

PARLIAMENTARY BUREAU: APPROVAL OF SCOTTISH STATUTORY INSTRUMENTS**AFFIRMATIVE INSTRUMENTS****Climate Change (Nitrogen Balance Sheet) (Scotland) Regulations 2022 (SSI 2021/Draft)**

1. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the Climate Change (Nitrogen Balance Sheet) (Scotland) Regulations 2022 (SSI 2021/Draft) be approved.

Purpose

2. To establish, in law, a Scottish Nitrogen Balance Sheet. The Balance Sheet brings together evidence, from a range of sources, in relation to flows of nitrogen across Scotland's economy and environment. One of the objectives of the regulations is to provide a more detailed and comprehensive method for undertaking a calculation of nitrogen use efficiency.

Consideration by committee

3. At its meeting on 18 January 2022, the Net Zero, Energy and Transport Committee agreed to recommend that the regulations be approved. The Committee report was published on 7 February 2022.

Deposit and Return Scheme for Scotland Amendment Regulations 2022 (SSI 2021/Draft)

4. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the Deposit and Return Scheme for Scotland Amendment Regulations 2022 (SSI 2021/Draft) be approved.

Purpose

5. To amend the Deposit and Return Scheme for Scotland Regulations 2020 to move back the full implementation date for the DRS. The amending Regulations provide for a revised full implementation date of 16 August 2023. Previously it had been 1 July 2022. The amendment Regulations also make a number of provisions that respond to feedback from the public and private sectors since the original Regulations were passed in May 2020. The Scottish Government considers that these will provide additional clarity or reduce risks associated with implementation.

Consideration by committee

6. At its meeting on 25 January 2022 the Net Zero, Energy and Transport Committee agreed to recommend (by division, For 4, Against 1, Abstentions 2) that

the regulations be approved. The [Committee report was published on 7 February 2022](#).

Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2022 (SI 2021/draft)

7. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2022 (SI 2021/draft) be approved.

Purpose

8. This is a joint instrument between the four administrations (Scottish, UK, and Welsh Governments, and the Northern Ireland Executive). It amends the UK-wide Emissions Trading Scheme (UK ETS) established by the Greenhouse Gas Emissions Trading Scheme Order 2020. The UK ETS was established as a policy replacement for the UK's participation in the EU ETS by the four administrations in 2021. This instrument is not made under the European Union (Withdrawal) Act 2018 but relates to the withdrawal of the United Kingdom from the European Union.

9. The instrument makes various technical and operational amendments to the UK ETS. In broad terms these amendments are intended to ensure consistent and effective enforcement of scheme rules through the strengthening and clarification of provisions relating to scheme penalties and notices to enforce scheme rules, and of powers of entry and inspection for the scheme regulators.

Consideration by committee

10. At its meeting on 1 February 2022, the Net Zero, Energy and Transport Committee agreed to recommend that the regulations be approved. The Committee report was published on 7 February 2022.

Maximum Number of Judges (Scotland) Order 2022 (SSI 2021/Draft)

11. Under Rule 10.6.5, the Bureau is required to lodge the following motion—

George Adam on behalf of the Parliamentary Bureau: That the Parliament agrees that the Maximum Number of Judges (Scotland) Order 2022 (SSI 2021/Draft) be approved.

Purpose

12. To increase the maximum number of persons who may be appointed judges of the Court of Session from 35 to 36. This is required as a consequence of the upcoming appointment of a Court of Session judge as Chair of the Covid Inquiry from 2022. The appointee will be seconded to the Inquiry. During the secondment, the judge will not be available to sit in court however will remain a judge for the purposes of the statutory limit in section 1(1) of the 1988 Act.

Consideration by committee

13. At its meeting on 8 February 2022, the Equalities, Human Rights and Civil Justice Committee agreed to recommend that the regulations be approved. The Committee report was published on 8 February 2022.

COVID-19 SCOTTISH STATUTORY INSTRUMENTS - EXPEDITED TIMETABLE FOR CONSIDERATION

14. The Covid-19 Recovery Committee will consider the following instruments at its meeting on Thursday 24 February 2022 and report the same day:

AFFIRMATIVE

[Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 4\) Regulations 2022 \(SSI 2022/Draft\)](#)

Purpose

15. To amend the date on which the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021 expire from 28 February 2022 to 24 September 2022.

[Health Protection \(Coronavirus, Restrictions\) \(Directions by Local Authorities\) \(Scotland\) Amendment Regulations 2022 \(SSI 2022/Draft\)](#)

Purpose

16. To amend the date on which The Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020 expire from 25 March 2022 to 24 September 2022.

MADE AFFIRMATIVE

[Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Scotland\) Regulations 2022 \(SSI 2022/40\)](#)

Purpose

17. To change the expiry date of various provisions of the Coronavirus Act 2020 from 24 March 2022 to 24 September 2022.

Parliamentary Approval

18. The No. 4 regulations are required to be considered by the Covid-19 Recovery Committee and the Parliament on Thursday 24, to allow them to be considered prior to their expiry date on 28 February 2022. Although the other two SSIs have a longer deadline, the Covid-19 Recovery Committee Clerks have recommend taking them as a package because they are interlinked. SSI 2022/40 extends time-limited devolved powers in the UK Coronavirus Act (which will otherwise expire on 24 March), and the other two regulations draw on one of these powers (health protection in schedule 19 of the Act) to extend some of the measures in place (such as the use of face coverings in certain settings; and powers to direct local authorities to control local outbreaks in premises, events, and public outdoor spaces).

19. Due to the above, the following motions will be lodged under Rule 10.6.5 by the Bureau, shortly after the Covid-19 Recovery Committee has considered and reported on the above instruments after its meeting on Thursday 24 February. They will then taken in the Chamber that afternoon:

- **George Adam on behalf of the Parliamentary Bureau:** That the Parliament agrees that the Health Protection (Coronavirus) (Requirements) (Scotland) Amendment (No. 4) Regulations 2022 (SSI 2022/Draft) be approved.
- **George Adam on behalf of the Parliamentary Bureau:** That the Parliament agrees that the Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Amendment Regulations 2022 (SSI 2022/Draft) be approved.
- **George Adam on behalf of the Parliamentary Bureau:** That the Parliament agrees that the Coronavirus Act 2020 (Alteration of Expiry Date) (Scotland) Regulations 2022 (SSI 2022/40) be approved.

20. The Business Team will ensure that the Committee's report is shared with Business Managers as soon as it becomes available and update that day's Business Programme when the motions are lodged.

Decision

21. **Business Managers are invited note that the above motions will be lodged.**

22. **Business Managers should reserve their position if their party intends to speak against or oppose the motions.**

**Parliamentary Business Team
February 2022**