

# Coronavirus (Scotland) (No.2) Bill

[AS INTRODUCED]

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**THE FOLLOWING ACCOMPANYING DOCUMENTS ARE ALSO PUBLISHED:  
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Memorandum (SP Bill 71-PM) and statements on legislative competence (SP Bill 71-LC).**

# Coronavirus (Scotland) (No.2) Bill

## [AS INTRODUCED]

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*

10

#### **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*

#### **3 Operation of the justice system**

15

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*

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

20

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 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—
  - 5 (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”.
- (4) The power conferred by subsection (3)(b) may be used only after 30 September 2020.
- 10 (5) Regulations under subsection (3) are subject to the affirmative procedure.
- (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  
15 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.
- (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  
20 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,in connection with the expiry under subsection (1) of any provision of this Act.
- 25 (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)—
  - 30 (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—
  - 35 (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,
  - (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

(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.

(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.

(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.

(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

(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—

(a) set out how any powers conferred by the provisions of Part 1 have been exercised, and

(b) include—

(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)—
- 5           (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
- 10           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

- 15 (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).
- 20 (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).
- 25 (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.

### 30 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

35 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
- 15 paragraph comes into force.

*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.
- 20 (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—
- 35 **“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,”.

#### SCHEDULE 2

##### *(introduced by section 3)*

##### OPERATION OF THE JUSTICE SYSTEM

#### PART 1

##### CRIMINAL JUSTICE

###### *Criminal proceedings: extension of time limits*

- 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—
- (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—

(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—

(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—

“(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.

(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.

(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 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 functions),
  - 5 (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 are to be read as including functions within paragraph 2(2).

- 10 (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.

- 15 (5) The reference in paragraph (b) of rule 5 of the Prison Rules to the functions set out in 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 Criminal Justice (Scotland) Act 2016.

- 20 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),

25 “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*

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

- 30 (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**

- 35 (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,

(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.

5 (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.

10 (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).

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

## PART 2

### PROCEEDS OF CRIME

#### *Extension of permitted period for purpose of confiscation order*

20 7 (1) The Proceeds of Crime Act 2002 applies in accordance with the modifications in this paragraph.

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

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

25 “(4A) For the purposes of subsection (4), “exceptional circumstances”, in relation to 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*

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)—

35 (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”,

(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.

(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—

“(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**

(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)—

(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

(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.

(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.



5 (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”).

(5) The further extended period—

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

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

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

15 (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.

(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—

20 “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.”.

25 (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—

30 “(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—

35 (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.

5 (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—

10 (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—

15 (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—

25 (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

5

**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)—
- 10 (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”,
- 15 (c) 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

20

*Extension of deadline for accounts*

- 2 (1) The Housing (Scotland) Act 2010 is amended by this paragraph.
- (2) In section 70 (delivery of accounts and audit)—
- (a) the existing text becomes subsection (1),
- (b) after that subsection insert—
- 25 “(2) In respect of the financial year ending with 31 March 2020—
- (a) subsection (1) does not apply,
- (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.”.

30

**PART 3**

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

- 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)—
  - (i) the word “with” where it second appears is repealed,
  - (ii) for “2022” substitute “2021”.

5

**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*

- 4 (1) The Housing (Scotland) Act 1987 is amended by this paragraph.
- 10 (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—
    - “(1A) The Scottish Ministers may by regulations modify subsection (1) so as to extend the period mentioned in subsection (1).
    - 15 (1B) But the power may not be exercised to extend the period—
      - (a) by more than 6 months, or
      - (b) more than once.”,
    - (c) after subsection (3) insert—
      - “(4) Regulations under subsection (1A) are subject to the affirmative procedure.”.

20

SCHEDULE 4  
*(introduced by section 5)*

OTHER MEASURES IN RESPONSE TO CORONAVIRUS

**PART 1**

UEFA EUROPEAN CHAMPIONSHIP

- 25 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,
  - (b) for the definition of “Championship period”, substitute—
    - 30 “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)—
- (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
    - 35 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)”;

(c) for subsection (3) substitute—

5 “(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—

10 (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.”

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

15

## PART 2

### LISTED BUILDINGS AND CONSERVATION AREAS: CONSENTS

#### *Extension of period of consent*

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

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

20 (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.

25 (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,

30 “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—

35 “(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*

- 3 (1) This paragraph applies in relation to a document which is required or permitted to be  
 5 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.
- 10 (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  
 15 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  
 20 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.

*Register of judgments*

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

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

#### 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 27 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

(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) 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—

(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.”





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

[AS INTRODUCED]

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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