

## POLICY NOTE

### THE HEALTH PROTECTION (CORONAVIRUS) (REQUIREMENTS) (SCOTLAND) REVOCATION (NO. 2) REGULATIONS 2022

SSI 2022/133

The above instrument is made in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020. The instrument is a laid, no procedure instrument by virtue of section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010.

These Regulations revoke the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 (“the Principal Regulations”). These Regulations remove the remaining requirements for a person to wear a face covering in certain indoor public places and on public transport.

#### Legislative background

1. The UK Coronavirus Act 2020 (“the Act”) received Royal Assent on 25 March 2020. Under that Act, the Scottish Government made regulations (in force from 26 March 2020) to implement physical distancing and impose restrictions on gatherings, events and the operation of business activity. From 14 September 2020 they were replaced by the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020. From 9 October 2020 those Regulations were suspended and replaced by the Health Protection (Coronavirus) (Restrictions and Requirements) (Additional Temporary Measures) (Scotland) Regulations 2020. A new levels-based approach was introduced on 2 November 2020, when the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (“the Local Levels Regulations”) came into force and revoked the previous regulations. On 9 August 2021 the Principal Regulations came into force and revoked the Local Levels Regulations. The Principal Regulations have been amended a number of times, most recently by the Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 6) Regulations 2022, with effect from the 4 April 2022. The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 4) Regulations 2022 extended the expiry date of the Principal Regulations from 28 February 2022 to 24 September 2022.

2. The power to make these Regulations and the Principal Regulations conferred by paragraph 1(1) of schedule 19 of the Act was due to expire on 24 March 2022. The Coronavirus Act 2020 (Alteration of Expiry Date) (Scotland) Regulations 2022 (S.S.I. 2022/40) extended the expiry date of certain provisions of the Act, including schedule 19, to 24 September 2022. Those Regulations were made and laid on 3 February 2022 under the made affirmative procedure and came into force on 24 March 2022.

#### Policy Objectives

3. These Regulations revoke the Principal Regulations. This removes the remaining requirements for a person to wear a face covering in certain indoor public places and on public transport, along with the connected enforcement provisions.

4. These legal requirements have been removed following our review of the remaining regulatory COVID measures as we move into the next phase of pandemic response.

5. Regular engagement has taken place with a wide range of stakeholders in relation to the wearing of face coverings, but there has been no specific engagement on these Regulations.

### **Consultation**

6. No consultation has taken place in relation to these Regulations.

### **Impact Assessments**

7. An Equality Impact Assessment is being prepared for these Regulations.

Scottish Government  
Directorate for Covid Coordination  
14 April 2022