

RESTRICTED HANDLING

SC(22)11th Conclusions

## SCOTTISH CABINET

MINUTES OF MEETING HELD IN ST ANDREW'S HOUSE, EDINBURGH AT  
9.30 AM ON TUESDAY, 15 MARCH 2022

<b>Present:</b>	Rt Hon Nicola Sturgeon MSP John Swinney MSP	First Minister Deputy First Minister and Cabinet Secretary for Covid Recovery
	Keith Brown MSP Kate Forbes MSP	Cabinet Secretary for Justice and Veterans Cabinet Secretary for Finance and the Economy
	Mairi Gougeon MSP Michael Matheson MSP	Cabinet Secretary for Rural Affairs and Islands Cabinet Secretary for Net Zero, Energy and Transport
	Rt Hon Angus Robertson MSP	Cabinet Secretary for the Constitution, External Affairs and Culture
	Shona Robison MSP	Cabinet Secretary for Social Justice, Housing and Local Government
	Shirley-Anne Somerville MSP Humza Yousaf MSP	Cabinet Secretary for Education and Skills Cabinet Secretary for Health and Social Care
<b>In Attendance:</b>	John-Paul Marks CB Rt Hon Dorothy Bain QC George Adam MSP Neil Gray MSP	Permanent Secretary (*) Lord Advocate Minister for Parliamentary Business Minister for Culture, Europe and International Development with special responsibility for Refugees from Ukraine
	Professor Sir Gregor Smith Paul Johnston Ken Thomson Michael Chalmers Penelope Cooper	Chief Medical Officer (*) DG Communities (*) DG Constitution and External Affairs (*) Director of Children and Families (*) Director of Culture, Major Events and Covid Co-ordination (*)
	James Hynd Shirley Laing Dominic Munro David Rogers Kenneth Hannaway Gavin Henderson Julie Humphreys	Director for Cabinet Director for Housing and Social Justice (*) Director, Exit Strategy (*) Director, Constitution Deputy Director, SGLD (*) Deputy Director, Keeping the Promise (*) Deputy Director, Social Justice and Regeneration (*)
	Alison Irvine Alan Johnston Lisa McGuinness	Head of Cabinet Secretariat Deputy Director, Covid Co-ordination (*) Permanent Secretary's Principal Private Secretary (*)
	Rachael McKechnie	Deputy Director, Major Events and Themed Years (*)
	Michelle Rennie Jeanette Campbell	First Minister's Principal Private Secretary Special Adviser (*)

## OFFICIAL-SENSITIVE

Leanne Dobson	Special Adviser (*)
Jennie Gollan	Special Adviser (*)
Ross Ingebrigtsen	Special Adviser (*)
David Livey	Special Adviser (*)
Liz Lloyd	Special Adviser (*)
John MacInnes	Special Adviser (*)
Colin McAllister	Special Adviser
Callum McCaig	Special Adviser (*)
Stuart Nicolson	Special Adviser (*)
Chris Mackie	First Minister's Official Spokesperson (*)
NR	PS/First Minister (*)
Julie Grant	Assistant Head of News (*)
NR	First Minister's Policy and Delivery Unit (*)
NR	FM Covid Briefing Unit (*)
NR	PS/Deputy First Minister and Cabinet Secretary for Covid Recovery (*)
	Major Events Programme Manager (*)
	DPS/First Minister (*)
	Cabinet Secretariat (*)
	Cabinet Secretariat (*)
	Cabinet Secretariat

*\* by tele-conference*

### Introductory Remarks

1. The First Minister welcomed Mr Gray to his first Cabinet meeting, noting his new Ministerial responsibility for refugees from Ukraine.

### Minutes of Meeting held on 8 March 2022

2. The minutes of the meeting held on 8 March (SC(22)10th Conclusions) were approved.

### Parliamentary Business (Paper SC(22)37)

3. Mr Adam outlined the planned business in the Parliament during the weeks commencing 14, 21 and 28 March and 4, 11 and 18 April, as set out in the tables in Annex A of paper SC(22)37.

4. He noted that since the paper had issued, a Legislative Consent Motion (LCM) had been scheduled for 17 March in relation to the Cultural Objects (Protection from Seizure) Bill, a UK private Member's Bill which sought to amend section 134 of the Tribunals, Courts and Enforcement Act 2007 in order to allow relevant authorities to extend by a further three months the 12 month period of automatic protection from seizure or forfeiture of art objects brought into the UK on loan for temporary public exhibition in museums and galleries.

5. In discussion, Mr Adam undertook to confirm that the Scottish Government was supportive of the LCM.

6. **Cabinet agreed** the planned business in the Parliament for the week commencing 28 March, subject to any further changes that might be required.

**(Action: Minister for Parliamentary Business)**

**Covid-19: Review of Measures (Paper SC(22)38)**

7. Mr Swinney introduced paper SC(22)38 which invited Cabinet to consider, as part of its three-weekly review of statutory measures, the extent to which the remaining legal protections against COVID-19 could be lifted.

8. The legal measures still in place were; the requirement to wear a face covering in certain public places; the requirement on businesses, places of worship and service providers to have regard to guidance, and take such measures set out in guidance that would help limit the spread of COVID-19; and the requirement on organisations in the hospitality sector to collect, retain and share contact details.

9. At the previous three-weekly review, Cabinet decided to retain all existing measures apart from certification but expressed the expectation that all measures could be lifted at this review, subject to the course of the epidemic. Since then, there had been a resurgence in the virus driven by the BA.2 sub-variant of Omicron, which had resulted in rising case numbers, hospital occupancy and increased pressure on the NHS.

10. The paper proposed that all legal measures should be removed from 21 March with the exception of the requirement to wear face coverings, which it proposed should be retained subject to a further review on 29 March, prior to Parliament's Easter recess. This was deemed to be a proportionate response while the prevalence of cases remained high.

11. In discussion the following points were made:

(a) Maintaining the requirement for face coverings would help to encourage the public to continue taking sensible precautions to protect themselves and others from the virus and should, as a result, help to reduce current high case numbers. It would also provide some reassurance to those who were at increased risk from the virus;

(b) The Scottish Government would that day set out its approach to testing. Ministers' freedom of manoeuvre on testing was severely limited by the fact that the Scottish Government's funding was determined by UK Government decisions taken for England, but Ministers had sought as far as possible to reach the right decisions for Scotland;

(c) While the Scottish Government was aiming for the same long term position on testing as England, Ministers considered that a longer transition period would be prudent. In England, testing for people without symptoms had ended in mid-February and would do so at the end of March for those with symptoms;