

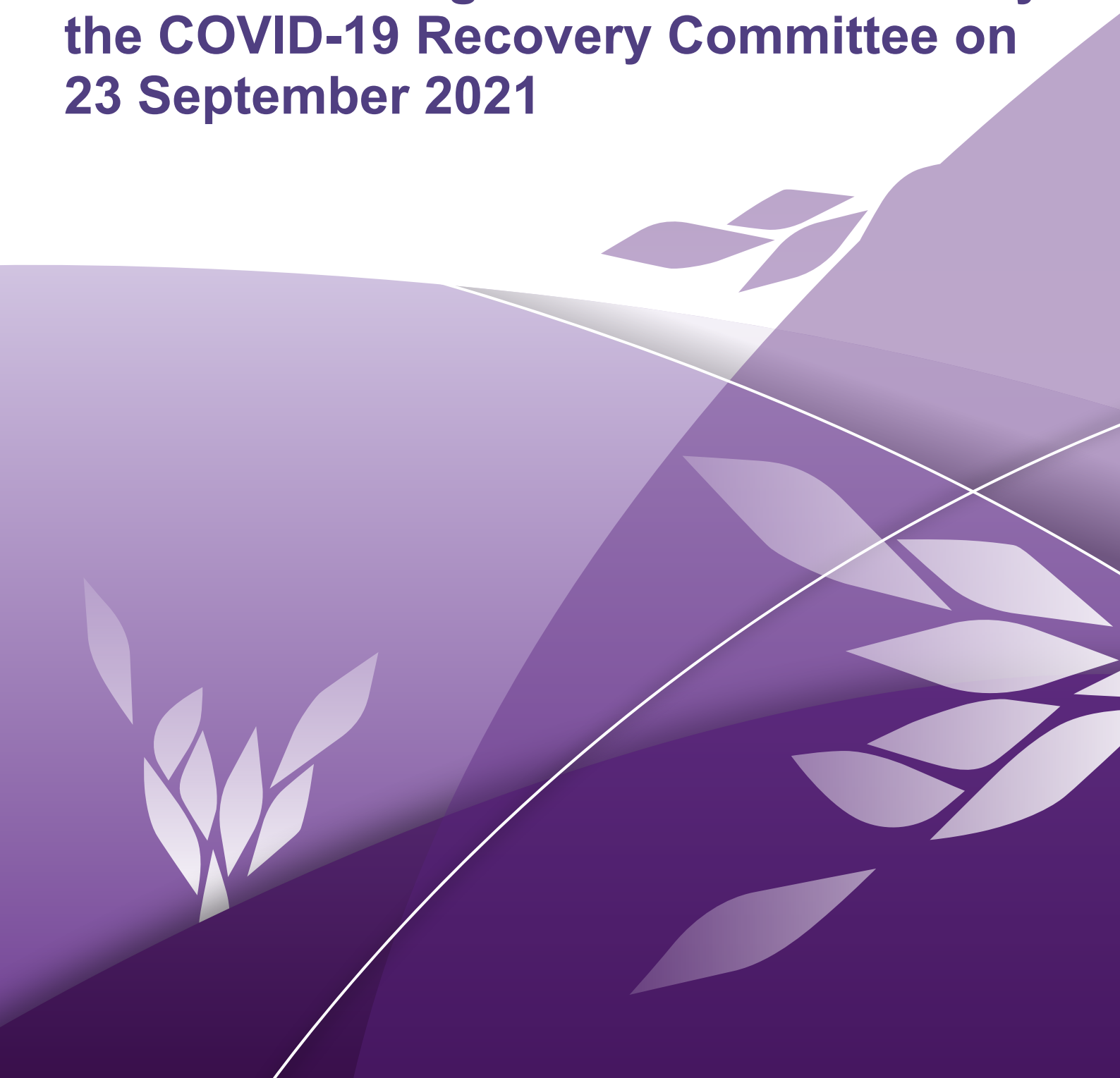


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COVID-19 Recovery Committee

Subordinate Legislation Considered by the COVID-19 Recovery Committee on 23 September 2021



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COVID-19 Recovery Committee

To consider and report on matters relating to COVID-19 falling within the responsibility of the Cabinet Secretary for COVID Recovery and other Scottish Ministers where relevant, including—

- (a) Cross government coordination of COVID-19 recovery policies and strategic review;
- (b) the operation of powers under the Coronavirus (Scotland) Act, the Coronavirus Act and any other legislation in relation to the response to COVID-19;
- (c) any secondary legislation arising from the Coronavirus (Scotland) Act; and
- (d) and any other legislation or policy in relation to the response to COVID-19.



covid19.committee@parliament.scot

Committee Membership



Convener
Siobhian Brown
Scottish National Party



Deputy Convener
Murdo Fraser
Scottish Conservative
and Unionist Party



Jim Fairlie
Scottish National Party



John Mason
Scottish National Party



Alex Rowley
Scottish Labour



Brian Whittle
Scottish Conservative
and Unionist Party

Introduction

1. This report sets out the COVID-19 Recovery Committee's consideration of Scottish Statutory Instruments (SSIs) at its meeting on 23 September 2021. The minutes of the meeting have been published on the Committee's [webpages](#). The Official Report of the meeting will be published on the Committee's [webpages](#) in due course.

The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 17) Regulations 2021 (SSI 2021/301)

2. The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 17) Regulations 2021 (SSI 2021/301) were laid on 3 September 2021. The instrument was made in exercise of the power conferred by sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008 (“the 2008 Act”). The instrument is subject to made affirmative procedure by virtue of section 122(6) and (7) of the 2008 Act.

3. The [policy note](#) states that—

” These Regulations amend the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (“the International Travel Regulations”).

Amendments 3 and 4 open up covid-19 day 2 and 8 to private sector test providers for the purposes of travellers complying with the requirements in the International Travel Regulations, provided they are on a UK Government published list of day 2 and 8 test providers for persons arriving in England.

Amendments 5 to 7 update an exception for seasonal agricultural workers in paragraph 37 of schedule 2 of the International Travel Regulations in relation to the location at which they are required to self-isolate.

4. The Delegated Powers and Law Reform (DPLR) Committee considered SSI 2021/301 at its meeting on [14 September 2021](#) and drew the instrument to the attention of the Parliament under the general reporting ground due to the typographical error in regulation 4(b). The DPLR Committee also noted that the Scottish Government has since rectified the error.

5. In correspondence between the DPLR Committee and the Scottish Government (see the Annex), it advised that this error would be rectified in a provision in the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 18) Regulations 2021 (SSI 2021/307).

6. At the COVID-19 Recovery Committee's meeting on 23 September 2021, the Cabinet Secretary for Net Zero, Energy and Transport, Michael Matheson moved Motion [S6M-01079](#) in his name—That the COVID-19 Recovery Committee recommends that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 17) Regulations 2021 (SSI 2021/301) be approved.

7. The COVID-19 Recovery Committee agreed Motion S6M-01079.

The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 18) Regulations 2021 (SSI 2021/307)

8. The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 18) Regulations 2021 (SSI 2021/307) were laid on 10 September 2021. The instrument was made in exercise of the power conferred by sections 94(1)(b)(i) and 122(2) of the Public Health etc. (Scotland) Act 2008 (“the 2008 Act”). The instrument is subject to made affirmative procedure by virtue of section 122(6) and (7) of the 2008 Act.
9. The [policy note](#) states that—
 - ” These Regulations amend the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020.

They provide for arrangements and exemptions from self-isolation, managed quarantine, day 2 and day 8 testing requirements and from completion of the Passenger Locator Form for persons attending or facilitating the international climate summit known as “COP26” and the COP26 World Leaders Summit, with the exemptions varying for different categories of attendees.

They also correct a technical error in regulation 5F(9)(b) of the International Travel Regulations.
10. The DPLR Committee considered SSI 2021/307 at its meeting on [21 September 2021](#) and had no points to raise.
11. At the COVID-19 Recovery Committee's meeting on 23 September 2021, the Cabinet Secretary for Net Zero, Energy and Transport, Michael Matheson moved Motion [S6M-01186](#) in his name—That the COVID-19 Recovery Committee recommends that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 18) Regulations 2021 (SSI 2021/307) be approved.
12. The COVID-19 Recovery Committee agreed Motion S6M-01186.

The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 19) Regulations 2021 (SSI 2021/319)

13. The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 19) Regulations 2021 (SSI 2021/319) were laid on 15 September 2021. The instrument was made in exercise of the power conferred by sections 94(1)(b)(i) and 122(2) of the Public Health etc. (Scotland) Act 2008 (“the 2008 Act”). The instrument is subject to made affirmative procedure by virtue of section 122(6) and (7) of the 2008 Act.
 14. The [policy note](#) states that—
 - ” These Regulations amend the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020.

They provide an exemption from the requirement to possess and adhere to a managed self isolation package in respect of participation in European professional football club fixtures in Scotland where players in the professional club arriving to play the fixture have departed from or transited through an acute risk country or territory within the preceding 10 days.
 15. The DPLR Committee considered SSI 2021/319 at its meeting on [21 September 2021](#) and had no points to raise.
 16. At the COVID-19 Recovery Committee's meeting on 23 September 2021, the Cabinet Secretary for Net Zero, Energy and Transport, Michael Matheson moved Motion [S6M-01261](#) in his name—That the COVID-19 Recovery Committee recommends that the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 19) Regulations 2021 (SSI 2021/319) be approved.
17. The COVID-19 Recovery Committee agreed Motion S6M-01261.

Annex

Correspondence between the Delegated Powers and Law Reform Committee and the Scottish Government.

Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No.17) Regulations 2021 (SSI 2021/301)

The Scottish Government was asked:

Regulation 4(b) of the instrument inserts paragraph 9, which defines a “private provider”, into regulation 5F of the Health Protection (Coronavirus)(International Travel) (Scotland) Regulations 2020. Paragraph 9(b) states “is currently on the UK Government published list of private day 2 and day 2 test providers for persons arriving in England”. Should the second occurrence of “day 2” refer to “day 8”? Is any corrective action proposed and, if so, what action and when?

The Scottish Government responded:

The Scottish Government replies that it totally agrees that there is an error and day 2 should in the place mentioned read day 8 and that they accordingly intend to rectify the error by including the rectification in an amending instrument scheduled for making this month.

