



Coronavirus (Scotland) Act 2020

2020 asp 7

CORONAVIRUS (SCOTLAND) ACT 2020

PART 1

MAIN PROVISIONS

Key expression

- 1 Meaning of “coronavirus”

Eviction from dwelling-houses

- 2 Eviction from dwelling-houses

Protection for debtors

- 3 Temporary extension of moratoriums on diligence

Children and vulnerable adults

- 4 Children and vulnerable adults

Justice

- 5 Justice

Alcohol licensing

- 6 Alcohol licensing

Public bodies

- 7 Functioning of public bodies

Other measures in response to coronavirus

- 8 Other measures in response to coronavirus

Status: Point in time view as at 03/10/2020.

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

PART 2

SUPPORTING PROVISIONS

- 9 Advancement of equality and non-discrimination
- 10 Subordinate legislation making powers
- 11 Power to suspend and revive provisions
- 12 Expiry
- 13 Power to bring forward expiry
- 14 Power to amend Act in consequence of amendments to subordinate legislation
- 15 Reports by the Scottish Ministers on status of provisions
- 15A Reviews: information about domestic abuse
- 16 Ancillary provision
- 17 Commencement
- 18 Short title

SCHEDULE 1 — Eviction from dwelling-houses

Private residential tenancies: eviction grounds to be discretionary

- 1 (1) The Private Housing (Tenancies) (Scotland) Act 2016 applies, in...

Private residential tenancies: extension of notice periods

- 2 (1) The Private Housing (Tenancies) (Scotland) Act 2016 applies, in...

Assured tenancies: eviction grounds to be discretionary

- 3 (1) The Housing (Scotland) Act 1988 applies, in relation to...

Assured tenancies: extension of notice periods

- 4 (1) The Housing (Scotland) Act 1988 applies, in relation to...

Tenancies under the Rent (Scotland) Act 1984: eviction grounds to be discretionary

- 5 (1) The Rent (Scotland) Act 1984 applies, in relation to...

Tenancies under the Rent (Scotland) Act 1984: extension of notice periods

- 6 (1) The Rent (Scotland) Act 1984 applies, in relation to...

Scottish secure tenancies: extension of notice periods

- 7 (1) The Housing (Scotland) Act 2001 applies, in relation to...

Power to modify notice periods

- 8 (1) The Scottish Ministers may by regulations—

Consequential modifications in relation to prescribed forms

- 9 (1) The Private Residential Tenancies (Prescribed Notices and Forms) (Scotland)...

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Errors in notices

10 (1) Where a notice to which this paragraph applies is...

SCHEDULE 2 — Temporary extension of moratoriums on diligence

- 1 The Bankruptcy (Scotland) Act 2016 applies in accordance with the...
- 2 Section 195 (moratorium on diligence: notice of intention to make...
- 3 Section 196 (moratorium on diligence: notice of intention to make...
- 4 Section 198 (period of moratorium) has effect as if—

SCHEDULE 3 — Children and vulnerable adults

PART 1 — CHILDREN

Requirements as to members of children's hearings

1 (1) The Children's Hearings (Scotland) Act 2011 applies in accordance...

Child assessment and child protection orders

2 (1) The Children's Hearings (Scotland) Act 2011 (“the 2011 Act”)...

Maximum period for which compulsory supervision order has effect

3 (1) The Children's Hearings (Scotland) Act 2011 (“the 2011 Act”)...

Maximum period for which interim compulsory supervision order or interim variation of compulsory supervision order has effect

4 (1) The Children's Hearings (Scotland) Act 2011 (“the 2011 Act”)...

Period within which children's hearing must be held in certain cases

5 (1) The Children's Hearings (Scotland) Act 2011 (“the 2011 Act”)...

Children in secure accommodation

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Modification of certain time limits for making and determination of appeals etc.

7 (1) The Children's Hearings (Scotland) Act 2011 applies in accordance...

Attendance at children's hearing

8 (1) The Children's Hearings (Scotland) Act 2011 (Rules of Procedure...

Authentication of children's hearings documents

9 (1) The Children's Hearings (Scotland) Act 2011 (Rules of Procedure...

Looked after children

10 (1) The Looked After Children (Scotland) Regulations 2009 (S.S.I. 2009/210)...

PART 2 — VULNERABLE ADULTS

Care of adults with incapacity

11 (1) The Social Work (Scotland) Act 1968 has effect as...

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SCHEDULE 4 — Justice

PART 1 — COURTS AND TRIBUNALS: CONDUCT OF BUSINESS BY ELECTRONIC MEANS

Electronic signatures and transmission of documents

- 1 (1) An electronic signature fulfils any requirement (however expressed and...

Intimation, etc. on Scottish Courts and Tribunals Service website

- 1A (1) Any requirement (however expressed) that a document—

Suspension of requirements for physical attendance

- 2 (1) Any requirement (however expressed) that a person physically attend...

Attendance by electronic means

- 3 (1) A person excused from a requirement to physically attend...

Further provision about attendance by electronic means

- 4 (1) A court or tribunal may— (a) issue a direction...

Publication of directions and guidance

- 5 A person who issues any of the following must make...

Interpretation of Part

- 6 In this Part— “court” means any of the Scottish courts...

PART 2 — FISCAL FINES

Fixed penalty: conditional offer by procurator fiscal

- 7 (1) The Criminal Procedure (Scotland) Act 1995 applies in accordance...
PART 3 — CASES BEGINNING WITH AN APPEARANCE FROM CUSTODY

Ability to take case in any sheriff court

- 8 (1) If it involves an appearance from police custody, a...

Paragraph 8: supporting provision

- 9 (1) A sheriff court has jurisdiction for all cases which...
PART 4 — EXTENSION OF TIME LIMITS

Criminal proceedings: extension of time limits

- 10 (1) The Criminal Procedure (Scotland) Act 1995 applies in accordance...
PART 5 — EVIDENCE

Exceptions to the rule that hearsay evidence is inadmissible

- 11 (1) The Criminal Procedure (Scotland) Act 1995 applies in accordance...
PART 6 — COMMUNITY ORDERS

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Community payback orders: extension of unpaid work or other activity requirements

- 12 (1) Sub-paragraph (2) applies to a community payback order—

Community payback orders: time limit for completion of unpaid work or other activity

- 13 (1) Section 227L of the Criminal Procedure (Scotland) Act 1995...

Community orders: postponement

- 14 (1) The Scottish Ministers may by regulations postpone the effect...

Community orders: variation

- 15 (1) The Scottish Ministers may by regulations vary requirements imposed...

Community orders: interpretation

- 16 In paragraphs 12, 14 and 15— “community payback order” means...
PART 7 — PAROLE BOARD

Chairing of the Parole Board

- 17 (1) The Prisoners and Criminal Proceedings (Scotland) Act 1993 applies...

Modifications of the Parole Board Rules

- 18 (1) The Parole Board (Scotland) Rules 2001 (S.S.I. 2001/315) apply...
PART 8 — RELEASE OF PRISONERS

Early release of prisoners

- 19 (1) The Scottish Ministers may by regulations provide that a...

Regulations under paragraph 19: procedure and expiry

- 20 (1) Regulations under paragraph 19(1) are subject to the affirmative...
PART 9 — LEGAL AID

Assessment of claims for interim payment of fees and outlays

- 21 (1) The Legal Aid (Scotland) Act 1986 applies in accordance...

Recovery of overpayment of interim fees or outlays paid to firms

- 22 (1) The Legal Aid (Scotland) Act 1986 applies in accordance...

Payment of interim fees for civil legal aid to counsel

- 23 (1) The Civil Legal Aid (Scotland) (Fees) Regulations 1989 (S.I....

SCHEDULE 5 — Alcohol licensing

Requirement to hold a hearing

- 1 (1) The Licensing (Scotland) Act 2005 applies in accordance with...

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Premises licences

- 2 (1) The Licensing (Scotland) Act 2005 applies in accordance with...

Personal licence holders

- 3 (1) The Licensing (Scotland) Act 2005 applies in accordance with...

Licensing Boards etc.

- 4 (1) The Licensing (Scotland) Act 2005 applies in accordance with...

Modifications of duties of Licensing Standards Officers

- 5 (1) The Licensing (Scotland) Act 2005 applies in accordance with...

Notifications by the chief constable

- 6 (1) The Licensing (Scotland) Act 2005 applies in accordance with...

Interpretation

- 7 (1) The Licensing (Scotland) Act 2005 applies in accordance with...

Modifications of the Licensing (Procedure) (Scotland) Regulations 2007

- 8 (1) The Licensing (Procedure) (Scotland) Regulations 2007 (S.S.I. 2007/453) apply...

SCHEDULE 6 — Functioning of public bodies

PART 1 — LICENSING OTHER THAN ALCOHOL LICENSING

Modifications of Civic Government (Scotland) Act 1982 etc.

- 1 (1) The Civic Government (Scotland) Act 1982 applies in accordance...

PART 2 — FREEDOM OF INFORMATION

Interpretation

- 2 In this Part (other than this paragraph)—

Time periods for responding to requests

- 3 (1) Section 10 (time for compliance) has effect as if...
4 The Freedom of Information (Scotland) Act 2002 (Time for Compliance)...

Extension of periods in which certain authorities may respond

- 5 (1) This paragraph applies where the Scottish Ministers are of...

Commissioner's ability to take account of impact of coronavirus

- 6 (1) This paragraph applies in relation to an application made...

Giving notice electronically

- 7 Section 74(1)(a) (giving of notice etc.) has effect as if...

PART 3 — DUTIES IN RESPECT OF REPORTS AND OTHER DOCUMENTS

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Power to postpone publication and laying of reports

8 (1) This paragraph applies to a statutory duty (however expressed)—...

Power to publish or make available documents for inspection electronically

9 (1) This paragraph applies to a statutory duty (however expressed)—...

Resumption of duties in relation to reports and documents

10 (1) Sub-paragraph (2) applies where the Scottish Ministers or, as...

PART 4 — LOCAL AUTHORITY MEETINGS

Introductory

11 This Part contains temporary modifications of the Local Government (Scotland)...

Interpretation

12 In this Part (other than this paragraph)—

Grounds for exclusion of the public from meetings of local authorities

13 (1) Section 50A (admission to meetings of local authorities) applies...

Photographic copies of documents in respect of meetings of local authorities

14 Section 50H(2)(b) (supplemental provisions and offences) has effect as if...

PART 5 — DUTIES UNDER THE PUBLIC FINANCE AND ACCOUNTABILITY (SCOTLAND) ACT 2000

15 (1) The Scottish Ministers may by regulations make provision modifying...

SCHEDULE 7 — Other measures in response to coronavirus

Social security

1 The Social Security (Scotland) Act 2018— (a)

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5 Section 43 (duty to re-determine) has effect as if—

Irritancy clauses in commercial leases: non-payment of rent or other sums due

6 The Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 applies in...

7 Section 4 (irritancy clauses etc. relating to monetary breaches of...

Duration of planning permission

8 The Town and Country Planning (Scotland) Act 1997 applies in...

9 Section 58 (duration of planning permission) has effect as if...

10 Section 59 (planning permission in principle) has effect as if...

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Electronic delivery of copy of deed to Registers of Scotland

- 11 The Land Registration etc. (Scotland) Act 2012 applies in accordance...
- 12 Section 21 (application for registration of deed) has effect as...
- 13 The Land Registers (Scotland) Act 1868 applies in accordance with...
- 14 Section 6A (writs transmitted electronically to Register of Sasines) has...

Land registration: period of effect of advance notice

- 15 Paragraph 16 applies to an advance notice within the meaning...
- 16 The advance notice is to be treated as having continued...
- 17 Paragraph 18 applies to an advance notice within the meaning...
- 18 The advance notice is to be treated as having continued...
- 19 Section 58 of the 2012 Act (period of effect of...

Anatomy Act 1984: extension of periods

- 20 The Anatomy Act 1984 applies in accordance with the modifications...
- 21 Section 4B (lawful examinations: further provision) has effect as if...
- 22 Section 5 (control of possession after examination) has effect as...

Scrutiny of subordinate legislation in urgent cases

- 23 Subordinate legislation which— (a) is to be made by Scottish...
- 24 A Scottish statutory instrument containing subordinate legislation made in accordance...
- 25 Where subordinate legislation is made in accordance with paragraph 23,...
- 26 Subordinate legislation made in accordance with paragraph 23 must be...
- 27 Subordinate legislation made in accordance with paragraph 23 ceases to...
- 28 In calculating the period of 28 days for the purpose...
- 29 If subordinate legislation ceases to have effect as a result...
- 30 (1) In paragraphs 23 to 29, “subordinate legislation” includes an...

Business improvement districts: extension of certain arrangements

- 31 (1) This paragraph applies to BID arrangements if—

Muirburn

- 32 The Hill Farming Act 1946 applies in accordance with the...
- 33 Section 23 (muirburn season) has effect as if—

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