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COVID-19 Committee

Report on subordinate legislation: The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 2) Regulations 2020



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COVID-19 Committee

Report on subordinate legislation: The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 2) Regulations 2020, 1st Report (Session 5)

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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Committee Membership



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Scottish National Party



Stewart Stevenson
Scottish National Party



Adam Tomkins
Scottish Conservative
and Unionist Party



Beatrice Wishart
Scottish Liberal
Democrats

Introduction

1. At its meeting on 29 April 2020, the Committee took evidence from Michael Russell MSP, Cabinet Secretary for Constitution, Europe and External Affairs, on [SSI 2020/126: The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 2\) Regulations 2020](#) (“the Regulations”)
2. The official report of the evidence session is available on the [Committee's website](#).
3. The Delegated Powers and Law Reform Committee considered the Regulations on 28 April and had no issues to report.

The Regulations

4. The Explanatory Note states that the Regulations “are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of coronavirus in Scotland.”
5. The Policy Note explains that the Scottish Government previously brought forward the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (“the Principal Regulations”) using powers conferred by the UK Coronavirus Act. The Principal Regulations came into force on 26 March 2020.
6. The Policy Note states that the Regulations under consideration at this meeting would amend the Principal Regulations in five areas as follows—
 - To strengthen measures relating to social distancing in business premises by giving enforcement powers to police and local authorities so that “where a business is unreasonably not following social distancing rules they can be fined or, ultimately, prosecuted.”
 - To permit hotels and other accommodation services to take online bookings and provide information for future dates when such services are no longer restricted by the Principal Regulations.
 - To make a technical change to the provision on the closure of crematoriums to the public. This clarifies that while crematoriums are closed to the public (except for funerals), burial grounds remain open to the public.
 - To provide an explicit reference to livestock markets as businesses that may remain open during the emergency period given their vital role in maintaining Scotland’s food supply chain.
 - To extend the list of money service businesses that may stay open during the emergency period (including, for example, currency exchange services and savings clubs).
7. The Policy Note confirms that there has been no public consultation on this SSI.
8. An Equality Impact Assessment (EQIA) was published alongside the Regulations. This includes an assessment of the impact of the proposed changes on each of the protected characteristics and confirms that the Scottish Government does not think that there will be any adverse impact on any of these groups as a result of the Regulations.
9. The EQIA also confirms that—

“All measures contained in the Principal Regulations are time-limited and will expire at the end of the period of six months beginning with the day on which they come into force. Moreover, the Principal Regulations are subject to a requirement to keep restrictions or requirements under review and for those to be lifted as soon as they are no longer deemed necessary to prevent, protect against or control the incidence or the spread of coronavirus.”

10. The Policy Note confirms that no other impact assessments have been prepared due to the urgent nature of the Regulations.

Decision

11. Following evidence, the Cabinet Secretary moved motion S5M-21572-

That the COVID-19 Committee recommends that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 2) Regulations 2020 (SSI 2020/126) be approved.

The Covid-19 Committee agreed motion S5M-21572.

