POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (REQUIREMENTS) (SCOTLAND) REVOCATION REGULATIONS 2022

SSI 2022/92

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 partially revoke the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 ("the Principal Regulations"). These Regulations remove the requirement for persons responsible for restaurants, cafes, bars, public houses etc. to collect and share visitor information. These Regulations remove the requirement for a person responsible for a place of worship, carrying on a business or providing a service to have regard to guidance issued by the Scottish Ministers and to take reasonable measures in that guidance to minimise the incidence and spread of coronavirus.

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 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 on 24 February 2022, when they were amended by the Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 5) Regulations 2022. The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 4) Regulations 2022 extended the expiry 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 is due to expire on 24 March 2022. The Coronavirus Act 2020 (Alteration of Expiry Date) (Scotland) Regulations 2022 (S.S.I. 2022/40) extend 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, subject to approval by the Parliament, come into force on 24 March 2022.

Policy Objectives

3. These Regulations remove from the Principal Regulations the provisions in relation to the requirement for persons responsible for restaurants, cafes, bars, public houses etc. to collect and share visitor information. These Regulations also remove the requirement for a person responsible for a place of worship, carrying on a business or providing a service to have regard to guidance issued by the Scottish Ministers and to take reasonable measures in that guidance to minimise the incidence and spread of coronavirus.

4. Removing these legal requirements is part of our ongoing review of the baseline measures as we move into the next phase of pandemic response.

Consultation

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

Impact Assessments

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

Scottish Government
Directorate for Covid Coordination
16 March 2022