

CORONAVIRUS (SCOTLAND) ACT 2020

EXPLANATORY NOTES

DETAIL ABOUT PROVISIONS

Schedule 4 – Justice

Part 8 – Release of prisoners

Regulations under paragraph 19: procedure and expiry

179. Paragraph 20 makes provision for the procedure to be followed when making regulations under paragraph 20 and for the expiry of those regulations. Subparagraph (1) provides that regulations are subject to the affirmative procedure unless they are caught by the expedited procedure in subsection (2) to (5).
180. Subparagraph (2) clarifies that the regulations can be made under the expedited procedure only if certain conditions are met. These are: that the order does not provide for the release of prisoners for a period greater than 180 days before they would otherwise have been released; and it is declared by the Scottish Ministers that by reason of urgency it is necessary to make the order without a draft having been approved by the Scottish Parliament.
181. Subparagraph (3) provides that regulations made under the expedited procedure must be laid before the Scottish Parliament and cease to have effect after 28 days unless approved by the Scottish Parliament during that period. Subparagraph (4) further clarifies how that 28 day period is to be calculated. Subparagraph (5) preserves anything done under regulations prior to their cessation and clarifies that the cessation of the regulations does not prevent further regulations being made.
182. Subparagraph (6) provides that regulations made under the affirmative procedure (including those initially made under the expedited procedure and subsequently approved by the Parliament) expire after 180 days. Subparagraph (7) clarifies that regulations can be revoked and further regulations can be made despite these time-limits.