

## Response to your request

1. **Was it legal to implement ANY restrictions to peoples' liberties during this Covid mess made by the government and where can I find out when this legislation was given under law ?**
2. **Presently IS it legal to continue restrictions?**

The UK Coronavirus Act 2020 and Coronavirus (Scotland) Acts 2020 provide new powers and measures to help protect the public, maintain essential public services and support the economy during the current outbreak of coronavirus. These powers have been used to implement the restrictions and requirements currently in place across Scotland.

The text of the UK Act can be found here:

<https://www.legislation.gov.uk/ukpga/2020/7/contents/enacted>

The Coronavirus (Scotland) Acts can be found here:

<https://www.legislation.gov.uk/asp/2020/7/contents/enacted>

<https://www.legislation.gov.uk/asp/2020/10/contents/enacted>

The UK Act received Royal Assent on 25 March 2020. The Scottish Parliament gave its consent to the provisions of the Act as far as they relate to devolved matters on 24 March 2020.

The First Scottish Act (the Coronavirus (Scotland) Act 2020) received Royal Assent on 6 April 2020, and the second Coronavirus (Scotland) (No.2) Act 2020 received Royal Assent on 26 May 2020.

The powers have been used to make several sets of regulations to provide for the "lockdown", various measures set out in the Routemap, and more recently the approach set out in the Scottish Government's Strategic Framework document. The measures for different local levels are set out in The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020.

3. **Is it now legal to trample over people human rights (as no one has ever answered this when I asked)?**

Fundamental freedoms are guaranteed by the European Convention on Human Rights (ECHR) and set out in the Human Rights Act. They are also protected by the Scotland Act 1998. In Scotland, the Scotland Act 1998 and the Human Rights Act 1998 require that Scottish legislation, the acts of Scottish Ministers, and the actions of public authorities all comply with the rights contained in the European Convention on Human Rights (ECHR). The ECHR, and the corresponding domestic legislation which gives effect to those rights in Scotland, do allow for restrictions to be imposed, in exceptional circumstances, in order to protect public health and to safeguard other rights, such as the right to life.

However, all such restrictions have to be necessary, proportionate and no more limiting in their effect than is justified by the particular threat being faced. The Coronavirus pandemic presents an

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unprecedented challenge, and care has been taken in responding to that challenge to ensure that all of the actions we have taken are fully compliant with the ECHR and with wider human rights requirements. That is why measures in the Coronavirus Acts are subject to review and proactive reporting requirements. An analysis of ECHR human rights impacts has been published as part of the Policy Memorandums for the first and second Coronavirus (Scotland) Bills.

The Scottish Government is very clear that even temporary limitations on fundamental rights represent a step which any modern democracy would prefer not to have to take. We are therefore committed to removing restrictions as soon as it is safe and responsible to do so, keeping in mind the requirement to protect public health and safeguard individuals across society who remain at potential risk.

#### 4. Does Covid take priority over human rights?

As noted in response to point 3 above, fundamental freedoms are guaranteed by the European Convention on Human Rights (ECHR) and set out in the Human Rights Act. They are also protected by the Scotland Act 1998. In Scotland, the Scotland Act 1998 and the Human Rights Act 1998 require that Scottish legislation, the acts of Scottish Ministers, and the actions of public authorities all comply with the rights contained in the European Convention on Human Rights (ECHR). The ECHR, and the corresponding domestic legislation which gives effect to those rights in Scotland, do allow for restrictions to be imposed, in exceptional circumstances, in order to protect public health and to safeguard other rights, such as the right to life.

However, all such restrictions have to be necessary, proportionate and no more limiting in their effect than is justified by the particular threat being faced. The Coronavirus pandemic presents an unprecedented challenge and care has been taken in responding to that challenge to ensure that all of the actions we have taken are fully compliant with the ECHR and with wider human rights requirements. That is why measures in the Coronavirus Acts are subject to review and proactive reporting requirements. An analysis of ECHR human rights impacts has been published as part of the Policy Memorandums for the first and second Coronavirus (Scotland) Bills.

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The Scottish Government and partner agencies are putting equality and human rights at the heart of our response to Covid-19. Our Framework for Decision-making sets out seven core principles across all our work, one of which was 'Fair and ethical', committing us to upholding the principles of human dignity, autonomy, respect and equality, as we deal with the pandemic and its consequences<sup>1</sup>.

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<sup>1</sup> <https://www.gov.scot/publications/coronavirus-covid-19-framework-decision-making/pages/2/>

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**5. Why does the government take advice from these doctors and ministers that don't believe what they are preaching themselves you know the ones ! And why won't she take instruction from the electorate?**

The rationale for the steps we have taken to contain Covid-19 is set out in our published guidance 'Covid 19- A Framework for Decision Making' :

<https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2020/04/coronavirus-covid-19-framework-decision-making/documents/coronavirus-covid-19-framework-decision-making/govscot%3Adocument/coronavirus-covid-19-framework-decision-making.pdf>

**6. Has any party voted against these ridiculous measures?**

This information can be accessed on the Scottish Parliament website: <https://www.parliament.scot/>

**7. If masks are the be all and end all then why have more restrictions?**

Face coverings bring a benefit in reducing transmission of the virus but they are not a substitute for good hand hygiene and physical distancing. We do not mean surgical or other medical masks, but a covering of the mouth and nose that is made of cloth or other textiles and is 2, but preferably 3, layers thick, for example a scarf.

Transmission is more likely to occur when people are in close proximity to each other, in crowded places and in poorly ventilated places, and while the primary sources of transmission are contact and droplet, we believe that aerosol transmission is more significant than we first thought. Equally, asymptomatic transmission and pre-symptomatic transmission are possible. Face coverings may provide some protection to the wearer from droplet and aerosols and they provide protection to those around the wearer. That's why we have made the use of face coverings mandatory in a large range of indoor public places, in indoor communal workplaces, and on public transport where we know the risks are highest.

This is a new virus and our understanding of it has developed over time as scientific evidence has emerged. As a result our response has developed, and will continue to develop, as the scientific community learn about this virus.

**8. Have i the right to choose to wear a mask and follow these life destroying rules?**

There are exemptions for those unable to wear face coverings, for example some health conditions or disabilities may prevent people from wearing a face covering safely. However, the majority of people will be able to and should wear a face covering in places where it is mandated in law or recommended in the guidance.

If necessary, the police have enforcement powers including issuing fines of £60 (halving to £30 if paid within 28 days) if members of the public do not comply with this law without a valid exemption.

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Scottish Government information on face coverings can be found here:

<https://www.gov.scot/publications/coronavirus-covid-19-public-use-of-face-coverings/>

**9. Are any of my human rights being violated ( i remind you of Simons current ongoing court case in the supreme court right now)?**

Articles 8, 10, and 11 of the ECHR are not absolute, and reasonable restrictions or limitations can legitimately be placed on the exercise of these rights, where it is necessary and proportionate to do so, within the overall context of a modern, democratic society, in order to achieve a legitimate public policy objective. For example in the interests of national security, public safety, the prevention of disorder or crime, the protection of health or morals, or the protection of the reputation or rights of others. In such circumstances, there is a need to balance potentially competing considerations, including both the rights of individuals and the wider public interest. Whether there has been a breach or whether the right balance has been struck in any particular case is ultimately a matter for the Courts to decide.

**10. Will this power ever be overturned or end?**

The original legislation which put in place the package of “lockdown” restrictions back in March 2020 was originally put in place for 6 months. In September 2020, Scottish Ministers made the decision to extend the legislation for a further 6 months to avoid the legislation expiring towards the end of September. The legislation contains requirements for any restrictions to be removed as soon as they are no longer necessary so it will be possible to relax some or all restrictions before March 2021, if it is appropriate to do so.

**11. What date if ever will the police revert back to the powers they had before Covid – Police Division?**

The current Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020, give Police Scotland additional temporary powers and are due to expire on 31st March 2021. These regulations are made under Schedule 19 of the Coronavirus Act 2020. The Act also confers powers on the police under Schedules 21 and 22. These powers will expire in line with Section 89 of the Act. This date is currently 25th March 2022.

**12. What can a policeman arrest me for (Covid related )?**

Under the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 Police Scotland have the power to issue anyone over the age of 18 who is breaching the regulations with a prohibition notices and/or a Fixed Penalty Notice.

Police officers will engage with the public explain the legislation and guidance and encourage compliance. They will use enforcement as a last resort only where there is a clear breach of the legislation. They will do so in a fair, reasonable and proportionate manner.

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### 13. Why do we not have the freedom to choose?

Article 8 of ECHR includes the freedom to choose. Like many other Convention rights, Article 8 can be restricted in order to protect public health (see also response to question 9).

Right to respect for private and family life:

8.2 There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

### 14. Is it fair Gov workers and all jobs that pay 100% wages to work at home losing nothing should live like this when the rest of our lives are falling apart spiraling into debt?

We welcomed the Chancellor's recent announcement (5 Nov) that both the Coronavirus Job Retention Scheme (CJRS) and the Self-Employment Income Support Scheme (SEISS) will be extended until March 2021.

In the absence of employment powers, the Scottish Government strongly encourages all employers to apply Fair Work principles, and a flexible approach to dealing with the impacts of COVID-19 on workers and workplaces, to protect the health and wellbeing of their workforce and prevent financial hardship.

Our refreshed statement of Fair Work practices published on the 19th July reiterates the shared expectation for Fair Work to be at the heart of Scotland's economic recovery. We encourage employers to support workers to follow the public health guidance and to provide flexible working, including working from home wherever possible.

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