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COVID-19 Committee

Subordinate Legislation: The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 4) Regulations 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. At its meeting on 24 June 2020, the Committee took evidence from Michael Russell MSP, Cabinet Secretary for Constitution, Europe and External Affairs, on [SSI 2020/182: The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 4\) 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 23 June and had no issues to report.

Background

4. The UK Coronavirus Act 2020 received royal assent on 25 March and conferred powers on the Scottish Government to bring forward its own legislation to address the Covid-19 pandemic.
5. The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (“the principal regulations”) were laid and came into force on 26 March and were approved by the Parliament on 1 April. These regulations were intended “to ensure that action to implement social distancing and impose restrictions on gatherings, events and operation of business activity can be enforced.” Under the regulations, Scottish Ministers are required 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.”
6. The Cabinet Secretary wrote to the Committee on 28 May to inform it that the Scottish Government had completed its three-weekly review of the lockdown regulations and had concluded that the regulations remained necessary. However, the Government had concluded that sufficient progress had been made in suppressing the virus to enable it to move to Phase 1 of its [Covid-19: Framework for Decision Making – Scotland’s route map through and out of the crisis](#)
7. The Committee considered regulations in respect of the move to Phase 1 on 3 June and agreed to recommend that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 3) Regulations 2020 (SSI 2020/164) be approved. The Parliament then approved them on 10 June.
8. The Cabinet Secretary wrote to the Committee again on 18 June to inform it that the Scottish Government had completed a further review and had “concluded that the regulations remain necessary but we have seen sufficient progress in suppressing the virus to enable us to begin a staged implementation of Phase 2” of the route map. An updated route map, showing the staged implementation of Phase 2, has been published on the [Scottish Government website](#) along with [updated guidance](#).
9. The letter confirms that “amending regulations are required to ensure that the requirements and restrictions in place reflect our current stage in the control of coronavirus.” To this end, the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 4) Regulations 2020 were laid before the Parliament on 18 June.

The Regulations

10. The [Policy Note](#) states that the Regulations amend the principal regulations in the following areas—
 - To increase the number of households that may meet outdoors on the same day from two to three (up to a maximum of eight people and maintaining physical distancing of at least two metres)
 - To permit “a member of an extended household to visit, provide assistance or to stay with the household which forms the other part of the extended household.”
 - To permit individuals to enter a place of worship for individual contemplation or prayer (in small numbers and maintaining physical distancing – communal services would remain prohibited)
 - To permit accommodation providers to offer accommodation to a person who is travelling for work or to provide voluntary or charitable services.
 - To make it unlawful for passengers to use public transport without wearing face coverings (unless they have a reasonable excuse for not doing so) and to grant powers to the police to issue a Fixed Penalty Notice if such an offence has been committed.
 - To permit businesses listed in Part 2 of schedule 1, to take preparatory steps to ensure compliance with physical distancing measures when they are allowed to reopen. This includes a range of leisure, arts and cultural premises, businesses providing health, beauty and body art services, and outdoor markets, car showrooms, auction houses and betting shops.
11. The Policy Note states that the changes relating to meeting other households, extended households and accommodation provision took effect from 19 June whilst those relating to places of worship and the wearing of face coverings on public transport came in to force on 22 June.

Decision

12. Following evidence, the Cabinet Secretary moved S5M-22097: That the COVID-19 Committee recommends that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 4) Regulations 2020 be approved.

13. The motion was agreed to without division.

14. The Covid-19 Committee agreed motion S5M-22097.

