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The Presiding Officer
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Edinburgh
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Dear Presiding Officer

The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment Regulations 2020 (SSI 2020/106)

The Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment Regulations 2020 were made by the Scottish Ministers under paragraph 1(1) of schedule 19 of the Coronavirus Act 2020 (“the 2020 Act”) today and came into force immediately after they were made. They are also laid before the Scottish Parliament today.

They amend the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (“the original Regulations”) that were made and came into force on 26 March 2020.

Paragraph 6(1) of schedule 19 of the 2020 Act states that regulations under paragraph 1(1) are subject to the affirmative procedure. However, paragraph 6(2) provides that the affirmative procedure will not apply if the Scottish Ministers consider that the regulations need to be made urgently. In such situations paragraph 6(3) applies. As a result of the current public health response to the coronavirus, the Scottish Ministers consider that these Regulations need to be made urgently to remove any uncertainty regarding the effect of the original Regulations.

Paragraph 6(3) of schedule 19 of the 2020 Act sets out that “emergency regulations” must be laid before the Scottish Parliament and 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. We are writing to give notice that these emergency regulations have been made, come into force and are being laid before the Scottish Parliament, as provided for in paragraph 6(3) of schedule 19 of the 2020 Act.

Although these Regulations simply fix cross referencing errors in the original Regulations we believe it is important to make these changes immediately. Given the importance of the original Regulations to the public health emergency caused by the coronavirus, we wish to remove any potential for misunderstanding or unintended consequences. We are also

seeking to have Parliament approve these Regulations, along with the original Regulations, today.

Obviously if your officials would like to discuss any matters arising from these Regulations I would be happy to engage with them.

Chris Birt