
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 64

PUBLIC HEALTH

The Coronavirus (Scotland) Acts (Early Expiry of Provisions) Regulations 2022

Made - - - - 21st February 2022
Laid before the Scottish Parliament - - - - 23rd February 2022
Coming into force - - 29th March 2022

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 13 of the Coronavirus (Scotland) Act 2020⁽¹⁾ and section 10 of the Coronavirus (Scotland) (No. 2) Act 2020⁽²⁾, and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Coronavirus (Scotland) Acts (Early Expiry of Provisions) Regulations 2022 and come into force on 29 March 2022.

(2) For the purposes of these Regulations, “the 2020 Act” means the Coronavirus (Scotland) Act 2020.

Expiry of provisions of the Coronavirus (Scotland) Act 2020

2. 30 March 2022 is specified as the day on which the following provisions of the 2020 Act expire—

- (a) paragraphs 2, 4 and 6 to 10 of schedule 1 (evictions from dwelling houses)⁽³⁾,
- (b) paragraphs 11⁽⁴⁾, 12 and 14 of schedule 6 (local authority meetings),
- (c) paragraphs 6 and 7 of schedule 7 (irritancy clauses in commercial leases: non-payment of rent or other sums due).

(1) 2020 asp 7.

(2) 2020 asp 10.

(3) Paragraphs 2, 4, 6, 7 and 9 were modified by [S.S.I. 2020/270](#).

(4) Paragraph 11(a) was previously repealed by section 8(5) of the Coronavirus (Extension and Expiry) (Scotland) Act 2021 ([asp 7](#)).

Expiry of provision of the Coronavirus (Scotland) (No. 2) Act 2020

3. 30 March 2022 is specified as the day on which paragraph 14 of schedule 4 (council tax: exempt dwellings) of the Coronavirus (Scotland) (No. 2) Act 2020 expires.

Saving provision

4.—(1) Despite regulation 2(a), the provisions of schedule 1 of the 2020 Act specified in paragraph (2), as they had effect immediately before 30 March 2022, continue to have effect for the purposes specified in paragraph (3).

(2) The specified provisions are paragraphs 2, 4, 6, 7, 9 and 10

(3) The specified purposes are all purposes in relation to—

- (a) a notice to leave, within the meaning of section 62 of the Private Housing (Tenancies) (Scotland) Act 2016⁽⁵⁾, received by a tenant prior to 30 March 2022,
- (b) a notice served on a tenant under section 14(2)(a) or 36(2)(a) of the Housing (Scotland) Act 2001⁽⁶⁾ prior to 30 March 2022,
- (c) a notice served on a tenant under section 19 or 33(1)(d) of the Housing (Scotland) Act 1988⁽⁷⁾ prior to 30 March 2022,
- (d) a notice served on a tenant in accordance with section 112(1) of the Rent (Scotland) Act 1984⁽⁸⁾ prior to 30 March 2022.

Transitional provision

5.—(1) Paragraph (2) applies where—

- (a) a notice under any of the provisions listed in regulation 4(3) has been served on a tenant prior to 30 March 2022 (“the existing notice”) and the notice period applicable to that notice has not expired, and
- (b) a new notice is served on the tenant under any of the provisions listed in regulation 4(3) (“the new notice”) seeking eviction on the same ground or grounds of eviction as the existing notice.

(2) Where this paragraph applies, the notice period applicable to the new notice cannot expire earlier than the notice period applicable to the existing notice.

(3) For the purposes of paragraph (1)(b)—

- (a) a new notice is on the same ground or grounds of eviction as the existing notice if the new notice contains any ground or grounds of eviction contained in the existing notice,
- (b) the reference to eviction includes possession or recovery of possession (however described), and
- (c) the reference to a ground or grounds of eviction includes a ground or grounds for possession or recovery of possession (however described).

(5) 2016 asp 19.

(6) 2001 asp 10.

(7) 1988 c. 43.

(8) 1984 c. 58.

St Andrew's House,
Edinburgh
21st February 2022

JOHN SWINNEY
A member of the Scottish Government

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations expire certain provisions of the Coronavirus (Scotland) Act 2020 (“the 2020 Act”) and the Coronavirus (Scotland) (No. 2) Act 2020 (“the second Act”).

These Regulations expire the following provisions—

- paragraphs 2, 4 and 6 to 10 of schedule 1 of the 2020 Act which: firstly, modify the law on eviction notices to extend the period of grace that a landlord must allow a tenant, following the service of an eviction notice, before they can raise eviction proceedings; secondly, modify statutory forms of eviction notices; and thirdly, make provision for errors in eviction notices,
- paragraphs 11, 12 and 14 of schedule 6 of the 2020 Act which modify a provision in the Local Government (Scotland) Act 1973 by replacing a compulsory requirement for local authorities to provide hard copies or extracts of a document requested by a member of the public in their offices with a provision which allows the local authority to provide such hard copies or extracts only if it is reasonably practicable to do so,
- paragraphs 6 and 7 of schedule 7 of the 2020 Act which provide that section 4 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 has effect to require a notice period of 14 weeks (rather than 14 days) to be given to a tenant before a landlord may terminate a commercial lease for non-payment of rent or other sums due under the lease,
- paragraph 14 of schedule 4 of the second Act which modifies schedule 1 of the Council Tax (Exempt Dwellings) (Scotland) Order 1997 ([S.I. 1997/728](#)) by creating an exemption from paying council tax in respect of those properties that were occupied by one of the groups of individuals listed at paragraphs 10 and 12 of the Order, and which are unoccupied on or after 17 March 2020 for a reason relating to coronavirus.

Regulation 4 makes saving provision to preserve certain provisions of schedule 1 of the 2020 Act as they have effect immediately before 30 March 2022 (schedule 1 has been modified by [S.S.I. 2020/270](#)) for the purposes of eviction notices served prior to 30 March 2022. This ensures that the notice periods applicable to eviction notices served prior to 30 March 2022 will continue to apply to those notices after the relevant provisions of schedule 1 have been expired.

Regulation 5 makes transitional provision to provide for the scenario where an eviction notice has been served by the landlord prior to 30 March 2022 (“the existing notice”), the notice period for which has not yet expired, and a further eviction notice (“the new notice”) is then served by the landlord on or after 30 March 2022. Where the new notice contains any of the grounds of eviction contained in the existing notice, the notice period for the new notice cannot expire earlier than the notice period for the existing notice.

An impact assessment has not been produced for this instrument.