

Comparison of the provisions in Part 1, Chapter 1 with the emergency legislation and English and Welsh legislation

This note compares relevant provisions in the following legislation:

- Public Health (Control of Disease) Act 1984 (“PH(CH) Act”)
- Coronavirus Act 2020
- Coronavirus (Recovery and Reform) (Scotland) Bill (“C(RR) Bill”)
- Public Health etc. (Scotland) (Act) 2008

PH(CD) Act	Coronavirus Act 2020	C(RR) Bill
Section 45C: Health protection regulations: domestic	Section 49: Health protection regulations: Scotland	Section 1: Public health protection measures
<p>45A Infection or contamination</p> <p>(1) The following provisions have effect for the interpretation of this Part.</p> <p>(2) “Contamination” includes radiation.</p> <p>(3) Any reference to infection or contamination is a reference to infection or contamination which presents or could present significant harm to human health.</p> <p>(4) Any reference to the spread of contamination includes a reference to the spread of any source of contamination.</p> <p>(5) Any reference to disinfection or decontamination includes a reference to the removal of any vector, agent or source of the infection or contamination.</p>	<p>Section 1 Meaning of “coronavirus” and related terminology</p> <p>(1) In this Act—</p> <p>“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);</p> <p>“coronavirus disease” means COVID-19 (the official designation of the disease which can be caused by coronavirus).</p> <p>(2) A reference in this Act to infection or contamination, however expressed, is a reference to infection or contamination with coronavirus.</p> <p>(3) But a reference in this Act to persons infected by coronavirus, however expressed, does not (unless a contrary intention appears) include persons who have been infected but are clear of coronavirus (unless re-infected).</p>	<p>Section 1 inserts new Section 86A(2)</p> <p>In subsection (1)—</p> <p>(a) reference to infection or contamination is a reference to infection or contamination which presents or could present significant harm to human health,</p> <p>(b) reference to the spread of contamination includes a reference to the spread of any source of contamination.</p>

<p>(6) Related expressions are to be read accordingly.</p>		
<p>Sub Section 45C(1):</p> <p>The appropriate Minister may by regulations make provision for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in England and Wales (whether from risks originating there or elsewhere).</p>	<p>Schedule 19(1)(1)</p> <p>The Scottish Ministers may by regulations make provision for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Scotland (whether from risks originating there or elsewhere).</p>	<p>Section 1 inserts new Section 86A(1)</p> <p>The Scottish Ministers may by regulations make provision for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Scotland (whether from risks originating there or elsewhere).</p>
<p>Sub Section 45C(2)</p> <p>The power in subsection (1) may be exercised—</p> <p>(a) in relation to infection or contamination generally or in relation to particular forms of infection or contamination, and</p> <p>(b) so as to make provision of a general nature, to make contingent provision or to make specific provision in response to a particular set of circumstances.</p>	<p>Schedule 19(1)(1)</p> <p>The power in subparagraph (1) may be exercised—</p> <p>(a) in relation to infection or contamination generally or in relation to particular forms of infection or contamination, and</p> <p>(b) so as to make provision of a general nature, to make contingent provision or to make specific provision in response to a particular set of circumstances.</p>	<p>Section 1 inserts new Section 86A(3)</p> <p>The power in subsection (1) may be exercised—</p> <p>(a) in relation to infection or contamination generally or in relation to particular forms of infection or contamination, and</p> <p>(b) so as to make provision of a general nature, to make contingent provision or to make specific provision in response to particular circumstances.</p> <p><i>[NB: the order of provisions in the Bill has been changed for the purposes of this comparison. See also row above in this column.]</i></p>
<p>Sub Section 45C(3)</p> <p>Regulations under subsection (1) may in particular include provision—</p> <p>(a) imposing duties on registered medical</p>	<p>Schedule 19(1)(3)</p> <p>Regulations under subparagraph (1) may in particular include provision—</p> <p>(a) imposing duties on registered medical</p>	<p>Section 1 inserts new Section 86H: public health monitoring measures</p> <p>The Scottish Ministers may by regulations make provision conferring on</p>

<p>practitioners or other persons to record and notify cases or suspected cases of infection or contamination,</p> <p>(b) conferring on local authorities or other persons functions in relation to the monitoring of public health risks, and</p> <p>(c) imposing or enabling the imposition of restrictions or requirements on or in relation to persons, things or premises in the event of, or in response to, a threat to public health.</p>	<p>practitioners or other persons to record and notify cases or suspected cases of infection or contamination,</p> <p>(b) conferring on local authorities, health boards or other persons functions in relation to the monitoring of public health risks, and</p> <p>(c) imposing or enabling the imposition of restrictions or requirements on or in relation to persons, things or premises in the event of, or in response to, a threat to public health.</p>	<p>local authorities, health boards or other persons functions in relation to the monitoring of public health risks.”.</p> <p>Section 1 inserts new Section 86A(4)</p> <p>Regulations under subsection (1) may in particular include provision directly or indirectly imposing restrictions or requirements on or in relation to persons, things or premises in the event of, or in response to, a threat to public health</p> <p><i>[NB: see also new sections 86B and 86C below].</i></p> <p><i>[NB: See sections 12-19 of Public Health Act regarding duties on medical practitioners regarding notifiable diseases.]</i></p>
<p>Sub Section 45C(4)</p> <p>The restrictions or requirements mentioned in subsection (3)(c) include in particular—</p> <p>(a) a requirement that a child is to be kept away from school,</p> <p>(b) a prohibition or restriction relating to the holding of an event or gathering,</p> <p>(c) a restriction or requirement relating to the handling, transport, burial or cremation of dead bodies or the handling, transport or disposal of human remains, and</p> <p>(d) a special restriction or requirement.</p>	<p>Schedule 19(1)(4)</p> <p>The restrictions or requirements mentioned in sub-paragraph (3)(c) include in particular—</p> <p>(a) a requirement that a child is to be kept away from school,</p> <p>(b) a prohibition or restriction relating to the holding of an event or gathering,</p> <p>(c) a restriction or requirement relating to the handling, transport, burial or cremation of dead bodies or the handling, transport or disposal of human remains, and</p> <p>(d) a special restriction or requirement (see paragraph 4).</p>	<p>Section 1 inserts new Section 86A(5)</p> <p>The restrictions or requirements mentioned in subsection (4) include, for example—</p> <p>(a) a requirement that a pupil (within the meaning given by section 135(1) of the Education (Scotland) Act 1980) is to be kept away from school,</p> <p>(b) a prohibition or restriction relating to the holding of an event or gathering,</p> <p>(c) a restriction or requirement relating to the handling, transport, burial or cremation of dead bodies or the handling, transport or</p>

		<p>disposal of human remains, and</p> <p>(d) a special restriction or requirement (see section 86E).</p> <p><i>[NB: the order of provisions in the Bill has been changed for the purposes of this comparison. See also row below in this column.]</i></p>
<p>Sub Section 45C(5)</p> <p>The power in subsection (1) is subject to section 45D.</p>	<p>Schedule 19(1)(5)</p> <p>The power in subparagraph (1) is subject to paragraphs 2 and 3.</p>	<p>Section 1 inserts new Section 86A(4)</p> <p>Regulations under subsection (1) may in particular include provision directly or indirectly imposing restrictions or requirements on or in relation to persons, things or premises in the event of, or in response to, a threat to public health</p> <p><i>[(NB: see also new sections 86B and 86C below)].</i></p> <p><i>[NB: the order of provisions in the Bill has been changed for the purposes of this comparison. See also row above in this column.]</i></p>
<p>Sub Section 45C(6)</p> <p>For the purposes of this Part—</p> <p>(a) a “special restriction or requirement” means a restriction or requirement which can be imposed by a justice of the peace by virtue of section 45G(2), 45H(2) or 45I(2), but</p> <p>(b) a restriction or requirement mentioned in subsection (4)(a),</p>	<p>Schedule 19(1)(5)</p> <p>For the purposes of this Schedule, “health board” and “local authority” have the meanings given in section 124 of the Public Health etc. (Scotland) Act 2008.</p>	<p><i>[NB: Recovery and reform Bill provisions are being inserted into the Public Health etc. (Scotland) Act 2008 where terms are already defined.]</i></p>

(b) or (c) is not to be regarded as a special restriction or requirement.		
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PH(CD) Act	Coronavirus Act 2020	C(RR) Bill	C(RR) Bill
Section 45D: Restrictions on power to make regulations under section 45C	Schedule 19, para 2: Restrictions on power to make regulations under paragraph 1	Section 1: Limits on use of power: regulations <u>directly</u> imposing restrictions or requirements	Section 1: Limits on use of power: regulations <u>indirectly</u> imposing restrictions or requirements
<p>(1) Regulations under section 45C may not include provision imposing a restriction or requirement by virtue of subsection (3)(c) of that section unless the appropriate Minister considers, when making the regulations, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.</p> <p>(2) Regulations under section 45C may not include provision enabling the imposition of a restriction or requirement by virtue of subsection (3)(c) of that section unless the regulations provide that a decision to impose such a restriction or requirement may only be</p>	<p>(1) Regulations under paragraph 1(1) may not include provision imposing a restriction or requirement by virtue of sub-paragraph (3)(c) of that paragraph unless the Scottish Ministers consider, when making the regulations, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.</p> <p>(2) Regulations under paragraph 1(1) may not include provision enabling the imposition of a restriction or requirement by virtue of sub-paragraph (3)(c) of that paragraph unless the regulations provide that a decision to impose such a restriction or requirement may only be</p>	<p>Section 1 inserts new Section 86B:</p> <p>(1) Regulations under section 86A(1) may not impose a restriction or requirement by virtue of section 86A(4) unless the Scottish Ministers consider, when making the regulations, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.</p> <p>(2) Regulations under section 86A(1) may not impose a restriction or requirement mentioned in section 86E(2)(a), (b), (c) or (d).</p> <p>(3) For the purpose of this section, the regulations “impose” a restriction or</p>	<p>Section 1 inserts new Section 86C:</p> <p>(1) Regulations under section 86A(1) may not enable the imposition of a restriction or requirement by virtue of section 86A(4) unless the regulations provide that a decision to impose such a restriction or requirement may only be taken if the person taking it considers, when taking the decision, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.</p> <p>(2) Regulations under section 86A(1) may not enable the imposition of</p>

<p>taken if the person taking it considers, when taking the decision, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.</p> <p>(3) Regulations under section 45C may not include provision imposing a special restriction or requirement mentioned in section 45G(2)(a), (b), (c) or (d).</p> <p>(4) Regulations under section 45C may not include provision enabling the imposition of a special restriction or requirement unless—</p> <p>(a) the regulations are made in response to a serious and imminent threat to public health, or</p> <p>(b) imposition of the restriction or requirement is expressed to be contingent on there being such a threat</p>	<p>taken if the person taking it considers, when taking the decision, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.</p> <p>(3) Regulations under paragraph 1(1) may not include provision imposing a special restriction or requirement mentioned in paragraph 4(2)(a), (b), (c) or (d).</p> <p>(4) Regulations under paragraph 1(1) may not include provision enabling the imposition of a special restriction or requirement unless—</p> <p>(a) the regulations are made in response to a serious and imminent threat to public health, or</p> <p>(b) imposition of the restriction or requirement is expressed to be contingent on there being such a threat</p>	<p>requirement if the restriction or requirement is imposed directly by the regulations.</p>	<p>a special restriction or requirement unless—</p> <p>(a) the regulations are made in response to a serious and imminent threat to public health, or</p> <p>(b) the imposition of the special restriction or requirement is expressed to be contingent on there being such a threat at the time when it is imposed.</p> <p>For the purpose of this section, the regulations “enable the imposition of” a restriction or requirement if the restriction or requirement is imposed by virtue of a decision taken under the regulations by the Scottish Ministers, a local authority, a health board or other person.</p>
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<p>at the time when it is imposed.</p> <p>(5) For the purposes of this section—</p> <p>(a) regulations “enable the imposition of a restriction or requirement” if the restriction or requirement is imposed by virtue of a decision taken under the regulations by the appropriate Minister, a local authority or other person;</p> <p>(b) regulations “impose a restriction or requirement” if the restriction or requirement is imposed without any such decision.</p>	<p>at the time when it is imposed.</p> <p>(5) For the purposes of this paragraph—</p> <p>(a) regulations “enable the imposition of a restriction or requirement” if the restriction or requirement is imposed by virtue of a decision taken under the regulations by the Scottish Ministers, a local authority, health board or other person;</p> <p>(b) regulations “impose a restriction or requirement” if the restriction or requirement is imposed without any such decision.</p>		
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PH(CD) Act	Coronavirus Act 2020	C(RR) Bill
Section 45E: Medical treatment	Schedule 19, para 3: Medical treatment	Section 1: Exclusion of requirement to undergo medical treatment
<p>(1) Regulations under section 45B or 45C may not include provision requiring a person to undergo medical treatment.</p> <p>(2) "Medical treatment" includes vaccination and other prophylactic treatment.</p>	<p>(1) Regulations under paragraph 1(1) may not include provision requiring a person to undergo medical treatment.</p> <p>(2) "Medical treatment" includes vaccination and other prophylactic treatment.</p>	<p>Section 1 inserts new Section 86D:</p> <p>(1) Regulations under section 86A(1) may not include provision requiring a person to undergo medical treatment.</p> <p>(2) "Medical treatment" includes vaccination and other prophylactic treatment.</p>

PH(CD) Act	Coronavirus Act 2020	C(RR) Bill
45C Health protection regulations: domestic	Schedule 19, para 4: Special restrictions and requirements	Section 1: Special restrictions and requirements
<p>(4) The restrictions or requirements mentioned in subsection (3)(c) include in particular</p> <ul style="list-style-type: none"> (a) a requirement that a child is to be kept away from school, (b) a prohibition or restriction relating to the holding of an event or gathering, (c) a restriction or requirement relating to the handling, transport, burial or cremation of dead bodies or the handling, transport or disposal of human remains, and (d) a special restriction or requirement. <p>[...]</p> <p>(6) For the purposes of this Part—</p> <ul style="list-style-type: none"> (a) a “special restriction or requirement” means a restriction or requirement which can be imposed by a justice of the peace by virtue of section 45G(2), 45H(2) or 45I(2), but (b) a restriction or requirement mentioned in subsection (4)(a), (b) or (c) is not to be regarded as a special restriction or requirement. 	<p>(1) For the purposes of this Schedule—</p> <ul style="list-style-type: none"> (a) a “special restriction or requirement” means a restriction or requirement mentioned in subparagraphs (2) to (4), but (b) a restriction or requirement mentioned in paragraph 1(4)(a), (b) or (c) is not to be regarded as a special restriction or requirement. <p>(2) In relation to a person, that the person—</p> <ul style="list-style-type: none"> (a) submit to medical examination; (b) be removed to a hospital or other suitable establishment; (c) be detained in a hospital or other suitable establishment; (d) be kept in isolation or quarantine; (e) be disinfected or decontaminated; (f) wear protective clothing; (g) provide information or answer questions about the person’s health or other circumstances; 	<p>Section 1 inserts new Section 86E:</p> <p>(1) In this Part, a “special restriction or requirement” means a restriction or requirement mentioned in subsections (2) to (5).</p> <p>(2) In relation to a person, the restriction or requirement referred to in subsection (1) is that the person—</p> <ul style="list-style-type: none"> (a) submit to medical examination, (b) be removed to a hospital or other suitable establishment, (c) be detained in a hospital or other suitable establishment, (d) be kept in quarantine (within the meaning of section 39(4)), (e) be disinfected or decontaminated, (f) wear protective clothing, (g) provide information or answer questions about the person’s health or other circumstances, (h) has the person’s health monitored and the results reported, (i) attend training or advice sessions on how to reduce the risk of infecting or contaminating others, (j) be subject to restrictions as to

	<p>(h) has their health monitored and the results reported;</p> <p>(i) attend training or advice sessions on how to reduce the risk of infecting or contaminating others;</p> <p>(j) be subject to restrictions as to where the person may go or with whom the person has contact;</p> <p>(k) abstain from working or trading.</p> <p>(3) In relation to a thing—</p> <p>(a) that the thing be seized or retained;</p> <p>(b) that the thing be kept in isolation or quarantine;</p> <p>(c) that the thing be disinfected or decontaminated;</p> <p>(d) in the case of a dead body, that the body be buried or cremated;</p> <p>(e) in any other case, that the thing be destroyed or disposed of.</p> <p>(4) In relation to premises—</p> <p>(a) that the premises be closed;</p> <p>(b) that, in the case of a conveyance or movable structure, the conveyance or structure be detained;</p> <p>(c) that the premises be disinfected or decontaminated;</p> <p>(d) that, in the case of a building, conveyance or structure, the</p>	<p>where the person may go or with whom the person has contact,</p> <p>(k) abstain from working or trading.</p> <p>(3) Where regulations enable the imposition of a requirement to submit to medical examination, section 35 applies to that examination in the same way as it applies to an examination authorised by virtue of an order under section 34(1).</p> <p>(4) In relation to a thing, the restriction or requirement referred to in subsection (1) is—</p> <p>(a) that the thing be seized or detained,</p> <p>(b) that the thing be kept in quarantine,</p> <p>(c) that the thing be disinfected or decontaminated,</p> <p>(d) that the vector, agent or source of any infection or contamination be removed,</p> <p>(e) in the case of a dead body, that the body be buried or cremated,</p> <p>(f) in any other case, that the thing be destroyed or disposed of.</p> <p>(5) In relation to premises, the restriction or requirement referred to in subsection (1) is—</p> <p>(a) that the premises be closed,</p> <p>(b) that, in the case of a vehicle or movable</p>
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	<p>premises be destroyed.</p> <p>(5) For the purposes of this paragraph—</p> <p>“hospital” has the meaning given in section 124 of the Public Health etc. (Scotland) Act 2008;</p> <p>“premises” includes any place and, in particular, includes—</p> <p>(a) any vehicle, train, vessel or aircraft,</p> <p>(b) any tent or movable structure, and</p> <p>(c) any offshore installation (as defined in regulation 3 of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 (S.I. 1995/738)).</p>	<p>structure, the premises be detained,</p> <p>(c) that the premises be disinfected or decontaminated,</p> <p>(d) that the vector, agent or source of any infection or contamination be removed,</p> <p>(e) that, in the case of a building, structure, mobile home or vehicle, the premises be destroyed.</p>
<p>Section 45(G)(2)</p> <p>The order may impose on or in relation to P one or more of the following restrictions or requirements—</p> <p>(a) that P submit to medical examination;</p> <p>(b) that P be removed to a hospital or other suitable establishment;</p> <p>(c) that P be detained in a hospital or other suitable establishment;</p> <p>(d) that P be kept in isolation or quarantine;</p> <p>(e) that P be disinfected or decontaminated;</p> <p>(f) that P wear protective clothing;</p> <p>(g) that P provide information or answer questions about P's health or other circumstances;</p>		

<p>(h) that P's health be monitored and the results reported;</p> <p>(i) that P attend training or advice sessions on how to reduce the risk of infecting or contaminating others;</p> <p>(j) that P be subject to restrictions on where P goes or with whom P has contact;</p> <p>(k) that P abstain from working or trading.</p>		
<p>Section 45H(2)The order may impose in relation to the thing one or more of the following restrictions or requirements—</p> <p>(a) that the thing be seized or retained;</p> <p>(b) that the thing be kept in isolation or quarantine;</p> <p>(c) that the thing be disinfected or decontaminated;</p> <p>(d) in the case of a dead body, that the body be buried or cremated;</p> <p>(e) in any other case, that the thing be destroyed or disposed of.</p>		
<p>Section 45I(2)</p> <p>(2)The order may impose in relation to the premises one or more of the following restrictions or requirements—</p> <p>(a) that the premises be closed;</p> <p>(b) that, in the case of a conveyance or movable structure, the conveyance or structure be detained;</p> <p>(c) that the premises be disinfected or decontaminated;</p> <p>(d) that, in the case of a building, conveyance or structure, the premises be destroyed.</p>		

PH(CD) Act	Coronavirus Act 2020	C(RR) Bill
Section 45F: Health protection regulations: supplementary	Schedule 19, para 5: Health protection regulations: supplementary	Section 1: Further provision on content of regulations
<p>(1) This section makes further provision about regulations under section 45B or 45C (“health protection regulations”).</p> <p>(2) Health protection regulations may—</p> <ul style="list-style-type: none"> (a) confer functions on local authorities and other persons; (b) create offences; (c) enable a court to order a person convicted of any such offence to take or pay for remedial action in appropriate circumstances; (d) provide for the execution and enforcement of restrictions and requirements imposed by or under the regulations; (e) provide for appeals from and reviews of decisions taken under the regulations; (f) permit or prohibit the levy of charges; (g) permit or require the payment of incentive payments, compensation and expenses; (h) provide for the resolution of disputes. <p>(3) Health protection regulations may, for the purposes of giving effect to an international agreement or</p>	<p>(1) This paragraph makes further provision about regulations under paragraph 1(1).</p> <p>(2) The regulations may—</p> <ul style="list-style-type: none"> (a) confer functions on local authorities, health boards and other persons; (b) create offences; (c) enable a court to order a person convicted of any such offence to take or pay for remedial action in appropriate circumstances; (d) provide for the execution and enforcement of restrictions and requirements imposed by or under the regulations; (e) provide for appeals from and reviews of decisions taken under the regulations; (f) permit or prohibit the levy of charges; (g) permit or require the payment of incentive payments, compensation and expenses; (h) provide for the resolution of disputes. <p>(3) The regulations may also make—</p> <ul style="list-style-type: none"> (a) different provision for different purposes or different areas, 	<p>(1) This section makes further provision about regulations under section 86A(1).</p> <p>(2) The regulations may—</p> <ul style="list-style-type: none"> (a) confer functions on local authorities, health boards and other persons, (b) make different provision for different areas, (c) create offences, (d) modify any enactment (including this Act), (e) enable a court to order a person convicted of any offence under the regulations to take or pay for remedial action in appropriate circumstances, (f) provide for the carrying out and enforcement of restrictions and requirements imposed by virtue of the regulations, (g) provide for appeals from and reviews of restrictions and requirements imposed by virtue of the regulations, (h) permit or prohibit the levying of charges, (i) permit or require the payment of incentive payments and expenses, (j) permit the payment of compensation,

<p>arrangement, amend any enactment.</p> <p>(4) Health protection regulations may not confer functions on officers of Revenue and Customs unless the regulations are made with the consent of the Commissioners for Her Majesty's Revenue and Customs.</p> <p>(5) Health protection regulations may not create an offence triable on indictment or punishable with—</p> <p>(a) imprisonment, F2(b). F3(c). [F4(5A)Health protection regulations that create an offence punishable with a fine and a further fine for each day on which the default continues after conviction may not provide for the further fine to exceed an amount equal to 2% of the greater of £5,000 or level 4 on the standard scale.]</p> <p>(6) Regulations under section 45C must provide for a right of appeal to a magistrates' court against any decision taken under the regulations by virtue of which a special restriction or requirement is imposed on or in relation to a person, thing or premises.</p>	<p>(b) such incidental, supplementary, consequential, transitional or transitory provision as the Scottish Ministers consider appropriate.</p> <p>(4) The maximum penalties that may be imposed in relation to offences created under the regulations are—</p> <p>(a) on summary conviction, imprisonment for a period not exceeding 12 months or a fine not exceeding the statutory maximum (or both),</p> <p>(b) on conviction on indictment, imprisonment for a period not exceeding two years or a fine (or both).</p> <p>(5) The regulations must provide for a right of appeal to the sheriff against any decision taken under the regulations by virtue of which a special restriction or requirement is imposed on or in relation to a person, thing or premises.</p> <p>(6) Regulations that enable a special restriction or requirement to be imposed by virtue of a decision taken under the regulations must also provide that, if the restriction or requirement is capable of remaining in force in relation to any person, thing or premises for more than a specified period, a specified person may require the continuation of the restriction or</p>	<p>(k) provide for the resolution of disputes.</p> <p>(3) The maximum penalties that may be imposed in relation to offences created under the regulations are—</p> <p>(a) on summary conviction, imprisonment for a period not exceeding 12 months or a fine not exceeding the statutory maximum (or both),</p> <p>(b) on conviction on indictment, imprisonment for a period not exceeding two years or a fine (or both).</p> <p>(4) The regulations must provide for a right of appeal to the sheriff against any decision taken under the regulations by virtue of which a special restriction or requirement is imposed on or in relation to a person, thing or premises.</p>
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<p>(7) Regulations under section 45C which enable a special restriction or requirement to be imposed by virtue of a decision taken under the regulations must also provide that, if the restriction or requirement is capable of remaining in force in relation to any person, thing or premises for more than a specified period, a specified person may require the continuation of the restriction or requirement to be reviewed in accordance with the regulations at specified intervals by a person determined in accordance with the regulations.</p> <p>(8) In relation to a special restriction or requirement mentioned in section 45G(2)(c) or (d)—</p> <p>(a) the period specified by virtue of subsection (7) and the intervals specified by virtue of that subsection must be 28 days or less, and</p> <p>(b) the regulations must require the continuation of the restriction or requirement to be reviewed without an application being made.</p>	<p>requirement to be reviewed in accordance with the regulations at specified intervals by a person determined in accordance with the regulations.</p> <p>(7) In relation to a special restriction or requirement mentioned in paragraph 4(2)(c) or (d)—</p> <p>(a) the period specified by virtue of subparagraph (6) of this paragraph and the intervals specified by virtue of that subparagraph must be 28 days or less, and</p> <p>(b) the regulations must require the continuation of the restriction or requirement to be reviewed without an application being made.</p> <p>(8) For the purposes of this paragraph “specified” means specified in the regulations.</p>	
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PH(CD) Act	Coronavirus Act 2020	C(RR) Bill
Section 45C: Health protection regulations: domestic	Schedule 19, para 1: Health protection regulations	Section 1: Public health monitoring measures
<p>(e) Regulations under subsection (1) may in particular include provision—</p> <p>[...]</p> <p>(b) conferring on local authorities or other persons functions in relation to the monitoring of public health risks, and</p>	<p>(1)(3) Regulations under sub-paragraph (1) may in particular include provision—</p> <p>[...]</p> <p>(b) conferring on local authorities, health boards or other persons functions in relation to the monitoring of public health risks, and</p>	<p>Section 1 inserts Section 86H:</p> <p>The Scottish Ministers may by regulations make provision conferring on local authorities, health boards or other persons functions in relation to the monitoring of public health risks.”.</p> <p>(3) In section 122 (regulations and orders)—</p> <p>(a) in subsection (5), after “25(3),” insert “86A(1),”</p> <p>(b) in subsection (6), after “25(3)” insert “, 86A(1)”.</p>

PH(CD) Act	Coronavirus Act 2020	C(RR) Bill	Public Health etc. (Scotland) Act 2008
Section 45B: Health protection regulations: international travel etc.		Section 2: International travel regulations	Section 94: International travel
<p>(1) The appropriate Minister may by regulations make provision—</p> <ul style="list-style-type: none"> (a) for preventing danger to public health from vessels, aircraft, trains or other conveyances arriving at any place, (b) for preventing the spread of infection or contamination by means of any vessel, aircraft, train or other conveyance leaving any place, and (c) for giving effect to any international agreement or arrangement relating to the spread of infection or contamination. <p>(2) Regulations under subsection (1) may in particular include provision—</p> <ul style="list-style-type: none"> (a) for the detention of conveyances, (b) for the medical examination, detention, isolation or quarantine of persons, (c) for the inspection, analysis, retention, isolation, 	<p>[NB: N/A – <i>Travel regs were made using powers from the Public Health etc. (Scotland) 2008.</i>]</p>	<p>(1) The Public Health etc. (Scotland) Act 2008 is modified as follows. (2) In section 94 (international travel)—</p> <ul style="list-style-type: none"> (a) in subsection (1)(a)(ii)— <ul style="list-style-type: none"> (i) after “agreements” insert “or arrangements”, (ii) after “contamination” insert “(including any recommendations issued under such agreements or arrangements)”, (b) in subsection (2)— <ul style="list-style-type: none"> (i) in paragraph (e), after subparagraph (iii) insert— “(iv) kept in quarantine,”, (ii) after paragraph (i) insert— “(ia) enabling a court to order a person convicted of any offence under the regulations to take or pay for remedial action in appropriate circumstances, (ib) providing for the carrying out and enforcement of restrictions and requirements imposed by 	<p>(1) The Scottish Ministers may by regulations make provision for the purposes of or in connection with—</p> <ul style="list-style-type: none"> (a) giving effect to— <ul style="list-style-type: none"> (i) the International Health Regulations; (ii) any other international agreements [insert: or arrangements] relating to the spread of infectious disease or contamination, [insert: (including any recommendations issued under such agreements or arrangements),] so far as they have effect in or as regards Scotland; (b) protecting public health from risks arising from vehicles— <ul style="list-style-type: none"> (i) arriving in Scotland; (ii) leaving Scotland. <p>(2) Regulations under subsection (1) may, in particular make provision—</p> <ul style="list-style-type: none"> (a) for persons to be— <ul style="list-style-type: none"> (i) medically examined; (ii) quarantined;

<p>quarantine or destruction of things,</p> <p>(d) for the disinfection or decontamination of conveyances, persons or things or the application of other sanitary measures,</p> <p>(e) for prohibiting or regulating the arrival or departure of conveyances and the entry or exit of persons or things,</p> <p>(f) imposing duties on masters, pilots, train managers and other persons on board conveyances and on owners and managers of ports, airports and other points of entry, and</p> <p>(g) requiring persons to provide information or answer questions (including information or questions relating to their health).</p>		<p>virtue of the regulations, (ic) providing for appeals from and reviews of restrictions and requirements imposed by virtue of the regulations, (id) permitting or requiring the payment of incentive payments or expenses, 20 (ie) permitting the payment of compensation, (if) providing for the resolution of disputes,”,</p> <p>(iii) in paragraph (j), after “permitting” insert “or prohibiting”,</p> <p>(c) after subsection (2) insert—</p> <p>“(2A) 25 Regulations under subsection (1) may not include provision requiring persons to undergo medical treatment.</p> <p>(2B) In subsection (2A), “medical treatment” includes vaccination and other prophylactic treatment.”.</p>	<p>(iii) detained;</p> <p>(b) for persons to be required to provide information or answer questions (including information or questions relating to health);</p> <p>(c) for vehicles to be detained;</p> <p>(d) for prohibitions or restrictions on—</p> <p>(i) the entry and departure of persons or things;</p> <p>(ii) the arrival and leaving of vehicles;</p> <p>(e) for things to be—</p> <p>(i) inspected;</p> <p>(ii) tested;</p> <p>(iii) detained;</p> <p>[insert: “(iv) kept in quarantine,]</p> <p>(iv) destroyed;</p> <p>(f) for persons, vehicles or things to be—</p> <p>(i) disinfected;</p> <p>(ii) disinfested;</p> <p>(iii) decontaminated;</p> <p>(g) for the imposition of obligations on—</p> <p>(i) masters of ships;</p> <p>(ii) pilots of aircraft;</p> <p>(iii) other persons on board vehicles;</p> <p>(iv) owners and managers of ports and airports;</p> <p>(h) conferring functions—</p> <p>(i) on the Scottish Ministers;</p> <p>(ii) on other persons;</p> <p>(i) creating offences;</p>
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			<p>[insert: (ia) enabling a court to order a person convicted of any offence under the regulations to take or pay for remedial action in appropriate circumstances, (ib) providing for the carrying out and enforcement of restrictions and requirements imposed by virtue of the regulations, (ic) providing for appeals from and reviews of restrictions and requirements imposed by virtue of the regulations, (id) permitting or requiring the payment of incentive payments or expenses, (ie) permitting the payment of compensation, (if) providing for the resolution of disputes,”,] (j) permitting [insert: “or prohibiting”] any person to charge in respect of functions carried out under the regulations.</p> <p>[insert: “(2A) 25 Regulations under subsection (1) may not include provision requiring persons to undergo medical treatment.</p> <p>(2B) In subsection (2A), “medical treatment” includes vaccination and other prophylactic treatment.”.]</p>
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			<p>(3) Regulations under subsection (1) may modify any enactment (including this Act).</p> <p>(4) A person who commits an offence under regulations made under subsection (1) is liable to such penalties, not exceeding those mentioned in subsection (5), as are provided for in the regulations.</p> <p>(5) Those penalties are—</p> <p>(a) on summary conviction, imprisonment for a period not exceeding 12 months or a fine not exceeding the statutory maximum or both;</p> <p>(b) on conviction on indictment, imprisonment for a period not exceeding 2 years or a fine or both.</p> <p>(6) In this section, “the International Health Regulations” means the International Health Regulations (2005) adopted by the 58th World Health Assembly of the World Health Organisation on 23 May 2005 (as they may be amended from time to time) and includes a recommendation issued under those Regulations.</p>
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PH(CD) Act	Coronavirus Act 2020	C(RR) Bill
Section 74: Interpretation	Schedule 19: Health protection regulations	Section 3: Meaning of “premises”
<p>“premises” includes any place and, in particular, includes—</p> <p>(a) any vehicle, train, vessel or aircraft,</p> <p>(b) any tent or movable structure, and</p> <p>(c) any offshore installation (as defined in section 12(1) of the Mineral Workings (Offshore Installations) Act 1971);</p>	<p><i>Special restrictions and requirements</i></p> <p>Para 4:</p> <p>(5) For the purposes of this paragraph—</p> <ul style="list-style-type: none"> • “hospital” has the meaning given in section 124 of the Public Health etc. (Scotland) Act 2008; • “premises” includes any place and, in particular, includes— <p>(a) any vehicle, train, vessel or aircraft,</p> <p>(b) any tent or movable structure, and</p> <p>(c) any offshore installation (as defined in regulation 3 of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 (S.I. 1995/738)).</p>	<p>Section 3 inserts:</p> <p>(1) The Public Health etc. (Scotland) Act 2008 is modified as follows.</p> <p>(2) In section 123 (meaning of “premises”)—</p> <p>(a) in the definition of “premises”, in paragraph (b)—</p> <p>(i) before sub-paragraph (i) insert— “(zi) a tent or other moveable structure,”</p> <p>(ii) after sub-paragraph (i), the word “and” is repealed,</p> <p>(iii) after sub-paragraph (ii) insert “, and (iii) an offshore installation (within the meaning given by regulation 3 of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 (S.I. 1995/738)).”,</p> <p>(b) in the definition of “mobile home”—</p> <p>(i) for “means” substitute “includes”,</p> <p>(ii) for “, houseboat or other moveable structure” substitute “or houseboat”</p>

**Committee Clerks
COVID-19 Recovery Committee
April 2022**