

Status: Point in time view as at 07/04/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) Act 2020, SCHEDULE 7. (See end of Document for details)

SCHEDULE 7

(introduced by section 8)

OTHER MEASURES IN RESPONSE TO CORONAVIRUS

Social security

- 1 The Social Security (Scotland) Act 2018—
 - (a) is amended by paragraphs 2 to 4, and
 - (b) applies in accordance with the modifications in paragraph 5.
- 2 In section 41 (right to request re-determination)—
 - (a) in subsection (2)(b), after “(4)” insert “ (read with section 52A) ”,
 - (b) in subsection (4)(b)(ii), after “determination” insert “ (but see section 52A) ”.
- 3 In section 48 (deadline for appealing), in subsection (1)(c) after “occurred” insert “ (but see section 52A) ”.
- 4 After section 52 insert—

“Coronavirus: relaxation of deadlines

52A Re-determination and appeal deadlines

- (1) A request for a re-determination satisfies the condition in subsection (4) of section 41, despite being made after the expiry of the period described in paragraph (b) of that subsection, if the person deciding whether the individual has a good reason for not requesting a re-determination sooner decides that the individual has a good reason that is related to coronavirus.
- (2) An appeal may be brought under section 46, despite the appeal application being made after the expiry of the period described in paragraph (c) of subsection (1) of section 48, if the First-tier Tribunal gives permission for the appeal to be brought under paragraph (b) of that section on the basis of being satisfied that the good reason for the application not being made sooner is related to coronavirus.
- (3) Any provision of Scottish Tribunal Rules that would (but for this subsection) have the effect of precluding an appeal being brought by virtue of subsection (2) is to be disregarded to the extent that it would have that effect.
- (4) In this section, “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020.

52B Applications for assistance

- (1) Subsection (2) applies where regulations under Chapter 2 make an individual's eligibility for assistance in respect of a period or event depend (in any way) on an application being made by a particular time.
- (2) The person determining an individual's entitlement to the assistance may treat the individual's application as having been made by that time if satisfied that the reason for its not being made sooner is related to coronavirus.

Status: Point in time view as at 07/04/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) Act 2020, SCHEDULE 7. (See end of Document for details)

- (3) For the avoidance of doubt, regulations that make a person's age at the time of making an application material to the determination of an individual's entitlement to assistance are to be understood to make the individual's eligibility depend on the application being made by a particular time (namely the time at which the person ceases to be the specified age or fall within the specified age bracket).
- (4) In this section, “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020.”.

5 Section 43 (duty to re-determine) has effect as if—

- (a) in subsection (2), after “the determination” there were inserted “ as soon as reasonably practicable ”,
- (b) after subsection (5) there were inserted—

“(5A) Any regulations under subsection (5) prescribing a period, that are made before paragraph 5 of schedule 7 of the Coronavirus (Scotland) Act 2020 comes into force, are to be read as though they prescribed a period 9 weeks longer than the period actually prescribed.”.

Irritancy clauses in commercial leases: non-payment of rent or other sums due

6 The Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 applies in accordance with the modifications in paragraph 7.

7 Section 4 (irritancy clauses etc. relating to monetary breaches of lease) has effect as if—

- (a) in subsection (3)(a) and (b), for “days” there were substituted “ weeks ”,
- (b) after subsection (3) there were inserted—

“(3A) The Scottish Ministers may, by regulations, amend the period referred to in paragraphs (a) and (b) of subsection (3).

(3B) Regulations under subsection (3A) are subject to the negative procedure.”,

- (c) after subsection (5) there were inserted—

“(5A) This section applies regardless of whether the circumstances referred to in paragraph (a) or (b) of subsection (1), in which a landlord is entitled to terminate a lease, occurred before or after the date on which paragraph 7 of schedule 7 of the Coronavirus (Scotland) Act 2020 came into force.

(5B) A notice served under subsection (2) before the date on which paragraph 7 of schedule 7 of the Coronavirus (Scotland) Act 2020 came into force becomes void if, by that date, the time period specified in the notice has not yet expired.”.

Duration of planning permission

8 The Town and Country Planning (Scotland) Act 1997 applies in accordance with the modifications in paragraphs 9 and 10.

Status: Point in time view as at 07/04/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) Act 2020, SCHEDULE 7. (See end of Document for details)

9 Section 58 (duration of planning permission) has effect as if after subsection (3A) there were inserted—

“(3B) During the emergency period, a planning permission which otherwise would lapse under subsection (1) or (2) lapses at the end of the extended period, unless, before the end of the extended period, the development to which the permission relates is begun.

(3C) In subsection (3B)—

“emergency period” means the period of 6 months beginning with the date on which paragraph 9 of schedule 7 of the Coronavirus (Scotland) Act 2020 came into force,

“extended period” means the period of 12 months beginning with that date.

(3D) The Scottish Ministers may, by regulations, amend the definition of “emergency period” or “extended period” in subsection (3C).

(3E) Regulations under subsection (3D) are subject to the negative procedure.”.

10 Section 59 (planning permission in principle) has effect as if after subsection (8) there were inserted—

“(8A) During the emergency period, a planning permission which otherwise would lapse under subsection (4) (including by virtue of a direction made under subsection (5)) lapses at the end of the extended period, unless, before the end of the extended period, the development to which the permission relates is begun.

(8B) Where the latest date by which an application would otherwise be required to be made under subsection (2)(a) falls within the emergency period, then that application may be made at any time before the end of the extended period.

(8C) In subsections (8A) and (8B)—

“emergency period” means the period of 6 months beginning with the date on which paragraph 10 of schedule 7 of the Coronavirus (Scotland) Act 2020 came into force,

“extended period” means the period of 12 months beginning with that date.

(8D) The Scottish Ministers may, by regulations, amend the definition of “emergency period” or “extended period” in subsection (8C).

(8E) Regulations under subsection (8D) are subject to the negative procedure.”.

Electronic delivery of copy of deed to Registers of Scotland

11 The Land Registration etc. (Scotland) Act 2012 applies in accordance with the modification in paragraph 12.

12 Section 21 (application for registration of deed) has effect as if after subsection (4) there were inserted—

“(5) For the purposes of this section, submission by electronic means of a copy of the deed is sufficient evidence of the original for the purposes of accepting an application for registration.

Status: Point in time view as at 07/04/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) Act 2020, SCHEDULE 7. (See end of Document for details)

- (6) But subsection (5) applies only where submission of the copy is by a means (and in a form) which is specified on the Keeper's website as being acceptable.
- (7) In subsection (5), references to submission by electronic means are to submission—
- (a) by means of an electronic communications network (for example as an attachment to an email), or
 - (b) by other means but in a form which requires the use of electronic apparatus by the recipient to render the thing delivered intelligible.
- (8) In subsection (7)(a), “electronic communications network” has the meaning given by section 32 of the Communications Act 2003.”.
- 13 The Land Registers (Scotland) Act 1868 applies in accordance with the modifications in paragraph 14.
- 14 Section 6A (writs transmitted electronically to Register of Sasines) has effect as if—
- (a) in subsection (1), the words “which is an electronic document” were repealed,
 - (b) after subsection (5) there were inserted—
 - “(6) For the purposes of this section, submission by electronic means of a copy of the writ is sufficient evidence of the original for the purposes of accepting an application.
 - (7) But subsection (6) applies only where submission of the copy is by a means (and in a form) which is specified on the Keeper's website as being acceptable.
 - (8) In subsection (6), references to submission by electronic means are to submission—
 - (a) by means of an electronic communications network (for example as an attachment to an email),
 - (b) by other means but in a form which requires the use of electronic apparatus by the recipient to render the thing delivered intelligible.
 - (9) In subsection (8)(a), “electronic communications network” has the meaning given by section 32 of the Communications Act 2003.”.

Land registration: period of effect of advance notice

- 15 Paragraph 16 applies to an advance notice within the meaning of section 56 of the Land Registration etc. (Scotland) Act 2012 (“the 2012 Act”) entered in the application record and that had effect by virtue of section 58(1) of that Act on 24 March 2020.
- 16 The advance notice is to be treated as having continued and continuing to have effect from that date until the end of the period ending 10 days after the day on which the Keeper of the Registers of Scotland (the “Keeper”) declares the application record (within the meaning of section 15 of the 2012 Act) fully open for the making of entries.

Status: Point in time view as at 07/04/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) Act 2020, SCHEDULE 7. (See end of Document for details)

- 17 Paragraph 18 applies to an advance notice within the meaning of section 56 of the 2012 Act recorded in the Register of Sasines and that had effect by virtue of section 58(1) of that Act on 24 March 2020.
- 18 The advance notice is to be treated as having continued and continuing to have effect from that date until the end of the period ending 10 days after the day on which the Keeper of the Registers of Scotland declares the Register of Sasines fully open for the recording of entries.
- 19 Section 58 of the 2012 Act (period of effect of advance notice) has effect as if modified as follows—
- (a) after subsection (1) there were inserted—
 - “(1A) If the application record is closed for the making of all entries as a result of coronavirus, an advance notice which has effect on the day the application record is closed is to have effect until the later of—
 - (a) the end of the period specified in section 58(1),
 - (b) the end of the period ending 10 days after the day on which the Keeper declares the application record fully open for the making of entries.
 - (1B) If the Register of Sasines is closed for the making of all entries as a result of coronavirus, an advance notice which has effect on the day the Register of Sasines is closed is to have effect until the later of—
 - (a) the end of the period specified in section 58(1),
 - (b) the end of the period ending 10 days after the day on which the Keeper declares the application record fully open for the recording of entries.
 - (1C) If the application record is closed for the making of some entries as a result of coronavirus, an advance notice which is entered in the application record during the period that the application record is closed in part is to have effect until the later of—
 - (a) the end of the period specified in section 58(1),
 - (b) the end of the period ending 10 days after the day on which the Keeper declares the application record fully open for the making of entries.
 - (1D) If the Register of Sasines is closed for the recording of some entries as a result of coronavirus, an advance notice which is recorded during the period that the Register of Sasines is closed in part is to have effect until the later of—
 - (a) the end of the period specified in section 58(1),
 - (b) the end of the period ending 10 days after the day on which the Keeper declares the Register of Sasines fully open for the making of entries.”,
 - (b) in subsection (2), for “Subsection (1) is” there were substituted “ Subsections (1), (1A), (1B), (1C) and (1D) are ”,
 - (c) after subsection (7) there were inserted—
 - “(8) In this section, “coronavirus” has the meaning given by section 1 of the Coronavirus (Scotland) Act 2020.”.

Status: Point in time view as at 07/04/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) Act 2020, SCHEDULE 7. (See end of Document for details)

Anatomy Act 1984: extension of periods

- 20 The Anatomy Act 1984 applies in accordance with the modifications in paragraphs 21 and 22.
- 21 Section 4B (lawful examinations: further provision) has effect as if after subsection (3) there were inserted—
- “(3A) For the purposes of subsections (2) and (3), if the statutory period would otherwise expire during the period in which paragraph 21 of schedule 7 of the Coronavirus (Scotland) Act 2020 has effect, the period expires instead on the day on which that paragraph ceases to have effect.”.
- 22 Section 5 (control of possession after examination) has effect as if—
- (a) subsection (1)(b) were repealed,
 - (b) after subsection (1) there were inserted—
- “(1A) For the purposes of subsection (1)(c)(iii), if the period of 3 years would otherwise elapse during the period in which paragraph 22 of schedule 7 of the Coronavirus (Scotland) Act 2020 has effect, the period is to be treated as elapsing instead on the day on which that paragraph ceases to have effect.”.

Scrutiny of subordinate legislation in urgent cases

- 23 Subordinate legislation which—
- (a) is to be made by Scottish statutory instrument, and
 - (b) would (but for this paragraph) be subject to the affirmative procedure,
- may be made without being subject to that procedure if the person making the legislation considers that necessary by reason of urgency.
- 24 A Scottish statutory instrument containing subordinate legislation made in accordance with paragraph 23 must state that the person who made it considered it necessary, by reason of urgency, to make the legislation in accordance with paragraph 23.
- 25 Where subordinate legislation is made in accordance with paragraph 23, the following do not apply—
- (a) a requirement to take any steps before or when laying a draft Scottish statutory instrument containing the legislation before the Scottish Parliament in accordance with section 29(2) of the Interpretation and Legislative Reform (Scotland) Act 2010,
 - (b) a requirement to take any steps while a draft Scottish statutory instrument containing the legislation is lying before the Parliament in accordance with that section,
 - (c) any other requirement to take steps before making the subordinate legislation.
- 26 Subordinate legislation made in accordance with paragraph 23 must be laid before the Scottish Parliament as soon as reasonably practicable after it is made.
- 27 Subordinate legislation made in accordance with paragraph 23 ceases to have effect at the end of the period of 28 days beginning with the day on which it is made unless, during that period, the legislation is approved by resolution of the Scottish Parliament.

Status: Point in time view as at 07/04/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) Act 2020, SCHEDULE 7. (See end of Document for details)

- 28 In calculating the period of 28 days for the purpose of paragraph 27, 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.
- 29 If subordinate legislation ceases to have effect as a result of paragraph 27, that does not—
- (a) affect the validity of anything previously done under the legislation, or
 - (b) prevent the making of new subordinate legislation.
- 30 (1) In paragraphs 23 to 29, “subordinate legislation” includes an instrument to be made under any retained direct EU legislation on or after exit day (within the meaning of the European Union (Withdrawal) Act 2018 (see section 20(1) to (5) of that Act)).
- (2) Paragraphs 23 to 29 do not apply to regulations to be made under paragraph 20(1) of schedule 4.

Business improvement districts: extension of certain arrangements

- 31 (1) This paragraph applies to BID arrangements if—
- (a) they are in force on the day on which this paragraph comes into force, and
 - (b) on that day, the period specified in the arrangements as the period for which they are in force is due to end on a date (“the current expiry date”) that is before 31 March 2021.
- (2) But this paragraph does not apply to those BID arrangements if—
- (a) a ballot for the renewal of the arrangements has taken place in accordance with section 45(2) of the 2006 Act before the day on which this paragraph comes into force, and
 - (b) the result of the ballot is that the renewal of the arrangements is approved.
- (3) BID arrangements to which this paragraph applies are to be read as if—
- (a) the period specified in the arrangements as the period for which they are in force ended on 31 March 2021,
 - (b) the arrangements specified a chargeable period (“the 2021 chargeable period”)—
 - (i) beginning on the day after the current expiry date, and
 - (ii) ending on 31 March 2021,
 - (c) the arrangements provided for the amount of BID levy chargeable for the 2021 chargeable period—
 - (i) to be calculated in the same manner as for the last chargeable period, and
 - (ii) to be apportioned on a just and reasonable basis, where the 2021 chargeable period is not the same length as the last chargeable period, and
 - (d) the description of eligible ratepayers and any eligible other persons specified in the arrangements as liable for BID levy for the 2021 chargeable period were the same as that specified for the last chargeable period.
- (4) For the purpose of sub-paragraph (3), “the last chargeable period” is the last chargeable period specified in the BID arrangements to end on or before the current expiry date.

Status: Point in time view as at 07/04/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) Act 2020, SCHEDULE 7. (See end of Document for details)

- (5) The requirement in section 45(1) of the 2006 Act that the period for which BID arrangements have effect may not exceed 5 years does not apply to BID arrangements to the extent that the period specified in the arrangements is to be read as being extended by virtue of sub-paragraph (3)(a).
- (6) Nothing in this paragraph prevents the termination or alteration of BID arrangements in accordance with regulations under section 45(4) of the 2006 Act.
- (7) In this paragraph—
- “the 2006 Act” means the Planning etc. (Scotland) Act 2006,
 - “the 2021 chargeable period” has the meaning given in sub-paragraph (3)(b),
 - “BID arrangements” has the same meaning as it has in Part 9 of the 2006 Act,
 - “BID levy”, “chargeable period”, “eligible ratepayer” and “eligible other person” have the same meaning as they have in the Planning etc. (Scotland) Act 2006 (Business Improvement Districts Levy) Order 2007 (S.I. 2007/772),
 - “the last chargeable period” has the meaning given in sub-paragraph (4).

Muirburn

- 32 The Hill Farming Act 1946 applies in accordance with the modifications in paragraph 33.
- 33 Section 23 (muirburn season) has effect as if—
- (a) in subsection (1), at the beginning, there were inserted “Subject to subsection (1A),”,
 - (b) after subsection (1) there were inserted—
 - “(1A) During the relevant period, a person may not make muirburn on land.
 - (1B) In subsection (1A), the “relevant period” means the period in which paragraph 33 of schedule 7 of the Coronavirus (Scotland) Act 2020 has effect.”.

Status:

Point in time view as at 07/04/2020.

Changes to legislation:

There are currently no known outstanding effects for the Coronavirus (Scotland) Act 2020, SCHEDULE 7.