

## POLICY NOTE

### THE HEALTH PROTECTION (CORONAVIRUS) (REQUIREMENTS) (SCOTLAND) REGULATIONS 2021

SSI 2021/277

The above instrument was made in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020. The instrument is subject to made affirmative procedure by virtue of paragraph 6(3) of schedule 19 of the Act.

These Regulations revoke the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020. The regulations provide that relevant hospitality and entertainment premises are required to obtain and record visitor information for the purpose of preventing the spread of coronavirus or monitoring the spread of infection and the incidence of coronavirus disease. The regulations also require persons responsible for places of worship, carrying on a business or providing a service to have regard to relevant guidance issued by the Scottish Ministers about measures to minimise risk of exposure to coronavirus. The regulations provide that persons in specified indoor places must wear a face covering unless a specific exemption applies. The regulations require persons who use a passenger transport service or passenger transport service premises to wear a face covering unless a specific exemption applies. The regulations cap numbers at live events at 5000 people for events held outdoors and at 2000 people for events held indoors subject to local authority approval of higher attendance limits in accordance with the process set out in the regulations. Enforcement powers are provided for. The regulations require Scottish Ministers to review the requirements at least once every 21 days and the regulations require Scottish Ministers to revoke any requirement as soon as it is no longer necessary.

#### Legislative background

1. The UK Coronavirus Act 2020 received Royal Assent on 25 March 2020. Under that Act, the Scottish Government made regulations (in force from 26 March 2020) to implement physical distancing and impose restrictions on gatherings, events and operation of business activity. From 14 September 2020 they were replaced by the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020. From 9 October 2020 those Regulations were suspended and replaced by the Health Protection (Coronavirus) Restrictions and Requirements) (Additional Temporary Measures) (Scotland) Regulations 2020. A new levels-based approach was introduced on 2 November 2020, when the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (“the principal regulations”) came into force and revoked the previous regulations. These Regulations revoke the previous Regulations and introduce a new approach to tackling coronavirus.

## **Policy Objectives**

2. These regulations support the Scottish Government's continued focus on suppressing the virus to a level consistent with alleviating its harms while we recover and rebuild from Covid-19.

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

3. These regulations provide that relevant hospitality and entertainment premises are required to obtain and record visitor information for a period of at least 21 days. This information must be provided to a public health officer if requested for the purpose of preventing the spread of coronavirus or monitoring the spread of infection and the incidence of coronavirus disease.

*Guidance on minimising risk of exposure to coronavirus*

4. These regulations also provide that persons responsible for places of worship, carrying on a business or providing a service are required to 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.

*Face Coverings*

5. These regulations require persons in places specified in these regulations to wear a face covering unless a specific exemption applies.

6. The regulations also require persons who use a passenger transport service or passenger transport service premises as defined in these regulations to wear a face covering unless a specific exemption applies.

*Capacity limits on stadia and live events*

7. These Regulations make provision limiting numbers at large live events and stadia and, to enable approval by local authorities of such events. They also allow appeal against decisions in relation to approval and revocation of any conditions that may be applied in relation to approval.

*Enforcement of requirements*

8. The regulations provide for the enforcement of the regulations. This includes criminal offences and fixed penalty notices.

*Review of requirements*

9. These regulations require Scottish Ministers to review the requirements imposed by of these regulations at least once every 21 days. The first review is, therefore, due to take place by 30 August 2021.

10. The regulations also require Scottish Ministers to revoke 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.

### **Consultation**

11. There has been no public consultation in relation to this instrument.

### **Impact Assessments**

12. Appropriate impact assessments will be carried out. The provisions are also subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government  
Directorate for Covid Coordination  
*5 August 2021*