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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order specifies functions of the Scottish Ministers for the purposes of section 93(1) of the Scotland Act 1998. Section 93(1) allows the Scottish Ministers to make arrangements for any of their specified functions to be exercised on their behalf by a Minister of the Crown.

This Order, which extends to the whole of the United Kingdom, is concerned solely with enabling Ministers of the Crown and the Scottish Ministers to enter into agency arrangements in the particular circumstances detailed below.

Article 2 paragraph (1) specifies the functions mentioned in paragraph (2) (in the circumstances set out in paragraph (3)) of the Scottish Ministers under sections: 1 (general duty of the Scottish Ministers), 1A (duty of the Scottish Ministers to promote health improvement), 37 (prevention of illness, care and after-care), 43 (control of spread of infectious disease) and 47(2) (educational and research facilities) of the National Health Service (Scotland) Act 1978 and section 1 (duty of Scottish Ministers to protect public health) of the Public Health etc. (Scotland) Act 2008.

The specification of the above functions in connection with the Joint Biosecurity Centre (JBC), established on 1 June 2020 as a directorate of the Department for Health and Social Care, will allow the Secretary of State to enter into agency arrangements with the Scottish Ministers in respect of the operation of the JBC in relation to Scotland, including arrangements for the gathering and analysing of data concerning rates of infection with the coronavirus in Scotland. This will inform decision-makers' choices in acting to prevent or mitigate the effects of further outbreaks in Scotland, and will allow the JBC to set, and to communicate to the public of Scotland (and the rest of the United Kingdom), the level of the risk of coronavirus infection on a scale of 1 (low) to 5 (critical).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.