These notes relate to the Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8)

EXPLANATORY NOTES

CORONAVIRUS (RECOVERY AND REFORM) (SCOTLAND) ACT 2022

INTRODUCTION

THE ACT: OVERVIEW

PART 1: PUBLIC HEALTH PROTECTION

Chapter 1: Modifications of the Public Health etc. (Scotland) Act 2008

Section 1: Public health protection measures

Section 2: International travel regulations

Section 3: Meaning of "premises"

Chapter 2: Arrangements for vaccination and immunisation

Section 4: Arrangements for vaccination and immunisation

PART 2: EDUCATION

Chapter 1: Educational establishments etc.

Section 5: Interpretation of Chapter

Section 6: Duty to have regard to public health advice

Section 7: Guidance on public health measures

Section 8: Regulations on continuing operation of educational establishments

Section 9: Regulations on school boarding accommodation

Section 10: Regulations on student accommodation

Section 11: Compliance and enforcement

Section 12: Procedure for regulations

Section 13: Regulations: public health declarations

Section 14: Regulations: further provision about public health declarations

Section 15: Review of regulations

Section 16: Duty to seek views about regulations

Section 17: Report on public schools' readiness for remote learning

Chapter 2: School consultations

Section 18: School consultations: meetings and documents

PART 3: PUBLIC SERVICE REFORM

Bankruptcy

Section 19: Bankruptcy: service of documents

Section 20: Bankruptcy: meaning of "qualified creditor" and "qualified creditors"

Section 21: Bankruptcy: remote meetings of creditors

Diligence

Section 22: Bank arrestments: protected minimum balance

Section 23: Period of moratorium on diligence

Section 24: Power to amend period of moratorium on diligence

Registration of births

Section 25: Giving information of particulars of birth remotely

Registration of deaths

Section 26: Funeral director giving information of particulars of death

Section 27: Giving information of particulars of death remotely

Further modifications of the Registration of Births, Deaths and Marriages Act

Section 28: Regulations under the 1965 Act

Civil Partnership Register

Section 29: Power to make a register electronic

Civic licensing

Section 30: Civic licensing: how hearings may be held

Section 31: Civic licensing: how notices may be published

Alcohol licensing

Section 32: Alcohol licensing: how hearings may be held

Land registration

Section 33: Electronic submission of copies of deeds and writs to Registers of Scotland

Section 34: Register of Inhibitions: electronic signature of documents

Legal Aid and Advice and Assistance

Section 35: Claim for interim payment of fees and outlays

Freedom of information

Section 36: Freedom of information: giving notice electronically

Mental health

Section 37: Mental health: removal of need for witnessing of signature of nominated person

Care services

Section 38: Care services: giving of notices by SCSWIS

Requirements of writing

Section 39: Disapplication of physical presence requirements

Custody at police stations

Section 40: Custody officers' functions

Parole Board for Scotland

Section 41: Chairperson's functions

Children's hearings

Section 42: Members of children's hearings

PART 4: TENANCIES

Removal of mandatory eviction grounds

Section 43: Private residential tenancies: discretionary eviction grounds

Section 44: Assured tenancies: discretionary eviction grounds

Section 45: Tenancies under the Rent (Scotland) Act 1984: discretionary eviction grounds

Pre-action protocol in respect of evictions relating to rent arrears

Section 46: Private residential tenancies: pre-action protocol

Section 47: Assured tenancies: pre-action protocol

Saving and transitional provision

Section 48: Tenancies: saving provision

Section 49: Tenancies: transitional provision

PART 5: TEMPORARY JUSTICE MEASURES

Overview

Section 50: The measures

Section 51: Power to suspend and revive

Section 52: Expiry

Section 53: Power to bring expiry forward

Section 54: Regulations under Part 5

Section 55: Criminal procedure time limits: consequential modifications

Section 56: Criminal procedure time limits: transitional and saving provision

Section 57: Effect of early release from prison or young offenders institution by virtue of regulations

PART 6: FINAL PROVISIONS

Section 58: Ancillary provision

Section 59: Commencement

Section 60: Short title

SCHEDULE: TEMPORARY MEASURES

PART 1: COURTS AND TRIBUNALS: CONDUCT OF BUSINESS BY ELECTRONIC MEANS, ETC.

Chapter 1: Documents

Chapter 2: Attending a court or tribunal

Overview of Chapter 2

Suspension of requirement for physical attendance in non-criminal proceedings, criminal trials and certain processes

Suspension for requirement for physical attendance in criminal proceedings, excluding trials and certain processes

Attending by electronic means

General directions under paragraph 8

Chapter 3: Further provision

Publication of directions and guidance

Transitional provision for directions under earlier enactment

Interpretation of Part

PART 2: FISCAL FINES

PART 3: FAILURE TO APPEAR BEFORE COURT FOLLOWING POLICE LIBERATION

PART 4: NATIONAL JURISDICTION FOR FIRST CALLINGS FROM CUSTODY, ETC. ABILITY TO TAKE FIRST CALLING IN ANY SHERIFF COURT AND THEN MAINTAIN PROCEEDINGS

Ability of any sheriff court to deal with proceedings following failure to appear

Further provision about extra-territorial jurisdiction

PART 5: CRIMINAL PROCEDURE TIME LIMITS

Chapter 1: Extension of periods

Solemn proceedings: periods within which procedural hearings and trial must commence

Summary proceedings: period within which prosecution for statutory offence must commence

Pre-trial and pre-sentence remand period

Chapter 2: Adjournment periods

Power of court to adjourn cases

PART 6: PROCEEDS OF CRIME

PART 7: PRISONS AND YOUNG OFFENDERS INSTITUTIONS

Power to release early

Parliamentary scrutiny and expiry of regulations made under paragraph 25

PARLIAMENTARY HISTORY