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COVID-19 Committee

Subordinate Legislation considered by the Covid-19 Committee on 2 September 2020



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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 Conservative
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Ross Greer
 Scottish Green Party



Shona Robison
 Scottish National Party



Stewart Stevenson
 Scottish National 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 2 September 2020. The minutes of the meeting have been published on the [Committee's website](#). These note that apologies were received from Beatrice Wishart MSP and Ross Greer MSP. Liam McArthur MSP and Alison Johnstone MSP were in attendance as committee substitutes. The Official Report of the meeting has been published on the [Committee's website](#).

SSIs Amending The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020

Background

2. The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (“the principal regulations”) were laid and came into force on 26 March and were approved by the Parliament on 1 April. These regulations were intended “to ensure that action to implement social distancing and impose restrictions on gatherings, events and operation of business activity can be enforced.” Under the regulations, Scottish Ministers are required to “keep restrictions or requirements under review and for those to be lifted as soon as they are no longer deemed necessary to prevent, protect against or control the incidence or the spread of coronavirus.”

The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 11) Regulations 2020 (SSI 2020/241)

3. The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 11) Regulations 2020 (SSI 2020/241) were laid on 13 August 2020. 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.
4. The [Policy Note](#) explains that “these Regulations amend the principal regulations with the effect that a person responsible for hospitality premises is required to collect information about visitors to those premises, including the visitor’s contact details and the date and time of arrival.” The Policy Note further states that the regulations provide “for the recording, storage and retrieval of the visitor information in a system suitable for that purpose and for the retention period of the information” (minimum 21 days) Such information must be provided to public health officers if requested.
5. An [Equalities Impact Assessment \(EQIA\)](#) and a [Business and Regulatory Impact Assessment \(BRIA\)](#) have been completed and published alongside the SSI. The Policy Note states that “a Data Protection Impact Assessment for these provisions has also been undertaken and will be published shortly.
6. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on [1 September 2020](#) and had no points to raise.
7. The Covid-19 Committee took evidence from the Cabinet Secretary for Constitution, Europe and External Affairs at its meeting on 2 September 2020. At this meeting, the Cabinet Secretary moved [Motion S5M-22427](#) in his name— That the COVID-19

Committee recommends that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 11) Regulations 2020 Regulations 2020 (SSI 2020/241) be approved.

8. The motion was agreed to without division.

9. **The Covid-19 Committee agreed Motion S5M-22427.**

The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No.12) Regulations 2020 (SSI 2020/251)

10. The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No.12) Regulations 2020 (SSI 2020/251) were laid on 21 August 2020. 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](#) explains that these Regulations amend the principal regulations to make several provisions as follows—
- "to provide that the premises of a theatre or concert hall may be used to record a performance, broadcast a performance or to rehearse or otherwise prepare for a performance;
 - to provide that an organised outdoor activity is exempt from the public gathering restrictions;
 - to permit the reopening of bingo halls, amusement arcades, casinos, bowling alleys, outdoor theatres and funfairs; and
 - to require a face covering to be worn in amusement arcades, bingo halls, bowling alleys, casinos and indoor funfairs."
12. The Policy Note goes on to explain that organised outdoor activities are defined as taking place outdoors and being “organised by a person responsible for carrying on a business or providing a service, a place of worship, a charity or other not for profit organisation, a club or political organisation or the governing body of a sport or other activity”.
13. The Policy Note also explains that the amendment in respect of theatres and concert halls is intended to allow “preparatory work to take place ahead of 14 September which is currently the indicative date for the re-opening of theatres and concert halls”.
14. An [Equalities Impact Assessment \(EQIA\)](#) and a [Business and Regulatory Impact Assessment \(BRIA\)](#) have been completed and are published alongside the SSI.

15. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on [1 September 2020](#) and had no points to raise.
16. The Covid-19 Committee took evidence from the Cabinet Secretary for Constitution, Europe and External Affairs at its meeting on 2 September 2020. At this meeting, the Cabinet Secretary moved [Motion S5M-22517](#) in his name— That the COVID-19 Committee recommends that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 12) Regulations 2020 (SSI 2020/251) be approved.
17. The motion was agreed to without division.

18. **The Covid-19 Committee agreed Motion S5M-22517.**

