

*These notes relate to the Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8) which received Royal Assent on 10 August 2022*

# **CORONAVIRUS (RECOVERY AND REFORM) (SCOTLAND) ACT 2022**

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## **EXPLANATORY NOTES**

### **THE ACT: OVERVIEW**

#### **Part 5: Temporary Justice Measures**

##### **Overview**

##### ***Section 51: Power to suspend and revive***

191. This section allows the Scottish Government to temporarily stop provisions in the schedule having legal effect (suspend them) and to then restore their legal effect (revive them).
192. Only provisions that have not fully expired under section 52 or 53 can be suspended and revived.
193. Regulations to suspend or revive a provision are subject to parliamentary scrutiny under the negative procedure (see section 54).
194. Subsection (2) applies the default statutory rules that deal with the effect of repealing legislation (i.e. permanently removing it from the statute book) to a case where a provision is merely suspended. In broad terms, the default rules under sections 15 to 17 of the Interpretation and Legislative Reform (Scotland) Act 2010 mean that anything that was legally or illegally done under a law before its repeal (or in this case suspension) continues to be treated as having been done legally or illegally (respectively). For example, paragraph 15 of the schedule allows the court to reschedule when a person is to appear before it. If that paragraph were to be suspended, any appearance dates the court set before the suspension would still be treated as valid.