



OFFICIAL REPORT
AITHISG OIFIGEIL

COVID-19 Recovery Committee

Thursday 27 January 2022

Session 6



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COVID-19 RECOVERY COMMITTEE

3rd Meeting 2022, Session 6

CONVENER

*Siobhian Brown (Ayr) (SNP)

DEPUTY CONVENER

*Murdo Fraser (Mid Scotland and Fife) (Con)

COMMITTEE MEMBERS

*Jim Fairlie (Perthshire South and Kinross-shire) (SNP)

*John Mason (Glasgow Shettleston) (SNP)

*Alex Rowley (Mid Scotland and Fife) (Lab)

*Brian Whittle (South Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

John Swinney (Deputy First Minister and Cabinet Secretary for Covid Recovery)

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

COVID-19 Recovery Committee

Thursday 27 January 2022

[The Convener opened the meeting at 10:00]

Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Bill: Stage 2

The Convener (Siobhian Brown): Good morning, and welcome to a very socially distanced third meeting in 2022 of the COVID-19 Recovery Committee.

The first agenda item is consideration of the Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Bill at stage 2. I welcome to the meeting the Deputy First Minister and Cabinet Secretary for Covid Recovery and his supporting officials: James Wilson, the head of contact tracing and supporting isolation policy; Marie Penman, a solicitor in the Scottish Government's legal directorate; and Shona White, parliamentary counsel.

Sections 1 to 3 agreed to.

Section 4—Procedure for regulations under section 3

The Convener: Amendment 1, in the name of the cabinet secretary, is grouped with amendments 2 and 3.

The Deputy First Minister and Cabinet Secretary for Covid Recovery (John Swinney): Stage 2 consideration of the bill follows from the constructive stage 1 debate last week, which demonstrated broad support across the Parliament for the general principles of the bill. The debate highlighted a number of key considerations with regard to the bill, specifically the level of scrutiny that the Parliament is afforded when the made affirmative procedure is used. There were also contributions about the visibility and awareness of the support that is available for self-isolation, and there was a recognition of the importance of consulting health boards before implementing the measures that are set out in the bill.

I have considered the issues that were raised during stage 1, notably by this committee and the Delegated Powers and Law Reform Committee, and I have lodged three Government amendments at stage 2.

As a reminder, I note that the bill's core purpose is to maintain the modification to the Public Health

etc (Scotland) Act 2008 made by the United Kingdom Coronavirus Act 2020 that changed the obligation on health boards to pay compensation to those isolating as a result of an infectious disease to a discretionary power, for the purposes of Covid-19 isolation only.

Amendment 1 outlines the need for the Government to consult health boards before making regulations that would either prolong the modifications to the 2008 act or expire the modifications early. The amendment also includes a provision to consult

“other persons as the Scottish Ministers consider appropriate”

to ensure that important health stakeholders and others with a relevant interest are also informed.

Amendment 2 is a related amendment that has the effect that the consultation obligation does not apply when regulations prolonging the modifications are made urgently using the made affirmative procedure.

Taken together, the two amendments give effect to the commitment that I made to the Delegated Powers and Law Reform Committee to examine the matter, following its suggestion that consultation with health boards should be required before regulations altering the expiry date are made.

Amendment 3 relates to giving reasons for urgency and using the made affirmative procedure. In any circumstances in which the modifications to the 2008 act are extended, the Scottish ministers will lay a statement of reasons explaining why we need to keep the modifications in place a bit longer. That is covered by the text of the bill as drafted. The amendment ensures that, should the made affirmative procedure be needed in urgent circumstances, an explanation of that urgency will be included in the statement of reasons. The committee will recall that, in its evidence in December, the Law Society of Scotland called for the statement of reasons to include such an explanation. That point was highlighted in the committee's recommendations and by various members in the stage 1 debate as an important consideration.

I move amendment 1.

The Convener: As no members wish to comment, I ask the cabinet secretary to wind up.

John Swinney: I have no further comments to add.

Amendment 1 agreed to.

Amendments 2 and 3 moved—[John Swinney]—and agreed to.

Section 4, as amended, agreed to.

Sections 5 to 7 agreed to.

10:05

Long title agreed to.

Meeting continued in private until 10:22.

The Convener: That ends stage 2 consideration of the bill. I thank the Deputy First Minister and his supporting officials for their attendance.

The committee's next meeting will be on 3 February, when we will take evidence from the Deputy First Minister and Cabinet Secretary for Covid Recovery. That concludes the public part of our meeting.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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