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Dear Ken

SCOTTISH GOVERNMENT REPORTING ON THE CORONAVIRUS ACTS

Further to my recent statement in chamber providing an update on coronavirus legislation and my evidence sessions with the Covid 19 Committee, I am writing to set out more detail about the approach the Government is taking to reporting on the Coronavirus Acts.

Section 15 of the Coronavirus (Scotland) Act 2020 requires us to review and report on the operation of the provisions in the Act every two months, with the first report due to be submitted to the Parliament no later than 14 days after the end of the first reporting period on 31 May. As I have outlined previously, we will provide a single report which will cover the provisions in both the Coronavirus (Scotland) Act and the Coronavirus Act 2020 for which the Scottish Parliament gave its legislative consent.

In my statement in the chamber on 28 April, I noted that in view of the breadth of measures we will be reporting on - which in due course would expand to also include those under the second Scottish Bill - our approach has required careful consideration to ensure that we can balance openness and transparency with the need to avoid placing undue pressures on those at the heart of the coronavirus response. We recognise that some measures in the legislation are of greater significance than others in terms of their potential impacts on individuals or groups, or their implications for equality and rights, and some are of significant interest to Parliament for other reasons. I noted in my statement that the question of how we determine significance of measures in this context is a matter on which I was keen to hear views from members.

The approach we have developed for our first report will place at its centre those provisions which we have judged, at present, to be of the most significant impact or interest. Those provisions will be reported on in most detail.

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I can confirm that assessment of the equality, human rights and children's rights impacts of the legislation will be a central aspect of this approach. In recognition of the importance of understanding impacts of the use of these powers across the various different corners of society, both here in Scotland and across the UK, we will be looking at where we can include information disaggregated by protected characteristics.

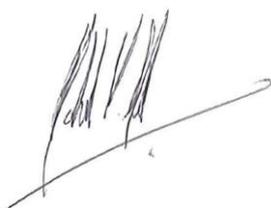
We will keep our approach to reporting under review in response to the requirements of the Parliament.

It is my intention to make a statement to Parliament following the first report being laid, and on present timing I expect this would be on Tuesday 9 June. It will then, of course, be a matter for the Parliament to consider which Committee the report should be referred to and how the process of scrutiny should be approached. I and my Ministerial colleagues will be happy to support evidence sessions as part of this process and to discuss individual elements of the report.

On a final and related matter, I have noted the points raised in the Delegated Powers and Law Reform Committee's letter to the Covid 19 Committee on the Coronavirus (Scotland) (No 2) Bill, of which I received a copy separately from the DPLR Committee Convener. The DPLR Committee has raised some issues about subordinate legislation made in response to the coronavirus pandemic but not under the powers in the Coronavirus Acts, and specifically asked that the Government commit to reporting on such subordinate legislation every two months. I note the point raised by the Committee and will give consideration to how that might best be achieved. It will of course be necessary to make sure that our reporting approach is proportionate, sustainable and fits within the established legislative timetable. I will respond to the Committee more fully in due course and I also expect that it will be a matter of discussion as the current bill enters Stage 2.

I hope this letter is helpful in setting out our approach to fulfilling our commitment to ensuring that Parliament is able to scrutinise the use of these powers at these exceptional times.

I am copying this letter to business managers, and the Conveners of the Covid 19 and DPLR Committees.



MICHAEL RUSSELL

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