The Presiding Officer  
Scottish Parliament  

By Email.

3rd April 2020

Jean Kil \(\text{Signature}\)

The Coronavirus Act 2020 (Commencement No1) (Scotland) Regulations 2020

Today, on 3 April 2020, the Coronavirus Act 2020 (Commencement No. 1) (Scotland) Regulations 2020 are being made by the Scottish Ministers under section 87(6) of the Coronavirus Act 2020. The instrument is not subject to any Parliamentary procedure. It will be laid before the Scottish Parliament today. It comes into force on 5 April 2020.

Section 30(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 requires subordinate legislation to be laid as soon as practicable after the legislation is made (and in any event before the legislation is due to come into force). This has been complied with.

The Scottish Government usually allows a period of 10 to 14 calendar days between the date of laying a commencement instrument and the coming into force of provisions of an Act. That convention has not been complied with in this case for the reasons in this letter.

The Regulations commence sections 16 and 17 of the Coronavirus Act 2020. These sections allow local authorities in Scotland not to comply with particular assessment duties in relation to social care for children and adults, to the extent that complying would not be practical or would cause unnecessary delay in providing support to people. The aim is to allow Local Authorities to focus their resources on meeting the most urgent needs, thereby protecting the lives of the most vulnerable members of society.

When the 2020 Act was introduced, it was stated that the powers would only be brought into operation for the shortest time possible and only when absolutely necessary to protect people.

Similar provisions to relax social care duties in England were brought into force by the UK Government on 31 March.
Urgent commencement of these provisions is now necessary in Scotland to enable local authorities to respond to pressures across the social care system which are arising from the Covid-19 outbreak. The virus has had a significant impact on workforce capacity across both social work and social care, with some services in particular geographical regions reporting staff absences in the region of 40%. Relaxation of local authority social care assessment duties has become necessary to prevent services becoming unsustainable with consequent risks to vulnerable children and adults.

A copy of this letter has been sent to the Convenor of the Health and Sport Committee, and to the Convener of the Delegated Powers and Law Reform Committee.

Yours sincerely,

JEANE FREEMAN