



Coronavirus (Scotland) (No.2) Act 2020

2020 asp 10

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.”.

Status: Point in time view as at 27/05/2020.

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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of repeals) apply to the suspension of a provision by regulations under subsection (1)(a) as if the provision had been repealed by an Act.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.

9 Expiry

- (1) Part 1 expires on 30 September 2020.
- (2) Subsection (1) is subject to section 10 (power to bring forward expiry).
- (3) The Scottish Ministers may by regulations—
 - (a) amend subsection (1) so as to replace “30 September 2020” with “ 31 March 2021 ”,
 - (b) further amend subsection (1) so as to replace “31 March 2021” with “ 30 September 2021 ”.
- (4) The power conferred by subsection (3)(b) may be used only after 30 September 2020.
- (5) Regulations under subsection (3) are subject to the affirmative procedure.
- (6) Before 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 (instruments subject

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

- (7) Subsection (8) applies if regulations under subsection (3) are made in accordance with paragraph 23 of schedule 7 of the Coronavirus (Scotland) Act 2020.
- (8) The Scottish Ministers must, at the same time as laying the regulations before the Parliament in accordance with paragraph 26 of that schedule, lay before the Parliament a statement of their reasons for making the regulations.
- (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.

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

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.

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- (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.

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