

POLICY NOTE

THE SCOTLAND ACT 1998 (AGENCY ARRANGEMENTS) (SPECIFICATION) (CORONAVIRUS) (NO. 2) ORDER 2020

2020 No. 777

The above instrument was made in exercise of the powers conferred by section 93(3) and 113(3)(b) of the Scotland Act 1998. The instrument is subject to annulment by either House and is subject to the negative procedure in the Scottish Parliament. The Order extends to the whole of the United Kingdom but is concerned solely with agency arrangements between Ministers of the Crown and Scottish Ministers.

The purpose of this instrument is to enable the Scottish Ministers and Ministers of the Crown to enter into agency arrangements for specified devolved functions to be exercised by a Minister of the Crown in connection with the Joint Biosecurity Centre.

1. Policy Objectives

- 1.1 The purpose of this instrument is to pave the way for the Scottish Ministers and Ministers of the Crown to enter into agency arrangements, under which specific functions of Scottish Ministers can be exercised in Scotland by Ministers of the Crown in relation to the operation of the Joint Biosecurity Centre (“JBC”). The JBC has been established to provide early warning of coronavirus outbreaks across the UK, it has three core functions:
 - i. Gathering and analysing data about COVID-19 infection to inform analytical products (e.g. strategic assessments on the impact of COVID-19 including within specific settings);
 - ii. Provision of advice (either assessment or guidance) to help inform decisions (at a local and national level) about measures that it may be appropriate to implement to control the spread of COVID-19; and
 - iii. Setting and communicating the COVID-19 Alert level: providing a single, clear view on the level of risk of COVID-19 infection.
- 1.2 Ultimately whether and the extent to which those functions are exercisable is dependent on the Scottish Ministers and the Secretary of State for Health and Social Care electing to enter into a subsequent arrangement allowing the Secretary of State for Health and Social Care to exercise these functions. This instrument only allows for such arrangements to be agreed.

2. Consultation

- 2.1 Although there has been no general consultation specific to this Order, the content of this Order has been agreed between the Scottish Government, UK Department of Health and Social Care and the Office of the Secretary of State for Scotland.

3. Impact Assessments

- 3.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 3.2 There is no, or no significant, impact on the public sector.
- 3.3 An Impact Assessment has not been prepared for this instrument because the changes introduced by this Order will have no impact on business, or the private or voluntary sectors. The Order simply allows for future arrangements to be entered into.

Financial Effects

The Cabinet Secretary for Health and Sport confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Covid-19 Public Health Directorate

10 July 2020