



The Scottish Parliament  
Pàrlamaid na h-Alba

## COVID-19 COMMITTEE

### AGENDA

5th Meeting, 2021 (Session 5)

Thursday 11 February 2021

The Committee will meet at 9.30 am in a virtual meeting and broadcast on [www.scottishparliament.tv](http://www.scottishparliament.tv).

1. **Covid-19: Vaccination programme:** The Committee will take evidence from—

Grant Archibald, Chief Executive, NHS Tayside;

Danny Boyle, Policy and Parliamentary Officer, BEMIS Scotland;

Dr Andrew Buist, Chair, General Practitioners' Committee Scotland, British Medical Association.

2. **Covid-19: Vaccination programme; Ministerial statement: Covid-19; and Subordinate legislation:** The Committee will take evidence on the Covid-19 vaccination programme; the latest Ministerial statement on Covid-19; the Health Protection (Coronavirus) (Restrictions and Requirements) (Miscellaneous Amendment) (Scotland) Regulations 2021 (SSI 2021/49) and the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 15) Regulations 2021 (SSI 2021/54) from—

Jeane Freeman, Cabinet Secretary for Health and Sport, Caroline Lamb, Chief Executive NHS Scotland and Director General for Health & Social Care, and Professor Jason Leitch, National Clinical Director, Scottish Government.

3. **Subordinate legislation:** Jeane Freeman, Cabinet Secretary for Health and Sport to move—

S5M-24002— That the COVID-19 Committee recommends that the Health Protection (Coronavirus) (Restrictions and Requirements) (Miscellaneous Amendment) (Scotland) Regulations 2021 (SSI 2021/49) be approved;

S5M-24017— That the COVID-19 Committee recommends that the Health

Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 15) Regulations 2021 (SSI 2021/54) be approved.

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The papers for this meeting are as follows—

**Item 1**

Note by the Clerk

CVD/S5/21/5/1

PRIVATE PAPER

CVD/S5/21/5/2 (P)

**Item 2**

Note by the Clerk

CVD/S5/21/5/3

SPICe weekly briefing

CVD/S5/21/5/4

PRIVATE PAPER

CVD/S5/21/5/5 (P)



The Scottish Parliament  
Pàrlamaid na h-Alba

## **Covid-19 Committee**

**5th Meeting, 2021 (Session 5), Thursday 11 February 2021**

### **Covid-19: Vaccination programme**

#### **Introduction**

1. At this meeting, the Committee will take evidence from the following witnesses on the Covid-19 vaccination programme under agenda item 1—
  - Mr Grant Archibald, Chief Executive, [NHS Tayside](#)
  - Mr Danny Boyle, Policy and Parliamentary Officer, [BEMIS Scotland](#)
  - Dr Andrew Buist, Chair, [General Practitioners' Committee Scotland, British Medical Association](#)
2. The Committee will then take evidence on the Covid-19 vaccination programme under agenda item 2, from—
  - Jeane Freeman MSP, Cabinet Secretary for Health and Sport;
  - Caroline Lamb, Chief Executive of NHS Scotland; and
  - Professor Jason Leitch, National Clinical Director, Scottish Government.

#### **Background**

3. The purpose of the evidence session under agenda item 1 is to hear from stakeholders about the progress being made in the rollout of Covid-19 vaccines. This session provides an opportunity for the Committee to discuss relevant issues, including: procurement and supply of vaccines; the role of general practitioners and health boards in delivering the vaccination programme; vaccine uptake and hesitancy, including within ethnic minority communities; and Scotland's role in supporting international cooperation on global Covid-19 vaccination programmes.
4. There will be an opportunity for the Committee to scrutinise the Scottish Government's response to these issues under agenda item 2.

#### **Meeting 17 December 2020**

5. This is the second of the Committee's meetings at which it will consider the Covid-19 vaccination programme, the first of which took place on 17 December 2020. At its meeting on 17 December 2020, the Committee took evidence on the Covid-19 vaccination programme from—

- Steve Hoare, Director of Quality, Regulatory Science and Safety, Association of the British Pharmaceutical Industry
  - Professor Wei Shen Lim, Chair of Covid-19 Immunisation Committee, Joint Committee on Vaccination and Immunisation
  - Professor Andrew Pollard, Professor of Paediatric Infection and Immunity, University of Oxford
  - Dr Christian Schneider, Medicines and Healthcare Products Regulatory Agency
6. The [Minutes](#) and [Official Report](#) from that meeting are available on the [Committee's webpage](#).

**Scottish Parliament Information Centre (SPICe) briefing**

7. A SPICe briefing providing background information to inform the session is included in the meeting pack as a private paper (**Paper 2**).

**Committee Clerks  
9 February 2021**



The Scottish Parliament  
Pàrlamaid na h-Alba

## **Covid-19 Committee**

**5th Meeting, 2021 (Session 5), Thursday 11 February 2021**

### **Ministerial Statement: Covid-19; and Subordinate Legislation**

#### **Introduction**

1. At this meeting, the Cabinet Secretary for Health and Sport ('the Cabinet Secretary'), Jeane Freeman MSP, Caroline Lamb, Chief Executive of NHS Scotland and Director General for Health & Social Care and Professor Jason Leitch, National Clinical Director for the Scottish Government, will give evidence under agenda item 2.

2. The Committee will take evidence on the policy announcements arising from the latest Ministerial statement on Covid-19, which is scheduled to take place on 9 February 2021, under this agenda item.

3. The Committee will also take evidence on the following subordination legislation under agenda item 2, before it considers the corresponding motions, under agenda item 3—

- [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Miscellaneous Amendment\) \(Scotland\) Regulations 2021 \(SSI 2021/49\)](#) (from here on referred to as 'SSI 2021/49 – Miscellaneous Amendment')
- [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 15\) Regulations 2021 \(SSI 2021/54\)](#) (from here on referred to as 'SSI 2021/54 – Reg No. 15')

#### **Ministerial statement on COVID-19: Tuesday 9 February 2021**

4. On 23 October 2020, the Scottish Government published the [Coronavirus \(COVID-19\): Scotland's Strategic Framework](#), which came into effect on 2 November 2020. The Scottish Government reviews the latest guidance under the Strategic Framework on a weekly basis. Following the review, any changes to the guidance are published on the Scottish Government's [Coronavirus \(COVID-19\): protection levels - reviews and evidence](#) webpages.

## Weekly SPICe Covid-19 Update

5. 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.

### **Subordinate Legislation**

#### Policy Background: SSI 2021/49 – Miscellaneous Amendment

6. SSI 2021/49 – Miscellaneous Amendment was laid on 28 January 2021 and came into force on 29 January 2021. A copy of the SSI and policy note is provided in **Annexe A** to this paper. According to the [policy note](#), the purpose of the instrument is as follows—

“These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 to provide that premises which are required to close to the public to in Level 3 and 4 areas may be used for purposes connected to an election if they are suitable premises which a returning officer or electoral registration officer has requested the use of in connection with the carrying out of any of their functions.

These Regulations also remove restrictions on premises used by food and drink businesses in Level 3 areas where such premises are to be used in connection with the carrying out of electoral functions.

These Regulations also make amendments in relation to Level 4 areas to enable places of worship and holiday accommodation premises to be used for purposes in connection with the carrying out of electoral functions.

These Regulations adjust the restrictions on drive-in and drive-through events to make clear that they are not permitted in Level 3 and Level 4 areas.

These Regulations adjust to examples of a reasonable excuse to enter a Level 4 area to bring the marriage, civil partnership and funerals excuses into line with the excuses to leave home for those living in a Level 4 area.

These Regulations extend the expiry date of The Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020 from 31 January 2021 to 31 March 2021. This change brings the expiry into line with the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020.”

7. The Scottish Government has provided the following associated impact assessments to accompany SSI 2021/49 – Miscellaneous Amendment —

- [Equality Impact Assessment](#)
- [Business and Regulatory Impact Assessment](#)

- [Island Communities Impact Assessment](#)

8. The Committee took evidence on the draft version of SSI 2021/49 – Miscellaneous Amendment at its meeting on [28 January 2021](#).

9. A SPICe briefing providing further information on SSI 2021/49 – Miscellaneous Amendment is included in the meeting pack as a private briefing (see **Paper 5**).

#### Policy Background: SSI 2021/54 – Reg No. 15

10. SSI 2021/54 – Reg No. 15 was laid on 29 January 2021 and came into force on 30 January 2021. A copy of the SSI and policy note is provided in **Annexe B** to this paper. According to the [policy note](#), the purpose of the instrument is as follows—

“These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 to set out changes to the level that applies to Na h-Eileanan Siar, moving from Level 3 to Level 4. All other areas remain in the same level.”

11. The Scottish Government has provided the following associated impact assessment to accompany SSI 2021/54 – Reg No. 15—

- [Island Communities Impact Assessment](#)

12. A SPICe briefing providing further information on SSI 2021/54 – Reg No. 15 is included in the meeting pack as a private briefing (see **Paper 5**).

#### Parliamentary Procedure

13. Both SSIs are subject to the made affirmative procedure.

#### *Made affirmative instruments*

14. The Coronavirus Act 2020 gives the Scottish Government emergency powers to lay regulations for ‘health protection’ measures, which can come into effect immediately. The measures introduced using this procedure can remain in force for 28 days without parliamentary approval. If the Scottish Government intends for the measures to be in force for longer than 28 days, parliamentary approval is required and must be obtained within the initial 28-day period.

15. This is explained in detail in the policy note for each made affirmative SSI, which states that the regulations are made “in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020. The instrument is subject to the made affirmative procedure by virtue of paragraph 6(3) of schedule 19 of the Act.” This provides that if Scottish Ministers consider that regulations need to be made urgently—

“the regulations (the “emergency regulations”)—

(a) must be laid before the Scottish Parliament; and

(b) cease to have effect on the expiry of the period of 28 days beginning with the date on which the regulations were made unless, before the expiry of that period, the regulations have been approved by a resolution of the Parliament.”

#### Delegated Powers and Law Reform Committee ('DPLR') Consideration

16. The DPLR Committee will consider all three SSIs at its meeting on 9 February 2021. Should the DPLR Committee have any points to raise, these will be highlighted to the Committee in advance of its meeting.

#### **Subordinate Legislation (Motions S5M-24002 and S5M-24017)**

17. Under agenda item 3, the Cabinet Secretary will be invited to move the following motions—

- [S5M-24002](#): That the COVID-19 Committee recommends that the Health Protection (Coronavirus) (Restrictions and Requirements) (Miscellaneous Amendment) (Scotland) Regulations 2021 (SSI 2021/49) be approved.
- [S5M-24017](#): That the COVID-19 Committee recommends that the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 15) Regulations 2021 (SSI 2021/54) be approved.

#### **Next steps**

18. The Committee will publish a report setting out its consideration of the motions under agenda item 3 in due course.

**Committee Clerks  
9 February 2021**

*Regulations made by the Scottish Ministers and laid before the Scottish Parliament under paragraph 6(3) of schedule 19 of the Coronavirus Act 2020 for approval by resolution of the Scottish Parliament within 28 days beginning with the day on which the Regulations were made, not taking into account any period of dissolution or recess for more than 4 days.*

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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 49**

**PUBLIC HEALTH**

**The Health Protection (Coronavirus) (Restrictions and Requirements) (Miscellaneous Amendment) (Scotland) Regulations 2021**

*Made - - - - at 12.05 on 28th January 2021*

*Laid before the Scottish Parliament at 2.30 p.m. on 28th January 2021*

*Coming into force - - 29th January 2021*

The Scottish Ministers make the following Regulations in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020(a) (“the Act”) and all other powers enabling them to do so.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of coronavirus in Scotland.

The Scottish Ministers consider that the restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with paragraph 6(2) and (3) of schedule 19 of the Act, the Scottish Ministers are of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft having been laid before, and approved by, a resolution of the Scottish Parliament.

**Citation and commencement**

1. These Regulations may be cited as the Health Protection (Coronavirus) (Restrictions and Requirements) (Miscellaneous Amendment) (Scotland) Regulations 2021 and come into force on 29 January 2021.

## **Amendment of the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020**

2. The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020(a) are amended in accordance with regulations 3, 4 and 5.

### **Amendment to regulation 2: interpretation**

3. In regulation 2(1) (interpretation)—

- (a) after the definition of “contact sport”, insert—
  - ““electoral registration officer” means an officer appointed under section 8(3) of the Representation of the People Act 1983(b),”
- (b) after the definition of “remand centre”, insert—
  - ““returning officer” means an officer who is—
    - (a) appointed by, or by an order under, section 25 of the Representation of the People Act 1983(c),
    - (b) appointed under section 41(1) of the Representation of the People Act 1983,
    - (c) a constituency returning officer appointed by or under an order under section 12(1) of the Scotland Act 1998(d), or
    - (d) a regional returning officer appointed by an order under section 12(6) of the Scotland Act 1998(e),”.

### **Amendment to schedule 4: level 3 restrictions**

4. In schedule 4 (level 3 restrictions)—

- (a) in paragraph 1 (requirement to close certain premises in a level 3 area to members of the public)—
  - (i) in sub-paragraph (2), after head (p) insert—
    - “(q) a drive-in event venue.”,
  - (ii) in sub-paragraph (3), after head (g) insert—
    - “(h) any suitable premises which a returning officer or electoral registration officer has requested the use of in connection with the carrying out of any of their functions in relation to an election.”,
  - (iii) for sub-paragraph (6) substitute—
    - “(6) In sub-paragraph (2)—
      - (a) “sexual entertainment venue” has the meaning given by section 45A of the Civic Government (Scotland) Act 1982(f),
      - (b) “drive-in event venue” means any premises or place indoors to which the public, or a section of the public, has access, whether on payment or otherwise, for the purpose of participating in or attending from within vehicles a drive-in or drive-

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(a) S.S.I. 2020/344, amended by S.S.I. 2020/347, S.S.I. 2020/374, S.S.I. 2020/389, S.S.I. 2020/392, S.S.I. 2020/400, S.S.I. 2020/415, S.S.I. 2020/427, S.S.I. 2020/439, S.S.I. 2020/452, S.S.I. 2020/471, S.S.I. 2021/1, S.S.I. 2021/3, S.S.I. 2021/17, S.S.I. 2021/25 and S.S.I. 2021/35.

(b) 1983 c.2. Section 8(3) was substituted by schedule 13, paragraph 130(2) of the Local Government etc. (Scotland) Act 1994 (c.39) (“the 1994 Act”).

(c) Section 25 was amended by schedule 13, paragraph 130(3) and schedule 14 of the 1994 Act.

(d) 1998 c.46 (“the 1998 Act”). Section 12 was substituted by section 4(1) of the Scotland Act 2016 (c.11). S.S.I. 2015/425 (“the Order”) was made under section 12(1) of the 1998 Act. Article 14(b) of the Order confers a power on the Scottish Ministers to, by Order, direct that persons are to be constituency returning officers for constituencies situated in more than one local government area. S.S.I. 2016/9 was made under article 14(b) of the Order and article 4 of S.S.I. 2016/9 designates persons to be constituency returning officers.

(e) Article 3 of S.S.I. 2016/9 designates persons to be regional returning officers.

(f) 1982 c.45. Section 45A was inserted by section 76(3) of the Air Weapons and Licensing (Scotland) Act 2015 (asp 10).

through event, including an act of worship, a sporting event, a film or the performance of music, comedy or a play.”,

- (b) in paragraph 5 (restrictions on food and drink businesses in a level 3 area), after sub-paragraph (8) insert—

“(9) Sub-paragraph (1) does not prevent the use of suitable premises which a returning officer or electoral registration officer has requested the use of in connection with the carrying out of any of their functions in relation to an election.”.

#### **Amendment to schedule 5: level 4 restrictions**

##### **5. In schedule 5 (level 4 restrictions)—**

- (a) in paragraph 1 (requirement to close certain premises in a level 4 area to members of the public)—

(i) in sub-paragraph (2), after head (v) insert—

“(w)a drive-in event venue.”,

(ii) in sub-paragraph (3), after head (h) insert—

“(i) any suitable premises which a returning officer or electoral registration officer has requested the use of in connection with the carrying out of any of their functions in relation to an election.”,

(iii) in sub-paragraph (6), after head (c) insert—

“(d) “drive-in event venue” means any premises or place indoors to which the public, or a section of the public, has access, whether on payment or otherwise, for the purpose of participating in or attending from within vehicles a drive-in or drive-through event, including an act of worship, a sporting event, a film or the performance of music, comedy or a play.”,

- (b) in paragraph 1A (requirement to close places of worship in a level 4 area to members of the public), after sub-paragraph (2A)(a) insert—

“(2B) A place of worship may be used if it is a suitable premises which a returning officer or electoral registration officer has requested the use of in connection with the carrying out of any of their functions in relation to an election.”,

- (c) in paragraph 2 (requirement to close retail and library premises in a level 4 area to members of the public), after sub-paragraph (4) insert—

“(4A) Sub-paragraph (1) does not prevent the use of suitable premises which a returning officer or electoral registration officer has requested the use of in connection with the carrying out of any of their functions in relation to an election.”,

- (d) in paragraph 3 (requirement to cease providing holiday accommodation in a level 4 area) after sub-paragraph (2) insert—

“(3) Sub-paragraph (1) does not prevent the use of suitable premises which a returning officer or electoral registration officer has requested the use of in connection with the carrying out of any of their functions in relation to an election.”,

- (e) in paragraph 6 (closure of food and drink businesses in a level 4 area), after sub-paragraph (7) insert—

“(8) Sub-paragraph (1) does not prevent the use of suitable premises which a returning officer or electoral registration officer has requested the use of in connection with the carrying out of any of their functions in relation to an election.”,

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(a) Paragraph 1A was inserted by S.S.I. 2021/3 and amended by S.S.I. 2021/17.

- (f) in paragraph 16(2) (examples of reasonable excuse)(a)—
- (i) for head (v) substitute—
    - “(v) attend a marriage ceremony or registration of a civil partnership, where the person is, in relation to that marriage ceremony or civil partnership registration—
      - (i) a party,
      - (ii) a witness,
      - (iii) the approved celebrant or authorised registrar within the meaning of section 8(2) of the Marriage (Scotland) Act 1977(b),
      - (iv) the approved celebrant within the meaning of section 94A(4)(a) of the Civil Partnership Act 2004(c),
      - (v) the authorised registrar within the meaning of section 87 of the Civil Partnership Act 2004(d), or
      - (vi) a required interpreter,”
- (ii) for head (w) substitute—
  - “(w) attend a funeral or commemorative event for a person who has died (other than a wake or a funeral tea), or to travel for compassionate reasons which relate to the end of a person’s life,”.

**Amendment of the Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020**

**6.**—(1) The Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020(e) are amended as follows.

(2) In regulation 15(1) (expiry and review) for “31 January 2021” substitute “31 March 2021”.

*MICHAEL RUSSELL*  
A member of the Scottish Government

St Andrew’s House,  
Edinburgh  
At 12.05 p.m. on 28th January 2021

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(a) Paragraph 16 was inserted by S.S.I. 2020/389.  
(b) 1977 c.15. Section 8 was amended by section 12(2)(c) of the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5).  
(c) 2004 c.33. Section 94A was inserted by section 24(13) of the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5).  
(d) Section 87 was amended by section 24(4) of the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5).  
(e) S.S.I. 2020/262.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Health Protection (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (“the Local Levels Regulations”) and the Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020 (“the Directions Regulations”). These Regulations come into force on 29 January 2021.

Regulation 3 inserts definitions into the Local Levels Regulations for the purposes of the amendments made by these Regulations.

Regulation 4 amends the Local Levels Regulations to make provision requiring drive-in event venues to close in a Level 3 area. It also amends paragraph 1 of schedule 4 of those Regulations to exempt premises in a Level 3 area from closure for electoral purposes if they are suitable premises which a returning officer or electoral registration officer has requested the use of in connection with the carrying out of any of their functions in relation to an election. Additionally, it amends paragraph 5 of that schedule to remove the restrictions on premises used by food and drink businesses so that they may be used in connection with an election on the same basis.

Regulation 5 amends the Local Levels Regulations to make provision requiring drive-in event venues to close in a Level 4 area.

Regulation 5 also amends schedule 5 of the Local Levels Regulations to enable suitable premises required to close, or permitted to open only for specified purposes, in a Level 4 area to be used in connection with an election if a returning officer or electoral registration officer has requested their use in connection with the carrying out of any of their functions. This includes retail and library premises, premises used by food and drink businesses, places of worship and holiday accommodation.

Regulation 5 also makes amendments to the Local Levels Regulations to provide that the same restrictions will apply to a person coming into a Level 4 area, from an area in another level, to attend a marriage, civil partnership or funeral as apply to a person living in a Level 4 area.

Regulation 6 changes the date for the expiration of the Directions Regulations from 31 January 2021 to 31 March 2021.

## **POLICY NOTE**

### **The Health Protection (Coronavirus) (Restrictions and Requirements) (Miscellaneous Amendment) (Scotland) Regulations 2021**

**SSI 2021/49**

The above instrument was made in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020. The instrument is subject to made affirmative procedure by virtue of paragraph 6(3) of schedule 19 of the Act.

These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 to provide that premises which are required to close to the public to in Level 3 and 4 areas may be used for purposes connected to an election if they are suitable premises which a returning officer or electoral registration officer has requested the use of in connection with the carrying out of any of their functions. These Regulations also remove restrictions on premises used by food and drink businesses in Level 3 areas where such premises are to be used in connection with the carrying out of electoral functions. These Regulations also make amendments in relation to Level 4 areas to enable places of worship and holiday accommodation premises to be used for purposes in connection with the carrying out of electoral functions. These Regulations adjust the restrictions on drive-in and drive-through events to make clear that they are not permitted in Level 3 and Level 4 areas. These Regulations adjust to examples of a reasonable excuse to enter a Level 4 area to bring the marriage, civil partnership and funerals excuses into line with the excuses to leave home for those living in a Level 4 area. These Regulations extend the expiry date of The Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020 from 31 January 2021 to 31 March 2021. This changes brings the expiry into line with the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020.

### **Legislative background**

1. The UK Coronavirus Act 2020 received Royal Assent on 25 March 2020. Under that Act, the Scottish Government made regulations (in force from 26 March) to implement physical distancing and impose restrictions on gatherings, events and operation of business activity. From 14 September they were replaced by the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020. From 9 October those regulations were suspended and replaced by the Health Protection (Coronavirus) Restrictions and Requirements) (Additional Temporary Measures) (Scotland) Regulations 2020. A new levels-based approach was introduced on 2 November, when the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (“the principal regulations”) came into force and revoked the previous regulations.

### **Policy Objectives**

*Election administration*

2. These Regulations enable premises, which are required to remain closed to the public or have restrictions on their use in Level 3 and 4 areas, to be used for purposes connected to an election if they are suitable premises which a Returning Officer (RO) or Electoral Registration Officer (ERO) has requested the use of in connection with the carrying out of any of their functions. This ensures that any suitable premises, such as a church, which may be required for electoral administration are able to be used as appropriate. The premises must still remain closed, or only operated in accordance with existing restrictions, in Levels 3 and 4 (as applicable) where they are not being used for electoral purposes. The functions of an RO and ERO cover a range of activities associated with the delivery of a poll, including registration, preparation, polling and counting. Any of the processes involved in delivering an election may require additional space to deliver, so it is important to ensure that ROs and EROs have flexibility to consider use of a range of venues according to the specific circumstances of the locality in question.

*Drive-in event venues*

3. These Regulations clarify the existing policy in relation to drive-in events (including drive-in cinemas and drive-thru events) in order to explicitly prohibit this type of event from taking place in Level 3 and Level 4 areas. This will ensure that this policy, which has been in place since the introduction of the Strategic Framework, is absolutely clear to members of the public and event organisers. Drive-in events are permitted in Level 0, Level 1 and Level 2 areas only.

*Entering a Level 4 area*

4. These Regulations adjust the list of reasonable excuses to enter a Level 4 area to bring them into line with the reasonable excuses to leave home in a Level 4 area. The change brings the excuses which allow travel to a marriage, civil partnership or funeral into line with the tighter list of excuses under the stay-at-home requirement. This ensures there is consistency across provisions and properly reflects the policy intention on attending marriages, civil partnerships and funerals in Level 4 areas.

*Expiry of The Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020*

5. These Regulations extend the expiry date of The Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020 from 31 January 2021 to 31 March 2021. This change brings the expiry into line with the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020. We are still in a phase of the pandemic where outbreak management is a principal tool for control and suppression of the virus. The importance of enabling action to be taken swiftly at a local level is still just as essential as it was when The Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020 were first brought forward. These regulations increase confidence that it is safe for sectors to be open and operate. Local action to control or close the premises or businesses at the centre of an outbreak is still, in most cases, one of the most efficient and proportionate responses and can avoid Scottish Ministers having to implement more wide-ranging and restrictive measures for full industries or sectors. While case numbers are still incredibly high, it is essential that any of the tools available to control or suppress the virus are not lost.

## **Consultation**

6. There has been no public consultation in relation to this instrument. The Scottish Government has informally consulted with the industry bodies affected.

## **Impact Assessments**

7. An Equality Impact Assessment, a Business and Regulatory Impact Assessment and an Island Communities Impact Assessment have been prepared for this instrument. Other Impact Assessments have not been prepared for this instrument. The provisions are however subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government  
Directorate for Constitution and Cabinet  
*28 January 2021*

*Regulations made by the Scottish Ministers and laid before the Scottish Parliament under paragraph 6(3) of schedule 19 of the Coronavirus Act 2020 for approval by resolution of the Scottish Parliament within 28 days beginning with the day on which the Regulations were made, not taking into account any period of dissolution or recess for more than 4 days.*

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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 54**

**PUBLIC HEALTH**

**The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 15) Regulations 2021**

*Made - - - - at 1.49 p.m. on 29th January 2021*

*Laid before the Scottish Parliament at 3.00 p.m. on 29th January 2021*

*Coming into force - - 30th January 2021*

The Scottish Ministers make the following Regulations in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020(a) (“the Act”) and all other powers enabling them to do so.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of coronavirus in Scotland.

The Scottish Ministers consider that the restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with paragraph 6(2) and (3) of schedule 19 of the Act, the Scottish Ministers are of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft having been laid before, and approved by, a resolution of the Scottish Parliament.

**Citation and commencement**

1. These Regulations may be cited as the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 15) Regulations 2021 and come into force on 30 January 2021.

**Amendment of the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020**

2. The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020(a) are amended in accordance with regulation 3.

**Changes to levels of areas**

3. In the table in schedule 6 (areas)—

- (a) in column 2 (area) of entry 34 (Na h-Eileanan Siar), omit “(except the area set out in row 35)”,
- (b) in column 3 (level of area) of entry 34 (Na h-Eileanan Siar), for “3” substitute “4”, and
- (c) omit entry 35.

*MICHAEL RUSSELL*

A member of the Scottish Government

St Andrew’s House,  
Edinburgh  
At 1.49 p.m. on 29th January 2021

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(a) S.S.I. 2020/344, amended by S.S.I. 2020/347, S.S.I. 2020/374, S.S.I. 2020/389, S.S.I. 2020/392, S.S.I. 2020/400, S.S.I. 2020/415, S.S.I. 2020/427, S.S.I. 2020/439, S.S.I. 2020/452, S.S.I. 2020/471, S.S.I. 2021/1, S.S.I. 2021/3, S.S.I. 2021/17, S.S.I. 2021/25, S.S.I. 2021/35 and S.S.I. 2021/49.

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Health Protection (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (“the Local Levels Regulations”). These Regulations come into force on 30 January 2021.

Regulation 3 amends the table at schedule 6 of the Local Levels Regulations, to apply level 4 restrictions and requirements to Na h-Eileanan Siar.

## POLICY NOTE

### **The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 15) Regulations 2021**

**SSI 2021/54**

The above instrument was made in exercise of the power conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020. The instrument is subject to made affirmative procedure by virtue of paragraph 6(3) of schedule 19 of the Act.

These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 to set out changes to the level that applies to Na h-Eileanan Siar, moving from Level 3 to Level 4. All other areas remain in the same level.

#### **Legislative background**

1. The UK Coronavirus Act 2020 received Royal Assent on 25 March 2020. Under that Act, the Scottish Government made regulations (in force from 26 March) to implement physical distancing and impose restrictions on gatherings, events and operation of business activity. From 14 September they were replaced by the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020. From 9 October those regulations were suspended and replaced by the Health Protection (Coronavirus) Restrictions and Requirements) (Additional Temporary Measures) (Scotland) Regulations 2020. A new levels-based approach was introduced on 2 November, when the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 (“the principal regulations”) came into force and revoked the previous regulations.

#### **Policy Objectives**

##### *Adjustments to allocation of levels*

2. The Regulations amend the current allocation of levels in Na h-Eileanan Siar, moving the area from Level 3 to Level 4. This change is necessary as a result of recent data indicating rising numbers of cases in this local authority area and building pressure on NHS capacity. This tightening of restrictions is to ensure a reduction in social activity and is required to manage this increased occurrence and risk of Coronavirus transmission. Moving this area to Level 4 will help to reduce the increased demand on NHS facilities and ensure there is capacity to treat those who need urgent care. No other changes have been made to the allocation of levels at this time.

#### **Consultation**

3. There has been no public consultation in relation to this instrument. The Scottish Government has informally consulted with the industry bodies affected.

**Impact Assessments**

4. An Island Communities Impact Assessment has been prepared for this instrument. Other Impact Assessments have not been prepared. Impact Assessments have been prepared previously to assess the impact of the restrictions within levels, these are published alongside the relevant Regulations. The provisions are however subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government  
Directorate for Constitution and Cabinet  
*29 January 2021*

# SPICe

The Information Centre  
An t-Ionad Fiosrachaidh

## COVID-19 Committee

Thursday 11 February 2021

## SPICe COVID Update Paper

### Introduction

This note provides links to a selection of sites with the latest available data, charts and interactive maps on COVID-19 in Scotland, plus wider health and wider social and economic indicators.

### Updates

- **Scottish Government** - [latest protection levels: daily data for Scotland](#) and [latest reviews and evidence](#) (including recent reports on “the state of the epidemic”).
- **Vaccinations data** – published on the [Public health Scotland COVID-19 statistical report](#) from 23 December onwards.

### Data and Dashboards

- **SPICe** – blogs on local [protection levels](#), [cases at a local level](#) and [latest available data](#) on testing, deaths, hospital admissions, and NHS absences, and blog on protection (NB please open using google chrome).
- **Public Health Scotland** - [Daily dashboard](#) (includes daily update, cases by neighbourhood, trends and demographics, and data table).
- **Public Health Scotland** - [Wider health impacts dashboard](#) - includes analysis of summary trends (e.g. hospital admissions, ambulance figures, excess deaths), cardiovascular statistics, child health, mental health and pregnancy.
- **Scottish Government** [four harms interactive dashboard](#) – provides data and visuals on a range of indicators relating to the four harms: direct impact of COVID-19, other health effects, economic effects and social impacts.
- **Improvement Service** - [Dashboard on economic impacts](#) in Scotland.
- **Transport Scotland** - [Information on transport trends and public attitudes](#) towards transport for the pandemic period.

### Further Background

- **SPICe blogs** – [links to key sources](#) and [timeline](#).
- **Scottish Government** [equality evidence finder](#).
- **Public Health Scotland** – [Open Data](#) includes analysis by age, sex, are and deprivation. And [Weekly report](#) (NB: published Wednesdays).

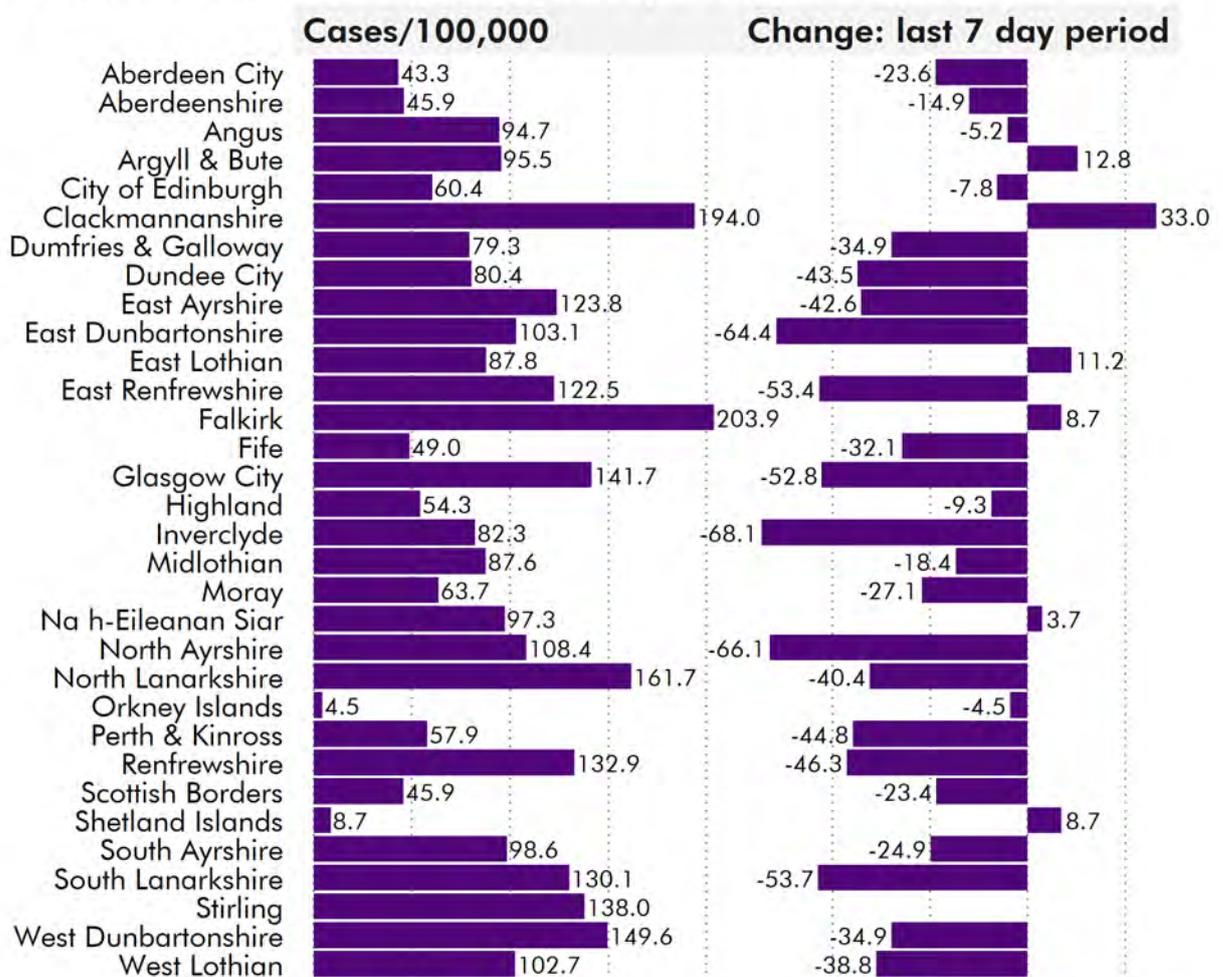
- **Scottish Government** (as at 28 October) – [Allocations of Levels to local authorities](#) from Monday 2 November (including modelling paper/slide pack).
- **SPICe blog** - [Coronavirus \(COVID-19\): Vaccinations in Scotland – latest data](#) provide breakdowns of who has been vaccinated by age, sex, health board and eligibility criteria.

## Summary of Indicators

Due to the decision to move to lockdown there is no weekly protection level document published. We have provided analysis of the number of cases by 100,000 of the population and test positivity by local authority. The data in the following charts are based on the methodology used by [Public Health Scotland in their daily dashboard](#).

## Positive cases per 100,000 of the population by local authority

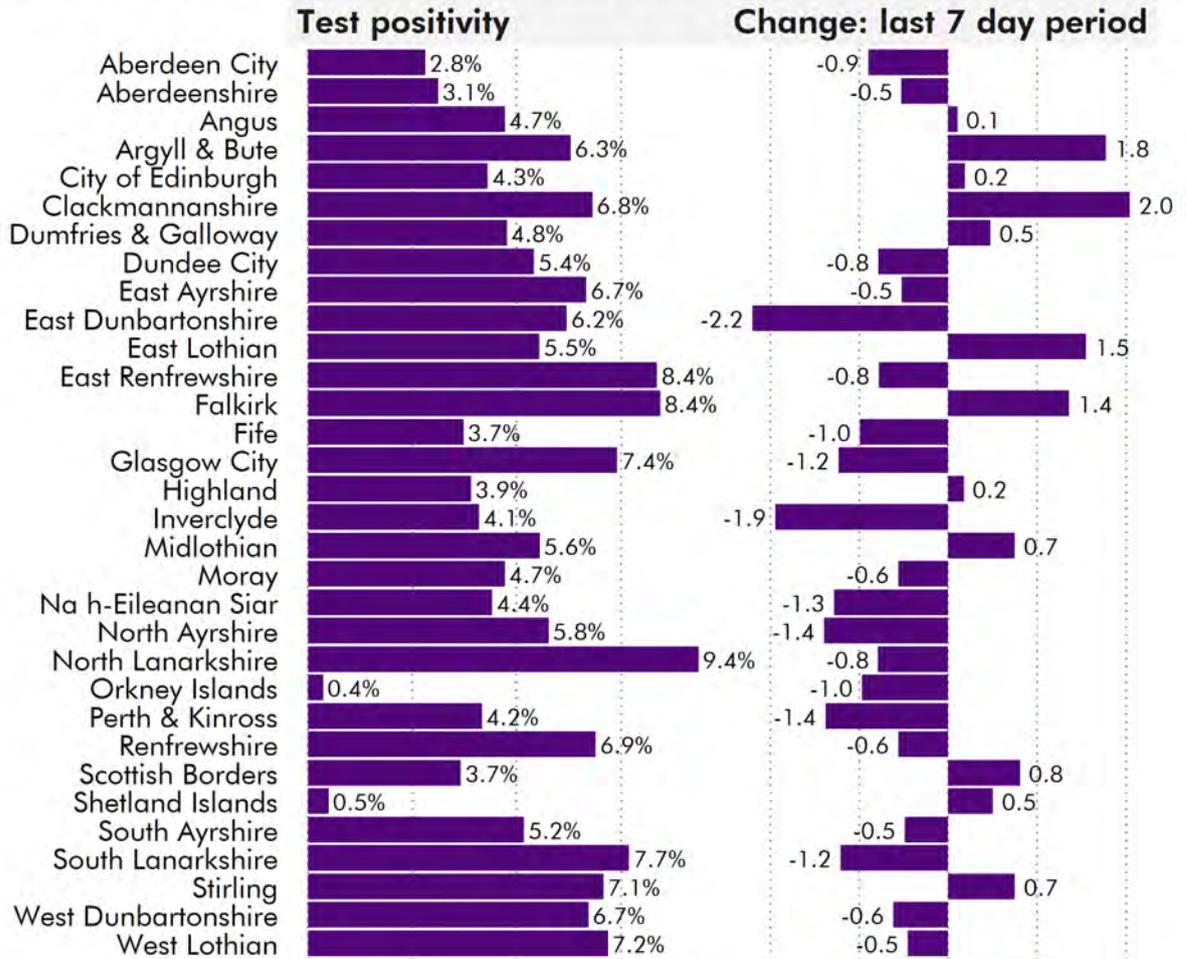
Data for the seven days between 2 February and 8 February 2021



Source: Public Health Scotland

## Test positivity by local authority

Data for the seven days between 2 February and 8 February 2021  
 Change on previous 7 days is in percentage points



Source: Public Health Scotland

Simon Wakefield and Andrew Aiton, SPICe; (9 February 2021)