

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) (No.2) Act 2020, SCHEDULE 1. (See end of Document for details)

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,
 - “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,
 - “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.
- (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 (except in paragraph 3(3)).

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.
- (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
 - (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—
 - (i) in a case where sub-paragraph (3) applies, 7 days after the period begins, or
 - (ii) in any other case, 28 days after the period begins.

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) (No.2) Act 2020, SCHEDULE 1. (See end of Document for details)

- (3) This sub-paragraph applies where—
- (a) the tenancy was entered into before the coming into force of this paragraph, and
 - (b) the let property was occupied by the tenant under the tenancy at any time before the coming into force of this paragraph.
- (4) In a case where two or more persons jointly are the tenant under the tenancy, the reference in sub-paragraph (3) to the tenant is to any of those persons.

PART 2

TENANCIES: PRE-ACTION REQUIREMENTS FOR ORDER FOR POSSESSION OR EVICTION ORDER ON GROUND OF RENT ARREARS

Assured and short assured tenancy

- 4 (1) The Housing (Scotland) Act 1988 applies in accordance with the modifications in this paragraph.
- (2) Section 18 (orders for possession) has effect as if—
- (a) after subsection (3A) there were inserted—

“(3B) Subsection (3C) applies where the First-tier Tribunal is satisfied—

 - (a) that Ground 8 in schedule 5 is established, and
 - (b) that all or part of the rent in respect of which the tenant is in arrears as mentioned in that Ground relates to the period during which paragraph 4 of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 is in force.

(3C) Where this subsection applies, in considering for the purposes of subsection (4) (as applied in accordance with the modification made by paragraph 3(2)(b) of schedule 1 of the Coronavirus (Scotland) Act 2020) whether it is reasonable to make an order for possession against the tenant, the First-tier Tribunal is to consider the extent to which the landlord has complied with pre-action requirements before raising the proceedings for possession.”,
 - (b) after subsection (8) there were inserted—

“(9) In subsection (3C), “pre-action requirements” means such requirements as the Scottish Ministers may specify in regulations.

(10) Regulations under subsection (9) may in particular make provision about—

 - (a) information to be provided by a landlord to a tenant including information about the terms of the tenancy, rent arrears and any other outstanding financial obligation under the tenancy,
 - (b) steps to be taken by a landlord with a view to seeking to agree arrangements with a tenant for payment of future rent, rent arrears and any other outstanding financial obligation under the tenancy,

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) (No.2) Act 2020, SCHEDULE 1. (See end of Document for details)

(c) such other matters as the Scottish Ministers consider appropriate.

(11) Regulations under subsection (9) are subject to the affirmative procedure.”.

(3) Section 53(2) (orders and regulations) has effect as if after “above” there were inserted “ or regulations under section 18(9) ”.

Private residential tenancy

5 (1) The Private Housing (Tenancies) (Scotland) Act 2016 applies in accordance with the modifications in this paragraph.

(2) Paragraph 12 of schedule 3 (rent arrears) has effect as if—

(a) after sub-paragraph (3) there were inserted—

“(3A) Sub-paragraph (3B) applies where the First-tier Tribunal is satisfied—

(a) that the eviction ground named by sub-paragraph (1) applies, and

(b) that all or part of the rent in respect of which the tenant is in arrears as mentioned in that eviction ground relates to the period during which paragraph 5 of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 is in force.

(3B) Where this sub-paragraph applies, in considering for the purposes of sub-paragraph (3)(b) whether it is reasonable to issue an eviction order against the tenant, the First-tier Tribunal is to consider the extent to which the landlord has complied with pre-action requirements before applying for the eviction order.”.

(b) after sub-paragraph (5) there were inserted—

“(6) In sub-paragraph (3B), “pre-action requirements” means such requirements as the Scottish Ministers may specify in regulations.

(7) Regulations under sub-paragraph (6) may in particular make provision about—

(a) information to be provided by a landlord to a tenant including information about the terms of the tenancy, rent arrears and any other outstanding financial obligation under the tenancy,

(b) steps to be taken by a landlord with a view to seeking to agree arrangements with a tenant for payment of future rent, rent arrears and any other outstanding financial obligation under the tenancy,

(c) such other matters as the Scottish Ministers consider appropriate.”.

(3) Section 77(3) (regulation-making powers) has effect as if after “41” there were inserted “ and paragraph 12(6) of schedule 3 ”.

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) (No.2) Act 2020, SCHEDULE 1. (See end of Document for details)

PART 3

CARER'S ALLOWANCE SUPPLEMENT

- 6 (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)) ”,
 - (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 4

SOCIAL CARE STAFF SUPPORT FUND

- 7 (1) The Scottish Ministers must, as soon as practicable after Royal Assent, establish and maintain a fund to be known as the “social care staff support fund”.
- (2) The Scottish Ministers must use the fund to provide financial assistance to workers in the social care sector—
- (a) whose ability to undertake contracted health and care work is, or has been, restricted, for a reason relating to coronavirus (such as, but not limited to, inability to work in multiple or linked workplaces), and
 - (b) as a result of that restriction, whose income is reduced and consequently would experience, or are experiencing, financial hardship during the period when Part 1 is in force.
- (3) The Scottish Ministers must by regulations make further provision about the establishment, maintenance and administration of the fund.
- (4) Regulations under sub-paragraph (3)—
- (a) must be laid before the Scottish Parliament as soon as practicable after they are made,
 - (b) 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.
- (5) In calculating the period of 28 days in sub-paragraph (4)(b), 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.
- (6) If regulations cease to have effect as a result of sub-paragraph (4)(b), that does not—
- (a) affect anything previously done under the regulations,
 - (b) prevent the making of new regulations.
- (7) In sub-paragraph (2), the “social care sector” includes any care service within the meaning given in section 47 of the Public Services Reform (Scotland) Act 2010.

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) (No.2) Act 2020, SCHEDULE 1. (See end of Document for details)

PART 5

BANKRUPTCY

Electronic service of documents

- 8 (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.
- (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—
“ (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 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),
 - (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

- 9 (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—
“(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 paragraph comes into force.

*Status: Point in time view as at 27/05/2020.**Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) (No.2) Act 2020, SCHEDULE 1. (See end of Document for details)*

Meaning of “qualified creditor”

- 10 (1) The Bankruptcy (Scotland) Act 2016 applies in accordance with the modifications in this paragraph.
- (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 ”.

Deadline for sending proposals for debtor's contribution

- 11 (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 ”.
- (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

- 12 (1) The Bankruptcy (Scotland) Act 2016 applies in accordance with the modifications in this paragraph.
- (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 ”.

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) (No.2) Act 2020, SCHEDULE 1. (See end of Document for details)

Electronic signature of forms

- 13 (1) The Bankruptcy (Scotland) Regulations 2016 (S.S.I. 2016/397) apply in accordance with the modifications in this paragraph.
- (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

- 14 (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—

“Temporary exemption from fees under Coronavirus (Scotland) (No.2) Act 2020

- 7A Despite item 22 in Part 2 of the table of fees, no fee is payable to AiB under that item for the determination of a debtor application—
- (a) in relation to a debtor who, at the date of making the application, is in receipt of one or more of the following payments—
 - (i) universal credit under Part 1 of the Welfare Reform Act 2012;
 - (ii) another income-related benefit within the meaning given by section 191 of the Social Security Administration Act 1992;
 - (iii) jobseeker's allowance under the Jobseekers Act 1995;
 - (iv) state pension credit under the State Pension Credit Act 2002;
 - (v) child tax credit under the Tax Credits Act 2002; or
 - (vi) employment and support allowance under Part 1 of the Welfare Reform Act 2007;
 - (b) in relation to a debtor who, at the date of making the application, is in receipt of working tax credit, provided that—
 - (i) child tax credit is being paid to the debtor, or otherwise following a claim for child tax credit made jointly by the members of a couple (as defined in section 3(5A) of the Tax Credits Act 2002) which includes the debtor; or
 - (ii) there is a disability element or severe disability element (or both) to the tax credit received by the debtor,
- and that the gross annual income taken into account for the calculation of the working tax credit is £18,000 or less; or

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) (No.2) Act 2020, SCHEDULE 1. (See end of Document for details)

- (c) in relation to a debtor who, within the period of 3 months prior to the date of making the application, received financial or other assistance under the Welfare Funds (Scotland) Act 2015.”.
- (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 6

MENTAL HEALTH: NAMED PERSON NOMINATION

- 15 (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 15 of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 comes into force,”.

PART 7

CARE HOMES

Emergency directions

- 16 (1) The Public Services Reform (Scotland) Act 2010 applies in accordance with the modification in this paragraph.
- (2) The Act has effect as if after section 63 (special provision for certain care services provided by local authorities) there were inserted—

“Care homes: emergency directions

63A Emergency power to direct care home service during coronavirus pandemic

- (1) A Health Board may, if the condition in subsection (2) is met, direct a person who provides a care home service registered under this Chapter at specified accommodation in the Board's area to take such steps as may be specified within such period as may be specified.
- (2) The condition is that the Health Board considers that, for a reason relating to coronavirus, there is a material risk to the health of persons at the specified accommodation.
- (3) The specified steps must relate directly to reducing the risk to the health of persons at the specified accommodation (for example, by requiring specified cleaning to take place).

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) (No.2) Act 2020, SCHEDULE 1. (See end of Document for details)

- (4) A Health Board must have regard to any guidance issued by the Scottish Ministers in relation to the exercise of its functions under this section.
- (5) The Scottish Ministers must publish any guidance that they issue under this section in such manner as they consider appropriate.
- (6) The power under subsection (1) to give a direction includes the power to vary or revoke an earlier direction under that subsection.
- (7) A direction given under this section must be in writing.
- (8) For the purposes of this section and section 63B—
 - “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020,
 - “Health Board” means a Health Board constituted under section 2(1) (a) of the National Health Service (Scotland) Act 1978, and “area” in relation to a Health Board, means the area for which the Board is constituted,
 - “specified” means specified in a direction given under subsection (1).

63B Power to act where section 63A direction not complied with

- (1) This section applies where a Health Board that gave a direction under section 63A is not satisfied that the person to whom the direction was given has complied with the direction.
- (2) The Health Board may—
 - (a) take the specified steps (or such of those steps as have not been taken),
 - (b) take entry to the specified accommodation (if necessary to take the steps), and
 - (c) recover from the provider of the care home service the costs incurred by the authority in relation to taking the specified steps.
- (3) A sheriff may grant a warrant under this section to authorise the Health Board—
 - (a) to enter the premises, and
 - (b) to take the specified steps.
- (4) A sheriff may grant a warrant under this section only if satisfied that—
 - (a) there are reasonable grounds for entering the specified accommodation, and
 - (b) entry to the specified accommodation has been refused.
- (5) A warrant expires—
 - (a) 28 days after the day on which it was granted, or
 - (b) if earlier, when the specified steps have been taken.
- (6) For the purposes of section 64 (cancellation of registration), failure to comply with a warrant granted under this section is a relevant offence.”.

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) (No.2) Act 2020, SCHEDULE 1. (See end of Document for details)

Emergency intervention orders

- 17 (1) The Public Services Reform (Scotland) Act 2010 applies in accordance with the modification in this paragraph.
- (2) The Act has effect as if after section 65 there were inserted—

“65A Care homes: emergency intervention orders

- (1) The Scottish Ministers may apply to the court for an emergency intervention order in respect of a care home service provided at accommodation specified in the application.
- (2) An emergency intervention order is an order which—
- (a) authorises the Scottish Ministers to nominate a person to act as a nominated officer,
 - (b) authorises the nominated officer to—
 - (i) enter and occupy the accommodation specified in the order (“the accommodation”),
 - (ii) direct and control the provision of the care home service at the accommodation, and
 - (iii) do anything that the officer considers necessary to ensure that the care home service is provided to an appropriate standard, and
 - (c) requires the person who is (or, immediately prior to the granting of an order under section 65, was) registered under this Chapter as the provider of a care home service at the accommodation (“the affected provider”) to comply with any direction given by the officer in relation to the provision of care home services at the accommodation,
- for such period of up to 12 months as may be specified in the order.
- (3) On an application under subsection (1), the court may make such interim order as it thinks fit.
- (4) An order under this section has no effect on the rights or obligations of persons receiving care home services at the accommodation.
- (5) The Scottish Ministers may, where satisfied that it is essential do so for a reason relating to coronavirus, to prevent an imminent and serious risk to the life or health of persons at the accommodation, exercise the powers that would be available under an emergency intervention order prior to making an application to the court.
- (6) But, where the Scottish Ministers exercise powers under subsection (5), they must make an application under subsection (1) within 24 hours of their exercise of the powers (and may exercise the powers until the application is considered by the court).
- (7) The court must make an emergency intervention order if it appears to the court that, unless the order is made, for a reason relating to coronavirus there will be a serious risk to the life, health or wellbeing of persons at the accommodation.

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) (No.2) Act 2020, SCHEDULE 1. (See end of Document for details)

- (8) The court may include such incidental provision in an order under this section as the court thinks fit (for example, prohibiting the sale of the accommodation or the disposal of any assets used in the provision of care services at the accommodation).
- (9) As soon as practicable after the Scottish Ministers have made an application under subsection (1), they must notify the appropriate authorities.
- (10) Where the court makes an order under this section, the Scottish Ministers must as soon as reasonably practicable give a copy of it to—
 - (a) the affected provider, and
 - (b) the appropriate authorities.
- (11) The court may grant an order under this section in the absence of the affected provider.
- (12) An order under this section has effect from—
 - (a) the time at which it is made, or
 - (b) such other time as the court considers appropriate.
- (13) The court may, on the application of the Scottish Ministers or the affected provider—
 - (a) vary an emergency intervention order,
 - (b) extend its duration for a further period of up to 6 months,
 - (c) revoke it (either immediately or on such date as the court may specify).
- (14) The court may, on the application of the Scottish Ministers or the affected provider, vary or recall an interim order granted under subsection (3).
- (15) An order made under this section has effect notwithstanding the making of an appeal in relation to the order.
- (16) For the purpose of this section—
 - (a) the appropriate authorities are—
 - (i) SCSWIS,
 - (ii) the local authority and the health board within whose area the care home service is provided,
 - (iii) Healthcare Improvement Scotland,
 - (b) “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020,
 - (c) “court” means the Court of Session or the sheriff,
 - (d) “Health Board” means a Health Board constituted under section 2(1) (a) of the National Health Service (Scotland) Act 1978,
 - (e) “nominated officer” means a person appointed by the Scottish Ministers whom they consider suitable to perform the functions conferred under an emergency intervention order.

65B Further provision in relation to emergency intervention orders

- (1) The Scottish Ministers may by regulations make further provision in connection with emergency intervention orders under section 65A.

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) (No.2) Act 2020, SCHEDULE 1. (See end of Document for details)

(2) Regulations under this section—

- (a) must be laid before the Scottish Parliament as soon as practicable after they are made, and
 - (b) 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.
- (3) In calculating the period of 28 days, no account is to be taken of any time during which the Scottish Parliament is dissolved or in recess for more than 4 days.
- (4) If regulations cease to have effect as a result of subsection (2)(b), that does not—
- (a) affect anything previously done under the regulations,
 - (b) prevent the making of new regulations.”.

PART 8

POWERS TO PURCHASE CARE HOME SERVICES AND CARE AT HOME PROVIDERS

Power of local authority to purchase distressed care home or care at home service provider

- 18 (1) A local authority may acquire (by agreement)—
- (a) a relevant provider of care home services,
 - (b) a relevant provider of care at home services, or
 - (c) any asset or liability of a provider mentioned in paragraph (a) or (b),
- in the circumstances described in paragraph 20.
- (2) This paragraph is without prejudice to sections 69 and 70 of the Local Government (Scotland) Act 1973 (subsidiary powers and acquisition of land by agreement).

Power of health body to purchase distressed care home service provider

- 19 (1) A health body may, on behalf of the Scottish Ministers, acquire (by agreement)—
- (a) a relevant provider of care home services, or
 - (b) any asset or liability of such a provider,
- in the circumstances described in paragraph 20.
- (2) A health body must comply with a direction given by the Scottish Ministers in relation to the functions conferred on it under this paragraph.
- (3) The power under sub-paragraph (2) to give a direction includes the power to vary or revoke an earlier direction under that sub-paragraph.
- (4) A direction given under this paragraph must—
- (a) be in writing, and
 - (b) be published in such manner as the Scottish Ministers consider appropriate.
- (5) This paragraph is without prejudice to section 79 of the National Health Service (Scotland) Act 1978 (purchase of land and moveable property).

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) (No.2) Act 2020, SCHEDULE 1. (See end of Document for details)

Circumstances in which powers under this Part may be exercised

- 20 (1) This paragraph describes the circumstances in which the powers conferred by paragraph 18 or 19 may be exercised in relation to a relevant provider of care home services or care at home services (“the provider”).
- (2) The circumstances are that, for a reason relating to coronavirus—
- (a) the provider is in serious financial difficulty,
 - (b) the local authority or, as the case may be, the health body is satisfied that there is a threat to the life, health or wellbeing of the persons receiving the services, or
 - (c) the provider has recently ceased to provide the services.
- (3) For the purposes of sub-paragraph (2)(a), a provider is to be regarded as being in serious financial difficulty if it notifies SCSWIS of an insolvency event under regulation 6A, 6B or 6C of the Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011 (S.S.I. 2011/210).
- (4) As soon as practicable after receiving notification of such an insolvency event, SCSWIS is to inform—
- (a) any local authority and Health Board in whose areas the services are being provided,
 - (b) the Common Services Agency, and
 - (c) Healthcare Improvement Scotland,
- that such notification has been received.
- (5) For the purposes of being satisfied as to the threat described in sub-paragraph (2)(b)—
- (a) in a case where the proposed acquisition is by a local authority, it must consult—
 - (i) SCSWIS,
 - (ii) any other local authority in whose area the services are being provided,
 - (iii) any Health Board in whose area the services are being provided,
 - (iv) the Common Services Agency,
 - (v) Healthcare Improvement Scotland,
 - (vi) such other persons or bodies as it considers appropriate (if any),
 - (b) in a case where the proposed acquisition is by a health body, it must consult—
 - (i) SCSWIS,
 - (ii) any local authority in whose area the services are being provided,
 - (iii) any Health Board in whose area the services are being provided,
 - (iv) the Common Services Agency,
 - (v) Healthcare Improvement Scotland,
 - (vi) such other persons or bodies as it considers appropriate (if any).

Interpretation

- 21 In this Part—
- “asset” includes any right or interest in land or moveable property,
 - “care home service” has the meaning given by paragraph 2 of schedule 12 of the Public Services Reform (Scotland) Act 2010,

*Status: Point in time view as at 27/05/2020.**Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) (No.2) Act 2020, SCHEDULE 1. (See end of Document for details)*

“care at home service” means the provision of—

- (a) domiciliary services (within the meaning of section 94 of the Social Work (Scotland) Act 1968), or
- (b) a support service consisting wholly or mainly of providing personal care in the home of the person receiving the care,

“Health Board” means a Health Board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978, and “area”, in relation to a Health Board, means the area for which the Board is constituted,

“health body” means a Health Board, the Common Services Agency or Healthcare Improvement Scotland,

“personal care” has the meaning given by paragraph 20 of schedule 12 of the Public Services Reform (Scotland) Act 2010,

“relevant provider of care home services” means a person or body providing care home services other than a local authority or a health body,

“relevant provider of care at home services” means a person or body providing care at home services other than a local authority or a health body,

“SCSWIS” means Social Care and Social Work Improvement Scotland,

“support service” has the meaning given by paragraph 1 of schedule 12 of the Public Services Reform (Scotland) Act 2010.

PART 9

CARE HOMES: FURTHER PROVISION

Inspections

- 22 (1) The Public Services Reform (Scotland) Act 2010 applies in accordance with the modification in this paragraph.
- (2) The Act has effect as if after section 53 there were inserted—

“53A Inspections of care homes

- (1) SCSWIS must lay a report before the Parliament every two weeks setting out—
 - (a) which care home services it inspected during those two weeks, and
 - (b) the findings of those inspections.
- (2) The first report is to be laid before the Parliament two weeks after paragraph 22 of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 comes into force.”.

Reporting on coronavirus deaths

- 23 (1) The Public Services Reform (Scotland) Act 2010 applies in accordance with the modification in this paragraph.
- (2) The Act has effect as if after section 79 there were inserted—

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) (No.2) Act 2020, SCHEDULE 1. (See end of Document for details)

“79A Reporting on coronavirus deaths in care homes

- (1) Any person who provides a care home service must make a report to SCSWIS every day on—
 - (a) the number of deaths of residents in the care home from coronavirus since the relevant date,
 - (b) the number of deaths of residents in the care home, since the relevant date, that are suspected to be attributable to coronavirus,
 - (c) the total number of deaths in the care home, since the relevant date, irrespective of whether or not they are attributable to coronavirus.
- (2) As soon as practicable after the end of each 7 day period during which SCSWIS has been receiving reports under subsection (1), using the information in those reports, SCSWIS must make a report to the Scottish Ministers on—
 - (a) the total number of deaths in care homes in Scotland from coronavirus since the relevant date,
 - (b) the total number of deaths of residents in care homes in Scotland, since the relevant date, that are suspected to be attributable to coronavirus,
 - (c) the total number of deaths in care homes in Scotland, since the relevant date, irrespective of whether or not they are attributable to coronavirus.
- (3) The Scottish Ministers must lay each report from SCSWIS under subsection (2) before the Parliament as soon as practicable and in any event no later than 7 days after they have received it.
- (4) In this section—

“coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020,

“relevant date” means the day before the date on which paragraph 23 of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 comes into force.”.

PART 10

MARRIAGE AND CIVIL PARTNERSHIP

- 24 (1) The Scottish Ministers must, in conjunction with the Registrar General of Births, Deaths and Marriages for Scotland, take such steps as they consider to be necessary to ensure that the solemnisation of marriages and registration of civil partnerships continue to be available in Scotland during the emergency period.
- (2) Steps taken under sub-paragraph (1) must ensure that the ability of persons to exercise rights under Article 12 (right to marry) of the European Convention on Human Rights is not disproportionately interfered with for reasons relating to coronavirus.
- (3) The Scottish Ministers must, in respect of each reporting period, prepare a report on—

Status: Point in time view as at 27/05/2020.

Changes to legislation: There are currently no known outstanding effects for the
Coronavirus (Scotland) (No.2) Act 2020, SCHEDULE 1. (See end of Document for details)

- (a) the steps taken under sub-paragraph (1), and
 - (b) the number of marriages solemnised and civil partnerships registered in Scotland during the reporting period.
- (4) The Scottish Ministers must lay each report under sub-paragraph (3) before the Scottish Parliament no later than 14 days after the expiry of a reporting period.
- (5) In this paragraph—
 - “emergency period” means the period for which this paragraph is in force,
 - “reporting period” has the meaning given by section 12(4).

Status:

Point in time view as at 27/05/2020.

Changes to legislation:

There are currently no known outstanding effects for the Coronavirus (Scotland) (No.2) Act 2020, SCHEDULE 1.