

COVID-19 Recovery Committee

4th Meeting, 2021 (Session 6), Thursday 16 September 2021

Ministerial statement on COVID-19; Coronavirus (Extension and Expiry) (Scotland) Act 2021 Report to the Scottish Parliament; 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 3.
2. The Committee will take evidence under this agenda item on the policy announcements arising from the latest Ministerial statement on COVID-19, which is due to take place on 14 September 2021 and on the [Report under sections 5 and 7 of the Coronavirus \(Extension and Expiry\) \(Scotland\) Act 2021](#) which was published on 3 September 2021.
3. The Committee will also take evidence on the following subordinate legislation under agenda item 3, before it considers the corresponding motion, under agenda item 4—
 - The Health Protection (Coronavirus) (Requirements) (Scotland) Amendment Regulations 2021 (SSI 2021/299)

Background

4. For more background information on the statutory powers being used by the Scottish Government to respond to COVID-19 and the Scottish Government’s strategy for dealing with COVID-19 and COVID-19 recovery, see the [SPICe Blog](#).

Agenda item 3: Ministerial statement on COVID-19; Coronavirus (Extension and Expiry) (Scotland) Act 2021 Report to the Scottish Parliament; and subordinate Legislation

Ministerial statement on COVID-19: Tuesday, 14 September 2021

5. On 14 September 2021, the First Minister will set out the Scottish Government's most recent actions for responding to COVID-19 in a statement to the Chamber. Members will take evidence on any policy announcements arising from this statement under agenda item 3.

Weekly SPICe COVID-19 Update

6. SPICe produces a weekly briefing entitled 'Weekly SPICe COVID-19 Update' (see **Paper 4**). This provides Members with links to the latest guidance and supporting information published by the Scottish Government, in addition to a selection of websites providing information on wider health and social and economic indicators in Scotland.

Coronavirus (Extension and Expiry) (Scotland) Act 2021 Report

7. As required by section 5 and 7 of the Coronavirus (Extension and Expiry) (Scotland) Act 2021, this report includes information about the relevant subject matters set out in those sections, including information on measures relating to the holding of marriage ceremonies and civil partnerships, support for businesses and a range of other policy areas. The report can be accessed on the [Scottish Government's website](#).

Subordinate legislation

Policy Background: SSI 2021/299

8. On 2 September 2021, the Scottish Government laid [SSI 2021/299](#) and it came into force on 3 September 2021. According to the [policy note](#), the purpose of the instrument is as follows—

“These regulations provide that performers are able to perform or rehearse for a performance without face coverings in situations where distancing or partitioning is not possible. The exemption will apply as long as there is either

a partition or a distance of at least one metre between performers and other people (including the audience) but that does not include people who are performing or rehearsing with the performers or assisting with the performance or rehearsal.”

9. The policy note states that “appropriate impact assessments will be carried out”.

10. The Delegated Powers and Law Reform (DPLR) Committee will consider SSI 2021/299 at its meeting on 14 September 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.

Timetable for legislative scrutiny

11. SSI 2021/299 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.

12. As the regulations were made on 2 September 2021, the Parliament must approve them by 29 September 2021 for them to remain in force. This Delegated Powers and Law Reform Committee and COVID-19 Committee will report on the instrument, before the whole Parliament considers a motion to approve it.

Agenda item 4: Subordinate legislation

13. Under agenda item 4, the Cabinet Secretary will be invited to move motion—

- [S6M-01048](#)—That the COVID-19 Recovery Committee recommends that the Health Protection (Coronavirus) (Requirements) (Scotland) Amendment Regulations 2021 (SSI 2021/299) be approved.

Next steps

14. The Committee will publish a report setting out its consideration of the motion under agenda item 4 in due course.

**Committee Clerks
September 2021**