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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 277**

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

**PART 2**

Requirements

**Requirement to collect and share information: restaurants, cafes, bars, public houses etc.**

**3.—**(1) A person who is responsible for a relevant hospitality premises or relevant entertainment premises must, in relation to the premises, take measures to—

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

(2) Paragraph (1) does not apply in relation to a visitor to the premises who is there solely for the purpose of—

- (a) purchasing or collecting food or drink for consumption off the premises, or
- (b) voting in an election.

(3) A person who is responsible for a relevant hospitality premises or relevant entertainment premises 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 purpose of—

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

(4) In this regulation—

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

“relevant entertainments premises” means—

- (a) nightclub, dance hall or discotheque,
- (b) sexual entertainment venue,

“relevant hospitality premises” means—

- (a) a restaurant, cafe, bar or public house, or
- (b) a hotel in which food or drink is sold for consumption on the premises,

and

“visitor information” means—

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**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021, PART 2. (See end of Document for details)

- (a) the name and telephone number of one member of each household visiting the premises,
- (b) the date of their visit and arrival time, and
- (c) the number of members of that person's household visiting the premises at that time.

#### Commencement Information

**II** Reg. 3 in force at 9.8.2021, see [reg. 1\(1\)](#)

### **[<sup>F1</sup>Guidance on minimising exposure to and requirement to take measures to minimise incidence and spread of coronavirus**

**4.—(1)** A person who is responsible for a place of worship, carrying on a business or providing a service must—

- (a) have regard to guidance issued by the Scottish Ministers about measures to minimise risk of exposure to coronavirus relating to its premises, business or service, and
  - (b) take such of those measures as are reasonably practicable to minimise the incidence and spread of coronavirus on its premises, for example measures which limit close face to face interaction and maintain hygiene such as—
    - (i) changing the layout of premises including the location of furniture and workstations,
    - (ii) controlling the use of entrances, passageways, stairs and lifts,
    - (iii) controlling the use of shared facilities such as toilets and kitchens,
    - (iv) otherwise controlling the use of, or access to, any other part of the premises,
    - (v) installing barriers or screens,
    - (vi) providing, or requiring the use of, personal protective equipment, and
    - (vii) providing information to those entering or working at the premises about how to minimise the risk.
- (2) Guidance issued by the Scottish Ministers may—
- (a) make different provision for different cases or descriptions of cases,
  - (b) incorporate (by reference or transposition) guidance, codes of practice or other documents published by another person (for example, a trade association, a body representing members of an industry or a trade union).
- (3) Part 4 (enforcement) does not apply to a contravention of the requirement in paragraph (1)(a).]

**F1** [Reg. 4 substituted \(17.12.2021\) by The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 5\) Regulations 2021 \(S.S.I. 2021/475\), regs. 1, 3](#)

### **[<sup>F2</sup>Requirements to take measures to ensure the required distance is maintained**

**4A.—(1)** A person who is responsible for a relevant leisure premises must take measures to ensure, so far as reasonably practicable, that—

- (a) a distance of at least one metre is maintained between any persons on its premises (except between persons mentioned in paragraph (2)),
- (b) persons are admitted to its premises in sufficiently small numbers to make it possible to maintain that distance,

- (c) a distance of at least one metre is maintained between any persons waiting to enter its premises (except between persons mentioned in paragraph (2)).
- (2) The persons mentioned in paragraph (1)(a) and (c) are—
- (a) two or more members of the same household or of a group formed of more than one household attending the premises together,
  - (b) a carer and a person assisted by the carer,
  - (c) a child under 12 years of age and any other person,
  - (d) persons in attendance at an event or activity which relates to a funeral, marriage ceremony or civil partnership registration,
  - (e) the person responsible for the premises, an employee of that person, or a person providing services (voluntary or otherwise) at the premises, and any other person.
- (3) In this regulation—
- “carer” includes a person who provides care for the person assisted whether that care is provided—
- (a) by a carer within the meaning of section 1 of the Carers (Scotland) Act 2016,
  - (b) on a paid basis, or
  - (c) on a voluntary basis,
- “relevant leisure premises” means—
- (a) amusement arcades, snooker or pool halls,
  - (b) bars, including a bar in a hotel or members club,
  - (c) betting shops,
  - (d) bingo halls,
  - (e) bowling alleys,
  - (f) cafés and canteens,
  - (g) casinos,
  - (h) cinemas,
  - (i) comedy clubs,
  - (j) concert halls,
  - (k) conference or exhibition centres and any other place at which an exhibition takes place,
  - (l) discotheques, nightclubs and dance halls,
  - (m) function halls and event venues,
  - (n) hotels, hostels, boarding houses, members clubs and bed and breakfast accommodation providers,
  - (o) indoor fitness studios, sports halls, gyms, swimming pools, and other indoor sport, activity or exercise facilities,
  - (p) indoor funfairs,
  - (q) indoor snow sports centres,
  - (r) indoor skating rinks,
  - (s) indoor visitor attractions,
  - (t) museums and galleries,
  - (u) public houses,

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- (v) restaurants, including a restaurant or dining room in a hotel or members club,
- (w) sexual entertainment venues,
- (x) soft play centres,
- (y) sports stadiums, and
- (z) theatres.

**F2** Regs. 4A, 4B inserted (27.12.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 6\) Regulations 2021 \(S.S.I. 2021/496\)](#), regs. 1(3), 4

### **Requirement for seated food and drink consumption**

**4B.**—(1) A person who is responsible for carrying on a relevant business may sell food or drink (including non-alcoholic drink) for consumption on the premises only if—

- (a) where reasonably practicable, the food or drink is ordered by, and served to, a customer who is seated on the premises, and
- (b) the customer remains seated whilst consuming the food and drink on the premises.

(2) For the purposes of paragraph (1), an area adjacent to the premises of the relevant business, where seating is made available for customers of the business (whether or not by the business), or which its customers habitually use for consumption of food or drink served by the business, is to be treated as part of the premises of that business.

(3) If a relevant business (“business A”) forms part of a larger business (“business B”) the person responsible for carrying on business B complies with the requirements in sub-paragraph (1) that if that person complies with the requirements in relation to business A.

(4) In this regulation, a “relevant business” means any business operating in premises where, at the relevant time, alcohol is sold and consumed, or consumed, on the premises.

(5) This regulation does not apply when food or drink is ordered by and served to customers who are attending an event or activity which relates to a funeral, marriage ceremony or civil partnership registration.]

**F2** Regs. 4A, 4B inserted (27.12.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 6\) Regulations 2021 \(S.S.I. 2021/496\)](#), regs. 1(3), 4

### **[<sup>F3</sup>Requirement to close nightclubs etc. to members of the public**

**4C.**—(1) A person who is responsible for carrying on a nightclub, dance hall or discotheque business must—

- (a) close to members of the public any premises operated as a nightclub, dance hall or discotheque as part of the business, and
- (b) not carry on business at such premises otherwise than in accordance with this regulation.

(2) Paragraph (1) does not prevent the use of the premises—

- (a) while they remain closed to members of the public, to—
  - (i) record a performance or sporting event,
  - (ii) broadcast a performance or sporting event to persons outside the premises, whether over the internet or as part of a radio or television broadcast, or
  - (iii) rehearse, train, practise or otherwise prepare for a performance or sporting event,

- (b) for any purpose requested by the Scottish Ministers, a health board, a local authority or the Scottish Courts and Tribunals Service,
  - (c) if suitable to host blood donation sessions,
  - (d) if suitable for the purposes of training or competing by a professional sports person,
  - (e) if suitable to host vaccination services, where requested to do so by the Scottish Ministers, a local authority or a health board,
  - (f) if suitable which a returning officer or electoral registration officer has requested the use of in connection with the carrying out of any of their functions in relation to an election.
- (3) If the business (“business A”) forms part of a larger business (“business B”) the person responsible for carrying on business B complies with the requirement in paragraph (1)(a) if it closes down business A.]

**F3** Reg. 4C inserted (27.12.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 7\) Regulations 2021 \(S.S.I. 2021/497\)](#), regs. 1(2), 2(2)

#### [<sup>F4</sup>Nightclubs etc. – supplemental provision – licensing

**4D.**—(1) Where paragraph (2) applies, a person responsible for premises which are ceased to be operated as a nightclub, dance hall or discotheque does not commit a licensing offence.

(2) This paragraph applies where the reason for the cessation is to prevent the requirements in regulation 4C(1) from applying in relation to the premises.

(3) The person referred to in paragraph (1) includes a person to whom a licence or permit which relates to the premises has been granted.]

**F4** Reg. 4D inserted (27.12.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 8\) Regulations 2021 \(S.S.I. 2021/498\)](#), regs. 1, 2

#### Requirement to wear face covering in certain indoor places

**5.**—(1) A person who enters or remains indoors within a place listed in regulation 6 must wear a face covering, unless the person is—

- (a) a child who is under 12 years of age,
- (b) a constable acting in the course of the constable's duty,
- (c) an emergency responder (other than a constable) acting in their capacity as an emergency responder,
- (d) a person who is responsible for a place listed in regulation 6, an employee of that person or a volunteer at that place, where—
  - (i) there is a partition between the person, employee or volunteer and members of the public, or
  - (ii) a distance of at least [<sup>F5</sup>two metres] is maintained between the person, employee or volunteer and members of the public,
- (e) in a restaurant, cafe, bar, public house, nightclub, dance hall, discotheque or sexual entertainment venue and seated at a table,
- (f) in a place of worship and leading an act of worship where—
  - (i) there is a partition between the person and any other person, or

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- (ii) a distance of at least [<sup>F6</sup>two metres] is maintained between the person and any other person,
- (g) at a funeral, marriage ceremony or civil partnership registration and leading the service, ceremony or registration where—
  - (i) there is a partition between the person and any other person, or
  - (ii) a distance of at least [<sup>F7</sup>two metres] is maintained between the person and any other person,
- (h) at a marriage ceremony or civil partnership registration and is one of the parties to be married or entering into a civil partnership, where—
  - (i) there is a partition between the parties and any other person,
  - (ii) a distance of at least [<sup>F8</sup>two metres] is maintained between the parties and any other person, or
  - (iii) as part of the ceremony or registration and within the immediate vicinity of the relevant premises, they are being accompanied by one or more other persons to the specific location at which the marriage ceremony or civil partnership registration will take place,
- (i) at a marriage ceremony or civil partnership registration and is a person who is accompanying, in the circumstances described in paragraph (h)(iii), one or both of the parties to be married or entering into a civil partnership,
- (j) performing, [<sup>F9</sup>rehearsing for a performance,] presenting, addressing a public gathering, making a speech or being a panel member, where—
  - (i) there is a partition between the person and other persons, or
  - (ii) a distance of at least [<sup>F10</sup>two metres] is maintained between the person and other persons,
- [<sup>F11</sup>(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 [<sup>F12</sup>two metres] 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.]
- (k) seeking medical assistance, and—
  - (i) the wearing of a face covering would materially impede the seeking of the assistance, or
  - (ii) the assistance is emergency assistance and either the person does not have a face covering with them or there is not time to put one on,
- (l) providing care or assistance to a vulnerable person, including emergency assistance, where—
  - (i) the wearing of a face covering would materially impede the seeking of the assistance, or

- (ii) the assistance is emergency assistance and either the person does not have a face covering with them or there is not time to put one on,
  - (m) acting to avoid injury, or illness or to escape a risk of harm, where—
    - (i) the wearing of a face covering would materially impede the seeking of the assistance, or
    - (ii) the assistance is emergency assistance and either the person does not have a face covering with them or there is not time to put one on,
  - (n) unable to put on, wear or remove a face covering—
    - (i) because of any physical or mental illness or impairment or disability (within the meaning of section 6 of the Equality Act 2010)<sup>M1</sup>, or
    - (ii) without severe distress,
  - (o) communicating with a person who has difficulties communicating (in relation to speech, language or otherwise) and relies on lip reading or facial expression to be able to communicate,
  - (p) eating or drinking,
  - (q) using accommodation facilities provided by an accommodation service provider to which members of the public do not have access whilst occupied by the person and any other person with whom they share that accommodation,
  - (r) taking part in exercise of a type which reasonably requires that the person is not wearing a face covering,
  - (s) taking medication, the taking of which reasonably requires that the person is not wearing a face covering,
  - (t) receiving a close contact service that requires access to the area covered by a face covering, where—
    - (i) the face covering is removed only for as long as is necessary to receive the service to that area, and
    - (ii) the person giving the service takes appropriate mitigation measures to minimise exposure to coronavirus, taking into account any relevant guidance issued by the Scottish Ministers,
  - (u) complying with a request by a relevant person or another person acting in the course of their duties, and in this paragraph “relevant person” has the meaning given by regulation 15(8),
  - (v) undertaking food handling tasks, to avoid risk to the hygiene or safety of food arising from or in connection with the wearing of a face covering, or
  - (w) undertaking tasks in the course of their employment, where the wearing of a face covering would cause a material risk of harm.
- (2) In this regulation “a close contact service” means—
- (a) hairdressing and barber services,
  - (b) beauty and nail services (including make-up services),
  - (c) hair removal services,
  - (d) tattoo, piercing and body modification services,
  - (e) fashion design, dress-fitting and tailoring services,
  - (f) indoor portrait photography and art services,
  - (g) massage therapies,

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- (h) complementary and alternative medicine services requiring physical contact or close physical proximity between persons, but not osteopathy and chiropractic services,
- (i) spa and wellness services,
- (j) other services or procedures which require physical contact or close physical proximity between a provider and a customer and are not ancillary to medical, health or social care services.

- F5** Words in reg. 5(1)(d)(ii) substituted (17.12.2021) by The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 5) Regulations 2021 (S.S.I. 2021/475), regs. 1, **4(a)**
- F6** Words in reg. 5(1)(f)(ii) substituted (17.12.2021) by The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 5) Regulations 2021 (S.S.I. 2021/475), regs. 1, **4(b)**
- F7** Words in reg. 5(1)(g)(ii) substituted (17.12.2021) by The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 5) Regulations 2021 (S.S.I. 2021/475), regs. 1, **4(c)**
- F8** Words in reg. 5(1)(h)(ii) substituted (17.12.2021) by The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 5) Regulations 2021 (S.S.I. 2021/475), regs. 1, **4(d)**
- F9** Words in reg. 5(1)(j) inserted (3.9.2021) by The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/299), regs. 1, **2(2)**
- F10** Words in reg. 5(1)(j)(ii) substituted (17.12.2021) by The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 5) Regulations 2021 (S.S.I. 2021/475), regs. 1, **4(e)**
- F11** Reg. 5(1)(ja) inserted (3.9.2021) by The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/299), regs. 1, **2(3)**
- F12** Words in reg. 5(1)(ja)(ii)(bb) substituted (17.12.2021) by The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 5) Regulations 2021 (S.S.I. 2021/475), regs. 1, **4(f)**

#### Commencement Information

- I2** Reg. 5 in force at 9.8.2021, see reg. 1(1)

#### Marginal Citations

- M1** 2010 c.15.

### Places where face coverings must be worn in accordance with regulation 5

6.—(1) These are the places where face coverings must be worn in accordance with regulation 5—

- (a) any building or room used for the retail sale or hire of goods or services, including—
  - (i) restaurants, including restaurants and dining rooms in hotels or members' clubs,
  - (ii) cafes, including canteens except canteens in a school or any other place where child minding or day care of children within the meaning of paragraphs 12 and 13 of schedule 12 of the Public Services Reform (Scotland) Act 2010 <sup>M2</sup> is provided,
  - (iii) bars, including bars in hotels or members' clubs,
  - (iv) public houses,
- (b) any indoor communal area—
  - (i) in a workplace, and
  - (ii) where there are no measures in place to keep persons separated by either a—
    - (aa) partition, or
    - (bb) distance of at least [<sup>F13</sup>two metres],



- (c) any indoor public place, or part of an indoor public place, where a marriage ceremony or civil partnership registration is taking place, including any restaurant, cafe, bar or public house for the duration of the ceremony or registration,
  - (d) amusement arcades, snooker or pool halls and other indoor leisure facilities,
  - (e) banks, building societies and credit unions,
  - (f) bingo halls,
  - (g) bowling alleys,
  - (h) casinos,
  - (i) cinemas,
  - (j) community centres,
  - (k) crematoriums and funeral directors premises,
  - (l) dance halls,
  - (m) discotheques,
  - (n) enclosed motor vehicles while in use for a driving lesson or driving test, unless all occupants are members of the same household,
  - (o) indoor fitness studios, gyms, swimming pools or other indoor leisure centres,
  - (p) indoor funfairs,
  - (q) indoor skating rinks,
  - (r) libraries and public reading rooms,
  - (s) museums and galleries,
  - (t) places of worship,
  - (u) post offices,
  - (v) premises at which members' clubs or societies meet,
  - (w) registration offices, meaning any registration office provided under section 8(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 <sup>M3</sup>,
  - (x) storage and distribution facilities, including collection and drop off points,
  - (y) indoor theatres,
  - (z) comedy clubs,
  - (aa) concert halls,
  - (bb) soft play centres,
  - (cc) sports stadiums,
  - (dd) conference or exhibition centres and any other place at which an exhibition takes place,
  - (ee) any indoor public place, or part of an indoor public place, being used—
    - (i) as a polling station,
    - (ii) for the opening of postal votes, or the counting of votes cast, in an election,
  - (ff) nightclubs,
  - (gg) sexual entertainment venues,
  - (hh) any building or room used for the provision of a close contact service.
- (2) In this regulation—
- (a) “communal area” means an area where persons mingle or gather, such as—
    - (i) entrances

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- (ii) passageways,
- (iii) stairs,
- (iv) lifts,
- (v) staff rooms,
- (vi) training rooms, or
- (vii) changing rooms,
- (b) “motor vehicle” has the meaning given by section 185(1) of the Road Traffic Act 1988<sup>M4</sup>, except that section 189 of that Act (exception for certain pedestrian controlled vehicles and electrically assisted pedal cycles) applies as it applies for the purposes of that Act, and
- (c) “workplace” excludes—
  - (i) a school, and
  - (ii) any other place where child minding or day care of children within the meaning of paragraphs 12 and 13 of schedule 12 of the Public Services Reform (Scotland) Act 2010 is provided, and
- (d) “a close contact service” has the meaning in regulation 5(2).

**F13** Words in [reg. 6\(1\)\(b\)\(ii\)\(bb\)](#) substituted (17.12.2021) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 5\) Regulations 2021 \(S.S.I. 2021/475\)](#), regs. 1, 5

#### Commencement Information

**I3** Reg. 6 in force at 9.8.2021, see [reg. 1\(1\)](#)

#### Marginal Citations

**M2** 2010 asp 8. Paragraph 12 of schedule 12 was amended by [S.S.I. 2013/211](#).

**M3** 1965 c.49. Section 8(1) was amended by section 51(3)(a) of the [Local Government etc. \(Scotland\) Act 1994 \(c. 39\)](#) and section 37(5) of the [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#).

**M4** 1988 c.52.

### Requirement to wear face coverings on public transport

7.—(1) A person who uses a passenger transport service or passenger transport service premises must wear a face covering, unless the person is—

- (a) on a school transport service,
- (b) on a cruise ship,
- (c) a child who is under 12 years of age,
- (d) a constable acting in the course of their duty,
- (e) an emergency responder (other than a constable) acting in their capacity as an emergency responder,
- (f) providing a passenger transport service, or an employee of that person, and—
  - (i) there is a partition between the person or employee and members of the public, or
  - (ii) the wearing of a face covering would materially impede communicating with other persons about a risk of harm or for other safety purposes,
- (g) flying or otherwise operating a passenger transport service for the carriage of passengers by air,

- (h) on a ferry, where—
    - (i) the person is on part of the ferry which is entirely outdoors, or
    - (ii) a distance of at least [<sup>F14</sup>two metres] is maintained between the person and other persons,
  - (i) seeking medical assistance, and—
    - (i) the wearing of a face covering would materially impede the seeking of the assistance, or
    - (ii) the assistance is emergency assistance and either the person does not have a face covering with them or there is not time to put one on,
  - (j) providing care or assistance to a vulnerable person, including emergency assistance, where—
    - (i) the wearing of a face covering would materially impede the seeking of the assistance, or
    - (ii) the assistance is emergency assistance and either the person does not have a face covering with them or there is not time to put one on,
  - (k) acting to avoid injury, or illness or to escape a risk of harm, where—
    - (i) the wearing of a face covering would materially impede the seeking of the assistance, or
    - (ii) the assistance is emergency assistance and either the person does not have a face covering with them or there is not time to put one on,
  - (l) unable to put on, wear or remove a face covering—
    - (i) because of any physical or mental illness or impairment or disability (within the meaning of section 6 of the Equality Act 2010), or
    - (ii) without severe distress,
  - (m) communicating with a person who has difficulties communicating (in relation to speech, language or otherwise) and relies on lip reading or facial expression to be able to communicate,
  - (n) eating or drinking,
  - (o) taking medication, the taking of which reasonably requires that the person is not wearing a face covering, or
  - (p) complying with a request by a relevant person or another person acting in the course of their duties, and in this sub-paragraph “relevant person” has the meaning given by regulation 15(8).
- (2) For the purpose of paragraph (1)—
- (a) a person uses a passenger transport service when—
    - (i) they are—
      - (aa) boarding any mode of transport by means of which a passenger transport service is provided, or
      - (bb) on board any mode of transport, whether or not for the purpose of travel, by means of which a passenger transport service is provided, and
    - (ii) that service is available for use by the public,
  - (b) a person uses passenger transport service premises when—
    - (i) they are present at premises where a passenger transport service may provide, stop or terminate their service, and

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(ii) the part of those premises in which they are present is available for use by the public.

**F14** Words in [reg. 7\(1\)\(h\)\(ii\)](#) substituted (17.12.2021) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 5\) Regulations 2021 \(S.S.I. 2021/475\)](#), regs. 1, 6

**Commencement Information**

**I4** Reg. 7 in force at 9.8.2021, see [reg. 1\(1\)](#)

**[<sup>F15</sup>[<sup>F16</sup>Requirement to ensure that persons are fully vaccinated, have received appropriate test results, or are otherwise exempt, when in certain places]**

**7A.—**(1) The person responsible for premises to which paragraph (2) applies must ensure that there is in operation a reasonable system for—

- (a) checking that persons on, or seeking to enter, the premises to which paragraph (2) applies are permitted to be on the premises by paragraph (3), and
- (b) removing from, or refusing access to, those premises anyone found by those checks not to be permitted to be on the premises by paragraph (3).

(2) This paragraph applies to—

- (a) late night premises between 0000 hours and 0500 hours each day, unless they are being used for a funeral, marriage ceremony, civil partnership registration, or a reception or gathering which relates to a marriage ceremony, civil partnership registration or funeral, and
- (b) any premises while a relevant event is taking place at them.

(3) A person is permitted to be on premises for the purposes of paragraph (1) if the person—

- (a) is fully vaccinated against coronavirus,

[ has received a negative result from a qualifying test taken by the person no more than 24<sup>F17</sup>(aa) hours before the person enters the premises,]

- (b) is under 18 years of age,

[<sup>F18</sup>(c) for medical reasons—

- (i) cannot be fully vaccinated against coronavirus, and
- (ii) cannot undertake a qualifying test,]

- (d) is participating in, or has participated in, a trial of a vaccine against coronavirus,
- (e) is the person responsible for the premises,
- (f) is on the premises to provide a service or activity on behalf of the person responsible for the premises (whether as an employee, volunteer, or otherwise),
- (g) is on the premises in the course of the person's functions as an emergency responder,
- (h) is on the premises acting on behalf of a public authority (as construed in accordance with section 6 of the Human Rights Act 1998).

(4) In considering what is a reasonable system for the purposes of paragraph (1), a person must have regard to any guidance issued by the Scottish Ministers.

(5) Guidance issued by the Scottish Ministers for the purpose of paragraph (4) may—

- (a) make different provision for different cases or descriptions of case,
- (b) incorporate (by reference or transposition) guidance, codes of practice or other documents published by another person (for example, a trade association, a body representing members of an industry or a trade union).

(6) The requirement to have a system in place for the purposes of paragraph (1) includes the requirement to process any data that it is necessary to process for the system to operate.

[  
<sup>F19</sup>(7) For the purposes of paragraph (1) a nominated representative of an organisation which has been accredited for admittance to the COP Blue Zone by the UNFCCC Secretariat is, in relation to premises in the COP Green Zone, deemed to comply with paragraph (3)(a).

(8) In this regulation—

“Blue Zone” means the Scottish Event Campus, Exhibition Way, Glasgow G3 8YW,

“Conference of the Parties” means, except in relation to the Kyoto Protocol and the Paris Agreement, the Conference of the Parties to the UNFCCC,

“COP” means the conference convened by the Conference of the Parties, comprising—

- (a) the 26th session of the Conference of the Parties,
- (b) the 16th session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol,
- (c) the third session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement,
- (d) all related pre-session meetings, sessions of subsidiary bodies and additional meetings, convened in the United Kingdom,

“Green Zone” means the Glasgow Science Centre, 50 Pacific Quay, Glasgow G51 1EA,

“Kyoto Protocol” means the Protocol to the UNFCCC signed in Kyoto on 11 December 1997,

“Paris Agreement” means the agreement adopted at the 21st Conference of the Parties of the UNFCCC, signed in Paris on 12 December 2015,

“UNFCCC” means the United Nations Framework Convention on Climate Change adopted in New York on 9 May 1992.

(9) Paragraphs (7) and (8) cease to have effect on 13 November 2021.]

- F15** Regs. 7A-7E inserted (1.10.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 2\) Regulations 2021 \(S.S.I. 2021/349\)](#), regs. 1(1), **2(3)** (with reg. 1(2))
- F16** Reg. 7A heading substituted (6.12.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/453\)](#), regs. 1, **2(2)(a)**
- F17** Reg. 7A(3)(aa) inserted (6.12.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/453\)](#), regs. 1, **2(2)(b)(i)**
- F18** Reg. 7A(3)(c) substituted (6.12.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/453\)](#), regs. 1, **2(2)(b)(ii)**
- F19** Reg. 7A(7)-(9) inserted (temp.) (30.10.2021) by virtue of [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 3\) Regulations 2021 \(S.S.I. 2021/384\)](#), regs. 1, **2(2)**

### Requirement to treat information as confidential

**7B.—**(1) A person to whom relevant information has been supplied in the course of operating a system required by regulation 7A(1) must treat that information as confidential.

(2) In this regulation—

- (a) treating information as “confidential” means not using it for any purpose except to determine if a person is permitted to be on premises by regulation 7A(3),
- (b) “relevant information” means information that can be used to determine if a person—
  - (i) is fully vaccinated against coronavirus,

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- (ii) cannot be fully vaccinated against coronavirus for medical reasons,<sup>F20</sup> ...  
 [ has undertaken a qualifying test,  
<sup>F21</sup>(ia)  
 (iib) cannot undertake a qualifying test for medical reasons, or]  
 (iii) is participating in, or has participated in, the trial of a vaccine against coronavirus.

- F15** Regs. 7A-7E inserted (1.10.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 2\) Regulations 2021 \(S.S.I. 2021/349\)](#), regs. 1(1), **2(3)** (with reg. 1(2))  
**F20** Word in reg. 7B(2)(b)(ii) omitted (6.12.2021 at 5.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/453\)](#), regs. 1, **2(3)(a)**  
**F21** Reg. 7B(2)(b)(ia)(iib) inserted (6.12.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/453\)](#), regs. 1, **2(3)(b)**

### Requirement to have a compliance plan

**7C.**—(1) Where regulation 7A(2) applies to premises, the person responsible for them must, from 0500 hours on 18 October 2021, prepare and maintain a compliance plan describing—

- (a) the system required by regulation 7A(1) that will operate in relation to the premises, and  
 (b) any other measures that are, or will be, in place to prevent, or minimise, the risk of coronavirus being spread on the premises.
- (2) A person who has prepared a compliance plan must—
- (a) keep each plan prepared for a period of 6 months, beginning with the date that version of it was created, and  
 (b) show to a relevant person on request any plan that has been kept which the relevant person asks to be shown.

(3) Where a compliance plan is required by virtue of regulation 7A(2)(b) because a relevant event is to take place at premises, paragraph (1) requires that a separate compliance plan be prepared and maintained for each event at the premises held after 0500 hours on 18 October 2021.

[  
<sup>F22</sup>(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).]

- F15** Regs. 7A-7E inserted (1.10.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 2\) Regulations 2021 \(S.S.I. 2021/349\)](#), regs. 1(1), **2(3)** (with reg. 1(2))  
**F22** Reg. 7C(4)(5) inserted (6.12.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/453\)](#), regs. 1, **2(4)**

### Supplemental provision – licensing

**7D.**—(1) Where paragraph (2) applies, a person responsible for premises at which—

(a) service of alcohol is ceased between 0000 hours and 0500 hours,  
 (b) provision of a dancefloor, or other designated space, for dancing by customers is ceased, or  
 (c) provision of live or recorded music is ceased,

does not commit a licensing offence.

(2) This paragraph applies where the reason for the cessation is to prevent the requirements in regulation 7A(1) from applying in relation to the premises.

(3) The person referred to in paragraph (1) includes a person to whom a licence or permit which relates to the premises has been granted.

**F15** Regs. 7A-7E inserted (1.10.2021 at 5.00 a.m.) by [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 2\) Regulations 2021 \(S.S.I. 2021/349\)](#), regs. 1(1), **2(3)** (with reg. 1(2))

## Interpretation of regulations 7A to 7D

**7E.**—(1) In these Regulations—

“authorised vaccine” has the same meaning as in regulation 3 (interpretation: eligible vaccinated arrivals) of the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021,

“an exempt event” is—

- (a) a funeral, marriage ceremony, civil partnership registration, or a reception or gathering which relates to a funeral, marriage ceremony or civil partnership registration,
- (b) a mass participation event such as a marathon, triathlon, or charity walk,
- (c) an event designated by the Scottish Ministers as a flagship event according to criteria, and in a list, published by the Scottish Ministers,
- (d) a showing in a cinema,
- (e) a drive-in event,
- (f) an organised picket,
- (fa) [<sup>F23</sup>an organised picket,]
- (g) a public or street market,
- (h) an illuminated trail,
- (i) a work or business conference (not including any peripheral reception or function outside the core hours of the conference, whether or not alcohol is served),
- (j) a business or trade event which is not open to the public for leisure purposes,
- (k) communal religious worship, or
- (l) an unticketed event held at an outdoor public place with no fixed entry points,

“fully vaccinated” means that a person has completed a course of doses of an authorised vaccine with the final dose having been received before the start of the period beginning with the 14th day before the date on which they seek to enter the late night premises or relevant event,

“late night premises” means any premises at which—

- (a) alcohol is served at any time between 0000 hours and 0500 hours,
- (b) there is a dancefloor, or other designated space, provided for dancing by customers, and
- (c) live or recorded music for dancing is played,

[<sup>F24</sup>“qualifying test” has the meaning given in paragraph (4),]

“relevant event” is an event, except an exempt event, that is planned on the basis—

- (a) that it will be attended by more than 10,000 people simultaneously,
- (b) that—

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- (i) it will take place wholly or mainly indoors,
  - (ii) it will be attended by 500 or more people simultaneously (ignoring children under 5 years of age and people working or providing voluntary or charitable services at the event), and
  - (iii) not all of those attendees will be seated, or
  - (c) that—
    - (i) it will take place wholly or mainly outdoors,
    - (ii) it will be attended by 4,000 or more people simultaneously (ignoring children under 5 years of age and people working or providing voluntary or charitable services at the event), and
    - (iii) not all of those attendees will be seated.
  - (2) For the purposes of paragraph (1)—
    - (a) a person (“P”) has completed a course of doses if P has received the complete course of doses specified—
      - (i) in the summary of product characteristics approved as part of the marketing authorisation for the authorised vaccine, or
      - (ii) in the instructions for usage approved as part of the authorisation by the licensing authority on a temporary basis under regulation 174 (supply in response to spread of pathogenic agents etc.) of the Human Medicines Regulations 2012 for the authorised vaccine,
    - (b) where a person (“P”) has received a dose of one authorised vaccine and a dose of a different authorised vaccine, P is deemed to have completed a course of doses of an authorised vaccine.
  - (3) For the purposes of paragraph (2), “marketing authorisation” has the same meaning as in regulation 3 (interpretation: eligible vaccinated arrivals) of the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021.
- [
- <sup>F25</sup>(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, the National Health Service (Wales) Act 2006, the National Health Service (Scotland) Act 1978, or the Health and Personal Services (Northern Ireland) Order 1972, or
  - (b) a lateral flow test, the results of which have been submitted through the NHS public reporting system.]]

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| <b>F15</b> | Regs. 7A-7E inserted (1.10.2021 at 5.00 a.m.) by <a href="#">The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 2) Regulations 2021 (S.S.I. 2021/349)</a> , regs. 1(1), <b>2(3)</b> (with reg. 1(2)) |
| <b>F23</b> | Words in reg. 7E(1) inserted (6.12.2021 at 5.00 a.m.) by <a href="#">The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 4) Regulations 2021 (S.S.I. 2021/453)</a> , regs. 1, <b>2(5)(a)</b>          |
| <b>F24</b> | Words in reg. 7E(1) inserted (6.12.2021 at 5.00 a.m.) by <a href="#">The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 4) Regulations 2021 (S.S.I. 2021/453)</a> , regs. 1, <b>2(5)(b)</b>          |
| <b>F25</b> | Reg. 7E(4) inserted (6.12.2021 at 5.00 a.m.) by <a href="#">The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 4) Regulations 2021 (S.S.I. 2021/453)</a> , regs. 1, <b>2(6)</b>                      |



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