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COVID-19 Committee

Subordinate legislation considered by the Covid-19 Committee at its meeting on 17 December 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.



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Introduction

1. This report sets out the Covid-19 Committee's consideration of Scottish Statutory Instruments ('SSIs') at its meeting on 17 December 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 18 December 2020 on the [Committee's webpages](#).
2. The Committee also took evidence on SSIs in their draft form that are within the scope of this report at its meetings on:
 - 26 November 2020 (SSI 2020/400 [draft]): the [Official Report](#) and [Minutes](#) of that meeting have been published on the [Committee's webpages](#).
 - 3 December 2020 (SSI 2020/415 [draft]): the [Official Report](#) and [Minutes](#) of that meeting have been published on the [Committee's webpages](#).
 - 10 December 2020 (SSI 2020/427 [draft]): the [Official Report](#) and [Minutes](#) of that meeting have been published on the [Committee's webpages](#).

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 5) Regulations 2020 (SSI 2020/400)

3. The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 5) Regulations 2020 (SSI 2020/400) were laid on 26 November. The instrument was made in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020 (“the Act”). The instrument is subject to made affirmative procedure by virtue of paragraph 6(3) of schedule 19 of the Act.
4. The [policy note](#) states that—
 - ” “These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 to allow students to return home at the end of term 1 of academic year 2020-21. The Regulations permit an “end of term household” to be formed and also allow travel across different areas if the purpose is to facilitate the formation of an end of term household.”
5. The Delegated Powers and Law Reform ('DPLR') Committee considered SSI 2020/400 at its meeting on [8 December 2020](#) and had no points to raise.
6. At the Covid-19 Committee's meeting on 17 December 2020, the Cabinet Secretary for the Constitution, Europe and External Affairs, Michael Russell MSP, moved Motion [S5M-23534](#) in his name— That the COVID-19 Committee recommends that the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 5) Regulations 2020 (SSI 2020/400) be approved.
7. The motion was agreed to.
8. The Covid-19 Committee agreed Motion S5M-23534.

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 6) Regulations 2020 (SSI 2020/415)

9. The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 6) Regulations 2020 (SSI 2020/415) were laid on 3 December. The instrument was made in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020 (“the Act”). The instrument is subject to made affirmative procedure by virtue of paragraph 6(3) of schedule 19 of the Act.

10. The [policy note](#) states that—

” “These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 to modify the principal regulations during the period from and including 23 December 2020 to 27 December 2020. The Regulations add a new definition of “holiday gathering” and include attending a holiday gathering as an exception to the restrictions on gatherings in private dwellings and outdoor public places. It also adds gathering as a holiday gathering to the list of reasonable excuse examples for the travel restrictions in Level 3 or 4 areas, or within the common travel area. The Regulations also make special provision for travel to or from Northern Ireland on 22 December 2020.

The Regulations also amend the principal Regulations to allow holiday accommodation in Level 4 areas to be provided to a person attending a marriage ceremony or civil partnership registration or to facilitate shared parenting arrangements.”

11. The Delegated Powers and Law Reform ('DPLR') Committee considered SSI 2020/415 at its meeting on [15 December 2020](#) and had no points to raise.

12. At the Covid-19 Committee's meeting on 17 December 2020, the Cabinet Secretary for the Constitution, Europe and External Affairs, Michael Russell MSP, moved Motion [S5M-23603](#) in his name— That the COVID-19 Committee recommends that the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 6) Regulations 2020 (SSI 2020/415) be approved.

13. After debate, the motion was agreed to (by division: For 6, Against 0, Abstentions 1).

14. The Covid-19 Committee agreed Motion S5M-23603.

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 7) Regulations 2020 (SSI 2020/427)

15. The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 7) Regulations 2020 (SSI 2020/427) were laid on 10 December. The instrument was made in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020 (“the Act”). The instrument is subject to made affirmative procedure by virtue of paragraph 6(3) of schedule 19 of the Act.
16. The [policy note](#) states that—
 - ” “These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 to set out changes to the levels that apply to 16 local government areas of Scotland. Most of these changes will come into effect at 6pm on 11 December, with the exception of retail, close contact services and betting shops currently in Level 4 areas which will be able to open from 6am on that day. These Regulations also allow for in-home socialisation in Level 1 islands, which are not connected to the mainland by a road bridge. These Regulations adjust the restrictions on travel to ensure people can travel to Republic of Ireland, with the exception of County Donegal, but are not permitted to travel to Jersey. Finally, there are adjustments to the reasonable excuses for travelling to certain areas over the Christmas period to cover the Republic of Ireland and Jersey.”
17. The Delegated Powers and Law Reform ('DPLR') Committee considered SSI 2020/427 at its meeting on [15 December 2020](#) and had no points to raise.
18. At the Covid-19 Committee's meeting on 17 December 2020, the Cabinet Secretary for the Constitution, Europe and External Affairs, Michael Russell MSP, moved Motion [S5M-23683](#) in his name—That the COVID-19 Committee recommends that the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 7) Regulations 2020 (SSI 2020/427) be approved.
19. The motion was agreed to.
20. The Covid-19 Committee agreed Motion S5M-23683.

