
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 277

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

PART 2

Requirements

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