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COVID-19 Committee

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



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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.



Covid.Committee@parliament.scot

Committee Membership



Convener
Donald Cameron
Scottish Conservative
and Unionist Party



Deputy Convener
Monica Lennon
Scottish Labour



Willie Coffey
Scottish National Party



Maurice Corry
Scottish Conservative
and Unionist Party



Annabelle Ewing
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 March 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 11 March 2021 on the [Committee's webpages](#).

The Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2021 [Draft]

2. The Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2021 [Draft] were laid on 24 February 2021. The instrument was made by the Scottish Ministers in exercise of the powers conferred by section 12(3)(b) of the Coronavirus (Scotland) Act 2020 and section 9(3)(b) of the Coronavirus (Scotland) (No.2) Act 2020 (“the Acts”), and all other powers enabling them to do so. The instrument is subject to the affirmative procedure.
3. 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 Part 1 of the Coronavirus (Scotland) (No.2) Act 2020 from 31 March 2021 to 30 September 2021.”
4. The Delegated Powers and Law Reform ('DPLR') Committee considered the Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2021 [Draft] at its meeting on [2 March 2021](#) and had no points to raise.
5. At its meeting on 4 March 2021, the Covid-19 Committee took evidence from the following witnesses on the Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2021 [Draft]—
 - Michael Clancy OBE, Director, Law Reform, The Law Society of Scotland;
 - Iain Smith, National and Local Policy Manager, Inclusion Scotland;
 - Calum Steele, General Secretary, Scottish Police Federation;
 - Alison Watson, Director, Shelter Scotland.

The [Official Report](#) and [minutes](#) of that meeting have been published on the [Committee's webpages](#).

6. Furthermore, at its meeting on 10 March 2021, the Committee took evidence from the First Minister on the Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2021 [Draft]. The [Official Report](#) and [minutes](#) of that meeting have been published on the [Committee's webpages](#).
7. At the Covid-19 Committee's meeting on 11 March 2021, the Cabinet Secretary for the Constitution, Europe and External Affairs, Michael Russell MSP, moved [Motion S5M-24235](#) in his name— That the COVID-19 Committee recommends that the Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2021 [draft] be approved.

8. After debate, the motion was agreed to (by division: For 7, Against 2, Abstentions 0).

9. The Covid-19 Committee agreed Motion S5M-24235.

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 16) Regulations 2021 (SSI 2021/86)

10. The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 16) Regulations 2021 (SSI 2021/86) were laid on 19 February 2021. The instrument was made in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020 ('the Act'). The instrument is subject to made affirmative procedure by virtue of paragraph 6(3) of schedule 19 of the Act.
11. The [policy note](#) states that—
 - ” These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 to provide that driving lessons and tests may be provided for, or undertaken by certain limited categories of workers in a Level 4 area. Those workers are the police and fire services and employees of bus companies where the company has been appointed to provide employee driving tests and training.”
12. At its meeting on 18 February 2021, the Committee took evidence from the Cabinet Secretary for the Constitution, Europe and External Affairs on the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 16) Regulations 2021 (SSI 2021/86), in its draft form. The [Official Report](#) and [minutes](#) of that meeting have been published on the [Committee's webpages](#).
13. The DPLR Committee considered SSI 2021/86 at its meeting on [2 March 2021](#) and had no points to raise.
14. At the Covid-19 Committee's meeting on 11 March 2021, the Cabinet Secretary for the Constitution, Europe and External Affairs, Michael Russell MSP, moved [Motion S5M-24188](#) in his name— That the COVID-19 Committee recommends that the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 16) Regulations 2021 (SSI 2021/86) be approved.
15. The motion was agreed to.
16. The Covid-19 Committee agreed Motion S5M-24188.

