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

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

practitioners or other persons to record and notify cases or suspected cases of infection or contamination,	practitioners or other persons to record and notify cases or suspected cases of infection or contamination,	local authorities, health boards or other persons functions in relation to the monitoring of public health risks.".
 (b) conferring on local authorities or other persons functions in relation to the monitoring of public health risks, and (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. 	 (b) conferring on local authorities, health boards or other persons functions in relation to the monitoring of public health risks, and (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. 	Section 1 inserts new Section 86A(4) 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 [<i>NB: see also new sections</i> 86B and 86C below]. [<i>NB: See sections</i> 12-19 of <i>Public Health Act regarding</i> <i>duties on medical</i> <i>practitioners regarding</i> <i>notifiable diseases.</i>]
Sub Section 45C(4)	Schedule 19(1)(4)	Section 1 inserts new
The restrictions or requirements mentioned in subsection (3)(c) include in particular— (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	 The restrictions or requirements mentioned in sub-paragraph (3)(c) include in particular— (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 (see 	 Section 86A(5) The restrictions or requirements mentioned in subsection (4) include, for example— (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, (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 (see section 86E). [NB: the order of provisions in the Bill has been changed for the purposes of this comparison. See also row below in this column.]
Sub Section 45C(5)	Schedule 19(1)(5)	Section 1 inserts new Section 86A(4)
The power in subsection (1) is subject to section 45D.	The power in sub- paragraph (1) is subject to paragraphs 2 and 3.	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 [(<i>NB: see also new sections</i> 86B and 86C below]). [<i>NB: the order of provisions in</i> <i>the Bill has been changed for</i> <i>the purposes of this</i> <i>comparison. See also row</i> <i>above in this column.</i>]
Sub Section 45C(6) For the purposes of this Part— (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),	Schedule 19(1)(5) 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.	[NB: Recovery and reform Bill provisions are being inserted into the Public Health etc. (Scotland) Act 2008 where terms are already defined.]

(b) or (c) is not to	
be regarded as a	
special restriction	
or requirement.	

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

taken if the person taking	taken if the person taking	requirement if the	a special restriction or
it considers, when taking	it considers, when taking	restriction or	requirement unless—
the decision, that the	the decision, that the	requirement is imposed	
restriction or requirement	restriction or requirement	directly by the	(a) the regulations are
is proportionate to what	is proportionate to what is	regulations.	made in response to
is sought to be achieved	sought to be achieved by		a serious and
by imposing it.	imposing it.		imminent threat to
			public health, or
(3) Regulations under	(3) Regulations under		
section 45C may not	paragraph 1(1) may not		(b) the imposition of the
include provision	include provision		special restriction or
imposing a special	imposing a special		requirement is
restriction or requirement	restriction or requirement		expressed to be
mentioned in section	mentioned in paragraph		contingent on there
45G(2)(a), (b), (c) or (d).	4(2)(a), (b), (c) or (d).		being such a threat
			at the time when it is
(4) Regulations under	(4) Regulations under		imposed.
section 45C may not	paragraph 1(1) may not		
include provision	include provision		For the purpose of this
enabling the imposition	enabling the imposition of		section, the regulations
of a special restriction or	a special restriction or		"enable the imposition of" a
requirement unless—	requirement unless—		restriction or requirement if
			the restriction or
(a) the regulations are	(a) the regulations are		requirement is imposed by
made in response to	made in response to		virtue of a decision taken
a serious and	a serious and		under the regulations by the
imminent threat to	imminent threat to		Scottish Ministers, a local
public health, or	public health, or		authority, a health board or
	p, 21		other person.
(b) imposition of the	(b) imposition of the		
restriction or	restriction or		
requirement is	requirement is		
expressed to be	expressed to be		
contingent on there	contingent on there		
being such a threat	being such a threat		
being such a threat	peing such a threat		

at the time when it is	at the time when it is
imposed.	imposed.
(5) For the purposes of this	(5)For the purposes of this
section—	paragraph—
	(a) regulations "enable
(a) regulations "enable	the imposition of a
the imposition of a	restriction or
restriction or	requirement" if the
requirement" if the	restriction or
restriction or	requirement is
requirement is	imposed by virtue of
imposed by virtue of	a decision taken
a decision taken	under the regulations
under the regulations	by the Scottish
by the appropriate	Ministers, a local
Minister, a local	authority, health
authority or other	board or other
person;	person;
	(b) regulations "impress
(b) regulations "impose	(b) regulations "impose
a restriction or	a restriction or
requirement" if the	requirement" if the
restriction or	restriction or
requirement is	requirement is
imposed without any	imposed without any
such decision.	such decision.

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
		Section 1 inserts new Section 86D:
 Regulations under section 45B or 45C may not include provision requiring a person to undergo medical treatment. 	(1) Regulations under paragraph 1(1) may not include provision requiring a person to undergo medical treatment.	 (1) Regulations under section 86A(1) may not include provision requiring a person to undergo medical treatment.
(2) "Medical treatment" includes vaccination and other prophylactic treatment.	(2) "Medical treatment" includes vaccination and other prophylactic treatment.	(2) "Medical treatment" includes vaccination and other prophylactic treatment.

PH(CD) Act	Coronavirus Act 2020	C(RR) Bill
45C Health protection	Schedule 19, para 4:	Section 1: Special
regulations: domestic	Special restrictions and	restrictions and
regulatione: democtio	requirements	requirements
(4) The restrictions or	(1) For the purposes of this	Section 1 inserts new
requirements mentioned	Schedule—	Section 86E:
in subsection (3)(c)		Section BOE.
include in particular	(a) a "special restriction	(1) In this Part, a "special
	or requirement"	restriction or
(a) a requirement that a	means a restriction	requirement" means a
child is to be kept	or requirement	restriction or
away from school,	mentioned in sub-	requirement mentioned
(b) a prohibition or	paragraphs (2) to	in subsections (2) to (5).
restriction relating to	(4), but	
the holding of an	(b) a restriction or	(2) In relation to a person,
event or gathering,	requirement	the restriction or
(c) a restriction or	mentioned in	requirement referred to
requirement relating	paragraph 1(4)(a),	in subsection (1) is that
to the handling,	(b) or (c) is not to be	the person—
transport, burial or cremation of dead	regarded as a	(a) submit to modical
bodies or the	special restriction or requirement.	(a) submit to medical examination,
handling, transport	requirement.	(b) be removed to a
or disposal of human	(2) In relation to a person,	hospital or other
remains, and	that the person—	suitable
(d) a special		establishment,
restriction or	(a) submit to medical	(c) be detained in a
requirement.	examination;	hospital or other
-		suitable
[]	(b) be removed to a	establishment,
	hospital or other	(d) be kept in quarantine
(6) For the purposes of this	suitable	(within the meaning
Part—	establishment;	of section 39(4)),
(a) a "special restriction		(e) be disinfected or
or requirement"	(c) be detained in a	decontaminated,
means a restriction	hospital or other suitable	(f) wear protective clothing,
or requirement which can be imposed by a	establishment;	(g) provide information
justice of the peace	establishment,	or answer questions
by virtue of section	(d) be kept in isolation	about the person's
45G(2), 45H(2) or	or quarantine;	health or other
45I(2), but		circumstances,
(b) a restriction or	(e) be disinfected or	(h) has the person's
requirement	decontaminated;	health monitored and
mentioned in		the results reported,
subsection (4)(a), (b)	(f) wear protective	(i) attend training or
or (c) is not to be	clothing;	advice sessions on
regarded as a		how to reduce the
special restriction or	(g) provide information	risk of infecting or
requirement.	or answer questions	contaminating
	about the person's	others,
	health or other	(i) be subject to
	circumstances;	(j) be subject to restrictions as to

(h)	has their health	where the person
	monitored and the	may go or with
	results reported;	whom the person
		has contact,
(i)	attend training or	
	advice sessions on	(k) abstain from working
	how to reduce the	or trading.
	risk of infecting or	
	contaminating	(3) Where regulations
	others;	enable the imposition of
		a requirement to submit
(j)	be subject to	to medical examination,
	restrictions as to	section 35 applies to
	where the person	that examination in the
	may go or with	same way as it applies
	whom the person	to an examination
	has contact;	authorised by virtue of
	-	an order under section
(k)	abstain from working	34(1).
	or trading.	
	0	(4) In relation to a thing, the
(3) In re	elation to a thing—	restriction or
	that the thing be	requirement referred to
()	seized or retained;	in subsection (1) is—
(b)	that the thing be kept	
()	in isolation or	(a) that the thing be
	quarantine;	seized or detained,
(c)	that the thing be	(b) that the thing be kept
(0)	disinfected or	in quarantine,
	decontaminated;	(c) that the thing be
(d)	in the case of a dead	disinfected or
(4)	body, that the body	decontaminated,
	be buried or	(d) that the vector, agent
	cremated;	or source of any
(e)	in any other case,	infection or
(0)	that the thing be	contamination be
	destroyed or	removed,
	disposed of.	(e) in the case of a dead
		body, that the body
(4) In	relation to	be buried or
· · /	emises—	cremated,
	that the premises be	(f) in any other case,
(ຝ)	closed;	that the thing be
(h)	that, in the case of a	destroyed or
(u)	conveyance or	disposed of.
	movable structure,	(5) In relation to premises,
		the restriction or
	the conveyance or structure be	requirement referred to in
(-)	detained;	subsection (1) is—
(C)	that the premises be	
	disinfected or	(a) that the premises be
(_I)	decontaminated;	closed,
(a)	that, in the case of a	(b) that, in the case of a
	building, conveyance	vehicle or movable
	or structure, the	

Section 45(G)(2) The order may impose on or in relation to P one or more of the following restrictions or requirements— (a) that P submit to medical examination; (b) that P be removed to a hospital or other suitable establishment; (c) that P be detained in a hospital or other suitable establishment; (d) that P be kept in isolation or quarantine; (e) that P be disinfected or decontaminated; (f) that P wear protective clothing;	premises be destroyed. (5) For the purposes of this paragraph— "hospital" has the meaning given in section 124 of the Public Health etc. (Scotland) Act 2008; "premises" includes any place and, in particular, includes— (a) any vehicle, train, vessel or aircraft, (b) any tent or movable structure, and (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)).	structure, the premises be detained, (c) that the premises be disinfected or decontaminated, (d) that the vector, agent or source of any infection or contamination be removed, (e) that, in the case of a building, structure, mobile home or vehicle, the premises be destroyed.
(e)that P be disinfected or decontaminated;(f) that P wear protective		

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

PH(CD) Act	Coronavirus Act 2020	C(RR) Bill
Section 45F: Health protection regulations: supplementary	Schedule 19, para 5: Health protection regulations:	Section 1: Further provision on content of regulations
	supplementary	
 (1) This section makes further provision about regulations under section 45B or 45C ("health protection regulations"). (2) Health protection regulations may— (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 	 (1) This paragraph makes further provision about regulations under paragraph 1(1). (2) The regulations may— (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; 	 (1) This section makes further provision about regulations under section 86A(1). (2) The regulations may— (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
payment of incentive payments, compensation and expenses; (h) provide for the resolution of	payment of incentive payments, compensation and expenses; (h) provide for the resolution of	restrictions and requirements imposed by virtue of the regulations, (h) permit or prohibit the levying of charges,
disputes. (3) Health protection regulations may, for the	disputes. (3) The regulations may also make— (a) different provision for	 (i) permit or require the payment of incentive payments and expenses,
purposes of giving effect to an international agreement or	different purposes or different areas,	(j) permit the payment of compensation,

arrangement, amend any (b) such incidental, (k) provide for the resolution of disputes. enactment. supplementary, consequential, (4) Health protection transitional or (3) The maximum penalties regulations may not transitory provision that may be imposed in confer functions on as the Scottish relation to offences officers of Revenue and Ministers consider created under the Customs unless the regulations areappropriate. regulations are made (4) The maximum penalties (a) on summary that may be imposed in with the consent of the conviction, Commissioners for Her relation to offences imprisonment for a Majesty's Revenue and created under the period not exceeding Customs. regulations are-12 months or a fine (a) on summary conviction, not exceeding the (5) Health protection imprisonment for a statutory maximum regulations may not period not exceeding 12 (or both), create an offence triable months or a fine not (b) on conviction on on indictment or exceeding the statutory indictment. punishable withmaximum (or both), imprisonment for a (b) on conviction on period not exceeding (a) imprisonment, two years or a fine indictment. F2(b).... imprisonment for a (or both). period not exceeding two years or a fine (or (4) The regulations must both). provide for a right of F3(c).... appeal to the sheriff [F4(5A)Health (5) The regulations must against any decision protection regulations provide for a right of taken under the that create an offence appeal to the sheriff regulations by virtue of punishable with a fine against any decision which a special taken under the and a further fine for restriction or each day on which the regulations by virtue of requirement is imposed default continues after which a special on or in relation to a conviction may not restriction or person, thing or provide for the further requirement is imposed premises. fine to exceed an on or in relation to a amount equal to 2% of person, thing or the greater of £5,000 or premises. level 4 on the standard (6) Regulations that enable a special restriction or scale.] requirement to be (6) Regulations under imposed by virtue of a section 45C must decision taken under provide for a right of the regulations must appeal to a magistrates' also provide that, if the court against any restriction or decision taken under the requirement is capable regulations by virtue of of remaining in force in which a special relation to any person, restriction or requirement thing or premises for is imposed on or in more than a specified period, a specified relation to a person, thing or premises. person may require the continuation of the

restriction or

 (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. (8) In relation to a special restriction or requirement mentioned in section 45G(2)(c) or (d)— (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 (b) the regulations must require the continuation of the restriction or requirement to be reviewed without an application being made. 	 requirement to be reviewed in accordance with the regulations at specified intervals by a person determined in accordance with the regulations. (7) In relation to a special restriction or requirement mentioned in paragraph 4(2)(c) or (d)— (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 (b) the regulations must require the continuation of the restriction or requirement to be reviewed without an application being made. (8) For the purposes of this paragraph "specified in the regulations. 	

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
(e) Regulations under subsection (1) may in particular include provision— []	(1)(3) Regulations under sub-paragraph (1) may in particular include provision— []	Section 1 inserts Section 86H:
(b) conferring on local authorities or other persons functions in relation to the monitoring of public health risks, and	(b) conferring on local authorities, health boards or other persons functions in relation to the monitoring of public health risks, and	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.". (3) In section 122 (regulations and orders)— (a) in subsection (5), after "25(3)," insert "86A(1),", (b) in subsection (6), after "25(3)" insert ", 86A(1)".

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
 (1) The appropriate Minister may by regulations make provision— (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 or contamination or contamination or contamination approaches and the spread of infection or contamination or contamina	[NB: N/A – Travel regs were made using powers from the Public Health etc. (Scotland) 2008.]	 The Public Health etc. (Scotland) Act 2008 is modified as follows. (2) In section 94 (international travel)— (a) in subsection (1)(a)(ii)— 5 (i) after "agreements" insert "or arrangements", (ii) after "contamination" insert "(including any recommendations issued under such agreements or arrangements)", (b) in subsection (2)— 	 (1) The Scottish Ministers may by regulations make provision for the purposes of or in connection with— (a)giving effect to— (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 they have effect in or as
 contamination. (2) Regulations under subsection (1) may in particular include provision— (a) for the detention of conveyances, (b) for the medical examination, detention, isolation or quarantine of persons, (c) for the inspection, analysis, retention, isolation, 		 paragraph (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 	regards Scotland; (b) protecting public health from risks arising from vehicles— (i) arriving in Scotland; (ii) leaving Scotland. (2) Regulations under subsection (1) may, in particular make provision— (a) for persons to be— (i) medically examined; (ii) quarantined;

quarantine or destruction of	virtue of the regulations, (ic)	(iii) detained;
things,	providing for appeals from and	(b) for persons to be required to
(d) for the disinfection or	reviews of restrictions and	provide information or answer
decontamination of	requirements imposed by	questions (including information
conveyances, persons or	virtue of the regulations, (id)	or questions relating to health);
things or the application of	permitting or requiring the	(c) for vehicles to be detained;
other sanitary measures,	payment of incentive payments	(d) for prohibitions or restrictions
(e) for prohibiting or regulating	or expenses, 20 (ie) permitting	on—
the arrival or departure of	the payment of compensation,	(i) the entry and departure of
conveyances and the entry or	(if) providing for the resolution	persons or things;
exit of persons or things,	of disputes,",	(ii) the arrival and leaving of
(f) imposing duties on masters,	(iii) in paragraph (j), after	vehicles;
pilots, train managers and	"permitting" insert "or	(e) for things to be—
other persons on board	prohibiting",	(i) inspected;
conveyances and on owners		(ii) tested;
and managers of ports,	(c) after subsection (2) insert—	(iii) detained;
airports and other points of		[insert: "(iv) kept in quarantine,]
entry, and	"(2A) 25 Regulations under	(iv) destroyed;
(g) requiring persons to provide	subsection (1) may not include	(f) for persons, vehicles or things to
information or answer	provision requiring persons to	be—
questions (including	undergo medical treatment.	(i) disinfected;
information or questions	-	(ii) disinfested;
relating to their health).	(2B) In subsection (2A),	(iii) decontaminated;
	"medical treatment" includes	(g) for the imposition of obligations
	vaccination and other	on—
	prophylactic treatment.".	(i) masters of ships;
		(ii) pilots of aircraft;
		(iii) other persons on board
		vehicles;
		(iv) owners and managers of
		ports and airports;
		(h) conferring functions—
		(i) on the Scottish Ministers;
		(ii) on other persons;
		(i) creating offences;

[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.
lincort: "(2A) 25 Pequilations under
[insert: "(2A) 25 Regulations under
subsection (1) may not include
provision requiring persons to undergo
medical treatment.
(2B) In subsection (2A), "medical
treatment" includes vaccination and
other prophylactic treatment.".]

	(3) Regulations under subsection (1) may modify any enactment (including this Act).
	 (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.
	 (5) Those penalties are— (a) on summary conviction, imprisonment for a period not exceeding 12 months or a fine not exceeding the statutory maximum or both; (b) on conviction on indictment, imprisonment for a period not exceeding 2 years or a fine or both.
	 (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.

PH(CD) Act	Coronavirus Act 2020	C(RR) Bill
Section 74:	Schedule 19: Health protection	Section 3: Meaning of "premises"
Interpretation	regulations	
 "premises" includes any place and, in particular, includes— (a) any vehicle, train, vessel or aircraft, (b) any tent or movable structure, and (c) any offshore installation (as defined in section 12(1) of the Mineral Workings (Offshore Installations) Act 1971); 	 Special restrictions and requirements Para 4: (5) For the purposes of this paragraph— "hospital" has the meaning given in section 124 of the Public Health etc. (Scotland) Act 2008; "premises" includes any place and, in particular, includes— (a) any vehicle, train, vessel or aircraft, (b) any tent or movable structure, and (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)). 	 Section 3 inserts: (1) The Public Health etc. (Scotland) Act 2008 is modified as follows. (2) In section 123 (meaning of "premises")— (a) in the definition of "premises", in paragraph (b)— (i) before sub-paragraph (i) insert— "(zi) a tent or other moveable structure,", (ii) after sub-paragraph (i), the word "and" is repealed, (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)).", (b) in the definition of "mobile home"— (i) for "means" substitute "includes", (ii) for ", houseboat or other moveable structure" substitute "or houseboat"