
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 29

PUBLIC HEALTH

**The Health Protection (Coronavirus) (Requirements)
(Scotland) Amendment (No. 3) Regulations 2022**

Approved by the Scottish Parliament

<i>Made</i>	- - - -	<i>at 11.43 a.m. on 27th</i>
		<i>January 2022</i>
<i>Laid before the Scottish</i>		<i>at 2.30 p.m. on 27th</i>
<i>Parliament</i>	- - - -	<i>January 2022</i>
		<i>at 5.00 a.m. on 28th</i>
<i>Coming into force</i>	- -	<i>January 2022</i>

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⁽¹⁾ (“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 requirements imposed by the 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 (No. 3) Regulations 2022 and come into force at 5.00 a.m. on 28 January 2022.

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

2.—(1) The Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021⁽²⁾ are amended in accordance with paragraphs (2) to (4).

(2) In regulation 5(1) (requirement to wear face covering in certain indoor places), for each occurrence of “two metres”, substitute “one metre”.

(1) 2020 c. 7.

(2) S.S.I. 2021/277, relevantly amended by S.S.I. 2021/299 and S.S.I. 2021/475.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) In regulation 6(1)(b)(ii)(bb) (places where face coverings must be worn in accordance with regulation 5), for “two metres”, substitute “one metre”.

(4) In regulation 7(1)(h)(ii) (requirement to wear face coverings on public transport), for “two metres”, substitute “one metre”.

St Andrew’s House,
Edinburgh
At 11.43 a.m. on 27th January 2022

JOHN SWINNEY
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 (“the principal Regulations”).

Regulation 2(2) amends provision in regulation 5 of the principal regulations which exempt a person from the requirement that a face covering must be worn in certain indoor places where a specific distance is maintained between two people, or where they are separated by a partition. This changes the distance to be maintained between persons who are not wearing face coverings in paragraphs (d)(ii) (employees and volunteers in certain places), (f)(ii) (person leading an act of worship in a place of worship), (g)(ii) (person leading a funeral, marriage ceremony or civil partnership registration), (h)(ii) (parties to be married or entering into a civil partnership), (j)(ii) (person performing, presenting, addressing a public gathering, making a speech or acting as a panel member) and (ja)(ii)(bb) (person performing or rehearsing for a performance where certain circumstances apply) of regulation 5(1) of the principal Regulations, from at least two metres to at least one metre.

Regulation 2(3) amends regulation 6(1)(b)(ii)(bb) of the principal Regulations. Regulation 6(1)(b), alongside regulation 5 of the principal Regulations, requires that a face covering must be worn in any indoor communal area in a workplace, where there is no partition, or where people are not otherwise separated by a specified minimum distance. This changes the specified minimum distance between persons who are not required to wear a face covering from at least two metres to at least one metre.

Regulation 2(4) amends regulation 7(1)(h)(ii) of the principal Regulations. The effect of this change is to exempt a person travelling on a ferry, who is not wholly outdoors, from wearing a face covering where a distance of at least one metre is maintained from other persons, as opposed to at least two metres as previously.