

PARLIAMENTARY BUREAU: APPROVAL OF SCOTTISH STATUTORY INSTRUMENTS

MADE AFFIRMATIVE INSTRUMENTS

[Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 5\) Regulations 2021 \(SSI 2021/475\)](#)

1. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 5) Regulations 2021 (SSI 2021/475) be approved.

Purpose

2. To amend the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 (the ‘Principal Regulations’) to expand the existing requirement in regulation 4 to have regard to guidance issued by the Scottish Ministers about measures to minimise risk of exposure to coronavirus. The new provision also requires the taking of such of the measures as are reasonably practicable. The Regulations also extend the distance from 1 metre to 2 metres where an exemption from wearing a face covering applies in certain indoor settings. This includes in the workplace; when leading an act of worship; rehearsing or performing or in certain parts of a marriage ceremony.

Consideration by committee

3. At its meeting on 20 January 2022, the Covid-19 Recovery Committee agreed to recommend that the regulations be approved. The Committee report was published on 20 January 2022.

[Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(SSI 2021/478\)](#)

4. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 13) Regulations 2021 (SSI 2021/478) be approved.

Purpose

5. This instrument reinstates the provisions introduced via the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 7) Regulations 2021. The Number 7 regulations ceased to have effect on 15 December as they had not completed the Parliamentary process within the 28 days required. The reason for this is that there were technical issues experienced with the BlueJeans video conferencing service in Parliament on 15 December and it was thus not possible for them to be approved within the 28 days and so they ceased to have

effect from 15 December. These provisions are adapted to take account of further amendments made in the intervening period.

Consideration by committee

6. At its meeting on 20 January 2022, the Covid-19 Recovery Committee agreed to recommend that the regulations be approved. The Committee report was published on 20 January 2022.

[Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 6\) Regulations 2021 \(SSI 2021/496\)](#)

7. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 6) Regulations 2021 (SSI 2021/496) be approved.

Purpose

8. To amend the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 (the ‘Principal Regulations’) to introduce a requirement to take measures to ensure, so far as reasonably practicable, that a distance of 1 metre is maintained between people on or waiting to enter hospitality and leisure premises and that only enough people are admitted to the premises to allow the 1 metre distance to be maintained. The Regulations also introduce a requirement for table service in premises where alcohol is sold for consumption on the premises, and that the customer must remain seated whilst consuming food and drink on the premises. The Regulations also introduce capacity limits for live events held indoors and outdoors - 100 people at indoor standing events, 200 people at indoor seated events and 500 people at outdoor events (whether seated or standing).

Consideration by committee

9. At its meeting on 20 January 2022, the Covid-19 Recovery Committee agreed to recommend that the regulations be approved. The Committee report was published on 20 January 2022.

[Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 7\) Regulations 2021 \(SSI 2021/497\)](#)

10. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 7) Regulations 2021 (SSI 2021/497) be approved.

Purpose

11. To amend the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 (the ‘Principal Regulations’) to 7 close nightclubs, dance halls or discotheque premises, subject to exceptions, from 5.00 a.m. on 27 December 2021. It would remain open to these businesses to operate the premises with distancing and table service, rather than as a nightclub, dance hall or discotheque.

Consideration by committee

12. At its meeting on 20 January 2022, the Covid-19 Recovery Committee agreed to recommend that the regulations be approved. The Committee report was published on 20 January 2022.

[Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 8\) Regulations 2021 \(SSI 2021/498\)](#)

13. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 8) Regulations 2021 (SSI 2021/498) be approved.

Purpose

14. To amend the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 to allow nightclubs to adjust their operations so as to not operate as a nightclub for the purpose of remaining open in line with these regulations, without being in breach of any licensing arrangements.

Consideration by committee

15. At its meeting on 20 January 2022, the Covid-19 Recovery Committee agreed to recommend that the regulations be approved. The Committee report was published on 20 January 2022.

[Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment Regulations 2022 \(SSI 2022/2\)](#)

16. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment Regulations 2022 (SSI 2022/2) be approved.

Purpose

17. To amend the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021 to expand the list of countries from where a person vaccinated with an authorised vaccine may be an eligible vaccinated arrival and the proof needed for this. Additionally, it amends the definition of “WHO List vaccine” in regulation 3(1) to include additional vaccines (Covovax and Novovax).

18. It removes the requirement for eligible vaccinated travellers and under 18s to take a pre-departure test. These passengers will still be required to undertake a day 2 test but are no longer required to isolate pending receipt of a negative test result. This instrument also introduces a further option for eligible travellers, arriving from non-red list countries and territories, to allow them to complete their day 2 test using a Lateral

Flow Device (“LFD”) test, as an alternative to a Polymerase Chain Reaction (“PCR”) test.

Consideration by committee

19. At its meeting on 20 January 2022, the Covid-19 Recovery Committee agreed to recommend that the regulations be approved. The Committee report was published on 20 January 2022.

[Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment Regulations 2022 \(SSI 2022/6\)](#)

20. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the Health Protection (Coronavirus) (Requirements) (Scotland) Amendment Regulations 2022 (SSI 2022/6) be approved.

Purpose

21. These Regulations amend the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 (“the Principal Regulations”) to remove the legal requirement for one metre physical distancing in the Principal Regulations at outdoor event venues, outdoor exhibitions and outdoor spaces in sports stadia. The Regulations also amend definitions in the Principal Regulations in relation to the certification requirements. The Regulations also remove the requirement in the Principal Regulations that a person must not organise an outdoor event of more than 500 people.

Consideration by committee

22. At its meeting on 20 January 2022, the Covid-19 Recovery Committee agreed to recommend that the regulations be approved. The Committee report was published on 20 January 2022.

AFFIRMATIVE INSTRUMENTS

[Scottish Child Payment Regulations 2020 and the Disability Assistance for Children and Young People \(Scotland\) Regulations 2021 \(Miscellaneous Amendments\) Regulations 2022 \(SSI 2021/draft\)](#)

23. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the Scottish Child Payment Regulations 2020 and the Disability Assistance for Children and Young People (Scotland) Regulations 2021 (Miscellaneous Amendments) Regulations 2022 (SSI 2021/draft) be approved.

Purpose

24. This instrument makes miscellaneous amendments to both the Scottish Child Payment Regulations 2020 and the Disability Assistance for Children and Young People (Scotland) Regulations 2021. In respect of the Scottish Child Payment

Regulations 2020, the instrument confirms the date when the period for Ministers carrying out a re-determination of entitlement begins where the First-tier Tribunal set aside a decision by the Scottish Ministers not to accept a request for a re-determination of entitlement to Scottish Child Payment.

25. In respect of the Disability Assistance for Children and Young People (Scotland) Regulations 2021, the instrument makes it clear that individuals with refugee status are exempt from one of the residence conditions (the habitual residence test). It also removes the ability for clients who are currently in receipt of Disability Living Allowance, Personal Independence Payment or Armed Forces Independence Payment to make a pre-emptive application for Child Disability Payment. It seeks to remove potential ambiguity on the level of costs of any qualifying services that are met by a local authority for the purposes of determining if an individual is in alternative accommodation.

26. The instrument further places a duty on Ministers to determine whether an individual is entitled to short-term assistance in circumstances where the First-tier Tribunal for Scotland set aside a decision by the Scottish Ministers not to accept a request for a re-determination of entitlement to Child Disability Payment. Finally, in respect of both the Scottish Child Payment Regulations 2020 and the Disability Assistance for Children and Young People (Scotland) Regulations 2021, it allows Ministers to suspend ongoing payments of Scottish Child Payment or Child Disability Payment in prescribed circumstances.

Consideration by committee

27. At its meeting on 20 January 2022, the Social Justice and Social Security Committee agreed to recommend that the regulations be approved. The Committee report was published on 20 January 2022.

[Scottish Local Government Elections Amendment Order 2022 \(SSI 2021/Draft\)](#)

28. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the Scottish Local Government Elections Amendment Order 2022 (SSI 2021/Draft) be approved.

Purpose

29. This Order makes three main changes to the rules which set out how Scottish Local Government elections should be run.

- It requires returning officers to send copies of candidates' expenses returns and declarations to the Electoral Commission, if requested;
- It places the Electoral Commission's monitoring and securing compliance role on candidates' spending on a statutory basis; and
- It allows for poll cards to be issued to electors at an earlier date.

Consideration by committee

30. At its meeting on 13 January 2022, the Standards, Procedures and Public Appointments Committee agreed to recommend that the regulations be approved. The Committee report was published on 19 January 2022.

Decision

31. **Business Managers are invited note that the above motions will be lodged.**
32. **Business Managers should reserve their position if their party intends to speak against or oppose the motions.**

**Parliamentary Business Team
January 2022**