

Draft Regulations laid before the Scottish Parliament under section 54(3) of the Coronavirus (Recovery and Reform) (Scotland) Act 2022, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2023 No.

**CIVIL PROCEEDINGS
CRIMINAL PROCEDURE**

**The Coronavirus (Recovery and Reform)
(Scotland) Act 2022 (Extension and Expiry of
Temporary Justice Measures) Regulations 2023**

*Made - - - - 2023
Coming into force in accordance with regulation 1(2)
and (3)*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 52(3), 53 and 58(1) of the Coronavirus (Recovery and Reform) (Scotland) Act 2022(1) and all other powers enabling them to do so.

In accordance with section 52(4) and (6) of that Act, the Scottish Ministers have carried out a review of the operation of the provisions in its schedule and in doing so, have consulted such persons as they consider appropriate.

In accordance with section 52(7) of that Act, the Scottish Ministers have laid before the Scottish Parliament a statement of reasons as to why this instrument should be made, the findings of the review carried out under section 52(4) of that Act and what consultation was undertaken in carrying out that review.

In accordance with section 54(3) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament(2).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Coronavirus (Recovery and Reform) (Scotland) Act 2022 (Extension and Expiry of Temporary Justice Measures) Regulations 2023.

(2) Subject to paragraph (3), these Regulations come into force on 29 November 2023.

(1) 2022 asp 8 as modified by S.S.I. 2023/172.

(2) By virtue of section 54 of the 2022 Act, regulations made under section 52(3) are subject to the affirmative procedure and regulations made under section 53 are subject to the negative procedure. Those powers are being exercised together to make these Regulations, by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10), which makes these Regulations subject to the affirmative procedure.

(3) Regulation 3 comes into force on 30 November 2023.

(4) In these Regulations, “the 2022 Act” means the Coronavirus (Recovery and Reform) (Scotland) Act 2022.

Expiry of temporary justice measures

2. Subject to regulation 4, 29 November 2023 is specified as the date at the end of which the following provisions of the schedule of the 2022 Act expire—

- (a) paragraph 15 (failure to appear before court following police liberation),
- (b) paragraph 22(3) and (4) (pre-trial and pre-sentence remand period),
- (c) paragraph 23 (power of court to adjourn cases).

Modification of the 2022 Act

3.—(1) The 2022 Act is modified in accordance with paragraph (2).

(2) In section 52(1) (expiry) for “30 November 2023” substitute “30 November 2024”.

Saving provision

4. Notwithstanding regulation 2(b), the modification contained in paragraph 22(3) of the schedule of the 2022 Act continues to have effect in relation to complaints brought in court prior to 30 November 2023.

St Andrew’s House,
Edinburgh
Date

Name
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify the expiry dates for the temporary justice measures contained in the Coronavirus (Recovery and Reform) (Scotland) Act 2022 (“the 2022 Act”).

Paragraphs 15, 22(3) and (4) and 23 of the schedule of the 2022 Act make temporary provision in relation to failures to appear before court following police liberation, pre-trial and pre-sentence remand periods and the power of the court to adjourn cases. Regulation 2 provides that those provisions will expire at the end of 29 November 2023, instead of at the end of 30 November 2023.

Regulation 3 modifies the expiry date in section 52(1) of the 2022 Act so that it reads “30 November 2024” rather than “30 November 2023”. The effect of this regulation is that all of the temporary justice measures which remain in force after 29 November 2023 will not expire at the end of 30 November 2023 but instead will be extended for twelve months, expiring at the end of 30 November 2024.

Saving provision is made in regulation 4, so that the pre-trial remand periods in paragraph 22(3) of the schedule of the 2022 Act continue to apply in respect of complaints which were brought in court prior to 30 November 2023.

A Business and Regulatory Impact Assessment was published for the Bill which led to the 2022 Act and is available on the Scottish Government’s website: [Coronavirus \(Recovery and Reform\) \(Scotland\) Bill: business and regulatory impact assessment - gov.scot \(www.gov.scot\)](#).