

2021 No. 299

PUBLIC HEALTH

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

Approved by the Scottish Parliament

Made - - - -at 11.32 a.m. on 2nd September 2021

Laid before the Scottish Parliament at 2.00 p.m. on 2nd September 2021

Coming into force - - 3rd September 2021

The Scottish Ministers make the following Regulations in exercise of the powers conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020^(a) 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) and (3) 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 Regulations 2021 and come into force on 3 September 2021.

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

2.—(1) The Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021^(b) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 5 (Requirement to wear face covering in certain indoor places), in paragraph (1)(j), after “performing,” insert “rehearsing for a performance,”.

^(a) 2020 c. 7.

^(b) S.S.I. 2021/277.

(3) In regulation 5, after paragraph (1)(j) insert—

“(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 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.”.

JOHN SWINNEY

A member of the Scottish Government

St Andrew's House,
Edinburgh

At 11.32 a.m. on 2nd September 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (which come into force on 3 September 2021) amend the Health Protection (Coronavirus)(Requirements)(Scotland) Regulations 2021 (“the principal Regulations”).

Regulation 2 amends regulation 5 (Requirement to wear face covering in certain indoor places) of the principal Regulations. Regulation 2(2) inserts “rehearsing for a performance” as an activity falling within the exemption in paragraph (1)(j).

Regulation 2(3) inserts a new paragraph (1)(ja) into regulation 5. This creates an exemption from wearing a face covering indoors for those performing or rehearsing for a performance where the use of measures set out in paragraph (1)(j) would materially impede the performance or rehearsal and the wearing of a face covering would materially impede the performance or rehearsal. The exemption will apply as long as there is either a partition or a distance of at least one metre between the performer(s) and all other persons (except those who are performing or rehearsing with the performer(s) or assisting with the performance or rehearsal).

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