
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 277

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

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.

(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.

Guidance on minimising exposure to coronavirus

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

- (2) Guidance issued by the Scottish Ministers 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).
- (3) Part 4 (enforcement) does not apply to a contravention of the requirement in paragraph (1).

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,
- (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 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 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 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 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, 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 one metre is maintained between the person and other persons,
- (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)(1), 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,

(1) 2010 c.15.

- (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),
 - (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.

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(2) is provided,
 - (iii) bars, including bars in hotels or members’ clubs,
 - (iv) public houses,
- (b) any indoor communal area—

(2) 2010 asp 8. Paragraph 12 of schedule 12 was amended by S.S.I. 2013/211.

- (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 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(3),
- (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,

(3) 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).

- (ii) for the opening of postal votes, or the counting of votes cast, in an election,
 - (ff) nightclubs,
 - (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⁽⁴⁾, 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).

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

(4) 1988 c.52.

- (ii) a distance of at least 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—
 - (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.

Status: *This is the original version (as it was originally made).*
