Coronavirus (Scotland) Act 2020

2020 asp 7

PART 2

SUPPORTING PROVISIONS

9 Advancement of equality and non-discrimination

[[F1](1)**]** In exercising a function conferred by virtue of Part 1 (including a function of making subordinate legislation), the Scottish Ministers must have **[**[F2]regard—

(a) to the importance of communicating in an inclusive way,

(b)**]** to opportunities to advance equality and non-discrimination.

[[F3](2) In subsection (1)(a), "communicating in an inclusive way" means communicating in a way that ensures that individuals who have difficulty communicating (in relation to speech, language or otherwise) can receive information and express themselves in ways that best meet each individual's needs.**]**

Textual Amendments

F1 S. 9(1): s. 9 renumbered as s. 9(1) (27.5.2020) by Coronavirus (Scotland) (No.2) Act 2020 (asp 10), **ss. 6(4)**, 16(1)

F2 Words in s. 9(1) substituted (27.5.2020) by Coronavirus (Scotland) (No.2) Act 2020 (asp 10), **ss. 6(5)**, 16(1)

F3 S. 9(2) inserted (27.5.2020) by Coronavirus (Scotland) (No.2) Act 2020 (asp 10), **ss. 6(6)**, 16(1)

10 Subordinate legislation making powers

Any power to make subordinate legislation conferred by virtue of Part 1 includes power to make—

(a) incidental, supplementary, consequential, transitional, transitory or saving provision,

(b) different provision for different purposes or areas.

11 Power to suspend and revive provisions

(1) The Scottish Ministers may by regulations—

(a) suspend the operation of any provision of Part 1,

(b) revive the operation of a provision so suspended.

(2) Sections 15 to 17 of the Interpretation and Legislative Reform (Scotland) Act 2010 apply to the suspension of a provision by regulations under subsection (1)(a) as if the provision had been repealed by an Act.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.

(4) Regulations under this section—

(a) may make different provision for different purposes or areas,

(b) may make transitional, transitory or saving provision.

(5) Regulations under this section are subject to the negative procedure.

12 Expiry

(1) Part 1 expires **[**[F4]at the end of 31 March 2022**]**.

(2) Subsection (1) is subject to section 13.

[[F5](3) The Scottish Ministers may by regulations amend subsection (1) so as to replace "31 March 2022" with "30 September 2022".**]**

(5) Regulations under subsection (3) are subject to the affirmative procedure.

(6) **[**[F6]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, the Scottish Ministers must lay before the Parliament a statement of their reasons why the regulations should be made.

[F7](7) . . . . . .

[F7](8) . . . . . .

(9) The Scottish Ministers may by regulations make transitional, transitory or saving provision in connection with the expiry under subsection (1) of any provision of this Act.

(10) Regulations under subsection (9)—

(a) may make different provision for different purposes or areas,

(b) are subject to the negative procedure.

Textual Amendments

F4 Words in s. 12(1) substituted (5.8.2021) by Coronavirus (Extension and Expiry) (Scotland) Act 2021 (asp 19), **ss. 1(2)**, 11(2)

F5 S. 12(3) substituted for s. 12(3)(4) (5.8.2021) by Coronavirus (Extension and Expiry) (Scotland) Act 2021 (asp 19), **ss. 1(3)**, 11(2)

F6 Words in s. 12(6) substituted (5.8.2021) by Coronavirus (Extension and Expiry) (Scotland) Act 2021 (asp 19), **ss. 8(2)**, 11(2)

F7 S. 12(7)(8) repealed (30.9.2021 at the end of the day) by Coronavirus (Extension and Expiry) (Scotland) Act 2021 (asp 19), **ss. 8(3)**, 11(1)

13 Power to bring forward expiry

(1) The Scottish Ministers may by regulations provide that any provision of Part 1—

(a) does not expire at the time when it would otherwise expire (whether by virtue of section 12 or previous regulations under this section), and

(b) expires instead at such earlier time as is specified in the regulations.

(2) Regulations under this section—

(a) may make different provision for different purposes or areas,

(b) may make transitional, transitory or saving provision.

(3) Regulations under this section are subject to the negative procedure.

Modifications etc. (not altering text)

C1 S. 13(1) modified (5.8.2021) by Coronavirus (Extension and Expiry) (Scotland) Act 2021 (asp 19), **ss. 2(9)**, 11(2)

14 Power to amend Act in consequence of amendments to subordinate legislation

(1) The Scottish Ministers may by regulations modify any provision of this Act which modifies the effect of a provision of subordinate legislation.

(2) The power in subsection (1) may be exercised only if the modification is necessary in consequence of the modification of the provision of the subordinate legislation by other subordinate legislation.

(3) Regulations under subsection (1) may make transitional, transitory or saving provision.

(4) Regulations under subsection (1) must be laid before the Scottish Parliament as soon as reasonably practicable after they have been made.

(5) Regulations under subsection (1) 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.

(6) In calculating the period of 28 days for the purpose of subsection (5), 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.

(7) If regulations cease to have effect as a result of subsection (5), that does not—

(a) affect the validity of anything previously done under them, or

(b) prevent the making of new regulations.

15 Reports by the Scottish Ministers on status of provisions

(1) The Scottish Ministers must, in respect of each reporting period—

(a) undertake a review of the operation of the provisions of Part 1 with a view to considering whether those provisions remain necessary, and

(b) prepare a report on that review.

(2) A report prepared under subsection (1) must—

(a) set out how any powers conferred by the provisions of Part 1 have been exercised, and

(b) include—

(i) the status of the provisions of Part 1 (whether or not any power under a provision has been exercised), and

(ii) a statement that the Scottish Ministers are satisfied that the status of those provisions is appropriate.

(3) The references in subsection (2) to the "status" of a provision are to—

(a) whether the provision is in force at the end of the reporting period, and

(b) whether any power under the following provisions has been exercised by the Scottish Ministers in relation to it during that period (and, if so, which and how)—

(i) section 11 (regulations suspending or reviving provision),

(ii) section 13 (regulations altering expiry date of provision),

(iii) section 17(2) (regulations bringing provision into force).

(4) Each of the following is a "reporting period"—

(a) the period beginning with the day after Royal Assent and ending on 31 May 2020,

(b) each successive period of 2 months that ends during the period before Part 1 of this Act expires by virtue of section 12(1).

(5) The Scottish Ministers must lay each report prepared under subsection (1) before the Scottish Parliament no later than 14 days after the end of a reporting period.

[[F8]15A Reviews: information about domestic abuse

(1) The Scottish Ministers must—

(a) in undertaking a review under section 15(1)(a), take account of any information about the nature and number of incidents of domestic abuse occurring during the reporting period to which the review relates given to them, or published, by—

(i) the Scottish Police Authority, or

(ii) the chief constable of the Police Service of Scotland, and

(b) explain in the report on that review prepared under section 15(1)(b) how the information was taken account of.

(2) In subsection (1)(a), "reporting period" means a period mentioned in section 15(4)(b).]

Textual Amendments

F8 S. 15A inserted (27.5.2020) by Coronavirus (Scotland) (No.2) Act 2020 (asp 10), **ss. 13(3)**, 16(1)

16 Ancillary provision

(1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, or in connection with, or for giving full effect to this Act or any provision made under it.

(2) Without prejudice to section 6 of the Interpretation and Legislative Reform (Scotland) Act 2010, the Scottish Ministers may by regulations modify any regulations made under subsection (1) in consequence of—

(a) the exercise of a power under section 11,

(b) the expiry of a provision of this Act under section 12,

(c) the exercise of a power under section 13.

(3) Regulations under subsection (2) may make transitional, transitory or saving provision.

(4) Regulations under this section—

(a) may modify the effect of any enactment (including this Act),

(b) are subject to the negative procedure.

17 Commencement

(1) This Act comes into force on the day after Royal Assent, subject to subsection (2).

(2) Paragraph 11(1) of schedule 3 (and section 4 so far as it relates to that paragraph) comes into force on such day as the Scottish Ministers may by regulations appoint.

(3) The Scottish Ministers may by regulations make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act.

18 Short title

The short title of this Act is the Coronavirus (Scotland) Act 2020.

Status:
Point in time view as at 30/09/2021.

Changes to legislation:
There are currently no known outstanding effects for the Coronavirus (Scotland) Act 2020, PART 2.