

Draft regulations laid before the Scottish Parliament under paragraph 6(1) of schedule 19 of the Coronavirus Act 2020 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2021 No.

PUBLIC HEALTH

**The Health Protection (Coronavirus) (Requirements)
(Scotland) Amendment (No. 4) Regulations 2021**

<i>Made</i>	- - - -	2021
<i>Coming into force</i>	- -	2021

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⁽¹⁾ (“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(1) of schedule 19 of the Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. These Regulations may be cited as the Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 4) Regulations 2021 and come into force at 5.00 a.m. on 6 December 2021.

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

2.—(1) The Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021⁽²⁾ are amended in accordance with paragraphs (2) to (6).

(2) In regulation 7A (requirement to ensure that persons are fully vaccinated, or exempt, when in certain places)⁽³⁾—

(1) 2020 c. 7.

(2) S.S.I. 2021/277, amended by S.S.I. 2021/299, S.S.I. 2021/349 and S.S.I. 2021/384.

(3) Regulations 7A to 7E were added by S.S.I. 2021/349. Regulation 7A was amended with temporary effect by S.S.I. 2021/384.

- (a) for the heading, substitute—
- “Requirement to ensure that persons are fully vaccinated, have received appropriate test results, or are otherwise exempt, when in certain places”*,
- (b) in paragraph (3)—
- (i) after sub-paragraph (a), insert—
- “(aa) has received a negative result from a qualifying test taken by the person no more than 24 hours before the person enters the premises,”
- (ii) for sub-paragraph (c) substitute—
- “(c) for medical reasons—
- (i) cannot be fully vaccinated against coronavirus, and
- (ii) cannot undertake a qualifying test.”
- (3) In regulation 7B(2)(b) (requirement to treat information as confidential)—
- (a) at the end of head (ii), omit “or”,
- (b) after head (ii), insert—
- “(iia) has undertaken a qualifying test,
- (iib) cannot undertake a qualifying test for medical reasons, or”.
- (4) After regulation 7C(3) (requirement to have a compliance plan), insert—
- “(4) A relevant person may inspect and copy any compliance plan shown to them in accordance with paragraph (2)(b).
- (5) In this regulation, “relevant person” has the meaning given in regulation 15(8)(b).”.
- (5) In regulation 7E(1) (interpretation of regulations 7A to 7D)—
- (a) in the definition of “an exempt event”, after paragraph (f), insert—
- “(fa) a gathering of individuals engaged in a protest or demonstration,”
- (b) before the definition of “relevant event”, insert—
- ““qualifying test” has the meaning given in paragraph (4).”.
- (6) After regulation 7E(3), insert—
- “(4) A test is a qualifying test if it is capable of detecting the presence of coronavirus, and is—
- (a) a polymerase chain reaction test provided or administered under the National Health Service Act 2006(4), the National Health Service (Wales) Act 2006(5), the National Health Service (Scotland) Act 1978(6), or the Health and Personal Services (Northern Ireland) Order 1972(7), or
- (b) a lateral flow test, the results of which have been submitted through the NHS public reporting system.”.

(4) 2006 c. 41.

(5) 2006 c. 42.

(6) 1978 c. 29.

(7) S.I. 1972/1265 (N.I. 14).

St Andrew's House,
Edinburgh
Date

Name
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (which come into force on 6 December 2021) amend the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 (“the principal Regulations”).

Regulation 2(2) amends regulation 7A of the principal Regulations to provide that a person is permitted to be on certain premises for the purposes of regulation 7A(1) if they have a negative lateral flow test or polymerase chain reaction test (“the tests”) result, under specified circumstances.

Regulation 2(3) amends regulation 7B of the principal Regulations to provide that certain information relating to the tests supplied to a person in the course of operating the system required by regulation 7A must be treated as confidential.

Regulation 2(4) amends regulation 7C of the principal Regulations to provide that a compliance plan required under that regulation can be inspected and copied by a relevant person designated by a local authority.

Regulation 2(5) provides for a new specified exempt event in regulation 7E of the principal Regulations in relation to protests and demonstrations.

Regulation 2(6) defines the tests for the purposes of regulations 7A and 7B.