

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

EXPLANATORY NOTES

THE ACT: OVERVIEW

Part 5: Temporary Justice Measures

Overview

Section 56: Criminal procedure time limits: transitional and saving provision

206. This section prevents modifications made by section 55 of this Act, and paragraphs 20 and 22 of this Act's schedule, from affecting criminal proceedings that are already underway when those modifications come into effect on 1 October 2022 (see section 59, which deals with commencement arrangements). The modifications in question relate to certain time limits in criminal proceedings.
207. This section further provides that the modifications temporarily made to time limits in criminal proceedings by certain provisions of the Coronavirus (Scotland) Act 2020 continue to apply in relation to proceedings underway on 1 October 2022, despite that Act expiring. The cumulative effect of the section is to ensure that the rules on time limits which applied when criminal proceedings got underway stay the same throughout those proceedings, unaffected by changes made by this Act or the expiration of changes made by the 2020 Act.
208. References in the preceding paragraphs to a criminal case getting underway mean the accused first being brought before a court after being served with the document indicating the charges the accused is facing. In the context of summary proceedings, that document is called a complaint. In the context of solemn proceedings, that document is called a petition (although, to be clear, the document that specifies the offences that an accused is formally being charged with in solemn procedure is served later in the process and is called an indictment).