

Regulations made by the Scottish Ministers and laid before the Scottish Parliament under paragraph 6(2) and (3) of schedule 19 of the Coronavirus Act 2020, for approval by resolution of the Scottish Parliament within 28 days beginning with the day on which the Regulations were made, not taking into account periods of dissolution or recess for more than 4 days.

SCOTTISH STATUTORY INSTRUMENTS

2022 No.

PUBLIC HEALTH

**The Health Protection (Coronavirus) (Requirements) (Scotland)
Amendment (No. 6) Regulations 2022**

<i>Made</i>	- - - -	***
<i>Laid before the Scottish Parliament</i>		***
<i>Coming into force</i>	- -	4th April 2022

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(a) (“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), (3) and (4) 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.

Citation and Commencement

1. These Regulations may be cited as the Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 6) Regulations 2022 and come into force on 4 April 2022.

Amendment of the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021

2.—(1) The Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021(b) are amended as follows.

(a) 2020 c. 7. Section 89(1) of the Coronavirus Act 2020 (“the Act”) provides that the Act expires at the end of the period of two years beginning with the day on which it is passed, subject to subsection (2) and section 90. The expiry date of certain provisions of the Act, including schedule 19, was amended by S.S.I. 2022/40.

(b) S.S.I. 2021/277 as amended by S.S.I. 2021/299, S.S.I. 2021/349, S.S.I. 2022/13, S.S.I. 2022/29, S.S.I. 2022/77 and S.S.I. 2022/92.

(2) In regulation 5(1) (requirement to wear face covering in certain indoor places), omit sub-paragraphs (f), (g), (h) and (i).

(3) In regulation 6(1) (places where face coverings must be worn in accordance with regulation 5)—

- (a) in paragraph (1), for “These are the places”, substitute “Subject to paragraph (1A), these are the places”,
- (b) in paragraph (1), omit—
 - (i) sub-paragraph (c) (indoor public places where a marriage ceremony or civil partnership registration is taking place),
 - (ii) sub-paragraph (t) (places of worship).
- (c) after paragraph (1) insert—

“(1A) The requirement in regulation 5 does not apply to any place listed in paragraph (1) while—

 - (a) it is being used as a place of worship,
 - (b) a funeral or commemorative event for a person who has died is taking place, for the duration of the funeral or event, or
 - (c) a marriage ceremony or civil partnership registration is taking place, for the duration of the ceremony or registration.”.

NAME

A member of the Scottish Government

St Andrew’s House,
Edinburgh
Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 (“the Principal Regulations”). These Regulations come into force on 4 April 2022.

Regulation 2(2) removes regulation 5(1)(f) to (i) from the Principal Regulations. Regulation 5(1)(f) provided an exemption from the requirement to wear a face covering for a person in a place of worship and leading an act of worship in certain circumstances. Regulation 5(1)(g), (h) and (i) provided exemptions from the requirement to wear a face covering for a person at a funeral, commemorative event, marriage ceremony, or civil partnership registration if certain conditions were met. These provisions are being omitted in consequence of the amendments to regulation 6.

Regulation 2(3) amends regulation 6 of the Principal Regulations. The amendments in regulation 2(3)(a) and (c) together clarify that the requirement to wear a face covering does not apply to any indoor place listed in regulation 6(1) of the Principal Regulations which is used as a place of worship or, where a funeral, commemorative event for a deceased person, marriage ceremony, or civil partnership registration is taking place, for the duration of the funeral, event, ceremony or registration. The amendment in regulation 2(3)(b) removes the requirement to wear a face covering in indoor public places where a marriage ceremony or civil partnership registration is taking place and in places of worship.

POLICY NOTE

The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 6) Regulations 2022

SSI 2022/XXX

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