

POLICY NOTE

THE CORONAVIRUS (RECOVERY AND REFORM) (SCOTLAND) ACT 2022 (EXTENSION AND EXPIRY OF TEMPORARY JUSTICE MEASURES) REGULATIONS 2023

SSI 2023/360

The above instrument was made in exercise of the powers conferred by sections 52(3), 53 and 58(1) of the Coronavirus (Recovery and Reform) (Scotland) Act 2022. The instrument is subject to affirmative procedure.*

Summary Box

These Regulations expire the temporary justice measures in the Coronavirus (Recovery and Reform) (Scotland) Act 2022 (“the 2022 Act”) that are no longer required. They also modify the expiry date for the remaining temporary justice measures, with the effect that those measures remain in force until 30 November 2024.

Policy Objectives

The 2022 Act includes a range of temporary justice measures that were originally introduced in response to Covid-19 to support the operation of Scotland’s justice system as it responded to the impact of the pandemic and associated restrictions it led to. These temporary measures are currently due to expire on 30 November 2023. This instrument’s objectives are to (i) extend the availability of those temporary measures that are continuing to play a valuable role in helping Scotland’s justice system to process business more effectively and efficiently in the wake of the Covid-19 pandemic and support the system's recovery from the effects of the pandemic; and (ii) expire those temporary provisions that are no longer necessary or proportionate. Further detail is provided in the Statement of Reasons produced to accompany the instrument (SG/2023/180).

EU Alignment Consideration

This instrument is not relevant to the Scottish Government’s policy to maintain alignment with the EU.

Consultation

To comply with the requirements of section 52(6) of the 2022 Act, the Scottish Ministers have consulted a range of stakeholders to inform the contents of this instrument. Further detail is provided in the Statement of Reasons produced to accompany the instrument.

Impact Assessments

The provisions extended by this instrument all form part of the 2022 Act. The following impact assessments were carried out for the 2022 Act. They have been reviewed and, where necessary, updated to reflect the contents of this instrument:

- [Coronavirus \(Recovery and Reform\) \(Scotland\) Bill: child rights and wellbeing impact assessment¹](#)
- [Coronavirus \(Recovery and Reform\) \(Scotland\) Bill: equalities impact assessment²](#)
- [Coronavirus \(Recovery and Reform\) \(Scotland\) Bill: fairer Scotland duty impact assessment³](#)
- [Coronavirus \(Recovery and Reform\) \(Scotland\) Bill: island communities impact assessment⁴](#)

Financial Effects

The provisions extended by this instrument all form part of the 2022 Act. A Business and Regulatory Impact Assessment was carried out for the Act, and can be found here:

- [Coronavirus \(Recovery and Reform\) \(Scotland\) Bill: business and regulatory impact assessment⁵](#)

The Scottish Government has reviewed the Business and Regulatory Impact Assessment and is satisfied that it reflects the impact of the instrument.

*** Note on Parliamentary Procedure**

Under the terms of the 2022 Act, regulation 3 in this instrument is subject to the affirmative procedure, while the remaining regulations are subject to the negative procedure. The regulations have been combined in a single, affirmative, instrument because of their interrelated nature: regulation 2 only has meaningful effect if regulation 3 is passed by the Parliament.

Scottish Government
Justice Directorate

September 2023

¹ <https://www.gov.scot/publications/coronavirus-recovery-reform-scotland-bill-child-rights-wellbeing-impact-assessment-crwia/>

² <https://www.gov.scot/publications/coronavirus-recovery-reform-scotland-bill-equalities-impact-assessment-eqia/>

³ <https://www.gov.scot/publications/coronavirus-recovery-reform-scotland-bill-fairer-scotland-duty-impact-assessment-fsdi/>

⁴ <https://www.gov.scot/publications/coronavirus-recovery-reform-scotland-bill-island-communities-impact-assessment-icia/>

⁵ <https://www.gov.scot/publications/coronavirus-recovery-reform-scotland-bill-business-regulatory-impact-assessment-bria/>