

COVID-19 Recovery Committee

**16th Meeting, 2021 (Session 6), Thursday
23 December 2021**

Ministerial statement on COVID-19 and Subordinate legislation

Introduction

1. At this meeting, the Deputy First Minister and Cabinet Secretary for COVID Recovery (“the Cabinet Secretary”), will give evidence under agenda item 1.
2. The Committee will take evidence under this agenda item on the policy announcements arising from the latest Ministerial statement on COVID-19 on 21 December 2021 and on the following subordinate legislation before it considers the corresponding motion, under agenda item 2—
 - The Public Health (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 13) Regulations 2021 (SSI 2021/470)

Background

3. SPICe has produced a [blog](#) with background information on the statutory powers that underpin the Scottish Government’s strategy for responding to COVID-19.

Agenda item 1: Ministerial statement on COVID-19 and Subordinate legislation

**Ministerial statement on COVID-19: Tuesday 21
December 2021**

4. The Scottish Government delivers a weekly statement to parliament setting out its latest actions for responding to COVID-19 on Tuesday afternoons. The main public health measures being used to respond to COVID-19 are contained within the [principal health protection regulations](#). The Committee takes evidence from Scottish

Ministers on any policy announcements arising from the statement and any changes to the regulations every fortnight. In light of the latest Omicron variant, the Committee has scheduled this additional evidence session with Scottish Ministers.

5. The next statement will take place on 21 December 2021. Members will take evidence on any policy announcements arising from this statement under agenda item 1.

SPICe COVID-19 Update

6. SPICe produces a briefing entitled 'SPICe COVID-19 Update' (see **Paper 3** – to follow as a late paper on Wednesday). This provides Members with links to the latest guidance and supporting information published by the Scottish Government, in addition to a selection of websites with information on wider health and social and economic indicators in Scotland.

7. This paper will be published as a late paper to allow the latest data from Public Health Scotland to be incorporated.

Subordinate legislation

Overview

8. The item of subordinate legislation listed on the agenda is subject to the 'made affirmative' procedure. This means that the regulations can come into force immediately and without any parliamentary scrutiny. The regulations can only remain in force for 28 days from the date they were made into law. To continue in force for longer than 28 days, parliamentary approval is required and must be granted within the first 28 days of the instrument being made. The DPLR Committee and COVID-19 Recovery Committee will report on the instrument, before the whole Parliament considers the motion to approve them.

Policy Background: (SSI 2021/470)

9. On 15 December 2021, the Scottish Government laid [SSI 2021/470](#) and the regulations came into force on the same day. As the regulations are subject to the made affirmative procedure, they must receive parliamentary approval by 27 January 2022 to remain in force beyond this date.

10. According to the [policy note](#), the purpose of the instrument is as follows—

“The overarching policy aim of this instrument is to update Scotland’s approach to international travel by, in this case, removing and lessening the emergency restrictions introduced as a direct result of the emergence of the Omicron variant of COVID-19. These changes are made in recognition of the fact that maintaining them would no longer be a proportionate response.

Amendments to Country Status: This instrument removes countries currently on the “red list”. This instrument removes Angola, Botswana, Eswatini, Lesotho, Malawi, Mozambique, Namibia, Nigeria, South Africa, Zambia and Zimbabwe from the list of acute countries or territories, the “red list”. This has the effect that, from the date the instrument comes into force, there are no acute countries or territories on the “red list”.

Isolation Post Arrival: This instrument also makes a technical amendment to ensure an eligible vaccinated arrival who is a child under 11 years old is able to leave self-isolation if their accompanying adult receives a negative test result from their day 2 PCR test.”

11. The policy note to SSI 2021/470 states that “Impact assessments will be published on the legislation.gov.uk website.” At the time of writing, the impact assessments had not yet been published.

12. The Delegated Powers and Law Reform (DPLR) Committee will consider SSI 2021/470 at its meeting on 21 December 2021 and will publish its report shortly after that meeting. A copy of the DPLR Committee’s report will be provided to Members when it becomes available.

Agenda item 2: Subordinate legislation

13. Under agenda item 2, the Cabinet Secretary will be invited to move motion—

- [S6M-02577](#)—That the COVID-19 Recovery Committee recommends that the Public Health (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 13) Regulations 2021 (SSI 2021/470) be approved.

Next steps

14. The Committee will publish a report setting out its consideration of the motion under agenda item 2 in due course.

**Committee Clerks
December 2021**