SCOTTISH STATUTORY INSTRUMENTS

2021 No. 497

PUBLIC HEALTH

The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 7) Regulations 2021

Approved by the Scottish Parliament

Made - - - -at 11.49 a.m. on 23rd December 2021

Laid before the Scottish Parliament at 2.45 p.m. on 23rd December 2021

Coming into force - - at 5.00 a.m. on 27th December 2021

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 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. 7) Regulations 2021, and come into force at 5.00 a.m. on 27 December 2021.

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

2.—(1) The Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021(**b**) are amended as follows.

(**a**) 2020 c. 7.
(**b**) S.S.I. 2021/277, amended by S.S.I. 2021/299, S.S.I. 2021/349, S.S.I. 2021/384, S.S.I. 2021/453, S.S.I. 2021/475, and S.S.I. 2021/496.

(2) After regulation 4B of the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021(**a**) (requirement for seated food and drink consumption) insert—

"**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 sportsperson,

(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.".

(3) In regulation 15(9)(**b**) (enforcement of requirements)—

(a) omit "and" at the end of sub-paragraph (d), and

(b) after sub-paragraph (d), insert—

"(da) regulation 4C, and".

JOHN SWINNEY
A member of the Scottish Government

St Andrew's House,
Edinburgh
At 11.49 a.m. on 23rd December 2021

(**a**) Regulation 4B is inserted by S.S.I. 2021/496.
(**b**) Regulation 15(9) is substituted by S.S.I. 2021/496.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

They amend the principal Regulations to close nightclubs, dance halls or discotheque premises, subject to certain exceptions, from 5.00 a.m. on 27 December 2021.

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