



The Scottish Parliament
Pàrlamaid na h-Alba

Information Management and Governance
Scottish Parliament
Edinburgh
EH99 1SP

foi.officer@parliament.scot

29 April 2022

Dear Requester,

REQUEST FOR INFORMATION: 2022-673816

We acknowledge your request for information seeking:

Were /Are the mask requirement in Scotland either guidance or law? Where is the safety evidence of mask wearing, a)for the general population b) for kids in schools.

Your request was received on 7 April 2022 and has been handled in accordance with the Freedom of Information (Scotland) Act 2002 (FOI(S)A).

Scottish Ministers made the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (SSI 2020/103) (the principal Regulations) on 26 March 2020. The principal regulations came into force that day. Scottish Ministers have the power to make these regulations urgently under paragraph 1(1) of Schedule 19 of the Coronavirus Act 2020 (the Act). The regulations must be approved by the Parliament to remain in force for more than 28 days. The principal regulations were then agreed by a motion of the Parliament on 1 April 2020.

The principal regulations were then amended a number of times by further regulations, with the No.4 Regulations introducing a legal requirement to wear face coverings on public transport and the No.7 Regulations introducing a similar requirement in respect of shops. The supporting documents (which accompany the regulations) such as the Policy Notes and the Business and Regulatory Impact Assessments, include details of the Scottish Government's reasoning for implementing the requirements.

The Covid-19 Committee of the Scottish Parliament took evidence on the No.4 Regulations from the Cabinet Secretary for Constitution, Europe and External Affairs on 24 June 2020 and agreed to recommend that the Parliament approve them. The No.4 Regulations were approved by the Parliament on 24 June 2020 and the Official Report can be accessed [here](#).

The Committee then took evidence from the Cabinet Secretary on the No.7 Regulations on 28 July 2020. A written transcript of the Committee's meeting can be accessed [here](#) and a copy of the Committee's meeting papers can be found [here](#).

The regulations can be accessed at the following links which also include details of the policy notes and impact assessments showing the Scottish Government's reasoning:

<https://www.legislation.gov.uk/ssi/2020/103/contents/made> (principal)
<https://www.legislation.gov.uk/ssi/2020/182/contents/made> (No.4 – transport)
<https://www.legislation.gov.uk/ssi/2020/210/contents/made> (No.7 – shops)

Most recently, the requirements to wear face coverings in certain indoor places and on public transport were set out in sections 6 and 7 of the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations. Scottish Ministers made these regulations on 5 August 2021 and they came into force on 9 August 2021. The COVID-19 Recovery Committee considered these regulations at its meeting on 2 September 2021. A copy of the written transcript of this meeting is available [here](#) and a copy of the meeting papers are available [here](#). The Parliament approved the regulations on 9 September 2021:

[The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Regulations 2021 \(legislation.gov.uk\)](#)

The regulations have now been revoked and the relevant revocation regulations can be accessed here:

[The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Revocation Regulations 2022 \(legislation.gov.uk\)](#)

[The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Revocation \(No. 2\) Regulations 2022 \(legislation.gov.uk\)](#)

The No. 2 Regulations above removed the remaining requirements for a person to wear a face covering in certain indoor public places and on public transport, along with the connected enforcement provisions. The removal of this legal requirement came into force on 18 April 2022.

Therefore, in response to your request we can confirm that the wearing of a face covering was a legal requirement that is no longer in force. The Scottish

Government has issued guidance on the wearing of face coverings going forward, which is available [here](#).

The Scottish Parliament does not hold information about the safety evidence for wearing face coverings. In line with the technical requirements of FOI(S)A we have provided a notice advising that the information you have requested is not held by the Scottish Parliament.

You may wish to contact the Scottish Government for information about the evidence in support of the requirement to wear a face covering. The Scottish Government and the Scottish Parliament are two separate organisations.

For information on how to contact the Scottish Government, please see: <https://www.gov.scot/about/contact-information/how-to-request-information/>

The supply of information under FOI does not constitute permission for its use in a way that would infringe copyright.

<https://www.parliament.scot/about/copyright>

We would welcome feedback or comment on how we handled your request. Please feel free to contact the Head of Information Governance by e-mail at foi.officer@parliament.scot

We are currently working remotely and so would ask you to contact us by email at foi.officer@parliament.scot

Please find below Annex A, which explains how we handle FOI requests and reviews.

Yours sincerely,

Robin Davidson
Head of Information Governance

REQUESTS MADE UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

How we handle FOI requests

Information on how we handle FOI requests is available on the Parliament's website at:

[Privacy notice: Information rights: Freedom of Information request handling | Scottish Parliament Website](#)

Alternatively, please contact the Public Information & Resources Team to request a copy.

<https://www.parliament.scot/contact-us>

Review

If you are dissatisfied with the way in which we have dealt with your request for information you can ask us to review our decision and actions. You must do this in writing (or other permanent form) within 40 working days of the date of this letter stating the reasons for your dissatisfaction and we will respond within 20 working days of receipt. A request for a review should be made to the Head of Information Governance.

Post: Head of Information Governance
The Scottish Parliament
Edinburgh
EH99 1SP

Telephone: 0131 348 5281

We welcome calls using the Text Relay service or in British Sign Language through [contactSCOTLAND-BSL](#).

E-mail: foi.officer@parliament.scot

Application to the Scottish Information Commissioner

If on the outcome of any review you are still dissatisfied or if we are unable to resolve any other complaint then you can contact the Scottish Information Commissioner:

Post: The Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Email: www.itspublicknowledge.info/Appeal

Telephone: 01334 464610

Fax: 01334 464611

Website: www.itspublicknowledge.info

A decision by the Scottish Information Commissioner may be appealed on a point of law to the Court of Session.

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Feedback or comment

We would welcome feedback or comment on how we handled your request. Please contact the Head of Information Governance.

Data Protection

If you wish to find out more about how we use your personal data then you can access our Privacy Notice at the following link:

[Privacy notice: Information rights: Freedom of Information request handling | Scottish Parliament Website](#)

Complaints

If you are dissatisfied with the way in which we dealt with your enquiry, then you may wish to raise the matter with Public Information and Resources.

How to contact us

Post: The Scottish Parliament
Edinburgh
EH99 1SP

Telephone: 0131 348 5000
0800 092 7500 (Public Enquiries)
0131 348 5395 (Gàidhlig)

We also welcome calls using the Text Relay service or in British Sign Language through [contactSCOTLAND-BSL](#).

E-mail: info@parliament.scot

