

2020 No. 241

PUBLIC HEALTH

**The Health Protection (Coronavirus) (Restrictions) (Scotland)
Amendment (No. 11) Regulations 2020**

Approved by the Scottish Parliament

Made - - - - at 2.40 p.m. on 13th August 2020

Laid before the Scottish Parliament at 4.30 p.m. on 13th August 2020

Coming into force - - 14th August 2020

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 restrictions and 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) (Restrictions) (Scotland) Amendment (No. 11) Regulations 2020 and come into force on 14 August 2020.

Amendment of the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020

2.—(1) The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020^(b) are amended as follows.

(2) In regulation 4(3) (requirement to take measures to minimise risk of exposure to coronavirus), omit the definition of “premises”.

(a) 2020 c.7.

(b) S.S.I. 2020/103, relevantly amended by S.S.I. 2020/236.

(3) After regulation 4 insert—

“Requirement to collect and share information to minimise risk of spread of coronavirus

4ZA.—(1) For the purposes of minimising the risk of the incidence and spread of coronavirus, this regulation applies to a person responsible for premises to which paragraph (2) applies.

(2) The premises to which this paragraph applies are restaurants, cafes, bars, public houses and hotels in which food or drink is sold for consumption on the premises.

(3) The persons mentioned in paragraph (1) must take measures to—

- (a) obtain and record visitor information,
- (b) record visitor information in a filing system suitable for recording, storing and retrieving such information,
- (c) retain visitor information for a period of at least 21 days from the date on which the visit occurred.

(4) The person mentioned in paragraph (1) must provide visitor information to a public health officer, as soon as reasonably practicable but in any event within 24 hours, if so requested by the public health officer for the purposes of—

- (a) preventing a threat to public health resulting from the spread of infection or contamination with coronavirus, or
- (b) monitoring the spread of infection or contamination with coronavirus or the incidence of coronavirus disease.

(5) In this regulation—

“person responsible for premises to which paragraph (2) applies” includes the owner, proprietor and manager of the premises,

“public health officer” has the meaning given in paragraph 3(2)(b) of schedule 21 of the Coronavirus Act 2020, and

“visitor information” means the name and telephone number of one member of each household visiting the premises, the date of their visit and arrival time together with a note of the number of any members of that person’s household visiting the premises at the same time.”.

(4) In regulation 8(1) (offences and penalties), after “4(1)(a),” insert “4ZA,”.

(5) In regulation 10 (interpretation), after the definition of “a person who is responsible for carrying on a business” insert—

““premises” includes any building or structure and any land,”.

MICHAEL RUSSELL
A member of the Scottish Government

St Andrew’s House,
Edinburgh
At 2.40 p.m. on 13th August 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (“the principal regulations”).

Regulation 2(3) inserts a new regulation 4ZA into the principal regulations. It requires a person responsible for certain premises to collect information about visitors to those premises, including the visitor’s contact details and the date and time of arrival. The regulation makes provision for the recording, storage and retrieval of the visitor information in a system suitable for that purpose and for the retention period of the information. Paragraph (4) further provides for the visitor information to be provided by the person responsible for the premises to public health officers, if so requested, within a certain time period and for certain purposes. Regulation 2(4) amends regulation 8(1) of the principal regulations to provide that it is an offence to contravene a requirement in new regulation 4ZA.

Regulation 2(2) and (5) are consequential to the insertion of new regulation 4ZA, with the effect of defining “premises” for the purpose of the principal regulations.

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