



Coronavirus (Recovery and Reform) (Scotland) Act 2022

2022 asp 8

PART 5

TEMPORARY JUSTICE MEASURES

Temporary provisions

50 The measures

The [schedule](#) contains temporary modifications to the law.

51 Power to suspend and revive

- (1) The Scottish Ministers may by regulations—
 - (a) suspend the operation of any provision in the schedule,
 - (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apply to the suspension of a provision by regulations under [subsection \(1\)\(a\)](#) as if the provision had been repealed by an Act.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.

52 Expiry

- (1) The temporary modifications to the law in the schedule expire at the end of 30 November 2023.
- (2) Subsection (1) is subject to the power to bring expiry forward under [section 53](#).
- (3) The Scottish Ministers—
 - (a) may by regulations modify [subsection \(1\)](#) so that it specifies a date one year later than the date for the time being specified, but

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- (b) may not, by virtue of this subsection, modify [subsection \(1\)](#) so that it specifies a date later than 30 November 2025.
- (4) Ahead of any provision in the schedule expiring by virtue of subsection (1), the Scottish Ministers must carry out a review of its operation in order to decide whether the date of its expiry should be put back by virtue of subsection (3).
- (5) Subsection (4) does not apply if the date specified in subsection (1) is 30 November 2025.
- (6) In carrying out a review under subsection (4), the Scottish Ministers must consult any person they consider appropriate.
- (7) At the same time as 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 the affirmative procedure), the Scottish Ministers must lay before the Parliament a statement summarising—
 - (a) their reasons for proposing that the regulations be made,
 - (b) the findings of the latest review carried out under subsection (4),
 - (c) what consultation they undertook in carrying out that review.

53 Power to bring expiry forward

The Scottish Ministers may by regulations provide that any provision in the schedule—

- (a) does not expire at the time when it would otherwise expire (whether by virtue of [section 52](#) or previous regulations under this section), and
- (b) expires instead at such earlier time as is specified in the regulations.

54 Regulations under this Part

- (1) A power to make regulations conferred by this Part includes the power to make different provision for different purposes.
- (2) Regulations under sections [51](#) and [53](#) are subject to the negative procedure.
- (3) Regulations under [section 52](#) are subject to the affirmative procedure.

Supporting provisions

55 Criminal procedure time limits: consequential modifications

- (1) The Criminal Procedure (Scotland) Act 1995 is modified as follows.
- (2) In section 52T(4) (prevention of delay in trials: assessment orders and treatment orders)—
 - (a) in paragraph (a), for “the total periods of 80 days, 110 days and 140 days” substitute “any period”,
 - (b) in paragraph (b), the word “total” is repealed,
 - (c) in paragraph (c)—
 - (i) for “total of 40 days” substitute “period”,

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- (ii) before “section” insert “subsection (1) of”.
- (3) In section 65 (solemn proceedings: prevention of delay in trials)—
- (a) in subsection (3), for “either or both of the periods of 11 and 12 months”, in both places where it occurs, substitute “any period”,
 - (b) in subsection (10)—
 - (i) for “the periods of 11 and 12 months specified in subsections (1) and (3) above” substitute “any period specified in subsection (1) (including any such period as extended)”,
 - (ii) for “detained” substitute “in lawful custody”,
 - (iii) the words from “in any prison” to the end of the subsection are repealed.
- (4) In section 71B (first diet: appointment of trial date)—
- (a) in subsection (3)—
 - (i) for “12 month period”, in both places where it occurs, substitute “period specified in section 65(1)(b)”,
 - (ii) for “140 day period” substitute “period specified in section 65(4)(b)(ii)”,
 - (b) in subsection (4), for “12 month period” substitute “period specified in section 65(1)(b)”,
 - (c) in subsection (5)—
 - (i) for “140 day period” substitute “period specified in section 65(4)(b)(ii)”,
 - (ii) for “12 month period”, in both places where it occurs, substitute “period specified in section 65(1)(b)”,
 - (d) in subsection (6)—
 - (i) for “140 day period”, in both places where it occurs, substitute “period specified in section 65(4)(b)(ii)”,
 - (ii) for “12 month period” substitute “period specified in section 65(1)(b)”,
 - (e) in subsection (7)—
 - (i) for “140 day period” substitute “period specified in section 65(4)(b)(ii)”,
 - (ii) for “12 month period”, in both places where it occurs, substitute “period specified in section 65(1)(b)”,
 - (f) for subsection (10) substitute—
 - “(10) In this section a reference to the period specified in section 65(1)(b) or section 65(4)(b)(ii) is to be construed as including that period as extended.”.
- (5) In section 72A (preliminary hearing: appointment of trial diet)—
- (a) in subsection (3)—
 - (i) for “12 month period”, in both places where it occurs, substitute “period specified in section 65(1)(b)”,
 - (ii) for “140 day period” substitute “period specified in section 65(4)(aa)(ii)”,
 - (b) in subsection (4), for “12 month period” substitute “period specified in section 65(1)(b)”,

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- (c) in subsection (5)—
 - (i) for “140 day period” substitute “period specified in section 65(4)(aa)(ii)”,
 - (ii) for “12 month period”, in both places where it occurs, substitute “period specified in section 65(1)(b)”,
- (d) in subsection (6)—
 - (i) for “140 day period”, in both places where it occurs, substitute “period specified in section 65(4)(aa)(ii)”,
 - (ii) for “12 month period” substitute “period specified in section 65(1)(b)”,
- (e) in subsection (7)—
 - (i) for “140 day period” substitute “period specified in section 65(4)(aa)(ii)”,
 - (ii) for “12 month period”, in both places where it occurs, substitute “period specified in section 65(1)(b)”,
- (f) for subsection (10) substitute—
 - “(10) In this section a reference to the period specified in section 65(1)(b) or section 65(4)(aa)(ii) is to be construed as including that period as extended.”.

56 Criminal procedure time limits: transitional and saving provision

- (1) In relation to solemn proceedings in which the accused’s first appearance on petition was before 1 October 2022—
 - (a) sections 52T and 65 of the 1995 Act continue to apply in accordance with the modifications made by paragraph 10(2) and (3) of schedule 4 of the 2020 Act (despite that paragraph’s expiry),
 - (b) the modifications made to the 1995 Act by the following provisions of this Act do not apply—
 - (i) section 55(3)(b),
 - (ii) paragraph 20 of the schedule,
 - (iii) paragraph 22(2) of the schedule.
- (2) In relation to summary proceedings in which the complaint is brought in court before 1 October 2022—
 - (a) section 147 of the 1995 Act continues to apply in accordance with the modifications made by paragraph 10(5) of schedule 4 of the 2020 Act (despite that paragraph’s expiry),
 - (b) the modification made to section 147 of the 1995 Act by paragraph 22(3) of the schedule of this Act does not apply.
- (3) In this section—
 - “the 1995 Act” means the Criminal Procedure (Scotland) Act 1995,
 - “the 2020 Act” means the Coronavirus (Scotland) Act 2020.

57 Effect of early release from prison or young offenders institution by virtue of regulations

- (1) A person described in the first column of the table below who is released from custody by virtue of regulations under [paragraph 25 of the schedule](#), or paragraph 19(1) of schedule 4 of the Coronavirus (Scotland) Act 2020, is deemed to have been released by virtue of the provision of the 1993 Act mentioned in the corresponding entry in the second column.

Status of person immediately before release	Provision of the 1993 Act by virtue of which the person is deemed to have been released
A short-term prisoner	section 1(1)
A long-term prisoner	section 1(3)
A person serving a term of imprisonment or detention imposed on a basis mentioned in section 5(1)(a) or (b) of the 1993 Act (fine defaulters and persons in contempt of court) and who is, for any purpose, to be treated as a short-term prisoner by virtue of that section	section 1(1), construed as required by section 5(2)
A person serving a term of imprisonment or detention imposed on a basis mentioned in section 5(1)(a) or (b) of the 1993 Act and who is, for any purpose, to be treated as a long-term prisoner by virtue of that section	section 1(3), construed as required by section 5(2)
A person detained— (a) under section 208 of the Criminal Procedure (Scotland) Act 1995 (detention of children convicted on indictment), or (b) in pursuance of an order under section 7(3) of the 1993 Act (children detained in solemn proceedings)	section 7(2)

- (2) In [this section](#)—
- (a) “1993 Act” means the Prisoners and Criminal Proceedings (Scotland) Act 1993,
- (b) “short-term prisoner” and “long-term prisoner”—
- (i) have the meanings given in section 27(1) of the 1993 Act, and
- (ii) include a person treated, for any purpose, as a short-term prisoner or (as the case may be) a long-term prisoner by virtue of section 6(1)(a) or 16(5)(a) of the 1993 Act.