outdoors, or
    - (ii) a distance of at least [<sup>F14</sup>one metre] is maintained between the person and other persons,
  - (i) seeking medical assistance, and—
    - (i) the wearing of a face covering would materially impede the seeking of the assistance, or
    - (ii) the assistance is emergency assistance and either the person does not have a face covering with them or there is not time to put one on,
  - (j) providing care or assistance to a vulnerable person, including emergency assistance, where—
    - (i) the wearing of a face covering would materially impede the seeking of the assistance, or
    - (ii) the assistance is emergency assistance and either the person does not have a face covering with them or there is not time to put one on,
  - (k) acting to avoid injury, or illness or to escape a risk of harm, where—
    - (i) the wearing of a face covering would materially impede the seeking of the assistance, or
    - (ii) the assistance is emergency assistance and either the person does not have a face covering with them or there is not time to put one on,
  - (l) unable to put on, wear or remove a face covering—
    - (i) because of any physical or mental illness or impairment or disability (within the meaning of section 6 of the Equality Act 2010), or
    - (ii) without severe distress,
  - (m) communicating with a person who has difficulties communicating (in relation to speech, language or otherwise) and relies on lip reading or facial expression to be able to communicate,
  - (n) eating or drinking,
  - (o) taking medication, the taking of which reasonably requires that the person is not wearing a face covering, or
  - (p) complying with a request by a relevant person or another person acting in the course of their duties, and in this sub-paragraph “relevant person” has the meaning given by regulation 15(8).
- (2) For the purpose of paragraph (1)—
- (a) a person uses a passenger transport service when—
    - (i) they are—

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- (aa) boarding any mode of transport by means of which a passenger transport service is provided, or
- (bb) on board any mode of transport, whether or not for the purpose of travel, by means of which a passenger transport service is provided, and
- (ii) that service is available for use by the public,
- (b) a person uses passenger transport service premises when—
  - (i) they are present at premises where a passenger transport service may provide, stop or terminate their service, and
  - (ii) the part of those premises in which they are present is available for use by the public.

#### Textual Amendments

**F14** Words in [reg. 7\(1\)\(h\)\(ii\)](#) substituted (28.1.2022 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/29\)](#), regs. 1, **2(4)**

#### Commencement Information

**I6** Reg. 7 in force at 9.8.2021, see [reg. 1\(1\)](#)

### **[<sup>F15</sup>[<sup>F16</sup>Requirement to ensure that persons are fully vaccinated, have received appropriate test results, or are otherwise exempt, when in certain places]**

**7A.**—(1) The person responsible for premises to which paragraph (2) applies must ensure that there is in operation a reasonable system for—

- (a) checking that persons on, or seeking to enter, the premises to which paragraph (2) applies are permitted to be on the premises by paragraph (3), and
- (b) removing from, or refusing access to, those premises anyone found by those checks not to be permitted to be on the premises by paragraph (3).

(2) This paragraph applies to—

- (a) late night premises between 0000 hours and 0500 hours each day, unless they are being used for a funeral, marriage ceremony, civil partnership registration, or a reception or gathering which relates to a marriage ceremony, civil partnership registration or funeral, and
- (b) any premises while a relevant event is taking place at them.

(3) A person is permitted to be on premises for the purposes of paragraph (1) if the person—

- (a) is fully vaccinated against coronavirus,
  - [ has received a negative result from a qualifying test taken by the person no more than 24<sup>F17</sup>(aa) hours before the person enters the premises,]
- (b) is under 18 years of age,
- <sup>F18</sup>(c) for medical reasons—
  - (i) cannot be fully vaccinated against coronavirus, and
  - (ii) cannot undertake a qualifying test,]
- (d) is participating in, or has participated in, a trial of a vaccine against coronavirus,
- (e) is the person responsible for the premises,
- (f) is on the premises to provide a service or activity on behalf of the person responsible for the premises (whether as an employee, volunteer, or otherwise),

- (g) is on the premises in the course of the person’s functions as an emergency responder,
- (h) is on the premises acting on behalf of a public authority (as construed in accordance with section 6 of the Human Rights Act 1998).
- (4) In considering what is a reasonable system for the purposes of paragraph (1), a person must have regard to any guidance issued by the Scottish Ministers.
- (5) Guidance issued by the Scottish Ministers for the purpose of paragraph (4) may—
- (a) make different provision for different cases or descriptions of case,
  - (b) incorporate (by reference or transposition) guidance, codes of practice or other documents published by another person (for example, a trade association, a body representing members of an industry or a trade union).
- (6) The requirement to have a system in place for the purposes of paragraph (1) includes the requirement to process any data that it is necessary to process for the system to operate.
- [
- <sup>F19</sup>(7) For the purposes of paragraph (1) a nominated representative of an organisation which has been accredited for admittance to the COP Blue Zone by the UNFCCC Secretariat is, in relation to premises in the COP Green Zone, deemed to comply with paragraph (3)(a).
- (8) In this regulation—
- “Blue Zone” means the Scottish Event Campus, Exhibition Way, Glasgow G3 8YW,
- “Conference of the Parties” means, except in relation to the Kyoto Protocol and the Paris Agreement, the Conference of the Parties to the UNFCCC,
- “COP” means the conference convened by the Conference of the Parties, comprising—
- (a) the 26th session of the Conference of the Parties,
  - (b) the 16th session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol,
  - (c) the third session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement,
  - (d) all related pre-sessional meetings, sessions of subsidiary bodies and additional meetings, convened in the United Kingdom,
- “Green Zone” means the Glasgow Science Centre, 50 Pacific Quay, Glasgow G51 1EA,
- “Kyoto Protocol” means the Protocol to the UNFCCC signed in Kyoto on 11 December 1997,
- “Paris Agreement” means the agreement adopted at the 21st Conference of the Parties of the UNFCCC, signed in Paris on 12 December 2015,
- “UNFCCC” means the United Nations Framework Convention on Climate Change adopted in New York on 9 May 1992.
- (9) Paragraphs (7) and (8) cease to have effect on 13 November 2021.]

#### Textual Amendments

- F15** Regs. 7A-7E inserted (1.10.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 2\) Regulations 2021 \(S.S.I. 2021/349\)](#), regs. 1(1), **2(3)** (with reg. 1(2))
- F16** [Reg. 7A heading](#) substituted (6.12.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/453\)](#), regs. 1, **2(2)(a)**
- F17** [Reg. 7A\(3\)\(aa\)](#) inserted (6.12.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/453\)](#), regs. 1, **2(2)(b)(i)**
- F18** [Reg. 7A\(3\)\(c\)](#) substituted (6.12.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/453\)](#), regs. 1, **2(2)(b)(ii)**

*Status: Point in time view as at 28/01/2022.*

*Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021. (See end of Document for details)*

**F19** Reg. 7A(7)-(9) inserted (temp.) (30.10.2021) by virtue of [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 3\) Regulations 2021 \(S.S.I. 2021/384\)](#), regs. 1, **2(2)**

### Requirement to treat information as confidential

**7B.**—(1) A person to whom relevant information has been supplied in the course of operating a system required by regulation 7A(1) must treat that information as confidential.

(2) In this regulation—

- (a) treating information as “confidential” means not using it for any purpose except to determine if a person is permitted to be on premises by regulation 7A(3),
  - (b) “relevant information” means information that can be used to determine if a person—
    - (i) is fully vaccinated against coronavirus,
    - (ii) cannot be fully vaccinated against coronavirus for medical reasons, <sup>F20</sup>...
      - [ has undertaken a qualifying test,
- <sup>F21</sup>(ia)
- (iib) cannot undertake a qualifying test for medical reasons, or]
  - (iii) is participating in, or has participated in, the trial of a vaccine against coronavirus.

### Textual Amendments

**F15** Regs. 7A-7E inserted (1.10.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 2\) Regulations 2021 \(S.S.I. 2021/349\)](#), regs. 1(1), **2(3)** (with reg. 1(2))

**F20** Word in reg. 7B(2)(b)(ii) omitted (6.12.2021 at 5.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/453\)](#), regs. 1, **2(3)(a)**

**F21** Reg. 7B(2)(b)(ia)(iib) inserted (6.12.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/453\)](#), regs. 1, **2(3)(b)**

### Requirement to have a compliance plan

**7C.**—(1) Where regulation 7A(2) applies to premises, the person responsible for them must, from 0500 hours on 18 October 2021, prepare and maintain a compliance plan describing—

- (a) the system required by regulation 7A(1) that will operate in relation to the premises, and
- (b) any other measures that are, or will be, in place to prevent, or minimise, the risk of coronavirus being spread on the premises.

(2) A person who has prepared a compliance plan must—

- (a) keep each plan prepared for a period of 6 months, beginning with the date that version of it was created, and
- (b) show to a relevant person on request any plan that has been kept which the relevant person asks to be shown.

(3) Where a compliance plan is required by virtue of regulation 7A(2)(b) because a relevant event is to take place at premises, paragraph (1) requires that a separate compliance plan be prepared and maintained for each event at the premises held after 0500 hours on 18 October 2021.

[  
<sup>F22</sup>(4) A relevant person may inspect and copy any compliance plan shown to them in accordance with paragraph (2)(b).

(5) In this regulation, “relevant person” has the meaning given in regulation 15(8)(b).]

#### Textual Amendments

**F15** Regs. 7A-7E inserted (1.10.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 2\) Regulations 2021 \(S.S.I. 2021/349\)](#), regs. 1(1), **2(3)** (with reg. 1(2))

**F22** Reg. 7C(4)(5) inserted (6.12.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/453\)](#), regs. 1, **2(4)**

#### Supplemental provision – licensing

**7D.**—(1) Where paragraph (2) applies, a person responsible for premises at which—

- (a) service of alcohol is ceased between 0000 hours and 0500 hours,
- (b) provision of a dancefloor, or other designated space, for dancing by customers is ceased, or
- (c) provision of live or recorded music is ceased,

does not commit a licensing offence.

(2) This paragraph applies where the reason for the cessation is to prevent the requirements in regulation 7A(1) from applying in relation to the premises.

(3) The person referred to in paragraph (1) includes a person to whom a licence or permit which relates to the premises has been granted.

#### Textual Amendments

**F15** Regs. 7A-7E inserted (1.10.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 2\) Regulations 2021 \(S.S.I. 2021/349\)](#), regs. 1(1), **2(3)** (with reg. 1(2))

#### Interpretation of regulations 7A to 7D

**7E.**—(1) In these Regulations—

[<sup>F23</sup>“authorised vaccine” means a medicinal product for vaccination against coronavirus which is authorised—

- (a) for supply in the United Kingdom in accordance with a marketing authorisation, or
- (b) by the licensing authority on a temporary basis under regulation 174 (supply in response to spread of pathogenic agents etc.) of the Human Medicines Regulations 2012.]

“an exempt event” is—

- (a) a funeral, marriage ceremony, civil partnership registration, or a reception or gathering which relates to a funeral, marriage ceremony or civil partnership registration,
- (b) a mass participation event such as a marathon, triathlon, or charity walk,
- (c) an event designated by the Scottish Ministers as a flagship event according to criteria, and in a list, published by the Scottish Ministers,
- (d) a showing in a cinema,
- (e) a drive-in event,
- (f) an organised picket,
- (fa) [<sup>F24</sup>an organised picket,]
- (g) a public or street market,

*Status: Point in time view as at 28/01/2022.*

*Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021. (See end of Document for details)*

- (h) an illuminated trail,
- (i) a work or business conference (not including any peripheral reception or function outside the core hours of the conference, whether or not alcohol is served),
- (j) a business or trade event which is not open to the public for leisure purposes,
- (k) communal religious worship, or
- (l) an unticketed event held at an outdoor public place with no fixed entry points,

[<sup>F25</sup>“fully vaccinated” means that a person has—

- (a) completed a first course of an authorised vaccine with the final dose (or, if that course consists of only one dose, the dose) having been received—
  - (i) before the start of the period beginning with the 14th day before the date on which they seek to enter the late night premises or relevant event, and
  - (ii) no more than 120 days before the date on which they seek to enter the late night premises or relevant event, or
- (b) completed a first course and a subsequent course of an authorised vaccine with the subsequent course dose having been received before the start of the period beginning with the 10th day before the date on which they seek to enter the late night premises or relevant event,]

“late night premises” means any premises at which—

- (a) alcohol is served at any time between 0000 hours and 0500 hours,
- (b) [<sup>F26</sup>there is a dancefloor or space where dancing by customers takes place, and]
- (c) live or recorded music for dancing is played,

[<sup>F27</sup>“the licensing authority” has the meaning given in regulation 6(2) (the licensing authority and the Ministers) of the Human Medicines Regulations 2012,

“marketing authorisation” has the meaning given to it in regulation 8(1) (general interpretation) of the Human Medicines Regulations 2012,]

[<sup>F28</sup>“qualifying test” has the meaning given in paragraph (4),]

“relevant event” is an event, except an exempt event, that is planned on the basis—

- (a) that it will be attended by more than 10,000 people simultaneously,
- (b) that—
  - (i) it will take place wholly or mainly indoors,
  - (ii) it will be attended by 500 or more people simultaneously (ignoring children under 5 years of age and people working or providing voluntary or charitable services at the event), and
  - (iii) not all of those attendees will be seated, or
- (c) that—
  - (i) it will take place wholly or mainly outdoors,
  - (ii) it will be attended by 4,000 or more people simultaneously (ignoring children under 5 years of age and people working or providing voluntary or charitable services at the event), and
  - (iii) not all of those attendees will be seated.

(2) For the purposes of paragraph (1)—



- (a) a person (“P”) has completed a [<sup>F29</sup>first course of an authorised vaccine] if P has received the complete course of doses specified—
- (i) in the summary of product characteristics approved as part of the marketing authorisation for the authorised vaccine, or
  - (ii) in the instructions for usage approved as part of the authorisation by the licensing authority on a temporary basis under regulation 174 (supply in response to spread of pathogenic agents etc.) of the Human Medicines Regulations 2012 for the authorised vaccine,
- (b) where a person (“P”) has received a dose of one authorised vaccine and a dose of a different authorised vaccine, P is deemed to have completed a [<sup>F30</sup>first course] of an authorised vaccine,
- [ a person (“P”) has completed a subsequent course of an authorised vaccine if an additional
- <sup>F31</sup>(c) course of an authorised vaccine has, at least 12 weeks after P completed a first course of an authorised vaccine, been administered to P for the purpose of boosting P’s immunity to coronavirus,
- (d) a vaccine is not to be considered an authorised vaccine for the purpose of a subsequent course if it is not for the time being in use for this purpose in the United Kingdom].
- (3) For the purposes of paragraph (2), “marketing authorisation” has the same meaning as in regulation 3 (interpretation: eligible vaccinated arrivals) of the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021.
- [
- <sup>F32</sup>(4) A test is a qualifying test if it is capable of detecting the presence of coronavirus, and is—
- (a) a polymerase chain reaction test provided or administered under the National Health Service Act 2006, the National Health Service (Wales) Act 2006, the National Health Service (Scotland) Act 1978, or the Health and Personal Services (Northern Ireland) Order 1972, or
  - (b) a lateral flow test, the results of which have been submitted through the NHS public reporting system.]]

### Textual Amendments

- F15** Regs. 7A-7E inserted (1.10.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 2\) Regulations 2021 \(S.S.I. 2021/349\)](#), regs. 1(1), **2(3)** (with reg. 1(2))
- F23** Words in reg. 7E(1) substituted (17.1.2022) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/6\)](#), regs. 1, **2(3)(a)(i)**
- F24** Words in reg. 7E(1) inserted (6.12.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/453\)](#), regs. 1, **2(5)(a)**
- F25** Words in reg. 7E(1) substituted (17.1.2022) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/6\)](#), regs. 1, **2(3)(a)(ii)**
- F26** Words in reg. 7E(1) substituted (24.1.2022 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 2\) Regulations 2022 \(S.S.I. 2022/13\)](#), regs. 1, **2(4)**
- F27** Words in reg. 7E(1) inserted (17.1.2022) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/6\)](#), regs. 1, **2(3)(a)(iii)**
- F28** Words in reg. 7E(1) inserted (6.12.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/453\)](#), regs. 1, **2(5)(b)**
- F29** Words in reg. 7E(2)(a) substituted (17.1.2022) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/6\)](#), regs. 1, **2(3)(b)(i)**
- F30** Words in reg. 7E(2)(b) substituted (17.1.2022) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/6\)](#), regs. 1, **2(3)(b)(ii)**

*Status: Point in time view as at 28/01/2022.*

*Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021. (See end of Document for details)*

- F31** Reg. 7E(2)(c)(d) inserted (17.1.2022) by The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment Regulations 2022 (S.S.I. 2022/6), regs. 1, **2(3)(b)(iii)**
- F32** Reg. 7E(4) inserted (6.12.2021 at 5.00 a.m.) by The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 4) Regulations 2021 (S.S.I. 2021/453), regs. 1, **2(6)**

## <sup>F33</sup>PART 2A

### Live events]

#### Textual Amendments

- F33** Pt. 2A inserted (26.12.2021 at 5.00 a.m.) by The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 6) Regulations 2021 (S.S.I. 2021/496), regs. 1(2), **5**

#### Capacity limits on live events

<sup>F34</sup>**7F.** . . . . .

#### Textual Amendments

- F34** Reg. 7F omitted (24.1.2022 at 5.00 a.m.) by virtue of The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 2) Regulations 2022 (S.S.I. 2022/13), regs. 1, **2(5)**

## <sup>F35</sup>PART 3

### Stadia and live events

#### Textual Amendments

- F35** Pt. 3 omitted (1.10.2021 at 5.00 a.m.) by virtue of The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 2) Regulations 2021 (S.S.I. 2021/349), regs. 1(1), **2(4)**

#### Capacity limits on stadia and live events

**8.** . . . . .

#### Applications for exemption from capacity limits

**9.** . . . . .

#### Decisions on applications for exemption from capacity limits

**10.** . . . . .

#### Guidance on applications for exemption from capacity limits

**11.** . . . . .

**Revocation and variation of approval of exemption from capacity limits**

12. ....

**Scottish Ministers' power to call in applications for exemption from capacity**

13. ....

**Offence of breaching conditions of approval to hold larger live event**

14. ....

**PART 4**

Enforcement

**Modifications etc. (not altering text)**

C1 Pt. 4 excluded (temp.) (1.10.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 2\) Regulations 2021 \(S.S.I. 2021/349\)](#), [reg. 1\(1\)\(2\)](#)

**Enforcement of requirements**

15.—(1) A relevant person may take such action as is necessary to enforce any requirement imposed by these Regulations.

(2) A relevant person may give a notice to a person if the relevant person reasonably believes that—

- (a) the person is contravening a requirement in these Regulations, and
- (b) it is necessary and proportionate to give the notice for the purpose of preventing that person from continuing to contravene the requirement.

[<sup>F36</sup>(2A) A person to whom a notice is given under paragraph (2) must, so far as reasonably practicable, comply with the notice.]

(3) Where the person contravening a requirement in these Regulations is a child accompanied by an individual who has responsibility for the child, that individual must, so far as reasonably practicable, ensure that the child complies with a direction or instruction given by the relevant person to the child.

(4) Where a relevant person has reasonable grounds to believe that a child is repeatedly failing to comply with a requirement of these Regulations, the relevant person may direct any individual who has responsibility for the child to secure, so far as reasonably practicable, that the child complies with that requirement.

(5) For the purpose of this regulation, an individual has responsibility for a child if the individual has—

- (a) care or control of the child for the time being, or
- (b) parental responsibilities, within the meaning of section 1(3) of the Children (Scotland) Act 1995 <sup>M12</sup>, in relation to the child.

(6) A relevant person may only exercise a power in paragraph (4) if the relevant person considers that it is a necessary and proportionate means of ensuring compliance with the requirement.

**Status:** Point in time view as at 28/01/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021. (See end of Document for details)

(7) A relevant person exercising a power under paragraph (4) may give the person concerned any reasonable instructions the relevant person considers necessary.

(8) For the purpose of this regulation, a “relevant person” means—

- (a) a constable, or
- (b) subject to paragraph 9, a person designated by a local authority.

[<sup>F37</sup>(9) A local authority may only designate a person for the purpose of this regulation in relation to the requirements in—

- (a) regulation 3,
- (b) regulation 4(1)(b), and
- (c) regulations 7A to 7E.]

#### Textual Amendments

**F36** Reg. 15(2A) inserted (1.10.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 2\) Regulations 2021 \(S.S.I. 2021/349\)](#), regs. 1(1), **2(5)(a)**

**F37** Reg. 15(9) substituted (24.1.2022 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 2\) Regulations 2022 \(S.S.I. 2022/13\)](#), regs. 1, **2(6)**

#### Commencement Information

**I7** Reg. 15 in force at 9.8.2021, see [reg. 1\(1\)](#)

#### Marginal Citations

**M12** 1995 c.36.

### Offences and penalties

**16.**—(1) It is an offence for a person to contravene any of the requirements in these Regulations [<sup>F38</sup>, other than the requirement in regulation 4(1)(b)].

(2) It is an offence for a person to obstruct any person carrying out a function under these Regulations.

(3) It is an offence for a person to contravene [<sup>F39</sup>a notice or] a direction given under regulation 15.

(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) A person who commits an offence under this regulation is liable, on summary conviction, to a fine not exceeding the statutory maximum.

(6) If an offence under this regulation committed by a body corporate is proved to—

- (a) have been committed with the consent or connivance of an officer of the body, or
- (b) be attributable to any neglect on the part of such an officer,

the officer (as well as the body corporate) commits the offence and is liable to be prosecuted and proceeded against and punished accordingly.

(7) In paragraph (6), “officer” in relation to a body corporate means in the case of—

- (a) a company—
  - (i) a director, secretary, manager or similar officer, or
  - (ii) where the affairs of the company are managed by its members, a member,
- (b) a limited liability partnership, a member,

- (c) a partnership other than a limited liability partnership, a partner, or
- (d) another body or association, a person who is concerned in the management or control of its affairs.

#### Textual Amendments

- F38** Words in [reg. 16\(1\)](#) inserted (17.12.2021) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 5\) Regulations 2021 \(S.S.I. 2021/475\)](#), regs. 1, **8**
- F39** Words in [reg. 16\(3\)](#) inserted (1.10.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 2\) Regulations 2021 \(S.S.I. 2021/349\)](#), regs. 1(1), **2(6)**

#### Commencement Information

- I8** Reg. 16 in force at 9.8.2021, see [reg. 1\(1\)](#)

### [<sup>F40</sup>Power of entry

- 16A.—**(1) A relevant person may enter premises—
- (a) for the purpose of the performance of the relevant person’s functions under these Regulations, and
  - (b) if the condition in paragraph (3)(a) is met.
- (2) A relevant person may enter premises at any time if—
- (a) that person reasonably suspects that an offence under regulation 16 has been or is being committed on the premises,
  - (b) that person reasonably believes that it is necessary and proportionate to enter the premises for the purposes of the investigation of, or the prevention of the continuation of, such an offence, and
  - (c) the condition in paragraph (3)(b), (c) or (d) is met.
- (3) The condition is that—
- (a) the person who appears to be the occupier of the premises has consented to the relevant person entering the premises,
  - (b) the relevant person—
    - (i) has requested permission to enter the premises from the person who appears to be the occupier of the premises, but permission has been refused, and
    - (ii) reasonably believes the situation to be urgent,
  - (c) the occupier of the premises is temporarily absent and the relevant person reasonably believes the situation to be urgent, or
  - (d) the entry is effected under the authority of a warrant issued under paragraph (7).
- (4) For the purposes of paragraph (3)(b)(ii) or (3)(c), a reasonable belief in urgency means that the relevant person considers immediate entry to the premises to be necessary and proportionate for the purpose of preventing the continuation of the offence and for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination with coronavirus.
- (5) A relevant person entering premises in accordance with paragraph (2) may use reasonable force to enter the premises if necessary.
- (6) A relevant person entering premises in accordance with paragraph (1) or (2) may take such other persons, equipment and materials onto the premises as the relevant person considers necessary.

**Status:** Point in time view as at 28/01/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021. (See end of Document for details)

(6) A relevant person must, if requested to do so, produce a document or any other thing showing the relevant person's authority to exercise the power of entry in accordance with this regulation.

(7) A sheriff or justice of the peace may by warrant authorise a relevant person to enter premises under this regulation.

(8) A warrant under this regulation continues in force until the purpose for which it is issued is fulfilled.

(9) In this regulation, "relevant person" has the meaning given in regulation 15(8)(b).]

#### Textual Amendments

**F40** Reg. 16A inserted (1.10.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 2\) Regulations 2021 \(S.S.I. 2021/349\)](#), regs. 1(1), **2(7)**

#### Fixed penalty notices

**17.—**(1) A relevant person may issue a fixed penalty notice to a person the relevant person believes—

- (a) has committed an offence under these Regulations, and
- (b) is 18 years of age or over.

(2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty in accordance with these Regulations.

(3) The penalty payable in respect of a fixed penalty notice, subject to paragraphs (4) and (5), is £60.

(4) Unless paragraph (5) applies, if £30 is paid before the end of the period of 28 days beginning with the date of the fixed penalty notice, then that is the amount of the fixed penalty (and the fixed penalty notice must make known the effect of this paragraph).

(5) If the person to whom a fixed penalty notice is given has already received a fixed penalty notice under these Regulations—

- (a) paragraph (4) does not apply, and
- (b) the penalty payable in the case of—
  - (i) the second fixed penalty notice received is £120,
  - (ii) the third and subsequent fixed penalty notice received is double the amount specified in the last fixed penalty notice received by that person, to a maximum of £960.

(6) For the purpose of paragraph (5), a fixed penalty notice issued under the following provisions is to be treated as if it were issued under these Regulations—

- (a) regulation 7 of the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 <sup>M13</sup>,
- (b) regulation 16 of the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 <sup>M14</sup>,
- (c) regulation 9 of the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 <sup>M15</sup>,
- (d) regulation 8 of the of the Health Protection (Coronavirus, Restrictions) (Aberdeen City) Regulations 2020 <sup>M16</sup>,

- (e) regulation 13 of the Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020 <sup>M17</sup>, and
  - (f) regulation 27 of the Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Measures) (Scotland) Regulations 2020 <sup>M18</sup>.
- (7) For the purpose of these Regulations—
- (a) the form of a fixed penalty notice,
  - (b) the effect of a fixed penalty notice, and
  - (c) the procedure that applies to a fixed penalty notice,
- are the same as those that apply to a fixed penalty notice given under section 129(1) of the Antisocial Behaviour etc. (Scotland) Act 2004 <sup>M19</sup>, as provided for in section 129 to 134 of that Act and sections 226B and 226I of the Criminal Procedure (Scotland) Act 1995 <sup>M20</sup>, subject to the modifications in paragraph (8).
- (8) The modifications are—
- (a) section 129(1) is to be disregarded,
  - (b) the definitions of “fixed penalty notice” in sections 129(2) and 134 are to be construed as a reference to a notice under paragraph (1),
  - (c) the definition of “prescribed area” in section 129(2) is to be disregarded,
  - (d) section 130(1), (2) and (3)(f) is to be disregarded,
  - (e) the references to “section 129” in section 131(1) and section 133(1) are to be construed as references to this regulation,
  - (f) in section 131(5)—
    - (i) the reference to “in accordance with this Part” is to be construed as a reference to these Regulations, and
    - (ii) the reference to “a sum equal to one and a half times” is to be disregarded,
  - (g) the references to “constable” in section 133(1) are to be construed as references to the relevant person within the meaning of this regulation,
  - (h) the definition of “fixed penalty offence” in section 134 is to be construed as though it referred to an offence of the type referred to in paragraph (1)(a), and
  - (i) in section 226B(5)(a)(ii) of the Criminal Procedure (Scotland) Act 1995—
    - (i) the reference to “by virtue of section 131(5) of the Antisocial Behaviour etc. (Scotland) Act 2004” is to be construed as a reference to that section as modified by this paragraph, and
    - (ii) the reference to “a fixed penalty notice given under section 129 (fixed penalty notices) of that Act” is to be construed as a reference to section 129 of the Antisocial Behaviour etc. (Scotland) Act 2004 as modified by this paragraph.
- (9) For the purpose of this regulation, “relevant person” has the meaning given in regulation 15(8).
- (10) Where the relevant person issuing a notice under paragraph (1) is a relevant person within the meaning of regulation 15(8)(b), the relevant person may require the person believed to have committed an offence (“A”) to give A's name and address.
- (11) When making that requirement, the relevant person must inform A that—
- (a) the relevant person believes A has committed an offence under these Regulations, and
  - (b) failure to comply with the requirement may be an offence.

**Status:** Point in time view as at 28/01/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021. (See end of Document for details)

(12) If A has been required under this section to give A's name and address and, without reasonable excuse, fails to do so, A will be guilty of an offence and liable, on summary conviction, to a fine not exceeding the statutory maximum.

#### Commencement Information

**I9** Reg. 17 in force at 9.8.2021, see [reg. 1\(1\)](#)

#### Marginal Citations

**M13** [S.S.I. 2020/344](#).

**M14** [S.S.I. 2020/279](#). Revoked by [S.S.I. 2020/344](#).

**M15** [S.S.I. 2020/103](#). Revoked by [S.S.I. 2020/279](#).

**M16** [S.S.I. 2020/234](#). Revoked by [S.S.I. 2020/234](#) regulation 9(1).

**M17** [S.S.I. 2020/262](#).

**M18** [S.S.I. 2020/318](#). Revoked by [S.S.I. 2020/344](#).

**M19** [2004 asp 8](#).

**M20** [1995 c.46](#). Sections 226B and 226I were inserted by section 55 of the [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#). Sections 226B and 226I have been amended but none of the amendments are relevant to these Regulations.

## PART 5

### Final provisions

#### Review of requirements

**18.—(1)** The Scottish Ministers must review these Regulations at least every 21 days, with the first review to be carried out by 30 August 2021.

(2) As soon as the Scottish Ministers consider that any requirement set out in these Regulations 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, the Scottish Ministers must revoke that requirement.

#### Commencement Information

**I10** Reg. 18 in force at 9.8.2021, see [reg. 1\(1\)](#)

#### Expiry

**19.—(1)** These Regulations expire on 28 February 2022.

(2) This regulation does not affect the validity of anything done pursuant to these Regulations before they expire.

#### Commencement Information

**I11** Reg. 19 in force at 9.8.2021, see [reg. 1\(1\)](#)



## Revocation

**20.** The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020<sup>M21</sup> are revoked.

### Commencement Information

**I12** Reg. 20 in force at 9.8.2021, see [reg. 1\(1\)](#)

### Marginal Citations

**M21** [S.S.I. 2020/344](#).

St Andrew's House,  
Edinburgh

*JOHN SWINNEY*  
A member of the Scottish Government

**Status:** Point in time view as at 28/01/2022.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021. (See end of Document for details)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations (which come into force on 9 August 2020) set out continuing requirements which apply in Scotland as a result of coronavirus and revoke the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020.

A person who is responsible for a relevant hospitality premises or relevant entertainment 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 require persons in specified places (see regulations 5 and 6) to wear a face covering unless a specific exemption applies. They also 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 (regulation 7).

Part 3 of the Regulations makes provision for limits in relation to large live events and stadia, to enable approval of higher attendance numbers, and to allow revocation of approvals and of any conditions that may be applied in relation to approval.

Part 4 of the Regulations provides for the enforcement of these Regulations, including criminal offences (regulation 16) and fixed penalty notices (regulation 17).

The final provisions in Part 5 require the Scottish Ministers to review the requirements imposed by these Regulations at least once every 21 days, the first review taking place by 30 August 2021, and require them to revoke 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.

These Regulations expire on 28 February 2022.

**Status:**

Point in time view as at 28/01/2022.

**Changes to legislation:**

There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021.