

Annex A

From: [redacted]

Sent: 15 April 2020 10:09

To: [redacted]

Subject: Call on Regulations

When: 15 April 2020 11:00-11:30 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.

Where:

All, as discussed, a quick catch up on possible changes to the Regulations.

Dial in details below.

[redacted]

[redacted]

From: [redacted]

Sent: 20 April 2020 10:30

To: [redacted] Hynd JS (James); [redacted]

Cc: [redacted]

Subject: Update on regulation changes

When: 21 April 2020 11:15-12:00 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.

Where: Skype Meeting

All - this follows up on the discussion about the 4 nation review of Covid regulations and the largely technical changes being progressed.

Please let me know if you (or a colleague) plan to join

[redacted]

From: Munro D (Dominic)

Sent: 17 April 2020 12:37

To: Munro D (Dominic); Dornan B (Brian); [redacted] Hynd JS (James); Macniven R (Ruairaidh); [redacted] Paterson J (John)

Subject: Next round of Coronavirus emergency regulations discussion

When: 22 April 2020 13:00-14:00 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.

Where: Skype Meeting

.....
[redacted]
.....

Kind Regards

[redacted] **Directorate for Fair Work, Employability & Skills (DFWES) | Scottish Government**

6th Floor | 5 Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU

[redacted]

From: Munro D (Dominic)

Sent: 23 April 2020 15:24

To: Munro D (Dominic); Dornan B (Brian); [redacted]; Hynd JS (James); Macniven R (Ruairaidh); [redacted] Paterson J (John); Rogers D (David) (Constitution and Cabinet Director); [redacted]

Subject: Further Coronavirus emergency regulations discussion

When: 24 April 2020 12:30-13:00 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.

Where: Skype Meeting

[redacted]

Help

Kind Regards

[redacted] **Directorate for Fair Work, Employability & Skills (DFWES) | Scottish Government**

6th Floor | 5 Atlantic Quay | 150 Broomielaw | Glasgow | G2 8LU

[redacted]

From: [redacted]

Sent: 24 April 2020 16:03

To: [redacted]Hynd JS (James); Rogers D (David) (Constitution and Cabinet Director); Munro D (Dominic); Dornan B (Brian); [redacted]; Macniven R (Ruaraidh); [redacted]Paterson J (John); [redacted]Hannaway K (Kenneth); [redacted]

Subject: Coronavirus Regulations discussions

When: 27 April 2020 16:00-16:30 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.

Where: Skype Meeting

With apologies, moving this slightly earlier to enable colleagues to participate in another call at 16:30.

A slot to discuss regulations following Monday's deep dive.

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[redacted]
.....

From: [redacted]

Sent: 24 April 2020 13:58

To: [redacted]Hynd JS (James); Rogers D (David) (Constitution and Cabinet Director); Munro D (Dominic); Dornan B (Brian); [redacted]; Macniven R (Ruaraidh); [redacted] Paterson J (John); [redacted]; Hannaway K (Kenneth); [redacted];

When: 28 April 2020 14:00-14:30 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.

Where: Skype Meeting

As discussed at this afternoon's meeting, a slot on Tuesday to discuss any outcomes following Cabinet.

Many thanks,

[redacted]

From: [redacted]

Sent: 07 May 2020 11:28

To: [redacted]; Donaldson I (Ian); [redacted]

Subject: Draft of the Coronavirus Restrictions Regulations - amendment no 3

When: 07 May 2020 12:15-12:45 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.

Where: Skype Meeting

Suggesting 11.45

It would be really helpful if we could talk to you about this asap.

Thanks

[redacted]

From: [redacted]

Sent: 11 May 2020 10:58

To: [redacted]

Subject: Coronavirus Restrictions Regs Catch-up - Policy/ SGLD

When: 11 May 2020 15:00-15:30 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.

Where: Skype Meeting

[redacted]

From: [redacted]

Sent: 18 May 2020 18:43

To: [redacted]

Subject: outdoor distancing timelines - 28 may review

When: 19 May 2020 12:00-12:30 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.

Where: Skype Meeting

Adding [redacted] to this - for outdoor sport interests

Hi All,

Does this suit for a catch up on timelines and actions between now and 28 May review?

Please forward to anyone else who should join us

Thanks

[redacted]

.....
[redacted]
.....

From: [redacted]

Sent: 21 May 2020 10:26

To: [redacted]

Subject: Catch up about regs

When: 21 May 2020 16:00-16:30 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.

Where: Skype

From: Rogers D (David) (Constitution and Cabinet Director)

Sent: 21 May 2020 15:41

To: Rogers D (David) (Constitution and Cabinet Director); Rogers S (Shirley); [redacted]; Hynd JS (James); [redacted]; Dornan B (Brian); Donaldson I (Ian); [redacted]; Paterson J (John); Hannaway K (Kenneth)

Subject: Cabinet, Regs, Guidance, Impact Assessments Discussion

When: 21 May 2020 17:00-17:30 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.

Where: Conf. Call

Good afternoon,

Meeting as per David's email.

Conference call details below:

[redacted]

All the best,
[redacted]

From: Rogers D (David) (Constitution and Cabinet Director)

Sent: 22 May 2020 13:16

To: Rogers D (David) (Constitution and Cabinet Director); [redacted]; Dornan B (Brian); [redacted]; Gray G (Gavin); Tynte-Irvine C (Claire)

Cc: Paterson J (John); Hannaway K (Kenneth); Griffin J (Joe); Covid-19 Director; [redacted]; Donaldson I (Ian); [redacted]; Rogers S (Shirley); [redacted]; Hynd JS (James)

Subject: IMMEDIATE: Time line for the 28 May lockdown review: cabinet, regulations, guidance, publications

When: 22 May 2020 14:00-14:30 (UTC+00:00) Dublin, Edinburgh, Lisbon, London.

Where: Skype Meeting

.....
[redacted]
.....

Cabinet – 26 May 2020

[redacted]

From: [redacted]
Social Distancing Team
16 April 2020

To: First Minister
Cabinet Secretary for Constitution, Europe and External Affairs

Cc: Cabinet Secretary for Health and Sport
Deputy First Minister and Cabinet Secretary for Education and Skills

REVIEW OF THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS) (SCOTLAND) REGULATIONS 2020

Purpose

1. To update Ministers on the latest assessment of the necessity of the measures contained in the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 and to agree to the continuation of all of the measure contained in the regulations.

Timing

2. Immediate.

Background

3. Due to the extraordinary nature of restrictions that they place on Scottish society, the Scottish Ministers are legally obliged to review the need for the restrictions and requirements contained in the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 at least once every 21 days. Under regulation 2 of those Regulations the first review is due by the 16th April 2020.
4. Those Regulations were made on the 26th March, and came into force that day, in recognition of the public health threat posed by the coronavirus. They place unprecedented restrictions on the movement of people and the operation of businesses across Scotland.
5. Their necessity was supported by the Chief Medical Officer for Scotland in consultation with colleagues in each of the four UK nations, and were made by Ministers on the 26th March and approved by the Scottish Parliament on 1 April.
6. Broadly, compliance with the lockdown conditions has generally been high but cases of, and sadly deaths from, the coronavirus are considered to necessitate the continuation of the lockdown on its current terms.

Advice:

7. The review of the regulations is based on expert advice with a view to minimising the overall harm caused by the crisis and enabling Scotland to emerge from the crisis well placed to pursue the Scottish Government’s National Outcomes and Purpose.
8. [redacted]In addition, Ministers are sighted on regular, detailed reporting on the different aspects of the crisis, particularly through the SGORR and COBR situation reporting, that has informed the overall view of the current position.
9. In view of the advice of the Chief Medical Officer and these other sources of information and analysis, the weight of evidence supports retention of all of the measures in the existing regulations. **Please can the First Minister confirm that she is content that the existing measures are continued meantime.**

Conclusion:

9. The First Minister is invited to:
 - Agree that all the existing lockdown measures are maintained meantime.
 - Note that the regulations are under continuous review, and will be further formally reviewed within 3 weeks of today’s date (16 April 2020).

[redacted]
Social Distancing Team
16 April 2020

Copy List:
Officials: Executive Team Lord Advocate Solicitor General Chief Medical Officer Director COVID-19 Dominic Munro [redacted] Kenneth Hannaway Brian Dornan James Hynd [redacted] John Paterson

[redacted]

Alison Coull

[redacted]

Liz Lloyd

Colin McAlister

ANNEX A

[redacted]

From: [redacted]
Exit Strategy Team
7 May 2020

To: First Minister
Cabinet Secretary for Constitution, Europe and External Affairs

Cc: Cabinet Secretaries
Minister for Parliamentary business

REVIEW OF THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS) (SCOTLAND) REGULATIONS 2020

Purpose

10. To update Ministers on the latest assessment of the necessity of the measures contained in the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 and to agree to the continuation of all of the measure contained in the regulations.

Timing

11. Urgent.

Background

12. Due to the extraordinary nature of restrictions that they place on Scottish society, the Scottish Ministers are legally obliged to review the need for the restrictions and requirements contained in the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 at least once every 21 days. Under regulation 2 of those Regulations the next review is due by the 7 May 2020 (today).

13. Those Regulations were made on the 26 March, and came into force that day, in recognition of the public health threat posed by the coronavirus. They place unprecedented restrictions on the movement of people and the operation of businesses across Scotland. [redacted]

14. The first review took place on the 16 April and concluded that broadly, compliance with the lockdown conditions had generally been high but cases of, and sadly deaths from, the coronavirus were considered to necessitate the continuation of the lockdown on its current terms. Although there has been some progress over the last three weeks in suppressing the virus it continues to pose a serious threat to public health in Scotland and we do not yet consider it safe to change current restrictions.

Advice:

15. The review of the regulations is based on expert advice with a view to minimising the overall harm caused by the virus and enabling Scotland to emerge from the crisis well placed to pursue the Scottish Government's National Outcomes and Purpose. We have drawn upon a range of professional advisers and expert groups in gathering evidence, including the Chief Medical Officer (CMO) and the CMO's Advisory Group, the Chief Social Policy Adviser and the Chief Economic Adviser. [redacted]
16. We have also published three documents since the last review on 16 April to inform the Review. On 23 April we published *COVID-19: - A Framework for decision-making* which sets out some of the challenges Scotland faces and outlines the approach and principles that will guide us as we make decisions about transitioning out of the current lockdown arrangements.
17. This week (5 May) we published *Coronavirus (COVID-19): Framework for Decision Making: Further Information* which sets out further details of the approach we propose to take to varying the current restrictions, when it is safe to do so. This paper was informed by an assessment framework to inform our review process [redacted]. The conclusion of the paper is that based on the current evidence for Scotland on the R Number and the modelling of the impact on the R number of specified options for change, the data would not support anything other than very marginal changes, if any, on 7th May.
18. Today (7 May) we are also publishing *COVID-19: Framework for Decision Making Further Information - Supporting Evidence Paper* which provides an analytical overview of key analysis and evidence on the 4 harms and sets out some of the options we have been considering. It includes data from Public Health Scotland and collaborators on the risks of distancing measures negatively impacting on people's health, and how to mitigate these wider harms. Also recognising that issues of equality will be at the heart of our decision-making and analysis going forward.
19. The paper re-enforces the fact that the primary objective at this point in time is to ensure that the reproduction rate of the virus (the R number) remains less than 1 and that cases remain within NHS capacity. The evidence shows clearly the scale of direct harm that has resulted from the virus, and the very limited scope for easing restrictions while retaining the R value below 1. High levels of compliance with the core measures of physical distancing, good hygiene, and shielding of those most vulnerable to the harmful effects of the virus, need to be sustained.
20. In addition to this significant volume of evidence, Ministers are also sighted on regular, detailed reporting on the different aspects of the crisis, particularly through the SGORR and COBR situation reporting, that has informed the overall view of the current position.
21. [redacted] In view of the information published, analysis, advice of experts, including the Chief Medical Officer, the weight of evidence supports retention of all

of the measures in the existing regulations. **Can the First Minister confirm that she is content that the existing regulations remain in place?**

Conclusion:

9. The First Minister is invited to:

- Agree that all the existing lockdown measures are maintained meantime.
- Note that the regulations are under continuous review, and will be further formally reviewed within 3 weeks of today's date (7 May 2020).

[redacted]
Exit Strategy Team
7 May 2020

Copy List:
Officials: Executive Team Lord Advocate Solicitor General Chief Medical Officer Director COVID-19 Dominic Munro Shirley Rodgers David Rogers [redacted] Kenneth Hannaway Brian Dornan Ian Donaldson James Hynd [redacted] John Paterson [redacted] Alison Coull [redacted] Liz Lloyd Colin McAlister

Dominic Munro
Director: Exit Strategy
27 May 2020

First Minister
Deputy First Minister

REVIEW OF THE CORONAVIRUS REGULATIONS

Purpose

1. To provide advice on the associated review of the Coronavirus Regulations.
2. It will then ask you to confirm that the remaining Coronavirus regulations that are unchanged in Phase 1 should remain in place, on the basis that they remain both necessary and proportionate to address the ongoing public health crisis, subject to the evidence.

Assessment of the Existing Regulations

3. Due to the extraordinary nature of restrictions that they place on Scottish society, the Scottish Ministers are legally obliged to review the need for the restrictions and requirements contained in the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 at least once every 21 days.
4. There is a legal duty which in the Regulations for Ministers to terminate a restriction or a requirement as soon as it is considered no longer necessary to prevent, protect against, control or provide a public health response to the incidence or spread of the virus. Each measure must therefore be assessed against this test. That test reflects the ECHR requirement of necessity and proportionality.
5. The first reviews took place on the 16 April and 7 May and concluded that although there had been some progress in suppressing the virus it continued to pose a serious threat to public health in Scotland and as such it was not considered safe to change the restrictions.
6. The review of the regulations is based on expert advice with a view to minimising the overall harm caused by the virus and enabling Scotland to emerge from the crisis well placed to pursue the Scottish Government's National Outcomes and Purpose.
7. We have published three documents since the first review on 16 April to inform the Review. On 23 April we published *COVID-19: - A Framework for decision-making*

which sets out some of the challenges Scotland faces and outlines the approach and principles that will guide us as we make decisions about transitioning out of the current lockdown arrangements.

8. On 5 May we published *Coronavirus (COVID-19): Framework for Decision Making: Further Information* which sets out further details of the approach we propose to take to varying the current restrictions, when it is safe to do so. This paper was informed by an assessment framework to inform our review process. On 7 May we published *COVID-19: Framework for Decision Making Further Information* and a *Supporting Evidence Paper* which provides an analytical overview of key analysis and evidence on the four harms and sets out some of the options we have been considering.

9. Last week we published our Route map which sets out an orderly process of easing measures that seeks to minimise the four harms (direct COVID, indirect health, societal and economic harm) in a way that both does not jeopardize the overriding necessity to suppress the virus and is aligned with the principles set out in the *Framework for Decision Making*.¹

10. In addition to this significant volume of evidence, Ministers are also sighted on regular, detailed reporting on the different aspects of the crisis, particularly through the SGORR and COBR situation reporting, that has informed the overall view of the current position.

11. As noted above, the analysis is currently broadly supportive of limited changes to the existing Coronavirus regulations of the kind set out in Table 1 (such as allowing limited interaction between two households out of doors, with physical distancing). In contrast, at present the analysis indicates that lifting the remaining restrictions whilst R is at current levels, ranging between 0.7 – 1.0, and based on the current estimate of the infectious pool, would likely lead to $R > 1$ and hence a resurgence of the virus. This would indicate that the retention of these other restrictions is both necessary and proportionate for addressing the ongoing public health crisis.

Amending the Existing Regulations

12. Amending regulations have been prepared to implement aspects of Phase 1 where changes to the Regulations are necessary.

The Amending Regulations make the following changes:

- amends regulation 4(3) to provide that the requirement for retail outlets to close (except insofar as required for distance selling or hiring of goods) does not apply to any preparatory steps to be taken by that outlet, while the premises are closed to the public, in advance of reopening at a later phase in the Route Map,
- amends regulation 8(5) to add taking part in outdoor recreation and visiting garden or recycling centres to the list of reasonable excuses,

¹ Principles: safe, lawful, evidence-based, fair & ethical, clear, realistic, collective. [Further detail here.](#)

- amends Parts 2 and 3 of schedule 1 to allow garden centres and sports courts used for tennis or bowls to open,
- amends regulations 2 to 6 to make some minor technical amendments which have already been cleared by the Cabinet Secretary, the effect of the technical amendments is to provide that any termination or restatement of a lockdown measure must be by amending regulations.

13. A separate pack of documents, including Regulations, Policy Note, EQIA and letter to the Presiding Officer will be sent to Mr Russell for clearance on a contingency basis later today. If transition to Phase 1 is approved, the Regulations will come in to force on Friday 29 May. The Regulations will be signed by the Cabinet Secretary for Constitution, Europe and External Affairs tomorrow, and, depending on timing, will be laid and published either tomorrow or Friday.

Conclusion

- I. Note the advice on the existing regulations and agree that those regulations not being changed in Phase 1 remain necessary and proportionate.**

Dominic Munro
Director: Exit Strategy
27 May 2020

Annex A

[redacted]

[redacted]

1)

Scottish Cabinet *(Note: all meetings are chaired by the First Minister)*

**Minutes of Meeting Held in St Andrew's House, Edinburgh
at 9.30 am on Tuesday, 14 April 2020**

Present:	Rt Hon Nicola Sturgeon MSP	First Minister
	John Swinney MSP	Deputy First Minister and Cabinet Secretary for Education and Skills
	Aileen Campbell MSP	Cabinet Secretary for Communities and Local Government
	Roseanna Cunningham MSP	Cabinet Secretary for the Environment, Climate Change and Land Reform
	Fergus Ewing MSP	Cabinet Secretary for Rural Economy and Tourism
	Kate Forbes MSP	Cabinet Secretary for Finance
	Jeane Freeman MSP	Cabinet Secretary for Health and Sport
	Fiona Hyslop MSP	Cabinet Secretary for the Economy, Fair Work and Culture
	Michael Matheson MSP	Cabinet Secretary for Transport, Infrastructure and Connectivity
	Michael Russell MSP	Cabinet Secretary for the Constitution, Europe and External Affairs
	Shirley-Anne Somerville MSP	Cabinet Secretary for Social Security and Older People
	Humza Yousaf MSP	Cabinet Secretary for Justice
In Attendance:	Leslie Evans	Permanent Secretary
	Rt Hon James Wolffe QC	Lord Advocate
	Graeme Dey MSP	Minister for Parliamentary Business and Veterans
	Dr Gregor Smith	Interim Chief Medical Officer
	David Rogers	Director of Constitution and Cabinet
	John Somers	First Minister's Principal Private Secretary
	James Hynd	Head of Cabinet Secretariat
	Liz Lloyd	Special Adviser
	Aileen Easton	First Minister's Official Spokesperson
	redacted]	FM COVID Briefing Unit
	redacted]	PS/First Minister
	[redacted]	Cabinet Secretariat
	redacted]	Cabinet Secretariat

[redacted]

Cabinet Secretariat
April 2020

Scottish Cabinet
Minutes of Meeting Held in St Andrew's House, Edinburgh
at 9.30 am on Tuesday, 5 May 2020

Present:	Rt Hon Nicola Sturgeon MSP	First Minister
	John Swinney MSP	Deputy First Minister and Cabinet Secretary for Education and Skills
	Aileen Campbell MSP	Cabinet Secretary for Communities and Local Government
	Roseanna Cunningham MSP	Cabinet Secretary for the Environment, Climate Change and Land Reform
	Fergus Ewing MSP	Cabinet Secretary for Rural Economy and Tourism
	Kate Forbes MSP	Cabinet Secretary for Finance
	Jeane Freeman MSP	Cabinet Secretary for Health and Sport
	Fiona Hyslop MSP	Cabinet Secretary for the Economy, Fair Work and Culture
	Michael Matheson MSP	Cabinet Secretary for Transport, Infrastructure and Connectivity
	Michael Russell MSP	Cabinet Secretary for the Constitution, Europe and External Affairs
	Shirley-Anne Somerville MSP	Cabinet Secretary for Social Security and Older People
	Humza Yousaf MSP	Cabinet Secretary for Justice
In Attendance:	Leslie Evans	Permanent Secretary
	Rt Hon James Wolffe QC	Lord Advocate
	Graeme Dey MSP	Minister for Parliamentary Business and Veterans
	Dr Gregor Smith	Interim Chief Medical Officer
	Dominic Munro	Director for Fair Work, Employability and Skills
	David Rogers	Director of Constitution and Cabinet
	Andrew Watson	Director of Budget and Sustainability
	John Somers	First Minister's Principal Private Secretary
	James Hynd	Head of Cabinet Secretariat
	Douglas McLaren	Deputy Director, Public Spending
	Liz Lloyd	Special Adviser
	Callum McCaig	Special Adviser
	Stuart Nicolson	Special Adviser
	Aileen Easton	First Minister's Official Spokesperson
	[redacted]	FM COVID Briefing Unit
	[redacted]	First Minister's Policy and Delivery Unit
	[redacted]	PS/First Minister
	[redacted]	Cabinet Secretariat
	[redacted]	Cabinet Secretariat

[redacted]

Cabinet Secretariat
May 2020

Scottish Cabinet

Minutes of Meeting Held in St Andrew's House, Edinburgh
at 9.30 am on Tuesday, 26 May 2020

Present:	Rt Hon Nicola Sturgeon MSP	First Minister
	John Swinney MSP	Deputy First Minister and Cabinet Secretary for Education and Skills
	Aileen Campbell MSP	Cabinet Secretary for Communities and Local Government
	Roseanna Cunningham MSP	Cabinet Secretary for the Environment, Climate Change and Land Reform
	Fergus Ewing MSP	Cabinet Secretary for Rural Economy and Tourism
	Kate Forbes MSP	Cabinet Secretary for Finance
	Jeane Freeman MSP	Cabinet Secretary for Health and Sport
	Fiona Hyslop MSP	Cabinet Secretary for the Economy, Fair Work and Culture
	Michael Matheson MSP	Cabinet Secretary for Transport, Infrastructure and Connectivity
	Michael Russell MSP	Cabinet Secretary for the Constitution, Europe and External Affairs
In Attendance:	Shirley-Anne Somerville MSP	Cabinet Secretary for Social Security and Older People
	Humza Yousaf MSP	Cabinet Secretary for Justice
	Leslie Evans	Permanent Secretary
	Rt Hon James Wolffe QC	Lord Advocate
	Graeme Dey MSP	Minister for Parliamentary Business and Veterans
	Dr Gregor Smith	Interim Chief Medical Officer
	David Rogers	Director of Constitution and Cabinet
	Dominic Munro	Director, Exit Strategy
	John Somers	First Minister's Principal Private Secretary
	James Hynd	Head of Cabinet Secretariat
	Ian Donaldson	Deputy Director for Readiness and Transition
	Liz Lloyd	Special Adviser
	Stuart Nicolson	Special Adviser
	Aileen Easton	First Minister's Official Spokesperson
[redacted]	First Minister's Policy and Delivery Unit	
[redacted]	PS/First Minister	
[redacted]	Head of NHS Board Sponsorship	
[redacted]	Territorial NHS Board Sponsorship	
[redacted]	Cabinet Secretariat	
[redacted]	Cabinet Secretariat	

[redacted]

Cabinet Secretariat
May 2020