



Coronavirus (Recovery and Reform) (Scotland) Act 2022

2022 asp 8

PART 2

EDUCATION

CHAPTER 1

EDUCATIONAL ESTABLISHMENTS ETC.

13 Regulations: public health declarations

- (1) Regulations under this Chapter which are responding to a particular infection or contamination may be made only when a public health declaration under this section has effect.
- (2) A public health declaration means a declaration by the Scottish Ministers that they consider that—
 - (a) an infectious disease or contaminant constitutes or may constitute a danger to human health, and
 - (b) the making of regulations under this Chapter may be a way of protecting against that danger.
- (3) Before making a public health declaration, the Scottish Ministers must consult the Chief Medical Officer of the Scottish Administration or another person designated for the purposes of this section by the Scottish Ministers.
- (4) A public health declaration has effect if—
 - (a) it is made by the Scottish Ministers,
 - (b) either—
 - (i) it is approved in accordance with subsection (6), or
 - (ii) a statement under section 14(1) is made, and
 - (c) it has not ceased to have effect in accordance with subsection (10).

Changes to legislation: *There are currently no known outstanding effects for the Coronavirus (Recovery and Reform) (Scotland) Act 2022, Section 13. (See end of Document for details)*

- (5) The Scottish Ministers must publish a public health declaration in such manner as they consider appropriate.
- (6) A public health declaration is approved if—
- (a) the Scottish Ministers lay a copy of the declaration before the Scottish Parliament,
 - (b) a member of the Scottish Government lodges a motion that the declaration be approved, and
 - (c) the Parliament agrees to the motion.
- (7) A motion under subsection (6)(b) may not be amended.
- (8) The Scottish Ministers must publish notice of the approval of a public health declaration and the time at which the declaration has effect, in such manner as they consider appropriate.
- (9) If, during the period that a public health declaration has effect, the Scottish Ministers consider that paragraphs (a) and (b) of subsection (2) no longer apply, they must—
- (a) revoke the declaration,
 - (b) lay notice of revocation before the Scottish Parliament, and
 - (c) publish notice of revocation in such manner as the Scottish Ministers consider appropriate.
- (10) A public health declaration ceases to have effect immediately after it is revoked.
- (11) A public health declaration’s ceasing to have effect neither—
- (a) affects anything done before the declaration ceased to have effect, nor
 - (b) prevents the making of regulations revoking regulations made during the period that the declaration had effect.

Commencement Information

II S. 13 in force at 1.9.2022, see [s. 59\(1\)](#)

Changes to legislation:

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