

POLICY NOTE

THE CORONAVIRUS (SCOTLAND) ACT 2020 (EARLY EXPIRY OF PROVISIONS) REGULATIONS 2021

S.S.I. 2021/214

1. The above instrument is made by the Scottish Ministers in exercise of the powers conferred by section 13 of the Coronavirus (Scotland) Act 2020, and all other powers enabling them to do so. The instrument is subject to the negative procedure.

The purpose of the instrument is to expire early certain provisions in Part 1 of the Coronavirus (Scotland) Act 2020 on 30 June 2021.

Legislative background

2. The Coronavirus (Scotland) Act 2020 (“the Act”) came into force on 7 April 2020 (except for one provision). The Act provides powers and measures which have helped to protect the public, maintain essential public services and support the economy in the face of the unprecedented and ongoing public health and economic challenges created by the pandemic. This includes protections for individuals in areas such as housing, measures to support the ongoing operation of the justice system, and support for public bodies in their response to coronavirus, such as adjustments to deadlines for reports and accounts.
3. As set out under section 12 of the Act, Part 1 of that Act was initially due to expire on 30 September 2020. On 29 September 2020, the Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2020¹ came into force extending the expiry date of Part 1 of the Act to 31 March 2021. On 30 March 2021, the Coronavirus (Scotland) Acts (Amendment of Expiry Dates) Regulations 2021² came into force extending the expiry date of Part 1 of the Act to 30 September 2021.

Policy objectives

4. The Scottish Ministers are committed to expiring provisions of the Act as soon as it is appropriate to do so. It has been judged that the provisions in paragraphs 19 and 31 of schedule 7 of the Act are no longer needed and can be expired.

Business improvement districts: extension of certain arrangements

5. Paragraph 31 of schedule 7 of the Act (Business improvement districts: extension of certain arrangements) extended the duration of certain business improvement district partnerships (BIDs) as provided for by the Planning etc. (Scotland) Act 2006 to 31 March 2021. This provided increased certainty for those BIDs that would otherwise

¹ [The Coronavirus \(Scotland\) Acts \(Amendment of Expiry Dates\) Regulations 2020](#)

² [The Coronavirus \(Scotland\) Acts \(Amendment of Expiry Dates\) Regulations 2021](#)

have had to ballot for renewal in 2020 during the Covid-19 pandemic enabling them to stay in operation and provide vital support to local businesses and communities.

6. As the provision expressly states that it extended some BIDs to 31 March 2021, and no further, it has no legal effect beyond that date and it is therefore the Scottish Government's view that it should be expired.

Land registration: period of effect of advance notice

7. Paragraphs 15 to 19 of schedule 7 of the Act (Land registration: period of effect of advance notice) protected advance notices in conveyancing while the Land Register of Scotland and the Register of Sasines were not fully open. The Keeper of the Registers of Scotland declared the registers fully opened for the making or recording of entries from 1 March 2021.
8. The majority of the advance notice provisions (paragraphs 15 to 18) were expired on 30 March 2021 by the Coronavirus (Scotland) Acts (Early Expiry and Suspension of Provisions) Regulations 2021³. Paragraph 19, however, needed to remain in force beyond 31 March 2021 for a further short period, until 6 April, in order to ensure that the full protected period was applied to all advance notices entered onto the application record prior to the register fully reopening. The provision has no practical effect beyond 6 April 2021 and therefore can now be expired.

Consultation

9. A formal public consultation exercise has not been undertaken in relation to this instrument due to the fact that the provisions to be expired have no further practical effect.
10. In relation to land registration advance notice provision, the full reopening of the registers and the protected period for advance notices reverting to the position prior to commencement of these provisions has been well communicated by the Keeper and via key representative bodies including the Law Society of Scotland. Details of the change have been published on the Keeper's website since 3 December 2020.

Impact Assessments

11. No impact assessments have been completed for this instrument. However, as part of the two-monthly reporting⁴ to Parliament on the provisions in the Act, impacts on rights and equality are regularly considered.
12. Rights and equality implications were considered in relation to the land registration provisions and it was determined that no additional rights and equality implications have been identified in relation to expiring the provisions. Expiry of these provisions will result in reverting to the position that existed prior to the pandemic which is already compliant with rights and equality obligations.

³ [The Coronavirus \(Scotland\) Acts \(Early Expiry and Suspension of Provisions\) Regulations 2021](#)

⁴ Section 15 of the Act requires Scottish Ministers to review the operation of the provisions of Part 1 of that Act in each reporting period, and every two months, report on the status of the provisions and make a statement that they are satisfied that the status of those provisions is appropriate.

Financial Effect

13. The Deputy First Minister and Cabinet Secretary for Covid Recovery confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Directorate for Constitution and Cabinet
May 2021