

**2022 No. 261**

**PUBLIC HEALTH**

**The Coronavirus (Scotland) Acts (Saving Provision)  
Regulations 2022**

*Made - - - - at 12.11 p.m. on 30th August 2022*

*Laid before the Scottish Parliament at 3.45 p.m. on 30th August 2022*

*Coming into force - - - - 1st October 2022*

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by section 12(9) of the Coronavirus (Scotland) Act 2020(a) and section 9(9) of the Coronavirus (Scotland) (No. 2) Act 2020(b), and all other powers enabling them to do so.

**PART 1**

**Introductory**

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Coronavirus (Scotland) Acts (Saving Provision) Regulations 2022 and come into force on 1 October 2022.

(2) In these Regulations—

“the first Scottish Act” means the Coronavirus (Scotland) Act 2020,

“the second Scottish Act” means the Coronavirus (Scotland) (No. 2) Act 2020.

**PART 2**

**Social security**

**Saving provision in relation to the definition of “coronavirus” under the Social Security (Scotland) Act 2018**

**2.** Despite section 12(1) of the first Scottish Act, section 1 of that Act continues in effect for the purposes of section 52A and section 52B of the Social Security (Scotland) Act 2018(c).

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(a) 2020 asp 7.

(b) 2020 asp 10.

(c) 2018 asp 9. Sections 52A and 52B were inserted by paragraph 4 of schedule 7 of the Coronavirus (Scotland) Act 2020.

## PART 3

### Community payback orders

#### **Time limit for completion of unpaid work or other activity: saving provision**

**3.**—(1) Despite section 12(1) of the first Scottish Act, section 5 and paragraph 13 of schedule 4 of that Act continue in effect in relation to an unpaid work or other activity requirement imposed before the end of 30 September 2022.

(2) In this regulation “unpaid work or other activity requirement” has the meaning given in section 227I(1) of the Criminal Procedure (Scotland) Act 1995(a).

## PART 4

### Alcohol licensing

#### **Interpretation of Part 4**

**4.**—(1) In this Part “the 2005 Act” means the Licensing (Scotland) Act 2005(b).

(2) Any other words or expressions used in this Part that are also used in the 2005 Act have the same meaning as in that Act.

#### **Alcohol licensing: saving provision**

**5.** Despite section 12(1) of the first Scottish Act, the provisions of that Act referred to in regulations 6 to 10 continue in effect as described in those regulations.

**6.** Sections 1 and 6, and paragraph 7 of schedule 5 of the first Scottish Act continue in effect for the purposes of regulations 7 to 10.

**7.** Paragraph 2(1) and (5) of schedule 5 of the first Scottish Act continue in effect in relation to an application as mentioned in section 45(7A) of the 2005 Act(c) which was made before the end of 30 September 2022.

**8.** Paragraph 2(1) and (6) of schedule 5 of the first Scottish Act continue in effect in relation to any licensed premises in respect of which a premises licence has effect where an event mentioned in section 54(2) of the 2005 Act occurs before the end of 30 September 2022.

**9.** Paragraph 3(1) and (2) of schedule 5 of the first Scottish Act continue in effect in relation to a personal licence where—

- (a) a personal licence renewal application was made in respect of the licence,
- (b) the Licensing Board did not determine the application before the expiry date of the licence, and
- (c) the personal licence continues to have effect immediately before the end of 30 September 2022 by virtue of section 77(2B) of the 2005 Act(d).

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(a) 1995 c. 46. Section 227I was inserted by section 14 of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13).

(b) 2005 asp 16.

(c) Paragraph 2(5)(b) of schedule 5 of the Coronavirus (Scotland) Act 2020 (“the first Scottish Act”) provides that the Licensing (Scotland) Act 2005 (“the 2005 Act”) has effect as if section 45(7A) were inserted.

(d) Paragraph 3(2) of schedule 5 of the first Scottish Act provides that the 2005 Act has effect as if section 77(2B) were inserted.

**10.**—(1) Subject to paragraph (3) below, paragraph 4(1) and (2) of schedule 5 of the first Scottish Act continue in effect in relation to the requirement that a Licensing Board must, not later than 9 months after the end of the financial year, prepare and publish a report in terms of section 9A(1)(a) of the 2005 Act.

(2) Subject to paragraph (3) below, paragraph 4(1) and (3) of schedule 5 of the first Scottish Act continue in effect in relation to the requirement that a Licensing Board must, not later than 9 months after the end of the financial year, prepare and publish a report in terms of section 9B(1)(b) of the 2005 Act.

(3) Paragraphs (1) and (2) apply only in respect of reports relating to the financial year that ended on 31 March 2022.

## PART 5

### Licensing other than alcohol licensing

#### Interpretation of Part 5

**11.**—(1) In this Part “the 1982 Act” means the Civic Government (Scotland) Act 1982(c).

(2) Any other words or expressions used in this Part that are also used in the 1982 Act have the same meaning as in that Act.

#### Licensing other than alcohol licensing: saving provision

**12.** Despite section 12(1) of the first Scottish Act, the provisions of that Act referred to in regulations 13 to 16 continue in effect as described in those regulations.

**13.** Section 7 of the first Scottish Act continues in effect for the purposes of regulations 14 to 16.

**14.** Paragraph 1(1) and (2) of schedule 6 of the first Scottish Act continue in effect in relation to a relevant application made before the end of 30 September 2022.

**15.**—(1) Paragraph 1(1) and (7)(d) of schedule 6 of the first Scottish Act continue in effect in relation to a requirement to deliver a licence to a licensing authority under paragraph 13(2) of schedule 1 of the 1982 Act where the decision of the licensing authority or court which gives rise to that requirement comes into effect before the end of 30 September 2022.

(2) Paragraph 1(1) and (8)(d) of schedule 6 of the first Scottish Act continue in effect in relation to a requirement to deliver a licence to a local authority under paragraph 16(2) of schedule 2 of the 1982 Act where the cessation of use or decision of the licensing authority or court which gives rise to that requirement comes into effect before the end of 30 September 2022.

**16.** Paragraph 1(9) and (10) of schedule 6 of the first Scottish Act continue in effect in relation to a relevant application made before the end of 30 September 2022.

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(a) Section 9A was inserted by section 56(2) of the Air Weapons and Licensing (Scotland) Act 2015 (asp 10) (“the 2015 Act”). Paragraph 4(2) of schedule 5 of the Coronavirus (Scotland) Act 2020 (“the first Scottish Act”) provides that the Licensing (Scotland) Act 2005 (“the 2005 Act”) has effect as if section 9A(1A) were inserted.

(b) Section 9B was inserted by section 56(2) of the 2015 Act. Paragraph 4(3) of schedule 5 of the first Scottish Act provides that the 2005 Act has effect as if section 9B(1A) were inserted.

(c) 1982 c. 45.

## PART 6

### Social care staff support fund

#### **Social care staff support fund: saving provision**

**17.**—(1) Despite section 9(1) of the second Scottish Act, the provisions referred to in paragraph (2)—

- (a) continue in effect for the purposes of financial hardship experienced by a worker in the social care sector before the end of 30 September 2022, and
- (b) cease to have effect on 1 April 2023.

(2) The provisions are—

- (a) sections 2 and 6 of the second Scottish Act,
- (b) paragraph 7(1), (2) and (7) of schedule 1 of that Act,
- (c) the Social Care Staff Support Fund (Coronavirus) (Scotland) Regulations 2020<sup>(a)</sup>.

*JOHN SWINNEY*

A member of the Scottish Government

St Andrew's House,  
Edinburgh  
At 12.11 p.m. on 30th August 2022

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<sup>(a)</sup> S.S.I. 2020/188, amended by S.S.I. 2020/469.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Part 1 of the Coronavirus (Scotland) Act 2020 (“the first Scottish Act”) and Part 1 of the Coronavirus (Scotland) (No.2) Act 2020 (“the second Scottish Act”) expire at the end of 30 September 2022. These Regulations contain saving provision required as a consequence of the expiry of Part 1 of the first Scottish Act and Part 1 of the second Scottish Act.

Part 2 of these Regulations makes saving provision in respect of the definition of coronavirus in sections 52A and 52B of the Social Security (Scotland) Act 2018 (“the 2018 Act”), which has the meaning given by section 1 of the first Scottish Act, so that sections 52A and 52B of the 2018 Act continue to have the same effect after Part 1 of the first Scottish Act expires.

Part 3 of these Regulations makes saving provision in respect of the expiry of section 5 and paragraph 13 of schedule 4 of the first Scottish Act, which modified section 227L of the Criminal Procedure (Scotland) Act 1995. Regulation 3 retains those modifications beyond that date in respect of an unpaid work or other activity requirement imposed before that expiry.

Part 4 of these Regulations makes saving provision in respect of the expiry of section 6 and schedule 5 of the first Scottish Act, insofar as they modified the Licensing (Scotland) Act 2005 (“the 2005 Act”).

Regulations 5 and 6 make general saving provision relating to the first Scottish Act for the purpose of supporting the subsequent particular saving provision, set out in regulations 7 to 10, which relate to the modifications of the 2005 Act. Regulation 7 saves the modification to section 45 (provisional premises licence) of the 2005 Act made by paragraph 2(5) of schedule 5 of the first Scottish Act. Section 45 provides that a Licensing Board can grant a provisional premises licence, which if not confirmed within 4 years is treated as revoked. The modification is saved only in respect of an application to extend the 4 year period which was made before the end of September 2022.

Regulation 8 saves the modification to section 54 (dismissal etc. of premises manager) made by paragraph 2(6) of schedule 5 of the first Scottish Act. Where one of the events mentioned in section 54(2) of the 2005 Act occurs, the premises licence holder must notify the Licensing Board within 7 days, and must apply to substitute another person as the premises manager within 6 weeks. Paragraph 2(6) of schedule 5 modified these requirements to increase the 7 day period to 28 days and increase the 6 week period to 3 months. The modification is saved only in relation to a section 54(2) event occurring before the end of September 2022.

Regulation 9 saves the modification to section 77 (period of effect of personal licence) made by paragraph 3(2) of schedule 5 of the first Scottish Act. A personal licence may be extended for 10 years if a renewal application is granted. The modification is saved only where an application has already been made but has not yet been determined, and the licence has expired, but remains in effect immediately before the end of September because of the effect of the modification.

Regulation 10 saves certain modifications to sections 9A (annual functions report) and 9B (annual financial report) made by paragraph 4(2) and (3) of schedule 5 of the first Scottish Act. Sections 9A and 9B provide respectively that Licensing Boards must prepare and publish annual functions reports and annual financial reports within 3 months of the end of the financial year. The modifications are saved to allow the Board to be able to delay publication until the 31 December 2022.

Part 5 of these Regulations makes saving provision in respect of the expiry of section 7 and Part 1 of schedule 6 of the first Scottish Act, which modified the Civic Government (Scotland) Act 1982 (“the 1982 Act”) and the Civic Government (Scotland) Act 1982 (Licensing of Skin Piercing and Tattooing) Order 2006 (S.S.I. 2006/43) (“the 2006 Order”).

Regulations 12 and 13 make general saving provision relating to the first Scottish Act for the purpose of supporting the subsequent particular saving provision, set out in regulations 14 to 16, which relate to modifications of the 1982 Act and the 2006 Order. Regulation 14 saves the

modifications made to section 3(1), (2) and (4) (discharge of functions of licensing authorities) of the 1982 Act made by paragraph 1(2) of schedule 6 of the first Scottish Act. The modifications are saved only in respect of a relevant application made before the end of September.

Regulation 15 saves the modifications made to paragraph 13(2) of schedule 1 of the 1982 Act (surrender of licences generally) and the modifications made to paragraph 16(2) of schedule 2 of the 1982 Act (control of sex shops; surrender of licence) made by paragraph 1(1), 1(7)(d) and 1(8)(d) of schedule 6 of the first Scottish Act. The modifications are saved only where the event that has given rise to the requirement to surrender the licence occurred before the end of September.

Regulation 16 saves the modification made to paragraph 2 of the schedule of the 2006 Order (application of modified Part 1 of the 1982 Act to skin piercing and tattooing), made by paragraph 1(9) and (10) of schedule 6 of the first Scottish Act. The modification is saved only in respect of a relevant application made before the end of September to ensure that the cross reference to section 3, upon which the modifications in the 2006 Order are based, remains consistent before and after the end of September 2022.

Part 6 of these Regulations makes saving provision in respect of the Social Care Staff Support Fund set up under the powers in paragraph 7 of schedule 1 of the second Scottish Act. It allows for the processing and payment of claims on the Social Care Staff Support Fund in respect of financial hardship experienced on or before 30 September 2022 by a worker in the social care sector to be carried out after the expiry of the second Scottish Act.

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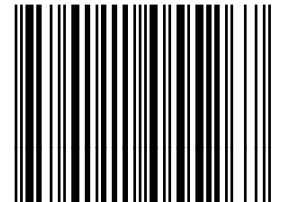
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