

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (REQUIREMENTS) (SCOTLAND) AMENDMENT (NO. 6) REGULATIONS 2022

SSI 2022/123

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

These Regulations amend the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 (“the Principal Regulations”). These Regulations remove the requirement for a person who enters or remains indoors within a place of worship to wear a face covering. They also remove requirements to wear face coverings at marriage ceremonies, civil partnership registrations, funerals and commemorative events related to the end of a person’s life.

Legislative background

1. The UK Coronavirus Act 2020 (“the Act”) 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 Local Levels Regulations”) came into force and revoked the previous regulations. On 9 August 2021 the Principal Regulations came into force and revoked the Local Levels Regulations. The Principal Regulations have been amended a number of times, most recently on 21 March 2022, when they were partially revoked by the Health Protection (Coronavirus) (Requirements) (Scotland) Revocation Regulations 2022. The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 4) Regulations 2022 extended the expiry of the Principal Regulations from 28 February 2022 to 24 September 2022.

2. The power to make these Regulations and the Principal Regulations conferred by paragraph 1(1) of schedule 19 of the Act was due to expire on 24 March 2022. The Coronavirus Act 2020 (Alteration of Expiry Date) (Scotland) Regulations 2022 (S.S.I. 2022/40) extend the expiry date of certain provisions of the Act, including schedule 19, to 24 September 2022. Those Regulations were made and laid on 3 February 2022 under the made affirmative procedure and came into force on 24 March 2022.

Policy Objectives

3. These Regulations remove from the Principal Regulations the provisions in relation to the requirement for persons who enter or remain indoors within a place of worship to wear a face covering. The requirement is removed in respect of any indoor public place which is used as a place of worship. These Regulations also remove the requirement for those at a marriage ceremony, civil partnership registration, funeral or commemorative event related to the end of a person's life to wear a face covering for the duration of the event. The requirement is removed in respect of such ceremonies and events in all indoor places.

4. Removing these legal requirements is part of our ongoing review of the baseline measures as we move into the next phase of pandemic response.

Consultation

5. Regular engagement has taken place with a wide range of stakeholders in relation to the wearing of face coverings but there has been no specific engagement on these Regulations.

Impact Assessments

6. An Equality Impact Assessment is being prepared for these Regulations.

Scottish Government
Directorate for Covid Coordination
31 March 2022