



# Coronavirus (Scotland) (No.2) Act 2020

## 2020 asp 10

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 20th May 2020 and received Royal Assent on 26th May 2020**

An Act of the Scottish Parliament to make provision in connection with coronavirus; and for connected purposes.

### PART 1

#### MAIN PROVISIONS

##### *Key expression*

#### **1 Meaning of “coronavirus”**

In this Act, “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

##### *Protection of the individual*

#### **2 Protection of the individual**

Schedule 1 contains modifications to the law in response to coronavirus in relation to various matters concerning the protection of the individual.

##### *Justice*

#### **3 Operation of the justice system**

Schedule 2 contains modifications to the law in response to coronavirus in relation to the operation of the justice system.

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*Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) (No.2) Act 2020. (See end of Document for details)*

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### *Reports, accounts and other documents*

#### **4 Reports, accounts and other documents**

Schedule 3 contains modifications to the law in response to coronavirus in relation to various matters concerning the preparation of reports, accounts and other documents.

### *Other measures in response to coronavirus*

#### **5 Other measures in response to coronavirus**

Schedule 4 contains other measures in response to coronavirus.

## **PART 2**

### **SUPPORTING AND FINAL PROVISIONS**

### *Supporting provisions*

#### **6 Advancement of equality and non-discrimination**

- (1) In exercising a function conferred by virtue of Part 1 (including a function of making subordinate legislation), the Scottish Ministers must have regard—
  - (a) to the importance of communicating in an inclusive way,
  - (b) to opportunities to advance equality and non-discrimination.
- (2) In subsection (1)(a), “communicating in an inclusive way” means communicating in a way that ensures that individuals who have difficulty communicating (in relation to speech, language or otherwise) can receive information and express themselves in ways that best meet each individual's needs.
- (3) Section 9 (advancement of equality and non-discrimination) of the Coronavirus (Scotland) Act 2020 is amended by subsections (4) to (6).
- (4) The existing text becomes subsection (1).
- (5) In that subsection, for “regard” substitute “regard—
  - (a) to the importance of communicating in an inclusive way,
  - (b)”.
- (6) After that subsection insert—
 

“(2) In subsection (1)(a), “communicating in an inclusive way” means communicating in a way that ensures that individuals who have difficulty communicating (in relation to speech, language or otherwise) can receive information and express themselves in ways that best meet each individual's needs.”.

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## 7 Subordinate legislation making powers

A power to make subordinate legislation conferred by virtue of Part 1 includes power to make—

- (a) incidental, supplementary, consequential, transitional, transitory or saving provision,
- (b) different provision for different purposes or areas.

## 8 Power to suspend and revive provisions

- (1) The Scottish Ministers may by regulations—
  - (a) suspend the operation of any provision of Part 1,
  - (b) revive the operation of a provision so suspended.
- (2) Sections 15 to 17 of the Interpretation and Legislative Reform (Scotland) Act 2010 (effect of repeals) apply to the suspension of a provision by regulations under subsection (1)(a) as if the provision had been repealed by an Act.
- (3) The powers in subsection (1) may be exercised more than once in relation to the same provision.
- (4) Regulations under this section may make—
  - (a) different provision for different purposes or areas,
  - (b) consequential provision,
  - (c) transitional, transitory or saving provision.
- (5) The power under subsection (4)(b) and (c) includes power to modify any enactment (including this Act).
- (6) Regulations under this section—
  - (a) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure,
  - (b) otherwise, are subject to the negative procedure.

### Modifications etc. (not altering text)

- C1** S. 8 modified in part (5.8.2021) by [Coronavirus \(Extension and Expiry\) \(Scotland\) Act 2021 \(asp 19\)](#), ss. 3(2), 11(2)

## 9 Expiry

- (1) Part 1 expires [<sup>F1</sup>at the end of [<sup>F2</sup>30 September 2022]].
- (2) Subsection (1) is subject to section 10 (power to bring forward expiry).
- [<sup>F3</sup>(3) The Scottish Ministers may by regulations amend subsection (1) so as to replace “31 March 2022” with “30 September 2022”.]
- (5) Regulations under subsection (3) are subject to the affirmative procedure.
- (6) [<sup>F4</sup>At the same time as] laying a draft Scottish statutory instrument containing regulations under subsection (3) before the Scottish Parliament in accordance with section 29(2) of the Interpretation and Legislative Reform (Scotland) Act 2010

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(instruments subject to affirmative procedure), the Scottish Ministers must lay before the Parliament a statement of their reasons why the regulations should be made.

<sup>F5</sup>(7) .....

<sup>F5</sup>(8) .....

(9) The Scottish Ministers may by regulations make—

- (a) consequential provision,
- (b) transitional, transitory or saving provision,

in connection with the expiry under subsection (1) of any provision of this Act.

(10) Regulations under subsection (9) may—

- (a) make different provision for different purposes or areas,
- (b) modify any enactment (including this Act).

(11) Regulations under subsection (9)—

- (a) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure,
- (b) otherwise, are subject to the negative procedure.

#### Textual Amendments

- F1** Words in s. 9(1) substituted (5.8.2021) by [Coronavirus \(Extension and Expiry\) \(Scotland\) Act 2021 \(asp 19\)](#), **ss. 1(5)**, 11(2)
- F2** Words in s. 9(1) substituted (30.3.2022) by [The Coronavirus \(Scotland\) Acts \(Amendment of Expiry Dates\) Regulations 2022 \(S.S.I. 2022/113\)](#), regs. 1, **3(2)**
- F3** S. 9(3) substituted for s. 9(3)(4) (5.8.2021) by [Coronavirus \(Extension and Expiry\) \(Scotland\) Act 2021 \(asp 19\)](#), **ss. 1(6)**, 11(2)
- F4** Words in s. 9(6) substituted (5.8.2021) by [Coronavirus \(Extension and Expiry\) \(Scotland\) Act 2021 \(asp 19\)](#), **ss. 8(6)**, 11(2)
- F5** [S. 9\(7\)\(8\)](#) repealed (30.9.2021 at the end of the day) by [Coronavirus \(Extension and Expiry\) \(Scotland\) Act 2021 \(asp 19\)](#), **ss. 8(7)**, 11(1)

## 10 Power to bring forward expiry

(1) The Scottish Ministers may by regulations provide that any provision of Part 1—

- (a) does not expire at the time when it would otherwise expire (whether by virtue of section 9 or previous regulations under this section), and
- (b) expires instead at such earlier time as is specified in the regulations.

(2) Regulations under this section may make—

- (a) different provision for different purposes or areas,
- (b) consequential provision,
- (c) transitional, transitory or saving provision.

(3) The power under subsection (2)(b) and (c) includes power to modify any enactment (including this Act).

(4) Regulations under this section—

- (a) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure,

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- (b) otherwise, are subject to the negative procedure.

**Modifications etc. (not altering text)**

- C2** S. 10(1) modified (5.8.2021) by [Coronavirus \(Extension and Expiry\) \(Scotland\) Act 2021 \(asp 19\)](#), ss. **2(10)**, 11(2)

**11 Power to amend Act in consequence of amendments to subordinate legislation**

- (1) The Scottish Ministers may by regulations modify any provision of this Act which modifies the effect of a provision of subordinate legislation.
- (2) The power in subsection (1) may be exercised only if the modification is necessary in consequence of the modification of the provision of the subordinate legislation by other subordinate legislation.
- (3) Regulations under subsection (1) may make transitional, transitory or saving provision.
- (4) Regulations under subsection (1) must be laid before the Scottish Parliament as soon as reasonably practicable after they have been made.
- (5) Regulations under subsection (1) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, they are approved by resolution of the Scottish Parliament.
- (6) In calculating the period of 28 days for the purpose of subsection (5), no account is to be taken of any period during which the Scottish Parliament is—
  - (a) in recess for more than 4 days, or
  - (b) dissolved.
- (7) If regulations cease to have effect as a result of subsection (5), that does not—
  - (a) affect the validity of anything previously done under them, or
  - (b) prevent the making of new regulations.

*Reporting requirements*

**12 Reports by the Scottish Ministers on the status of provisions**

- (1) The Scottish Ministers must, in respect of each reporting period—
  - (a) undertake a review of the operation of the provisions of Part 1 with a view to considering whether those provisions remain necessary, and
  - (b) prepare a report on that review.
- (2) A report prepared under subsection (1) must—
  - (a) set out how any powers conferred by the provisions of Part 1 have been exercised, and
  - (b) include—
    - (i) the status of the provisions of Part 1 (whether or not any power under a provision has been exercised), and
    - (ii) a statement that the Scottish Ministers are satisfied that the status of those provisions is appropriate.