



The Scottish Parliament
Pàrlamaid na h-Alba

Published 11 February 2021
SP Paper 937
4th Report, 2021 (Session 5)

COVID-19 Committee

Subordinate legislation considered by the Covid-19 Committee at its meeting on 11 February 2021



Published in Scotland by the Scottish Parliamentary Corporate Body.

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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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Scottish National Party



John Mason
Scottish National Party



Stuart McMillan
Scottish National Party



Mark Ruskell
Scottish Green 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 11 February 2021. 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 15 February 2021 on the [Committee's webpages](#).
2. At its meeting on 28 January 2021, the Committee took evidence from the Cabinet Secretary for the Constitution, Europe and External Affairs on SSI 2021/49, in its draft form. The [Official Report](#) and [minutes](#) of that meeting have been published on the [Committee's webpages](#).

The Health Protection (Coronavirus) (Restrictions and Requirements) (Miscellaneous Amendment) (Scotland) Regulations 2021 (SSI 2021/49)

3. The Health Protection (Coronavirus) (Restrictions and Requirements) (Miscellaneous Amendment) (Scotland) Regulations 2021 (SSI 2021/49) were laid on 28 January 2021. The instrument was made in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020. 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 provide that premises which are required to close to the public to in Level 3 and 4 areas may be used for purposes connected to an election if they are suitable premises which a returning officer or electoral registration officer has requested the use of in connection with the carrying out of any of their functions.

These Regulations also remove restrictions on premises used by food and drink businesses in Level 3 areas where such premises are to be used in connection with the carrying out of electoral functions.

These Regulations also make amendments in relation to Level 4 areas to enable places of worship and holiday accommodation premises to be used for purposes in connection with the carrying out of electoral functions.

These Regulations adjust the restrictions on drive-in and drive-through events to make clear that they are not permitted in Level 3 and Level 4 areas.

These Regulations adjust to examples of a reasonable excuse to enter a Level 4 area to bring the marriage, civil partnership and funerals excuses into line with the excuses to leave home for those living in a Level 4 area.

These Regulations extend the expiry date of The Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020 from 31 January 2021 to 31 March 2021. This changes brings the expiry into line with the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020."

5. The Delegated Powers and Law Reform ('DPLR') Committee considered SSI 2021/49 at its meeting on [9 February 2021](#) and had no points to raise.
6. At the Covid-19 Committee's meeting on 11 February 2021, the Cabinet Secretary for Health and Sport, Jeane Freeman MSP, moved [Motion S5M-24002](#) in Michael Russell MSP's name— That the COVID-19 Committee recommends that the Health Protection (Coronavirus) (Restrictions and Requirements) (Miscellaneous

Amendment) (Scotland) Regulations 2021 (SSI 2021/49) be approved.

7. The motion was agreed to.

8. The Covid-19 Committee agreed Motion S5M-24002.

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 15) Regulations 2021 (SSI 2021/54)

9. The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 15) Regulations 2021 (SSI 2021/54) were laid on 29 January 2021. The instrument was made in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020. 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 set out changes to the level that applies to Na h-Eileanan Siar, moving from Level 3 to Level 4. All other areas remain in the same level.”

11. The Delegated Powers and Law Reform ('DPLR') Committee considered SSI 2021/49 at its meeting on [9 February 2021](#) and had no points to raise.

12. At the Covid-19 Committee's meeting on 11 February 2021, the Cabinet Secretary for Health and Sport, Jeane Freeman MSP, moved [Motion S5M-24017](#) in Michael Russell MSP's name— That the COVID-19 Committee recommends that the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 15) Regulations 2021 (SSI 2021/54) be approved.

13. The motion was agreed to.

The Covid-19 Committee agreed Motion S5M-24017.

