



# Coronavirus Act 2020

## 2020 CHAPTER 7

### PART 1

#### MAIN PROVISIONS

##### *Interpretation*

#### **1 Meaning of “coronavirus” and related terminology**

(1) In this Act—

“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“coronavirus disease” means COVID-19 (the official designation of the disease which can be caused by coronavirus).

(2) A reference in this Act to infection or contamination, however expressed, is a reference to infection or contamination with coronavirus.

(3) But a reference in this Act to persons infected by coronavirus, however expressed, does not (unless a contrary intention appears) include persons who have been infected but are clear of coronavirus (unless re-infected).

##### *Emergency registration of health professionals*

#### **2 Emergency registration of nurses and other health and care professionals**

Schedule 1 contains temporary modifications of—

- (a) the Nursing and Midwifery Order 2001 (S.I. 2002/253), and
- (b) the Health Professions Order 2001 (S.I. 2002/254).

#### **3 Emergency arrangements concerning medical practitioners: Wales**

Schedule 2 contains temporary modifications of—

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- (a) the National Health Service (Performers Lists) (Wales) Regulations 2004 (S.I. 2004/1020 (W. 117)), and
- (b) the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004 (S.I. 2004/478 (W. 48)).

#### 4 **Emergency arrangements concerning medical practitioners: Scotland**

Schedule 3 contains temporary modifications of—

- (a) the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 (S.S.I. 2004/114),
- (b) the National Health Service (General Medical Services Contracts (Scotland) Regulations 2018 (S.S.I. 2018/66), and
- (c) the National Health Service (Primary Medical Services Section 17C Arrangements) (Scotland) Regulations 2018 (S.S.I. 2018/67).

#### 5 **Emergency registration of and extension of prescribing powers for pharmaceutical chemists: Northern Ireland**

Schedule 4 contains temporary modifications of the Pharmacy (Northern Ireland) Order 1976 (S.I. 1976/1213 (N.I. 22)).

*Temporary registration of social workers*

#### 6 **Emergency registration of social workers: England and Wales**

Schedule 5 contains temporary modifications of—

- (a) the Social Workers Regulations 2018 (S.I. 2018/893), and
- (b) the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2).

#### 7 **Temporary registration of social workers: Scotland**

Schedule 6 contains temporary modifications of—

- (a) the Regulation of Care (Scotland) Act 2001 (asp 8), and
- (b) the Registration of Social Workers and Social Service Workers in Care Services (Scotland) Regulations 2013 (S.S.I. 2013/227).

PROSPECTIVE

*Emergency volunteers*

#### **[<sup>F1</sup>8** **Emergency volunteering leave**

Schedule 7 makes provision for emergency volunteering leave.]

#### **Textual Amendments**

- F1** S. 8 expires in part (17.7.2021) by [The Coronavirus Act 2020 \(Early Expiry\) Regulations 2021](#) (S.I. 2021/856), [reg. 2\(1\)\(a\)](#) (see 2020 c. 7, s. 89(2)(n))

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## **F29 Compensation for emergency volunteers**

### **Textual Amendments**

- F2** S. 9 expires (17.7.2021) by [The Coronavirus Act 2020 \(Early Expiry\) Regulations 2021 \(S.I. 2021/856\)](#), [reg. 2\(1\)\(b\)](#)

VALID FROM 27/03/2020

### *Mental health and mental capacity*

## **10 Temporary modification of mental health and mental capacity legislation**

- (1) Schedule 8 contains temporary modifications of the Mental Health Act 1983, and related provision.
- (2) Schedule 9 contains temporary modifications of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), the Criminal Procedure (Scotland) Act 1995 and related subordinate legislation.
- (3) Schedule 10 contains temporary modifications of the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4)), and related provision.
- (4) Schedule 11 contains temporary modifications of the Mental Capacity Act (Northern Ireland) 2016 (c. 18 (N.I.)), and related provision.

### *Health service indemnification*

## **11 Indemnity for health service activity: England and Wales**

- (1) The appropriate authority may—
  - (a) indemnify a person in respect of a qualifying liability incurred by the person, or
  - (b) make arrangements for a person to be indemnified, in respect of a qualifying liability incurred by the person, by an authorised person.
- (2) References in this section to a qualifying liability are to a liability in tort, in respect of or consequent on death, personal injury or loss, arising out of or in connection with a breach of a duty of care owed in connection with the provision, after the coming into force of this section, of a relevant service.
- (3) “Relevant service” means a service which is provided by a person as part of the health service and which—
  - (a) relates to—
    - (i) caring for or treating a person who has, or is suspected of having, coronavirus disease, whether or not in respect of that disease,
    - (ii) caring for or treating a person (other than a person within subparagraph (i)) who has been, or is suspected of being, infected

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- or contaminated, in respect of that infection or contamination or suspected infection or contamination, or
- (iii) diagnosing or determining whether a person has been infected or contaminated,
- (b) relates to diagnosis, care or treatment and is provided in consequence of another person who usually provides such a service (other than one within paragraph (a)) as part of the health service being unable to do so in consequence of providing a service within paragraph (a), or
- (c) relates to diagnosis, care or treatment and is provided in consequence of another person who usually provides such a service as part of the health service being unable to do so because of a reason relating to coronavirus.
- (4) In a case within subsection (1)(a), any question relating to—
- (a) whether a person has incurred a qualifying liability, or
- (b) the amount of any payment by virtue of subsection (1),
- is to be determined by the appropriate authority.
- (5) In a case within subsection (1)(b)—
- (a) any question relating to whether a person has incurred a qualifying liability is to be determined by the authorised person;
- (b) any question relating to the amount of any payment by virtue of subsection (1) is to be determined by the authorised person in accordance with the arrangements.
- (6) Subsection (1) does not apply where arrangements are already in place (whether under an insurance policy or otherwise) for the person to be indemnified in respect of the liability.
- (7) In this section—
- “the appropriate authority” means—
- (a) in relation to a relevant service provided as part of the English health service, the Secretary of State;
- (b) in relation to a relevant service provided as part of the Welsh health service, the Welsh Ministers;
- “authorised person” means a person authorised by the appropriate authority;
- “the health service” means the English health service or the Welsh health service;
- “the English health service” means the health service continued under section 1(1) of the National Health Service Act 2006;
- “the Welsh health service” means the health service continued under section 1(1) of the National Health Service (Wales) Act 2006.

## 12 Indemnity for health service activity: Scotland

- (1) The Scottish Ministers may—
- (a) indemnify a person in respect of a qualifying liability incurred by the person, or
- (b) make arrangements for a person to be indemnified, in respect of a qualifying liability incurred by the person, by an authorised person.

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- (2) References in this section to a qualifying liability are to a liability in delict, in respect of or consequent on death, personal injury or loss, arising out of or in connection with a breach of a duty of care owed in connection with the provision, after the coming into force of this section, of a relevant service.
- (3) “Relevant service” means a service which is provided by a person as part of the health service and which—
- (a) relates to—
    - (i) caring for or treating a person who has, or is suspected of having, coronavirus disease, whether or not in respect of that disease,
    - (ii) caring for or treating a person (other than a person within subparagraph (i)) who has been, or is suspected of being, infected or contaminated, in respect of that infection or contamination or suspected infection or contamination, or
    - (iii) diagnosing or determining whether a person has been infected or contaminated,
  - (b) relates to diagnosis, care or treatment and is provided in consequence of another person who usually provides such a service (other than one within paragraph (a)) as part of the health service being unable to do so in consequence of providing a service within paragraph (a), or
  - (c) relates to diagnosis, care or treatment and is provided in consequence of another person who usually provides such a service as part of the health service being unable to do so because of a reason relating to coronavirus.
- (4) In a case within subsection (1)(a), any question relating to—
- (a) whether a person has incurred a qualifying liability, or
  - (b) the amount of any payment by virtue of subsection (1),
- is to be determined by the Scottish Ministers.
- (5) In a case within subsection (1)(b)—
- (a) any question relating to whether a person has incurred a qualifying liability is to be determined by the authorised person;
  - (b) any question relating to the amount of any payment by virtue of subsection (1) is to be determined by the authorised person in accordance with the arrangements.
- (6) Subsection (1) does not apply where arrangements are already in place (whether under an insurance policy or otherwise) for the person to be indemnified in respect of the liability.
- (7) In this section—
- “authorised person” means a person authorised by the Scottish Ministers;
  - “the health service” means the health service continued under section 1(1) of the National Health Service (Scotland) Act 1978.

### **13 Indemnity for health and social care activity: Northern Ireland**

- (1) The Department of Health may—
- (a) indemnify a person in respect of a qualifying liability incurred by the person, or

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- (b) make arrangements for a person to be indemnified, in respect of a qualifying liability incurred by the person, by an authorised person.
- (2) References in this section to a qualifying liability are to a liability in tort, in respect of or consequent on death, personal injury or loss, arising out of or in connection with a breach of a duty of care owed in connection with the provision, after the coming into force of this section, of a relevant service.
- (3) “Relevant service” means a service which is provided by a person as part of the system of health and social care and which—
- (a) relates to—
    - (i) caring for or treating a person who has, or is suspected of having, coronavirus disease, whether or not in respect of that disease,
    - (ii) caring for or treating a person (other than a person within subparagraph (i)) who has been, or is suspected of being, infected or contaminated, in respect of that infection or contamination or suspected infection or contamination, or
    - (iii) diagnosing or determining whether a person has been infected or contaminated,
  - (b) relates to diagnosis, care or treatment and is provided in consequence of another person who usually provides such a service (other than one within paragraph (a)) as part of the system of health and social care being unable to do so in consequence of providing a service within paragraph (a), or
  - (c) relates to diagnosis, care or treatment and is provided in consequence of another person who usually provides such a service as part of the system of health and social care being unable to do so because of a reason relating to coronavirus.
- (4) In a case within subsection (1)(a), any question relating to—
- (a) whether a person has incurred a qualifying liability, or
  - (b) the amount of any payment by virtue of subsection (1),
- is to be determined by the Department of Health.
- (5) In a case within subsection (1)(b)—
- (a) any question relating to whether a person has incurred a qualifying liability is to be determined by the authorised person;
  - (b) any question relating to the amount of any payment by virtue of subsection (1) is to be determined by the authorised person in accordance with the arrangements.
- (6) Subsection (1) does not apply where arrangements are already in place (whether under an insurance policy or otherwise) for the person to be indemnified in respect of the liability.
- (7) In this section—
- “authorised person” means a person authorised by the Department of Health;
- “the Department of Health” means the Department of Health in Northern Ireland;
- “the system of health and social care” means the system promoted under section 2(1) of the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1 (N.I.)).

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### *NHS and local authority care and support*

#### **14 NHS Continuing Healthcare assessments: England**

- (1) A relevant body does not have to comply with—
  - (a) the duty imposed by regulation 21(2)(a) of the 2012 Regulations (assessment of eligibility for NHS Continuing Healthcare), or
  - (b) the duty imposed by regulation 21(12) of those Regulations (duty to have regard to National Framework), so far as relating to the duty referred to in paragraph (a).
- (2) Accordingly, regulation 28 of the 2012 Regulations (assessment of need for nursing care) applies only if a relevant body chooses to comply with the duty imposed by regulation 21(2)(a) of those Regulations.
- (3) If, despite subsection (1)(a), an assessment of eligibility for NHS Continuing Healthcare is nevertheless carried out as mentioned in regulation 21(2)(a) of the 2012 Regulations, the relevant body must comply with the duty imposed by regulation 21(3) of those Regulations (duty to ensure assessment is carried out before certain other steps are taken).
- (4) An NHS trust does not have to comply with—
  - (a) the duty imposed by direction 2(2) of the 2013 Directions (assessment of eligibility for NHS Continuing Healthcare), or
  - (b) the duty imposed by direction 2(10) of those Directions (duty to have regard to National Framework), so far as relating to the duty referred to in paragraph (a).
- (5) If, despite subsection (4)(a), an assessment of eligibility for NHS Continuing Healthcare is nevertheless carried out as mentioned in direction 2(2) of the 2013 Directions, the NHS trust must take reasonable steps to ensure that it is carried out before the NHS trust gives notice as mentioned in direction 2(1) of those Directions.
- (6) Subsections (1) and (4) apply in relation to duties arising before the commencement day as they apply in relation to duties arising on or after that day.
- (7) In subsection (6) “the commencement day”, in relation to subsection (1) or (4), means—
  - (a) the day on which that subsection comes into force, or
  - (b) where on any day the operation of the subsection is revived by regulations under section 88(3), that day.
- (8) Regulation 3 of the Care and Support (Discharge of Hospital Patients) Regulations 2014 (S.I. 2014/2823) (contents of assessment notice under paragraph 1(1) of Schedule 3 to the Care Act 2014) has effect as if paragraph (1)(f)(ii) were omitted.
- (9) In this section—
  - “the 2012 Regulations” means the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012 (S.I. 2012/2996);
  - “the 2013 Directions” means the Delayed Discharges (Continuing Care) Directions 2013;
  - “NHS trust” means a National Health Service trust in England established under section 25 of the National Health Service Act 2006;
  - “relevant body” means—

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- (a) a clinical commissioning group established under section 14D of that Act, or
- (b) the National Health Service Commissioning Board.

VALID FROM 31/03/2020

## 15 Local authority care and support

Schedule 12 contains provision modifying the powers and duties of local authorities in England and Wales in relation to the provision of care and support.

### Commencement Information

**I1** S. 15 in force at 31.3.2020 for E. by [S.I. 2020/388](#), [reg. 2](#)

**I2** S. 15 in force at 1.4.2020 for W. by [S.I. 2020/366](#), [reg. 3](#)

VALID FROM 05/04/2020

## 16 Duty of local authority to assess needs: Scotland

- (1) A local authority need not comply with a provision mentioned in subsection (2) to the extent that the authority considers that—
  - (a) it would not be practical to comply with that provision, or
  - (b) to do so would cause unnecessary delay in providing community care services to any person.
- (2) The provisions are—
  - (a) section 12A of the 1968 Act (duty of local authority to assess needs);
  - (b) section 1 of the 2013 Act (general principles regarding provision of social care), insofar as it relates to Part 2 of the 1968 Act.
- (3) A local authority need not comply with a provision mentioned in subsection (4) to the extent that it considers that—
  - (a) it would not be practical to comply with that provision, or
  - (b) to do so would cause unnecessary delay in providing support to any person under section 24 of the 2016 Act (duty to provide support).
- (4) The provisions are—
  - (a) section 6 of the 2016 Act (duty to prepare adult carer support plan);
  - (b) regulation 2(1) of the 2018 Regulations (identification of adult carer's outcomes and needs for support);
  - (c) section 12 of the 2016 Act (duty to prepare young carer statement);
  - (d) regulation 3(1) of the 2018 Regulations (identification of young carer's outcomes and needs for support);
  - (e) section 1 of the 2013 Act, insofar as it relates to Part 2 or 3 of the 2016 Act.
- (5) Subsection (6) applies where, in reliance on subsection (3), a local authority does not comply with regulation 2(1) or 3(1) of the 2018 Regulations in relation to a person.



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- (6) Section 24 of the 2016 Act applies in relation to the person as if any reference in that section to a person's identified needs were a reference to the person's needs for support in order to enable the person to provide or continue to provide care for a cared-for person.
- (7) A local authority need not comply with a provision mentioned in subsection (8) to the extent that the authority considers that—
- (a) it would not be practical to comply with that provision, or
  - (b) to do so would cause unnecessary delay in providing services to any child under section 22(1) of the 1995 Act (promotion of welfare of children in need).
- (8) The provisions are—
- (a) section 23(3) of the 1995 Act (duty to assess needs of child affected by disability);
  - (b) section 1 of the 2013 Act, insofar as it relates to section 22 or 23 of the 1995 Act.
- (9) A local authority need not comply with section 29(5) of the 1995 Act (duty to assess needs of person who was looked after by the authority) to the extent that the authority considers that—
- (a) it would not be practical to comply with that provision, or
  - (b) to do so would cause unnecessary delay in providing advice, guidance or assistance to any person under section 29(1) or (5A) of the 1995 Act (after care for person who was looked after by the authority).
- (10) Subsection (11) applies where, in reliance on subsection (9), a local authority does not carry out an assessment under section 29(5) of the 1995 Act in relation to a person who has made an application to the authority under section 29(2) of that Act.
- (11) Section 29(5A) of the 1995 Act applies in relation to the person as if the authority had carried out the assessment.
- (12) Subsection (1), (3), (7) or (9) applies in relation to a duty arising before the commencement day as it applies in relation to a duty arising on or after that day.
- (13) In subsection (12), “the commencement day”, in relation to a subsection, means—
- (a) the day on which the subsection comes into force, or
  - (b) where on any day the operation of the subsection is revived by regulations under section 88(3), that day.
- (14) In this section and section 17—
- “1968 Act” means the Social Work (Scotland) Act 1968;
  - “1995 Act” means the Children (Scotland) Act 1995;
  - “2013 Act” means the Social Care (Self-directed Support) (Scotland) Act 2013 (asp 1);
  - “2016 Act” means the Carers (Scotland) Act 2016 (asp 9);
  - “2018 Regulations” means the Carers (Scotland) Act 2016 (Adult Carers and Young Carers: Identification of Outcomes and Needs for Support) Regulations 2018 (S.S.I. 2018/109);
  - “cared-for person” is to be construed in accordance with section 1(1) of the 2016 Act;

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“community care services” has the meaning given by section 12A(8) of the 1968 Act;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

VALID FROM 05/04/2020

## 17 Section 16: further provision

- (1) The Scottish Ministers may issue guidance to local authorities about the exercise of their functions under the following provisions in consequence of section 16—
- (a) Part 2 of the 1968 Act;
  - (b) sections 22, 23 and 29 of the 1995 Act;
  - (c) sections 25, 26 and 27 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13);
  - (d) section 1 of the 2013 Act;
  - (e) Parts 2 and 3 of the 2016 Act.
- (2) A local authority—
- (a) must have regard to any guidance issued under subsection (1);
  - (b) must comply with such guidance issued under subsection (1) as the Scottish Ministers direct;
  - (c) may disregard, so far as it is inconsistent with guidance issued under subsection (1)—
    - (i) any guidance issued under section 5(1) of the 1968 Act;
    - (ii) a code of practice published under section 274(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003.
- (3) The Scottish Ministers may—
- (a) from time to time revise any guidance issued under subsection (1);
  - (b) vary or revoke a direction made under subsection (2)(b).
- (4) A local authority must not recover a charge under section 87 of the 1968 Act for—
- (a) community care services provided to a person if, in reliance on section 16(1), the authority did not—
    - (i) comply with section 12A of the 1968 Act before providing the services, or
    - (ii) comply with section 1 of the 2013 Act in relation to the services;
  - (b) services provided to a child under section 22(1) of the 1995 Act if, in reliance on section 16(7), the authority did not—
    - (i) where the services were provided following a request being made to the authority in relation to the child under section 23(3) of the 1995 Act, assess the child's needs for the services before providing them, or
    - (ii) comply with section 1 of the 2013 Act in relation to the services;
  - (c) advice, guidance or assistance provided to a person under section 29(1) or (5A) of the 1995 Act if, in reliance on section 16(9), the local authority did

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not carry out an assessment of the person's needs under section 29(5) of that Act before providing the advice, guidance or assistance.

- (5) For the purposes of subsection (4), a local authority did not—
  - (a) comply with a provision if it only partially complied with the provision;
  - (b) carry out an assessment if it only partially carried out the assessment.
- (6) Nothing in subsection (4) prevents a local authority from recovering charges if—
  - (a) the authority provides—
    - (i) services in the circumstances described in paragraph (a) or (b) of subsection (4), or
    - (ii) advice, guidance or assistance in the circumstances described in paragraph (c) of that subsection,
  - (b) the authority subsequently complies with the provisions mentioned in paragraph (a), (b) or (c) of that subsection (as the case may be) in relation to the services or the advice, guidance or assistance, and
  - (c) the charges relate only to the period after the authority so complies.
- (7) Subsection (8) applies where—
  - (a) a local authority provides accommodation to a person under Part 2 of the 1968 Act in the circumstances described in paragraph (a) of subsection (4),
  - (b) the authority subsequently complies with the provisions mentioned in that paragraph in relation to the provision of the accommodation, and
  - (c) after it complies with those provisions, the authority continues to provide the accommodation to the person.
- (8) Despite subsections (4)(a) and (6), the authority may recover charges for the provision of the accommodation for any period—
  - (a) before the authority complied with the provisions mentioned in subsection (4)(a), and
  - (b) during which the person was a permanent resident.
- (9) For the purposes of subsection (8), a person is a permanent resident if the person is expected to be provided with accommodation by the authority for a period of more than 52 weeks.
- (10) Subsection (11) applies where—
  - (a) any provision of section 16 has had effect for a period, and
  - (b) that period has ended.
- (11) In determining for the purposes of any proceedings whether a local authority has complied with any duty to carry out a relevant assessment within a reasonable period, a court must take into account (among other things) the following factors—
  - (a) the length of any period for which any provision of section 16 had effect, and
  - (b) the number of relevant assessments which need to be carried out by the local authority following the end of any such period.
- (12) In subsection (11), “relevant assessment” means—
  - (a) an assessment under—
    - (i) section 12A(1)(a) of the 1968 Act;
    - (ii) section 23(3) of the 1995 Act;
    - (iii) section 29(5) of the 1995 Act;

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- (b) the preparation of—
- (i) an adult carer support plan under section 6 of the 2016 Act;
  - (ii) a young carer statement under section 12 of the 2016 Act.

*Registration of deaths and still-births etc*

**18 Registration of deaths and still-births etc**

- (1) Part 1 of Schedule 13 contains temporary modifications of legislation relating to the registration of deaths and still-births in England and Wales, and related provision.
- (2) Part 2 of Schedule 13 contains temporary modifications of legislation relating to the registration of deaths and still-births in Scotland, and related provision.
- (3) Part 3 of Schedule 13 contains temporary modifications of legislation relating to the registration of deaths and still-births in Northern Ireland, and related provision.

**Commencement Information**

**I3** [S. 18](#) in force at 26.3.2020 by [S.I. 2020/361](#), [reg. 2\(a\)](#)

**19 Confirmatory medical certificate not required for cremations: England and Wales**

- (1) Regulation 16 of the Cremation (England and Wales) Regulations 2008 (S.I. 2008/2841) (which sets out preconditions for the cremation of the remains of a deceased person) has effect as if paragraph (1)(c)(i) did not require a confirmatory medical certificate to be given in accordance with regulation 17(2) of the Regulations.
- (2) In relation to a case where regulation 16 has effect as mentioned in subsection (1), the Cremation (England and Wales) Regulations 2008 have effect with the following modifications.
- (3) Regulation 2(1) (interpretation) has effect as if for the definition of “medical certificate” and “confirmatory medical certificate” there were substituted—
 

““medical certificate” is a reference to the certificate so named given in accordance with regulation 17(1);”.
- (4) Regulation 12 (supplementary powers of medical referee) has effect as if subparagraph (a) were omitted.
- (5) Regulation 14(2)(b)(i) (forms) has effect as if the words “the confirmatory medical certificate,” were omitted.
- (6) Regulation 17 (medical certificate and confirmatory medical certificate) has effect as if—
  - (a) in the heading the words “and confirmatory medical certificate” were omitted, and
  - (b) paragraphs (2) to (4) were omitted.
- (7) Regulation 22 (right to inspect medical certificate and confirmatory medical certificate) has effect as if—

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- (a) in the heading the words “and confirmatory medical certificate” were omitted,
  - (b) in paragraph (1)(a)(i) the words “and confirmatory medical certificate” were omitted,
  - (c) in paragraph (1)(a)(ii) for “those certificates” there were substituted “ that certificate ”,
  - (d) in paragraph (2) the words “and confirmatory medical certificate” were omitted and for “those certificates” there were substituted “ that certificate ”,
  - (e) in paragraph (3)(a) the words “and confirmatory medical certificate” were omitted, and
  - (f) in paragraph (3)(b) for “such a” there were substituted “ the ”.
- (8) Regulation 23 (authorisation of cremation of the remains of a deceased person by medical referee) has effect as if—
- (a) in paragraph (1)(d)(ii) for “certificates have” there were substituted “ a certificate has ”,
  - (b) in paragraph (2) the words “and confirmatory medical certificate” were omitted.
- (9) Regulation 24(4)(b) (medical referee not satisfied about the cause of death of the deceased person) has effect as if the words “or confirmatory medical certificate” were omitted.
- (10) Regulation 33(2)(k) (register kept by registrar) has effect as if the words “and confirmatory medical certificate” were omitted.
- (11) At the end of a period for which this section has effect, it continues to apply in relation to the cremation of the remains of a person who died during that period but whose remains have not been cremated unless, at the end of that period, a medical certificate has not been completed in relation to the deceased person for the purposes of regulation 16(1)(c)(i) of the Cremation (England and Wales) Regulations 2008.

#### **Commencement Information**

**I4** [S. 19](#) in force at 26.3.2020 by [S.I. 2020/361](#), [reg. 2\(b\)](#)

## **20 Review of cause of death certificates and cremations: Scotland**

- (1) Part 1 of Schedule 14 contains temporary modifications of legislation relating to the review of medical certificates of cause of death in Scotland, and related provision.
- (2) Part 2 of Schedule 14 contains temporary modifications of legislation relating to cremation in Scotland, and related provision.

## **21 Modifications of requirements regarding medical certificates for cremations: Northern Ireland**

- (1) The Cremation (Belfast) Regulations (Northern Ireland) 1961 (S.R. & O. (N.I.) 1961 No. 61) have effect with the following modifications.
- (2) Regulation 10 (conditions to be met for cremations) has effect as if for paragraph (a) there were substituted—

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- “(a) a certificate in Form B in the Schedule has been given by a registered medical practitioner who can certify definitely as to the cause of death; or”.
- (3) Regulation 12 (Medical Referee's power to give certificates in Forms C and D) has effect as if the words “if he has personally investigated the cause of death to give a certificate in Form C, and” were omitted.
- (4) In regulation 13 (duties of the Medical Referee)—
- (a) paragraph (e) has effect as if the reference to “the medical certificates” did not include the confirmatory medical certificate (Form C);
  - (b) paragraph (f) has effect as if—
    - (i) the words “for which he had been seen and treated by a registered medical practitioner within twenty-eight days prior to his death” were omitted;
    - (ii) the reference to “the certificates” did not include the confirmatory medical certificate (Form C).
- (5) Form A in the Schedule (application for cremation) has effect as if, at question 8(e), the words “for which he or she had been seen and treated by a registered medical practitioner within twenty-eight days prior to death” were omitted.
- (6) Form B in the Schedule (certificate by registered medical practitioner) has effect as if—
- (a) in the paragraph above question 1, the words “attended the deceased during his or her last illness and within twenty-eight days before death, and” were omitted;
  - (b) in question 7, at the beginning there were inserted “If you saw the deceased alive,”;
  - (c) in question 16(e), the words “for which he or she had been seen and treated by a registered medical practitioner within twenty-eight days prior to death” were omitted;
  - (d) in the certification after question 20, the words “for which he had been seen and treated by me within twenty-eight days prior to death” were omitted;
  - (e) in the Note at the end, for “the medical practitioner who is to give the confirmatory medical certificate on Form C” there were substituted “ the Medical Referee ”.
- (7) At the end of a period for which this section has effect, it continues to apply in relation to the cremation of the remains of a person who died during that period but whose remains have not been cremated unless, at the end of that period, a certificate in Form B in the Schedule to the Cremation (Belfast) Regulations (Northern Ireland) 1961 has not been completed in relation to the deceased person for the purposes of regulation 10(a) of those Regulations.

#### **Commencement Information**

**I5** S. 21 in force at 26.3.2020 by S.I. 2020/361, reg. 2(c)

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### *Investigatory powers*

## **22 Appointment of temporary Judicial Commissioners**

- (1) The power in subsection (2) is exercisable if the Investigatory Powers Commissioner notifies the Secretary of State—
  - (a) that, as a result of the effects of coronavirus, there is a shortage of persons able to carry out functions conferred on Judicial Commissioners by—
    - (i) the Police Act 1997 (“the 1997 Act”),
    - (ii) the Regulation of Investigatory Powers Act 2000 and the Regulation of Investigatory Powers (Scotland) Act 2000 (asp 11) (“the 2000 Acts”), and
    - (iii) the Investigatory Powers Act 2016 (“the 2016 Act”), and
  - (b) that in the Commissioner's opinion the power needs to be exercised in order to deal with that shortage.
- (2) The Secretary of State may by regulations made by statutory instrument provide for the Investigatory Powers Commissioner to be able to appoint persons to carry out functions conferred on Judicial Commissioners by the 1997 Act, the 2000 Acts and the 2016 Act.

A person so appointed is referred to in this section as a “temporary Commissioner”.
- (3) The regulations must provide that a temporary Commissioner may be appointed for one or more terms not exceeding six months each and not exceeding 12 months in total.
- (4) The regulations may—
  - (a) provide for the 1997 Act, the 2000 Acts and the 2016 Act to apply in relation to temporary Commissioners with specified omissions or other modifications;
  - (b) make consequential, supplementary or transitional provision.
- (5) The regulations need not reproduce the effect of section 227(4) to (6) of the 2016 Act (requirements for recommendations, consultation etc). But they must require the Investigatory Powers Commissioner to notify the following persons of any appointment made under the regulations—
  - (a) the Prime Minister;
  - (b) the Secretary of State;
  - (c) the Lord Chancellor;
  - (d) the Lord Chief Justice of England and Wales;
  - (e) the Lord President of the Court of Session;
  - (f) the Lord Chief Justice of Northern Ireland.
- (6) Subject to any provision made under subsection (4), a reference to a Judicial Commissioner in the 1997 Act, the 2000 Acts or the 2016 Act is to be read (so far as the context allows) as referring also to a temporary Commissioner.
- (7) The regulations must provide for them to cease to have effect at the end of the period of 12 months beginning with the day on which they come into force.
- (8) A person's appointment as a temporary Commissioner comes to an end (if it has not already done so) when the regulations cease to have effect.

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- (9) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) In this section “Investigatory Powers Commissioner” has the meaning given in section 263(1) of the 2016 Act.

### **23 Time limits in relation to urgent warrants etc under Investigatory Powers Act**

- (1) The power in subsection (2) is exercisable if the Investigatory Powers Commissioner notifies the Secretary of State that, in the Commissioner's opinion, the power needs to be exercised in response to the effects that coronavirus is having, or is likely to have, on the capacity of Judicial Commissioners to carry out their functions.
- (2) The Secretary of State may by regulations made by statutory instrument modify the Investigatory Powers Act 2016 so as to alter, for the purposes of any of the specified provisions of that Act (see subsection (3)), the length of a period referred to in that Act as “the relevant period”.
- (3) The specified provisions are—
- (a) sections 24(3), 109(3), 180(3) and 209(3) (period within which Judicial Commissioner must decide whether to approve decision to issue urgent warrant);
  - (b) sections 32(2)(a), 116(2)(a), 184(2)(a) and 213(2)(a) (period at end of which urgent warrant ceases to have effect);
  - (c) sections 33(5)(a), 117(5)(a), 185(3)(a) and 214(3)(a) (period during which urgent warrant may be renewed);
  - (d) sections 38(5), 122(5), 124(3), 147(3), 166(3), 188(3) and 217(3) (period within which Judicial Commissioner or other appropriate person must decide whether to approve decision to make urgent modification of warrant).
- (4) A modification made by the regulations may not increase the length of a period so that it ends after the 12th working day after the day on which the warrant was issued or, as the case may be, the modification was made.
- (5) The regulations may make consequential, supplementary or transitional provision.
- (6) The regulations must provide for them to cease to have effect at the end of the period of 12 months beginning with the day on which they come into force.
- (7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section—
- “Investigatory Powers Commissioner” has the meaning given in section 263(1) of the Investigatory Powers Act 2016;
- “Judicial Commissioner” has the meaning given in that section and also includes a person appointed under regulations made under section 22.

#### *Fingerprints and DNA profiles*

### **24 Extension of time limits for retention of fingerprints and DNA profiles**

- (1) This section applies to fingerprints and DNA profiles that are retained—



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- (a) in accordance with a national security determination;
  - (b) under any of the following provisions—
    - (i) section 63F of the Police and Criminal Evidence Act 1984 (retention of section 63D material);
    - (ii) paragraph 20B or 20C of Schedule 8 to the Terrorism Act 2000 (retention of paragraph 20A material);
    - (iii) section 18A of the Counter-Terrorism Act 2008 (retention of section 18 material);
    - (iv) paragraph 8(2) of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011 (retention of paragraph 6 material);  
other than fingerprints and DNA profiles that may be retained indefinitely under the provision in question;
  - (c) before being destroyed under—
    - (i) section 18(3) of the Criminal Procedure (Scotland) Act 1995 (destruction of relevant physical data);
    - (ii) Article 64(1BA) or (3), 64ZB(2), 64ZC(3), 64ZD(3), 64ZE(3), 64ZF(3), 64ZG(3), 64ZH(3), 64ZI(5) or 64ZJ of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (destruction of fingerprints and samples).
- (2) The Secretary of State may make regulations extending, for up to six months, the period for which the fingerprints and DNA profiles may be retained.
- (3) The Secretary of State may exercise the power under subsection (2) only if the Secretary of State considers that—
- (a) coronavirus is having, or is likely to have, an adverse effect on the capacity of persons responsible for making national security determinations to consider whether to make, or renew, national security determinations, and
  - (b) it is in the interests of national security to retain the fingerprints or DNA profiles.
- (4) The power under subsection (2) may be exercised on more than one occasion, but not so as to extend the period for which any fingerprints or DNA profile may be retained by more than 12 months in total.
- (5) The power under subsection (2) may be exercised only in relation to fingerprints and DNA profiles which (ignoring the possibility of an extension otherwise than by regulations under that subsection) would need to be destroyed within the period of 12 months beginning with the day on which this Act is passed.
- (6) Before making regulations under this section, the Secretary of State must consult the Commissioner for the Retention and Use of Biometric Material.
- (7) If the Secretary of State has not exercised the power under subsection (2) before the end of the period of 3 months beginning with the day on which this Act is passed, this section ceases to have effect.
- (8) Regulations under subsection (2) may—
- (a) make different provision for different purposes;
  - (b) make consequential, supplementary or transitional provision.
- (9) A statutory instrument containing regulations under subsection (2) is subject to annulment in pursuance of a resolution of either House of Parliament.

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(10) In this section—

“DNA profile” means any information derived from any material that has come from a human body and consists of or includes human cells;

“fingerprints”, in relation to any person, means a record (in any form and produced by any method) of the skin pattern and other physical characteristics of—

- (a) any of that person's fingers, or
- (b) either of the person's palms;

“national security determination” means a determination made or renewed under—

- (a) section 63M of the Police and Criminal Evidence Act 1984 (section 63D material retained for purposes of national security);
- (b) paragraph 20E of Schedule 8 to the Terrorism Act 2000 (paragraph 20A material retained for purposes of national security);
- (c) section 18B of the Counter-Terrorism Act 2008 (section 18 material retained for purposes of national security);
- (d) paragraph 11 of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011 (paragraph 6 material retained for purposes of national security);
- (e) section 18G of the Criminal Procedure (Scotland) Act 1995 (certain material retained for purposes of national security);
- (f) paragraph 7 of Schedule 1 to the Protection of Freedoms Act 2012 (material subject to the Police and Criminal Evidence (Northern Ireland) Order 1989 retained for purposes of national security);
- (g) Article 64ZK of the Police and Criminal Evidence (Northern Ireland) Order 1989 (Article 64 material retained for purposes of national security).

PROSPECTIVE

*Food supply*

**F<sup>3</sup>25 Power to require information relating to food supply chains**

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**Textual Amendments**

- F3** Ss. 25-27 expire (17.7.2021) by [The Coronavirus Act 2020 \(Early Expiry\) Regulations 2021 \(S.I. 2021/856\)](#), [reg. 2\(1\)\(d\)](#)

**F<sup>3</sup>26 Authorities which may require information**

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**Textual Amendments**

**F3** Ss. 25-27 expire (17.7.2021) by [The Coronavirus Act 2020 \(Early Expiry\) Regulations 2021 \(S.I. 2021/856\)](#), [reg. 2\(1\)\(d\)](#)

**F<sup>3</sup>27 Restrictions on use and disclosure of information**

.....

**Textual Amendments**

**F3** Ss. 25-27 expire (17.7.2021) by [The Coronavirus Act 2020 \(Early Expiry\) Regulations 2021 \(S.I. 2021/856\)](#), [reg. 2\(1\)\(d\)](#)

**F<sup>4</sup>28 Enforcement of requirement to provide information**

.....

**Textual Amendments**

**F4** S. 28 expires (17.7.2021) by [The Coronavirus Act 2020 \(Early Expiry\) Regulations 2021 \(S.I. 2021/856\)](#), [reg. 2\(1\)\(e\)](#)

**F<sup>5</sup>29 Meaning of “food supply chain” and related expressions**

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**Textual Amendments**

**F5** S. 29 expires (17.7.2021) by [The Coronavirus Act 2020 \(Early Expiry\) Regulations 2021 \(S.I. 2021/856\)](#), [reg. 2\(1\)\(f\)](#)

*Inquests*

**30 Suspension of requirement to hold inquest with jury: England and Wales**

- (1) For the purposes of section 7(2)(c) of the Coroners and Justice Act 2009 (requirement for inquest to be held with jury if senior coroner has reason to suspect death was caused by notifiable disease etc), COVID-19 is not a notifiable disease.
- (2) This section applies to an inquest that is opened while this section is in force (regardless of the date of the death).

**31 Suspension of requirement to hold inquest with jury: Northern Ireland**

- (1) For the purposes of section 18(1)(c) of the Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.)) (requirement for inquest to be held with jury if it appears to coroner that death

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was caused by notifiable disease), COVID-19 is not a disease that requires notice to be given.

- (2) This section applies to an inquest that is opened while this section is in force (regardless of the date of the death).

### **32 Deaths in custody from natural illness: Northern Ireland**

- (1) Subsection (2) applies if—
- (a) an inquest is required to be held in pursuance of section 39(2) of the 1953 Act (death of a prisoner), and
  - (b) it appears to the coroner that the death was caused by natural illness.
- (2) The coroner need not comply with the requirement in section 18(1) of the 1959 Act; and, accordingly, the coroner may proceed to hold or continue to hold the inquest without a jury.
- (3) But if in any case to which subsection (2) applies it appears to the coroner, either before or in the course of an inquest begun without a jury, that it is desirable to summon a jury, the coroner may proceed to cause a jury to be summoned as if it were being summoned in accordance with section 18(1) of the 1959 Act.
- (4) Section 13(2) of the 1959 Act has effect in relation to an inquest held without a jury in reliance on subsection (2) as if for the words from “Where more than” to “all the deaths so resulting” there were substituted “Where more than one inquest is required to be held in pursuance of section 39(2) of the 1953 Act and it appears to the coroner that all of the deaths were caused by natural illness and that one inquest ought to be held into them all, ”.
- (5) In this section—
- “the 1953 Act” means the Prison Act (Northern Ireland) 1953 (c. 18 (N.I.));
- “the 1959 Act” means the Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.)).

#### *Disclosure: Wales*

### **<sup>x1</sup>33 Disapplication etc by Welsh Ministers of DBS provisions**

- (1) The Welsh Ministers may by notice make provision—
- (a) disapplying, for a specified period, a health DBS provision or a social care DBS provision;
  - (b) modifying, for a specified period, a health DBS provision or a social care DBS provision.
- (2) For the purposes of subsection (1) a “health DBS provision” is a provision of regulations under section 22 of the Care Standards Act 2000 (regulation of establishments and agencies) which imposes requirements—
- (a) as to the persons who are fit to work at an establishment in Wales or for the purposes of an agency in Wales, and
  - (b) which relate to the obtaining in relation to such persons of certificates or information from the Disclosure and Barring Service.

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- (3) For the purposes of subsection (1) a “social care DBS provision” is a provision of regulations under section 27 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) (regulations about regulated services) which imposes requirements—
- (a) as to the persons who are fit to work in a regulated service, and
  - (b) which relate to the obtaining in relation to such persons of certificates or information from the Disclosure and Barring Service.
- (4) A notice under subsection (1) may limit the disapplication or modification of a health DBS provision or a social care DBS provision by reference to—
- (a) a specified person or description of persons;
  - (b) a specified area;
  - (c) any other matter.
- (5) A notice under subsection (1) must state why the Welsh Ministers consider that the issuing of the notice is an appropriate and proportionate action in all the circumstances relating to the incidence or transmission of coronavirus.
- (6) The specified period in a notice under subsection (1) must not exceed one month.
- (7) The Welsh Ministers may by notice (a “cancellation notice”) cancel a notice under subsection (1) with effect from the time specified in the cancellation notice.
- (8) A cancellation notice may contain transitional or saving provision.
- (9) Nothing in subsection (6) or (7) prevents the making of a further notice in relation to a health DBS provision or a social care DBS provision.
- (10) Subject to subsection (11), the Welsh Ministers must—
- (a) publish a notice under this section, and
  - (b) take such other steps as the Welsh Ministers consider reasonable to bring the notice to the attention of those persons likely to be affected by it.
- (11) Where the notice relates to a person specified by name—
- (a) the Welsh Ministers must give a copy of the notice to that person, and
  - (b) the published version of the notice must not identify any individual without their consent.
- (12) In this section—
- “the Disclosure and Barring Service” means the Disclosure and Barring Service established by section 87(1) of the Protection of Freedoms Act 2012;
  - “specified”, in relation to a notice under subsection (1), means specified in the notice.
- (13) Expressions used in this section and in the Care Standards Act 2000 or the Regulation and Inspection of Social Care (Wales) Act 2016 have the same meaning as in that Act.

#### **Editorial Information**

- X1** TThe power conferred under this provision to issue or cancel a notice may be exercised by means of a notice published in [The Gazette](#)

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### *Disclosure: Scotland*

#### <sup>X2</sup>34 **Temporary disapplication of disclosure offences: Scotland**

- (1) The Scottish Ministers may issue a direction that disapplies or modifies—
  - (a) section 35 of the 2007 Act (organisations not to use barred individuals for regulated work);
  - (b) section 36 of the 2007 Act (personnel suppliers not to supply barred individuals for regulated work).
- (2) In this section and section 35, “the 2007 Act” means the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14).
- (3) A direction under subsection (1)—
  - (a) may be of general application or specify particular persons or descriptions of persons to whom the direction applies;
  - (b) may be framed by reference to particular kinds of regulated work with children or protected adults (within the meaning of section 91 of the 2007 Act);
  - (c) may be framed by reference to any other matters the Scottish Ministers consider appropriate;
  - (d) may make different provision for different purposes;
  - (e) may make such other provision as the Scottish Ministers consider appropriate in connection with the giving of the direction.
- (4) The Scottish Ministers must publish a direction under subsection (1).
- (5) A direction under subsection (1) has effect—
  - (a) for the period specified in the direction, or
  - (b) until revoked by a further direction under that subsection.

#### **Editorial Information**

- X2** The power conferred under this provision to issue or revoke a direction may be exercised by means of a notice published in [The Gazette](#)

#### **35 Power to reclassify certain disclosure requests: Scotland**

- (1) Where the Scottish Ministers receive a disclosure request under—
  - (a) section 52 of the 2007 Act for a scheme record, or
  - (b) section 53 of the 2007 Act for a short scheme record,
 they may treat it as a disclosure request for a statement of scheme membership under section 54 of the 2007 Act.
- (2) Where the fee for a disclosure request for a statement of scheme membership is lower than the fee for a disclosure request for a scheme record or for a short scheme record, the Scottish Ministers must refund the difference in the fees to the applicant.

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### *Vaccinations: Scotland*

#### **36 Vaccination and immunisation: Scotland**

- (1) Section 40 of the National Health Service (Scotland) Act 1978 (vaccination and immunisation) has effect as if—
  - (a) for subsection (1) there were substituted—

“(1) The Scottish Ministers may make arrangements for the vaccination or immunisation of persons against any disease.”, and
  - (b) in subsection (3), for “medical practitioners” there were substituted “persons”.
- (2) Article 4 of the Functions of Health Boards (Scotland) Order 1991 (S.I. 1991/570 (S. 55)) has effect as if for paragraph (g) there were substituted—

“(g) the power of the Scottish Ministers under section 40 to make arrangements for the vaccination or immunisation of persons against any disease and to supply vaccines, sera or other preparations for such vaccination or immunisation;”.

### *Schools, childcare providers etc*

#### **37 Temporary closure of educational institutions and childcare premises**

- (1) Part 1 of Schedule 16 makes provision enabling the Secretary of State and the Welsh Ministers to give directions for the restriction of attendance at premises used for the provision of education or childcare.
- (2) Part 2 of Schedule 16 makes provision enabling the Scottish Ministers to give directions to restrict access to schools and other educational premises.
- (3) Part 3 of Schedule 16 makes provision enabling—
  - (a) the Department of Education in Northern Ireland to give directions requiring the temporary closure of schools;
  - (b) the Department for the Economy in Northern Ireland to give directions requiring the temporary closure of further and higher education institutions;
  - (c) the Department of Health in Northern Ireland to give directions requiring the temporary cessation of childcare provision.

#### **38 Temporary continuity: education, training and childcare**

- (1) Part 1 of Schedule 17 makes provision enabling the Secretary of State and the Welsh Ministers—
  - (a) to give directions requiring the provision, or continuing provision, of education, training and childcare;
  - (b) to give notices disapplying or modifying enactments.
- (2) Part 2 of Schedule 17 makes provision enabling the Scottish Ministers to give directions requiring the provision, or continuing provision, of education and childcare.
- (3) Part 3 of Schedule 17 makes provision enabling—

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- (a) the Department of Education in Northern Ireland and the Department for the Economy in Northern Ireland to give directions requiring the provision, or continuing provision, of education;
- (b) the Department of Health in Northern Ireland to give directions requiring the provision, or continuing provision, of childcare;
- (c) the Department of Education in Northern Ireland to give notices disapplying or modifying enactments.

### *Statutory sick pay*

## **39 Statutory sick pay: funding of employers' liabilities**

- (1) The Social Security Contributions and Benefits Act 1992 has effect as if after section 159A there were inserted—

### **“159B Funding of employers' statutory sick pay liabilities in relation to coronavirus**

- (1) The Commissioners for Her Majesty's Revenue and Customs may by regulations make provision for the payment by employers of statutory sick pay in respect of incapacity for work related to coronavirus to be funded by Her Majesty's Revenue and Customs to such extent and in such manner as may be prescribed.
- (2) Regulations under subsection (1) may—
  - (a) make provision for a person who has made a payment of statutory sick pay in respect of an employee whose incapacity for work is related to coronavirus to be entitled, except in prescribed circumstances, to recover some or all of that payment;
  - (b) include provision for a person who has made a payment of statutory sick pay in respect of an employee whose incapacity for work is related to coronavirus to be entitled, except in prescribed circumstances, to recover an additional amount, determined in such manner as may be prescribed.
- (3) Regulations under subsection (1) may make provision about when an employee's incapacity for work is related to coronavirus.
- (4) Regulations under subsection (1) may, in particular, make provision—
  - (a) for funding in advance as well as in arrear;
  - (b) for funding, or the recovery of amounts due under provision made by virtue of subsection (2)(b), by means of deductions from such amounts for which employers are accountable to Her Majesty's Revenue and Customs as may be prescribed, or otherwise;
  - (c) for the recovery by Her Majesty's Revenue and Customs of any sums overpaid to employers under the regulations.
- (5) Where in accordance with any provision of regulations under subsection (1) an amount has been deducted from an employer's contributions payments, the amount so deducted is (except in such cases as may be prescribed) to be treated for the purposes of any provision made by or under any enactment in relation to primary or secondary Class 1 contributions—



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- (a) as having been paid (on such date as may be determined in accordance with the regulations), and
  - (b) as having been received by Her Majesty's Revenue and Customs, towards discharging the employer's liability in respect of such contributions.
- (6) Regulations under subsection (1) may make provision—
  - (a) about the procedure for an employer to make a claim under those regulations;
  - (b) about the determination of claims by Her Majesty's Revenue and Customs;
  - (c) requiring an employer to keep records in relation to payments of statutory sick pay in respect of incapacity for work related to coronavirus.
- (7) Regulations under subsection (1) may have retrospective effect in relation to a day of incapacity for work that falls on or after 13 March 2020.
- (8) In this section—
  - “contributions payments”, in relation to an employer, means any payments which the employer is required, by or under any enactment, to make in discharge of any liability in respect of primary or secondary Class 1 contributions;
  - “coronavirus” means severe acute respiratory syndrome coronavirus 2.
- (9) Regulations under subsection (1) must be made with the concurrence of the Secretary of State.”
- (2) The Social Security Administration Act 1992 has effect as if in section 113A (statutory sick pay and statutory maternity pay: breach of regulations)—
  - (a) in subsection (1)(c), after “153(5)(b)” there were inserted “ or 159B ”;
  - (b) in subsection (3), after “132” there were inserted “ of this Act, or section 159B of the Contributions and Benefits Act ”.
- (3) The Social Security Administration Act 1992 has effect as if in section 113B (statutory sick pay and statutory maternity pay: fraud and negligence)—
  - (a) in subsection (1)(b)(iii), after “153(5)(b)” there were inserted “ or 159B ”;
  - (b) after subsection (2) there were inserted—
    - “(2A) Where an employer fraudulently or negligently receives a payment in pursuance of regulations under section 159B of the Contributions and Benefits Act (funding of employers' statutory sick pay liabilities in relation to coronavirus), the employer is liable to a penalty not exceeding £3,000.”

#### **40 Statutory sick pay: power to disapply waiting period limitation**

- (1) The Secretary of State may by regulations make provision disapplying section 155(1) of the Social Security Contributions and Benefits Act 1992 in relation to an employee whose incapacity for work is related to coronavirus.
- (2) Regulations under subsection (1) may make provision about when an employee's incapacity for work is related to coronavirus.

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*Status: Point in time view as at 26/03/2020. This version of this Act contains provisions that are not valid for this point in time.*

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- (3) Section 175(3) to (5) of the Social Security Contributions and Benefits Act 1992 applies to regulations made under subsection (1) as if that subsection were contained in that Act.
- (4) Regulations under subsection (1) may have retrospective effect in relation to a day of incapacity for work that falls on or after 13 March 2020.
- (5) In this section “employee” and “incapacity for work” have the same meaning as in Part 11 of the Social Security Contributions and Benefits Act 1992.
- (6) Regulations under subsection (1) are to be made by statutory instrument.
- (7) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.

#### **41 Statutory sick pay: modification of regulation making powers**

- (1) The Social Security Contributions and Benefits Act 1992 has effect as if in section 151 (employer's liability for statutory sick pay), after subsection (4) there were inserted—
  - “(4A) Regulations under subsection (4) may make provision about whether an employee is deemed to be incapable (as referred to in that subsection) in relation to severe acute respiratory syndrome coronavirus 2 by reference to guidance or any other document published by Public Health England, NHS National Services Scotland, the Public Health Wales National Health Service Trust or any other person specified in the regulations as that guidance or other document is amended from time to time.”
- (2) The Social Security Contributions and Benefits Act 1992 has effect as if in section 175 (regulations), after subsection (5) there were inserted—
  - “(5A) But regulations under—
    - (a) section 151(4) in relation to severe acute respiratory syndrome coronavirus 2, or
    - (b) section 159B,
 may provide for a person to exercise a discretion in dealing with any matter under those regulations.”

#### **42 Statutory sick pay: funding of employers' liabilities: Northern Ireland**

- (1) The Social Security Contributions and Benefits (Northern Ireland) Act 1992 has effect as if after section 155A there were inserted—

##### **“155B Funding of employers' statutory sick pay liabilities in relation to coronavirus**

- (1) The Commissioners for Her Majesty's Revenue and Customs may by regulations make provision for the payment by employers of statutory sick pay in respect of incapacity for work related to coronavirus to be funded by Her Majesty's Revenue and Customs to such extent and in such manner as may be prescribed.
- (2) Regulations under subsection (1) may—

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- (a) make provision for a person who has made a payment of statutory sick pay in respect of an employee whose incapacity for work is related to coronavirus to be entitled, except in prescribed circumstances, to recover some or all of that payment;
  - (b) include provision for a person who has made a payment of statutory sick pay in respect of an employee whose incapacity for work is related to coronavirus to be entitled, except in prescribed circumstances, to recover an additional amount, determined in such manner as may be prescribed.
- (3) Regulations under subsection (1) may make provision about when an employee's incapacity for work is related to coronavirus.
- (4) Regulations under subsection (1) may, in particular, make provision—
  - (a) for funding in advance as well as in arrear;
  - (b) for funding, or the recovery of amounts due under provision made by virtue of subsection (2)(b), by means of deductions from such amounts for which employers are accountable to Her Majesty's Revenue and Customs as may be prescribed, or otherwise;
  - (c) for the recovery by Her Majesty's Revenue and Customs of any sums overpaid to employers under the regulations.
- (5) Where in accordance with any provision of regulations under subsection (1) an amount has been deducted from an employer's contributions payments, the amount so deducted is (except in such cases as may be prescribed) to be treated for the purposes of any provision made by or under any statutory provision in relation to primary or secondary Class 1 contributions—
  - (a) as having been paid (on such date as may be determined in accordance with the regulations), and
  - (b) as having been received by Her Majesty's Revenue and Customs, towards discharging the employer's liability in respect of such contributions.
- (6) Regulations under subsection (1) may make provision—
  - (a) about the procedure for an employer to make a claim under those regulations;
  - (b) about the determination of claims by Her Majesty's Revenue and Customs;
  - (c) requiring an employer to keep records in relation to payments of statutory sick pay in respect of incapacity for work related to coronavirus.
- (7) Regulations under subsection (1) may have retrospective effect in relation to a day of incapacity for work that falls on or after 13 March 2020.
- (8) In this section—
  - “contributions payments”, in relation to an employer, means any payments which the employer is required, by or under any statutory provision, to make in discharge of any liability in respect of primary or secondary Class 1 contributions;
  - “coronavirus” means severe acute respiratory syndrome coronavirus 2;

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“prescribed” means specified in or determined in accordance with regulations made under subsection (1).

- (9) Regulations under subsection (1) must be made with the concurrence of the Secretary of State.”
- (2) The Social Security Administration (Northern Ireland) Act 1992 has effect as if in section 107A (statutory sick pay and statutory maternity pay: breach of regulations)—
- (a) in subsection (1)(c), after “149(5)(b)” there were inserted “ or 155B ”;
  - (b) in subsection (3), after “124” there were inserted “ of this Act, or section 155B of the Contributions and Benefits Act ”.
- (3) The Social Security Administration (Northern Ireland) Act 1992 has effect as if in section 107B (statutory sick pay and statutory maternity pay: fraud and negligence)—
- (a) in subsection (1)(b)(iii), after “149(5)(b)” there were inserted “ or 155B ”;
  - (b) after subsection (2) there were inserted—

“(2A) Where an employer fraudulently or negligently receives a payment in pursuance of regulations under section 155B of the Contributions and Benefits Act (funding of employers' statutory sick pay liabilities in relation to coronavirus), the employer is liable to a penalty not exceeding £3,000.”

#### **43 Statutory sick pay: power to disapply waiting period limitation: Northern Ireland**

- (1) The Secretary of State may by regulations make provision disapplying section 151(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 in relation to an employee whose incapacity for work is related to coronavirus.
- (2) Regulations under subsection (1) may make provision about when an employee's incapacity for work is related to coronavirus.
- (3) Section 171(3) to (5) and (10) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 applies to regulations made under subsection (1) as if that subsection were contained in that Act.
- (4) Regulations under subsection (1) may have retrospective effect in relation to a day of incapacity for work that falls on or after 13 March 2020.
- (5) In this section “employee” and “incapacity for work” have the same meaning as in Part 11 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.
- (6) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.

#### **44 Statutory sick pay: modification of regulation making powers: Northern Ireland**

The Social Security Contributions and Benefits (Northern Ireland) Act 1992 has effect as if—

- (a) in section 147 (employer's liability for statutory sick pay), after subsection (4) there were inserted—

“(4A) Regulations under subsection (4) may make provision about whether an employee is deemed to be incapable (as referred to in

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that subsection) in relation to severe acute respiratory syndrome coronavirus 2 by reference to guidance or any other document published by the Regional Agency for Public Health and Social Well-being, Public Health England, NHS National Services Scotland, the Public Health Wales National Health Service Trust or any other person specified in the regulations as that guidance or other document is amended from time to time.”;

(b) in section 171 (regulations), after subsection (5) there were inserted—

“(5A) But regulations under—

(a) section 147(4) in relation to severe acute respiratory syndrome coronavirus 2, or

(b) section 155B,

may provide for a person to exercise a discretion in dealing with any matter under those regulations.”

### *Pensions*

#### **45 NHS pension schemes: suspension of restrictions on return to work: England and Wales**

(1) The National Health Service Pension Scheme Regulations 1995 (S.I. 1995/300) have effect as if—

(a) regulation S1 (suspension of pension on return to NHS employment) were omitted, and

(b) in the opening words of regulation S2(3) (reduction of pension on return to NHS employment) the words “or (c)” were omitted.

(2) The National Health Service Pension Regulations 2008 (S.I. 2008/653) have effect as if the following regulations were omitted—

(a) regulation 2.D.6(2)(a) (abatement of pension following increase in pensionable pay), and

(b) regulation 3.D.6(2)(a) (abatement of pension following increase in engagement in employment).

(3) The National Health Service Pension Regulations 2015 (S.I. 2015/94) have effect as if regulation 86(3) (abatement of pension following continuation of employment) were omitted.

#### **46 NHS pension schemes: suspension of restrictions on return to work: Scotland**

(1) The National Health Service Superannuation Scheme (Scotland) Regulations 2011 (S.S.I. 2011/117) have effect as if—

(a) regulation S1 (suspension of pension on return to NHS employment) were omitted, and

(b) in the opening words of regulation S2(4) (reduction of pension on return to NHS employment) the words “or (c)” were omitted.

(2) The National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013 (S.S.I. 2013/174) have effect as if the following regulations were omitted—

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*Changes to legislation: There are currently no known outstanding effects for the Coronavirus Act 2020. (See end of Document for details)*

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- (a) regulation 2.D.6(2)(a) (abatement of pension following increase in pensionable pay), and
  - (b) regulation 3.D.6(2)(a) (abatement of pension following increase in engagement in employment).
- (3) The National Health Service Pension Scheme (Scotland) Regulations 2015 (S.S.I. 2015/94) have effect as if regulation 85(3) (abatement of pension following continuation of employment) were omitted.

**47 Health and social care pension schemes: suspension of restrictions on return to work: Northern Ireland**

- (1) The Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995 (S.R. (N.I.) 1995 No.95) have effect as if—
- (a) regulation 84 (suspension of pension on return to HPSS employment) were omitted, and
  - (b) in the opening words of regulation 85(3) (reduction of pension on return to HPSS employment) the words “or (c)” were omitted.
- (2) The Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008 (S.R. (N.I.) 2008 No.256) have effect as if the following regulations were omitted—
- (a) regulation 50(2)(a) (abatement of pension following increase in pensionable pay), and
  - (b) regulation 181(2)(a) (abatement of pension following increase in engagement in employment).
- (3) The Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015 (S.R. (N.I.) 2015 No.120) have effect as if regulation 85(3) (abatement of pension following continuation of employment) were omitted.

*Protection of public health*

**48 Powers to act for the protection of public health: Northern Ireland**

Schedule 18 contains temporary modifications of the Public Health Act (Northern Ireland) 1967.

**49 Health protection regulations: Scotland**

Schedule 19 contains provision enabling the Scottish Ministers to make regulations for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Scotland (whether from risks originating there or elsewhere).

*Power to suspend port operations*

**50 Power to suspend port operations**

Schedule 20 confers power on the Secretary of State in relation to the suspension of port operations.

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*Powers relating to potentially infectious persons*

**51 Powers relating to potentially infectious persons**

Schedule 21 confers powers relating to potentially infectious persons and makes related provision.

*Powers relating to events, gatherings and premises*

**52 Powers to issue directions relating to events, gatherings and premises**

Schedule 22 confers powers to issue directions in relation to events, gatherings and premises.

*Courts and tribunals: use of video and audio technology*

**53 Expansion of availability of live links in criminal proceedings**

Schedule 23 contains temporary modifications of—

- (a) the Criminal Justice Act 2003,
- (b) the Criminal Appeal Act 1968, and
- (c) the Criminal Justice Act 1988.

**54 Expansion of availability of live links in other criminal hearings**

Schedule 24 contains temporary modifications of—

- (a) the Crime and Disorder Act 1998,
- (b) the Extradition Act 2003,
- (c) the Police and Criminal Evidence Act 1984,
- (d) the Prosecution of Offences Act 1985, and
- (e) the Serious Organised Crime and Police Act 2005.

**55 Public participation in proceedings conducted by video or audio**

Schedule 25 contains temporary modifications of—

- (a) the Courts Act 2003, and
- (b) the Tribunals, Courts and Enforcement Act 2007.

**56 Live links in magistrates' court appeals against requirements or restrictions imposed on a potentially infectious person**

Schedule 26 contains temporary modifications of the Magistrates' Courts Act 1980.

**57 Use of live links in legal proceedings: Northern Ireland**

Schedule 27 makes provision for, and in connection with, the use of live links in proceedings in courts and tribunals in Northern Ireland.

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*Powers in relation to bodies*

**58 Powers in relation to transportation, storage and disposal of dead bodies etc**

Schedule 28 confers powers to facilitate the transportation, storage and disposal of dead bodies and human remains.

*Postponement of elections, referendums, recall petitions and canvass*

**59 Elections and referendums due to be held in England in period after 15 March 2020**

- (1) This section applies to the poll for a relevant election or relevant referendum if the poll—
  - (a) is required to be held on a day falling within the period beginning with 16 March 2020 and ending with the day 30 days after that on which this Act is passed, but
  - (b) is not held in that period.
- (2) Section 39 of the 1983 Act (local elections void etc) does not apply, and is treated as never having applied, in relation to the poll.
- (3) Section 63 of that Act (breach of official duty) does not apply, and is treated as never having applied, in relation to any act or omission in connection with the poll.
- (4) In determining for the purpose of this section whether a poll has been held, postal votes are to be ignored.
- (5) This section does not affect the application of section 39 or 63 of the 1983 Act in relation to a poll the date for which is determined by virtue of section 61 (power to postpone).
- (6) In this section—
  - “the 1983 Act” means the Representation of the People Act 1983;
  - “local government area” has the same meaning as in the 1983 Act (see section 203(1) of that Act);
  - “relevant election” means an election of a councillor for any local government area in England to fill a casual vacancy;
  - “relevant referendum” means a referendum under or by virtue of Schedule 4B to the Town and Country Planning Act 1990 (referendums on neighbourhood development plans).

**60 Postponement of elections due to be held on 7 May 2020**

*Local government*

- (1) The poll for the ordinary election of councillors for any local government area in England that would otherwise be held on the ordinary day of election in 2020 is to be held instead on the ordinary day of election in 2021.
- (2) A councillor who would otherwise, pursuant to section 7 or 16 of the Local Government Act 1972 (elections of councillors), retire on the fourth day after the



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ordinary day of election in 2020 is instead to retire on the fourth day after the ordinary day of election in 2021; and the councillor's term of office is extended accordingly.

- (3) A councillor who—
- (a) is returned at an election the poll for which is held on the ordinary day of election in 2021, and
  - (b) fills a vacancy arising as a result of the expiry of a term of office extended under subsection (2),
- is (notwithstanding section 7 or 16 of the Local Government Act 1972) to retire on the fourth day after the ordinary day of election in 2024; and the councillor's term of office is reduced accordingly.
- (4) In determining under section 7(3) or (9)(c) of the Local Government Act 1972 which councillors are to retire in accordance with that provision on the fourth day after the ordinary day of election in 2021, councillors who retire in accordance with subsection (2) of this section are to be ignored.
- (5) In subsections (1) to (4)—
- (a) “local government area” has the same meaning as in the Representation of the People Act 1983 (see section 203(1) of that Act);
  - (b) a reference to the ordinary day of election in a year is to the ordinary day of election of councillors in that year determined under section 37 of that Act (ordinary day of local elections in England).

*The Mayor of London and the London Assembly*

- (6) The poll for the ordinary election that would otherwise, pursuant to section 3(2) of the Greater London Authority Act 1999 (time of ordinary election for the Mayor of London and the London Assembly), be held on 7 May 2020 is to be held instead on 6 May 2021.
- (7) The postponement of that ordinary election is to be ignored in determining the years in which subsequent ordinary elections are to be held.

*Elected mayors of local authorities*

- (8) The poll for the election of any elected mayor that would otherwise, pursuant to regulations under section 9HB of the Local Government Act 2000 (time of elections etc), be held on 7 May 2020 is to be held instead on 6 May 2021.
- (9) The postponement under subsection (8) of an election is to be ignored in determining the years in which subsequent elections of elected mayors are to be held.

*Elected mayors of combined authorities*

- (10) The poll for the election of any mayor that would otherwise, pursuant to an order under Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009, be held on 7 May 2020 is to be held instead on 6 May 2021.
- (11) The postponement under subsection (10) of an election is to be ignored in determining the years in which subsequent elections of mayors are to be held.

*Police and crime commissioners*

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- (12) The ordinary election that would otherwise, pursuant to section 50(1) of the Police Reform and Social Responsibility Act 2011 (ordinary election of police and crime commissioners), be held in 2020 is to be held instead in 2021.
- (13) The postponement of that ordinary election is to be ignored in determining the years in which subsequent ordinary elections are to be held.

## **61 Power to postpone certain other elections and referendums**

- (1) The Secretary of State or the Minister for the Cabinet Office may, by regulations made by statutory instrument, provide—
- (a) that the poll for a relevant election or a relevant referendum is to be held on such date, or within such period, as is specified in the regulations;
  - (b) that polls for relevant elections or relevant referendums that would otherwise be required to be held on dates that fall within a period specified in the regulations are instead to be held on such later date, or within such period, as is specified in the regulations.
- (2) For the purposes of this section an election or referendum is “relevant” if—
- (a) the date of the poll for the election or the referendum falls within the period beginning with 16 March 2020 and ending with 5 May 2021, and
  - (b) subsection (3) or (4) applies to it.
- (3) This subsection applies to—
- (a) an election of a councillor for any local government area in England to fill a casual vacancy;
  - (b) a local election in Northern Ireland to fill a casual vacancy;
  - (c) an election to fill a casual vacancy in respect of a constituency member of the Greater London Assembly;
  - (d) an election to fill a vacancy in the office of the Mayor of London;
  - (e) an election to fill a casual vacancy in the office of an elected mayor under Part 1A of the Local Government Act 2000;
  - (f) an election to fill a vacancy in the office of a mayor for the area of a combined authority under Part 6 of the Local Democracy, Economic Development and Construction Act 2009;
  - (g) an election to fill a vacancy in the office of a police and crime commissioner for a police area.
- (4) This subsection applies to—
- (a) a poll under section 116 of the Local Government Act 2003 (local polls);
  - (b) a referendum under section 9MB of the Local Government Act 2000 (referendums on governance arrangements);
  - (c) a referendum by virtue of section 9MC of the Local Government Act 2000 (referendums following petition);
  - (d) a referendum under section 52ZG or 52ZN of the Local Government Finance Act 1992 (referendums in relation to council tax);
  - (e) a referendum under or by virtue of Schedule 4B to the Town and Country Planning Act 1990 (referendums on neighbourhood development plans).
- (5) Regulations under subsection (1) must not specify—
- (a) a date later than 6 May 2021, or

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- (b) a period ending later than 6 May 2021.
- (6) The power to make regulations under subsection (1) may be exercised more than once in respect of any relevant election or relevant referendum.
- (7) Regulations under subsection (1) may make provision by reference to relevant elections or relevant referendums of a description specified in the regulations (for example, by reference to the nature, date or location of the elections or referendums).
- (8) The power to make regulations under subsection (1) is capable of being exercised so as to amend, repeal or revoke any enactment.

In this subsection “enactment” has the same meaning as in section 92.

- (9) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) In this section—
  - “local election” has the same meaning as in the Electoral Law Act (Northern Ireland) 1962 (see section 130(1) of that Act);
  - “local government area” has the same meaning as in the Representation of the People Act 1983 (see section 203(1) of that Act).

## **62 Power to postpone a recall petition under the Recall of MPs Act 2015**

- (1) In relation to a Speaker's notice received by a petition officer in the period beginning with the day on which this Act is passed and ending with 21 April 2021, section 7 of the 2015 Act (where and from when a recall petition may be signed) has effect as if for subsection (4) there were substituted—
  - “(4) The petition officer must designate under subsection (1)(b)—
    - (a) a working day that falls no later than 6 May 2021, or
    - (b) if it is not reasonably practicable to designate such a day, the first subsequent working day that it is reasonably practicable to designate.”
- (2) The Secretary of State or the Minister for the Cabinet Office may, by regulations made by statutory instrument, provide that the designated day for a relevant recall petition is postponed until a date specified in the regulations.
- (3) For the purposes of this section a recall petition is “relevant” if the day designated in relation to it under section 7(1)(b) of the 2015 Act (date from which petition may be signed) falls within the period beginning with the day on which this Act is passed and ending with 5 May 2021.
- (4) The date specified in regulations under subsection (2) must be no later than 6 May 2021.
- (5) The power to make regulations under subsection (2) may be exercised more than once in respect of any relevant recall petition.
- (6) A statutory instrument containing regulations under subsection (2) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section—
  - “the 2015 Act” means the Recall of MPs Act 2015;

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“the designated day” has the same meaning as in the 2015 Act (see section 7(5) of that Act);

“petition officer” has the same meaning as in the 2015 Act (see section 6(2) of that Act);

“recall petition” has the same meaning as in the 2015 Act (see section 1(2) of that Act);

“Speaker's notice” has the same meaning as in the 2015 Act (see section 5(7) of that Act).

### **63 Power to make supplementary etc provision**

- (1) The Secretary of State or the Minister for the Cabinet Office may, by regulations made by statutory instrument, make consequential, supplementary, incidental, transitional or saving provision in connection with sections 60 to 62 or regulations made under them.
- (2) Regulations under subsection (1) may, in particular, make provision about—
  - (a) acts or omissions in connection with an election, referendum or recall petition prior to its postponement (including provision disapplying any enactment imposing criminal liability in respect of such acts or omissions);
  - (b) things that have yet to be done in connection with an election, referendum or recall petition prior to its postponement;
  - (c) the conduct of elections, referendums or recall petitions that have been postponed or steps to be taken in respect of such elections, referendums or recall petitions;
  - (d) the manner of voting in elections or referendums, or of signing of recall petitions, that have been postponed;
  - (e) the terms of office of incumbent office-holders or those elected at a postponed election;
  - (f) the nomination of candidates;
  - (g) expenses incurred in relation to elections or referendums by persons other than local authorities (including the expenses of candidates);
  - (h) compensation for local authorities or candidates incurring additional expenditure as a result of this Act;
  - (i) the membership or governance arrangements of a local authority in relation to which an order has been made under section 7 of the Local Government and Public Involvement in Health Act 2007 (implementation of structural changes proposals), the membership or governance arrangements of any shadow authority established under such an order, or any other matter dealt with in such an order.
- (3) Regulations under subsection (1) may make retrospective provision, including provision having effect in relation to times before the coming into force of this Act.
- (4) The power to make regulations under subsection (1) is capable of being exercised so as to amend, repeal or revoke any enactment.
 

In this subsection “enactment” has the same meaning as in section 92.
- (5) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.

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## **64 Northern Ireland: timing of canvass and Assembly by-elections**

- (1) Section 10ZA of the Representation of the People Act 1983 (Northern Ireland: timing of the canvass) is amended in accordance with subsections (2) and (3).
- (2) In subsection (1)—
  - (a) after paragraph (a) insert—
    - “(aa) the year 2021;
    - (ab) the year 2030;”;
  - (b) in paragraph (b), for “2010” substitute “ 2030 ”.
- (3) In subsection (4)—
  - (a) omit paragraph (b) (including the “and” at the end);
  - (b) after paragraph (c) insert—
    - “(d) 2021,
    - (e) 2030, and
    - (f) every tenth year following 2030.”
- (4) Subsection (5) applies if, at any time during the relevant period, Article 7(2) of the 2001 Order requires the Chief Electoral Officer for Northern Ireland to set a date as the date of the poll for an Assembly by-election.
- (5) Before setting the date, the Chief Electoral Officer must consult the Secretary of State.
- (6) In subsection (4)—

“the relevant period” means the period beginning with the date on which this Act is passed and ending with 1 February 2021;

“the 2001 Order” means the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599).

### *Postponement of elections: Wales*

## **65 Elections due to be held in Wales in period after 15 March 2020**

- (1) This section applies to the poll for a relevant election if the poll—
  - (a) is required to be held on a day falling within the period beginning with 16 March 2020 and ending with the day 30 days after that on which this Act is passed, but
  - (b) is not held in that period.
- (2) Section 39 of the 1983 Act (local elections void etc) does not apply, and is treated as never having applied, in relation to the poll.
- (3) Section 63 of that Act (breach of official duty) does not apply, and is treated as never having applied, in relation to any act or omission in connection with the poll.
- (4) In determining for the purpose of this section whether a poll has been held, postal votes are to be ignored.
- (5) This section does not affect the application of section 39 or 63 of the 1983 Act in relation to a poll the date for which is determined by virtue of section 67 (power to postpone).
- (6) In this section—

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“the 1983 Act” means the Representation of the People Act 1983;  
“relevant election” means an election to fill a casual vacancy in the office of councillor in a county council, county borough council or community council in Wales.

## **66 Postponement of National Assembly for Wales elections for constituency vacancies**

- (1) This section applies where under section 10 of the Government of Wales Act 2006 (“the 2006 Act”), an election is to be held to fill a vacant seat of a constituency member (“the election”).
- (2) The Presiding Officer may, where a date has been fixed for the poll for the election, fix a later date (which may be outwith the period required under section 10(5) or (6) of the 2006 Act).
- (3) The Presiding Officer must fix a date under subsection (2) for the poll for the election to be held as soon as reasonably practicable.
- (4) The power under subsection (2)—
  - (a) may be exercised more than once,
  - (b) may not be exercised so as to fix a date for the poll for the election that is within the period mentioned in 10(7) of the 2006 Act, and
  - (c) may not be exercised so as to fix a date after 6 May 2021.
- (5) Before exercising the power under subsection (2), the Presiding Officer must consult the Welsh Ministers.

## **67 Power to postpone local authority elections in Wales for casual vacancies**

- (1) The Welsh Ministers may, by regulations made by statutory instrument, provide—
  - (a) that the poll for a relevant election is to be held on such date, or within such period, as is specified in the regulations;
  - (b) that polls for relevant elections that would otherwise be required to be held on dates that fall within a period specified in the regulations are instead to be held on such later date, or within such period, as is specified in the regulations.
- (2) For the purposes of this section an election is “relevant” if—
  - (a) the date of the poll for the election falls within the period beginning with 16 March 2020 and ending with 5 May 2021, and
  - (b) it is an election to fill a casual vacancy in the office of councillor in a county council, county borough council or community council in Wales.
- (3) Regulations under subsection (1) must not specify—
  - (a) a date later than 6 May 2021, or
  - (b) a period ending later than 6 May 2021.
- (4) The power to make regulations under subsection (1) may be exercised more than once in respect of any relevant election.
- (5) Regulations under subsection (1) may make provision by reference to relevant elections of a description specified in the regulations (for example, by reference to the nature, date or location of the elections).

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- (6) The power to make regulations under subsection (1) is capable of being exercised so as to amend or repeal a provision of an Act of Parliament or of an Act or Measure of the National Assembly for Wales.
- (7) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

## **68 Power to make supplementary etc provision**

- (1) The Welsh Ministers may, by regulations made by statutory instrument, make consequential, supplementary, incidental, transitional or saving provision in connection with section 66 or regulations made under section 67.
- (2) Regulations under subsection (1) may, in particular, make provision about—
  - (a) acts or omissions in connection with an election prior to its postponement (including provision disapplying any enactment imposing criminal liability in respect of such acts or omissions);
  - (b) things that have yet to be done in connection with an election prior to its postponement;
  - (c) the conduct of elections that have been postponed or steps to be taken in respect of such elections;
  - (d) the manner of voting in elections that have been postponed;
  - (e) the terms of office of incumbent office-holders or those elected at a postponed election;
  - (f) the nomination of candidates;
  - (g) expenses incurred in relation to elections by persons other than local authorities (including the expenses of candidates);
  - (h) compensation for local authorities or candidates incurring additional expenditure as a result of the Act.
- (3) Regulations under subsection (1) may make retrospective provision, including provision having effect in relation to times before the coming into force of this Act.
- (4) The power to make regulations under subsection (1) is capable of being exercised so as to amend or repeal a provision of an Act of Parliament or of an Act or Measure of the National Assembly for Wales.
- (5) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

### *Postponement of elections: Scotland*

## <sup>x3</sup>**69 Postponement of Scottish Parliament elections for constituency vacancies**

- (1) This section applies where under section 9 of the Scotland Act 1998 (“the 1998 Act”), an election is to be held to fill a vacant seat of a constituency member (“the election”).
- (2) The Presiding Officer may—
  - (a) where a date has been fixed for the poll for the election, fix a later date (which may be outwith the period required under section 9(3) of the 1998 Act), or
  - (b) where no such date has been fixed, fix a date for the poll that is outwith that period.

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- (3) The Presiding Officer must fix a date under subsection (2) for the poll at the election to be held as soon as reasonably practicable.
- (4) The Presiding Officer must notify the constituency returning officer for the election of the date fixed for the poll under subsection (2) in the same manner as if it had been fixed under section 9 of the 1998 Act.
- (5) The power under subsection (2)—
  - (a) may be exercised more than once,
  - (b) may not be exercised so as to fix a date for the poll at the election that is within the period mentioned in section 9(4) of the 1998 Act, and
  - (c) may not be exercised so as to fix a date after 6 May 2021.
- (6) Before exercising the power under subsection (2), the Presiding Officer must consult—
  - (a) the Scottish Ministers, and
  - (b) the convener of the Electoral Management Board for Scotland.
- (7) Subsection (8) applies where—
  - (a) notice of the date for the poll for the election has been published under Part 1 of Schedule 2 to the Scottish Parliament (Elections etc.) Order 2015 (S.S.I. 2015/425) (“the 2015 Order”), and
  - (b) under subsection (2)(a), the Presiding Officer fixes a later date for the poll (“the new date”).
- (8) The constituency returning officer must—
  - (a) publish a notice stating that the date has changed, and
  - (b) comply with the requirements of Part 1 of Schedule 2 to the 2015 Order as if the new date had just been fixed under section 9 of the 1998 Act.
- (9) In this section “constituency returning officer” has the same meaning as in the 2015 Order.

#### **Editorial Information**

- X3** The power conferred under this provision to publish a notice may be exercised by means of a notice published in [The Gazette](#)

#### **<sup>X4</sup>70 Postponement of local authority elections in Scotland for casual vacancies**

- (1) This section applies where under section 37 of the Local Government (Scotland) Act 1973 (“the 1973 Act”), an election is to be held to fill a casual vacancy in the office of councillor in a local authority (“the election”).
- (2) The returning officer may—
  - (a) where a date has been fixed for the poll for the election, fix a later date (which may be outwith the period required under section 37(1) of the 1973 Act), or
  - (b) where no such date has been fixed, fix a date for the poll that is outwith that period.
- (3) The returning officer must fix a date under subsection (2) for the poll at the election to be held as soon as reasonably practicable.



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- (4) The power under subsection (2)—
- (a) may be exercised more than once,
  - (b) may not be exercised so as to fix a date for the poll at the election that is within the period mentioned in subsection (2) of section 37 of the 1973 Act, unless the holding of the election within that period is permitted under that subsection, and
  - (c) may not be exercised so as to fix a date after 6 May 2021.
- (5) Before exercising the power under subsection (2), the returning officer must consult—
- (a) the Scottish Ministers, and
  - (b) the convener of the Electoral Management Board for Scotland.
- (6) Subsection (7) applies where—
- (a) notice of the date for the poll for the election has been published under Part 1 of Schedule 1 to the Scottish Local Government Elections Order 2011 (S.S.I. 2011/399) (“the 2011 Order”), and
  - (b) under subsection (2)(a), the returning officer fixes a later date for the poll (“the new date”).
- (7) The returning officer must—
- (a) publish a notice stating that the date has changed, and
  - (b) comply with the requirements of Part 1 of Schedule 1 to the 2011 Order as if the new date had just been fixed under section 37 of the 1973 Act.
- (8) In this section—
- “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 and “area” in relation to a local authority means the local government area for which the authority is constituted;
- “returning officer”, in relation to a local authority, means an officer appointed by the local authority under section 41(1) of the Representation of the People Act 1983.

#### Editorial Information

- X4** The power conferred under this provision to publish a notice may be exercised by means of a notice published in [The Gazette](#)

#### *Other administrative requirements*

### **71 Signatures of Treasury Commissioners**

- (1) Section 1 of the Treasury Instruments (Signature) Act 1849 (instruments etc required to be signed by the Commissioners of the Treasury) has effect as if the reference to two or more of the Commissioners of Her Majesty's Treasury were to one or more of the Commissioners.
- (2) For the purposes of that reference, a Minister of the Crown in the Treasury who is not a Commissioner of Her Majesty's Treasury is to be treated as if the Minister were a Commissioner of Her Majesty's Treasury.

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### *National Insurance Contributions*

#### **72 Power under section 143 of the Social Security Administration Act 1992**

- (1) This section applies to an order made under section 143 of the Social Security Administration Act 1992 (power to alter contributions) if—
  - (a) it is made on or after 19 March 2020 and before the end of the period of 2 years beginning with the day on which this Act is passed, and
  - (b) it does not increase a figure referred to in section 143(1) or (3) of that Act above the figure that would apply on 6 April 2020, ignoring the effect of any order made under section 143 or 145 of that Act on or after 19 March 2020.
- (2) Section 143(1) of that Act has effect in relation to an order to which this section applies as if the words from “with a view” to “future period” were omitted.
- (3) Section 143(4)(a) of that Act (no increase above 0.25%) does not apply to an order to which this section applies.
- (4) Section 144 of that Act (requirement to lay report and orders not to have effect before next tax year) does not apply to an order to which this section applies.
- (5) Section 190(1) of that Act (affirmative procedure for certain orders) does not apply in relation to an order to which this section applies (and accordingly such an order is subject to annulment in pursuance of a resolution of either House of Parliament).

#### **73 Power under section 145 of the Social Security Administration Act 1992**

- (1) This section applies to an order made under section 145 of the Social Security Administration Act 1992 (power to alter primary and secondary contributions) if—
  - (a) it is made on or after 19 March 2020 and before the end of the period of 2 years beginning with the day on which this Act is passed, and
  - (b) it does not increase a rate or figure referred to in section 145(1), (2) or (4) of that Act above the rate or figure that would apply on 6 April 2020, ignoring the effect of any order made under section 143 or 145 of that Act on or after 19 March 2020.
- (2) Section 145(3) of that Act (no increase above 0.25%) does not apply to an order to which this section applies.
- (3) Subsections (2) to (5) of section 147 of that Act (requirement to lay report and coming into force and effect of order) do not apply to an order to which this section applies.
- (4) Section 190(1) of that Act (affirmative procedure for certain orders) does not apply in relation to an order to which this section applies (and accordingly such an order is subject to annulment in pursuance of a resolution of either House of Parliament).

#### **74 Power under section 5 of the National Insurance Contributions Act 2014**

- (1) This section applies to regulations under section 5 of the National Insurance Contributions Act 2014 (power to amend the employment allowance provisions) made on or after 19 March 2020 and before the end of the period of 2 years beginning with the day on which this Act is passed.

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- (2) Section 5(5) to (9) of that Act (Parliamentary procedure) does not apply to such regulations but a statutory instrument containing such regulations is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) But subsection (2) does not apply to regulations falling within section 5(1)(a) of that Act which decrease a person's employment allowance for a tax year below £4,000 (accordingly, section 5(5) of that Act continues to apply to a statutory instrument containing such regulations).

### *Financial assistance for industry*

## **75 Disapplication of limit under section 8 of the Industrial Development Act 1982**

- (1) Financial assistance provided under section 8 of the Industrial Development Act 1982 (general power to give selective financial assistance to industry) is not to count towards the limit set by subsections (4) and (5) of that section if the assistance has been designated under subsection (2) as “coronavirus-related”.
- (2) The providing authority may make that designation if it appears to the authority that the assistance is provided (wholly or to a significant degree) for the purpose of preventing, reducing, or compensating for any effect or anticipated effect (direct or indirect) of coronavirus or coronavirus disease.

“The providing authority” means whichever of the Secretary of State, the Scottish Ministers or the Welsh Ministers provides the assistance.

- (3) As soon as reasonably practicable after the end of any quarter in which assistance designated as coronavirus-related is provided by the Secretary of State, the Secretary of State must lay before Parliament a report stating the amount of, and containing such other details as the Secretary of State considers appropriate about—
  - (a) the designated assistance provided by the Secretary of State in that quarter, and
  - (b) all designated assistance provided by the Secretary of State from the time when this section came into force until the end of that quarter.

“Quarter” means a period of three months ending at the end of March, June, September or December.

### *HMRC functions*

## **<sup>X5</sup>76 HMRC functions**

Her Majesty's Revenue and Customs are to have such functions as the Treasury may direct in relation to coronavirus or coronavirus disease.

### **Editorial Information**

- X5** The power conferred under this provision to make a direction may be exercised by means of a notice published in [The Gazette](#)

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### *Up-rating of working tax credit etc*

#### **77 Up-rating of working tax credit etc**

- (1) In the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (S.I. 2002/2005), in the table in Schedule 2 (maximum rates of the elements of a working tax credit), item 1 (basic element) has effect in relation to the tax year 2020-21 as if the amount specified in the second column (maximum annual rate) were £3,040.
- (2) The modification made by subsection (1) does not apply for the purposes of any annual review carried out in accordance with section 41 of the Tax Credits Act 2002.
- (3) Where a sum mentioned in section 150(1) of the Social Security Administration Act 1992 (annual review in relation to up-rating of benefits) is modified in relation to the tax year 2020-21 for purposes connected with coronavirus or coronavirus disease, the modification does not apply for the purposes of any annual review carried out in accordance with that section.

### *Local authority meetings*

#### **78 Local authority meetings**

- (1) The relevant national authority may by regulations make provision relating to—
  - (a) requirements to hold local authority meetings;
  - (b) the times at or by which, periods within which, or frequency with which, local authority meetings are to be held;
  - (c) the places at which local authority meetings are to be held;
  - (d) the manner in which persons may attend, speak at, vote in, or otherwise participate in, local authority meetings;
  - (e) public admission and access to local authority meetings;
  - (f) the places at which, and manner in which, documents relating to local authority meetings are to be open to inspection by, or otherwise available to, members of the public.
- (2) The provision which may be made by virtue of subsection (1)(d) includes in particular provision for persons to attend, speak at, vote in, or otherwise participate in, local authority meetings without all of the persons, or without any of the persons, being together in the same place.
- (3) The regulations may make provision only in relation to local authority meetings required to be held, or held, before 7 May 2021.
- (4) The power to make regulations under this section includes power—
  - (a) to disapply or modify any provision of an enactment or subordinate legislation;
  - (b) to make different provision for different purposes;
  - (c) to make consequential, supplementary, incidental, transitional or saving provision.
- (5) In this section the “relevant national authority” means—
  - (a) in relation to local authorities in England, the Secretary of State;
  - (b) in relation to local authorities in Wales, the Welsh Ministers;

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- (c) in relation to local authorities in Northern Ireland, the Department for Communities in Northern Ireland.
- (6) In this section “local authority meeting” means a meeting of—
- (a) a local authority;
  - (b) an executive of a local authority (within the meaning of Part 1A or 2 of the Local Government Act 2000 or Part 6 of the Local Government Act (Northern Ireland) 2014);
  - (c) a joint committee of two or more local authorities;
  - (d) a committee or sub-committee of anything within paragraphs (a) to (c).
- (7) In this section “local authority”, in relation to England, means—
- (a) a county council;
  - (b) a district council;
  - (c) a London borough council;
  - (d) the Common Council of the City of London;
  - (e) the Greater London Authority;
  - (f) the Council of the Isles of Scilly;
  - (g) a parish council;
  - (h) a joint board continued in being by virtue of section 263(1) of the Local Government Act 1972;
  - (i) a port health authority constituted under section 2 of the Public Health (Control of Disease) Act 1984;
  - (j) an authority established under section 10 of the Local Government Act 1985;
  - (k) a joint authority established under Part 4 of the Local Government Act 1985;
  - (l) a joint committee constituted to be a local planning authority under section 29 of the Planning and Compulsory Purchase Act 2004;
  - (m) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
  - (n) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies, or created by an order under section 4A of that Act;
  - (o) a National Park authority established under section 63 of the Environment Act 1995;
  - (p) the Broads Authority established by section 1 of the Norfolk and Suffolk Broads Act 1988;
  - (q) a conservation board established under section 86 of the Countryside and Rights of Way Act 2000;
  - (r) an appeal panel constituted under the School Admissions (Appeals Arrangements) (England) Regulations 2012 (S.I. 2012/9).
- (8) In this section “local authority”, in relation to Wales, means—
- (a) a county council;
  - (b) a county borough council;
  - (c) a community council;
  - (d) a joint board continued in being by virtue of section 263(1) of the Local Government Act 1972;
  - (e) a port health authority constituted under section 2 of the Public Health (Control of Disease) Act 1984;

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- (f) a joint committee constituted to be a local planning authority under section 29 of the Planning and Compulsory Purchase Act 2004;
  - (g) a strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004;
  - (h) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
  - (i) a National Park authority established under section 63 of the Environment Act 1995;
  - (j) an appeal panel constituted under the Education (Admission Appeals Arrangements) (Wales) Regulations 2005 (S.I. 2005/1398).
- (9) In this section “local authority”, in relation to Northern Ireland, means a district council.
- (10) In this section—
- “enactment” includes—
    - (a) an enactment comprised in an Act or Measure of the National Assembly for Wales;
    - (b) an enactment comprised in Northern Ireland legislation;
  - “subordinate legislation” means—
    - (a) subordinate legislation within the meaning of the Interpretation Act 1978;
    - (b) an instrument made under an Act or Measure of the National Assembly for Wales;
    - (c) an instrument made under Northern Ireland legislation.
- (11) Regulations under this section made by the Secretary of State or the Welsh Ministers are to be made by statutory instrument.
- (12) A statutory instrument containing regulations under this section made by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.
- (13) A statutory instrument containing regulations under this section made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (14) The power of the Department for Communities in Northern Ireland to make regulations under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).
- (15) Regulations under this section made by the Department for Communities in Northern Ireland are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.

#### *Business improvement districts*

### **79 Extension of BID arrangements: England**

- (1) This section applies to BID arrangements if—

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- (a) they are in force on the day on which this Act is passed, and
  - (b) the period specified in the arrangements as the period for which they are in force is due to end on a date (“the 2020 expiry date”) that is on or before 31 December 2020.
- (2) But this section does not apply to BID arrangements (“current BID arrangements”) if—
  - (a) a ballot under section 49(1) of the Local Government Act 2003 (“the 2003 Act”) has taken place before the day on which this Act is passed, and—
    - (i) the business improvement district for the BID arrangements proposed in the ballot is the same or substantially the same as the business improvement district for which the current BID arrangements are in force, and
    - (ii) the date for the coming into force of the proposed BID arrangements is after the day on which this Act is passed, or
  - (b) a ballot under section 54(2) of the 2003 Act for the renewal of the current BID arrangements has taken place before the day on which this Act is passed.
- (3) BID arrangements to which this section applies are to be read as if—
  - (a) the period specified in the arrangements as the period for which they are in force ended on 31 March 2021,
  - (b) the arrangements specified a chargeable period beginning on the day after the 2020 expiry date and ending on 31 March 2021 (“the 2021 chargeable period”),
  - (c) the arrangements provided for the amount of BID levy chargeable for the 2021 chargeable period—
    - (i) to be calculated in the same manner as for the last 2020 chargeable period, and
    - (ii) to be apportioned on a just and reasonable basis, where the 2021 chargeable period is not the same length as the last 2020 chargeable period, and
  - (d) the description of non-domestic ratepayers specified in the arrangements as liable for BID levy for the 2021 chargeable period were the same as that specified for the last 2020 chargeable period.
- (4) “The last 2020 chargeable period” is the last chargeable period specified in the BID arrangements to end on or before the 2020 expiry date.
- (5) The requirement in section 54(1) of the 2003 Act that the period for which BID arrangements have effect may not exceed 5 years does not apply to BID arrangements to which this section applies.
- (6) Nothing in this section prevents the termination or alteration of BID arrangements in accordance with regulations under section 54(4) of the 2003 Act.
- (7) Expressions used in this section and in Part 4 of the 2003 Act have the same meaning in this section as they have in that Part.
- (8) This section binds the Crown.
- (9) This section does not apply in relation to Wales.

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## **80 Extension of BID arrangements: Northern Ireland**

- (1) This section applies to BID arrangements if—
  - (a) they are in force on the day on which this Act is passed, and
  - (b) the period specified in the arrangements as the period for which they are in force is due to end on a date (“the 2020 expiry date”) that is on or before 31 December 2020.
- (2) BID arrangements to which this section applies are to be read as if—
  - (a) the period specified in the arrangements as the period for which they are in force ended on 31 March 2021,
  - (b) there were a chargeable period in relation to the arrangements beginning on the day after the 2020 expiry date and ending on 31 March 2021 (“the 2021 chargeable period”),
  - (c) the arrangements provided for the amount of BID levy chargeable for the 2021 chargeable period—
    - (i) to be calculated in the same manner as for the last 2020 chargeable period, and
    - (ii) to be apportioned on a just and reasonable basis, where the 2021 chargeable period is not the same length as the last 2020 chargeable period, and
  - (d) the description of eligible ratepayers liable for BID levy in relation to the arrangements for the 2021 chargeable period were the same as that for the last 2020 chargeable period.
- (3) “The last 2020 chargeable period” is the last chargeable period in relation to the BID arrangements to end on or before the 2020 expiry date.
- (4) The requirement in section 16(1) of the Business Improvement Districts Act (Northern Ireland) 2013 (c. 5 (N. I.)) (“the 2013 Act”) that the period for which BID arrangements have effect may not exceed 5 years does not apply to BID arrangements to which this section applies.
- (5) Nothing in this section prevents the termination or alteration of BID arrangements in accordance with regulations under section 16(4) of the 2013 Act.
- (6) Expressions used in this section and in the 2013 Act have the same meaning in this section as they have in that Act.
- (7) This section binds the Crown.

*Residential tenancies: protection from eviction*

## **81 Residential tenancies in England and Wales: protection from eviction**

Schedule 29 makes provision about notice periods in relation to possession proceedings in respect of certain residential tenancies etc.



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*Business tenancies: protection from forfeiture etc*

**82 Business tenancies in England and Wales: protection from forfeiture etc**

- (1) A right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent may not be enforced, by action or otherwise, during the relevant period.
- (2) During the relevant period, no conduct by or on behalf of a landlord, other than giving an express waiver in writing, is to be regarded as waiving a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.
- (3) Subsections (4) to (6) apply in relation to any proceedings in the High Court commenced before the relevant period to enforce a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.
- (4) Any order made by the High Court during the relevant period to the effect that possession of the property comprised in the relevant business tenancy is to be given to the landlord must ensure that the tenant does not have to give possession of the property to the landlord before the end of the relevant period.
- (5) Subsection (6) applies where—
  - (a) the High Court has made an order which would otherwise have the effect of requiring possession of the property comprised in the relevant business tenancy to be given to the landlord during the relevant period unless the tenant complies with some requirement before a time falling within that period, and
  - (b) before possession is given to the landlord in accordance with the order, the tenant applies to vary the order.
- (6) In dealing with the application, the High Court must ensure that the tenant does not have to give possession of the property to the landlord before the end of the relevant period.
- (7) Subsections (8) to (10) apply in relation to any proceedings in the county court commenced before the relevant period to enforce a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.
- (8) The county court may not make an order, during the relevant period, under section 138(3) of the County Courts Act 1984 which specifies a period that expires before the end of the day which is the last day of the relevant period when the order is made.
- (9) Subsection (10) applies where—
  - (a) the period specified in an order made, before or during the relevant period, under section 138(3) of the County Courts Act 1984, or
  - (b) the period so specified as extended, or in accordance with subsection (10) treated as extended, under section 138(4) of that Act,would otherwise expire during the relevant period.
- (10) The period mentioned in paragraph (a) or (as the case may be) (b) of subsection (9) is to be treated as extended, under section 138(4) of that Act, so that it expires at the end of the relevant period.
- (11) For the purposes of determining whether the ground mentioned in section 30(1)(b) of the Landlord and Tenant Act 1954 (persistent delay in paying rent which has become due) is established in relation to a relevant business tenancy, any failure to pay rent

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under that tenancy during the relevant period (whether rent due before or in that period) is to be disregarded.

(12) In this section—

“relevant business tenancy” means —

- (a) a tenancy to which Part 2 of the Landlord and Tenant Act 1954 applies, or
- (b) a tenancy to which that Part of that Act would apply if any relevant occupier were the tenant;

“relevant national authority” means—

- (a) in relation to England, the Secretary of State, and
- (b) in relation to Wales, the Welsh Ministers;

“relevant occupier”, in relation to a tenancy, means a person, other than the tenant, who lawfully occupies premises which are, or form part of, the property comprised in the tenancy;

“relevant period” means the period—

- (a) beginning with the day after the day on which this Act is passed, and
- (b) ending with 30 June 2020 or such later date as may be specified by the relevant national authority in regulations made by statutory instrument (and that power may be exercised on more than one occasion so as to further extend the period);

“rent” includes any sum a tenant is liable to pay under a relevant business tenancy.

- (13) A statutory instrument containing regulations of the Secretary of State under subsection (12) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (14) A statutory instrument containing regulations of the Welsh Ministers under subsection (12) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

### **83 Business tenancies in Northern Ireland: protection from forfeiture etc**

- (1) A right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent may not be enforced, by action or otherwise, during the relevant period.
- (2) During the relevant period, no conduct by or on behalf of a landlord, other than giving an express waiver in writing, is to be regarded as waiving a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.
- (3) Subsections (4) and (5) apply in relation to any proceedings commenced in any court before the relevant period to enforce a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.
- (4) During the relevant period, the court may not make an order in pursuance of the right of re-entry or forfeiture to the effect that possession of the property comprised in the tenancy is to be given to the landlord before the end of the last day of the relevant period when the order is made.
- (5) Where a court has, before or during the relevant period, made an order in pursuance of the right of re-entry or forfeiture to the effect that possession of the property comprised in the tenancy is to be given to the landlord before the end of the last day of the relevant

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period the order is to be treated as if it specified that the land is to be delivered up immediately after the end of the relevant period.

(6) For the purposes of determining whether the ground mentioned in Article 12(1)(b) of the Business Tenancies (Northern Ireland) Order 1996 (S.I. 1996/725 (N.I. 5)) (persistent delay in paying rent which has become due) is established in relation to a relevant business tenancy, any failure to pay rent under that tenancy during the relevant period (whether rent due before or in that period) is to be disregarded.

(7) In this section—

“court” means the county court or the High Court;

“relevant business tenancy” means—

(a) a tenancy to which the Business Tenancies (Northern Ireland) Order 1996 (S.I. 1996/725 (N.I. 5)) applies, or

(b) a tenancy to which that Order would apply if any relevant occupier were the tenant;

“relevant occupier”, in relation to a tenancy, means a person, other than the tenant, who lawfully occupies premises which are, or form part of, the property comprised in the tenancy;

“relevant period” means the period—

(a) beginning with the day after the day on which this Act is passed, and

(b) ending with 30 June 2020 or such later date as may be specified in regulations made by the Department of Finance in Northern Ireland (and that power may be exercised on more than one occasion so as to further extend the period);

“rent” includes any sum a tenant is liable to pay under a relevant business tenancy.

(8) The power to make regulations under subsection (7) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).

(9) Regulations under subsection (7) are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.

### *General Synod of the Church of England*

## **84 Postponement of General Synod elections**

(1) Her Majesty may by Order in Council, at the joint request of the Archbishops of Canterbury and York, postpone to the date specified in the Order the date on which the Convocations of Canterbury and York stand dissolved for the purposes of the Church of England Convocations Act 1966.

(2) Section 1 of that Act is, accordingly, to be read subject to provision made by an Order under this section.

(3) If either of the Archbishops is unable to exercise the power to join in making a request under subsection (1), or if the see of either of the Archbishops is vacant, the power may be exercised by the senior bishop of the province, with seniority for that purpose being determined in accordance with section 10(4) of the Bishops (Retirement) Measure 1986.

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- (4) An Order under this section may make consequential, supplementary, incidental, transitional or saving provision.

## PART 2

### FINAL PROVISIONS

#### 85 Interpretation

In this Act “Minister of the Crown” means the holder of an office in Her Majesty’s Government in the United Kingdom.

#### 86 Financial provision

- (1) There is to be paid out of money provided by Parliament—
- (a) any expenditure which is incurred by a Minister of the Crown, government department or other public authority by virtue of this Act,
  - (b) any increase attributable to this Act in the sums payable by virtue of any other Act out of money so provided, and
  - (c) any other expenditure which is incurred by a Minister of the Crown, government department or other public authority in connection with the making of payments, or the giving of financial assistance to a person (whether directly or indirectly), as a result of coronavirus or coronavirus disease.
- (2) In subsection (1)(c)—
- (a) the reference to expenditure includes expenditure incurred before or after the passing of this Act, and
  - (b) “financial assistance” includes assistance provided by way of grant, loan, guarantee or indemnity, and any other kind of financial assistance (actual or contingent).

#### 87 Commencement

- (1) This Act comes into force on the day on which this Act is passed, subject to subsection (2).
- (2) The following provisions of this Act come into force on such day as a Minister of the Crown may by regulations appoint, subject to subsections (3) to (9)—
- (a) section 8 (and Schedule 7);
  - (b) section 9;
  - (c) section 10 (and Schedules 8, 9, 10 and 11);
  - (d) section 15 (and Schedule 12);
  - (e) section 16;
  - (f) section 17;
  - (g) section 18 (and Schedule 13);
  - (h) section 19;
  - (i) section 21;
  - (j) sections 25 to 29 (and Schedule 15).

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- (3) In the case of provision made by regulations under subsection (2) which could also be made by an authority under subsection (4), (6) or (8), a Minister of the Crown may not make the provision without the authority's consent.
- (4) If the condition in subsection (5) is met, the Welsh Ministers may by regulations provide that a provision of this Act to which subsection (2) applies comes into force, so far as it extends to England and Wales and applies in relation to Wales, on a day appointed by the regulations.
- (5) The condition is that, so far as it extends to England and Wales and applies in relation to Wales, the provision would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of that Assembly (including any provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975).
- (6) If the condition in subsection (7) is met, the Scottish Ministers may by regulations provide that a provision of this Act to which subsection (2) applies comes into force so far as it extends to Scotland on a day appointed by the regulations.
- (7) The condition is that, so far as it extends to Scotland, the provision would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.
- (8) If the condition in subsection (9) is met, a Northern Ireland department may by order provide that a provision of this Act to which subsection (2) applies comes into force so far as it extends to Northern Ireland on a day appointed by the order.
- (9) The condition is that the provision, so far as it extends to Northern Ireland—
  - (a) would be within the legislative competence of the Northern Ireland Assembly, and
  - (b) would not require the consent of the Secretary of State, if it were contained in an Act of that Assembly.
- (10) Different days may be appointed under subsection (2), (4), (6) or (8) for different purposes or areas.
- (11) A Minister of the Crown may by regulations make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act, subject as follows.
- (12) In the case of provision made by regulations under subsection (11) which could also be made by an authority under any of subsections (13) to (15), a Minister of the Crown may not make the provision without the authority's consent.
- (13) The Welsh Ministers may by regulations make transitional, transitory or saving provision in connection with the coming into force in relation to Wales of a provision of this Act if the Welsh Ministers—
  - (a) have the power to bring the provision into force in relation to Wales by virtue of subsection (4) (whether or not it has been brought into force), or
  - (b) would have that power if the provision were listed in subsection (2).
- (14) The Scottish Ministers may by regulations make transitional, transitory or saving provision in connection with the coming into force in relation to Scotland of a provision of this Act if the Scottish Ministers—

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- (a) have the power to bring the provision into force in relation to Scotland by virtue of subsection (6) (whether or not it has been brought into force), or
  - (b) would have that power if the provision were listed in subsection (2).
- (15) A Northern Ireland department may by order make transitional, transitory or saving provision in connection with the coming into force in relation to Northern Ireland of any provision of this Act if a Northern Ireland department—
- (a) has the power to bring the provision into force in relation to Northern Ireland by virtue of subsection (8) (whether or not it has been brought into force), or
  - (b) would have that power if the provision were listed in subsection (2).
- (16) Any power of a Minister of the Crown or the Welsh Ministers to make regulations under this section is exercisable by statutory instrument.
- (17) Any power of a Northern Ireland department to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).

## **88 Power to suspend and revive provisions of this Act**

- (1) A relevant national authority may by regulations suspend the operation of any provision of this Act.
- (2) Section 16(1) of the Interpretation Act 1978 applies in relation to the suspension of a provision of this Act by regulations under subsection (1) as if the provision had been repealed by an Act.
- (3) A relevant national authority may by regulations revive the operation of a provision of this Act suspended by regulations under subsection (1).
- (4) The power in subsection (1) and the power in subsection (3) may be exercised more than once in relation to the same provision.
- (5) Regulations under this section—
  - (a) may make different provision for different purposes or areas;
  - (b) may make transitional, transitory or saving provision.
- (6) References in this section to a provision of this Act do not include—
  - (a) section 1;
  - (b) section 2 (and Schedule 1);
  - (c) section 5 and Schedule 4 so far as they—
    - (i) make provision about a person who has been registered in the register of pharmaceutical chemists or against whose name in that register an annotation has been recorded, or
    - (ii) make provision for or in connection with the revocation of a person's registration or the removal of an annotation;
  - (d) section 6(a) and paragraph 1 of Schedule 5 so far as they—
    - (i) make provision about a person who has been registered in any register by virtue of that Schedule, or
    - (ii) make provision for or in connection with the revocation of a person's registration;
  - (e) section 6(b) (and paragraph 2 of Schedule 5);
  - (f) sections 11, 12 and 13;

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- (g) section 17;
  - (h) section 19(11);
  - (i) section 21(7);
  - (j) section 34;
  - (k) section 35;
  - (l) section 36;
  - (m) section 37(2) (and Part 2 of Schedule 16);
  - (n) section 38(2) (and Part 2 of Schedule 17);
  - (o) section 45;
  - (p) section 46;
  - (q) section 47;
  - (r) section 48 (and Schedule 18);
  - (s) section 49 (and Schedule 19);
  - (t) section 50 (and Schedule 20);
  - (u) section 51 (and Schedule 21);
  - (v) section 52 (and Schedule 22);
  - (w) sections 59 to 70;
  - (x) sections 72 to 74;
  - (y) section 75;
  - (z) a provision of this Part;
  - (z1) Parts 2 to 5 of Schedule 7, and section 8 so far as relating to those Parts;
  - (z2) Part 3 of Schedule 8, and section 10(1) and Part 1 of that Schedule so far as relating to that Part;
  - (z3) Parts 3 and 4 of Schedule 10, and section 10(3) and Part 1 of that Schedule so far as relating to those Parts;
  - (z4) Parts 3 and 4 of Schedule 11, and section 10(4) and Part 1 of that Schedule so far as relating to those Parts;
  - (z5) paragraphs 3(2) and (3), 10, 13, 18, 30, 33 and 35 of Schedule 12, and section 15 and paragraphs 1 and 19 of that Schedule so far as relating to those paragraphs;
  - (z6) paragraphs 8, 9, 15, 16 and 30 of Schedule 13, and section 18 and paragraphs 1, 10 and 17 of that Schedule so far as relating to those paragraphs.
- (7) In this section “relevant national authority” means a Minister of the Crown, subject as follows.
- (8) In the case of regulations under this section which could also be made by an authority by virtue of subsection (9), (11) or (13), a Minister of the Crown may not make the regulations without the authority's consent.
- (9) The Welsh Ministers are also a relevant national authority for the purposes of this section in relation to a provision of this Act if—
- (a) it extends to England and Wales and applies in relation to Wales, and
  - (b) so far as it so extends and applies, it would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of that Assembly (including any provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975).

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- (10) The power of the Welsh Ministers to make regulations under this section in relation to a provision of this Act is a power to do so only so far as the provision extends to England and Wales and applies in relation to Wales.
- (11) The Scottish Ministers are also a relevant national authority for the purposes of this section in relation to a provision of this Act if—
- (a) it extends to Scotland, and
  - (b) so far as it so extends, it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.
- (12) The power of the Scottish Ministers to make regulations under this section in relation to a provision of this Act is a power to do so only so far as the provision extends to Scotland.
- (13) A Northern Ireland department is also a relevant national authority for the purposes of this section in relation to a provision of this Act if—
- (a) it extends to Northern Ireland, and
  - (b) so far as it so extends, were it contained in an Act of the Northern Ireland Assembly—
    - (i) it would be within the legislative competence of that Assembly, and
    - (ii) it would not require the consent of the Secretary of State.
- (14) References in this section to regulations are to be read in relation to a Northern Ireland department as references to an order.
- (15) The power of a Northern Ireland department to make an order under this section in relation to a provision of this Act is a power to do so only so far as the provision extends to Northern Ireland.
- (16) Any power of a Minister of the Crown or the Welsh Ministers to make regulations under this section is exercisable by statutory instrument.
- (17) Any power of a Northern Ireland department to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).

## **89 Expiry**

- (1) This Act expires at the end of the period of 2 years beginning with the day on which it is passed, subject to subsection (2) and section 90.
- (2) Subsection (1) does not apply to—
- (a) section 1;
  - (b) section 2 and Schedule 1 so far as they—
    - (i) make provision about a person who has been registered in any register by virtue of that Schedule, or
    - (ii) make provision for or in connection with the revocation of a person's registration;
  - (c) section 5 and Schedule 4 so far as they—
    - (i) make provision about a person who has been registered in the register of pharmaceutical chemists or against whose name in that register an annotation has been recorded, or



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- (ii) make provision for or in connection with the revocation of a person's registration or the removal of an annotation;
  - (d) section 6 and Schedule 5 so far as they—
    - (i) make provision about a person who has been registered in any register by virtue of that Schedule, or
    - (ii) make provision for or in connection with the revocation of a person's registration;
  - (e) sections 11, 12 and 13;
  - (f) section 17;
  - (g) section 19(11);
  - (h) section 21(7);
  - (i) sections 59 to 70;
  - (j) sections 72 to 74;
  - (k) section 75(1);
  - (l) section 76;
  - (m) this Part;
  - (n) Parts 2 to 5 of Schedule 7, and section 8 so far as relating to those Parts;
  - (o) Part 3 of Schedule 8, and section 10(1) and Part 1 of that Schedule so far as relating to that Part;
  - (p) Parts 3 and 4 of Schedule 10, and section 10(3) and Part 1 of that Schedule so far as relating to those Parts;
  - (q) Parts 3 and 4 of Schedule 11, and section 10(4) and Part 1 of that Schedule so far as relating to those Parts;
  - (r) paragraphs 3(2) and (3), 10, 13, 18, 30, 33 and 35 of Schedule 12, and section 15 and paragraphs 1 and 19 of that Schedule so far as relating to those paragraphs;
  - (s) paragraphs 8, 9, 15, 16 and 30 of Schedule 13, and section 18 and paragraphs 1, 10 and 17 of that Schedule so far as relating to those paragraphs.
- (3) A Minister of the Crown may by regulations make transitional, transitory or saving provision in connection with the expiry of any provision of this Act.
- (4) In the case of provision made by regulations under subsection (3) which could also be made by an authority under subsection (5), (7) or (9), a Minister of the Crown may not make the provision without the authority's consent.
- (5) If the condition in subsection (6) is met, the Welsh Ministers may by regulations make transitional, transitory or saving provision in connection with the expiry in relation to Wales of any provision of this Act.
- (6) The condition is that, so far as it extends to England and Wales and applies to Wales, the provision would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of that Assembly (including any provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975).
- (7) If the condition in subsection (8) is met, the Scottish Ministers may by regulations make transitional, transitory or saving provision in connection with the expiry in relation to Scotland of any provision of this Act.

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- (8) The condition is that, so far as it extends to Scotland, the provision would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.
- (9) If the condition in subsection (10) is met, a Northern Ireland department may by order make transitional, transitory or saving provision in connection with the expiry in relation to Northern Ireland of any provision of this Act.
- (10) The condition is that the provision, so far as it extends to Northern Ireland—
  - (a) would be within the legislative competence of the Northern Ireland Assembly, and
  - (b) would not require the consent of the Secretary of State, if it were contained in an Act of that Assembly.
- (11) The power of a Minister of the Crown or the Welsh Ministers to make regulations under this section is exercisable by statutory instrument.
- (12) The power of a Northern Ireland department to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).

## **90 Power to alter expiry date**

- (1) A relevant national authority may by regulations provide that any provision of this Act—
  - (a) does not expire at the time when it would otherwise expire (whether by virtue of section 89 or previous regulations under this subsection or subsection (2)), and
  - (b) expires instead at such earlier time as is specified in the regulations.
- (2) A relevant national authority may by regulations provide that any provision of this Act—
  - (a) does not expire at the time when it would otherwise expire (whether by virtue of section 89 or previous regulations under this subsection or subsection (1)), and
  - (b) expires instead at such later time as is specified in the regulations.
- (3) A time specified under subsection (2) in relation to a provision of this Act must not be later than the end of the period of 6 months beginning with the time when the provision would otherwise have expired (whether by virtue of section 89 or previous regulations under subsection (1) or (2)).
- (4) Regulations under this section—
  - (a) may make different provision for different purposes or areas;
  - (b) may make transitional, transitory or saving provision.
- (5) In this section “relevant national authority” means a Minister of the Crown, subject as follows.
- (6) In the case of regulations under this section which could also be made by an authority by virtue of subsection (7), (9) or (11), a Minister of the Crown may not make the regulations without the authority's consent.

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- (7) The Welsh Ministers are also a relevant national authority for the purposes of this section in relation to a provision of this Act if—
- (a) it extends to England and Wales and applies in relation to Wales, and
  - (b) so far as it so extends and applies, it would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of that Assembly (including any provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975).
- (8) The power of the Welsh Ministers to make regulations under this section in relation to a provision of this Act is a power to do so only so far as the provision extends to England and Wales and applies in relation to Wales.
- (9) The Scottish Ministers are also a relevant national authority for the purposes of this section in relation to a provision of this Act if—
- (a) it extends to Scotland, and
  - (b) so far as it so extends, it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.
- (10) The power of the Scottish Ministers to make regulations under this section in relation to a provision of this Act is a power to do so only so far as the provision extends to Scotland.
- (11) A Northern Ireland department is also a relevant national authority for the purposes of this section in relation to a provision of this Act if—
- (a) it extends to Northern Ireland, and
  - (b) so far as it so extends, were it contained in an Act of the Northern Ireland Assembly—
    - (i) it would be within the legislative competence of that Assembly, and
    - (ii) it would not require the consent of the Secretary of State.
- (12) References in this section to regulations are to be read in relation to a Northern Ireland department as references to an order.
- (13) The power of a Northern Ireland department to make an order under this section in relation to a provision of this Act is a power to do so only so far as the provision extends to Northern Ireland.
- (14) Any power of a Minister of the Crown or the Welsh Ministers to make regulations under this section is exercisable by statutory instrument.
- (15) Any power of a Northern Ireland department to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).

## **91 Power to amend Act in consequence of amendments to subordinate legislation**

- (1) A relevant national authority may by regulations amend or repeal any provision of this Act which modifies a provision of subordinate legislation.
- (2) The power in subsection (1) may be exercised only if the amendment or repeal is necessary in consequence of the amendment or revocation of the provision of subordinate legislation by other subordinate legislation.

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- (3) Regulations under subsection (1) may make transitional, transitory or saving provision.
- (4) In this section “relevant national authority” means a Minister of the Crown, subject as follows.
- (5) In the case of regulations under subsection (1) which could also be made by an authority by virtue of any of subsections (6) to (8), a Minister of the Crown may not make the regulations without the authority's consent.
- (6) The Welsh Ministers are also a relevant national authority in relation to regulations under subsection (1) which make provision which would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of that Assembly (including any provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975).
- (7) The Scottish Ministers are also a relevant national authority in relation to regulations under subsection (1) which make provision which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.
- (8) A Northern Ireland department is also a relevant national authority in relation to regulations under subsection (1) which make provision which, if it were contained in an Act of the Northern Ireland Assembly—
  - (a) would be within the legislative competence of that Assembly, and
  - (b) would not require the consent of the Secretary of State.
- (9) Any power of a Minister of the Crown or the Welsh Ministers to make regulations under subsection (1) is exercisable by statutory instrument.
- (10) References in this section to regulations are to be read in relation to a Northern Ireland department as references to an order.
- (11) Any power of a Northern Ireland department to make an order under subsection (1) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).
- (12) In this section “subordinate legislation” means—
  - (a) subordinate legislation within the meaning of the Interpretation Act 1978,
  - (b) an instrument made under an Act or Measure of the National Assembly for Wales,
  - (c) an instrument made under an Act of the Scottish Parliament, or
  - (d) an instrument made under Northern Ireland legislation.

## **92 Power to make consequential modifications**

- (1) A relevant national authority may by regulations make provision for an enactment to have effect with modifications in consequence of any provision of this Act.
- (2) Without prejudice to section 14 of the Interpretation Act 1978 (implied power to amend), a relevant national authority may by regulations amend or revoke any regulations made by the authority under subsection (1) in consequence of—
  - (a) the exercise of a power under section 88,
  - (b) the expiry of a provision of this Act under section 89, or
  - (c) the exercise of a power under section 90.

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- (3) Regulations under this section may make transitional, transitory or saving provision.
- (4) In this section “relevant national authority” means a Minister of the Crown, subject as follows.
- (5) In the case of regulations under this section which could also be made by an authority by virtue of any of subsections (6) to (8), a Minister of the Crown may not make the regulations without the authority's consent.
- (6) The Welsh Ministers are also a relevant national authority in relation to regulations under this section which make provision which would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of that Assembly (including any provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975).
- (7) The Scottish Ministers are also a relevant national authority in relation to regulations under this section which make provision which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.
- (8) A Northern Ireland department is also a relevant national authority in relation to regulations under this section which make provision which, if it were contained in an Act of the Northern Ireland Assembly—
  - (a) would be within the legislative competence of that Assembly, and
  - (b) would not require the consent of the Secretary of State.
- (9) Any power of a Minister of the Crown or the Welsh Ministers to make regulations under this section is exercisable by statutory instrument.
- (10) References in this section to regulations are to be read in relation to a Northern Ireland department as references to an order.
- (11) Any power of a Northern Ireland department to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).
- (12) In this section “enactment” includes—
  - (a) an enactment comprised in an Act or Measure of the National Assembly for Wales,
  - (b) an enactment comprised in an Act of the Scottish Parliament,
  - (c) an enactment comprised in Northern Ireland legislation, and
  - (d) an enactment comprised in subordinate legislation.
- (13) In this section “subordinate legislation” means—
  - (a) subordinate legislation within the meaning of the Interpretation Act 1978,
  - (b) an instrument made under an Act or Measure of the National Assembly for Wales,
  - (c) an instrument made under an Act of the Scottish Parliament, or
  - (d) an instrument made under Northern Ireland legislation.

### **93 Procedure for certain regulations made by a Minister of the Crown**

- (1) A statutory instrument containing regulations made by a Minister of the Crown under section 90(1) (other than regulations made in accordance with section 98(1)) may not

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be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

- (2) A statutory instrument containing regulations made by a Minister of the Crown under section 90(2) must be laid before Parliament as soon as reasonably practicable after being made.
- (3) A statutory instrument containing regulations made by a Minister of the Crown under section 91(1) must be laid before Parliament as soon as reasonably practicable after being made.
- (4) A statutory instrument containing regulations made by a Minister of the Crown under section 92—
  - (a) if the regulations only provide for subordinate legislation within the meaning of that section to have effect with modifications or to be amended or revoked, is subject to annulment in pursuance of a resolution of either House of Parliament;
  - (b) otherwise, must be laid before Parliament as soon as reasonably practicable after being made.
- (5) Subsection (2), (3) or (4)(b) does not apply if a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) Regulations contained in an instrument laid before Parliament by virtue of subsection (2), (3) or (4)(b) cease to have effect at the end of the period of 40 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.
- (7) In calculating the period of 40 days, no account is to be taken of any time during which—
  - (a) Parliament is dissolved or prorogued, or
  - (b) both Houses of Parliament are adjourned for more than 4 days.
- (8) Where regulations cease to have effect as a result of subsection (6) that does not—
  - (a) affect anything previously done under or by virtue of the regulations, or
  - (b) prevent the making of new regulations.

#### **94 Procedure for certain regulations made by the Welsh Ministers**

- (1) A statutory instrument containing regulations made by the Welsh Ministers under section 90(1) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (2) A statutory instrument containing regulations made by the Welsh Ministers under section 90(2) must be laid before the National Assembly for Wales as soon as reasonably practicable after being made.
- (3) A statutory instrument containing regulations made by the Welsh Ministers under section 91(1) must be laid before the National Assembly for Wales as soon as reasonably practicable after being made.
- (4) A statutory instrument containing regulations made by the Welsh Ministers under section 92—
  - (a) if the regulations only provide for subordinate legislation within the meaning of that section to have effect with modifications or to be amended or revoked,

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- is subject to annulment in pursuance of a resolution of the National Assembly for Wales;
- (b) otherwise, must be laid before the National Assembly for Wales as soon as reasonably practicable after being made.
- (5) Subsection (2), (3) or (4)(b) does not apply if a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (6) Regulations contained in an instrument laid before the National Assembly for Wales by virtue of subsection (2), (3) or (4)(b) cease to have effect at the end of the period of 40 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of the National Assembly for Wales.
- (7) In calculating the period of 40 days, no account is to be taken of any time during which the National Assembly for Wales is—
- (a) dissolved, or
- (b) in recess for more than 4 days.
- (8) Where regulations cease to have effect as a result of subsection (6) that does not—
- (a) affect anything previously done under or by virtue of the regulations, or
- (b) prevent the making of new regulations.

## **95 Procedure for certain regulations made by the Scottish Ministers**

- (1) Regulations made by the Scottish Ministers under section 90(1) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010) (asp 10)).
- (2) Regulations made by the Scottish Ministers under section 90(2) must be laid before the Scottish Parliament as soon as reasonably practicable after being made.
- (3) Regulations made by the Scottish Ministers under section 91(1) must be laid before the Scottish Parliament as soon as reasonably practicable after being made.
- (4) Regulations made by the Scottish Ministers under section 92—
- (a) if they only provide for subordinate legislation within the meaning of that section to have effect with modifications or to be amended or revoked, are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010);
- (b) otherwise, must be laid before the Scottish Parliament as soon as reasonably practicable after being made.
- (5) Subsection (2), (3) or (4)(b) does not apply if the regulations have been subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).
- (6) Regulations laid before the Scottish Parliament by virtue of subsection (2), (3) or (4) (b) cease to have effect at the end of the period of 40 days beginning with the day on which they are made unless, during that period, the regulations are approved by resolution of the Scottish Parliament.
- (7) In calculating the period of 40 days, no account is to be taken of any time during which the Scottish Parliament is—
- (a) dissolved, or

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*Changes to legislation: There are currently no known outstanding effects for the Coronavirus Act 2020. (See end of Document for details)*

(b) in recess for more than 4 days.

- (8) Where regulations cease to have effect as a result of subsection (6) that does not—
- (a) affect anything previously done under or by virtue of the regulations, or
  - (b) prevent the making of new regulations.

## **96 Procedure for certain orders made by a Northern Ireland department**

- (1) An order made by a Northern Ireland department under section 90(1) is subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.
- (2) An order made by a Northern Ireland department under section 90(2) must be laid before the Northern Ireland Assembly as soon as reasonably practicable after being made.
- (3) An order made by a Northern Ireland department under section 91(1) must be laid before the Northern Ireland Assembly as soon as reasonably practicable after being made.
- (4) An order under section 92 made by a Northern Ireland department—
  - (a) if the order only provides for subordinate legislation within the meaning of that section to have effect with modifications or to be amended or revoked, is subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954;
  - (b) otherwise, must be laid before the Northern Ireland Assembly as soon as reasonably practicable after being made.
- (5) Subsection (2), (3) or (4)(b) does not apply if a draft of the order has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (6) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (5) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.
- (7) An order laid before the Northern Ireland Assembly by virtue of subsection (2), (3) or (4)(b) ceases to have effect at the end of the period of 40 days beginning with the day on which the order is made unless, during that period, the instrument is approved by a resolution of the Northern Ireland Assembly.
- (8) In calculating the period of 40 days, no account is to be taken of any time during which the Northern Ireland Assembly is—
  - (a) dissolved,
  - (b) in recess for more than 4 days, or
  - (c) adjourned for more than 6 days.
- (9) Where an order ceases to have effect as a result of subsection (7) that does not—
  - (a) affect anything previously done under or by virtue of the order, or
  - (b) prevent the making of a new order.

## **<sup>x6</sup>97 Reports by Secretary of State on status of non-devolved provisions of this Act**

- (1) The Secretary of State must—



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**Changes to legislation:** There are currently no known outstanding effects for the Coronavirus Act 2020. (See end of Document for details)

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- (a) in respect of each reporting period, prepare and publish a report on the status of the provisions of Part 1 of this Act;
  - (b) include in the report a statement that the Secretary of State is satisfied that the status of those provisions is appropriate.
- (2) A reference in this section to a provision of this Act is to the provision only so far as the Secretary of State is responsible for it (see subsection (6)).
- (3) The references in subsection (1) to the “status” of a provision are to—
  - (a) whether the provision is in force at the end of the reporting period, and
  - (b) whether any power under the following provisions has been exercised by a Minister of the Crown in relation to it during that period (and, if so, which and how)—
    - (i) section 87(2) (regulations bringing provision into force);
    - (ii) section 88(1) or (3) (regulations suspending or reviving provision);
    - (iii) section 90(1) or (2) (regulations altering expiry date of provision).
- (4) Each of the following is a “reporting period”—
  - (a) the period of 2 months beginning with the day on which this Act is passed;
  - (b) each successive period of 2 months that ends during the substantive operational period of this Act.
- (5) The “substantive operational period of this Act” is —
  - (a) the two-year period mentioned in section 89(1), or
  - (b) if different, the period—
    - (i) beginning with the day on which this Act is passed, and
    - (ii) ending with the time of expiry of the provision of this Act which, by virtue of regulations made by a Minister of the Crown under section 90(2), expires the latest.
- (6) The Secretary of State is responsible for a provision of this Act so far as—
  - (a) it extends to England and Wales and applies in relation to England;
  - (b) it—
    - (i) extends to England and Wales and applies in relation to Wales, or extends to Scotland or Northern Ireland, and
    - (ii) is outside devolved legislative competence in Wales, Scotland or Northern Ireland (as the case may be).
- (7) A provision is “outside devolved legislative competence”—
  - (a) in relation to Wales, if it would not be within the legislative competence of the National Assembly for Wales if it were contained in an Act of that Assembly (assuming, in the case of provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975, that such consent were given);
  - (b) in relation to Scotland, if it would not be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;
  - (c) in relation to Northern Ireland, if—
    - (i) it would not be within the legislative competence of the Northern Ireland Assembly, or
    - (ii) it would require the consent of the Secretary of State, if it were contained in an Act of that Assembly.

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- (8) The Secretary of State must lay each report prepared under subsection (1) before Parliament.
- (9) If the Secretary of State does not prepare and publish the report required by subsection (1) within 7 days beginning with the end of a reporting period, the Secretary of State must—
- (a) explain why in a statement made in writing, and
  - (b) publish the statement.

#### Editorial Information

- X6** The power conferred under this provision to make a statement in writing may be exercised by means of a notice published in [The Gazette](#)

## 98 Six-month parliamentary review

- (1) If the House of Commons rejects a motion in the form set out in subsection (2), moved in accordance with subsection (3) by a Minister of the Crown, a Minister of the Crown must exercise the power conferred by section 90(1) so as to ensure that the relevant temporary provisions expire not later than the end of the period of 21 days beginning with the day on which the rejection takes place.
- (2) The form of the motion is—
- “That the temporary provisions of the Coronavirus Act 2020 should not yet expire.”
- (3) So far as practicable, a Minister of the Crown must make arrangements for the motion mentioned in subsection (1) to be debated and voted on by the House of Commons within a period of 7 sitting days beginning immediately after each 6 month review period.
- (4) In this section—
- “6 month review period” means—
- (a) the period of 6 months beginning with the day on which this Act is passed, and
  - (b) each subsequent period of 6 months,
- but only (in each case) if at least one relevant temporary provision still exists at the end of the period (whether or not that provision has ever been brought into force or is at that time suspended);
- “relevant temporary provision” means any provision of this Act—
- (a) which is not listed in section 89(2) (provisions not subject to expiry), and
  - (b) in respect of which a Minister of the Crown could make provision under section 90(1) (early expiry regulations) without the consent of the Welsh Ministers, the Scottish Ministers or a Northern Ireland department;
- “sitting day” means a day on which the House of Commons is sitting (and a day is only a day on which the House of Commons is sitting if the House begins to sit on that day).

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## **99 Parliamentary consideration of status of non-devolved provisions of this Act**

- (1) This section applies where the substantive operational period of this Act is longer than the period of one year beginning with the day on which this Act is passed.
- (2) A Minister of the Crown must make arrangements for—
  - (a) a motion in neutral terms, to the effect that the House of Commons has considered the one-year status report, to be moved in that House by a Minister of the Crown within the period of 14 Commons sitting days beginning with the day after the end of the sixth reporting period, and
  - (b) a motion for the House of Lords to take note of the one-year status report to be moved in that House by a Minister of the Crown within the period of 14 Lords sitting days beginning with the day after the end of the sixth reporting period.
- (3) The “one-year status report” is the report required to be prepared by the Secretary of State under section 97 in respect of the sixth reporting period.
- (4) In this section—

“Commons sitting day” means a day on which the House of Commons is sitting (and a day is only a day on which the House of Commons is sitting if the House begins to sit on that day);

“Lords sitting day” means a day on which the House of Lords is sitting (and a day is only a day on which the House of Lords is sitting if the House begins to sit on that day);

“reporting period” and “substantive operational period of this Act” have the same meaning as in section 97.

## **100 Extent**

- (1) The following provisions extend to England and Wales, Scotland and Northern Ireland—
  - (a) section 1;
  - (b) section 2 (and Schedule 1);
  - (c) section 8, so far as it relates to Parts 1, 2 and 5 of Schedule 7 (and those Parts of that Schedule);
  - (d) section 9;
  - (e) sections 22 and 23;
  - (f) section 24;
  - (g) sections 25 to 29 (and Schedule 15);
  - (h) section 50 (and Schedule 20);
  - (i) section 51 (and Schedule 21);
  - (j) section 52 (and Schedule 22);
  - (k) section 54, so far as it relates to Part 2 of Schedule 24 (and that Part of that Schedule);
  - (l) section 55, so far as it relates to paragraph 2 of Schedule 25 (and that paragraph of that Schedule);
  - (m) section 58 (and Schedule 28);
  - (n) sections 62 to 64 and 66;
  - (o) sections 68 and 69;
  - (p) section 71;

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- (q) sections 72 to 74;
  - (r) section 75;
  - (s) section 76;
  - (t) section 77(1) and (2);
  - (u) this Part.
- (2) The following provisions extend to England and Wales and Scotland only—
- (a) section 8, so far as it relates to Part 3 of Schedule 7 (and that Part of that Schedule);
  - (b) sections 39 to 41;
  - (c) section 77(3).
- (3) The following provisions extend to England and Wales and Northern Ireland only—
- (a) section 61;
  - (b) section 78.
- (4) The following provisions extend to England and Wales only—
- (a) section 3 (and Schedule 2);
  - (b) section 6 (and Schedule 5);
  - (c) section 10(1) (and Schedule 8);
  - (d) section 11;
  - (e) sections 14 and 15 (and Schedule 12);
  - (f) section 18(1) (and Part 1 of Schedule 13);
  - (g) section 19;
  - (h) section 30;
  - (i) section 33;
  - (j) section 37(1) (and Part 1 of Schedule 16);
  - (k) section 38(1) (and Part 1 of Schedule 17);
  - (l) section 45;
  - (m) section 53 (and Schedule 23);
  - (n) section 54, so far as it relates to Parts 1 and 3 of Schedule 24 (and those Parts of that Schedule);
  - (o) section 55, so far as it relates to paragraph 1 of Schedule 25 (and that paragraph of that Schedule);
  - (p) section 56 (and Schedule 26);
  - (q) sections 59, 60, 65 and 67;
  - (r) section 79;
  - (s) section 81 (and Schedule 29);
  - (t) section 82;
  - (u) section 84.
- (5) The following provisions extend to Scotland only—
- (a) section 4 (and Schedule 3);
  - (b) section 7 (and Schedule 6);
  - (c) section 10(2) (and Schedule 9);
  - (d) section 12;
  - (e) sections 16 and 17;
  - (f) section 18(2) (and Part 2 of Schedule 13);

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- (g) section 20 (and Schedule 14);
  - (h) sections 34 and 35;
  - (i) section 36;
  - (j) section 37(2) (and Part 2 of Schedule 16);
  - (k) section 38(2) (and Part 2 of Schedule 17);
  - (l) section 46;
  - (m) section 49 (and Schedule 19);
  - (n) section 70.
- (6) The following provisions extend to Northern Ireland only—
- (a) section 5 (and Schedule 4);
  - (b) section 8, so far as it relates to Part 4 of Schedule 7 (and that Part of that Schedule);
  - (c) section 10(3) and (4) (and Schedules 10 and 11);
  - (d) section 13;
  - (e) section 18(3) (and Part 3 of Schedule 13);
  - (f) section 21;
  - (g) section 31;
  - (h) section 32;
  - (i) section 37(3) (and Part 3 of Schedule 16);
  - (j) section 38(3) (and Part 3 of Schedule 17);
  - (k) sections 42 to 44;
  - (l) section 47;
  - (m) section 48 (and Schedule 18);
  - (n) section 57 (and Schedule 27);
  - (o) section 80;
  - (p) section 83.

## **101 Extension to the Isle of Man**

Her Majesty may by Order in Council provide for the extension, with or without modifications, to the Isle of Man of any provision of this Act which is capable of so extending.

## **102 Short title**

This Act may be cited as the Coronavirus Act 2020.

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