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COVID-19 Committee

Subordinate Legislation: The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 3) Regulations 2020 SSI 2020/164



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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 3 June 2020, the Committee took evidence from Michael Russell MSP, Cabinet Secretary for Constitution, Europe and External Affairs, on [SSI 2020/164: The Health Protection \(Coronavirus\) \(Restrictions\) \(Scotland\) Amendment \(No. 3\) Regulations 2020](#).
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 2 June and had no issues to report.

The Regulations

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 principle 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 has 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](#). The letter was published as part of the [meeting papers](#).
7. The [Policy Note](#) confirms that the Regulations amend the principle regulations in the following areas—
 - To permit outdoor recreation with members of the same or of one other household.
 - To permit garden centres and recycling/waste disposal facilities to open subject to appropriate physical distancing measures and to provide that visiting a such facilities qualifies as a “reasonable excuse” to be outdoors.
 - To permit the reopening of tennis and bowling clubs.
 - To permit certain business premises to take preparatory steps in advance of reopening to ensure future compliance with social distancing measures.
 - To make technical amendments to the principle regulations to provide that any termination of a lockdown measure must be by amending regulations (rather than by direction of Ministers).
8. During evidence, the Cabinet Secretary undertook to provide further information to the Committee on the drafting of the regulations, namely, on why references to the “emergency period” had been removed.
9. The letter can be accessed on the [Committee's website](#) and states that “The removal of the term ‘emergency period’ is a technical change consequent on the replacement of the use of directions with regulations. The removal of the term in no way suggests any general reduction in our approach.”

10. A further letter in relation to points raised by members in respect of betting shops and recreational flying will be provided in due course.

Decision

11. Following evidence, the Cabinet Secretary moved motion Motion S5M-21871: That the COVID-19 Committee recommends that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 3) Regulations 2020 (SSI 2020/164) be approved.
12. The motion was agreed to without division

The Covid-19 Committee agreed motion S5M-21871.

