

CORONAVIRUS (RECOVERY AND REFORM) (SCOTLAND) ACT 2022

EXPLANATORY NOTES

THE ACT: OVERVIEW

Part 4: Tenancies

Saving and transitional provision

Section 49: Tenancies: transitional provision

185. This section makes transitional provision to ensure that there is no gap between the revocation of the current pre-action requirements and the implementation of this Act's replacement pre-action protocol, particularly in light of the relatively early dates for expiry of the current law and commencement of the new law.
186. The avoidance of any gap is achieved by subsections (1) and (2). These subsections continue in force the Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 and deem them to have been made under the powers inserted by sections 46 and 47 of this Act. Subsection (3) deals with any references in the pre-action requirements which need to be updated in order for that document to be read as being the pre-action protocol which is provided for under this Act. Subsection (4) then essentially ensures that this section applies only to post-commencement eviction notices and connected eviction proceedings. To the extent that the regulations are continued in force by section 48, they should be read without any of these changes (because the existing law is continued in force without any changes for the cases covered by section 48, and therefore no changes to the regulations are required in that context).
187. The pre-action protocol under this Act will therefore (at least initially) contain the same provisions as the current pre-action requirements specified under the Coronavirus (Scotland) (No.2) Act 2020. The regulations will be able to be revoked at a later date, and new regulations made under the powers created by this Act.