

SCOTTISH STATUTORY INSTRUMENTS

**2021 No. 277**

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

**PART 2**

Requirements

**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 [<sup>F1</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,
- <sup>F2</sup>(f) .....
- <sup>F2</sup>(g) .....
- <sup>F2</sup>(h) .....
- <sup>F2</sup>(i) .....
- (j) performing, [<sup>F3</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>F1</sup>one metre] is maintained between the person and other persons,
- <sup>F4</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>F1</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>M1</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),
  - (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

- F1** 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)**
- F2** [Reg. 5\(1\)\(f\)-\(i\)](#) omitted (4.4.2022) by virtue of [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 6\) Regulations 2022 \(S.S.I. 2022/123\)](#), regs. 1, **2(2)**
- F3** 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)**
- F4** [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

- I1** [Reg. 5](#) in force at 9.8.2021, see [reg. 1\(1\)](#)

#### Marginal Citations

- M1** [2010 c.15.](#)

**Status:**

Point in time view as at 04/04/2022. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021, Section 5.