
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations partially expire paragraphs 6, 8 and 9 of the schedule of the Coronavirus (Recovery and Reform) (Scotland) Act 2022. Those provisions introduced temporary justice measures concerning the modes of attendance at courts and tribunals.

These Regulations also fully expire paragraph 24 of that schedule which modified section 99 of the Proceeds of Crime Act 2002 to put beyond doubt that “exceptional circumstances” in relation to the court’s power to postpone proceedings for making a confiscation order beyond the end of the permitted period included the effect (direct or indirect) of coronavirus on the proceedings.

Paragraphs 6, 8 and 9 are no longer required as the Court of Session is making court rules by Act of Sederunt to regulate the modes of attendance in court proceedings in the Court of Session and those subject to the Ordinary Cause Rules 1993 in the sheriff court. Those court rules will come into force on the same date as the expiry of the provisions repealed by these Regulations.

The provisions therefore expire only for the purpose of non-criminal proceedings in the Court of Session and those subject to the Ordinary Cause Rules 1993.

Saving provision is made so that any directions made by the court in proceedings in the Court of Session and those subject to the Ordinary Cause Rules 1993 continue to have effect in relation to hearings which are to take place on and after the date the relevant provisions are expired.

Saving provision is also made so that any decision of the court to extend a period of postponement under section 99 of the Proceeds of Crime Act 2022 continues to have effect after the date the relevant provisions are expired.