

# Coronavirus (Scotland) (No.2) Bill

[AS AMENDED AT STAGE 2]

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**Amendments to the Bill since the previous version are indicated by sidelining in the right margin. Wherever possible, provisions that were in the Bill as introduced retain the original numbering.**

# Coronavirus (Scotland) (No.2) Bill

## [AS AMENDED AT STAGE 2]

An Act of the Scottish Parliament to make provision in connection with coronavirus; and for connected purposes.

### PART 1

#### MAIN PROVISIONS

##### *Key expression*

5

**1 Meaning of “coronavirus”**

In this Act, “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

##### *Protection of the individual*

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**2 Protection of the individual**

Schedule 1 contains modifications to the law in response to coronavirus in relation to various matters concerning the protection of the individual.

##### *Justice*

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**3 Operation of the justice system**

Schedule 2 contains modifications to the law in response to coronavirus in relation to the operation of the justice system.

##### *Reports, accounts and other documents*

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**4 Reports, accounts and other documents**

Schedule 3 contains modifications to the law in response to coronavirus in relation to various matters concerning the preparation of reports, accounts and other documents.

##### *Other measures in response to coronavirus*

**5 Other measures in response to coronavirus**

Schedule 4 contains other measures in response to coronavirus.

**PART 2**

## SUPPORTING PROVISIONS

**6 Advancement of equality and non-discrimination**

In exercising a function conferred by virtue of Part 1 (including a function of making subordinate legislation), the Scottish Ministers must have regard—

- (a) to the importance of communicating in an inclusive way,
- (b) to opportunities to advance equality and non-discrimination.

**7 Subordinate legislation making powers**

A power to make subordinate legislation conferred by virtue of Part 1 includes power to make—

- (a) incidental, supplementary, consequential, transitional, transitory or saving provision,
- (b) different provision for different purposes or areas.

**8 Power to suspend and revive provisions**

(1) The Scottish Ministers may by regulations—

- (a) suspend the operation of any provision of Part 1,
- (b) revive the operation of a provision so suspended.

(2) Sections 15 to 17 of the Interpretation and Legislative Reform (Scotland) Act 2010 (effect of repeals) apply to the suspension of a provision by regulations under subsection (1)(a) as if the provision had been repealed by an Act.

(3) The powers in subsection (1) may be exercised more than once in relation to the same provision.

(4) Regulations under this section may make—

- (a) different provision for different purposes or areas,
- (b) consequential provision,
- (c) transitional, transitory or saving provision.

(5) The power under subsection (4)(b) and (c) includes power to modify any enactment (including this Act).

(6) Regulations under this section—

- (a) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure,
- (b) otherwise, are subject to the negative procedure.

**9 Expiry**

(1) Part 1 expires on 30 September 2020.

(2) Subsection (1) is subject to section 10 (power to bring forward expiry).

(3) The Scottish Ministers may by regulations—

(a) amend subsection (1) so as to replace “30 September 2020” with “31 March 2021”,

(b) further amend subsection (1) so as to replace “31 March 2021” with “30 September 2021”.

5 (4) The power conferred by subsection (3)(b) may be used only after 30 September 2020.

(5) Regulations under subsection (3) are subject to the affirmative procedure.

10 (6) Before laying a draft Scottish statutory instrument containing regulations under subsection (3) before the Scottish Parliament in accordance with section 29(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (instruments subject to affirmative procedure), the Scottish Ministers must lay before the Parliament a statement of their reasons why the regulations should be made.

(7) Subsection (8) applies if regulations under subsection (3) are made in accordance with paragraph 23 of schedule 7 of the Coronavirus (Scotland) Act 2020.

15 (8) The Scottish Ministers must, at the same time as laying the regulations before the Parliament in accordance with paragraph 26 of that schedule, lay before the Parliament a statement of their reasons for making the regulations.

(9) The Scottish Ministers may by regulations make—

(a) consequential provision,

(b) transitional, transitory or saving provision,

20 in connection with the expiry under subsection (1) of any provision of this Act.

(10) Regulations under subsection (9) may—

(a) make different provision for different purposes or areas,

(b) modify any enactment (including this Act).

(11) Regulations under subsection (9)—

25 (a) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure,

(b) otherwise, are subject to the negative procedure.

## 10 Power to bring forward expiry

(1) The Scottish Ministers may by regulations provide that any provision of Part 1—

30 (a) does not expire at the time when it would otherwise expire (whether by virtue of section 9 or previous regulations under this section), and

(b) expires instead at such earlier time as is specified in the regulations.

(2) Regulations under this section may make—

(a) different provision for different purposes or areas,

35 (b) consequential provision,

(c) transitional, transitory or saving provision.

(3) The power under subsection (2)(b) and (c) includes power to modify any enactment (including this Act).

(4) Regulations under this section—

- (a) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure,
- (b) otherwise, are subject to the negative procedure.

## 11 Power to amend Act in consequence of amendments to subordinate legislation

- 5 (1) The Scottish Ministers may by regulations modify any provision of this Act which modifies the effect of a provision of subordinate legislation.
- (2) The power in subsection (1) may be exercised only if the modification is necessary in consequence of the modification of the provision of the subordinate legislation by other subordinate legislation.
- 10 (3) Regulations under subsection (1) may make transitional, transitory or saving provision.
- (4) Regulations under subsection (1) must be laid before the Scottish Parliament as soon as reasonably practicable after they have been made.
- (5) Regulations under subsection (1) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, they are approved by resolution of the Scottish Parliament.
- 15 (6) In calculating the period of 28 days for the purpose of subsection (5), no account is to be taken of any period during which the Scottish Parliament is—
  - (a) in recess for more than 4 days, or
  - (b) dissolved.
- 20 (7) If regulations cease to have effect as a result of subsection (5), that does not—
  - (a) affect the validity of anything previously done under them, or
  - (b) prevent the making of new regulations.

## 12 Reports by the Scottish Ministers on the status of provisions

- 25 (1) The Scottish Ministers must, in respect of each reporting period—
  - (a) undertake a review of the operation of the provisions of Part 1 with a view to considering whether those provisions remain necessary, and
  - (b) prepare a report on that review.
- (2) A report prepared under subsection (1) must—
  - 30 (a) set out how any powers conferred by the provisions of Part 1 have been exercised, and
  - (b) include—
    - 35 (i) the status of the provisions of Part 1 (whether or not any power under a provision has been exercised), and
    - (ii) a statement that the Scottish Ministers are satisfied that the status of those provisions is appropriate.
- (3) The references in subsection (2) 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 the Scottish Ministers in relation to it during that period (and, if so, how)—

- (i) section 8 (power to suspend and revive provisions),
  - (ii) section 10 (power to bring forward expiry).
- (4) Each of the following is a “reporting period”—
- (a) the period beginning with the day after Royal Assent and ending on 31 July 2020,
  - (b) each successive period of 2 months that ends during the period before Part 1 expires by virtue of section 9(1).
- (5) The Scottish Ministers must lay each report under subsection (1) before the Scottish Parliament no later than 14 days after the expiry of a reporting period.

### 13 Ancillary provision

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, or in connection with, or for giving full effect to this Act or any provision made under it.
- (2) Regulations under subsection (1) may modify any enactment (including this Act).
- (3) Without prejudice to section 6 of the Interpretation and Legislative Reform (Scotland) Act 2010 (power to revoke, amend and re-enact), the Scottish Ministers may by regulations modify any regulations made under subsection (1) in consequence of—
- (a) the exercise of a power under section 8 (power to suspend and revive provisions),
  - (b) the expiry of a provision of this Act under section 9 (expiry),
  - (c) the exercise of a power under section 10 (power to bring forward expiry).
- (4) Regulations under subsection (3) may make transitional, transitory or saving provision.
- (5) Regulations under this section—
- (a) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure,
  - (b) otherwise, are subject to the negative procedure.

### 14 Commencement

- (1) This Act comes into force on the day after Royal Assent.
- (2) The Scottish Ministers may by regulations make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act.

### 15 Short title

The short title of this Act is the Coronavirus (Scotland) (No.2) Act 2020.

SCHEDULE 1  
*(introduced by section 2)*

PROTECTION OF THE INDIVIDUAL

**PART 1**

STUDENT RESIDENTIAL TENANCY: TERMINATION BY TENANT

*Interpretation of this Part*

1 (1) In this Part—

“the 2016 Act” means the Private Housing (Tenancies) (Scotland) Act 2016,

“student” has the same meaning as in paragraph 5 of schedule 1 of the 2016 Act,

10 “student residential tenancy” means a tenancy—

(a) the purpose of which is to confer on the tenant the right to occupy the let property while the tenant is a student, and

(b) to which sub-paragraph (2) or (3) of paragraph 5 of schedule 1 (tenancies which cannot be private residential tenancies) of the 2016 Act applies,

15 “tenancy” includes sub-tenancy,

“tenant” includes sub-tenant.

(2) In a case where two or more persons jointly are the landlord under a tenancy, references in this Part to the landlord are to any of those persons.

20 (3) In a case where two or more persons jointly are the tenant under a tenancy, references in this Part to the tenant are to all of those persons.

*Tenant’s ability to bring tenancy to an end*

2 (1) A tenant may, for a reason relating to coronavirus, bring to an end a student residential tenancy by giving to the landlord a notice which fulfils the requirements described in paragraph 3.

25 (2) A tenancy comes to an end in accordance with sub-paragraph (1) on the day on which the notice states (in whatever terms) that it is to come to an end.

*Requirements for notice to be given by tenant*

3 (1) A notice fulfils the requirements referred to in paragraph 2(1) if—

(a) it is in writing, and

30 (b) it states, as the day on which the tenancy is to end, a day that is after the last day of the minimum notice period.

(2) In sub-paragraph (1)(b), “the minimum notice period” means a period which—

(a) begins on the day the notice is received by the landlord, and

(b) ends on the day falling—

35 (i) in a case where the tenancy was entered into before the coming into force of this paragraph, 7 days after the period begins, or



- (ii) in any other case, 28 days after the period begins.

## PART 2

### CARER’S ALLOWANCE SUPPLEMENT

#### *Amount*

- 5 4 (1) The Social Security (Scotland) Act 2018 applies in accordance with the modifications in this paragraph.
- (2) Section 81 (carer’s allowance supplement) has effect as if—
- (a) in subsection (4), after “formula” there were inserted “(but see also subsection (4A))”,
- 10 (b) after subsection (4) there were inserted—
- “(4A) The amount of a carer’s allowance supplement in respect of the period of 1 April 2020 to 30 September 2020 is £230.10 greater than that calculated according to the formula in subsection (4).”.

## PART 3

### BANKRUPTCY

15

#### *Electronic service of documents*

- 5 (1) The Interpretation and Legislative Reform (Scotland) Act 2010, in so far as it applies where the service of a document is authorised or required by or under the Bankruptcy (Scotland) Act 2016, applies in accordance with the modifications in this paragraph.
- 20 (2) Section 26 (service of documents) has effect as if—
- (a) in subsection (2), for paragraph (c) there were substituted—
- “(c) by being transmitted to the person electronically.”,
- (b) subsection (3) were repealed,
- (c) for subsection (6) there were substituted—
- 25 “(6) For the purposes of subsection (2)(c)—
- (a) electronic transmission of a document must be effected in a way that the recipient has indicated to the sender that the recipient is willing to receive the document,
- (b) the recipient’s indication of willingness to receive a document in a
- 30 particular way may be—
- (i) specific to the document in question or generally applicable to documents of that kind,
- (ii) expressed specifically to the sender or generally (for example on a website),
- 35 (iii) inferred from the recipient having previously been willing to receive documents from the sender in that way and not having indicated unwillingness to do so again,

- (c) the sender’s uploading of a document to an electronic storage system from which the recipient is able to download the document may constitute electronic transmission of the document.”.

*Financial criteria for minimal asset process*

- 5 6 (1) The Bankruptcy (Scotland) Act 2016 applies in accordance with the modifications in sub-paragraph (2).
- (2) Section 2 (sequestration of estate of living debtor) has effect as if—
- (a) in subsection (2)(b)(ii), for “£17,000” there were substituted “£25,000”,
- (b) after subsection (2) there were inserted—
- 10 “(2A) For the purposes of subsection (2)(b), the amount of a loan made to the debtor is not to be regarded as a debt where the loan was made by virtue of regulations to which section 73B (regulations relating to student loans) of the Education (Scotland) Act 1980 applies.”.
- (3) The modifications in sub-paragraph (2) apply in relation to a sequestration of a debtor’s estate only where the date of the debtor application is on or after the date on which this paragraph comes into force.
- 15

*Meaning of “qualified creditor”*

- 7 (1) The Bankruptcy (Scotland) Act 2016 applies in accordance with the modifications in this paragraph.
- 20 (2) Section 7(1) (qualified creditor and qualified creditors) has effect as if—
- (a) in the definition of “qualified creditor”, for “£3,000” there were substituted “£10,000”,
- (b) in the definition of “qualified creditors”, for “£3,000” there were substituted “£10,000”.

25 *Deadline for sending proposals for debtor’s contribution*

- 8 (1) The Bankruptcy (Scotland) Act 2016 applies in accordance with the modification in sub-paragraph (2).
- (2) Section 90(2) (period for sending initial proposals for the debtor’s contribution) has effect as if for “6” there were substituted “12”.
- 30 (3) The modification in sub-paragraph (2) applies in relation to a sequestration of a debtor’s estate only where the date of award of sequestration is on or after the date on which this paragraph comes into force.

*Virtual meetings of creditors*

- 9 (1) The Bankruptcy (Scotland) Act 2016 applies in accordance with the modifications in this paragraph.
- 35 (2) Part 2 (meetings of creditors) of schedule 6 has effect as if—
- (a) for paragraph 13 there were substituted—

“13 Every meeting must be held either—

(a) in such place (whether or not in the sheriffdom) as is, in the opinion of the person calling the meeting, the most convenient for the majority of the creditors, or

(b) by such electronic means as would, in the opinion of the person calling the meeting, be most convenient to allow the majority of the creditors to participate in the meeting without being together in the same place.

13A Where a meeting is to be held in pursuance of paragraph 13(b), the references in paragraphs 4 and 6 to the place fixed for the holding of the meeting are to be read as references to the electronic means by which attendees are to be able to attend the meeting without being together in the same place.”

(b) in paragraph 24—

(i) for “and place” there were substituted “, and at the same place or by the same electronic means,”

(ii) for the words from “in” to “specified” there were substituted “the resolution otherwise specifies”.

#### *Electronic signature of forms*

10 (1) The Bankruptcy (Scotland) Regulations 2016 (S.S.I. 2016/397) apply in accordance with the modifications in this paragraph.

(2) Regulation 3 (forms) has effect as if—

(a) in paragraph (2)—

(i) the words “either” and “or” were repealed,

(ii) after sub-paragraph (b) there were inserted “; or

(c) in any case, an electronic signature.”

(b) after paragraph (2) there were inserted—

“(3) In paragraph (2), “electronic signature” (except where it relates to Form 9) is to be construed in accordance with section 7(2) of the Electronic Communications Act 2000 (electronic signatures and related certificates), but includes a version of an electronic signature which is reproduced on a paper document.”.

#### *Fees for debtor applications*

11 (1) The Bankruptcy Fees (Scotland) Regulations 2018 (S.S.I. 2018/127) apply in accordance with the modifications in this paragraph.

(2) The Regulations have effect as if after regulation 7 (other fees) there were inserted—

#### **“Temporary exemption from fees under Coronavirus (Scotland) (No.2) Act 2020**

**7A.** Despite paragraph (a) of item 22 in Part 2 of the table of fees, no fee is payable to AiB under that paragraph for the determination of a debtor application in relation to a debtor who, at the date of making the application, has no income other than from one or more of the following payments—

- (a) universal credit under Part 1 of the Welfare Reform Act 2012;
- (b) another income-related benefit within the meaning given by section 191 of the Social Security Administration Act 1992;
- (c) an income-based jobseeker's allowance within the meaning given by section 1(4) of the Jobseekers Act 1995;
- (d) state pension credit under the State Pension Credit Act 2002;
- (e) child tax credit under the Tax Credits Act 2002; or
- (f) an income-related allowance under Part 1 of the Welfare Reform Act 2007.”.

- (3) Part 2 of the schedule (fees for other functions of the Accountant in Bankruptcy) has effect as if in item 22 of the table—
- (a) in paragraph (a), in column 2, for “£90.00” there were substituted “£50.00”,
  - (b) in paragraph (b), in column 2, for “£200.00” there were substituted “£150.00”.

#### PART 4

##### MENTAL HEALTH

###### *Named person nomination*

- 12 (1) The Mental Health (Care and Treatment) (Scotland) Act 2003 applies in accordance with the modification in this paragraph.
- (2) Section 250 (nomination of named person) has effect as if in subsection (2A)(c), at the beginning, there were inserted “in the case of a docket signed by the nominated person before paragraph 12 of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 comes into force.”.

#### PART 5

##### CARE HOMES: EMERGENCY INTERVENTION ORDERS

- 12A(1) The Public Services Reform (Scotland) Act 2010 applies in accordance with the modification in this paragraph.

- (2) The Act has effect as if after section 65 there were inserted—

**“65A Care homes: emergency intervention orders**

- (1) The Scottish Ministers may apply to the sheriff for an emergency intervention order in respect of a care home service provided at accommodation specified in the application.
- (2) An emergency intervention order is an order which—
  - (a) authorises the Scottish Ministers to nominate a person to act as a nominated officer,
  - (b) authorises the nominated officer to—
    - (i) enter and occupy the accommodation specified in the order (“the accommodation”),

(ii) direct and control the provision of the care home service at the accommodation, and

(iii) do anything that the officer considers necessary to ensure that the services are provided to an appropriate standard, and

5 (c) requires the person who is (or, immediately prior to the granting of an order under section 65, was) registered under this chapter as the provider of a care home service at the accommodation (“the affected provider”) to comply with any direction given by the officer in relation to the provision of care home services at the accommodation,

10 for such period of up to 12 months as may be specified in the order.

(3) An emergency intervention order has no effect on the rights or obligations of persons receiving care home services at the accommodation.

15 (4) The Scottish Ministers may, where satisfied that it is essential do so, exercise the powers that would be available under an emergency intervention order prior to making an application to the sheriff.

(5) But, where the Scottish Ministers exercise powers under subsection (4) they must make an application as soon as practicable.

20 (6) The sheriff must make an emergency intervention order if it appears to the sheriff that, unless the order is made, for a reason relating to coronavirus there will be a serious risk to the life, health or wellbeing of persons at the accommodation.

25 (7) The sheriff may include such incidental provision in an emergency intervention order as the sheriff thinks fit (for example, prohibiting the sale of the accommodation or the disposal of any assets used in the provision of care services at the accommodation).

(8) As soon as practicable after the Scottish Ministers has made an application under subsection (1), it must notify the appropriate authorities.

30 (9) Where a sheriff makes an emergency intervention order, the Scottish Ministers must as soon as reasonably practicable give a copy of it to—

(a) the affected provider, and

(b) the appropriate authorities.

(10) The sheriff may determine an application under subsection (1) in the absence of the affected provider.

(11) An emergency intervention order under this section has effect from—

35 (a) the time at which it is made, or

(b) such other time as the sheriff considers appropriate.

(12) The sheriff may, on the application of the Scottish Ministers or the affected provider—

40 (a) vary an emergency intervention order,

(b) extend its duration for a further period of up to 6 months,

(c) revoke it (either immediately or on such date as the sheriff may specify).

- (13) For the purpose of this section—
- (a) the appropriate authorities are—
    - (i) the local authority and the health board within whose area the care home service is provided,
    - (ii) Healthcare Improvement Scotland,
  - (b) “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020,
  - (c) “nominated officer” means an individual appointed by the Scottish Ministers who they consider suitable to perform the functions conferred under an emergency intervention order.

**65B Care homes: appeals against emergency intervention orders**

- (1) An appeal may be made to the Sheriff Appeal Court against the making of an emergency intervention order under section 65A within the period of 14 days beginning with the day on which the order is made.
- (2) On an appeal, the Sheriff Appeal Court may—
  - (a) confirm the emergency intervention order,
  - (b) revoke the order,
  - (c) modify the order,
  - (d) make such other order as the court thinks fit.
- (3) The decision of the Sheriff Appeal Court on an appeal under this section is final.
- (4) An emergency intervention order has effect notwithstanding the making of an appeal in relation to the order.

**65C Further provision in relation to emergency intervention orders**

- (1) The Scottish Ministers may by regulations make further provision in connection with emergency intervention orders under section 65A.
- (2) Regulations under this paragraph—
  - (a) must be laid before the Scottish Parliament as soon as practicable after they are made, and
  - (b) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, they are approved by resolution of the Scottish Parliament.
- (3) In calculating the period of 28 days, no account is to be taken of any time during which the Scottish Parliament is dissolved or in recess for more than 4 days.
- (4) If regulations cease to have effect as a result of sub-paragraph (2)(b), that does not—
  - (a) affect anything previously done under the regulations,
  - (b) prevent the making of new regulations.”.

## PART 6

### POWERS OF LOCAL AUTHORITIES AND HEALTH BODIES IN RELATION TO CERTAIN CARE SERVICES

#### *Power of local authority to purchase distressed care home or care at home service provider*

13 (1) A local authority may acquire (by agreement)—

- 5 (a) a relevant provider of care home services,
- (b) a relevant provider of care at home services, or
- (c) any asset or liability of a provider mentioned in paragraph (a) or (b),

in the circumstances described in paragraph 15.

10 (2) This paragraph is without prejudice to sections 69 and 70 of the Local Government (Scotland) Act 1973 (subsidiary powers and acquisition of land by agreement).

#### *Power of health body to purchase distressed care home service provider*

14 (1) A health body may, on behalf of the Scottish Ministers, acquire (by agreement)—

- (a) a relevant provider of care home services, or
- 15 (b) any asset or liability of such a provider,

in the circumstances described in paragraph 15.

(2) A health body must comply with a direction given by the Scottish Ministers in relation to the functions conferred on it under this paragraph.

(3) The power under sub-paragraph (2) to give a direction includes the power to vary or revoke an earlier direction under that sub-paragraph.

20 (4) A direction given under this paragraph must—

- (a) be in writing, and
- (b) be published in such manner as the Scottish Ministers consider appropriate.

(5) This paragraph is without prejudice to section 79 of the National Health Service (Scotland) Act 1978 (purchase of land and moveable property).

#### *Circumstances in which powers under this Part may be exercised*

25 15 (1) This paragraph describes the circumstances in which the powers conferred by paragraph 13 or 14 may be exercised in relation to a relevant provider of care home services or care at home services (“the provider”).

(2) The circumstances are that, for a reason relating to coronavirus—

- 30 (a) the provider is in serious financial difficulty,
- (b) the local authority or, as the case may be, the health body is satisfied that there is a threat to the life, health or wellbeing of the persons receiving the services, or
- (c) the provider has recently ceased to provide the services.

35 (3) For the purposes of sub-paragraph (2)(a), a provider is to be regarded as being in serious financial difficulty if it notifies SCSWIS of an insolvency event under regulation 6A, 6B or 6C of the Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011 (S.S.I 2011/210).

*Part 6—Powers of local authorities and health bodies in relation to certain care services*

- (4) As soon as practicable after receiving notification of such an insolvency event, SCSWIS is to inform—
- (a) any local authority and Health Board in whose areas the services are being provided,
  - 5 (b) the Common Services Agency, and
  - (c) Healthcare Improvement Scotland,
- that such notification has been received.
- (5) For the purposes of being satisfied as to the threat described in sub-paragraph (2)(b)—
- (a) in a case where the proposed acquisition is by a local authority, it must consult—
  - 10 (i) SCSWIS,
  - (ii) any other local authority in whose area the services are being provided,
  - (iii) any Health Board in whose area the services are being provided,
  - (iv) the Common Services Agency,
  - (v) Healthcare Improvement Scotland,
  - 15 (vi) such other persons or bodies as it considers appropriate (if any),
  - (b) in a case where the proposed acquisition is by a health body, it must consult—
  - (i) SCSWIS,
  - (ii) any local authority in whose area the services are being provided,
  - (iii) any Health Board in whose area the services are being provided,
  - 20 (iv) the Common Services Agency,
  - (v) Healthcare Improvement Scotland,
  - (vi) such other persons or bodies as it considers appropriate (if any).

*Interpretation*

16 In this Part—

25 “asset” includes any right or interest in land or moveable property,

“care home service” has the meaning given in paragraph 2 of schedule 12 of the Public Services Reform (Scotland) Act 2010,

“care at home service” means the provision of—

- 30 (a) domiciliary services (within the meaning of section 94 of the Social Work (Scotland) Act 1968), or
- (b) a support service consisting wholly or mainly of providing personal care in the home of the person receiving the care,

“Health Board” means a Health Board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978, and “area”, in relation to a Health Board, means the area for which the Board is constituted,

35 “health body” means a Health Board, the Common Services Agency or Healthcare Improvement Scotland,



“personal care” has the meaning given in paragraph 20 of schedule 12 of the Public Services Reform (Scotland) Act 2010,

“relevant provider of care home services” means a person or body providing care home services other than a local authority or a health body,

5 “relevant provider of care at home services” means a person or body providing care at home services other than a local authority or a health body,

“SCSWIS” means Social Care and Social Work Improvement Scotland,

“support service” has the meaning given in paragraph 1 of schedule 12 of the Public Services Reform (Scotland) Act 2010.

## 10 PART 7

### DUTIES OF THE CARE INSPECTORATE

#### *Care Inspectorate: care home inspections*

17 (1) The Public Services Reform (Scotland) Act 2010 applies in accordance with the modifications in this paragraph.

15 (2) The Act has effect as if after section 53 (inspection) there were inserted—

#### **“53A Care Inspectorate: inspections of care homes**

(1) The Care Inspectorate must, for the duration of the emergency period lay a report before the Parliament every two weeks, beginning with the day on which this section comes into force, setting out—

- 20 (a) the care homes inspected during those two weeks, and  
(b) the findings of those inspections.

(2) “emergency period” means the period for which paragraph 17 of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 is in force.”.

## 25 PART 8

### SOCIAL CARE AND SOCIAL WORK IMPROVEMENT SCOTLAND: REPORTING ON CORONAVIRUS DEATHS IN CARE HOMES

#### *Reporting on coronavirus deaths in care homes*

18 (1) The Public Services Reform (Scotland) Act 2010 applies in accordance with the modifications in this paragraph.

30 (2) The Act has effect as if after section 79 there were inserted—

#### **“79A Reporting on coronavirus deaths in care homes**

(1) Any person who provides a care home service must, for the duration of the emergency period, make a report to SCSWIS every day, beginning with the day on which this section comes into force, on—

- 35 (a) the number of deaths of residents in the care home from coronavirus,  
(b) the number of deaths of residents in the care home suspected to be attributable to coronavirus,

- (c) the total number of deaths in the care home irrespective of whether or not they are attributable to coronavirus.
- (2) As soon as practicable and in any event no later than 7 days after receiving that information from all persons providing care home services, SCSWIS must make a report to the Scottish Ministers on—
- (a) the total number of deaths in care homes in Scotland from coronavirus,
- (b) the total number of deaths of residents in care homes in Scotland suspected to be attributable to coronavirus,
- (c) the total number of deaths in care homes in Scotland irrespective of whether or not they are attributable to coronavirus.
- (3) The Scottish Ministers must lay the report from SCSWIS under subsection (2) before the Scottish Parliament as soon as practicable and in any event no later than 7 days after they have received it.
- (4) In this section—
- (a) “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020,
- (b) “emergency period” means the period for which paragraph 18 of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 is in force”.

## PART 9

### MARRIAGE AND CIVIL PARTNERSHIP

#### *Marriage and civil partnership*

- 19 (1) The Scottish Ministers must, in conjunction with the Registrar General of Births, Deaths and Marriages for Scotland, take such steps they consider to be necessary to ensure that the solemnisation of marriages and civil partnerships continues to be available in Scotland during the emergency period.
- (2) Steps taken under sub-paragraph (1) must ensure that the ability of persons to exercise rights under article 12 (right to marry) of the European Convention on Human Rights is not disproportionately interfered with for reasons relating to coronavirus.
- (3) The Scottish Ministers must, in respect of each reporting period, prepare a report on—
- (a) the steps taken by them under sub-paragraph (1), and
- (b) the number of marriages and civil partnerships solemnised in Scotland during the reporting period.
- (4) The Scottish Ministers must lay each report under sub-paragraph (3) before the Scottish Parliament no later than 14 days after the expiry of a reporting period.
- (5) In this paragraph—
- “emergency period” means the period for which Part 1 is in force,
- “reporting period” has the meaning given by section 12(4).

SCHEDULE 2  
(introduced by section 3)

OPERATION OF THE JUSTICE SYSTEM

**PART 1**

CRIMINAL JUSTICE

*Criminal proceedings: extension of time limits*

- 5
- 1 (1) The Criminal Procedure (Scotland) Act 1995 applies in accordance with the modifications in this paragraph.
- (2) Section 145 (adjournment for inquiry at first calling) has effect as if—
- 10 (a) in subsection (1), for “subsections (2) and (3)” there were substituted “subsection (2)”,
- (b) subsection (3) were repealed.
- (3) Section 145A (adjournment at first calling to allow accused to appear etc.) has effect as if—
- 15 (a) in subsection (1), for “subsections (2) and (3)” there were substituted “subsection (2)”,
- (b) subsection (3) were repealed.
- (4) Section 200 (remand for inquiry into physical or mental condition) has effect as if—
- 20 (a) in subsection (2), in the closing text, the words “, no single period exceeding three weeks,” were repealed,
- (b) in subsection (3)(a), the words “not exceeding three weeks” were repealed.
- (5) Section 245J (breach of certain orders: adjourning hearing and remanding in custody etc.) has effect as if for subsection (3) there were substituted—
- 25 “(3) The court may adjourn a hearing under subsection (1) for such period as it considers appropriate.”.

*Arrangements for the custody of persons detained at police stations*

- 2 (1) The Scottish Ministers may make arrangements for functions within sub-paragraph (2) to be performed in such cases as may be determined by or under the arrangements by prisoner custody officers with escort functions.
- 30 (2) Those functions are—
- (a) functions of the transfer or custody of prisoners in police stations which are in connection with appearances by those prisoners before courts by electronic means,
- (b) functions of an administrative character in connection with the appearance of prisoners in police stations before courts by electronic means.
- 35 (3) Arrangements made by the Scottish Ministers under this paragraph may include entering into contracts with other persons for the provision by them of prisoner custody officers.
- (4) For the purposes of this paragraph—

(a) a prisoner custody officer with escort functions is a person in respect of whom a certificate under section 114 of the 1994 Act (prisoner custody officers: general functions) is for the time being in force which certifies that the person has been approved by the Scottish Ministers for the purpose of performing—

- (i) escort functions, or
- (ii) both escort functions and custodial duties,

(b) a reference to appearing before a court by electronic means is a reference to appearing before a court by electronic means by virtue of—

- (i) Part 1 of schedule 4 of the Coronavirus (Scotland) Act 2020, or
- (ii) any other enactment allowing or requiring appearances before a court to be made by electronic means.

3 (1) The provisions of the 1994 Act specified in sub-paragraph (2) apply in relation to arrangements made under paragraph 2 as they apply in relation to prisoner escort arrangements and, accordingly, references in those provisions to prisoner escort  
 15 arrangements are to be read as including references to arrangements made under that paragraph.

(2) Those provisions are—

- (a) section 103 (monitoring of prisoner escort arrangements),
- (b) section 104 (powers and duties of prisoner custody officers performing escort  
 20 functions),
- (c) section 105 (breaches of discipline by prisoners under escort),
- (d) paragraph 3 of schedule 6 (suspension of certificates), and
- (e) section 115 (wrongful disclosure of information).

(3) The references in paragraphs 3 and 4 of schedule 6 of the 1994 Act to escort functions  
 25 are to be read as including functions within paragraph 2(2).

(4) The reference in paragraph (a)(i) of rule 5 (suspension of a certificate of a prisoner custody officer) of the Prison Rules to prisoner escort arrangements is to be read as including arrangements made under paragraph 2.

(5) The reference in paragraph (b) of rule 5 of the Prison Rules to the functions set out in  
 30 section 102(2) of the 1994 Act is to be read as including functions within paragraph 2(2).

4 Where functions are performed by a prisoner custody officer by virtue of paragraph 2 prior to the prisoner being brought before the court, the prisoner is not to be regarded as having been transferred out of police custody for the purposes of section 64(2)(cb) of the  
 35 Criminal Justice (Scotland) Act 2016.

5 In paragraphs 2 to 4—

“the 1994 Act” means the Criminal Justice and Public Order Act 1994,

“the Prison Rules” means the Prisons and Young Offenders Institutions (Scotland) Rules 2011 (S.S.I. 2011/331),

“prisoner” means any person who is in legal custody or is deemed to be in legal custody under section 295 of the Criminal Procedure (Scotland) Act 1995.

*Expiry of undertaking under section 25(2)(a) of the Criminal Justice (Scotland) Act 2016*

5 6 (1) The Criminal Justice (Scotland) Act 2016 applies in accordance with the modifications in this paragraph.

(2) Section 29 (expiry of undertaking) has effect as if in subsection (1)(a), after “court” there were inserted “(but see section 29A)”.

(3) The Act has effect as if after section 29 there were inserted—

**“29A Expiry of undertaking: coronavirus-related reason for non-appearance**

10 (1) A court may modify the terms of an undertaking given under section 25(2)(a) by changing the time at which the person who gave it is to appear at the court if—

(a) the person has failed to appear at court as required by the terms of the undertaking,

15 (b) the court considers that the failure to appear is attributable to a reason relating to coronavirus, and

(c) the court does not consider it appropriate to grant a warrant for the person’s arrest on account of the failure to appear.

20 (2) Where a court modifies the terms of an undertaking under subsection (1), the procurator fiscal must give notice of the modification to the person who gave the undertaking as soon as reasonably practicable.

(3) Notice under subsection (2) must be effected in a manner by which citation may be effected under section 141 of the 1995 Act.

25 (4) The reference in subsection (1) to the terms of an undertaking are to the terms of the undertaking subject to any modification by notice under section 27(1).

(5) A reference in any enactment to the modification of the terms of an undertaking under section 27(1) is to be treated as including modification under subsection (1).

30 (6) In subsection (1)(b), “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020.”.

*Fixed penalty notices under the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020*

6A(1) The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (S.S.I. 2020/103) are amended by this paragraph.

35 (2) In regulation 9(1)(b) for “16” substitute “18”.

**PART 2**

PROCEEDS OF CRIME

*Extension of permitted period for purpose of confiscation order*

7 (1) The Proceeds of Crime Act 2002 applies in accordance with the modifications in this  
5 paragraph.

(2) Section 99 (postponement) has effect as if—

(a) after subsection (4) there were inserted—

“(4A) For the purposes of subsection (4), “exceptional circumstances”, in relation to  
10 proceedings, includes the effect (whether direct or indirect) of coronavirus on  
the proceedings.”,

(b) after subsection (11) there were inserted—

“(12) In subsection (4A), “coronavirus” has the meaning given by section 1 of the  
Coronavirus (Scotland) Act 2020.”.

*Time limits for payment of confiscation orders*

15 8 (1) The Proceeds of Crime Act 2002 applies in accordance with the modifications in this  
paragraph.

(2) Section 116 (time for payment) has effect as if—

(a) in subsection (1)—

20 (i) the existing words “the following provisions of this section” were  
paragraph (a),

(ii) after that paragraph there were inserted “, and

(b) section 116A.”,

(b) in subsection (5)(b), after “12 months” there were inserted “unless subsection  
(5A) applies”,

25 (c) after subsection (5) there were inserted—

“(5A) This subsection applies if the court making the order under subsection (4) is  
satisfied that the accused is, for a reason relating to coronavirus, unable to pay  
the amount ordered to be paid under the confiscation order within the period of  
12 months beginning with the day on which the confiscation order is made.

30 (5B) Where subsection (5A) applies, the extended period may continue until such  
day as the court considers appropriate in the circumstances.”,

(d) in subsection (6)(b) after “made”, in the second place where it occurs, there were  
inserted “unless subsection (5A) applies (see subsection (6A))”,

(e) after subsection (6) there were inserted—

35 “(6A) Where subsection (5A) applies, subsection (6) applies as if the words from  
“but” to the end of the subsection were omitted.”,

(f) after subsection (7) there were inserted—

“(8) In this section and sections 116A and 117, “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020.”

(3) The Act has effect as if after section 116 there were inserted—

**“116A Further time for payment due to coronavirus**

5 (1) Where a court has made an order under section 116(4) extending the specified period relating to a confiscation order (“the extended period”), the accused may apply to the sheriff court for an order further extending the specified period.

(2) The accused may make an application under subsection (1)—

10 (a) before the expiry of the extended period, or

(b) after the expiry of the extended period if—

(i) the extended period expired during the period beginning with 1 March 2020 and ending on the day before the commencement day, or

15 (ii) the extended period expired on or after the commencement day and the accused was unable to make an application under subsection (1) before the expiry of the extended period for a reason relating to coronavirus.

20 (3) Where an application is made under subsection (1) after the expiry of the extended period, the application must be made—

(a) where the condition set out in subsection (2)(b)(i) is met, as soon as is reasonably practicable after the commencement day,

(b) where the conditions set out in subsection (2)(b)(ii) are met, as soon as is reasonably practicable after the expiry of the extended period.

25 (4) If, following receipt of an application under subsection (1), the court is satisfied that the accused is or (as the case may be) was unable to pay the amount ordered to be paid under the confiscation order before the expiry of the extended period for a reason relating to coronavirus, the court may make an order further extending the specified period relating to the confiscation order (“the further extended period”).

30 (5) The further extended period—

(a) must start with the day on which the confiscation order is made, and

(b) may continue until such day as the court considers appropriate in the circumstances.

35 (6) The court must not make an order under subsection (4) unless it gives the prosecutor an opportunity to make representations.

(7) Subsection (8) applies where an application is made under subsection (1) after the expiry of the extended period and the court makes an order under subsection (4) following receipt of the application.

40 (8) The order under subsection (4) is to be treated for the purposes of sections 116 and 117 as if it were made by the court immediately before the expiry of the extended period.

(9) In this section—

“commencement day” means the day on which paragraph 8 of schedule 2 of the Coronavirus (Scotland) (No.2) Act 2020 comes into force,

“specified period”, in relation to a confiscation order, means the period specified under section 116(2) within which the amount ordered to be paid under the confiscation order must be paid.”.

(4) Section 117 (interest on unpaid sums) has effect as if—

(a) in subsection (1), after “section 116” there were inserted “(or within such a period as extended under section 116A)”,

(b) in subsection (3)(c), after “ended” there were inserted “(but see subsection (3A))”,

(c) after subsection (3) there were inserted—

“(3A) Subsection (3)(c) does not apply to an application made under subsection (4) of section 116 where the accused invites the court to make a finding as mentioned in subsection (5A) of that section in the context of making an order under subsection (4) of that section.

(3B) For the purposes of this section, no amount is required to be paid under a confiscation order if—

(a) an application has been made under section 116A(1) in relation to the confiscation order before the expiry of the period specified under section 116(4) in respect of the order, and

(b) the application has not been determined by the court.”.

### PART 3

#### INTIMATION, ETC. OF DOCUMENTS

*Replacement of requirement for intimation on walls of court, etc.*

9 (1) The Coronavirus (Scotland) Act 2020 is amended by this paragraph.

(2) In schedule 4 (justice)—

(a) after paragraph 1 insert—

*“Intimation, etc. on Scottish Courts and Tribunals Service website*

1A(1) Any requirement (however expressed) that a document—

(a) be put on the walls, doors or any other part of a court building (whether internal or external), or

(b) be made publicly available in any other way within a court building,

is to be fulfilled instead by the document’s being made publicly available through the Scottish Courts and Tribunals Service website.

(2) But sub-paragraph (1) does not apply to a document if it is of a type that—

(a) the Lord President of the Court of Session, or

(b) the Lord Justice General,

has directed that sub-paragraph (1) does not apply to.



(3) Where a document is to be made publicly available through the Scottish Courts and Tribunals Service website by virtue of this paragraph, it is to so be made available in accordance with—

(a) any direction issued by—

(i) the Lord President of the Court of Session, or

(ii) the Lord Justice General, and

(b) (subject to any necessary modifications) any enactment about—

(i) how a step mentioned in paragraph (a) or (b) of sub-paragraph (1) is to be taken in relation to the document, or

(ii) the length of time for which the document is to be made publicly available in a way described by those paragraphs.

(4) A direction under sub-paragraph (3)(a) may, in particular, provide that a document is to be made available only in a redacted form.

(5) If an enactment provides for an alternative to taking a step mentioned in paragraph (a) or (b) of sub-paragraph (1) as a means of achieving an outcome (for example, advertising an application in a newspaper as means of intimating it), nothing in this paragraph precludes the taking of that alternative step to achieve the outcome.

(6) In this paragraph, “the Scottish Courts and Tribunals Service website” means the website maintained by, or on behalf of, the Service with the internet domain name *scotcourts.gov.uk*.”

(b) in paragraph 5, after paragraph (a) insert—

“(aa) a direction under paragraph 1A(2) or (3)(a).”

### SCHEDULE 3

*(introduced by section 4)*

#### REPORTS, ACCOUNTS AND OTHER DOCUMENTS

##### PART 1

#### REPORTS, ETC. UNDER THE CLIMATE CHANGE (SCOTLAND) ACT 2009

1 (1) The Climate Change (Scotland) Act 2009 is amended by this paragraph.

(2) In section 8A(1) (nitrogen balance sheet), for “18” substitute “24”.

(3) In section 32A (citizens assembly)—

(a) in subsection (10)(a), after “2021” insert “or, if it is unable to lay the report by that date for a reason relating to coronavirus, as soon as reasonably practicable after that date”,

(b) in subsection (10)(b), for “that date” substitute “the date on which its report is so laid”, after subsection (10) insert—

“(11) In subsection (10)(a), “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020.”

**PART 2**

ACCOUNTS OF REGISTERED SOCIAL LANDLORDS

*Extension of deadline for accounts*

2 (1) The Housing (Scotland) Act 2010 is amended by this paragraph.

5 (2) In section 70 (delivery of accounts and audit)—

(a) the existing text becomes subsection (1),

(b) after that subsection insert—

“(2) In respect of the financial year ending with 31 March 2020—

(a) subsection (1) does not apply,

10 (b) a registered social landlord must provide the Regulator with a copy of its accounts and auditor’s report within 9 months of the end of the period to which they relate.”.

**PART 3**

ACCOUNTS UNDER THE PUBLIC FINANCE AND ACCOUNTABILITY (SCOTLAND) ACT 2000

15 3 (1) The Coronavirus (Scotland) Act 2020 is amended by this paragraph.

(2) In paragraph 15 of schedule 6 (duties under the Public Finance and Accountability (Scotland) Act 2000)—

(a) in sub-paragraph (1), for “2021” substitute “2020”,

(b) in sub-paragraph (3)—

20 (i) the word “with” where it second appears is repealed,

(ii) for “2022” substitute “2021”.

**PART 4**

HOUSING (SCOTLAND) ACT 1987: STATEMENT UNDER SECTION 33B

*Referral of application for accommodation to another local authority: extension of deadline for Ministerial statement*

25 4 (1) The Housing (Scotland) Act 1987 is amended by this paragraph.

(2) In section 33B (statement on exercise of power to modify section 33)—

(a) in subsection (1), for “12” substitute “18”,

(b) after subsection (1) insert—

30 “(1A) The Scottish Ministers may by regulations modify subsection (1) so as to extend the period mentioned in subsection (1).

(1B) But the power may not be exercised to extend the period—

(a) by more than 6 months, or

(b) more than once.”,

35 (c) after subsection (3) insert—

“(4) Regulations under subsection (1A) are subject to the affirmative procedure.”.

SCHEDULE 4  
(introduced by section 5)

OTHER MEASURES IN RESPONSE TO CORONAVIRUS

5

**PART 1**

UEFA EUROPEAN CHAMPIONSHIP

1 (1) The UEFA European Championship (Scotland) Act 2020 is amended by this paragraph.

(2) In section 1 (meaning of key terms)—

(a) in the definition of “Championship”, the words “in 2020” are repealed,

10

(b) for the definition of “Championship period”, substitute—

“the “Championship period” means the period of not more than 42 days,  
and ending not later than 31 December 2022, specified in regulations  
made by the Scottish Ministers,”.

(3) In section 3 (ticket touting: exception for charity auctions)—

15

(a) in subsection (2)(b)(i), for “England and Wales, of Northern Ireland, or of a  
member State of the European Union,” substitute “any territory outwith  
Scotland,”,

(b) in subsection (2)(b)(iii), for “at least one of the conditions set out in subsection  
(3)” substitute “either the condition set out in subsection (3) or the condition set  
out in subsection (4)”,

20

(c) for subsection (3) substitute—

“(3) This condition is that the body is registered in a register corresponding to the  
Scottish Charity Register.

(4) This condition is that, if there is no such register in the territory where the body  
is established—

25

(a) the body’s purposes consist only of one or more of the charitable  
purposes set out in section 7(2) of the Charities and Trustee Investment  
(Scotland) Act 2005, and

(b) the body provides public benefit within the meaning given by section 8  
of that Act.”.

30

(4) In section 36 (repeal), for “2020” substitute “2022”.

**PART 2**

LISTED BUILDINGS AND CONSERVATION AREAS: CONSENTS

*Extension of period of consent*

35

2 (1) The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997—

(a) is amended by sub-paragraph (2), and

(b) applies in accordance with the modification in sub-paragraph (3).

(2) In section 16 (limit of duration of listed building consent), after subsection (4) insert—

“(5) During the emergency period, a listed building consent that would lapse under subsection (1)(a) or (b) lapses instead at the end of the extended period, unless the works permitted by the consent are begun before the end of that period.

(6) In subsection (5)—

“emergency period” means the period beginning with the date on which paragraph 2(2) of schedule 4 of the Coronavirus (Scotland) (No.2) Act 2020 came into force and ending on 6 October 2020,

“extended period” means the period beginning with the date on which paragraph 2(2) of schedule 4 of the Coronavirus (Scotland) (No.2) Act 2020 came into force and ending on 6 April 2021.”.

(3) Section 16 has effect as if after subsection (6) (as inserted by this paragraph) there were inserted—

“(7) The Scottish Ministers may by regulations amend the definition of “emergency period” or “extended period” in subsection (6).”.

### PART 3

#### REGISTERS KEPT BY THE KEEPER OF THE REGISTERS OF SCOTLAND

##### *Register of Inhibitions*

(1) This paragraph applies in relation to a document which is required or permitted to be registered or recorded in the Register of Inhibitions (“the register”), other than a document of a type mentioned in paragraph 1(4) of schedule 4 of the Coronavirus (Scotland) Act 2020.

(2) An electronic signature fulfils any requirement (however expressed) that the document be signed in order to be registered or recorded in the register.

(3) Any requirement (however expressed) that the document be given to the Keeper in order to be registered or recorded in the register may be fulfilled by transmitting it to the Keeper electronically.

(4) For the purposes of sub-paragraph (3), the document must be transmitted by a means (and in a form) which is specified on the Keeper’s website as being acceptable for those purposes.

(5) In this paragraph—

“document” includes a copy of a document,

“electronic signature” is to be construed in accordance with section 7(2) of the Electronic Communications Act 2000 (electronic signatures and related certificates), but includes a version of an electronic signature which is reproduced on a paper document,

“the Keeper” means the Keeper of the Registers of Scotland.

“the Keeper’s website” means the website maintained by, or on behalf of, the Keeper of the Registers of Scotland with the domain name ros.gov.uk.

*Register of judgments*

4 (1) The Act of Sederunt (Rules of the Court of Session 1994) 1994 (S.I. 1994/1443) applies in accordance with the modification in this paragraph.

5 (2) Chapter 62 of schedule 2 (recognition, registration and enforcement of foreign judgments, etc.) has effect as if after rule 62.101 there were inserted—

**“PART XV**

ELECTRONIC SIGNING AND TRANSMISSION OF CERTAIN DOCUMENTS

**62.102 Electronic signing and transmission of certain documents**

10 (1) This rule applies in relation to a document which is to be given to, or issued by, the Keeper of the Registers under this Chapter, other than a document of a type mentioned in paragraph 1(4) of schedule 4 of the Coronavirus (Scotland) Act 2020.

(2) An electronic signature fulfils any requirement (however expressed) that the document be signed.

15 (3) The document may be—

(a) given to the Keeper by transmitting it to the Keeper electronically,

(b) issued to a person by the Keeper by—

(i) transmitting it to the person electronically, or

20 (ii) transmitting it (electronically or otherwise) to a solicitor engaged to act on the person's behalf in relation to the document.

(4) For the purposes of paragraph (3)(a), the document may be transmitted by a means (and in a form) which is specified on the Keeper's website as being acceptable for those purposes.

25 (5) For the purposes of paragraph (3)(b)—

(a) electronic transmission of a document by the Keeper to another person (“the recipient”) must be effected in a way that the recipient has indicated to the Keeper that the recipient is willing to receive the document,

30 (b) the recipient's indication of willingness to receive a document in a particular way may be—

(i) specific to the document in question or generally applicable to documents of that kind,

(ii) expressed specifically to the Keeper or generally (for example on a website),

35 (iii) inferred from the recipient having previously been willing to receive documents from the Keeper in that way and not having indicated unwillingness to do so again,

40 (c) the Keeper's uploading of a document to an electronic storage system from which the recipient is able to download the document may constitute electronic transmission of the document from the Keeper to the recipient.

(6) In this rule—

“document” includes a copy of a document,

“electronic signature” is to be construed in accordance with section 7(2) of the Electronic Communications Act 2000 (electronic signatures and related certificates), but includes a version of an electronic signature which is reproduced on a paper document.”

“the Keeper’s website” means the website maintained by, or on behalf of, the Keeper of the Registers of Scotland with the domain name ros.gov.uk.

#### PART 4

##### LAND AND BUILDINGS TRANSACTION TAX: ADDITIONAL AMOUNT

(1) The Land and Buildings Transaction Tax (Scotland) Act 2013 is amended by this paragraph.

(2) In subsection (2)(ja) of section 68 (subordinate legislation), after “19(3)” insert “, (3A), (3B)”.

(3) In schedule 2A (transactions relating to second homes etc.)—

(a) after paragraph 8A insert—

*“Repayment of additional amount: period for disposing of ownership of dwelling*

8B(1) Sub-paragraph (2) applies in relation to a chargeable transaction to which this schedule applies by virtue of paragraph 2 if the effective date of the transaction falls within the period beginning with 24 September 2018 and ending with 24 March 2020.

(2) Paragraph 8(1)(a) has effect in relation to the transaction as if for “period of 18 months” there were substituted “period of 36 months”.

(b) after paragraph 19(3) insert—

“(3A) The Scottish Ministers may by order amend paragraph 8B(1) so as to substitute, for the period that is for the time being specified there, a longer period.

(3B) The Scottish Ministers may by order amend paragraph 8B(2) so as to substitute, for the period that is for the time being specified there as the period to be substituted into paragraph 8(1)(a), a longer period.

(3C) The Scottish Ministers may make an order under sub-paragraph (3A) or (3B) only if they are satisfied that it is appropriate to make the order for a reason relating to coronavirus.

(3D) For the avoidance of doubt, an order under sub-paragraph (3A) or (3B) may have retrospective effect.”

(c) in paragraph 20(1), after the definition of “bare trust” insert—

““coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020.”

## PART 5

### NON-DOMESTIC RATES RELIEF

- 6 (1) The Local Government etc. (Scotland) Act 1994 is amended by this paragraph.
- (2) In section 153 (power to prescribe amount of non-domestic rate), after subsection (4)  
5 insert—
- “(4A) The Scottish Ministers may, during the financial year 2020-21, make regulations under subsection (1) prescribing rules, in accordance with which the amount payable as non-domestic rate may be reduced or remitted, which are to apply—
- 10 (a) for the whole of that year, including the period prior to the regulations being made, or
- (b) for such period falling within that year as is specified in the regulations, including a period beginning prior to the regulations being made.”.

## PART 6

### EXECUTION OF DOCUMENTS, ETC.

- 15 7 (1) The following requirements (however expressed) do not apply—
- (a) a requirement for a relevant person to be physically in the same place as another person when that person—
- 20 (i) signs or subscribes a document,
- (ii) takes an oath, or
- (iii) makes an affirmation or declaration,
- (b) a requirement for another person to be physically in the same place as a relevant person when the relevant person signs or subscribes a document.
- (2) In this paragraph—
- 25 “relevant person” means—
- (a) a solicitor,
- (b) an advocate,
- (c) a notary public,
- “requirement” means a requirement arising from an enactment or rule of law.
- 30 (3) For the avoidance of doubt—
- (a) the requirements described by sub-paragraph (1)(a) include a requirement that may be fulfilled by the physical presence of a professional of a type not mentioned in the definition of “relevant person” as well as by a professional of a type that is (for example, it includes a requirement for the physical presence of a solicitor or a registered medical practitioner), but
- 35 (b) sub-paragraph (1) only causes such a requirement not to apply in relation to a professional of a type that is mentioned in the definition of “relevant person”.

**PART 7**

FREEDOM OF INFORMATION

*Modification of Coronavirus (Scotland) Act 2020*

- 5 8 (1) Part 2 of schedule 6 of the Coronavirus (Scotland) Act 2020 (freedom of information) is amended by this paragraph.
- (2) In paragraph 6(2), after subparagraph (a) insert—
- “(aa) due to the authority operating under requirements of Part 2 of this schedule that were subsequently repealed before the end of the period during which Part 1 of this Act is in force.”.
- 10 (3) After paragraph 6(2), insert—
- “(2A) In considering whether the failure was reasonable in all the circumstances, the Commissioner must regard the public interest test as the primary consideration.”.
- 15 9 (1) The Coronavirus (Scotland) Act 2020 is amended as follows.
- (2) In schedule 6, Part 2 (freedom of information), paragraph 3 is repealed.
- 10 (1) The Coronavirus (Scotland) Act 2020 is amended as follows.
- (2) In schedule 6, Part 2 (freedom of information), paragraph 4 is repealed.
- 11 (1) The Coronavirus (Scotland) Act 2020 is amended as follows.
- (2) In schedule 6, Part 2 (freedom of information), paragraph 5 is repealed.
- 20 12 (1) The Scottish Ministers must lay reports before the Parliament in accordance with this paragraph on their responses to requests for information under the Freedom of Information (Scotland) Act 2002 during the period that Part 2 of Schedule 6 of the Coronavirus (Scotland) Act 2020 is in force.
- (2) A report under sub-paragraph (1) must contain information on—
- 25 (a) backlogs in responding to requests,
- (b) how many requests have been responded to,
- (c) what was provided in response to requests,
- (d) cases which were partially refused,
- (e) the number of requests subject to an internal review,
- 30 (f) backlogs in the internal review process,
- (g) appeals made to the Scottish Information Commissioner in respect of requests.
- (3) A report under sub-paragraph (1) should be laid before the Parliament at the end of each reporting period.
- 35 (4) A “reporting period” under sub-paragraph (3) is each successive period of 2 months that ends during the period before Part 1 expires by virtue of section 9(1).



- (5) The Scottish Ministers must lay a report under this paragraph before the Scottish Parliament no later than 14 days after the expiry of a reporting period.

## **PART 8**

### LOW EMISSION ZONES

- 5 13 (1) This paragraph applies in relation to low emission zones in Part 2 of the Transport (Scotland) Act 2019.
- (2) The Scottish Ministers must lay a report before the Parliament on progress towards establishing low emission zones by 4 December 2020.
- (3) A report under subsection (2) must include information on—
- 10 (a) how progress has been impeded by coronavirus,
- (b) how account has been taken of the impact low emission zones would have on the public health response to coronavirus.

## **PART 9**

### CONTROL OF OBSTRUCTIONS IN ROADS

- 15 14 (1) The Roads (Scotland) Act 1984 applies in accordance with the modification in this paragraph.
- (2) Section 59 (control of obstructions in roads) has effect as if—
- (a) after subsection (2) there were inserted—
- 20 “(2A) A person does not commit an offence under subsection (1) if—
- (a) the obstruction is caused by a person who operates a hospitality business placing tables and chairs outside the business premise where to do so is considered reasonable in the circumstances to carry on the business while ensuring that a distance of two metres is maintained between any persons on the premises (except between two members of the same household, or
- 25 a carer and the person assisted by the carer),
- (b) the person’s actions are in accordance with the conditions attached to the relevant roads authority’s consent,
- (c) the person does not obstruct accessibility for disabled persons and persons who have limited mobility.”.
- 30 (b) after subsection (6) there were inserted—
- “(7) In subsection (2A), “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020.”.

# **Coronavirus (Scotland) (No.2) Bill**

[AS AMENDED AT STAGE 2]

An Act of the Scottish Parliament to make provision in connection with coronavirus; and for connected purposes.

Introduced by: Michael Russell  
On: 11 May 2020  
Bill type: Government Bill

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