

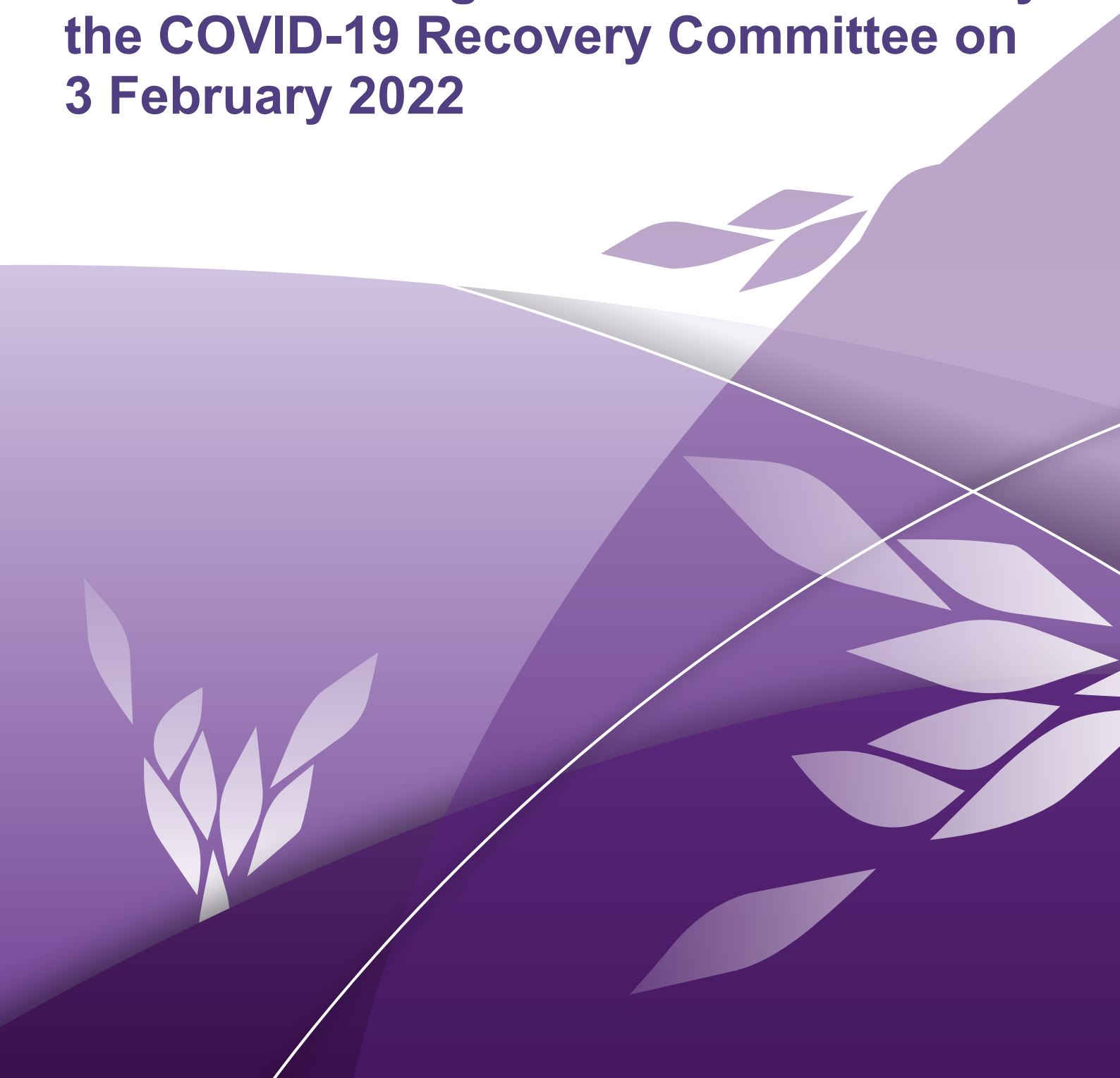


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## **COVID-19 Recovery Committee**

# **Subordinate Legislation Considered by the COVID-19 Recovery Committee on 3 February 2022**



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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.



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# 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 3 February 2022. 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) (Requirements) (Scotland) Amendment (No. 2) Regulations (2022 SSI 2022/13)

2. [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 2\) Regulations \(2022 SSI 2022/13\)](#) were laid on 20 January 2022. 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 paragraphs 6(2) and (3) of schedule 19 of the Act.

3. The [policy note](#) states that—

” **Capacity limits for indoor events, physical distancing, table service and the closure of nightclubs.** In response to the emergence of the Omicron variant of the SARS-CoV-2 virus and its transmission in Scotland in late 2021, the Scottish Government put in place protective measures to reduce the rates of transmission. These included the introduction of capacity limits for indoor live events; a requirement to take measures to ensure, so far as reasonably practicable, that a distance of 1 metre is maintained between people on or waiting to enter hospitality and leisure premises and that only enough people are admitted to the premises to allow the 1 metre distance to be maintained; a requirement for table service in premises where alcohol is sold consumed on the premises, and that the customer must remain seated whilst consuming food and drink on the premises; and a requirement for nightclubs to close to members of the public.

The Scottish Government now considers that the protective measures introduced in December can be lifted in a phased way. The second phase, as set out in this instrument, is the removal of capacity limits on live events indoors as well as removal of the physical distancing requirements, table service requirements and requirements that nightclubs are closed. The first stage of lifting measures came into effect on 17 January 2022 by virtue of The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment Regulations 2022.

**Definitions for Certification requirements.** These regulations also amend paragraph (b) of the definition of ‘late night premises’ in regulation 7E (1) of the principal Regulations. This ensures that certification is required where “there is a dancefloor or space where dancing by customers takes place” (and the other requirements of that definition are met).

4. The Delegated Powers and Law Reform (DPLR) Committee considered SSI 2022/13 at its meeting on 25 January 2022 and it had [no points to raise](#).

5. At the COVID-19 Recovery Committee's meeting on 3 February 2022, the Deputy First Minister and Cabinet Secretary for COVID Recovery, John Swinney, moved the following motion in his name—

[S6M-02894](#)—That the COVID-19 Recovery Committee recommends that the Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 2)

Regulations 2022 (SSI 2022/13) be approved.

6. **The COVID-19 Recovery Committee agreed Motion S6M-02894.**



# The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 2) Regulations 2022 (SSI 2022/25)

7. [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 2\) Regulations 2022 \(SSI 2022/25\)](#) were laid on 26 January 2022. 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 instrument is subject to made affirmative procedure by virtue of section 122(6) of the Act.
8. The [policy note](#) states that—
  - ” This instrument adds the DNA (Dynamic New Athletics) event which is an indoor athletics event due to take place on 5 February 2022 at Emirates Arena, Glasgow to the list of specified competitions in Part 1 of Schedule 6. The policy objective is to allow international sportspeople and ancillary staff coming to Scotland to compete in this event to be eligible for the elite sportsperson exemption.
9. The Delegated Powers and Law Reform (DPLR) Committee considered SSI 2022/25 at its meeting on 1 February 2022 and had [no points to raise](#).
10. At the COVID-19 Recovery Committee's meeting on 3 February 2022, the Deputy First Minister and Cabinet Secretary for COVID Recovery, John Swinney, moved the following motion in his name—

[S6M-02966](#)—That the COVID-19 Recovery Committee recommends that the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 2) Regulations 2022 (SSI 2022/25) be approved.
11. **The COVID-19 Recovery Committee agreed S6M-02966.**

# The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 3) Regulations 2022 (SSI 2022/29)

12. [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(SSI 2022/29\)](#) were laid on 27 January 2022. 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 paragraphs 6(2) and (3) of schedule 19 of the Act.

13. The [policy note](#) states that—

” In response to the emergence of the Omicron variant of the SARS-CoV-2 virus and its transmission in Scotland in late 2021, the Scottish Government put in place protective measures to reduce the rates of transmission. These included amendments made in the Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 5) Regulations 2021 which amended certain specific exemptions in the Principal Regulations for persons to wear a face covering unless they are separated either by a partition or by a specified distance. The specified distance for these exemptions was increased from at least one metre to at least two metres.

The relevant exemptions relate to employees and volunteers in certain places, a person leading an act of worship in a place of worship, a person leading a funeral, marriage ceremony or civil partnership registration, parties to be married or entering into a civil partnership, a person performing, presenting, addressing a public gathering, making a speech or acting as a panel member and a person performing or rehearsing for a performance where certain circumstances apply; also in any indoor communal area in a workplace. Where a person -who is not in an area which is wholly outdoors- is travelling on a ferry the exemption from wearing a face covering where a distance of at least one metre is maintained from other persons, was also increased to at least two metres.

The Scottish Government now considers that the protective measures introduced in December can be lifted in a phased way. The third phase, as set out in this instrument, is the reduction of the distance for the purpose of these exemptions to at least a one metre distance from at least two metres enabling a person who is either separated by a partition or the shorter distance of at least one metre to remove their face covering in specific circumstances as listed in paragraph 2.

The first two stages of lifting measures came into effect on 17 January and 24 January 2022 by virtue of The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment Regulations 2022 and the Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No.2) Regulations 2022.

14. The Delegated Powers and Law Reform (DPLR) Committee considered SSI 2022/29 at its meeting on 1 February 2022 and had [no points to raise](#).

15. At the COVID-19 Recovery Committee's meeting on 3 February 2022, the Deputy First Minister and Cabinet Secretary for COVID Recovery, John Swinney, moved the following motion in his name—

[S6M-02987](#)—That the COVID-19 Recovery Committee recommends that the Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 3) Regulations 2022 (SSI 2022/29) be approved.

16. **The COVID-19 Recovery Committee agreed Motion S6M-02987.**

