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COVID-19 Committee

Subordinate Legislation considered by the Covid-19 Committee at its meeting on 16th September 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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Committee Membership



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Deputy Convener
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Scottish National Party



Ross Greer
Scottish Green Party



Shona Robison
Scottish National Party



Stewart Stevenson
Scottish National 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 16 September 2020. The minutes of the meeting have been published on the [Committee's website](#). These note that apologies were received from Ross Greer MSP, Stewart Stevenson MSP and Beatrice Wishart MSP. Alison Johnstone MSP attended as a substitute for Ross Greer MSP and Sandra White MSP attended the meeting as a substitute for Stewart Stevenson MSP. Graham Simpson MSP was also in attendance. The Official Report of the meeting will be published by 6.00pm on Thursday, 17 September 2020 on the [Committee's website](#).
2. The Committee also took evidence on SSIs within the scope of this report at its meeting on 9 September 2020 and the [Official Report](#) and [Minutes](#) of that meeting have been published on the [Committee's website](#).

The Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2020 [draft]

3. The Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2020 [draft] were laid on 24 August 2020.
 4. The [Policy Note](#) states that —
 - ”the purpose of the instrument is to amend the expiry date of Part 1 of the Coronavirus (Scotland) Act 2020 and the Coronavirus (Scotland) (No.2) Act 2020 from 30 September 2020 to 31 March 2021”.
 5. The Delegated Powers and Law Reform (‘DPLR’) Committee reported on this instrument on [1 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 16 September 2020. At this meeting, the Cabinet Secretary moved [Motion S5M-22519](#) in his name— That the COVID-19 Committee recommends that the Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2020 [draft] be approved.
 7. The motion was agreed to without division.
8. The Covid-19 Committee agreed Motion S5M-22519.

The Health Protection (Coronavirus, Restrictions) (Aberdeen City) Amendment Regulations 2020 (SSI 2020/253)

9. The Health Protection (Coronavirus, Restrictions) (Aberdeen City) Amendment Regulations 2020 (SSI 2020/253) were laid on 24 August 2020.
10. The [Policy Note](#) states that—
 - ” these Regulations amend the restrictions on hospitality businesses and premises in “the protected area”, namely the area of Aberdeen City, to include casinos and to include certain other premises where serving food and drink, otherwise opened up from 24 August”.
11. The DPLR Committee reported on SSI 2020/253 on [1 September 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 16 September 2020. At this meeting, the Cabinet Secretary moved [Motion S5M-22520](#) in the name of Jeane Freeman— That the COVID-19 Committee recommends that the Health Protection (Coronavirus, Restrictions) (Aberdeen City) Amendment Regulations 2020 (SSI 2020/253) be approved.
13. The motion was agreed to without division.

The Covid-19 Committee agreed Motion S5M-22520.

The Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020 (SSI 2020/262)

14. The Health Protection (Coronavirus, Restrictions) (Directions By Local Authorities) (Scotland) Regulations 2020 (SSI 2020/262) were laid on 27 August 2020.

15. The [Policy Note](#) states that—

” "These Regulations make provision for a local authority to give directions relating to specified premises, events and public outdoor places in its area. A direction may only be given if the local authority considers that the necessity and proportionality conditions set out in the regulations are met. Before making a direction under these Regulations, a local authority must have regard to any guidance issued by the Scottish Ministers.

The local authority must review the direction at least once every 7 days and it must be revoked or revoked and replaced when it is determined on review that the requirements of necessity and proportionality are no longer met. The local authority must publicise the making of a direction given under these Regulations and inform any neighbouring local authority that such a direction has been made.

These Regulations set out that Fixed Penalty Notices (FPNs) issued to a person under regulation 8 of the Health Protection (Coronavirus, Restrictions) (Aberdeen City) Regulations 2020 and regulation 9 of the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 will be taken into account in determining the penalty payable where a FPN is issued under these Regulations. Regulation 14 makes a parallel amendment to the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 in order that FPNs issued under these Regulations will be taken into account in determining the penalty payable in relation to a FPN issued under them".

16. The DPLR Committee reported on SSI 2020/262 on [8 September 2020](#) and had no points to raise.

17. The Covid-19 Committee took evidence from the Cabinet Secretary for the Constitution, Europe and External Affairs at its meeting on 16 September 2020. At this meeting, the Cabinet Secretary moved [Motion S5M-22574](#) in the name of Jeane Freeman— That the COVID-19 Committee recommends that the Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020 (SSI 2020/262) be approved.

18. The motion was agreed to without division.

The Covid-19 Committee agreed Motion S5M-22574.

