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## COVID-19 Committee

# Subordinate legislation considered by the Covid-19 Committee on 7 October 2020



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# COVID-19 Committee

Remit: To consider and report on the Scottish Government's response to COVID-19 including the operation of powers under the Coronavirus (Scotland) Act, the Coronavirus Act and any other legislation in relation to the response to COVID-19 and any secondary legislation arising from the Coronavirus (Scotland) Act and any other legislation in relation to the response to COVID-19.



<https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/114991.aspx>



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# Committee Membership



**Convener**  
**Donald Cameron**  
Scottish Conservative  
and Unionist Party



**Deputy Convener**  
**Monica Lennon**  
Scottish Labour



**Willie Coffey**  
Scottish National Party



**Maurice Corry**  
Scottish Conservative  
and Unionist Party



**Annabelle Ewing**  
Scottish National Party



**Stuart McMillan**  
Scottish National Party



**Shona Robison**  
Scottish National Party



**Mark Ruskell**  
Scottish Green Party



**Beatrice Wishart**  
Scottish Liberal  
Democrats

# Introduction

1. This report sets out the Covid-19 Committee's consideration of Scottish Statutory Instruments ('SSIs') at its meeting on 7 October 2020. The minutes of the meeting have been published on the [Committee's webpages](#). The Official Report of the meeting will be published by 6pm on Wednesday, 7 October 2020 on the [Committee's webpages](#).
2. The Committee also took evidence on SSIs within the scope of this report at its meeting on 30 September 2020 and the [Official Report](#) and [Minutes](#) of that meeting have been published on the [Committee's webpages](#).

# The Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 (SSI 2020/ 279)

3. The Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 (SSI 2020/279) were laid on 11 September 2020.
4. The [Policy Note](#) states that—
  - ” These Regulations revoke and replace the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (“the previous regulations”). These Regulations make provision for the purpose of enabling a number of emergency public health measures to be taken to reduce the public health risks posed by the spread of covid-19.

These Regulations replicate the previous restrictions and requirements in full with the exception of a few changes and minor typographical changes throughout. The Regulations introduce a new expiry date in order to align with the proposed extension of Parts 1 of the Coronavirus (Scotland) Act 2020 and the Coronavirus (Scotland) (No.2) Act 2020, which will both expire on 31 March 2021 subject to the approval by Parliament of the amendment to the expiry date of Part 1 of each Act by virtue of the Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2020. The Regulations also adjust the restriction on parties in private dwellings to ensure student accommodation is appropriately covered by the existing restrictions. The Regulations introduce new restrictions on public and private gatherings, setting out that gatherings of no more than 6 people from no more than 2 households are restricted, with the exception of some limited circumstances. The Regulations also adjust the previous provisions relating to face coverings to ensure that customers and staff are required to wear face coverings, in certain circumstances, within a hospitality venue. These Regulations also ensure marriage and civil partnership receptions and funeral wakes are no longer restricted by the gathering limit, now 6 people from 2 households.
5. The DPLR Committee considered SSI 2020/279 at its meeting on [29 September 2020](#) and had no points to raise.
6. The Covid-19 Committee took evidence from the Cabinet Secretary for the Constitution, Europe and External Affairs at its meeting on 7 October 2020. At this meeting, the Cabinet Secretary moved Motion [S5M-22704](#) in his name – That the COVID-19 Committee recommends that the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 (SSI 2020/279) be approved.
7. The motion was agreed to without division.

8. The Covid-19 Committee agreed Motion S5M-22704.



# The Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Amendment Regulations 2020 (SSI 2020/300)

9. The Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Amendment Regulations 2020 (SSI 2020/300) were laid on 25 September 2020.
10. The [Policy Note](#) states that—
  - ” These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 (“the principal regulations”) to require certain hospitality venues to close between 10pm and 5am. They also require that a person responsible for a relevant hospitality premises only sells food or drink for consumption on those premises if persons consume the food and drink while sitting at a table. The Regulations make provision for the circumstances in which persons 17 years of age and under are not to be included for the purpose of counting the number of households or persons participating in a gathering in a public space or private dwelling. The Regulations also set out that a person must not attend a gathering in a private dwelling unless an exemption applies such as where the gathering takes place outdoors and consists of no more than six persons from no more than two households, or where the gathering is facilitating shared parenting arrangements.
11. The DPLR Committee considered SSI 2020/300 at its meeting on [6 October 2020](#) and had no points to raise.
12. The Covid-19 Committee took evidence from the Cabinet Secretary for the Constitution, Europe and External Affairs at its meeting on 7 October 2020. At this meeting, the Cabinet Secretary moved Motion [S5M-22856](#) in his name- That the COVID-19 Committee recommends that the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Amendment Regulations 2020 (SSI 2020/300) be approved.
13. The motion was agreed to without division.
14. The Covid-19 Committee agreed Motion S5M-22856.

