

Email 1

From: [REDACTED] **On Behalf Of** Cabinet Secretary for Net Zero, Energy and Transport

Sent: 18 June 2021 16:38

To: [REDACTED]

Subject: RE: IMMEDIATE - The Health Protection (Coronavirus) Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 28) Regulations 2021

Hi [REDACTED],

Mr Matheson has noted for his interest.

Many thanks,

[REDACTED]S | Deputy Private Secretary to Cabinet Secretary for Net Zero, Energy and Transport – Michael Matheson

Scottish Government | St Andrews's House, Regent Road, Edinburgh, EH1 3DG | Tel:

[REDACTED] | [REDACTED] | Email: [REDACTED]

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From: [REDACTED]

Sent: 17 June 2021 10:52

To: [REDACTED]

Subject: IMMEDIATE - The Health Protection (Coronavirus) Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 28) Regulations 2021

PS/Deputy First Minister

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 28) Regulations 2021

Purpose

1. To make and lay the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 28) Regulations 2021.

Priority

2. Immediate – The Regulations need to be made as soon as possible today in order that they can be laid before the Scottish Parliament this afternoon. The Regulations will come into force on Friday, 18 June 2021 and Monday, 21 June 2021.

The Regulations

3. These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 to remove the common travel area

restrictions in respect of the Republic of Ireland and the area of Bedford Borough Council coming in to force on Friday 18 June 2021. The regulations also add the common travel area restrictions in respect of Salford and Manchester coming in to force on Monday 21 June 2021.

4. These Regulations implement the decision taken by the First Minister and the Cabinet Secretary for Net Zero, Energy and Transport this week in relation to the common travel area restrictions. Due to the timing of the decision, it was not possible to share a draft copy of the regulations with the Covid-19 Committee yesterday afternoon in line with the agreement with the Parliament.

5. A policy note and letter to the Presiding Officer are attached.

Recommendation

6. That you agree:
- To the making of the Regulations that will be sent to you shortly by the SSI Unit;
 - To sign the letter to the Presiding Officer;

Many thanks,

[REDACTED]

[REDACTED] | Covid Co-ordination Governance and Decision-Making

[REDACTED]



Email 2

From: [REDACTED]

Sent: 17 June 2021 12:21[REDACTED]

Cc: [REDACTED]

Subject: RE: SSI FOR SIGNING: The Health Protection (Coronavirus) Restrictions and Requirements (Local Levels) (Scotland) Amendment (No. 28) Regulations 2021

Excellent! As long as they're aware that the changes have been made and will be in force tomorrow, that's all good.

Thanks.

[REDACTED]

[REDACTED] | Governance and Decision Making Division | Covid Co-ordination Directorate
I work Monday to Thursday

From: [REDACTED]**Sent:** 17 June 2021 12:09

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: SSI FOR SIGNING: The Health Protection (Coronavirus) Restrictions and Requirements (Local Levels) (Scotland) Amendment (No. 28) Regulations 2021

Thanks – they were in copy on the submission so were aware, and I've been in touch this morning, I think it's all worked out for our young athletes in this case. In slightly slower time we will need to come back to the policy issue it threw up and we dodged by taking Bedford off the list, but not today!

[REDACTED]

Head of International Travel Policy
Directorate for Covid Co-ordination
Scottish Government

From: [REDACTED]

Sent: 17 June 2021 11:58

To: [REDACTED]

Cc: [REDACTED]

Subject: FW: SSI FOR SIGNING: The Health Protection (Coronavirus) Restrictions and Requirements (Local Levels) (Scotland) Amendment (No. 28) Regulations 2021

[REDACTED]

This has an immediate impact on the athletes who were wanting to travel to Bedford this weekend. Will you pick up with Active Scotland colleagues to make them aware?

Thanks.

[REDACTED]

[REDACTED] | Governance and Decision Making Division | Covid Co-ordination Directorate

I work Monday to Thursday

From: [REDACTED] **On Behalf Of** Deputy First Minister and Cabinet Secretary for Covid Recovery
Sent: 17 June 2021 11:46
To: [REDACTED]
Subject: RE: SSI FOR SIGNING: The Health Protection (Coronavirus) Restrictions and Requirements (Local Levels) (Scotland) Amendment (No. 28) Regulations 2021

Hi [REDACTED]

Here are the signed regs

Thanks

[REDACTED]

[REDACTED]

Deputy Private Secretary
Deputy First Minister and Cabinet Secretary for Covid Recovery, John Swinney MSP
Tel: [REDACTED]

From: [REDACTED]
Sent: 17 June 2021 10:55
To: [REDACTED]
Subject: SSI FOR SIGNING: The Health Protection (Coronavirus) Restrictions and Requirements (Local Levels) (Scotland) Amendment (No. 28) Regulations 2021
Importance: High

Good morning,

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 28) Regulations 2021

Please find attached the above SSI for signing. I would be grateful if you could print off the attached SSI and have Mr Swinney sign the instrument as soon as possible this morning, Thursday 17th June 2021. The Cabinet Secretary must physically sign a hard copy, a digital signature is not acceptable.

Could the time of signing also be added (page 2) so we can show that it was signed before laying (I'll add time of laying later).

Can you please advise when signed and, if possible, send us a photo or scan of the signed page?

The signed copy can then be returned to me at the address below in due course.

If there are any problems please let me know.

Thanks

[REDACTED] | Principal SSI Clerk

Scottish Government Legal Directorate | Business Division | Scottish Statutory Instruments Unit

Area 1G North | Victoria Quay | Edinburgh | EH6 6QQ

[Work Pattern – Monday to Friday \(working from home Monday PM & all day Thursday\)](#)

☎: [REDACTED] | 💻: [\[REDACTED\]](#)



From: [REDACTED]

Sent: 17 June 2021 10:52

To: [REDACTED]

Subject: IMMEDIATE - The Health Protection (Coronavirus) Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 28) Regulations 2021

PS/Deputy First Minister

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 28) Regulations 2021

Purpose

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2. Immediate – The Regulations need to be made as soon as possible today in order that they can be laid before the Scottish Parliament this afternoon. The Regulations will come into force on Friday, 18 June 2021 and Monday, 21 June 2021.

The Regulations

3. These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 to remove the common travel area restrictions in respect of the Republic of Ireland and the area of Bedford Borough Council coming in to force on Friday 18 June 2021. The regulations also add the common travel area restrictions in respect of Salford and Manchester coming in to force on Monday 21 June 2021.

4. These Regulations implement the decision taken by the First Minister and the Cabinet Secretary for Net Zero, Energy and Transport this week in relation to the common travel area restrictions. Due to the timing of the decision, it was not possible to share a draft copy of the regulations with the Covid-19 Committee yesterday afternoon in line with the agreement with the Parliament.

5. A policy note and letter to the Presiding Officer are attached.

Recommendation

6. That you agree:
- To the making of the Regulations that will be sent to you shortly by the SSI Unit;
 - To sign the letter to the Presiding Officer;

Many thanks,

[REDACTED]

[REDACTED] | Covid Co-ordination Governance and Decision-Making

Email: [\[REDACTED\]](#) | Tel: [REDACTED]



Email 3

From: [REDACTED]

Subject: RE: IMMEDIATE - The Health Protection (Coronavirus) Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 28) Regulations 2021

Hi [REDACTED]

Letter to PO attached for your records

Thanks

[REDACTED]

[REDACTED]

Deputy Private Secretary

Deputy First Minister and Cabinet Secretary for Covid Recovery, John Swinney MSP

Tel: 07824482427

From: [REDACTED]

Sent: 17 June 2021 10:52

To: [REDACTED]

Subject: IMMEDIATE - The Health Protection (Coronavirus) Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 28) Regulations 2021

PS/Deputy First Minister

The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 28) Regulations 2021

Purpose

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The Regulations

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4. These Regulations implement the decision taken by the First Minister and the Cabinet Secretary for Net Zero, Energy and Transport this week in relation to the common travel area restrictions. Due to the timing of the decision, it was not possible to share a draft copy of the

regulations with the Covid-19 Committee yesterday afternoon in line with the agreement with the Parliament.

5. A policy note and letter to the Presiding Officer are attached.

Recommendation

6. That you agree:
- To the making of the Regulations that will be sent to you shortly by the SSI Unit;
 - To sign the letter to the Presiding Officer;

Many thanks,

[REDACTED]

[REDACTED] | Covid Co-ordination Governance and Decision-Making

Email: [\[REDACTED\]](#) | Tel: [REDACTED]



Email 4

From: [REDACTED]

Sent: 17 June 2021 14:30

To: [REDACTED]

Cc: [REDACTED]

Subject: SSI 2021/242: The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 28) Regulations 2021

SSI 2021/242: The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Amendment (No. 28) Regulations 2021

I attach the paperwork for laying this emergency affirmative procedure SSI before the Scottish Parliament.

I also attach a letter to the Presiding Officer.

Thanks

[REDACTED] | Principal SSI Clerk

Scottish Government Legal Directorate | Business Division | Scottish Statutory Instruments Unit

Area 1G North | Victoria Quay | Edinburgh | EH6 6QQ

[Work Pattern – Monday to Friday \(working from home Monday PM & all day Thursday\)](#)

[REDACTED]



Email 5

From: [REDACTED] **On Behalf Of** Deputy First Minister and Cabinet Secretary for Covid Recovery
Sent: 17 June 2021 11:31
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Draft GIQ for today - Coronavirus regulation

Hi [REDACTED]

Thanks for this – DFM is content. I will look out for it coming through on the system.

Thanks

[REDACTED]

[REDACTED]

Deputy Private Secretary
Deputy First Minister and Cabinet Secretary for Covid Recovery, John Swinney MSP
[REDACTED]

From: [REDACTED]
Sent: 17 June 2021 10:57
To: [REDACTED]
Cc: [REDACTED]
Subject: Draft GIQ for today - Coronavirus regulation

Good morning,

We intend to use a GIQ to inform Parliament on legislative changes that have been made to the coronavirus regulations today. The legislation will be sent for signing later this morning.

A question and draft answer are below, I would be grateful for clearance from the Cabinet Secretary by early afternoon so the question can be answered this afternoon. Gordon MacDonald will lodge the question.

Q: To ask the Scottish Government if it will give an update on the Coronavirus legislation in place.

A: Amending Regulations were made to the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 today.

These Regulations amend the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020 to remove the Republic of Ireland and the area of Bedford Borough Council from the list of areas to which the common travel area restrictions apply.

These regulations also add Manchester and Salford to the list of areas to which common travel area restrictions apply.

The Regulations have been published at **LINK TO BE ADDED**.

Thank you

[REDACTED]

[REDACTED] | Covid Co-ordination Governance and Decision-Making
[REDACTED]



Email 6

From: [REDACTED]

Sent: 16 June 2021 19:09

To: [REDACTED]

Cc: [REDACTED] **Subject:** FW: This weeks local levels amendments to regulations

[REDACTED]

In case Ministers do make a decision on this overnight, the SGLD drafting is attached. Can you please check that you are content with the description of the new areas being added.

[REDACTED]

[REDACTED] Governance and Decision Making Division | Covid Co-ordination Directorate
I work Monday to Thursday

From: [REDACTED]

Sent: 16 June 2021 10:06

To: [REDACTED]

Subject: RE: This weeks local levels amendments to regulations

Hi [REDACTED] – now attached. You'll see there are still a few bits needing completed but this where we've got to so far.

[REDACTED]

From: [REDACTED]

Sent: 16 June 2021 10:03

To: [REDACTED] **Subject:** This weeks local levels amendments to regulations

Good morning all,

Would it be possible to see the draft regulations for this week?

[REDACTED] and I were discussing them this morning. Although we haven't had ministerial decision yet it would be good to look them over and finalise the draft policy note

Thank you

[REDACTED]

[REDACTED] | Covid Co-ordination Governance and Decision-Making

Email: [REDACTED]



**FACE
COVERINGS**



**AVOID
CROWDS**



**CLEAN
HANDS**



**TWO
METRES**



**SELF-
ISOLATE**

Email 7

From: [REDACTED]

Sent: 15 June 2021 12:24

To: [REDACTED]

Subject: Local Levels Amendment No. 28 Regulations - links to draft Policy note and letter to PO

[REDACTED]

For information - I've set up a shell for the policy note and a draft letter to the presiding officer in the eRDM folder.

I'll complete the draft this afternoon. In the meantime please see the links below.

Local Levels Amendment No. 28 Regulations - Policy note - 17 June 2021'

<https://erdm.scotland.gov.uk:8443/documents/A33655866/details>

Local Levels Amendment No. 28 Regulations – Letter to the Presiding Officer – 17 June 2021

[Local Levels Amendment No. 28 Regulations - Letter to Presiding Officer - 17 June 2021 \(A33655096\)](#)

Thanks

[REDACTED] | Covid Co-ordination Governance and Decision-Making

[REDACTED]



REASONS FOR NOT PROVIDING INFORMATION

An exemption applies

An exemption applies under section s.38(1)(b) (personal information) of FOISA to some of the information you have requested.

Section 38 of the Freedom of Information (Scotland) Act 2002 (FOISA) contains four exemptions, all relating to personal information.

Information is exempt from disclosure if it is:

- the personal data of the person requesting the information (section 38(1)(a));
- the personal data of a third party – but only if other conditions apply (section 38(1)(b));
- personal census information (section 38(1)(c)); or
- a deceased person's health record (section 38(1)(d)).

This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption

An exemption applies, subject to the public interest test

Exemptions under section(s) s.29(1)(a) and s.36(1) of FOISA applies to some of the information you have requested. S.29(1)(a) relates to formulation of policy and S.(36)1 refers to the provision of legal advice.

Section 29(1)(a) of the Freedom of Information (Scotland) Act 2002 FOISA exempts information from disclosure if it relates to, the formulation or development of government policy, Ministerial communications, the provision of advice by any of the Law Officers (or any request for the provision of such advice) or the operation of any Ministerial private office.

An exemption under section s.36(1) (confidentiality in legal proceedings) applies to some of the information you have requested because it is legal advice and disclosure would breach legal professional privilege.

These exemptions have been applied where there have been exchanges of developing policy and legal advice in the development of regulations.

These exemptions are subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption. We recognise that there is some public interest in release because of the

impact of travel restrictions within the Common Travel Area, and in the interests of being an open and transparent government. However, this is outweighed by the public interest in maintaining the right to confidentiality of communications between legal advisers and officials, to ensure officials and Ministers are able to receive legal advice in confidence.