



# Coronavirus Act 2020

## 2020 CHAPTER 7

**U.K.**

An Act to make provision in connection with coronavirus; and for connected purposes.  
x1

[25th March 2020]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Editorial Information

- X1** Act (except for specified provisions) expires at the end of 2 years beginning with the date of Royal Assent, see [s. 89](#) (subject to [s. 90](#)); and a relevant national authority may by regulations suspend (and subsequently revive) the operation of any provision of this Act (except for those provisions listed in [s. 88\(6\)](#)), see [s. 88](#)

## PART 1 **U.K.**

### MAIN PROVISIONS

#### *Interpretation*

## 1 Meaning of “coronavirus” and related terminology **U.K.**

(1) In this Act—

“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“coronavirus disease” means COVID-19 (the official designation of the disease which can be caused by coronavirus).

*Status:* Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.  
*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coronavirus Act 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (2) A reference in this Act to infection or contamination, however expressed, is a reference to infection or contamination with coronavirus.
- (3) But a reference in this Act to persons infected by coronavirus, however expressed, does not (unless a contrary intention appears) include persons who have been infected but are clear of coronavirus (unless re-infected).

*Emergency registration of health professionals*

**2 Emergency registration of nurses and other health and care professionals** **U.K.**

- Schedule 1 contains temporary modifications of—
- (a) the Nursing and Midwifery Order 2001 (S.I. 2002/253), and
  - (b) the Health Professions Order 2001 (S.I. 2002/254).

**F13 Emergency arrangements concerning medical practitioners: Wales** **E+W**

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**Textual Amendments**

**F1** S. 3 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90)

**F24 Emergency arrangements concerning medical practitioners: Scotland** **S**

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**Textual Amendments**

**F2** S. 4 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90)

**5 Emergency registration of and extension of prescribing powers for pharmaceutical chemists: Northern Ireland** **N.I.**

Schedule 4 contains temporary modifications of the Pharmacy (Northern Ireland) Order 1976 (S.I. 1976/1213 (N.I. 22)).

*Temporary registration of social workers*

**6 Emergency registration of social workers: England and Wales** **E+W**

- Schedule 5 contains temporary modifications of—
- (a) the Social Workers Regulations 2018 (S.I. 2018/893), and
  - (b) the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2).

**F37 Temporary registration of social workers: Scotland** **S**

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#### Textual Amendments

**F3** S. 7 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), **s. 89** (with s. 90)

PROSPECTIVE

### *Emergency volunteers*

#### **[<sup>F4</sup>8** Emergency volunteering leave **U.K.**

Schedule 7 makes provision for emergency volunteering leave.]

#### Textual Amendments

**F4** S. 8 expires in part (17.7.2021) by [The Coronavirus Act 2020 \(Early Expiry\) Regulations 2021 \(S.I. 2021/856\)](#), **reg. 2(1)(a)** (see [2020 c. 7](#), s. 89(2)(n))

#### **F<sup>5</sup>9** Compensation for emergency volunteers **U.K.**

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#### Textual Amendments

**F5** S. 9 expires (17.7.2021) by [The Coronavirus Act 2020 \(Early Expiry\) Regulations 2021 \(S.I. 2021/856\)](#), **reg. 2(1)(b)**

### *Mental health and mental capacity*

#### **10** Temporary modification of mental health and mental capacity legislation **U.K.**

**[<sup>F6</sup>(1)** Schedule 8 contains temporary modifications of the Mental Health Act 1983, and related provision.]

**<sup>F7</sup>(2)** .....

**[<sup>F8</sup>(3)** Schedule 10 contains temporary modifications of the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4)), and related provision.]

**(4)** Schedule 11 contains temporary modifications of the Mental Capacity Act (Northern Ireland) 2016 (c. 18 (N.I.)), and related provision.

#### Textual Amendments

**F6** S. 10(1) expires (E.) (10.12.2020) by [The Coronavirus Act 2020 \(Expiry of Mental Health Provisions\) \(England and Wales\) Regulations 2020 \(S.I. 2020/1467\)](#), **reg. 2(1)(a)** (with reg. 2(2))

S. 10(1) expires in part (W.) (10.12.2020) by [The Coronavirus Act 2020 \(Expiry of Mental Health Provisions\) \(England and Wales\) Regulations 2020 \(S.I. 2020/1467\)](#), **reg. 2(1)(b)(ii)**

**F7** S. 10(2) expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), **s. 89** (with s. 90)

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**F8** S. 10(3) suspended in part (10.5.2021) by [The Coronavirus Act 2020 \(Suspension\) Order \(Northern Ireland\) 2021 \(S.R. 2021/98\)](#), arts. 1(1), 2 (with art. 3, Sch.)

#### Commencement Information

**I1** S. 10 in force at 27.3.2020 at 9.00 a.m. for W. by [S.I. 2020/366](#), [reg. 2\(a\)](#)

**I2** S. 10(3) in force at 2.4.2020 by [S.R. 2020/58](#), [art. 2\(a\)](#)

**I3** S. 10(4) in force at 2.4.2020 for specified purposes by [S.R. 2020/58](#), [art. 2\(b\)](#)

### Health service indemnification

## 11 Indemnity for health service activity: England and Wales **E+W**

- (1) The appropriate authority may—
  - (a) indemnify a person in respect of a qualifying liability incurred by the person, or
  - (b) make arrangements for a person to be indemnified, in respect of a qualifying liability incurred by the person, by an authorised person.
- (2) References in this section to a qualifying liability are to a liability in tort, in respect of or consequent on death, personal injury or loss, arising out of or in connection with a breach of a duty of care owed in connection with the provision, after the coming into force of this section, of a relevant service.
- (3) “Relevant service” means a service which is provided by a person as part of the health service and which—
  - (a) relates to—
    - (i) caring for or treating a person who has, or is suspected of having, coronavirus disease, whether or not in respect of that disease,
    - (ii) caring for or treating a person (other than a person within subparagraph (i)) who has been, or is suspected of being, infected or contaminated, in respect of that infection or contamination or suspected infection or contamination, or
    - (iii) diagnosing or determining whether a person has been infected or contaminated,
  - (b) relates to diagnosis, care or treatment and is provided in consequence of another person who usually provides such a service (other than one within paragraph (a)) as part of the health service being unable to do so in consequence of providing a service within paragraph (a), or
  - (c) relates to diagnosis, care or treatment and is provided in consequence of another person who usually provides such a service as part of the health service being unable to do so because of a reason relating to coronavirus.
- (4) In a case within subsection (1)(a), any question relating to—
  - (a) whether a person has incurred a qualifying liability, or
  - (b) the amount of any payment by virtue of subsection (1),
 is to be determined by the appropriate authority.
- (5) In a case within subsection (1)(b)—
  - (a) any question relating to whether a person has incurred a qualifying liability is to be determined by the authorised person;

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- (b) any question relating to the amount of any payment by virtue of subsection (1) is to be determined by the authorised person in accordance with the arrangements.
- (6) Subsection (1) does not apply where arrangements are already in place (whether under an insurance policy or otherwise) for the person to be indemnified in respect of the liability.
- (7) In this section—
  - “the appropriate authority” means—
    - (a) in relation to a relevant service provided as part of the English health service, the Secretary of State;
    - (b) in relation to a relevant service provided as part of the Welsh health service, the Welsh Ministers;
  - “authorised person” means a person authorised by the appropriate authority;
  - “the health service” means the English health service or the Welsh health service;
  - “the English health service” means the health service continued under section 1(1) of the National Health Service Act 2006;
  - “the Welsh health service” means the health service continued under section 1(1) of the National Health Service (Wales) Act 2006.

## 12 Indemnity for health service activity: Scotland **S**

- (1) The Scottish Ministers may—
  - (a) indemnify a person in respect of a qualifying liability incurred by the person, or
  - (b) make arrangements for a person to be indemnified, in respect of a qualifying liability incurred by the person, by an authorised person.
- (2) References in this section to a qualifying liability are to a liability in delict, in respect of or consequent on death, personal injury or loss, arising out of or in connection with a breach of a duty of care owed in connection with the provision, after the coming into force of this section, of a relevant service.
- (3) “Relevant service” means a service which is provided by a person as part of the health service and which—
  - (a) relates to—
    - (i) caring for or treating a person who has, or is suspected of having, coronavirus disease, whether or not in respect of that disease,
    - (ii) caring for or treating a person (other than a person within subparagraph (i)) who has been, or is suspected of being, infected or contaminated, in respect of that infection or contamination or suspected infection or contamination, or
    - (iii) diagnosing or determining whether a person has been infected or contaminated,
  - (b) relates to diagnosis, care or treatment and is provided in consequence of another person who usually provides such a service (other than one within paragraph (a)) as part of the health service being unable to do so in consequence of providing a service within paragraph (a), or

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- (c) relates to diagnosis, care or treatment and is provided in consequence of another person who usually provides such a service as part of the health service being unable to do so because of a reason relating to coronavirus.
- (4) In a case within subsection (1)(a), any question relating to—
  - (a) whether a person has incurred a qualifying liability, or
  - (b) the amount of any payment by virtue of subsection (1),
 is to be determined by the Scottish Ministers.
- (5) In a case within subsection (1)(b)—
  - (a) any question relating to whether a person has incurred a qualifying liability is to be determined by the authorised person;
  - (b) any question relating to the amount of any payment by virtue of subsection (1) is to be determined by the authorised person in accordance with the arrangements.
- (6) Subsection (1) does not apply where arrangements are already in place (whether under an insurance policy or otherwise) for the person to be indemnified in respect of the liability.
- (7) In this section—
  - “authorised person” means a person authorised by the Scottish Ministers;
  - “the health service” means the health service continued under section 1(1) of the National Health Service (Scotland) Act 1978.

### 13 Indemnity for health and social care activity: Northern Ireland **N.I.**

- (1) The Department of Health may—
  - (a) indemnify a person in respect of a qualifying liability incurred by the person, or
  - (b) make arrangements for a person to be indemnified, in respect of a qualifying liability incurred by the person, by an authorised person.
- (2) References in this section to a qualifying liability are to a liability in tort, in respect of or consequent on death, personal injury or loss, arising out of or in connection with a breach of a duty of care owed in connection with the provision, after the coming into force of this section, of a relevant service.
- (3) “Relevant service” means a service which is provided by a person as part of the system of health and social care and which—
  - (a) relates to—
    - (i) caring for or treating a person who has, or is suspected of having, coronavirus disease, whether or not in respect of that disease,
    - (ii) caring for or treating a person (other than a person within subparagraph (i)) who has been, or is suspected of being, infected or contaminated, in respect of that infection or contamination or suspected infection or contamination, or
    - (iii) diagnosing or determining whether a person has been infected or contaminated,
  - (b) relates to diagnosis, care or treatment and is provided in consequence of another person who usually provides such a service (other than one within

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- paragraph (a)) as part of the system of health and social care being unable to do so in consequence of providing a service within paragraph (a), or
- (c) relates to diagnosis, care or treatment and is provided in consequence of another person who usually provides such a service as part of the system of health and social care being unable to do so because of a reason relating to coronavirus.
- (4) In a case within subsection (1)(a), any question relating to—
- (a) whether a person has incurred a qualifying liability, or
- (b) the amount of any payment by virtue of subsection (1),
- is to be determined by the Department of Health.
- (5) In a case within subsection (1)(b)—
- (a) any question relating to whether a person has incurred a qualifying liability is to be determined by the authorised person;
- (b) any question relating to the amount of any payment by virtue of subsection (1) is to be determined by the authorised person in accordance with the arrangements.
- (6) Subsection (1) does not apply where arrangements are already in place (whether under an insurance policy or otherwise) for the person to be indemnified in respect of the liability.
- (7) In this section—
- “authorised person” means a person authorised by the Department of Health;
- “the Department of Health” means the Department of Health in Northern Ireland;
- “the system of health and social care” means the system promoted under section 2(1) of the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1 (N.I.)).

*NHS and local authority care and support*

**<sup>F9</sup>14 NHS Continuing Healthcare assessments: England E+W**

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**Textual Amendments**

**F9** S. 14 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90)

**<sup>F10</sup>15 Local authority care and support E+W**

Schedule 12 contains provision modifying the powers and duties of local authorities in England and Wales in relation to the provision of care and support.]

**Textual Amendments**

**F10** S. 15 suspended in part (22.3.2021) by [The Coronavirus Act 2020 \(Suspension: Local Authority Care and Support\) \(Wales\) Regulations 2021 \(S.I. 2021/316\)](#), regs. 1(2), **2(b)**

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S. 15 expires in part (17.7.2021) by [The Coronavirus Act 2020 \(Early Expiry\) Regulations 2021 \(S.I. 2021/856\)](#), [reg. 4\(a\)](#) (see 2020 c. 7, [s. 89\(2\)\(r\)](#))

S. 15 expires in part (1.8.2021) by [The Coronavirus Act 2020 \(Early Expiry: Local Authority Care and Support\) \(Wales\) Regulations 2021 \(S.I. 2021/850\)](#), [regs. 1\(2\), 2\(b\)](#) (see 2020 c. 7, [s. 89\(2\)\(r\)](#))

#### Commencement Information

**I4** S. 15 in force at 31.3.2020 for E. by [S.I. 2020/388](#), [reg. 2](#)

## <sup>F11</sup>16 Duty of local authority to assess needs: Scotland **S**

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#### Textual Amendments

**F11** S. 16 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), [s. 89](#) (with [s. 90](#))

## 17 Section 16: further provision **S**

- (1) The Scottish Ministers may issue guidance to local authorities about the exercise of their functions under the following provisions in consequence of section 16—
- (a) Part 2 of the 1968 Act;
  - (b) sections 22, 23 and 29 of the 1995 Act;
  - (c) sections 25, 26 and 27 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13);
  - (d) section 1 of the 2013 Act;
  - (e) Parts 2 and 3 of the 2016 Act.
- (2) A local authority—
- (a) must have regard to any guidance issued under subsection (1);
  - (b) must comply with such guidance issued under subsection (1) as the Scottish Ministers direct;
  - (c) may disregard, so far as it is inconsistent with guidance issued under subsection (1)—
    - (i) any guidance issued under section 5(1) of the 1968 Act;
    - (ii) a code of practice published under section 274(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003.
- (3) The Scottish Ministers may—
- (a) from time to time revise any guidance issued under subsection (1);
  - (b) vary or revoke a direction made under subsection (2)(b).
- (4) A local authority must not recover a charge under section 87 of the 1968 Act for—
- (a) community care services provided to a person if, in reliance on section 16(1), the authority did not—
    - (i) comply with section 12A of the 1968 Act before providing the services, or
    - (ii) comply with section 1 of the 2013 Act in relation to the services;
  - (b) services provided to a child under section 22(1) of the 1995 Act if, in reliance on section 16(7), the authority did not—



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- (i) where the services were provided following a request being made to the authority in relation to the child under section 23(3) of the 1995 Act, assess the child's needs for the services before providing them, or
    - (ii) comply with section 1 of the 2013 Act in relation to the services;
  - (c) advice, guidance or assistance provided to a person under section 29(1) or (5A) of the 1995 Act if, in reliance on section 16(9), the local authority did not carry out an assessment of the person's needs under section 29(5) of that Act before providing the advice, guidance or assistance.
- (5) For the purposes of subsection (4), a local authority did not—
  - (a) comply with a provision if it only partially complied with the provision;
  - (b) carry out an assessment if it only partially carried out the assessment.
- (6) Nothing in subsection (4) prevents a local authority from recovering charges if—
  - (a) the authority provides—
    - (i) services in the circumstances described in paragraph (a) or (b) of subsection (4), or
    - (ii) advice, guidance or assistance in the circumstances described in paragraph (c) of that subsection,
  - (b) the authority subsequently complies with the provisions mentioned in paragraph (a), (b) or (c) of that subsection (as the case may be) in relation to the services or the advice, guidance or assistance, and
  - (c) the charges relate only to the period after the authority so complies.
- (7) Subsection (8) applies where—
  - (a) a local authority provides accommodation to a person under Part 2 of the 1968 Act in the circumstances described in paragraph (a) of subsection (4),
  - (b) the authority subsequently complies with the provisions mentioned in that paragraph in relation to the provision of the accommodation, and
  - (c) after it complies with those provisions, the authority continues to provide the accommodation to the person.
- (8) Despite subsections (4)(a) and (6), the authority may recover charges for the provision of the accommodation for any period—
  - (a) before the authority complied with the provisions mentioned in subsection (4) (a), and
  - (b) during which the person was a permanent resident.
- (9) For the purposes of subsection (8), a person is a permanent resident if the person is expected to be provided with accommodation by the authority for a period of more than 52 weeks.
- (10) Subsection (11) applies where—
  - (a) any provision of section 16 has had effect for a period, and
  - (b) that period has ended.
- (11) In determining for the purposes of any proceedings whether a local authority has complied with any duty to carry out a relevant assessment within a reasonable period, a court must take into account (among other things) the following factors—
  - (a) the length of any period for which any provision of section 16 had effect, and
  - (b) the number of relevant assessments which need to be carried out by the local authority following the end of any such period.

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- (12) In subsection (11), “relevant assessment” means—
- (a) an assessment under—
    - (i) section 12A(1)(a) of the 1968 Act;
    - (ii) section 23(3) of the 1995 Act;
    - (iii) section 29(5) of the 1995 Act;
  - (b) the preparation of—
    - (i) an adult carer support plan under section 6 of the 2016 Act;
    - (ii) a young carer statement under section 12 of the 2016 Act.

**Commencement Information**

**I5** S. 17 in force at 5.4.2020 by S.S.I. 2020/121, reg. 2(b)

*Registration of deaths and still-births etc*

**18 Registration of deaths and still-births etc** **U.K.**

- (1) Part 1 of Schedule 13 contains temporary modifications of legislation relating to the registration of deaths and still-births in England and Wales, and related provision.
- (2) Part 2 of Schedule 13 contains temporary modifications of legislation relating to the registration of deaths and still-births in Scotland, and related provision.
- (3) Part 3 of Schedule 13 contains temporary modifications of legislation relating to the registration of deaths and still-births in Northern Ireland, and related provision.

**Modifications etc. (not altering text)**

- C1** S. 18(2) continued until 24.9.2022 (24.3.2022) by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/40\)](#), regs. 1, **2(a)**
- C2** S. 18(3) continued in part until immediately before 25.9.2022 (N.I.) (24.3.2022) by [The Coronavirus Act 2020 \(Registration of deaths and still-births\) \(Extension\) Order \(Northern Ireland\) 2022 \(S.R. 2022/160\)](#), arts. 1, **3**
- C3** S. 18(3) continued in part until 24.3.2023 (N.I.) (23.9.2022) by [The Coronavirus Act 2020 \(Registration of Deaths and Still-Births\) \(Extension\) \(No.2\) Order \(Northern Ireland\) 2022 \(S.R. 2022/225\)](#), art. **2(c)**

**Commencement Information**

**I6** S. 18 in force at 26.3.2020 by S.I. 2020/361, reg. 2(a)

**19 Confirmatory medical certificate not required for cremations: England and Wales** **E+W**

- F12(1) .....
- F12(2) .....
- F12(3) .....
- F12(4) .....

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- F12(5) .....
- F12(6) .....
- F12(7) .....
- F12(8) .....
- F12(9) .....
- F12(10) .....

(11) At the end of a period for which this section has effect, it continues to apply in relation to the cremation of the remains of a person who died during that period but whose remains have not been cremated unless, at the end of that period, a medical certificate has not been completed in relation to the deceased person for the purposes of regulation 16(1)(c)(i) of the Cremation (England and Wales) Regulations 2008.

**Textual Amendments**

F12 S. 19(1)-(10) expire (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90)

**Commencement Information**

I7 S. 19 in force at 26.3.2020 by [S.I. 2020/361](#), reg. 2(b)

**F13 20 Review of cause of death certificates and cremations: Scotland S**

**Textual Amendments**

F13 S. 20 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90)

**21 Modifications of requirements regarding medical certificates for cremations: Northern Ireland N.I.**

- (1) The Cremation (Belfast) Regulations (Northern Ireland) 1961 (S.R. & O. (N.I.) 1961 No. 61) have effect with the following modifications.
- (2) Regulation 10 (conditions to be met for cremations) has effect as if for paragraph (a) there were substituted—
  - “(a) a certificate in Form B in the Schedule has been given by a registered medical practitioner who can certify definitely as to the cause of death; or”.
- (3) Regulation 12 (Medical Referee's power to give certificates in Forms C and D) has effect as if the words “if he has personally investigated the cause of death to give a certificate in Form C, and” were omitted.
- (4) In regulation 13 (duties of the Medical Referee)—
  - (a) paragraph (e) has effect as if the reference to “the medical certificates” did not include the confirmatory medical certificate (Form C);
  - (b) paragraph (f) has effect as if—

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- (i) the words “for which he had been seen and treated by a registered medical practitioner within twenty-eight days prior to his death” were omitted;
  - (ii) the reference to “the certificates” did not include the confirmatory medical certificate (Form C).
- (5) Form A in the Schedule (application for cremation) has effect as if, at question 8(e), the words “for which he or she had been seen and treated by a registered medical practitioner within twenty-eight days prior to death” were omitted.
- (6) Form B in the Schedule (certificate by registered medical practitioner) has effect as if—
- (a) in the paragraph above question 1, the words “attended the deceased during his or her last illness and within twenty-eight days before death, and” were omitted;
  - (b) in question 7, at the beginning there were inserted “If you saw the deceased alive,”;
  - (c) in question 16(e), the words “for which he or she had been seen and treated by a registered medical practitioner within twenty-eight days prior to death” were omitted;
  - (d) in the certification after question 20, the words “for which he had been seen and treated by me within twenty-eight days prior to death” were omitted;
  - (e) in the Note at the end, for “the medical practitioner who is to give the confirmatory medical certificate on Form C” there were substituted “ the Medical Referee ”.
- (7) At the end of a period for which this section has effect, it continues to apply in relation to the cremation of the remains of a person who died during that period but whose remains have not been cremated unless, at the end of that period, a certificate in Form B in the Schedule to the Cremation (Belfast) Regulations (Northern Ireland) 1961 has not been completed in relation to the deceased person for the purposes of regulation 10(a) of those Regulations.

#### **Modifications etc. (not altering text)**

- C4** S. 21(1)-(6) continued until 24.9.2022 (21.3.2022) by [The Coronavirus Act 2020 \(Extension of Modifications of Requirements Regarding Medical Certificates for Cremations\) Order \(Northern Ireland\) 2022 \(S.R. 2022/130\)](#), **art. 2**
- C5** S. 21(1)-(3) continued in part (with modifications) until 24.3.2023 (23.9.2022) by [The Coronavirus Act 2020 \(Extension of Modifications of Requirements Regarding Medical Certificates for Cremations\) \(No. 3\) Order \(Northern Ireland\) 2022 \(S.R. 2022/228\)](#), **art. 2** (with art. 3)
- C6** S. 21(1)-(6) extended (24.9.2022) by [The Coronavirus Act 2020 \(Extension of Modifications of Requirements Regarding Medical Certificates for Cremations\) \(No. 2\) Order \(Northern Ireland\) 2022 \(S.R. 2022/214\)](#), **art. 2**
- C7** S. 21(4)(a)(b)(ii) continued until 24.3.2023 (23.9.2022) by [The Coronavirus Act 2020 \(Extension of Modifications of Requirements Regarding Medical Certificates for Cremations\) \(No. 3\) Order \(Northern Ireland\) 2022 \(S.R. 2022/228\)](#), **art. 2** (with art. 3)
- C8** S. 21(6)(e) continued until 24.3.2023 (23.9.2022) by [The Coronavirus Act 2020 \(Extension of Modifications of Requirements Regarding Medical Certificates for Cremations\) \(No. 3\) Order \(Northern Ireland\) 2022 \(S.R. 2022/228\)](#), **art. 2** (with art. 3)

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#### Commencement Information

**18** S. 21 in force at 26.3.2020 by S.I. 2020/361, reg. 2(c)

### Investigatory powers

#### <sup>F14</sup>22 Appointment of temporary Judicial Commissioners **U.K.**

.....

#### Textual Amendments

**F14** S. 22 expires (25.3.2022) by Coronavirus Act 2020 (c. 7), s. 89 (with s. 90)

#### <sup>F15</sup>23 Time limits in relation to urgent warrants etc under Investigatory Powers Act **U.K.**

- (1) The power in subsection (2) is exercisable if the Investigatory Powers Commissioner notifies the Secretary of State that, in the Commissioner's opinion, the power needs to be exercised in response to the effects that coronavirus is having, or is likely to have, on the capacity of Judicial Commissioners to carry out their functions.
- (2) The Secretary of State may by regulations made by statutory instrument modify the Investigatory Powers Act 2016 so as to alter, for the purposes of any of the specified provisions of that Act (see subsection (3)), the length of a period referred to in that Act as “the relevant period”.
- (3) The specified provisions are—
  - (a) sections 24(3), 109(3), 180(3) and 209(3) (period within which Judicial Commissioner must decide whether to approve decision to issue urgent warrant);
  - (b) sections 32(2)(a), 116(2)(a), 184(2)(a) and 213(2)(a) (period at end of which urgent warrant ceases to have effect);
  - (c) sections 33(5)(a), 117(5)(a), 185(3)(a) and 214(3)(a) (period during which urgent warrant may be renewed);
  - (d) sections 38(5), 122(5), 124(3), 147(3), 166(3), 188(3) and 217(3) (period within which Judicial Commissioner or other appropriate person must decide whether to approve decision to make urgent modification of warrant).
- (4) A modification made by the regulations may not increase the length of a period so that it ends after the 12th working day after the day on which the warrant was issued or, as the case may be, the modification was made.
- (5) The regulations may make consequential, supplementary or transitional provision.
- (6) The regulations must provide for them to cease to have effect at the end of the period of 12 months beginning with the day on which they come into force.
- (7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section—

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“Investigatory Powers Commissioner” has the meaning given in section 263(1) of the Investigatory Powers Act 2016;

“Judicial Commissioner” has the meaning given in that section and also includes a person appointed under regulations made under section 22.]

#### Textual Amendments

- F15** S. 23 suspended (21.4.2021) by [The Coronavirus Act 2020 \(Suspension: Temporary Judicial Commissioners, Urgent Warrants, and Disposal of Bodies\) Regulations 2021 \(S.I. 2021/486\)](#), regs. 1(2), 2
- S. 23 expires (E.N.I.) (9.12.2021) by [The Coronavirus Act 2020 \(Early Expiry\) \(No. 2\) Regulations 2021 \(S.I. 2021/1399\)](#), regs. 1(2), 2

#### *Fingerprints and DNA profiles*

#### **F16** **24** Extension of time limits for retention of fingerprints and DNA profiles **U.K.**

.....

#### Textual Amendments

- F16** S. 24 expires (17.7.2021) by [The Coronavirus Act 2020 \(Early Expiry\) Regulations 2021 \(S.I. 2021/856\)](#), **reg. 2(1)(c)** (with reg. 2(2))

PROSPECTIVE

#### *Food supply*

#### **F17** **25** Power to require information relating to food supply chains **U.K.**

.....

#### Textual Amendments

- F17** Ss. 25-27 expire (17.7.2021) by [The Coronavirus Act 2020 \(Early Expiry\) Regulations 2021 \(S.I. 2021/856\)](#), **reg. 2(1)(d)**

#### **F17** **26** Authorities which may require information **U.K.**

.....

#### Textual Amendments

- F17** Ss. 25-27 expire (17.7.2021) by [The Coronavirus Act 2020 \(Early Expiry\) Regulations 2021 \(S.I. 2021/856\)](#), **reg. 2(1)(d)**

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**F17** **27** **Restrictions on use and disclosure of information** **U.K.**

.....

**Textual Amendments**

**F17** Ss. 25-27 expire (17.7.2021) by [The Coronavirus Act 2020 \(Early Expiry\) Regulations 2021 \(S.I. 2021/856\)](#), [reg. 2\(1\)\(d\)](#)

**F18** **28** **Enforcement of requirement to provide information** **U.K.**

.....

**Textual Amendments**

**F18** S. 28 expires (17.7.2021) by [The Coronavirus Act 2020 \(Early Expiry\) Regulations 2021 \(S.I. 2021/856\)](#), [reg. 2\(1\)\(e\)](#)

**F19** **29** **Meaning of “food supply chain” and related expressions** **U.K.**

.....

**Textual Amendments**

**F19** S. 29 expires (17.7.2021) by [The Coronavirus Act 2020 \(Early Expiry\) Regulations 2021 \(S.I. 2021/856\)](#), [reg. 2\(1\)\(f\)](#)

*Inquests*

**F20** **30** **Suspension of requirement to hold inquest with jury: England and Wales** **E+W**

.....

**Textual Amendments**

**F20** S. 30 omitted (28.6.2022) by virtue of [Judicial Review and Courts Act 2022 \(c. 35\)](#), [ss. 42\(11\)](#), [51\(3\)](#) (with [s. 42\(12\)](#))

**F21** **31** **Suspension of requirement to hold inquest with jury: Northern Ireland** **N.I.**

.....

**Textual Amendments**

**F21** S. 31 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), [s. 89](#) (with [s. 90](#))

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### 32 Deaths in custody from natural illness: Northern Ireland **N.I.**

- (1) Subsection (2) applies if—
- (a) an inquest is required to be held in pursuance of section 39(2) of the 1953 Act (death of a prisoner), and
  - (b) it appears to the coroner that the death was caused by natural illness.
- (2) The coroner need not comply with the requirement in section 18(1) of the 1959 Act; and, accordingly, the coroner may proceed to hold or continue to hold the inquest without a jury.
- (3) But if in any case to which subsection (2) applies it appears to the coroner, either before or in the course of an inquest begun without a jury, that it is desirable to summon a jury, the coroner may proceed to cause a jury to be summoned as if it were being summoned in accordance with section 18(1) of the 1959 Act.
- (4) Section 13(2) of the 1959 Act has effect in relation to an inquest held without a jury in reliance on subsection (2) as if for the words from “Where more than” to “all the deaths so resulting” there were substituted “Where more than one inquest is required to be held in pursuance of section 39(2) of the 1953 Act and it appears to the coroner that all of the deaths were caused by natural illness and that one inquest ought to be held into them all, ”.
- (5) In this section—
- “the 1953 Act” means the Prison Act (Northern Ireland) 1953 (c. 18 (N.I.));
- “the 1959 Act” means the Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.)).

#### Modifications etc. (not altering text)

- C9** [S. 32](#) continued until 24.9.2022 (27.1.2022) by [The Coronavirus Act 2020 \(Extension of Provisions Related to Courts, Tribunals and Inquests\) Order \(Northern Ireland\) 2022 \(S.R. 2022/24\)](#), arts. 1, 2

*Disclosure: Wales*

### <sup>F22</sup>33 Disapplication etc by Welsh Ministers of DBS provisions **E+W**

.....

#### Textual Amendments

- F22** [S. 33](#) expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), [s. 89](#) (with [s. 90](#))

*Disclosure: Scotland*

### <sup>F23</sup>34 Temporary disapplication of disclosure offences: Scotland **S**

.....



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**Textual Amendments**

**F23** S. 34 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with s. 90)

**F24** **35 Power to reclassify certain disclosure requests: Scotland** **S**

.....

**Textual Amendments**

**F24** S. 35 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with s. 90)

*Vaccinations: Scotland*

**36 Vaccination and immunisation: Scotland** **S**

(1) Section 40 of the National Health Service (Scotland) Act 1978 (vaccination and immunisation) has effect as if—

(a) for subsection (1) there were substituted—

“(1) The Scottish Ministers may make arrangements for the vaccination or immunisation of persons against any disease.”, and

(b) in subsection (3), for “medical practitioners” there were substituted “persons”.

(2) Article 4 of the Functions of Health Boards (Scotland) Order 1991 (S.I. 1991/570 (S. 55)) has effect as if for paragraph (g) there were substituted—

“(g) the power of the Scottish Ministers under section 40 to make arrangements for the vaccination or immunisation of persons against any disease and to supply vaccines, sera or other preparations for such vaccination or immunisation;”.

**Modifications etc. (not altering text)**

**C10** S. 36 continued until 24.9.2022 (24.3.2022) by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/40\)](#), regs. 1, **2(b)**

*Schools, childcare providers etc*

**37 Temporary closure of educational institutions and childcare premises** **U.K.**

**F25**(1) .....

(2) Part 2 of Schedule 16 makes provision enabling the Scottish Ministers to give directions to restrict access to schools and other educational premises.

**F26**(3) .....

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#### Textual Amendments

**F25** S. 37(1) expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with s. 90)

**F26** S. 37(3) expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with s. 90)

#### Modifications etc. (not altering text)

**C11** S. 37(2) continued until 24.9.2022 (24.3.2022) by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/40\)](#), regs. 1, **2(c)**

### 38 Temporary continuity: education, training and childcare **U.K.**

[<sup>F27</sup>(1) Part 1 of Schedule 17 makes provision enabling the Secretary of State and the Welsh Ministers—

(a) to give directions requiring the provision, or continuing provision, of education, training and childcare;

(b) to give notices disapplying or modifying enactments.]

(2) Part 2 of Schedule 17 makes provision enabling the Scottish Ministers to give directions requiring the provision, or continuing provision, of education and childcare.

<sup>F28</sup>(3) .....

#### Textual Amendments

**F27** S. 38(1) expires in part (E.) (9.12.2021) by [The Coronavirus Act 2020 \(Early Expiry\) \(No. 2\) Regulations 2021 \(S.I. 2021/1399\)](#), regs. 1(2), **5**

**F28** S. 38(3) expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with s. 90)

#### Modifications etc. (not altering text)

**C12** S. 38(1) continued to 24.9.2022 (W.) (23.3.2022) by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Wales\) Regulations 2022 \(S.I. 2022/348\)](#), regs. 1(2), **2(2)(a)**

**C13** S. 38(2) continued until 24.9.2022 (24.3.2022) by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/40\)](#), regs. 1, **2(d)**

#### *Statutory sick pay*

### <sup>F29</sup>39 Statutory sick pay: funding of employers' liabilities **E+W+S**

.....

#### Textual Amendments

**F29** S. 39 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with s. 90)

### <sup>F30</sup>40 Statutory sick pay: power to disapply waiting period limitation **E+W+S**

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**Textual Amendments**

**F30** S. 40 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with s. 90)

<sup>F31</sup> **41 Statutory sick pay: modification of regulation making powers** **E+W+S**

.....

**Textual Amendments**

**F31** S. 41 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with s. 90)

<sup>F32</sup> **42 Statutory sick pay: funding of employers' liabilities: Northern Ireland** **N.I.**

.....

**Textual Amendments**

**F32** S. 42 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with s. 90)

**43 Statutory sick pay: power to disapply waiting period limitation: Northern Ireland** **N.I.**

- (1) The Secretary of State may by regulations make provision disapplying section 151(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 in relation to an employee whose incapacity for work is related to coronavirus.
- (2) Regulations under subsection (1) may make provision about when an employee's incapacity for work is related to coronavirus.
- (3) Section 171(3) to (5) and (10) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 applies to regulations made under subsection (1) as if that subsection were contained in that Act.
- (4) Regulations under subsection (1) may have retrospective effect in relation to a day of incapacity for work that falls on or after 13 March 2020.
- (5) In this section “employee” and “incapacity for work” have the same meaning as in Part 11 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.
- (6) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.

**Modifications etc. (not altering text)**

**C14** S. 43 continued until 25.9.2022 (24.3.2022) by [The Coronavirus Act 2020 \(Delay in Expiry: Inquests, Courts and Tribunals, and Statutory Sick Pay\) \(England and Wales and Northern Ireland\) Regulations 2022 \(S.I. 2022/362\), regs. 1\(2\), 3](#)

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#### 44 **Statutory sick pay: modification of regulation making powers: Northern Ireland** **N.I.**

The Social Security Contributions and Benefits (Northern Ireland) Act 1992 has effect as if—

- (a) in section 147 (employer's liability for statutory sick pay), after subsection (4) there were inserted—

“(4A) Regulations under subsection (4) may make provision about whether an employee is deemed to be incapable (as referred to in that subsection) in relation to severe acute respiratory syndrome coronavirus 2 by reference to guidance or any other document published by the Regional Agency for Public Health and Social Well-being, Public Health England, NHS National Services Scotland, the Public Health Wales National Health Service Trust or any other person specified in the regulations as that guidance or other document is amended from time to time.”;

- (b) in section 171 (regulations), after subsection (5) there were inserted—

“(5A) But regulations under—

- (a) section 147(4) in relation to severe acute respiratory syndrome coronavirus 2, or  
(b) section 155B,

may provide for a person to exercise a discretion in dealing with any matter under those regulations.”

##### **Modifications etc. (not altering text)**

**C15** S. 44 continued until 24.9.2022 (23.3.2022) by [The Coronavirus Act 2020 \(Extension of Provisions Relating to Statutory Sick Pay\) Order \(Northern Ireland\) 2022 \(S.R. 2022/151\)](#), **art. 2**

#### *Pensions*

#### <sup>F33</sup> 45 **NHS pension schemes: suspension of restrictions on return to work: England and Wales** **E+W**

.....

##### **Textual Amendments**

**F33** S. 45 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), **s. 89** (with s. 90)

#### <sup>F34</sup> 46 **NHS pension schemes: suspension of restrictions on return to work: Scotland** **S**

.....

##### **Textual Amendments**

**F34** S. 46 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), **s. 89** (with s. 90)

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**F35 47 Health and social care pension schemes: suspension of restrictions on return to work: Northern Ireland** **N.I.**

.....

**Textual Amendments**

**F35** S. 47 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with s. 90)

*Protection of public health*

**48 Powers to act for the protection of public health: Northern Ireland** **N.I.**

Schedule 18 contains temporary modifications of the Public Health Act (Northern Ireland) 1967.

**Modifications etc. (not altering text)**

**C16** S. 48 continued until 24.9.2022 (23.3.2022 at 3.30 p.m.) by [The Coronavirus Act 2020 \(Extension of Powers to Act for the Protection of Public Health\) Order \(Northern Ireland\) 2022 \(S.R. 2022/157\)](#), arts. 1, 2

**C17** S. 48 continued until 24.3.2023 (24.9.2022) by [The Coronavirus Act 2020 \(Extension of Powers to Act for the Protection of Public Health\) \(No. 2\) Order \(Northern Ireland\) 2022 \(S.R. 2022/224\)](#), arts. 1, 2

**49 Health protection regulations: Scotland** **S**

Schedule 19 contains provision enabling the Scottish Ministers to make regulations for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Scotland (whether from risks originating there or elsewhere).

**Modifications etc. (not altering text)**

**C18** S. 49 continued until 24.9.2022 (24.3.2022) by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/40\)](#), regs. 1, 2(e)

*Power to suspend port operations*

**F36 50 Power to suspend port operations** **U.K.**

.....

**Textual Amendments**

**F36** S. 50 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with s. 90)

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*Powers relating to potentially infectious persons*

**F37 51 Powers relating to potentially infectious persons** **U.K.**

.....

**Textual Amendments**

**F37** S. 51 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), **s. 89** (with s. 90)

*Powers relating to events, gatherings and premises*

**F38 52 Powers to issue directions relating to events, gatherings and premises** **U.K.**

.....

**Textual Amendments**

**F38** S. 52 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), **s. 89** (with s. 90)

*Courts and tribunals: use of video and audio technology*

**F39 53 Expansion of availability of live links in criminal proceedings** **E+W**

.....

**Textual Amendments**

**F39** S. 53 repealed (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 201(1), 208(5)(z)**

**F40 54 Expansion of availability of live links in other criminal hearings** **U.K.**

.....

**Textual Amendments**

**F40** S. 54 repealed (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 201(1), 208(5)(z)**

**F41 55 Public participation in proceedings conducted by video or audio** **U.K.**

.....

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**Textual Amendments**

- F41** S. 55 repealed (28.6.2022 except for the purposes of S.I. 2020/415, S.I. 2020/416 and S.I. 2020/651) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 201\(2\)](#), 208(1); S.I. 2022/704, [reg. 2](#)

**<sup>F42</sup>56 Live links in magistrates' court appeals against requirements or restrictions imposed on a potentially infectious person [E+W](#)**

.....

**Textual Amendments**

- F42** S. 56 expires (9.12.2021) by [The Coronavirus Act 2020 \(Early Expiry\) \(No. 2\) Regulations 2021 \(S.I. 2021/1399\)](#), [regs. 1\(2\)](#), 4

**57 Use of live links in legal proceedings: Northern Ireland [N.I.](#)**

Schedule 27 makes provision for, and in connection with, the use of live links in proceedings in courts and tribunals in Northern Ireland.

**Modifications etc. (not altering text)**

- C19** S. 57 continued for specified purposes until 24.9.2022 (27.1.2022) by [The Coronavirus Act 2020 \(Extension of Provisions Related to Courts, Tribunals and Inquests\) Order \(Northern Ireland\) 2022 \(S.R. 2022/24\)](#), [arts. 1](#), 3
- C20** S. 57 continued in part until 24.3.2023 (23.9.2022) by [The Coronavirus Act 2020 \(Extension of Provisions Relating to Live Links for Courts and Tribunals\) Order \(Northern Ireland\) 2022 \(S.R. 2022/227\)](#), [art. 2](#)

*Powers in relation to bodies*

**<sup>F43</sup>58 Powers in relation to transportation, storage and disposal of dead bodies etc [U.K.](#)**

.....

**Textual Amendments**

- F43** S. 58 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), [s. 89](#) (with s. 90)

*Postponement of elections, referendums, recall petitions and canvass*

**59 Elections and referendums due to be held in England in period after 15 March 2020 [E+W](#)**

- (1) This section applies to the poll for a relevant election or relevant referendum if the poll—

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- (a) is required to be held on a day falling within the period beginning with 16 March 2020 and ending with the day 30 days after that on which this Act is passed, but
  - (b) is not held in that period.
- (2) Section 39 of the 1983 Act (local elections void etc) does not apply, and is treated as never having applied, in relation to the poll.
- (3) Section 63 of that Act (breach of official duty) does not apply, and is treated as never having applied, in relation to any act or omission in connection with the poll.
- (4) In determining for the purpose of this section whether a poll has been held, postal votes are to be ignored.
- (5) This section does not affect the application of section 39 or 63 of the 1983 Act in relation to a poll the date for which is determined by virtue of section 61 (power to postpone).
- (6) In this section—
- “the 1983 Act” means the Representation of the People Act 1983;
  - “local government area” has the same meaning as in the 1983 Act (see section 203(1) of that Act);
  - “relevant election” means an election of a councillor for any local government area in England to fill a casual vacancy;
  - “relevant referendum” means a referendum under or by virtue of Schedule 4B to the Town and Country Planning Act 1990 (referendums on neighbourhood development plans).

## 60 Postponement of elections due to be held on 7 May 2020 E+W

### *Local government*

- (1) The poll for the ordinary election of councillors for any local government area in England that would otherwise be held on the ordinary day of election in 2020 is to be held instead on the ordinary day of election in 2021.
- (2) A councillor who would otherwise, pursuant to section 7 or 16 of the Local Government Act 1972 (elections of councillors), retire on the fourth day after the ordinary day of election in 2020 is instead to retire on the fourth day after the ordinary day of election in 2021; and the councillor's term of office is extended accordingly.
- (3) A councillor who—
- (a) is returned at an election the poll for which is held on the ordinary day of election in 2021, and
  - (b) fills a vacancy arising as a result of the expiry of a term of office extended under subsection (2),
- is (notwithstanding section 7 or 16 of the Local Government Act 1972) to retire on the fourth day after the ordinary day of election in 2024; and the councillor's term of office is reduced accordingly.
- (4) In determining under section 7(3) or (9)(c) of the Local Government Act 1972 which councillors are to retire in accordance with that provision on the fourth day after the ordinary day of election in 2021, councillors who retire in accordance with subsection (2) of this section are to be ignored.



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(5) In subsections (1) to (4)—

- (a) “local government area” has the same meaning as in the Representation of the People Act 1983 (see section 203(1) of that Act);
- (b) a reference to the ordinary day of election in a year is to the ordinary day of election of councillors in that year determined under section 37 of that Act (ordinary day of local elections in England).

*The Mayor of London and the London Assembly*

- (6) The poll for the ordinary election that would otherwise, pursuant to section 3(2) of the Greater London Authority Act 1999 (time of ordinary election for the Mayor of London and the London Assembly), be held on 7 May 2020 is to be held instead on 6 May 2021.
- (7) The postponement of that ordinary election is to be ignored in determining the years in which subsequent ordinary elections are to be held.

*Elected mayors of local authorities*

- (8) The poll for the election of any elected mayor that would otherwise, pursuant to regulations under section 9HB of the Local Government Act 2000 (time of elections etc), be held on 7 May 2020 is to be held instead on 6 May 2021.
- (9) The postponement under subsection (8) of an election is to be ignored in determining the years in which subsequent elections of elected mayors are to be held.

*Elected mayors of combined authorities*

- (10) The poll for the election of any mayor that would otherwise, pursuant to an order under Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009, be held on 7 May 2020 is to be held instead on 6 May 2021.
- (11) The postponement under subsection (10) of an election is to be ignored in determining the years in which subsequent elections of mayors are to be held.

*Police and crime commissioners*

- (12) The ordinary election that would otherwise, pursuant to section 50(1) of the Police Reform and Social Responsibility Act 2011 (ordinary election of police and crime commissioners), be held in 2020 is to be held instead in 2021.
- (13) The postponement of that ordinary election is to be ignored in determining the years in which subsequent ordinary elections are to be held.

## 61 Power to postpone certain other elections and referendums **E+W+N.I.**

- (1) The Secretary of State or the Minister for the Cabinet Office may, by regulations made by statutory instrument, provide—
  - (a) that the poll for a relevant election or a relevant referendum is to be held on such date, or within such period, as is specified in the regulations;
  - (b) that polls for relevant elections or relevant referendums that would otherwise be required to be held on dates that fall within a period specified in the regulations are instead to be held on such later date, or within such period, as is specified in the regulations.

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- (2) For the purposes of this section an election or referendum is “relevant” if—
- (a) the date of the poll for the election or the referendum falls within the period beginning with 16 March 2020 and ending with 5 May 2021, and
  - (b) subsection (3) or (4) applies to it.
- (3) This subsection applies to—
- (a) an election of a councillor for any local government area in England to fill a casual vacancy;
  - (b) a local election in Northern Ireland to fill a casual vacancy;
  - (c) an election to fill a casual vacancy in respect of a constituency member of the Greater London Assembly;
  - (d) an election to fill a vacancy in the office of the Mayor of London;
  - (e) an election to fill a casual vacancy in the office of an elected mayor under Part 1A of the Local Government Act 2000;
  - (f) an election to fill a vacancy in the office of a mayor for the area of a combined authority under Part 6 of the Local Democracy, Economic Development and Construction Act 2009;
  - (g) an election to fill a vacancy in the office of a police and crime commissioner for a police area.
- (4) This subsection applies to—
- (a) a poll under section 116 of the Local Government Act 2003 (local polls);
  - (b) a referendum under section 9MB of the Local Government Act 2000 (referendums on governance arrangements);
  - (c) a referendum by virtue of section 9MC of the Local Government Act 2000 (referendums following petition);
  - (d) a referendum under section 52ZG or 52ZN of the Local Government Finance Act 1992 (referendums in relation to council tax);
  - (e) a referendum under or by virtue of Schedule 4B to the Town and Country Planning Act 1990 (referendums on neighbourhood development plans).
- (5) Regulations under subsection (1) must not specify—
- (a) a date later than 6 May 2021, or
  - (b) a period ending later than 6 May 2021.
- (6) The power to make regulations under subsection (1) may be exercised more than once in respect of any relevant election or relevant referendum.
- (7) Regulations under subsection (1) may make provision by reference to relevant elections or relevant referendums of a description specified in the regulations (for example, by reference to the nature, date or location of the elections or referendums).
- (8) The power to make regulations under subsection (1) is capable of being exercised so as to amend, repeal or revoke any enactment.
- In this subsection “enactment” has the same meaning as in section 92.
- (9) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) In this section—

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“local election” has the same meaning as in the Electoral Law Act (Northern Ireland) 1962 (see section 130(1) of that Act);

“local government area” has the same meaning as in the Representation of the People Act 1983 (see section 203(1) of that Act).

## **62 Power to postpone a recall petition under the Recall of MPs Act 2015** **U.K.**

(1) In relation to a Speaker's notice received by a petition officer in the period beginning with the day on which this Act is passed and ending with 21 April 2021, section 7 of the 2015 Act (where and from when a recall petition may be signed) has effect as if for subsection (4) there were substituted—

“(4) The petition officer must designate under subsection (1)(b)—

(a) a working day that falls no later than 6 May 2021, or

(b) if it is not reasonably practicable to designate such a day, the first subsequent working day that it is reasonably practicable to designate.”

(2) The Secretary of State or the Minister for the Cabinet Office may, by regulations made by statutory instrument, provide that the designated day for a relevant recall petition is postponed until a date specified in the regulations.

(3) For the purposes of this section a recall petition is “relevant” if the day designated in relation to it under section 7(1)(b) of the 2015 Act (date from which petition may be signed) falls within the period beginning with the day on which this Act is passed and ending with 5 May 2021.

(4) The date specified in regulations under subsection (2) must be no later than 6 May 2021.

(5) The power to make regulations under subsection (2) may be exercised more than once in respect of any relevant recall petition.

(6) A statutory instrument containing regulations under subsection (2) is subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In this section—

“the 2015 Act” means the Recall of MPs Act 2015;

“the designated day” has the same meaning as in the 2015 Act (see section 7(5) of that Act);

“petition officer” has the same meaning as in the 2015 Act (see section 6(2) of that Act);

“recall petition” has the same meaning as in the 2015 Act (see section 1(2) of that Act);

“Speaker's notice” has the same meaning as in the 2015 Act (see section 5(7) of that Act).

## **63 Power to make supplementary etc provision** **U.K.**

(1) The Secretary of State or the Minister for the Cabinet Office may, by regulations made by statutory instrument, make consequential, supplementary, incidental, transitional or saving provision in connection with sections 60 to 62 or regulations made under them.

(2) Regulations under subsection (1) may, in particular, make provision about—

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- (a) acts or omissions in connection with an election, referendum or recall petition prior to its postponement (including provision disapplying any enactment imposing criminal liability in respect of such acts or omissions);
  - (b) things that have yet to be done in connection with an election, referendum or recall petition prior to its postponement;
  - (c) the conduct of elections, referendums or recall petitions that have been postponed or steps to be taken in respect of such elections, referendums or recall petitions;
  - (d) the manner of voting in elections or referendums, or of signing of recall petitions, that have been postponed;
  - (e) the terms of office of incumbent office-holders or those elected at a postponed election;
  - (f) the nomination of candidates;
  - (g) expenses incurred in relation to elections or referendums by persons other than local authorities (including the expenses of candidates);
  - (h) compensation for local authorities or candidates incurring additional expenditure as a result of this Act;
  - (i) the membership or governance arrangements of a local authority in relation to which an order has been made under section 7 of the Local Government and Public Involvement in Health Act 2007 (implementation of structural changes proposals), the membership or governance arrangements of any shadow authority established under such an order, or any other matter dealt with in such an order.
- (3) Regulations under subsection (1) may make retrospective provision, including provision having effect in relation to times before the coming into force of this Act.
- (4) The power to make regulations under subsection (1) is capable of being exercised so as to amend, repeal or revoke any enactment.
- In this subsection “enactment” has the same meaning as in section 92.
- (5) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.

#### 64 Northern Ireland: timing of canvass and Assembly by-elections **U.K.**

- (1) Section 10ZA of the Representation of the People Act 1983 (Northern Ireland: timing of the canvass) is amended in accordance with subsections (2) and (3).
- (2) In subsection (1)—
- (a) after paragraph (a) insert—
    - “(aa) the year 2021;
    - (ab) the year 2030.”;
  - (b) in paragraph (b), for “2010” substitute “ 2030 ”.
- (3) In subsection (4)—
- (a) omit paragraph (b) (including the “and” at the end);
  - (b) after paragraph (c) insert—
    - “(d) 2021,
    - (e) 2030, and
    - (f) every tenth year following 2030.”

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- (4) Subsection (5) applies if, at any time during the relevant period, Article 7(2) of the 2001 Order requires the Chief Electoral Officer for Northern Ireland to set a date as the date of the poll for an Assembly by-election.
- (5) Before setting the date, the Chief Electoral Officer must consult the Secretary of State.
- (6) In subsection (4)—
  - “the relevant period” means the period beginning with the date on which this Act is passed and ending with 1 February 2021;
  - “the 2001 Order” means the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599).

#### *Postponement of elections: Wales*

### **65 Elections due to be held in Wales in period after 15 March 2020** **E+W**

- (1) This section applies to the poll for a relevant election if the poll—
  - (a) is required to be held on a day falling within the period beginning with 16 March 2020 and ending with the day 30 days after that on which this Act is passed, but
  - (b) is not held in that period.
- (2) Section 39 of the 1983 Act (local elections void etc) does not apply, and is treated as never having applied, in relation to the poll.
- (3) Section 63 of that Act (breach of official duty) does not apply, and is treated as never having applied, in relation to any act or omission in connection with the poll.
- (4) In determining for the purpose of this section whether a poll has been held, postal votes are to be ignored.
- (5) This section does not affect the application of section 39 or 63 of the 1983 Act in relation to a poll the date for which is determined by virtue of section 67 (power to postpone).
- (6) In this section—
  - “the 1983 Act” means the Representation of the People Act 1983;
  - “relevant election” means an election to fill a casual vacancy in the office of councillor in a county council, county borough council or community council in Wales.

### **66 Postponement of National Assembly for Wales elections for constituency vacancies** **U.K.**

- (1) This section applies where under section 10 of the Government of Wales Act 2006 (“the 2006 Act”), an election is to be held to fill a vacant seat of a constituency member (“the election”).
- (2) The Presiding Officer may, where a date has been fixed for the poll for the election, fix a later date (which may be outwith the period required under section 10(5) or (6) of the 2006 Act).

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- (3) The Presiding Officer must fix a date under subsection (2) for the poll for the election to be held as soon as reasonably practicable.
- (4) The power under subsection (2)—
  - (a) may be exercised more than once,
  - (b) may not be exercised so as to fix a date for the poll for the election that is within the period mentioned in 10(7) of the 2006 Act, and
  - (c) may not be exercised so as to fix a date after 6 May 2021.
- (5) Before exercising the power under subsection (2), the Presiding Officer must consult the Welsh Ministers.

## **67 Power to postpone local authority elections in Wales for casual vacancies** E+W

- (1) The Welsh Ministers may, by regulations made by statutory instrument, provide—
  - (a) that the poll for a relevant election is to be held on such date, or within such period, as is specified in the regulations;
  - (b) that polls for relevant elections that would otherwise be required to be held on dates that fall within a period specified in the regulations are instead to be held on such later date, or within such period, as is specified in the regulations.
- (2) For the purposes of this section an election is “relevant” if—
  - (a) the date of the poll for the election falls within the period beginning with 16 March 2020 and ending with 5 May 2021, and
  - (b) it is an election to fill a casual vacancy in the office of councillor in a county council, county borough council or community council in Wales.
- (3) Regulations under subsection (1) must not specify—
  - (a) a date later than 6 May 2021, or
  - (b) a period ending later than 6 May 2021.
- (4) The power to make regulations under subsection (1) may be exercised more than once in respect of any relevant election.
- (5) Regulations under subsection (1) may make provision by reference to relevant elections of a description specified in the regulations (for example, by reference to the nature, date or location of the elections).
- (6) The power to make regulations under subsection (1) is capable of being exercised so as to amend or repeal a provision of an Act of Parliament or of an Act or Measure of the National Assembly for Wales.
- (7) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

## **68 Power to make supplementary etc provision** U.K.

- (1) The Welsh Ministers may, by regulations made by statutory instrument, make consequential, supplementary, incidental, transitional or saving provision in connection with section 66 or regulations made under section 67.
- (2) Regulations under subsection (1) may, in particular, make provision about—

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- (a) acts or omissions in connection with an election prior to its postponement (including provision disapplying any enactment imposing criminal liability in respect of such acts or omissions);
  - (b) things that have yet to be done in connection with an election prior to its postponement;
  - (c) the conduct of elections that have been postponed or steps to be taken in respect of such elections;
  - (d) the manner of voting in elections that have been postponed;
  - (e) the terms of office of incumbent office-holders or those elected at a postponed election;
  - (f) the nomination of candidates;
  - (g) expenses incurred in relation to elections by persons other than local authorities (including the expenses of candidates);
  - (h) compensation for local authorities or candidates incurring additional expenditure as a result of the Act.
- (3) Regulations under subsection (1) may make retrospective provision, including provision having effect in relation to times before the coming into force of this Act.
- (4) The power to make regulations under subsection (1) is capable of being exercised so as to amend or repeal a provision of an Act of Parliament or of an Act or Measure of the National Assembly for Wales.
- (5) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

#### *Postponement of elections: Scotland*

### <sup>x2</sup>69 **Postponement of Scottish Parliament elections for constituency vacancies** **U.K.**

- (1) This section applies where under section 9 of the Scotland Act 1998 (“the 1998 Act”), an election is to be held to fill a vacant seat of a constituency member (“the election”).
- (2) The Presiding Officer may—
- (a) where a date has been fixed for the poll for the election, fix a later date (which may be outwith the period required under section 9(3) of the 1998 Act), or
  - (b) where no such date has been fixed, fix a date for the poll that is outwith that period.
- (3) The Presiding Officer must fix a date under subsection (2) for the poll at the election to be held as soon as reasonably practicable.
- (4) The Presiding Officer must notify the constituency returning officer for the election of the date fixed for the poll under subsection (2) in the same manner as if it had been fixed under section 9 of the 1998 Act.
- (5) The power under subsection (2)—
- (a) may be exercised more than once,
  - (b) may not be exercised so as to fix a date for the poll at the election that is within the period mentioned in section 9(4) of the 1998 Act, and
  - (c) may not be exercised so as to fix a date after 6 May 2021.

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- (6) Before exercising the power under subsection (2), the Presiding Officer must consult—
- (a) the Scottish Ministers, and
  - (b) the convener of the Electoral Management Board for Scotland.
- (7) Subsection (8) applies where—
- (a) notice of the date for the poll for the election has been published under Part 1 of Schedule 2 to the Scottish Parliament (Elections etc.) Order 2015 (S.S.I. 2015/425) (“the 2015 Order”), and
  - (b) under subsection (2)(a), the Presiding Officer fixes a later date for the poll (“the new date”).
- (8) The constituency returning officer must—
- (a) publish a notice stating that the date has changed, and
  - (b) comply with the requirements of Part 1 of Schedule 2 to the 2015 Order as if the new date had just been fixed under section 9 of the 1998 Act.
- (9) In this section “constituency returning officer” has the same meaning as in the 2015 Order.

#### Editorial Information

- X2** The power conferred under this provision to publish a notice may be exercised by means of a notice published in [The Gazette](#)

### <sup>x3</sup>70 **Postponement of local authority elections in Scotland for casual vacancies** **S**

- (1) This section applies where under section 37 of the Local Government (Scotland) Act 1973 (“the 1973 Act”), an election is to be held to fill a casual vacancy in the office of councillor in a local authority (“the election”).
- (2) The returning officer may—
- (a) where a date has been fixed for the poll for the election, fix a later date (which may be outwith the period required under section 37(1) of the 1973 Act), or
  - (b) where no such date has been fixed, fix a date for the poll that is outwith that period.
- (3) The returning officer must fix a date under subsection (2) for the poll at the election to be held as soon as reasonably practicable.
- (4) The power under subsection (2)—
- (a) may be exercised more than once,
  - (b) may not be exercised so as to fix a date for the poll at the election that is within the period mentioned in subsection (2) of section 37 of the 1973 Act, unless the holding of the election within that period is permitted under that subsection, and
  - (c) may not be exercised so as to fix a date after 6 May 2021.
- (5) Before exercising the power under subsection (2), the returning officer must consult—
- (a) the Scottish Ministers, and
  - (b) the convener of the Electoral Management Board for Scotland.



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- (6) Subsection (7) applies where—
- (a) notice of the date for the poll for the election has been published under Part 1 of Schedule 1 to the Scottish Local Government Elections Order 2011 (S.S.I. 2011/399) (“the 2011 Order”), and
  - (b) under subsection (2)(a), the returning officer fixes a later date for the poll (“the new date”).
- (7) The returning officer must—
- (a) publish a notice stating that the date has changed, and
  - (b) comply with the requirements of Part 1 of Schedule 1 to the 2011 Order as if the new date had just been fixed under section 37 of the 1973 Act.
- (8) In this section—
- “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 and “area” in relation to a local authority means the local government area for which the authority is constituted;
- “returning officer”, in relation to a local authority, means an officer appointed by the local authority under section 41(1) of the Representation of the People Act 1983.

**Editorial Information**

**X3** The power conferred under this provision to publish a notice may be exercised by means of a notice published in [The Gazette](#)

*Other administrative requirements*

**F4471 Signatures of Treasury Commissioners** **U.K.**

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**Textual Amendments**

**F44** S. 71 expires (17.7.2021) by [The Coronavirus Act 2020 \(Early Expiry\) Regulations 2021 \(S.I. 2021/856\)](#), [reg. 2\(1\)\(g\)](#)

*National Insurance Contributions*

**72 Power under section 143 of the Social Security Administration Act 1992** **U.K.**

- (1) This section applies to an order made under section 143 of the Social Security Administration Act 1992 (power to alter contributions) if—
- (a) it is made on or after 19 March 2020 and before the end of the period of 2 years beginning with the day on which this Act is passed, and
  - (b) it does not increase a figure referred to in section 143(1) or (3) of that Act above the figure that would apply on 6 April 2020, ignoring the effect of any order made under section 143 or 145 of that Act on or after 19 March 2020.

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- (2) Section 143(1) of that Act has effect in relation to an order to which this section applies as if the words from “with a view” to “future period” were omitted.
- (3) Section 143(4)(a) of that Act (no increase above 0.25%) does not apply to an order to which this section applies.
- (4) Section 144 of that Act (requirement to lay report and orders not to have effect before next tax year) does not apply to an order to which this section applies.
- (5) Section 190(1) of that Act (affirmative procedure for certain orders) does not apply in relation to an order to which this section applies (and accordingly such an order is subject to annulment in pursuance of a resolution of either House of Parliament).

**73 Power under section 145 of the Social Security Administration Act 1992** U.K.

- (1) This section applies to an order made under section 145 of the Social Security Administration Act 1992 (power to alter primary and secondary contributions) if—
  - (a) it is made on or after 19 March 2020 and before the end of the period of 2 years beginning with the day on which this Act is passed, and
  - (b) it does not increase a rate or figure referred to in section 145(1), (2) or (4) of that Act above the rate or figure that would apply on 6 April 2020, ignoring the effect of any order made under section 143 or 145 of that Act on or after 19 March 2020.
- (2) Section 145(3) of that Act (no increase above 0.25%) does not apply to an order to which this section applies.
- (3) Subsections (2) to (5) of section 147 of that Act (requirement to lay report and coming into force and effect of order) do not apply to an order to which this section applies.
- (4) Section 190(1) of that Act (affirmative procedure for certain orders) does not apply in relation to an order to which this section applies (and accordingly such an order is subject to annulment in pursuance of a resolution of either House of Parliament).

**74 Power under section 5 of the National Insurance Contributions Act 2014** U.K.

- (1) This section applies to regulations under section 5 of the National Insurance Contributions Act 2014 (power to amend the employment allowance provisions) made on or after 19 March 2020 and before the end of the period of 2 years beginning with the day on which this Act is passed.
- (2) Section 5(5) to (9) of that Act (Parliamentary procedure) does not apply to such regulations but a statutory instrument containing such regulations is subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) But subsection (2) does not apply to regulations falling within section 5(1)(a) of that Act which decrease a person's employment allowance for a tax year below £4,000 (accordingly, section 5(5) of that Act continues to apply to a statutory instrument containing such regulations).

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### *Financial assistance for industry*

#### **75 Disapplication of limit under section 8 of the Industrial Development Act 1982** **U.K.**

(1) Financial assistance provided under section 8 of the Industrial Development Act 1982 (general power to give selective financial assistance to industry) is not to count towards the limit set by subsections (4) and (5) of that section if the assistance has been designated under subsection (2) as “coronavirus-related”.

F45(2) .....

F45(3) .....

#### **Textual Amendments**

**F45** S. 75(2)(3) expire (25.3.2022) by [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with s. 90)

### *HMRC functions*

#### **<sup>x4</sup>76 HMRC functions** **U.K.**

Her Majesty's Revenue and Customs are to have such functions as the Treasury may direct in relation to coronavirus or coronavirus disease.

#### **Editorial Information**

**X4** The power conferred under this provision to make a direction may be exercised by means of a notice published in [The Gazette](#)

### *Up-rating of working tax credit etc*

#### **77 Up-rating of working tax credit etc** **U.K.**

F46(1) .....

F46(2) .....

F47(3) .....

#### **Textual Amendments**

**F46** S. 77(1)(2) expires (9.12.2021) by [The Coronavirus Act 2020 \(Early Expiry\) \(No. 2\) Regulations 2021 \(S.I. 2021/1399\)](#), regs. 1(2), **2**

**F47** S. 77(3) expires (9.12.2021) by [The Coronavirus Act 2020 \(Early Expiry\) \(No. 2\) Regulations 2021 \(S.I. 2021/1399\)](#), regs. 1(2), **3**

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### *Local authority meetings*

#### 78 **Local authority meetings** E+W+N.I.

- [<sup>F48</sup>(1) The relevant national authority may by regulations make provision relating to—
- (a) requirements to hold local authority meetings;
  - (b) the times at or by which, periods within which, or frequency with which, local authority meetings are to be held;
  - (c) the places at which local authority meetings are to be held;
  - (d) the manner in which persons may attend, speak at, vote in, or otherwise participate in, local authority meetings;
  - (e) public admission and access to local authority meetings;
  - (f) the places at which, and manner in which, documents relating to local authority meetings are to be open to inspection by, or otherwise available to, members of the public.
- (2) The provision which may be made by virtue of subsection (1)(d) includes in particular provision for persons to attend, speak at, vote in, or otherwise participate in, local authority meetings without all of the persons, or without any of the persons, being together in the same place.
- [<sup>F49</sup>(3) The regulations may make provision only in relation to local authority meetings required to be held, or held, before 7 May 2021.]
- (4) The power to make regulations under this section includes power—
- (a) to disapply or modify any provision of an enactment or subordinate legislation;
  - (b) to make different provision for different purposes;
  - (c) to make consequential, supplementary, incidental, transitional or saving provision.
- (5) In this section the “relevant national authority” means—
- (a) in relation to local authorities in England, the Secretary of State;
  - (b) in relation to local authorities in Wales, the Welsh Ministers;
  - (c) in relation to local authorities in Northern Ireland, the Department for Communities in Northern Ireland.
- (6) In this section “local authority meeting” means a meeting of—
- (a) a local authority;
  - (b) an executive of a local authority (within the meaning of Part 1A or 2 of the Local Government Act 2000 or Part 6 of the Local Government Act (Northern Ireland) 2014);
  - (c) a joint committee of two or more local authorities;
  - (d) a committee or sub-committee of anything within paragraphs (a) to (c).
- (7) In this section “local authority”, in relation to England, means—
- (a) a county council;
  - (b) a district council;
  - (c) a London borough council;
  - (d) the Common Council of the City of London;
  - (e) the Greater London Authority;

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- (f) the Council of the Isles of Scilly;
  - (g) a parish council;
  - (h) a joint board continued in being by virtue of section 263(1) of the Local Government Act 1972;
  - (i) a port health authority constituted under section 2 of the Public Health (Control of Disease) Act 1984;
  - (j) an authority established under section 10 of the Local Government Act 1985;
  - (k) a joint authority established under Part 4 of the Local Government Act 1985;
  - (l) a joint committee constituted to be a local planning authority under section 29 of the Planning and Compulsory Purchase Act 2004;
  - (m) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
  - (n) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies, or created by an order under section 4A of that Act;
  - (o) a National Park authority established under section 63 of the Environment Act 1995;
  - (p) the Broads Authority established by section 1 of the Norfolk and Suffolk Broads Act 1988;
  - (q) a conservation board established under section 86 of the Countryside and Rights of Way Act 2000;
  - (r) an appeal panel constituted under the School Admissions (Appeals Arrangements) (England) Regulations 2012 (S.I. 2012/9).
  - [<sup>F50</sup>(s) a Mayoral development corporation established under section 198 of the Localism Act 2011;
  - (t) an urban development corporation established under section 135 of the Local Government, Planning and Land Act 1980;
  - (u) a parish meeting constituted under section 13 of the Local Government Act 1972;
  - (v) Transport for London.]
- (8) In this section “local authority”, in relation to Wales, means—
- (a) a county council;
  - (b) a county borough council;
  - (c) a community council;
  - (d) a joint board continued in being by virtue of section 263(1) of the Local Government Act 1972;
  - (e) a port health authority constituted under section 2 of the Public Health (Control of Disease) Act 1984;
  - (f) a joint committee constituted to be a local planning authority under section 29 of the Planning and Compulsory Purchase Act 2004;
  - (g) a strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004;
  - (h) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
  - (i) a National Park authority established under section 63 of the Environment Act 1995;

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- (j) an appeal panel constituted under the Education (Admission Appeals Arrangements) (Wales) Regulations 2005 (S.I. 2005/1398).
- (9) In this section “local authority”, in relation to Northern Ireland, means a district council.
- (10) In this section—  
“enactment” includes—  
(a) an enactment comprised in an Act or Measure of the National Assembly for Wales;  
(b) an enactment comprised in Northern Ireland legislation;  
“subordinate legislation” means—  
(a) subordinate legislation within the meaning of the Interpretation Act 1978;  
(b) an instrument made under an Act or Measure of the National Assembly for Wales;  
(c) an instrument made under Northern Ireland legislation.
- (11) Regulations under this section made by the Secretary of State or the Welsh Ministers are to be made by statutory instrument.
- (12) A statutory instrument containing regulations under this section made by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.
- (13) A statutory instrument containing regulations under this section made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (14) The power of the Department for Communities in Northern Ireland to make regulations under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).
- (15) Regulations under this section made by the Department for Communities in Northern Ireland are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.]

#### Textual Amendments

- F48** S. 78 expires (E.) (9.12.2021) by [The Coronavirus Act 2020 \(Early Expiry\) \(No. 2\) Regulations 2021 \(S.I. 2021/1399\)](#), regs. 1(2), 5
- F49** S. 78(3) repealed (N.I.) (27.8.2021) by [Local Government \(Meetings and Performance\) Act \(Northern Ireland\) 2021 \(c. 8 \(N.I.\)\)](#), ss. 1(1), 6(1)
- F50** S. 78(7)(s)-(v) inserted (22.7.2020) by [Business and Planning Act 2020 \(c. 16\)](#), ss. 22, 25(4)

#### Modifications etc. (not altering text)

- C21** S. 78 continued until 24.9.2022 (N.I.) (21.3.2022) by [The Coronavirus Act 2020 \(Extension of Provisions Relating to Local Authority Meetings\) Order \(Northern Ireland\) 2022 \(S.R. 2022/108\)](#), art. 2
- C22** S. 78 continued until 24.3.2023 (N.I.) (22.9.2022) by [The Coronavirus Act 2020 \(Extension of Provisions Relating to Local Authority Meetings\) \(No 2\) Order \(Northern Ireland\) 2022 \(S.R. 2022/226\)](#), art. 2

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### *Business improvement districts*

#### **F5179 Extension of BID arrangements: England E+W**

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##### **Textual Amendments**

**F51** S. 79 expires (17.7.2021) by [The Coronavirus Act 2020 \(Early Expiry\) Regulations 2021 \(S.I. 2021/856\)](#), [reg. 4\(b\)](#)

#### **F5280 Extension of BID arrangements: Northern Ireland N.I.**

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##### **Textual Amendments**

**F52** S. 80 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), [s. 89](#) (with s. 90)

### *Residential tenancies: protection from eviction*

#### **F5381 Residential tenancies in England and Wales: protection from eviction E+W**

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##### **Textual Amendments**

**F53** S. 81 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), [s. 89](#) (with s. 90)

### *Business tenancies: protection from forfeiture etc*

#### **82 Business tenancies in England and Wales: protection from forfeiture etc E+W**

- (1) A right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent may not be enforced, by action or otherwise, during the relevant period.
- (2) During the relevant period, no conduct by or on behalf of a landlord, other than giving an express waiver in writing, is to be regarded as waiving a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.
- (3) Subsections (4) to (6) apply in relation to any proceedings in the High Court commenced before the relevant period to enforce a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.
- (4) Any order made by the High Court during the relevant period to the effect that possession of the property comprised in the relevant business tenancy is to be given to the landlord must ensure that the tenant does not have to give possession of the property to the landlord before the end of the relevant period.
- (5) Subsection (6) applies where—

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- (a) the High Court has made an order which would otherwise have the effect of requiring possession of the property comprised in the relevant business tenancy to be given to the landlord during the relevant period unless the tenant complies with some requirement before a time falling within that period, and
  - (b) before possession is given to the landlord in accordance with the order, the tenant applies to vary the order.
- (6) In dealing with the application, the High Court must ensure that the tenant does not have to give possession of the property to the landlord before the end of the relevant period.
- (7) Subsections (8) to (10) apply in relation to any proceedings in the county court commenced before the relevant period to enforce a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.
- (8) The county court may not make an order, during the relevant period, under section 138(3) of the County Courts Act 1984 which specifies a period that expires before the end of the day which is the last day of the relevant period when the order is made.
- (9) Subsection (10) applies where—
- (a) the period specified in an order made, before or during the relevant period, under section 138(3) of the County Courts Act 1984, or
  - (b) the period so specified as extended, or in accordance with subsection (10) treated as extended, under section 138(4) of that Act,
- would otherwise expire during the relevant period.
- (10) The period mentioned in paragraph (a) or (as the case may be) (b) of subsection (9) is to be treated as extended, under section 138(4) of that Act, so that it expires at the end of the relevant period.
- (11) For the purposes of determining whether the ground mentioned in section 30(1)(b) of the Landlord and Tenant Act 1954 (persistent delay in paying rent which has become due) is established in relation to a relevant business tenancy, any failure to pay rent under that tenancy during the relevant period (whether rent due before or in that period) is to be disregarded.
- (12) In this section—
- “relevant business tenancy” means —
    - (a) a tenancy to which Part 2 of the Landlord and Tenant Act 1954 applies, or
    - (b) a tenancy to which that Part of that Act would apply if any relevant occupier were the tenant;
  - “relevant national authority” means—
    - (a) in relation to England, the Secretary of State, and
    - (b) in relation to Wales, the Welsh Ministers;
  - “relevant occupier”, in relation to a tenancy, means a person, other than the tenant, who lawfully occupies premises which are, or form part of, the property comprised in the tenancy;
  - “relevant period” means the period—
    - (a) beginning with the day after the day on which this Act is passed, and
    - (b) ending with 30 June 2020 or such later date as may be specified by the relevant national authority in regulations made by statutory instrument



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(and that power may be exercised on more than one occasion so as to further extend the period);

“rent” includes any sum a tenant is liable to pay under a relevant business tenancy.

(13) A statutory instrument containing regulations of the Secretary of State under subsection (12) is subject to annulment in pursuance of a resolution of either House of Parliament.

(14) A statutory instrument containing regulations of the Welsh Ministers under subsection (12) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

#### Subordinate Legislation Made

- P1** S. 82(12): 25.3.2022 specified (E.) (30.6.2021) for the purposes of para. (b) in the definition of “relevant period” by [The Business Tenancies \(Protection from Forfeiture: Relevant Period\) \(Coronavirus\) \(England\) \(No. 2\) Regulations 2021 \(S.I. 2021/732\)](#), regs. 1(1), **2**
- P2** S. 82(12): 25.3.2022 specified (W.) (30.9.2021) for the purposes of para. (b) in the definition of “relevant period” by [The Business Tenancies \(Extension of Protection from Forfeiture etc.\) \(Wales\) \(Coronavirus\) \(No. 3\) Regulations 2021 \(S.I. 2021/952\)](#), regs. 1(2), **2**

#### Modifications etc. (not altering text)

- C23** S. 82 continued to 24.9.2022 (W.) (23.3.2022) by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Wales\) Regulations 2022 \(S.I. 2022/348\)](#), regs. 1(2), **2(2)(b)**

### <sup>F54</sup>**83 Business tenancies in Northern Ireland: protection from forfeiture etc** **N.I.**

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#### Textual Amendments

- F54** S. 83 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. **89** (with s. 90)

### *General Synod of the Church of England*

### <sup>F55</sup>**84 Postponement of General Synod elections** **E+W**

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#### Textual Amendments

- F55** S. 84 expires (17.7.2021) by [The Coronavirus Act 2020 \(Early Expiry\) Regulations 2021 \(S.I. 2021/856\)](#), reg. **3(1)** (with reg. 3(2))

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## PART 2 U.K.

### FINAL PROVISIONS

#### 85 Interpretation U.K.

In this Act “Minister of the Crown” means the holder of an office in Her Majesty’s Government in the United Kingdom.

#### 86 Financial provision U.K.

- (1) There is to be paid out of money provided by Parliament—
  - (a) any expenditure which is incurred by a Minister of the Crown, government department or other public authority by virtue of this Act,
  - (b) any increase attributable to this Act in the sums payable by virtue of any other Act out of money so provided, and
  - (c) any other expenditure which is incurred by a Minister of the Crown, government department or other public authority in connection with the making of payments, or the giving of financial assistance to a person (whether directly or indirectly), as a result of coronavirus or coronavirus disease.
- (2) In subsection (1)(c)—
  - (a) the reference to expenditure includes expenditure incurred before or after the passing of this Act, and
  - (b) “financial assistance” includes assistance provided by way of grant, loan, guarantee or indemnity, and any other kind of financial assistance (actual or contingent).

#### 87 Commencement U.K.

- (1) This Act comes into force on the day on which this Act is passed, subject to subsection (2).
- (2) The following provisions of this Act come into force on such day as a Minister of the Crown may by regulations appoint, subject to subsections (3) to (9)—
  - (a) section 8 (and Schedule 7);
  - (b) section 9;
  - (c) section 10 (and Schedules 8, 9, 10 and 11);
  - (d) section 15 (and Schedule 12);
  - (e) section 16;
  - (f) section 17;
  - (g) section 18 (and Schedule 13);
  - (h) section 19;
  - (i) section 21;
  - (j) sections 25 to 29 (and Schedule 15).
- (3) In the case of provision made by regulations under subsection (2) which could also be made by an authority under subsection (4), (6) or (8), a Minister of the Crown may not make the provision without the authority’s consent.

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- (4) If the condition in subsection (5) is met, the Welsh Ministers may by regulations provide that a provision of this Act to which subsection (2) applies comes into force, so far as it extends to England and Wales and applies in relation to Wales, on a day appointed by the regulations.
- (5) The condition is that, so far as it extends to England and Wales and applies in relation to Wales, the provision would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of that Assembly (including any provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975).
- (6) If the condition in subsection (7) is met, the Scottish Ministers may by regulations provide that a provision of this Act to which subsection (2) applies comes into force so far as it extends to Scotland on a day appointed by the regulations.
- (7) The condition is that, so far as it extends to Scotland, the provision would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.
- (8) If the condition in subsection (9) is met, a Northern Ireland department may by order provide that a provision of this Act to which subsection (2) applies comes into force so far as it extends to Northern Ireland on a day appointed by the order.
- (9) The condition is that the provision, so far as it extends to Northern Ireland—
  - (a) would be within the legislative competence of the Northern Ireland Assembly, and
  - (b) would not require the consent of the Secretary of State, if it were contained in an Act of that Assembly.
- (10) Different days may be appointed under subsection (2), (4), (6) or (8) for different purposes or areas.
- (11) A Minister of the Crown may by regulations make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act, subject as follows.
- (12) In the case of provision made by regulations under subsection (11) which could also be made by an authority under any of subsections (13) to (15), a Minister of the Crown may not make the provision without the authority's consent.
- (13) The Welsh Ministers may by regulations make transitional, transitory or saving provision in connection with the coming into force in relation to Wales of a provision of this Act if the Welsh Ministers—
  - (a) have the power to bring the provision into force in relation to Wales by virtue of subsection (4) (whether or not it has been brought into force), or
  - (b) would have that power if the provision were listed in subsection (2).
- (14) The Scottish Ministers may by regulations make transitional, transitory or saving provision in connection with the coming into force in relation to Scotland of a provision of this Act if the Scottish Ministers—
  - (a) have the power to bring the provision into force in relation to Scotland by virtue of subsection (6) (whether or not it has been brought into force), or
  - (b) would have that power if the provision were listed in subsection (2).

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- (15) A Northern Ireland department may by order make transitional, transitory or saving provision in connection with the coming into force in relation to Northern Ireland of any provision of this Act if a Northern Ireland department—
- (a) has the power to bring the provision into force in relation to Northern Ireland by virtue of subsection (8) (whether or not it has been brought into force), or
  - (b) would have that power if the provision were listed in subsection (2).
- (16) Any power of a Minister of the Crown or the Welsh Ministers to make regulations under this section is exercisable by statutory instrument.
- (17) Any power of a Northern Ireland department to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).

## 88 Power to suspend and revive provisions of this Act **U.K.**

- (1) A relevant national authority may by regulations suspend the operation of any provision of this Act.
- (2) Section 16(1) of the Interpretation Act 1978 applies in relation to the suspension of a provision of this Act by regulations under subsection (1) as if the provision had been repealed by an Act.
- (3) A relevant national authority may by regulations revive the operation of a provision of this Act suspended by regulations under subsection (1).
- (4) The power in subsection (1) and the power in subsection (3) may be exercised more than once in relation to the same provision.
- (5) Regulations under this section—
- (a) may make different provision for different purposes or areas;
  - (b) may make transitional, transitory or saving provision.
- (6) References in this section to a provision of this Act do not include—
- (a) section 1;
  - (b) section 2 (and Schedule 1);
  - (c) section 5 and Schedule 4 so far as they—
    - (i) make provision about a person who has been registered in the register of pharmaceutical chemists or against whose name in that register an annotation has been recorded, or
    - (ii) make provision for or in connection with the revocation of a person's registration or the removal of an annotation;
  - (d) section 6(a) and paragraph 1 of Schedule 5 so far as they—
    - (i) make provision about a person who has been registered in any register by virtue of that Schedule, or
    - (ii) make provision for or in connection with the revocation of a person's registration;
  - (e) section 6(b) (and paragraph 2 of Schedule 5);
  - (f) sections 11, 12 and 13;
  - (g) section 17;
  - (h) section 19(11);

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- (i) section 21(7);
  - (j) section 34;
  - (k) section 35;
  - (l) section 36;
  - (m) section 37(2) (and Part 2 of Schedule 16);
  - (n) section 38(2) (and Part 2 of Schedule 17);
  - (o) section 45;
  - (p) section 46;
  - (q) section 47;
  - (r) section 48 (and Schedule 18);
  - (s) section 49 (and Schedule 19);
  - (t) section 50 (and Schedule 20);
  - (u) section 51 (and Schedule 21);
  - (v) section 52 (and Schedule 22);
  - (w) sections 59 to 70;
  - (x) sections 72 to 74;
  - (y) section 75;
  - (z) a provision of this Part;
  - (z1) Parts 2 to 5 of Schedule 7, and section 8 so far as relating to those Parts;
  - (z2) Part 3 of Schedule 8, and section 10(1) and Part 1 of that Schedule so far as relating to that Part;
  - (z3) Parts 3 and 4 of Schedule 10, and section 10(3) and Part 1 of that Schedule so far as relating to those Parts;
  - (z4) Parts 3 and 4 of Schedule 11, and section 10(4) and Part 1 of that Schedule so far as relating to those Parts;
  - (z5) paragraphs 3(2) and (3), 10, 13, 18, 30, 33 and 35 of Schedule 12, and section 15 and paragraphs 1 and 19 of that Schedule so far as relating to those paragraphs;
  - (z6) paragraphs 8, 9, 15, 16 and 30 of Schedule 13, and section 18 and paragraphs 1, 10 and 17 of that Schedule so far as relating to those paragraphs.
- (7) In this section “relevant national authority” means a Minister of the Crown, subject as follows.
- (8) In the case of regulations under this section which could also be made by an authority by virtue of subsection (9), (11) or (13), a Minister of the Crown may not make the regulations without the authority's consent.
- (9) The Welsh Ministers are also a relevant national authority for the purposes of this section in relation to a provision of this Act if—
- (a) it extends to England and Wales and applies in relation to Wales, and
  - (b) so far as it so extends and applies, it would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of that Assembly (including any provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975).
- (10) The power of the Welsh Ministers to make regulations under this section in relation to a provision of this Act is a power to do so only so far as the provision extends to England and Wales and applies in relation to Wales.

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- (11) The Scottish Ministers are also a relevant national authority for the purposes of this section in relation to a provision of this Act if—
- (a) it extends to Scotland, and
  - (b) so far as it so extends, it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.
- (12) The power of the Scottish Ministers to make regulations under this section in relation to a provision of this Act is a power to do so only so far as the provision extends to Scotland.
- (13) A Northern Ireland department is also a relevant national authority for the purposes of this section in relation to a provision of this Act if—
- (a) it extends to Northern Ireland, and
  - (b) so far as it so extends, were it contained in an Act of the Northern Ireland Assembly—
    - (i) it would be within the legislative competence of that Assembly, and
    - (ii) it would not require the consent of the Secretary of State.
- (14) References in this section to regulations are to be read in relation to a Northern Ireland department as references to an order.
- (15) The power of a Northern Ireland department to make an order under this section in relation to a provision of this Act is a power to do so only so far as the provision extends to Northern Ireland.
- (16) Any power of a Minister of the Crown or the Welsh Ministers to make regulations under this section is exercisable by statutory instrument.
- (17) Any power of a Northern Ireland department to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).

## 89 Expiry **U.K.**

- (1) This Act expires at the end of the period of 2 years beginning with the day on which it is passed, subject to subsection (2) and section 90.
- (2) Subsection (1) does not apply to—
- (a) section 1;
  - (b) section 2 and Schedule 1 so far as they—
    - (i) make provision about a person who has been registered in any register by virtue of that Schedule, or
    - (ii) make provision for or in connection with the revocation of a person's registration;
  - (c) section 5 and Schedule 4 so far as they—
    - (i) make provision about a person who has been registered in the register of pharmaceutical chemists or against whose name in that register an annotation has been recorded, or
    - (ii) make provision for or in connection with the revocation of a person's registration or the removal of an annotation;
  - (d) section 6 and Schedule 5 so far as they—

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- (i) make provision about a person who has been registered in any register by virtue of that Schedule, or
    - (ii) make provision for or in connection with the revocation of a person's registration;
  - (e) sections 11, 12 and 13;
  - (f) section 17;
  - (g) section 19(11);
  - (h) section 21(7);
  - (i) sections 59 to 70;
  - (j) sections 72 to 74;
  - (k) section 75(1);
  - (l) section 76;
  - (m) this Part;
  - (n) Parts 2 to 5 of Schedule 7, and section 8 so far as relating to those Parts;
  - (o) Part 3 of Schedule 8, and section 10(1) and Part 1 of that Schedule so far as relating to that Part;
  - (p) Parts 3 and 4 of Schedule 10, and section 10(3) and Part 1 of that Schedule so far as relating to those Parts;
  - (q) Parts 3 and 4 of Schedule 11, and section 10(4) and Part 1 of that Schedule so far as relating to those Parts;
  - (r) paragraphs 3(2) and (3), 10, 13, 18, 30, 33 and 35 of Schedule 12, and section 15 and paragraphs 1 and 19 of that Schedule so far as relating to those paragraphs;
  - (s) paragraphs 8, 9, 15, 16 and 30 of Schedule 13, and section 18 and paragraphs 1, 10 and 17 of that Schedule so far as relating to those paragraphs.
- (3) A Minister of the Crown may by regulations make transitional, transitory or saving provision in connection with the expiry of any provision of this Act.
- (4) In the case of provision made by regulations under subsection (3) which could also be made by an authority under subsection (5), (7) or (9), a Minister of the Crown may not make the provision without the authority's consent.
- (5) If the condition in subsection (6) is met, the Welsh Ministers may by regulations make transitional, transitory or saving provision in connection with the expiry in relation to Wales of any provision of this Act.
- (6) The condition is that, so far as it extends to England and Wales and applies to Wales, the provision would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of that Assembly (including any provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975).
- (7) If the condition in subsection (8) is met, the Scottish Ministers may by regulations make transitional, transitory or saving provision in connection with the expiry in relation to Scotland of any provision of this Act.
- (8) The condition is that, so far as it extends to Scotland, the provision would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.

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- (9) If the condition in subsection (10) is met, a Northern Ireland department may by order make transitional, transitory or saving provision in connection with the expiry in relation to Northern Ireland of any provision of this Act.
- (10) The condition is that the provision, so far as it extends to Northern Ireland—
- (a) would be within the legislative competence of the Northern Ireland Assembly, and
  - (b) would not require the consent of the Secretary of State, if it were contained in an Act of that Assembly.
- (11) The power of a Minister of the Crown or the Welsh Ministers to make regulations under this section is exercisable by statutory instrument.
- (12) The power of a Northern Ireland department to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).

## 90 Power to alter expiry date **U.K.**

- (1) A relevant national authority may by regulations provide that any provision of this Act—
- (a) does not expire at the time when it would otherwise expire (whether by virtue of section 89 or previous regulations under this subsection or subsection (2)), and
  - (b) expires instead at such earlier time as is specified in the regulations.
- (2) A relevant national authority may by regulations provide that any provision of this Act—
- (a) does not expire at the time when it would otherwise expire (whether by virtue of section 89 or previous regulations under this subsection or subsection (1)), and
  - (b) expires instead at such later time as is specified in the regulations.
- (3) A time specified under subsection (2) in relation to a provision of this Act must not be later than the end of the period of 6 months beginning with the time when the provision would otherwise have expired (whether by virtue of section 89 or previous regulations under subsection (1) or (2)).
- (4) Regulations under this section—
- (a) may make different provision for different purposes or areas;
  - (b) may make transitional, transitory or saving provision.
- (5) In this section “relevant national authority” means a Minister of the Crown, subject as follows.
- (6) In the case of regulations under this section which could also be made by an authority by virtue of subsection (7), (9) or (11), a Minister of the Crown may not make the regulations without the authority's consent.
- (7) The Welsh Ministers are also a relevant national authority for the purposes of this section in relation to a provision of this Act if—
- (a) it extends to England and Wales and applies in relation to Wales, and



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- (b) so far as it so extends and applies, it would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of that Assembly (including any provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975).
- (8) The power of the Welsh Ministers to make regulations under this section in relation to a provision of this Act is a power to do so only so far as the provision extends to England and Wales and applies in relation to Wales.
- (9) The Scottish Ministers are also a relevant national authority for the purposes of this section in relation to a provision of this Act if—
- (a) it extends to Scotland, and
- (b) so far as it so extends, it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.
- (10) The power of the Scottish Ministers to make regulations under this section in relation to a provision of this Act is a power to do so only so far as the provision extends to Scotland.
- (11) A Northern Ireland department is also a relevant national authority for the purposes of this section in relation to a provision of this Act if—
- (a) it extends to Northern Ireland, and
- (b) so far as it so extends, were it contained in an Act of the Northern Ireland Assembly—
- (i) it would be within the legislative competence of that Assembly, and
- (ii) it would not require the consent of the Secretary of State.
- (12) References in this section to regulations are to be read in relation to a Northern Ireland department as references to an order.
- (13) The power of a Northern Ireland department to make an order under this section in relation to a provision of this Act is a power to do so only so far as the provision extends to Northern Ireland.
- (14) Any power of a Minister of the Crown or the Welsh Ministers to make regulations under this section is exercisable by statutory instrument.
- (15) Any power of a Northern Ireland department to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).

## **91 Power to amend Act in consequence of amendments to subordinate legislation U.K.**

- (1) A relevant national authority may by regulations amend or repeal any provision of this Act which modifies a provision of subordinate legislation.
- (2) The power in subsection (1) may be exercised only if the amendment or repeal is necessary in consequence of the amendment or revocation of the provision of subordinate legislation by other subordinate legislation.
- (3) Regulations under subsection (1) may make transitional, transitory or saving provision.

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- (4) In this section “relevant national authority” means a Minister of the Crown, subject as follows.
- (5) In the case of regulations under subsection (1) which could also be made by an authority by virtue of any of subsections (6) to (8), a Minister of the Crown may not make the regulations without the authority's consent.
- (6) The Welsh Ministers are also a relevant national authority in relation to regulations under subsection (1) which make provision which would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of that Assembly (including any provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975).
- (7) The Scottish Ministers are also a relevant national authority in relation to regulations under subsection (1) which make provision which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.
- (8) A Northern Ireland department is also a relevant national authority in relation to regulations under subsection (1) which make provision which, if it were contained in an Act of the Northern Ireland Assembly—
  - (a) would be within the legislative competence of that Assembly, and
  - (b) would not require the consent of the Secretary of State.
- (9) Any power of a Minister of the Crown or the Welsh Ministers to make regulations under subsection (1) is exercisable by statutory instrument.
- (10) References in this section to regulations are to be read in relation to a Northern Ireland department as references to an order.
- (11) Any power of a Northern Ireland department to make an order under subsection (1) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).
- (12) In this section “subordinate legislation” means—
  - (a) subordinate legislation within the meaning of the Interpretation Act 1978,
  - (b) an instrument made under an Act or Measure of the National Assembly for Wales,
  - (c) an instrument made under an Act of the Scottish Parliament, or
  - (d) an instrument made under Northern Ireland legislation.

## 92 Power to make consequential modifications **U.K.**

- (1) A relevant national authority may by regulations make provision for an enactment to have effect with modifications in consequence of any provision of this Act.
- (2) Without prejudice to section 14 of the Interpretation Act 1978 (implied power to amend), a relevant national authority may by regulations amend or revoke any regulations made by the authority under subsection (1) in consequence of—
  - (a) the exercise of a power under section 88,
  - (b) the expiry of a provision of this Act under section 89, or
  - (c) the exercise of a power under section 90.
- (3) Regulations under this section may make transitional, transitory or saving provision.

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- (4) In this section “relevant national authority” means a Minister of the Crown, subject as follows.
- (5) In the case of regulations under this section which could also be made by an authority by virtue of any of subsections (6) to (8), a Minister of the Crown may not make the regulations without the authority's consent.
- (6) The Welsh Ministers are also a relevant national authority in relation to regulations under this section which make provision which would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of that Assembly (including any provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975).
- (7) The Scottish Ministers are also a relevant national authority in relation to regulations under this section which make provision which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.
- (8) A Northern Ireland department is also a relevant national authority in relation to regulations under this section which make provision which, if it were contained in an Act of the Northern Ireland Assembly—
  - (a) would be within the legislative competence of that Assembly, and
  - (b) would not require the consent of the Secretary of State.
- (9) Any power of a Minister of the Crown or the Welsh Ministers to make regulations under this section is exercisable by statutory instrument.
- (10) References in this section to regulations are to be read in relation to a Northern Ireland department as references to an order.
- (11) Any power of a Northern Ireland department to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).
- (12) In this section “enactment” includes—
  - (a) an enactment comprised in an Act or Measure of the National Assembly for Wales,
  - (b) an enactment comprised in an Act of the Scottish Parliament,
  - (c) an enactment comprised in Northern Ireland legislation, and
  - (d) an enactment comprised in subordinate legislation.
- (13) In this section “subordinate legislation” means—
  - (a) subordinate legislation within the meaning of the Interpretation Act 1978,
  - (b) an instrument made under an Act or Measure of the National Assembly for Wales,
  - (c) an instrument made under an Act of the Scottish Parliament, or
  - (d) an instrument made under Northern Ireland legislation.

### 93 Procedure for certain regulations made by a Minister of the Crown **U.K.**

- (1) A statutory instrument containing regulations made by a Minister of the Crown under section 90(1) (other than regulations made in accordance with section 98(1)) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

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- (2) A statutory instrument containing regulations made by a Minister of the Crown under section 90(2) must be laid before Parliament as soon as reasonably practicable after being made.
- (3) A statutory instrument containing regulations made by a Minister of the Crown under section 91(1) must be laid before Parliament as soon as reasonably practicable after being made.
- (4) A statutory instrument containing regulations made by a Minister of the Crown under section 92—
  - (a) if the regulations only provide for subordinate legislation within the meaning of that section to have effect with modifications or to be amended or revoked, is subject to annulment in pursuance of a resolution of either House of Parliament;
  - (b) otherwise, must be laid before Parliament as soon as reasonably practicable after being made.
- (5) Subsection (2), (3) or (4)(b) does not apply if a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) Regulations contained in an instrument laid before Parliament by virtue of subsection (2), (3) or (4)(b) cease to have effect at the end of the period of 40 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.
- (7) In calculating the period of 40 days, no account is to be taken of any time during which—
  - (a) Parliament is dissolved or prorogued, or
  - (b) both Houses of Parliament are adjourned for more than 4 days.
- (8) Where regulations cease to have effect as a result of subsection (6) that does not—
  - (a) affect anything previously done under or by virtue of the regulations, or
  - (b) prevent the making of new regulations.

#### **94 Procedure for certain regulations made by the Welsh Ministers U.K.**

- (1) A statutory instrument containing regulations made by the Welsh Ministers under section 90(1) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (2) A statutory instrument containing regulations made by the Welsh Ministers under section 90(2) must be laid before the National Assembly for Wales as soon as reasonably practicable after being made.
- (3) A statutory instrument containing regulations made by the Welsh Ministers under section 91(1) must be laid before the National Assembly for Wales as soon as reasonably practicable after being made.
- (4) A statutory instrument containing regulations made by the Welsh Ministers under section 92—
  - (a) if the regulations only provide for subordinate legislation within the meaning of that section to have effect with modifications or to be amended or revoked, is subject to annulment in pursuance of a resolution of the National Assembly for Wales;

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- (b) otherwise, must be laid before the National Assembly for Wales as soon as reasonably practicable after being made.
- (5) Subsection (2), (3) or (4)(b) does not apply if a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (6) Regulations contained in an instrument laid before the National Assembly for Wales by virtue of subsection (2), (3) or (4)(b) cease to have effect at the end of the period of 40 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of the National Assembly for Wales.
- (7) In calculating the period of 40 days, no account is to be taken of any time during which the National Assembly for Wales is—
  - (a) dissolved, or
  - (b) in recess for more than 4 days.
- (8) Where regulations cease to have effect as a result of subsection (6) that does not—
  - (a) affect anything previously done under or by virtue of the regulations, or
  - (b) prevent the making of new regulations.

## 95 Procedure for certain regulations made by the Scottish Ministers **U.K.**

- (1) Regulations made by the Scottish Ministers under section 90(1) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010) (asp 10)).
- (2) Regulations made by the Scottish Ministers under section 90(2) must be laid before the Scottish Parliament as soon as reasonably practicable after being made.
- (3) Regulations made by the Scottish Ministers under section 91(1) must be laid before the Scottish Parliament as soon as reasonably practicable after being made.
- (4) Regulations made by the Scottish Ministers under section 92—
  - (a) if they only provide for subordinate legislation within the meaning of that section to have effect with modifications or to be amended or revoked, are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010);
  - (b) otherwise, must be laid before the Scottish Parliament as soon as reasonably practicable after being made.
- (5) Subsection (2), (3) or (4)(b) does not apply if the regulations have been subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).
- (6) Regulations laid before the Scottish Parliament by virtue of subsection (2), (3) or (4)(b) cease to have effect at the end of the period of 40 days beginning with the day on which they are made unless, during that period, the regulations are approved by resolution of the Scottish Parliament.
- (7) In calculating the period of 40 days, no account is to be taken of any time during which the Scottish Parliament is—
  - (a) dissolved, or
  - (b) in recess for more than 4 days.
- (8) Where regulations cease to have effect as a result of subsection (6) that does not—

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- (a) affect anything previously done under or by virtue of the regulations, or
- (b) prevent the making of new regulations.

## 96 Procedure for certain orders made by a Northern Ireland department **U.K.**

- (1) An order made by a Northern Ireland department under section 90(1) is subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.
- (2) An order made by a Northern Ireland department under section 90(2) must be laid before the Northern Ireland Assembly as soon as reasonably practicable after being made.
- (3) An order made by a Northern Ireland department under section 91(1) must be laid before the Northern Ireland Assembly as soon as reasonably practicable after being made.
- (4) An order under section 92 made by a Northern Ireland department—
  - (a) if the order only provides for subordinate legislation within the meaning of that section to have effect with modifications or to be amended or revoked, is subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954;
  - (b) otherwise, must be laid before the Northern Ireland Assembly as soon as reasonably practicable after being made.
- (5) Subsection (2), (3) or (4)(b) does not apply if a draft of the order has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (6) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (5) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.
- (7) An order laid before the Northern Ireland Assembly by virtue of subsection (2), (3) or (4)(b) ceases to have effect at the end of the period of 40 days beginning with the day on which the order is made unless, during that period, the instrument is approved by a resolution of the Northern Ireland Assembly.
- (8) In calculating the period of 40 days, no account is to be taken of any time during which the Northern Ireland Assembly is—
  - (a) dissolved,
  - (b) in recess for more than 4 days, or
  - (c) adjourned for more than 6 days.
- (9) Where an order ceases to have effect as a result of subsection (7) that does not—
  - (a) affect anything previously done under or by virtue of the order, or
  - (b) prevent the making of a new order.

## <sup>x5</sup>97 Reports by Secretary of State on status of non-devolved provisions of this Act **U.K.**

- (1) The Secretary of State must—
  - (a) in respect of each reporting period, prepare and publish a report on the status of the provisions of Part 1 of this Act;

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- (b) include in the report a statement that the Secretary of State is satisfied that the status of those provisions is appropriate.
- (2) A reference in this section to a provision of this Act is to the provision only so far as the Secretary of State is responsible for it (see subsection (6)).
- (3) The references in subsection (1) 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 a Minister of the Crown in relation to it during that period (and, if so, which and how)—
    - (i) section 87(2) (regulations bringing provision into force);
    - (ii) section 88(1) or (3) (regulations suspending or reviving provision);
    - (iii) section 90(1) or (2) (regulations altering expiry date of provision).
- (4) Each of the following is a “reporting period”—
- (a) the period of 2 months beginning with the day on which this Act is passed;
  - (b) each successive period of 2 months that ends during the substantive operational period of this Act.
- (5) The “substantive operational period of this Act” is —
- (a) the two-year period mentioned in section 89(1), or
  - (b) if different, the period—
    - (i) beginning with the day on which this Act is passed, and
    - (ii) ending with the time of expiry of the provision of this Act which, by virtue of regulations made by a Minister of the Crown under section 90(2), expires the latest.
- (6) The Secretary of State is responsible for a provision of this Act so far as—
- (a) it extends to England and Wales and applies in relation to England;
  - (b) it—
    - (i) extends to England and Wales and applies in relation to Wales, or extends to Scotland or Northern Ireland, and
    - (ii) is outside devolved legislative competence in Wales, Scotland or Northern Ireland (as the case may be).
- (7) A provision is “outside devolved legislative competence”—
- (a) in relation to Wales, if it would not be within the legislative competence of the National Assembly for Wales if it were contained in an Act of that Assembly (assuming, in the case of provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975, that such consent were given);
  - (b) in relation to Scotland, if it would not be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;
  - (c) in relation to Northern Ireland, if—
    - (i) it would not be within the legislative competence of the Northern Ireland Assembly, or
    - (ii) it would require the consent of the Secretary of State, if it were contained in an Act of that Assembly.

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- (8) The Secretary of State must lay each report prepared under subsection (1) before Parliament.
- (9) If the Secretary of State does not prepare and publish the report required by subsection (1) within 7 days beginning with the end of a reporting period, the Secretary of State must—
- (a) explain why in a statement made in writing, and
  - (b) publish the statement.

#### Editorial Information

- X5** The power conferred under this provision to make a statement in writing may be exercised by means of a notice published in [The Gazette](#)

## 98 Six-month parliamentary review **U.K.**

- (1) If the House of Commons rejects a motion in the form set out in subsection (2), moved in accordance with subsection (3) by a Minister of the Crown, a Minister of the Crown must exercise the power conferred by section 90(1) so as to ensure that the relevant temporary provisions expire not later than the end of the period of 21 days beginning with the day on which the rejection takes place.
- (2) The form of the motion is—
- “That the temporary provisions of the Coronavirus Act 2020 should not yet expire.”
- (3) So far as practicable, a Minister of the Crown must make arrangements for the motion mentioned in subsection (1) to be debated and voted on by the House of Commons within a period of 7 sitting days beginning immediately after each 6 month review period.
- (4) In this section—
- “6 month review period” means—
- (a) the period of 6 months beginning with the day on which this Act is passed, and
  - (b) each subsequent period of 6 months,
- but only (in each case) if at least one relevant temporary provision still exists at the end of the period (whether or not that provision has ever been brought into force or is at that time suspended);
- “relevant temporary provision” means any provision of this Act—
- (a) which is not listed in section 89(2) (provisions not subject to expiry), and
  - (b) in respect of which a Minister of the Crown could make provision under section 90(1) (early expiry regulations) without the consent of the Welsh Ministers, the Scottish Ministers or a Northern Ireland department;
- “sitting day” means a day on which the House of Commons is sitting (and a day is only a day on which the House of Commons is sitting if the House begins to sit on that day).



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## 99 Parliamentary consideration of status of non-devolved provisions of this Act **U.K.**

- (1) This section applies where the substantive operational period of this Act is longer than the period of one year beginning with the day on which this Act is passed.
- (2) A Minister of the Crown must make arrangements for—
  - (a) a motion in neutral terms, to the effect that the House of Commons has considered the one-year status report, to be moved in that House by a Minister of the Crown within the period of 14 Commons sitting days beginning with the day after the end of the sixth reporting period, and
  - (b) a motion for the House of Lords to take note of the one-year status report to be moved in that House by a Minister of the Crown within the period of 14 Lords sitting days beginning with the day after the end of the sixth reporting period.
- (3) The “one-year status report” is the report required to be prepared by the Secretary of State under section 97 in respect of the sixth reporting period.
- (4) In this section—

“Commons sitting day” means a day on which the House of Commons is sitting (and a day is only a day on which the House of Commons is sitting if the House begins to sit on that day);

“Lords sitting day” means a day on which the House of Lords is sitting (and a day is only a day on which the House of Lords is sitting if the House begins to sit on that day);

“reporting period” and “substantive operational period of this Act” have the same meaning as in section 97.

## 100 Extent **U.K.**

- (1) The following provisions extend to England and Wales, Scotland and Northern Ireland—
  - (a) section 1;
  - (b) section 2 (and Schedule 1);
  - (c) section 8, so far as it relates to Parts 1, 2 and 5 of Schedule 7 (and those Parts of that Schedule);
  - (d) section 9;
  - (e) sections 22 and 23;
  - (f) section 24;
  - (g) sections 25 to 29 (and Schedule 15);
  - (h) section 50 (and Schedule 20);
  - (i) section 51 (and Schedule 21);
  - (j) section 52 (and Schedule 22);
  - (k) section 54, so far as it relates to Part 2 of Schedule 24 (and that Part of that Schedule);
  - (l) section 55, so far as it relates to paragraph 2 of Schedule 25 (and that paragraph of that Schedule);
  - (m) section 58 (and Schedule 28);
  - (n) sections 62 to 64 and 66;
  - (o) sections 68 and 69;

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- (p) section 71;
  - (q) sections 72 to 74;
  - (r) section 75;
  - (s) section 76;
  - (t) section 77(1) and (2);
  - (u) this Part.
- (2) The following provisions extend to England and Wales and Scotland only—
- (a) section 8, so far as it relates to Part 3 of Schedule 7 (and that Part of that Schedule);
  - (b) sections 39 to 41;
  - (c) section 77(3).
- (3) The following provisions extend to England and Wales and Northern Ireland only—
- (a) section 61;
  - (b) section 78.
- (4) The following provisions extend to England and Wales only—
- (a) section 3 (and Schedule 2);
  - (b) section 6 (and Schedule 5);
  - (c) section 10(1) (and Schedule 8);
  - (d) section 11;
  - (e) sections 14 and 15 (and Schedule 12);
  - (f) section 18(1) (and Part 1 of Schedule 13);
  - (g) section 19;
  - (h) section 30;
  - (i) section 33;
  - (j) section 37(1) (and Part 1 of Schedule 16);
  - (k) section 38(1) (and Part 1 of Schedule 17);
  - (l) section 45;
  - (m) section 53 (and Schedule 23);
  - (n) section 54, so far as it relates to Parts 1 and 3 of Schedule 24 (and those Parts of that Schedule);
  - (o) section 55, so far as it relates to paragraph 1 of Schedule 25 (and that paragraph of that Schedule);
  - (p) section 56 (and Schedule 26);
  - (q) sections 59, 60, 65 and 67;
  - (r) section 79;
  - (s) section 81 (and Schedule 29);
  - (t) section 82;
  - (u) section 84.
- (5) The following provisions extend to Scotland only—
- (a) section 4 (and Schedule 3);
  - (b) section 7 (and Schedule 6);
  - (c) section 10(2) (and Schedule 9);
  - (d) section 12;
  - (e) sections 16 and 17;

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- (f) section 18(2) (and Part 2 of Schedule 13);
  - (g) section 20 (and Schedule 14);
  - (h) sections 34 and 35;
  - (i) section 36;
  - (j) section 37(2) (and Part 2 of Schedule 16);
  - (k) section 38(2) (and Part 2 of Schedule 17);
  - (l) section 46;
  - (m) section 49 (and Schedule 19);
  - (n) section 70.
- (6) The following provisions extend to Northern Ireland only—
- (a) section 5 (and Schedule 4);
  - (b) section 8, so far as it relates to Part 4 of Schedule 7 (and that Part of that Schedule);
  - (c) section 10(3) and (4) (and Schedules 10 and 11);
  - (d) section 13;
  - (e) section 18(3) (and Part 3 of Schedule 13);
  - (f) section 21;
  - (g) section 31;
  - (h) section 32;
  - (i) section 37(3) (and Part 3 of Schedule 16);
  - (j) section 38(3) (and Part 3 of Schedule 17);
  - (k) sections 42 to 44;
  - (l) section 47;
  - (m) section 48 (and Schedule 18);
  - (n) section 57 (and Schedule 27);
  - (o) section 80;
  - (p) section 83.

**101 Extension to the Isle of Man** **U.K.**

Her Majesty may by Order in Council provide for the extension, with or without modifications, to the Isle of Man of any provision of this Act which is capable of so extending.

**102 Short title** **U.K.**

This Act may be cited as the Coronavirus Act 2020.

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## SCHEDULES

### SCHEDULE 1 U.K.

Section 2

#### EMERGENCY REGISTRATION OF NURSES AND OTHER HEALTH AND CARE PROFESSIONALS

##### *Nursing and Midwifery Order 2001*

1 (1) The Nursing and Midwifery Order 2001 (S.I. 2002/253) has effect as if it were subject to the following modifications.

(2) The Order has effect as if after article 9 there were inserted—

*“Temporary registration in emergencies  
 involving loss of human life or human illness etc*

9A (1) The Registrar may register a person as a registered nurse, midwife or nursing associate, or the persons comprising a specified group of persons as registered nurses, midwives or nursing associates, if—

- (a) the Secretary of State has advised the Registrar that an emergency has occurred, is occurring or is about to occur and that the Registrar should consider acting under this article, and
- (b) the Registrar considers that the emergency registration requirement is met in relation to the person or group of persons.

(2) For the purposes of paragraph (1)(b) the emergency registration requirement is met—

- (a) in relation to a person, if the Registrar considers that the person is a fit, proper and suitably experienced person to be registered as a nurse, midwife or nursing associate with regard to the emergency;
- (b) in relation to a group of persons, if the Registrar considers that the group is comprised of persons who are of a type who may reasonably be considered fit, proper and suitably experienced persons to be registered as nurses, midwives or nursing associates with regard to the emergency.

(3) The Registrar may register all of the persons comprising a specified group of persons without first identifying each person in the group.

(4) The Registrar may include an annotation in the register denoting that a person has been registered under this regulation.

(5) The registration of a person under this article has effect subject to any conditions imposed by the Registrar; and the Registrar may at any time vary or revoke such a condition or add new conditions.

(6) Where a person is registered under this article as a member of a specified group, the person's registration may (but need not) be subject to the same conditions as the registration of other members of the group.

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- (7) A person's registration under this article ceases to have effect if revoked by the Registrar; and the Registrar—
- (a) must revoke the registration if the Secretary of State advises the Registrar that the circumstances that led the Secretary of State to give the advice referred to in paragraph (1)(a) no longer exist;
  - (b) may at any time revoke the registration for any other reason, including where the Registrar suspects that the person's fitness to practise may be impaired.
- (8) A person's registration as a member of a specified group may be revoked—
- (a) without the registration of the other members of the group being revoked, or
  - (b) as a result of a decision to revoke the registration of all the members of the group.
- (9) Rules under article 7 may not provide for fees to be charged in respect of a person's registration under this article.
- (10) The following provisions of this Order do not apply to persons registered under this article—
- articles 5A, 9, 10, 12 and 13 (provisions relating to registration);
  - articles 15 to 19 (provisions relating to education and training);
  - Part 5 (fitness to practise), other than articles 21, 22(10) and 25(1) and (3) to (6).
- (11) If a person breaches a condition to which the person's registration under this article is subject, anything done by the person in breach of the condition is to be treated as not done by a registered nurse, midwife or nursing associate (as the case may be).
- (12) In this article “emergency” means an emergency of the kind described in section 19(1)(a) of the Civil Contingencies Act 2004, read with subsection (2)(a) and (b) of that section.”
- (3) Article 25(1) (power of Nursing and Midwifery Council to require disclosure of information) has effect as if it enabled requirements to be imposed for the purpose of assisting the Registrar in carrying out functions in respect of identifying any person registered by virtue of article 9A(2)(b) (emergency registration of a group of persons).
- (4) Article 37 (appeals against Registrar's decisions) has effect as if after paragraph (2B) there were inserted—
- “(2C) No appeal lies to the Council where the Registrar—
- (a) has refused to register a person under article 9A, or
  - (b) has revoked a person's registration under that article.”

#### *Health Professions Order 2001*

- 2 (1) The Health Professions Order 2001 (S.I. 2002/254) has effect as if it were subject to the following modifications.
- (2) The Order has effect as if after article 9 there were inserted—

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*“Temporary registration in emergencies  
 involving loss of human life or human illness etc*

- 9A (1) The Registrar may register a person as a member of a relevant profession, or the persons comprising a specified group of persons as members of a relevant profession, if—
- (a) the Secretary of State has advised the Registrar that an emergency has occurred, is occurring or is about to occur and that the Registrar should consider acting under this article, and
  - (b) the Registrar considers that the emergency registration requirement is met in relation to the person or group of persons.
- (2) For the purposes of paragraph (1)(b) the emergency registration requirement is met—
- (a) in relation to a person, if the Registrar considers that the person is a fit, proper and suitably experienced person to be registered as a member of the profession in question with regard to the emergency;
  - (b) in relation to a group of persons, if the Registrar considers that the group is comprised of persons who are of a type who may reasonably be considered fit, proper and suitably experienced persons to be registered as members of the profession in question with regard to the emergency.
- (3) The Registrar may register all of the persons comprising a specified group of persons without first identifying each person in the group.
- (4) The Registrar may include an annotation in the register denoting that a person has been registered under this regulation.
- (5) The registration of a person under this article has effect subject to any conditions imposed by the Registrar; and the Registrar may at any time vary or revoke such a condition or add new conditions.
- (6) Where a person is registered under this article as a member of a specified group, the person's registration may (but need not) be subject to the same conditions as the registration of other members of the group.
- (7) A person's registration under this article ceases to have effect if revoked by the Registrar; and the Registrar—
- (a) must revoke the registration if the Secretary of State advises the Registrar that the circumstances that led the Secretary of State to give the advice referred to in paragraph (1)(a) no longer exist;
  - (b) may at any time revoke the registration for any other reason, including where the Registrar suspects that the person's fitness to practise may be impaired.
- (8) A person's registration as a member of a specified group may be revoked—
- (a) without the registration of the other members of the group being revoked, or
  - (b) as a result of a decision to revoke the registration of all the members of the group.

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- (9) Rules under article 7 may not provide for fees to be charged in respect of a person's registration under this article.
- (10) The following provisions of this Order do not apply to persons registered under this article—
- articles 9, 10, 11 and 12 (provisions relating to registration);
  - articles 15 to 19 (provisions relating to education and training);
  - Part 5 (fitness to practise), other than articles 21, 22(10) and 25(1) and (3) to (5).
- (11) If a person breaches a condition to which the person's registration under this article is subject, anything done by the person in breach of the condition is to be treated as not done by a person registered as a member of the relevant profession in question.
- (12) In this article “emergency” means an emergency of the kind described in section 19(1)(a) of the Civil Contingencies Act 2004, read with subsection (2)(a) and (b) of that section.”
- (3) Article 25(1) (power of Health and Care Professions Council to require disclosure of information) has effect as if it enabled requirements to be imposed for the purpose of assisting the Registrar in carrying out functions in respect of identifying any person registered by virtue of article 9A(2)(b) (emergency registration of a group of persons).
- (4) Article 38 (appeals) has effect as if after paragraph (1A) there were inserted—
- “(1B) No appeal lies to the Council where the Registrar—
    - (a) has refused to register a person under article 9A, or
    - (b) has revoked a person's registration under that article.”

<sup>F56</sup>SCHEDULE 2 **E+W**

Section 3

**Textual Amendments**

**F56** Sch. 2 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90)

<sup>F57</sup>SCHEDULE 3 **S**

Section 4

**Textual Amendments**

**F57** Sch. 3 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90)

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SCHEDULE 4 N.I.

Section 5

EMERGENCY REGISTRATION OF PHARMACEUTICAL CHEMISTS  
 AND EXTENSION OF PRESCRIBING POWERS: NORTHERN IRELAND

*Interpretation*

- 1 (1) In this Schedule “the 1976 Order” means the Pharmacy (Northern Ireland) Order 1976 (S.I. 1976/1213 (N.I. 22)).
- (2) In this Schedule references to Articles are to Articles of the 1976 Order.
- (3) Expressions used in this Schedule and in the 1976 Order have the meaning given in that Order.

*Emergency registration of pharmaceutical chemists*

- 2 The 1976 Order has effect as if it were subject to the following modifications.
- 3 After Article 8D insert—

*“Temporary registration in the register of  
 pharmaceutical chemists in certain emergencies*

- 8E (1) The registrar may register a person, or the persons comprising a specified group of persons, in the register of pharmaceutical chemists if the conditions set out in paragraph (2) are satisfied.
- (2) The conditions are that—
- (a) the Department has advised the registrar that an emergency has occurred, is occurring or is about to occur and that the registrar should consider acting under this Article; and
  - (b) the registrar considers that the emergency registration requirement is met in relation to the person or group of persons.
- (3) The emergency registration requirement is met—
- (a) in relation to a person, if the person is a fit, proper and suitably experienced person to be registered as a pharmaceutical chemist with regard to the emergency;
  - (b) in relation to a group of persons, if the group is comprised of persons who are of a type who may reasonably be considered fit, proper and suitably experienced persons to be registered as pharmaceutical chemists with regard to the emergency.
- (4) The registrar may register all of the persons comprising a specified group of persons without first identifying each person in the group.
- (5) A person's registration under this Article has effect subject to any conditions imposed by the registrar; and the registrar may at any time vary or revoke such a condition or add new conditions.
- (6) Where a person is registered under this Article as a member of a specified group, the person's registration may (but need not) be subject to the same conditions as the registration of other members of the group.



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- (7) The registration of a person under this Article ceases to have effect if revoked by the registrar; and the registrar—
- (a) must revoke the registration if the Department advises the registrar that the circumstances that led the Department to give the advice referred to in paragraph (2)(a) no longer exist;
  - (b) may at any time revoke the registration for any other reason, including where the registrar has grounds for suspecting that the person's fitness to practise may be impaired.
- (8) A person's registration as a member of a specified group may be revoked—
- (a) without revoking the registration of the other members of the group; or
  - (b) as a result of a decision to revoke the registration of all the members of the group.
- (9) Regulations made under Article 5 with respect to the following matters do not apply to persons registered under this Article—
- (a) paragraph (1)(b) (examinations and qualifications for registration);
  - (b) paragraph (1)(bb), in so far as it refers to the necessary knowledge of English;
  - (c) paragraph (1)(e) (fees);
  - (d) paragraph (1)(f), (ffg) and (g) (qualifications etc in relation to registration);
  - (e) such other matters as the Council may by regulations provide;
- but this is subject to paragraph (11).
- (10) The following provisions of this Order do not apply to persons registered under this Article—
- (a) Article 4A (continuing professional development);
  - (b) Articles 7, 8 and 8AA (provisions relating to registration);
  - (c) Article 11(1) (evidence of qualification required for registration);
  - (d) Article 15 (retention fees);
  - (e) Article 20 and Schedule 3 (fitness to practise) other than paragraphs 1 to 3; and
  - (f) such other provisions as the Council may by regulations provide;
- but this is subject to paragraph (11).
- (11) The Council may make regulations that provide that the following apply to persons registered under this Article—
- (a) regulations with respect to any of the matters referred to in paragraph (9)(a) to (e); and
  - (b) any of the provisions of this Order referred to in paragraph (10)(a) to (f).
- (12) If a person breaches any condition to which the person's registration under this Article is subject, anything done by that person in breach of the condition is to be treated as not being done by a registered pharmaceutical chemist.
- (13) The registrar may make available information to assist with the identification of persons registered under this Article in such manner as the registrar sees fit.

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(14) In this Article—

“emergency” means an emergency of the kind described in section 19(1)(a) of the Civil Contingencies Act 2004 (meaning of “emergency”), read with subsection (2)(a) and (b) of that section;

“specified” means specified in a direction given by the registrar or by a person authorised by the registrar.”

4 In Article 9(2) (maintenance of the register), at the end insert “ or in the case of the register mentioned in Article 6(1)(a) registered by virtue of Article 8E ”.

5 At the end of Article 9 (the registrar and registers) insert—

“(6) The registrar may record an annotation against the name of a registered person denoting that the person is registered under Article 8E.”

*Emergency extension of prescribing powers for pharmaceutical chemists*

6 After Article 9 insert—

*“Temporary extension of prescribing powers in certain emergencies*

9A (1) In the register mentioned in Article 6(1)(a), the registrar may record an annotation under paragraph (2) against—

- (a) the name of a registered person; or
- (b) the names of the persons comprising a specified group of registered persons,

if the conditions set out in paragraph (3) are satisfied.

(2) An annotation under this paragraph indicates that the person is qualified to order drugs, medicines and appliances in a specified capacity, notwithstanding that the person would not (but for this Article) be so qualified.

(3) The conditions are that—

- (a) the Department has advised the registrar that an emergency has occurred, is occurring or is about to occur and that the registrar should consider acting under this Article; and
- (b) the registrar considers that the emergency annotation requirement is met in relation to the person or group of persons.

(4) The emergency annotation requirement is met—

- (a) in relation to a registered person, if the person is a fit, proper and suitably experienced person to order drugs, medicines and appliances in a specified capacity with regard to the emergency; and
- (b) in relation to a group of registered persons, if the group is comprised of persons who may reasonably be considered fit, proper and suitably experienced persons to order drugs, medicines and appliances in a specified capacity with regard to the emergency.

(5) The registrar may record the annotation in such a way as to distinguish between annotations recorded by virtue of this Article and other annotations.

(6) Annotations recorded by virtue of this Article—

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- (a) must be removed by the registrar if the Department advises the registrar that the circumstances that led the Department to give the advice referred to in paragraph (3)(a) no longer exist;
  - (b) may at any time be removed by the registrar for any other reason including where the registrar has grounds for suspecting that the person's fitness to order drugs, medicines and appliances may be impaired.
- (7) An annotation recorded against the name of a person in the register as a member of a specified group may be removed—
- (a) without the removal by the registrar of the annotations recorded against the names in the register of the other members of the group; or
  - (b) by virtue of a decision by the registrar to remove the annotations recorded against the names in the register of all the members of the group.
- (8) Regulations made under Article 5 with respect to the following matters do not apply to persons with an annotated entry—
- (a) paragraph (1)(e) (fees);
  - (b) paragraph (1)(ff) (annotations of the register); and
  - (c) such other matters as the Council may by regulations provide;
- but this is subject to paragraph (10).
- (9) The following provisions of this Order do not apply to persons with an annotated entry—
- (a) Article 4A (continuing professional development);
  - (b) Article 8 (qualifications for registration); and
  - (c) such other provisions as the Council may by regulations provide;
- but this is subject to paragraph (10).
- (10) The Council may make regulations that provide that the following apply to persons with an annotated entry—
- (a) regulations with respect to any of the matters referred to in paragraph (8)(a) to (c); and
  - (b) any of the provisions of this Order referred to in paragraph (9)(a) to (c).
- (11) In this Article—
- “emergency” means an emergency of the kind described in section 19(1)(a) of the Civil Contingencies Act 2004 (meaning of “emergency”), read with subsection (2)(a) and (b) of that section;
- “person with an annotated entry” means a person who has an annotation under paragraph (2) against their name in the register; and
- “specified” means specified in a direction given by the registrar or by a person authorised by the registrar.”

#### *Appeals*

7 In Article 11, after paragraph (2) insert—

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- “(3) No appeal lies to the Council against a decision of the registrar—
- (a) to register or refuse to register a person under Article 8E;
  - (b) to register or refuse to register under that Article the persons comprising a group of persons;
  - (c) to impose, vary or revoke a condition as respects the registration of a person, or the persons comprising a group of persons, under Article 8E(5);
  - (d) to revoke a person's registration under that Article (and, in the case of a member of a group, it does not matter whether the registrar also decides to revoke the registration of any or all of the other members of the group);
  - (e) to record or refuse to record an annotation under Article 9A(2) against the name of a registered person, or the names of the persons comprising a group of registered persons;
  - (f) to remove an annotation under that Article (and, in the case of a member of a group, it does not matter whether the registrar also decides to remove the annotation of any or all of the other members of the group).”

*Power to require disclosure of information*

- 8 Paragraph 2(1) of Schedule 3 to the 1976 Order (power of the Council to require disclosure of information) has effect as if it enabled requirements to be imposed for the purpose of assisting the registrar in carrying out functions in respect of identifying any person registered by virtue of Article 8E(3)(b) (emergency registration of a group of persons).

SCHEDULE 5 E+W

Section 6

EMERGENCY REGISTRATION OF SOCIAL WORKERS: ENGLAND AND WALES

*Social Workers Regulations 2018*

- 1 (1) The Social Workers Regulations 2018 (S.I. 2018/893) have effect as if they were subject to the following modifications.
- (2) Regulation 9 (information to be recorded in the register in relation to a registered social worker) has effect as if—
- (a) in paragraph (1) after sub-paragraph (b) there were inserted—
    - “(ba) in the case of a social worker registered under regulation 12A (emergency registration) the fact that the social worker has been registered under that regulation,”
    - and
  - (b) after paragraph (1) there were inserted—
    - “(1A) The information referred to in paragraph (1)(a), (b) or (ba) is not required to be recorded in the register in relation to a social worker registered under regulation 12A as a member of a specified group.”
- (3) The regulations have effect as if after regulation 12 there were inserted—

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*“Temporary registration in emergencies  
involving loss of human life or human illness etc*

- 12A(1) The regulator may register a person as a social worker, or the persons comprising a specified group of persons as social workers, if—
- (a) the Secretary of State has advised the regulator that an emergency has occurred, is occurring or is about to occur and that the regulator should consider acting under this regulation, and
  - (b) the regulator considers that the emergency registration requirement is met in relation to the person or group of persons.
- (2) For the purposes of paragraph (1)(b) the emergency registration requirement is met—
- (a) in relation to a person, if the regulator considers that the person is a fit, proper and suitably experienced person to be registered as a social worker with regard to the emergency;
  - (b) in relation to a group of persons, if the regulator considers that the group is comprised of persons who are of a type who may reasonably be considered fit, proper and suitably experienced persons to be registered as social workers with regard to the emergency.
- (3) The regulator may register all of the persons comprising a specified group of persons without first identifying each person in the group.
- (4) The registration of a person under this regulation has effect subject to any conditions imposed by the regulator; and the regulator may at any time vary or revoke such a condition or add new conditions.
- (5) Where a person is registered under this regulation as a member of a specified group, the person's registration may (but need not) be subject to the same conditions as the registration of other members of the group.
- (6) A person's registration under this regulation ceases to have effect if revoked by the regulator; and the regulator—
- (a) must revoke the registration if the Secretary of State advises the regulator that the circumstances that led the Secretary of State to give the advice referred to in paragraph (1)(a) no longer exist;
  - (b) may at any time revoke the registration for any other reason, including where the regulator suspects that the person's fitness to practise may be impaired.
- (7) A person's registration as a member of a specified group may be revoked—
- (a) without the registration of the other members of the group being revoked, or
  - (b) as a result of a decision to revoke the registration of all the members of the group.
- (8) If a person's registration under this regulation is revoked under paragraph (6)
- (a), the registration ceases to have effect at the end of the period of 14 days beginning with the day on which it is revoked.
- (9) If a person's registration under this section is revoked under paragraph (6)
- (b), the registration ceases to have effect immediately.

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- (10) The following provisions of these regulations do not apply to persons registered under this regulation—
- (a) regulation 9 (content of the register), other than paragraph (1)(a), (b) and (ba) and paragraphs (1A) and (3);
  - (b) regulations 10 to 12 and 13 to 15 (other provisions relating to registration);
  - (c) regulation 16(4) and (5) (duty to provide information to regulator: sanctions);
  - (d) regulation 17 (fees for registration);
  - (e) Part 5 (discipline and fitness to practise).
- (11) If a person breaches a condition to which the person's registration under this regulation is subject, anything done by the person in breach of the condition is to be treated as not done by a registered social worker.
- (12) The regulator may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the performance of its functions under this regulation.
- (13) This includes—
- (a) making rules, and
  - (b) issuing guidance to persons registered under this regulation or to the public.
- (14) Paragraphs (2) to (5) of regulation 3 do not apply to rules under paragraph (12)(a).
- (15) In this regulation “emergency” means an emergency of the kind described in section 19(1)(a) of the Civil Contingencies Act 2004, read with subsection (2)(a) and (b) of that section.”
- (4) Regulation 19 (registration appeals) has effect as if after paragraph (2) there were inserted—
- “(2A) Paragraph (1) does not apply to—
- (a) a decision by the regulator to refuse to register a person under regulation 12A, or
  - (b) a decision by the regulator to revoke a person's registration under that regulation.”

*Regulation and Inspection of Social Care (Wales) Act 2016*

- 2 (1) The Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) has effect as if it were subject to the following modifications.
- (2) The Act has effect as if after section 83 of the English language text there were inserted—

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### **“83A Temporary registration in emergencies involving loss of human life or human illness etc**

- (1) The registrar may register a person as a social worker in the social worker part of the register, or the persons comprising a specified group of persons as social workers in that part, if—
  - (a) the Welsh Ministers have advised the registrar that an emergency has occurred, is occurring or is about to occur and that the registrar should consider acting under this section, and
  - (b) the registrar considers that the emergency registration requirement is met in relation to the person or group of persons.
- (2) For the purposes of subsection (1)(b) the emergency registration requirement is met—
  - (a) in relation to a person, if the registrar considers that the person is a fit, proper and suitably experienced person to be registered as a social worker with regard to the emergency;
  - (b) in relation to a group of persons, if the registrar considers that the group is comprised of persons who are of a type who may reasonably be considered fit, proper and suitably experienced persons to be registered as social workers with regard to the emergency.
- (3) The registrar may register all of the persons comprising a specified group of persons without first identifying each person in the group.
- (4) The registrar may include an annotation in the social worker part of the register denoting that a person has been registered under this section.
- (5) The registration of a person under this section has effect subject to any conditions imposed by the registrar; and the registrar may at any time vary or revoke such a condition or add new conditions.
- (6) Where a person is registered under this section as a member of a specified group, the person's registration may (but need not) be subject to the same conditions as the registration of other members of the group.
- (7) A person's registration under this section ceases to have effect if revoked by the registrar; and the registrar—
  - (a) must revoke the registration if the Welsh Ministers advise the registrar that the circumstances that led the Welsh Ministers to give the advice referred to in subsection (1)(a) no longer exist;
  - (b) may at any time revoke the registration for any other reason, including where the registrar suspects that the person's fitness to practise may be impaired.
- (8) A person's registration as a member of a specified group may be revoked—
  - (a) without the registration of the other members of the group being revoked, or
  - (b) as a result of a decision to revoke the registration of all the members of the group.

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- (9) If a person's registration under this section is revoked under subsection (7) (a), the registration ceases to have effect at the end of the period of 14 days beginning with the day on which it is revoked.
- (10) If a person's registration under this section is revoked under subsection (7) (b), the registration ceases to have effect immediately.
- (11) Rules under section 74 may not provide for fees to be charged in respect of a person's registration under this section.
- (12) The following provisions do not apply to persons registered under this section—
- (a) sections 82, 83, 84, 86, 87, 89, 94 and 95 (provisions relating to registration) of this Act;
  - (b) sections 113 to 115 (continuing professional development) of this Act and rules made under any of those sections;
  - (c) Part 6 (social care workers: fitness to practise) of this Act, other than section 160(1) and (3) to (5).
- (13) If a person breaches a condition to which the person's registration under this section is subject, anything done by the person in breach of the condition is to be treated as not done by a person registered in the social worker part of the register.
- (14) In this section “emergency” means an emergency of the kind described in section 19(1)(a) of the Civil Contingencies Act 2004, read with subsection (2)(a) and (b) of that section.”
- (3) The Act has effect as if after section 83 of the Welsh language text there were inserted—

**“83A Cofrestru dros dro mewn argyfyngau sy'n cynnwys colli bywyd dynol neu salwch dynol etc**

- (1) Caiff y cofrestrydd gofrestru person fel gweithiwr cymdeithasol yn rhan gweithwyr cymdeithasol y gofrestr, neu bersonau sy'n ffurfio grŵp penodedig o bersonau fel gweithwyr cymdeithasol yn y rhan honno, —
- (a) os yw Gweinidogion Cymru wedi cynghori'r cofrestrydd bod argyfwng wedi codi, yn codi neu ar fin codi, ac y dylai'r cofrestrydd ystyried gweithredu o dan yr adran hon, a
  - (b) os yw'r cofrestrydd yn ystyried bod y gofyniad ar gyfer cofrestru mewn argyfwng wedi ei fodloni mewn perthynas â'r person neu'r grŵp o bersonau.
- (2) At ddibenion is-adran (1)(b) mae'r gofyniad ar gyfer cofrestru mewn argyfwng yn cael ei fodloni—
- (a) mewn perthynas â pherson, os yw'r cofrestrydd yn ystyried bod y person yn berson addas a phriodol sydd â phrofiad cyfaddas i gael ei gofrestru fel gweithiwr cymdeithasol o ran yr argyfwng;
  - (b) mewn perthynas â grŵp o bersonau, os yw'r cofrestrydd yn ystyried bod y grŵp yn cael ei ffurfio o bersonau sydd o fath y gellir eu hystyried yn rhesymol yn bersonau addas a phriodol sydd â phrofiad



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cyfaddas i gael eu cofrestru fel gweithwyr cymdeithasol o ran yr argyfwng.

- (3) Caiff y cofrestrydd gofrestru pob un o'r personau sy'n ffurfio grŵp penodedig o bersonau heb enwi'n gyntaf bob person yn y grŵp.
- (4) Caiff y cofrestrydd gynnwys anodiad yn rhan gweithwyr cymdeithasol y gofrestr sy'n dynodi bod person wedi cael ei gofrestru o dan yr adran hon.
- (5) Mae cofrestriad person o dan yr adran hon yn cael effaith yn ddarostyngedig i unrhyw amodau a osodir gan y cofrestrydd; a chaiff y cofrestrydd amrywio neu ddirymu unrhyw amod o'r fath neu ychwanegu unrhyw amodau newydd ar unrhyw adeg.
- (6) Pan fo person wedi ei gofrestru o dan yr adran hon fel aelod o grŵp penodedig, caniateir i gofrestriad y person fod (ond nid oes rhaid iddo fod) yn ddarostyngedig i'r un amodau â chofrestriad aelodau eraill o'r grŵp.
- (7) Mae cofrestriad person o dan yr adran hon yn peidio â chael effaith os caiff ei ddirymu gan y cofrestrydd; a—
  - (a) rhaid i'r cofrestrydd ddirymu'r cofrestriad os yw Gweinidogion Cymru yn cynghori'r cofrestrydd nad yw'r amgylchiadau a arweiniodd Gweinidogion Cymru at roi'r cyngor y cyfeirir ato yn is-adran (1)(a) bellach yn bodoli;
  - (b) caiff y cofrestrydd, ar unrhyw adeg, ddirymu'r cofrestriad am unrhyw reswm arall, gan gynnwys pan fo'r cofrestrydd yn amau y gall addasrwydd y person i ymarfer fod wedi ei amharu.
- (8) Caniateir i gofrestriad person fel aelod o grŵp penodedig gael ei ddirymu—
  - (a) heb ddirymu cofrestriad aelodau eraill o'r grŵp, neu
  - (b) o ganlyniad i benderfyniad i ddirymu cofrestriad pob aelod o'r grŵp.
- (9) Os yw cofrestriad unrhyw berson yn cael ei ddirymu o dan is-adran (7)(a), mae'r cofrestriad yn peidio â chael effaith ar ddiwedd cyfnod o 14 diwrnod sy'n dechrau â'r diwrnod y caiff ei ddirymu.
- (10) Os yw cofrestriad unrhyw berson yn cael ei ddirymu o dan is-adran (7)(b), mae'r cofrestriad yn peidio â chael effaith ar unwaith.
- (11) Ni chaiff rheolau o dan adran 74 ddarparu ar gyfer codi ffioedd o ran cofrestriad person o dan yr adran hon.
- (12) Nid yw darpariaethau canlynol y Ddeddf yn gymwys i bersonau a gofrestrir o dan yr adran hon—
  - (a) adrannau 82, 83, 84, 86, 87, 89, 94 a 95 (darpariaethau sy'n ymwneud â chofrestru) o'r Ddeddf hon;
  - (b) adrannau 113 i 115 (datblygiad proffesiynol parhaus) o'r Ddeddf hon a rheolau a wneir o dan unrhyw un o'r adrannau hynny;
  - (c) Rhan 6 (gweithwyr gofal cymdeithasol: addasrwydd i ymarfer) o'r Ddeddf hon ac eithrio adran 160(1) a (3) i (5).
- (13) Os yw person yn torri amod y mae cofrestriad y person o dan yr adran hon yn ddarostyngedig iddo, mae unrhyw beth a wneir gan y person yn groes i'r amod i'w drin fel peth nad yw wedi ei wneud gan berson a gofrestrwyd yn rhan gweithwyr cymdeithasol y gofrestr.

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(14) Yn yr adran hon mae i “argyfwng” yr ystyr a roddir i'r math o “emergency” a ddisgrifir yn adran 19(1)(a) o Ddeddf Argyfyngau Sifil Posibl 2004, wedi ei darllen ynghyd ag is-adran (2)(a) a (b) o'r adran honno.”

(4) Section 101 (appeals against decisions of the registrar) has effect as if—

(a) after subsection (2) of the English language text there were inserted—

“(3) Subsection (1) does not apply to—

- (a) a decision by the registrar to refuse to register a person under section 83A, or
- (b) a decision by the registrar to revoke a person's registration under that section.”;

(b) after subsection (2) of the Welsh language text there were inserted—

“(3) Nid yw is-adran (1) yn gymwys i—

- (a) penderfyniad gan y cofrestrydd i wrthod cofrestru person o dan adran 83A, neu
- (b) penderfyniad gan y cofrestrydd i ddirymu cofrestriad person o dan yr adran honno.”

(5) Section 160(1) (power of Social Care Wales to require disclosure of information) has effect as if it enabled requirements to be imposed for the purpose of assisting the registrar in carrying out functions under section 83A.

.....

<p><b>Textual Amendments</b>  <b>F58</b> Sch. 6 expires (25.3.2022) by <a href="#">Coronavirus Act 2020 (c. 7), s. 89</a> (with s. 90)</p>
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PROSPECTIVE

SCHEDULE 7 **U.K.**

Section 8

EMERGENCY VOLUNTEERING LEAVE

<sup>F59</sup>**PART 1 U.K.**

ENTITLEMENT TO EMERGENCY VOLUNTEERING LEAVE

**Textual Amendments**

**F59** Sch. 7 Pt. 1 expires (17.7.2021) by [The Coronavirus Act 2020 \(Early Expiry\) Regulations 2021 \(S.I. 2021/856\)](#), **reg. 2(1)(a)** (see 2020 c. 7, s. 89(2)(n))

*Entitlement to emergency volunteering leave*

<sup>F59</sup><sub>1</sub> .....

*Meaning of “volunteering period”*

<sup>F59</sup><sub>2</sub> .....

*Exceptions to entitlement to emergency volunteering leave*

<sup>F59</sup><sub>3</sub> .....

*Meaning of “appropriate authority”*

<sup>F59</sup><sub>4</sub> .....

**PART 2 U.K.**

EFFECT OF TAKING EMERGENCY VOLUNTEERING LEAVE

*Application of terms and conditions of employment*

5 (1) An employee who takes emergency volunteering leave is, during any period of leave—

- (a) entitled to the benefit of all of the terms and conditions of employment which would have applied if the employee had not been absent, and
- (b) bound by any obligations arising under those terms and conditions (except in so far as they are inconsistent with paragraph 1).

(2) In sub-paragraph (1) “terms and conditions of employment”—

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- (a) includes matters connected with an employee's employment whether or not they arise under the contract of employment, but
  - (b) does not include terms and conditions about remuneration.
- (3) For the purposes of this paragraph, only sums payable to an employee by way of wages or salary are to be treated as remuneration.

#### *Right to return*

- 6 (1) An employee who returns to work after a period of emergency volunteering leave is entitled to return from leave to the job in which they were employed before the absence.
- (2) The right to return under this paragraph is a right to return—
- (a) with the employee's seniority, pension and similar rights as they would have been if the employee had not been absent, and
  - (b) on terms and conditions no less favourable than those which would have applied if the employee had not been absent.

#### *Pension rights*

- 7 (1) If an employment-related benefit scheme does not include an emergency volunteering rule, it is to be treated as including one.
- (2) An emergency volunteering rule is a provision that has the effect set out in subparagraphs (3) and (4).
- (3) If a relevant term does not treat time when a worker is on emergency volunteering leave as it treats time when they are not, the term is modified so as to treat time when they are on emergency volunteering leave as time when they are not.
- (4) If a term confers a relevant discretion capable of being exercised so that time when a worker is on emergency volunteering leave is treated differently from time when they are not, the term is modified so as not to allow the discretion to be exercised in that way.
- (5) A term is relevant if it is—
- (a) a term relating to membership of the scheme,
  - (b) a term relating to the accrual of rights under the scheme, or
  - (c) a term providing for the determination of the amount of a benefit payable under the scheme.
- (6) A discretion is relevant if its exercise is capable of affecting—
- (a) membership of the scheme,
  - (b) the accrual of rights under the scheme, or
  - (c) the determination of the amount of a benefit payable under the scheme.
- (7) This paragraph does not require the worker's contributions to the scheme in respect of time when they are on emergency volunteering leave to be determined otherwise than by reference to the amount they are paid by the employer in respect of that time.
- (8) “Employment-related benefit scheme”—
- (a) in relation to England and Wales and Scotland, has the meaning given by paragraph 7 of Schedule 5 to the Social Security Act 1989;

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- (b) in relation to Northern Ireland, has the meaning given by paragraph 7 of Schedule 5 to the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13)).

### PART 3 **E+W+S**

#### MODIFICATIONS OF EMPLOYMENT RIGHTS ACT 1996

8 The Employment Rights Act 1996 (“the 1996 Act”) has effect in accordance with this Part of this Schedule.

9 The 1996 Act has effect as if after section 47G there were inserted—

#### “47H Emergency volunteering leave

(1) A worker has the right not to be subjected to a detriment by any act, or any deliberate failure to act, by their employer on the grounds that—

- (a) the worker took, sought to take, or made use of the benefits of, emergency volunteering leave under Schedule 7 to the Coronavirus Act 2020, or
- (b) the employer believed that the worker was likely to take emergency volunteering leave under that Schedule.

(2) A worker makes use of the benefits of emergency volunteering leave if, during a period of emergency volunteering leave, the worker benefits from any provision of Part 2 of Schedule 7 to the Coronavirus Act 2020.

(3) Subsection (1) does not apply where the worker is an employee and the detriment in question amounts to dismissal within the meaning of Part 10.”

10 The 1996 Act has effect as if in section 48 (complaints to employment tribunals)—

(a) after subsection (1B) there were inserted—

“(1C) A worker may present a complaint to an employment tribunal that they have been subjected to a detriment in contravention of section 47H.”;

(b) in subsection (2), for “or (1B)” there were substituted “, (1B) or (1C)”.

11 The 1996 Act has effect as if in section 49 (remedies)—

- (a) in subsection (1), for “or (1B)” there were substituted “, (1B) or (1C)”;
- (b) after subsection (7) there were inserted—

“(8) Where—

- (a) the complaint is made under section 48(1C),
- (b) the detriment to which the worker is subjected is the termination of their worker's contract, and
- (c) that contract is not a contract of employment,

any compensation must not exceed the compensation that would be payable under Chapter 2 of Part 10 if the worker had been an employee and had been dismissed for the reason specified in section 104H.”

12 The 1996 Act has effect as if in section 88 (pay during period of notice: employments with normal working hours), in subsection (1)(c), after “paternity

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leave” there were inserted “ or emergency volunteering leave under Schedule 7 to the Coronavirus Act 2020 ”.

13 The 1996 Act has effect as if in section 89 (pay during period of notice: employments without normal working hours), in subsection (3)(b), after “paternity leave” there were inserted “ or emergency volunteering leave under Schedule 7 to the Coronavirus Act 2020 ”.

14 The 1996 Act has effect as if after section 104G there were inserted—

**“104H Emergency volunteering leave**

(1) An employee who is dismissed is to be regarded for the purposes of this Part as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is that—

- (a) the employee took, sought to take, or made use of the benefits of, emergency volunteering leave under Schedule 7 to the Coronavirus Act 2020, or
- (b) the employer believed that the employee was likely to take emergency volunteering leave under that Schedule.

(2) An employee makes use of the benefits of emergency volunteering leave if, during a period of emergency volunteering leave, the worker benefits from any provision of Part 2 of Schedule 7 to the Coronavirus Act 2020.”

15 The 1996 Act has effect as if in section 105 (redundancy), after subsection (7BB) there were inserted—

“(7BC) This subsection applies if the reason (or, if more than one, the principal reason) for which the employee was selected for dismissal was one of those specified in section 104H.”

16 The 1996 Act has effect as if in section 108(3) (exceptions to qualifying period of employment for unfair dismissal), after paragraph (gm) there were inserted—  
 “(gn) section 104H applies,”.

17 The 1996 Act has effect as if in section 124(1A) (exceptions to limits on compensation), after “103A,” there were inserted “ 104H, ”.

18 The 1996 Act has effect as if in section 203(1)(a) (restrictions on contracting out), after “this Act” there were inserted “ or Schedule 7 to the Coronavirus Act 2020 ”.

**PART 4 N.I.**

MODIFICATIONS OF EMPLOYMENT RIGHTS (NORTHERN IRELAND) ORDER 1996

19 The Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16)) (“the 1996 Order”) has effect in accordance with this Part of this Schedule.

20 The 1996 Order has effect as if after Article 70F there were inserted—

*“Emergency volunteering leave*

70G(1) A worker has the right not to be subjected to a detriment by any act, or any deliberate failure to act, by their employer on the grounds that—

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- (a) the worker took, sought to take, or made use of the benefits of, emergency volunteering leave under Schedule 7 to the Coronavirus Act 2020, or
- (b) the employer believed that the worker was likely to take emergency volunteering leave under that Schedule.
- (2) A worker makes use of the benefits of emergency volunteering leave if, during a period of emergency volunteering leave, the worker benefits from any provision of Part 2 of Schedule 7 to the Coronavirus Act 2020.
- (3) Paragraph (1) does not apply where the worker is an employee and the detriment in question amounts to dismissal within the meaning of Part 11.”
- 21 The 1996 Order has effect as if in Article 71 (complaints to industrial tribunals)—
- (a) after paragraph (1B) there were inserted—
- “(1C) A worker may present a complaint to an industrial tribunal that they have been subjected to a detriment in contravention of Article 70G.”;
- (b) in paragraph (2), for “or (1B)” there were substituted “, (1B) or (1C) ”.
- 22 The 1996 Order has effect as if in Article 72 (remedies)—
- (a) in paragraph (1), for “or (1B)” there were substituted “, (1B) or (1C) ”;
- (b) after paragraph (7) there were inserted—
- “(8) Where—
- (a) the complaint is made under Article 71(1C),
- (b) the detriment to which the worker is subjected is the termination of their worker's contract, and
- (c) that contract is not a contract of employment,
- any compensation must not exceed the compensation that would be payable under Chapter 2 of Part 11 if the worker had been an employee and had been dismissed for the reason specified in Article 135G.”
- 23 The 1996 Order has effect as if in Article 120 (pay during period of notice: employments with normal working hours), in paragraph (1)(c), after “paternity leave” there were inserted “ or emergency volunteering leave under Schedule 7 to the Coronavirus Act 2020 ”.
- 24 The 1996 Order has effect as if in Article 121 (pay during period of notice: employments without normal working hours), in paragraph (3)(b), after “paternity leave” there were inserted “ or emergency volunteering leave under Schedule 7 to the Coronavirus Act 2020 ”.
- 25 The 1996 Order has effect as if after Article 135F there were inserted—
- “*Emergency volunteering leave*
- 135G) An employee who is dismissed is to be regarded for the purposes of this Part as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is that—
- (a) the employee took, sought to take, or made use of the benefits of, emergency volunteering leave under Schedule 7 to the Coronavirus Act 2020, or

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- (b) the employer believed that the employee was likely to take emergency volunteering leave under that Schedule.
- (2) An employee makes use of the benefits of emergency volunteering leave if, during a period of emergency volunteering leave, the worker benefits from any provision of Part 2 of Schedule 7 to the Coronavirus Act 2020.”
- 26 The 1996 Order has effect as if in Article 137 (redundancy)—
- (a) in paragraph (1)(c), for “(7M)” there were substituted “ (7N) ”;
- (b) after paragraph (7M) there were inserted—
- “(7N) This paragraph applies if the reason (or, if more than one, the principal reason) for which the employee was selected for dismissal was one of those specified in Article 135G.”
- 27 The 1996 Order has effect as if in Article 140(3) (exceptions to qualifying period of employment for unfair dismissal), after sub-paragraph (fk) there were inserted—
- “(fl) Article 135G applies,”.
- 28 The 1996 Order has effect as if in Article 158(1A) (exceptions to limits on compensation), after “135F,” there were inserted “ 135G, ”.
- 29 The 1996 Order has effect as if in Article 245(1)(a) (restrictions on contracting out), after “this Order” there were inserted “ or Schedule 7 to the Coronavirus Act 2020 ”.

## PART 5 U.K.

### GENERAL

#### *Application of this Schedule to agency workers*

- 30 (1) This paragraph applies in relation to a worker who is supplied by a person (an “agent”) to do work for another (a “principal”) under a contract or other arrangements made between the agent and the principal.
- (2) Where the worker gives notice and a certificate under paragraph 1(2) to the employer, the employer must as soon as reasonably practicable provide copies of them—
- (a) if the employer is the agent, to any principals to whom the worker was to be supplied during the period specified in the certificate,
- (b) if the employer is a principal, to the agent, and
- (c) if the employer is neither the agent nor a principal, to the agent and any principals to whom the worker was to be supplied during the period specified in the certificate.
- (3) For the purposes of the provisions mentioned in sub-paragraph (4) references to the worker's employer are to be read as including—
- (a) the agent, and
- (b) any principals to whom the worker was to be supplied during the period specified in the certificate,
- (where they would not otherwise be the worker's employer).
- (4) The provisions referred to in sub-paragraph (3) are—



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- (a) in paragraph 9, section 47H (right not to be subjected to detriment by employer: Great Britain);
- (b) in paragraph 20, Article 70G (right not to be subjected to detriment by employer: Northern Ireland).

#### *Interpretation*

- 31 (1) This paragraph applies for the interpretation of this Schedule.
- (2) In relation to England and Wales and Scotland, the following terms have the meaning given by section 230 of the Employment Rights Act 1996—
- “contract of employment”,
  - “employed”,
  - “employee”,
  - “employer”,
  - “employment”,
  - “worker”,
  - “worker's contract”.
- (3) In relation to Northern Ireland, the following terms have the meaning given by Article 3 of the Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16))—
- “contract of employment”,
  - “employed”,
  - “employee”,
  - “employer”,
  - “employment”,
  - “worker”,
  - “worker's contract”.
- (4) “Emergency volunteering leave” has the meaning given by paragraph 1.
- (5) “Health or social care” has the meaning given by section 9 of the Health and Social Care Act 2008.
- (6) “Week” means any period of 7 consecutive days.
- (7) “Working day” means a day other than—
- (a) a Saturday or a Sunday,
  - (b) Christmas Day or Good Friday, or
  - (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.

#### *Regulations*

- 32 A power to make regulations under this Schedule includes power to make consequential, supplementary, incidental, transitional or saving provision.
- 33 (1) Regulations made by the Secretary of State under this Schedule are to be made by statutory instrument.

*Status: Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coronavirus Act 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) A statutory instrument containing regulations made by the Secretary of State under this Schedule is subject to annulment in pursuance of a resolution of either House of Parliament.
- 34 (1) Regulations made by the Department for the Economy in Northern Ireland under this Schedule may contain only provision which—
- (a) would be within the legislative competence of the Northern Ireland Assembly, and
  - (b) would not require the consent of the Secretary of State, if it were contained in an Act of that Assembly.
- (2) The power of the Department for the Economy in Northern Ireland to make regulations under this Schedule is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).
- (3) Regulations under this Schedule made by the Department for the Economy in Northern Ireland are subject to negative resolution within the meaning given by section 41(6) of the Interpretation Act (Northern Ireland) 1954.

## SCHEDULE 8 E+W

Section 10

### MENTAL HEALTH: ENGLAND AND WALES

#### [<sup>F60</sup>PART 1 E+W

#### INTRODUCTORY PROVISION ETC

##### Textual Amendments

- F60** Sch. 8 Pt. 1 expires (E.) (10.12.2020) by [The Coronavirus Act 2020 \(Expiry of Mental Health Provisions\) \(England and Wales\) Regulations 2020 \(S.I. 2020/1467\)](#), **reg. 2(1)(a)** (with **reg. 2(2)**)
- Sch. 8 Pt. 1 expires in part (W.) (10.12.2020) by [The Coronavirus Act 2020 \(Expiry of Mental Health Provisions\) \(England and Wales\) Regulations 2020 \(S.I. 2020/1467\)](#), **reg. 2(1)(b)(ii)**

##### *Interpretation*

- 1 (1) References in this Schedule to sections are to sections of the Mental Health Act 1983 (“the 1983 Act”).
- (2) Expressions used in this Schedule and in the 1983 Act have the same meaning as in that Act.

##### Commencement Information

- I9** Sch. 8 para. 1 in force at 27.3.2020 at 9.00 a.m. for W. by [S.I. 2020/366](#), **reg. 2(b)**

*Status:* Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coronavirus Act 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

### Forms

- 2 Where any form prescribed for use in connection with a provision of the 1983 Act is inconsistent with a modification made by Part 2 of this Schedule, the form—
- (a) may, in connection with the provision as so modified, be used with appropriate amendments;
  - (b) is otherwise, for use in that connection, to be read with such amendments as are necessary to reflect the modification.]

#### Commencement Information

**I10** Sch. 8 para. 2 in force at 27.3.2020 at 9.00 a.m. for W. by [S.I. 2020/366](#), reg. 2(b)

## <sup>F61</sup>PART 2 **E+W**

### MODIFICATIONS OF THE MENTAL HEALTH ACT 1983 AND RELATED PROVISION

#### Textual Amendments

**F61** Sch. 8 Pt. 2 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90)

PROSPECTIVE

<sup>F61</sup>*Applications for compulsory admission to hospital for assessment or treatment*  
**F61**<sub>3</sub> .....

PROSPECTIVE

<sup>F61</sup>*Applications for compulsory admission of patients already in hospital*  
**F61**<sub>4</sub> .....

PROSPECTIVE

<sup>F61</sup>*Period of remand to hospital*  
**F61**<sub>5</sub> .....

**Status:** Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coronavirus Act 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

PROSPECTIVE

*<sup>F61</sup>Court orders for the detention of accused or convicted persons in hospital*

F616

.....

PROSPECTIVE

*<sup>F61</sup>Directions for the transfer of prisoners to hospital*

F617

.....

PROSPECTIVE

*<sup>F61</sup>Conveyance of accused or convicted persons to hospital*

F618

.....

PROSPECTIVE

*<sup>F61</sup>Administration of medicine to persons liable to detention in hospital*

F619

.....

PROSPECTIVE

*<sup>F61</sup>Detention in place of safety*

F6110

.....

*Constitution and proceedings of the Mental Health Review Tribunal for Wales*

11

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12

.....

13

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**Status:** Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coronavirus Act 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

PROSPECTIVE

### PART 3 **E+W**

#### TRANSITIONAL PROVISION

- 14 Paragraph 4(2) or (3), 8(3) or 10 continues to apply after the end of a period for which it has effect for the purposes of determining the length of any period which has begun before the end of that period.
- 15 Where, by virtue of paragraph 5, a person has been remanded under section 35(7) or 36(6) for more than 12 weeks in all, the person may not be further remanded under that provision after the end of a period for which that paragraph has effect.
- 16 (1) Paragraph 8(1) continues to apply after the end of a period for which it has effect in relation to any order or direction made during that period, subject to sub-paragraph (2).
- (2) The constable or other person whose duty is modified by that provision must in any event convey the person concerned to the requisite hospital within the period of seven days beginning with the day on which the period referred to in sub-paragraph (1) ends.
- 17 Paragraph 11(3) to (6) continues to apply after the end of a period for which it has effect in relation to proceedings that are, when the period ends, before a constitution of the Mental Health Review Tribunal for Wales appointed under sub-paragraph (2) of that paragraph.
- 18 Paragraph 12 continues to apply after the end of a period for which it has effect in relation to any application or reference with respect to which, when the period ends, a decision to dispense with a hearing has been notified by the Mental Health Review Tribunal for Wales under sub-paragraph (3) of that paragraph and remains current
- 19 Paragraph 13 continues to apply after the end of a period for which it has effect in relation to any nomination of a temporary deputy that is in force when the period ends.

PROSPECTIVE

## F62 SCHEDULE 9 **S**

Section 10

### MENTAL HEALTH: SCOTLAND

#### Textual Amendments

**F62** Sch. 9 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90)

**Status:** Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coronavirus Act 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

## <sup>F62</sup>PART 1 **S**

### INTRODUCTORY PROVISION ETC

#### <sup>F62</sup>*Interpretation*

<sup>F62</sup><sub>1</sub> .....

#### <sup>F62</sup>*Forms*

<sup>F62</sup><sub>2</sub> .....

## <sup>F62</sup>PART 2 **S**

### MODIFICATIONS OF THE MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003

#### <sup>F62</sup>*Emergency detention*

<sup>F62</sup><sub>3</sub> .....

#### <sup>F62</sup>*Short-term detention certificates*

<sup>F62</sup><sub>4</sub> .....

#### <sup>F62</sup>*Compulsory treatment orders*

<sup>F62</sup><sub>5</sub> .....

#### <sup>F62</sup>*Transfer for treatment directions*

<sup>F62</sup><sub>6</sub> .....

#### <sup>F62</sup>*Nurse's power to detain pending medical examination*

<sup>F62</sup><sub>7</sub> .....

#### <sup>F62</sup>*Admission to hospital*

<sup>F62</sup><sub>8</sub> .....

#### <sup>F62</sup>*Suspension of requirements to review orders and directions authorising detention*

<sup>F62</sup><sub>9</sub> .....

#### <sup>F62</sup>*Administration of medicine*

<sup>F62</sup><sub>10</sub> .....

**Status:** Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coronavirus Act 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

<sup>F62</sup>*Constitution of Mental Health Tribunal for Scotland*

<sup>F62</sup>11 .....

<sup>F62</sup>**PART 3** **S**

MODIFICATIONS OF THE CRIMINAL PROCEDURE (SCOTLAND) ACT 1995

<sup>F62</sup>*Assessment orders: extension*

<sup>F62</sup>12 .....

<sup>F62</sup>*Court orders authorising detention*

<sup>F62</sup>13 .....

<sup>F62</sup>*Admission to hospital*

<sup>F62</sup>14 .....

<sup>F62</sup>**PART 4** **S**

MODIFICATIONS OF SUBORDINATE LEGISLATION

<sup>F62</sup>*The Mental Health Tribunal for Scotland (Practice and Procedure) (No. 2) Rules 2005 (SSI 2005/519)*

<sup>F62</sup>15 .....

<sup>F62</sup>*The Mental Health (Conflict of Interest) (Scotland) Regulations 2017 (SSI 2017/174)*

<sup>F62</sup>16 .....

SCHEDULE 10 **N.I.**

Section 10

MENTAL HEALTH: NORTHERN IRELAND

[<sup>F63</sup>**PART 1** **N.I.**

INTRODUCTORY PROVISION ETC

**Textual Amendments**

**F63** Sch. 10 Pt. 1 suspended in part (10.5.2021) by [The Coronavirus Act 2020 \(Suspension\) Order \(Northern Ireland\) 2021 \(S.R. 2021/98\)](#), arts. 1(1), 2 (with art. 3, Sch.)

*Status:* Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.  
*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coronavirus Act 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

*Interpretation*

- 1 (1) In this Schedule—
  - “the 1986 Order” means the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4));
  - “the 1986 Regulations” means the Mental Health (Nurses, Guardianship, Consent to Treatment and Prescribed Forms) Regulations (Northern Ireland) 1986 (S.R. (N.I.) 1986 No. 174);
  - “the Department of Health” means the Department of Health in Northern Ireland;
  - an “RQIA practitioner” means a medical practitioner appointed for the purposes of Part 2 of the 1986 Order by RQIA.
- (2) In this Schedule—
  - (a) references to Articles are to Articles of the 1986 Order;
  - (b) references to Forms are to the Forms set out in the Schedule to the 1986 Regulations.
- (3) Expressions used in this Schedule and in the 1986 Order have the meaning given in that Order.

**Commencement Information**  
I11 Sch. 10 para. 1 in force at 2.4.2020 by [S.R. 2020/58](#), [art. 2\(c\)](#)

*Prescribed forms*

- 2 Where any form prescribed for use in connection with a provision of the 1986 Order is inconsistent with a modification made by Part 2 of this Schedule, the form—
  - (a) may, in connection with the provision as so modified, be used with appropriate amendments;
  - (b) is otherwise, for use in that connection, to be read with such amendments as are necessary to reflect the modification.]

**Commencement Information**  
I12 Sch. 10 para. 2 in force at 2.4.2020 by [S.R. 2020/58](#), [art. 2\(c\)](#)

<sup>F64</sup>**PART 2** **N.I.**

MODIFICATIONS OF THE MENTAL HEALTH (NORTHERN IRELAND) ORDER 1986

**Textual Amendments**  
F64 Sch. 10 Pt. 2 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), [s. 89](#) (with [s. 90](#))

*Applications for compulsory admission to hospital for assessment*

3 .....



**Status:** Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coronavirus Act 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

*Medical recommendation*

4 .....

*Applications for compulsory admission for  
assessment in respect of patients already in hospital*

5 .....

*The assessment period*

6 .....

*Rectification of applications, recommendations and reports*

7 .....

*Detention for treatment*

8 .....

*Periods of remand to hospital*

9 .....

*Required medical evidence for remand to hospital, hospital or  
guardianship order; interim hospital order; determinations of question  
of fitness to be tried or finding of not guilty on ground of insanity*

10 .....

*Required medical evidence for hospital order in respect  
of certain other detained persons in their absence*

11 .....

*Directions for the transfer of prisoners etc to hospital*

12 .....

*Conveyance of accused or convicted persons to hospital*

13 .....

*Designation of, and admission of persons to,  
different hospitals in pursuance of hospital orders*

14 .....

*Code of practice*

15 .....

*Status: Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.*

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### PART 3 **N.I.**

#### TRANSITIONAL PROVISION

- 16 Paragraph 5, 6, 7 or 13(3) continues to apply after the end of any period for which it has effect for the purposes of determining the length of any period which has begun before the end of that period.

#### Commencement Information

**I13** Sch. 10 para. 16 in force at 2.4.2020 by [S.R. 2020/58](#), [art. 2\(c\)](#)

- 17 Where, by virtue of paragraph 9, a person has been remanded under Article 42 or 43 for more than 12 weeks in all, the person may not be further remanded under that provision after the end of a period for which that paragraph has effect.

#### Commencement Information

**I14** Sch. 10 para. 17 in force at 2.4.2020 by [S.R. 2020/58](#), [art. 2\(c\)](#)

- 18 (1) Paragraph 13(1) or 14(4) continues to apply after the end of a period for which it has effect in relation to any order or direction made during that period, subject to sub-paragraph (2).
- (2) The constable or other person whose duty is modified by paragraph 13(1) or 14(4) (as the case may be) must in any event convey the person concerned to the requisite hospital before—
- (a) the end of the period specified in Article 42(9)(c) or Article 46(2) or (3), without the modification made by the provision concerned, or
  - (b) the end of the period of seven days beginning with the day on which the period referred to in sub-paragraph (1) ends,
- whichever is later.

#### Commencement Information

**I15** Sch. 10 para. 18 in force at 2.4.2020 by [S.R. 2020/58](#), [art. 2\(c\)](#)

### PART 4 **N.I.**

#### REVIEW OF OPERATION OF CERTAIN PROVISIONS OF THIS SCHEDULE

- 19 (1) Each HSC trust must maintain a record of each instance where—
- (a) an application for assessment is made in reliance on paragraph 3,
  - (b) a patient was detained for assessment in reliance on Article 9(4)(aa) or (b) (as substituted by paragraph 6(2)(a)), and
  - (c) a report is furnished in reliance on paragraph 8.
- (2) The HSC trust must prepare a report containing an evaluation by it of each such instance and its opinion as to whether the reliance—
- (a) by the relevant social worker on paragraph 3,

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- (b) by the medical practitioner on Article 9(4)(aa) or (b) (as substituted by paragraph 6(2)(a)), or
  - (c) by the relevant medical practitioner on paragraph 8,
- was appropriate.
- (3) The HSC trust must send the report under sub-paragraph (2) to the Department of Health no later than 56 days after the end of a period for which the paragraph of this Schedule in question has effect.

#### Commencement Information

**I16** Sch. 10 para. 19 in force at 2.4.2020 by [S.R. 2020/58](#), [art. 2\(c\)](#)

## SCHEDULE 11 **N.I.**

Section 10

### MENTAL CAPACITY: NORTHERN IRELAND

#### PART 1 **N.I.**

##### INTRODUCTORY PROVISION ETC

##### *Interpretation*

- 1 (1) In this Schedule, “the 2016 Act” means the Mental Capacity Act (Northern Ireland) 2016 (c. 18 (N.I.)).
- (2) In this Schedule—
- (a) references to sections are to sections of the 2016 Act;
  - (b) references to Schedules are to Schedules to that Act.
- (3) Expressions used in this Schedule and in the 2016 Act have the meaning given in that Act.

#### Commencement Information

**I17** Sch. 11 para. 1 in force at 2.4.2020 by [S.R. 2020/58](#), [art. 2\(d\)](#)

##### *Prescribed forms*

- 2 Where any form prescribed for use in connection with a provision of the 2016 Act is inconsistent with a modification made by Part 2 of this Schedule, the form—
- (a) may, in connection with the provision as so modified, be used with appropriate amendments,
  - (b) is otherwise, for use in that connection, to be read with such amendments as are necessary to reflect the modification.

**Status:** Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.  
**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coronavirus Act 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

**Commencement Information**

**I18** Sch. 11 para. 2 in force at 2.4.2020 by S.R. 2020/58, art. 2(d)

<sup>F65</sup>**PART 2** **N.I.**

MODIFICATIONS OF THE MENTAL CAPACITY ACT (NORTHERN IRELAND) 2016

**Textual Amendments**

**F65** Sch. 11 Pt. 2 expires (25.3.2022) by Coronavirus Act 2020 (c. 7), s. 89 (with s. 90)

*Proceedings of panels constituted to decide applications*

3 ..... .

*Time limit for panel's decisions regarding authorisations of certain serious interventions*

4 ..... .

*Interim authorisations by panels of certain serious interventions*

5 ..... .

*Report authorising short-term detention in hospital for examination etc*

6 ..... .

7 ..... .

*Consultation required before such a report is made*

8 ..... .

*Extension by panel of period of authorisation*

9 ..... .

*Additional notification requirements for panels*

10 ..... .

PROSPECTIVE

<sup>F65</sup>*Period of detention in place of safety*

<sup>F65</sup>11 ..... .

**Status:** Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

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PROSPECTIVE

*<sup>F65</sup>Periods of remand to hospital*

<sup>F65</sup>12 .....

PROSPECTIVE

*<sup>F65</sup>Required medical evidence for court to be satisfied  
treatment condition is met in relation to remand to hospital*

<sup>F65</sup>13 .....

PROSPECTIVE

*<sup>F65</sup>Required medical evidence for public protection orders,  
interim detention orders, determinations of question of fitness  
to be tried or findings of not guilty on ground of insanity*

<sup>F65</sup>14 .....

PROSPECTIVE

*<sup>F65</sup>Required medical evidence for hospital directions*

<sup>F65</sup>15 .....

PROSPECTIVE

*<sup>F65</sup>Extension reports in relation to public protection orders without restrictions*

<sup>F65</sup>16 .....

PROSPECTIVE

*<sup>F65</sup>Required medical evidence for directions for the transfer of prisoners etc to hospital*

<sup>F65</sup>17 .....

**Status:** Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

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PROSPECTIVE

<sup>F65</sup> Admission of person subject to hospital transfer direction to hospital

F65 18

*Code of practice*

19

### PART 3 N.I.

#### TRANSITIONAL PROVISION

- 20 Paragraph 5, 9, 11 or 18 continues to apply after the end of any period for which it has effect for the purposes of determining the length of any period which has begun before the end of that period.

#### Commencement Information

I19 Sch. 11 para. 20 in force at 2.4.2020 for specified purposes by S.R. 2020/58, art. 2(f)

PROSPECTIVE

- 21 Where, by virtue of paragraph 12 an accused person has been remanded under section 162 for more than 12 weeks in total, the person may not be further remanded under that provision after the end of any period for which that paragraph has effect.

### PART 4 N.I.

#### REVIEW OF OPERATION OF CERTAIN PROVISIONS OF THIS SCHEDULE

- 22 (1) Each HSC trust must maintain a record of each instance where a panel operates in reliance on paragraph 5 or 9.
- (2) The HSC trust must prepare a report containing an evaluation by it of each such instance and its opinion as to whether the reliance on paragraph 5 or 9 was appropriate.
- (3) The HSC trust must send the report under sub-paragraph (2) to the Department of Health in Northern Ireland no later than 3 months after the end of a period for which the paragraph of this Schedule in question has effect.

#### Commencement Information

I20 Sch. 11 para. 22 in force at 2.4.2020 by S.R. 2020/58, art. 2(g)

*Status: Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coronavirus Act 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULE 12 **E+W**

Section 15

LOCAL AUTHORITY CARE AND SUPPORT

<sup>F66</sup>**PART 1** **E+W**

POWERS AND DUTIES OF LOCAL AUTHORITIES IN ENGLAND

**Textual Amendments**

**F66** Sch. 12 Pt. 1 expires (except for Sch. 12 paras. 3(2)(3), 10, 13, 18) (17.7.2021) by virtue of [The Coronavirus Act 2020 \(Early Expiry\) Regulations 2021 \(S.I. 2021/856\)](#), [reg. 4\(a\)](#) (see 2020 c. 7, s. 89(2) (r))

*Introductory*

<sup>F66</sup>**1** .....

*Assessing needs for care and support*

<sup>F66</sup>**2** .....

*Assessment of financial resources*

**3** (1) <sup>F66</sup> ...

This is subject to sub-paragraph (2).

(2) A local authority may not make a charge under section 14 of CA 2014 for meeting any needs under section 18, 19, 20 or 62 of that Act during a period for which paragraph 4, 5, 6 or (as the case may be) 9 of this Schedule has effect without having carried out an assessment under section 17 of that Act.

(3) The requirement under sub-paragraph (2) to carry out an assessment under section 17 of CA 2014 applies whether or not the authority has made a determination under section 13(1) of that Act.

**Commencement Information**

**I21** Sch. 12 para. 3 in force at 31.3.2020 by [S.I. 2020/388](#), [reg. 2](#)

*Duties and powers to meet needs for care and support*

<sup>F66</sup>**4** .....

<sup>F66</sup>**5** .....

<sup>F66</sup>**6** .....

<sup>F66</sup>**7** .....

<sup>F66</sup>**8** .....

*Status: Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.*

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F66<sub>9</sub> .....

*Charging for meeting needs during emergency period*

- 10 (1) This paragraph applies where—
- (a) at any time during an emergency period, a local authority begins to meet needs under section 18, 19, 20 or 62 of CA 2014,
  - (b) at that time, the authority would have been entitled to make a charge under section 14 of that Act for meeting any of those needs, but
  - (c) the authority decided not to carry out an assessment under section 17 of that Act before beginning to meet those needs.

In this paragraph “emergency period”, in relation to section 18, 19, 20 or 62 of CA 2014, means a period for which paragraph 4, 5, 6 or (as the case may be) 9 of this Schedule has effect.

- (2) The local authority is not prevented by that decision from subsequently carrying out an assessment under section 17 of CA 2014 (whether during or after the emergency period) and deciding to make a charge for meeting those needs during that period; and nothing in that section is to be taken to prevent the authority from carrying out such an assessment, even though the authority has already begun to meet, or has met, those needs.
- (3) In so far as there is any charge for meeting any needs under section 18 or 19(2) of CA 2014 during the emergency period, the fact that condition 1, 2 or 3 in section 18 of that Act is not met at the time of the making of the charge does not affect anything already done under section 18 or (as the case may be) 19(2) of that Act.
- (4) In so far as there is any charge for meeting any needs under section 20(1) of CA 2014 during the emergency period, the fact that condition 1, 2, 3 or 4 in that section is not met at the time of the making of the charge does not affect anything already done under that section.

**Commencement Information**

**I22** Sch. 12 para. 10 in force at 31.3.2020 by [S.I. 2020/388](#), [reg. 2](#)

*Care and support plans etc*

F66<sub>11</sub> .....

*Continuity of care and support when person moves*

F66<sub>12</sub> .....

- 13 (1) This paragraph applies where—
- (a) paragraph 12 has had effect for any period (“the emergency period”), and
  - (b) the emergency period has ended.
- (2) Section 37 of CA 2014 has effect subject to the modifications in sub-paragraphs (3) to (5).
- (3) In subsections (1) and (2)—



**Status:** Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coronavirus Act 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (a) any reference to notifying a local authority that an adult intends to move to the area of that authority includes, in the case of an adult who moved to the area of a local authority during the emergency period, a reference to notifying that authority that the adult has moved to that area, and
  - (b) where a local authority is notified that an adult has moved to the authority's area by virtue of paragraph (a), the condition in subsection (1)(c) or (as the case may be) (2)(c) is to be disregarded (and accordingly the requirement imposed by subsection (4)(b) does not apply).
- (4) In subsection (3)—
- (a) the reference to notifying a local authority that an adult intends to move out of accommodation but to remain in the authority's area includes, in the case of an adult who moved out of accommodation in the area of a local authority during the emergency period, a reference to notifying that authority that the adult has moved out of the accommodation but has remained in that area, and
  - (b) where a local authority is notified that an adult has moved out of accommodation by virtue of paragraph (a), the condition in subsection (3)(c) is to be disregarded (and accordingly the requirement imposed by subsection (4)(b) does not apply).
- (5) In a case where subsection (4)(b) does not apply by virtue of sub-paragraph (3)(b) or (4)(b), subsection (5) has effect as if the reference to having received the notification under subsection (4)(b) were omitted.
- (6) The reference in section 38(1) of CA 2014 to the day of the intended move is, in the case of an adult who moved as mentioned in section 37(1)(b), (2)(b) or (3)(b) of that Act during the emergency period, to be read as a reference to the day on which that period ended.

**Commencement Information**

**I23** Sch. 12 para. 13 in force at 31.3.2020 by [S.I. 2020/388](#), [reg. 2](#)

*Discharge of hospital patients with care and support needs*

F6614 .....

*Transition for children to adult care and support*

F6615 .....

*Duties arising before commencement*

F6616 .....

*Period within which assessments may be carried out*

F6617 .....

*Status:* Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

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### Guidance

- 18 (1) The Secretary of State may issue guidance about how local authorities are to exercise functions under any of the following enactments in consequence of the provision made by this Part of this Schedule—
- (a) Part 1 of CA 2014;
  - (b) section 2 of the Chronically Sick and Disabled Persons Act 1970;
  - (c) section 17 of the Children Act 1989.
- (2) A local authority must have regard to any guidance issued under this paragraph.
- (3) A local authority must comply with such guidance issued under this paragraph as the Secretary of State directs.
- (4) The Secretary of State—
- (a) may from time to time revise any guidance issued under this paragraph;
  - (b) may vary or revoke a direction made under sub-paragraph (3).
- (5) A local authority may disregard any guidance under section 7 of the Local Authority Social Services Act 1970 or section 78 of CA 2014, so far as it is inconsistent with guidance issued under this paragraph.

#### Commencement Information

**I24** Sch. 12 para. 18 in force at 31.3.2020 by [S.I. 2020/388](#), [reg. 2](#)

## <sup>F67</sup><sup>F68</sup> PART 2 **E+W**

### POWERS AND DUTIES OF LOCAL AUTHORITIES IN WALES

#### Textual Amendments

- F67** Sch. 12 Pt. 2 expires (except for Sch. 12 paras. 19 (in part), 30, 33, 35) (1.8.2021) by virtue of [The Coronavirus Act 2020 \(Early Expiry: Local Authority Care and Support\) \(Wales\) Regulations 2021 \(S.I. 2021/850\)](#), [regs. 1\(2\)](#), [2\(a\)](#) (see [2020 c. 7](#), [s. 89\(2\)\(r\)](#))
- F68** Sch. 12 Pt. 2 suspended (22.3.2021) by [The Coronavirus Act 2020 \(Suspension: Local Authority Care and Support\) \(Wales\) Regulations 2021 \(S.I. 2021/316\)](#), [regs. 1\(2\)](#), [2\(a\)](#)

### Introductory

- <sup>F67</sup>19 (1) In this Part of this Schedule “SSW(W)A 2014” means the Social Services and Well-being (Wales) Act 2014 (anaw 4).
- (2) Expressions used in this Part of this Schedule and in SSW(W)A 2014 have the same meaning in this Part of this Schedule as in that Act.]

#### Commencement Information

**I25** Sch. 12 para. 19 in force at 1.4.2020 by [S.I. 2020/366](#), [reg. 3](#)

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**Status:** Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

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*Assessing needs for care and support*

- F6720 .....
- F6721 .....
- F6722 .....
- F6723 .....
- F6724 .....

*Duty to carry out financial assessment*

- F6725 .....

*Duties to meet needs for care and support*

- F6726 .....
- F6727 .....
- F6728 .....
- F6729 .....

*Charging for meeting needs during emergency period*

- 30 (1) This paragraph applies where—
- (a) at any time during an emergency period, a local authority begins to meet needs under section 35 or 40 of SSW(W)A 2014,
  - (b) at that time, the authority would have been entitled to impose a charge under section 59 of that Act for meeting any of those needs, but
  - (c) the authority decided not to carry out an assessment under section 63(2) of that Act before beginning to meet those needs.

In this paragraph “emergency period” means a period for which paragraph 26 or (as the case may be) 27 has effect.

- (2) The local authority is not prevented by that decision from subsequently carrying out an assessment under section 63(2) of SSW(W)A 2014 (whether during or after the emergency period) and deciding to impose a charge for meeting those needs during that period; and nothing in that section is to be taken to prevent the authority from carrying out such an assessment, even though the authority has already begun to meet, or has met, those needs.
- (3) In so far as there is any charge for meeting any needs under section 35 of SSW(W)A 2014 during the emergency period, the fact that condition 3 in that section is not met at the time of the imposition of the charge does not affect anything already done under that section.
- (4) In so far as there is any charge for meeting any needs under section 40 of SSW(W)A 2014 during the emergency period, the fact that condition 3 in that section is not met at the time of the imposition of the charge does not affect anything already done under that section.

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**Commencement Information**

**I26** Sch. 12 para. 30 in force at 1.4.2020 by [S.I. 2020/366, reg. 3](#)

*Care and support plans etc*

<sup>F67</sup>31 .....

*Portability of care and support*

<sup>F67</sup>32 .....

- 33 (1) This paragraph applies where—
- (a) paragraph 32 has had effect for any period (“the emergency period”), and
  - (b) the emergency period has ended.
- (2) Section 56 of SSW(W)A 2014 has effect in the case of an adult with the modifications in sub-paragraphs (3) to (5).
- (3) In subsection (1)—
- (a) the reference to a local authority being notified that a person is going to move to the area of another local authority includes, in the case of an adult who moved to the area of another local authority during the emergency period, a reference to being notified that the adult has moved to that area, and
  - (b) where a local authority is notified that an adult has moved to the area of another local authority by virtue of paragraph (a), the reference to the authority being satisfied that the move is likely to happen is to be disregarded (and accordingly the requirement imposed by subsection (1)(a) does not apply).
- (4) In subsection (2)—
- (a) the reference to a local authority being notified that a person is going to move to the area of that authority includes, in the case of an adult who moved to the area of a local authority during the emergency period, a reference to that authority being notified that the adult has moved to that area, and
  - (b) where a local authority is notified that an adult has moved to the authority's area by virtue of paragraph (a), the reference to the authority being satisfied that the move is likely to happen is to be disregarded (and accordingly the requirement imposed by subsection (2)(a) does not apply).
- (5) The reference in subsection (3) to the day the person moves to the area of a local authority is, in the case of an adult who moved to the area of a local authority during the emergency period, to be read as a reference to the day on which that period ended.

**Commencement Information**

**I27** Sch. 12 para. 33 in force at 1.4.2020 by [S.I. 2020/366, reg. 3](#)

*Duties arising before commencement*

<sup>F67</sup>34 .....

*Status:* Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coronavirus Act 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

### Guidance

- 35 (1) The Welsh Ministers may issue guidance about how local authorities are to exercise functions under Parts 2 to 5 of SSW(W)A 2014 in consequence of the provision made by this Part of this Schedule.
- (2) A local authority must have regard to any guidance issued under this paragraph.
- (3) A local authority must comply with such guidance issued under this paragraph as the Welsh Ministers direct.
- (4) The Welsh Ministers—
- (a) may from time to time revise any guidance issued under this paragraph;
  - (b) may vary or revoke a direction made under sub-paragraph (3).
- (5) A local authority may disregard any provision of a code under section 145 of SSW(W)A 2014, so far as it is inconsistent with guidance issued under this paragraph.]

#### Commencement Information

**I28** Sch. 12 para. 35 in force at 1.4.2020 by [S.I. 2020/366](#), [reg. 3](#)

## SCHEDULE 13 **U.K.**

Section 18

### REGISTRATION OF DEATHS AND STILL-BIRTHS

#### **PART 1 **E+W****

#### ENGLAND AND WALES

#### *Interpretation*

- 1 (1) In this Part of this Schedule—
- “the 1926 Act” means the Births and Deaths Registration Act 1926;
  - “the 1953 Act” means the Births and Deaths Registration Act 1953;
  - “the principal 1987 Regulations” means the Registration of Births and Deaths Regulations 1987 (S.I. 1987/2088);
  - “the 2019 Regulations” means the Notification of Deaths Regulations 2019 (S.I. 2019/1112).
- (2) Expressions used in this Part of this Schedule and in the 1953 Act have the same meaning as in that Act.

#### Commencement Information

**I29** Sch. 13 para. 1 in force at 26.3.2020 by [S.I. 2020/361](#), [reg. 2\(a\)](#)

*Status:* Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

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*Information concerning deaths: England and Wales*

F69<sup>2</sup> .....

**Textual Amendments**  
F69 Sch. 13 para. 2 expires (25.3.2022) by Coronavirus Act 2020 (c. 7), s. 89 (with s. 90)

*Giving information other than in person and dispensing with signing the register*

F70<sup>3</sup> .....

**Textual Amendments**  
F70 Sch. 13 para. 3 expires (25.3.2022) by Coronavirus Act 2020 (c. 7), s. 89 (with s. 90)

*Medical certificates of cause of death*

F71<sup>4</sup> .....

**Textual Amendments**  
F71 Sch. 13 para. 4 expires (25.3.2022) by Coronavirus Act 2020 (c. 7), s. 89 (with s. 90)

*Delivery of documents by alternative methods*

F72<sup>5</sup> .....

**Textual Amendments**  
F72 Sch. 13 para. 5 expires (25.3.2022) by Coronavirus Act 2020 (c. 7), s. 89 (with s. 90)

*Further modifications of the principal 1987 Regulations*

F73<sup>6</sup> .....

**Textual Amendments**  
F73 Sch. 13 para. 6 expires (25.3.2022) by Coronavirus Act 2020 (c. 7), s. 89 (with s. 90)

*Notification of death to coroner*

F74<sup>7</sup> .....

**Textual Amendments**  
F74 Sch. 13 para. 7 expires (25.3.2022) by Coronavirus Act 2020 (c. 7), s. 89 (with s. 90)

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### *Transitional provision*

- 8 Anything relating to the registration of a death or still-birth that, immediately before the end of any period for which a provision of this Part of this Schedule has effect, is in the process of being done in reliance on that provision may continue to be done after the end of that period in reliance on that provision.

#### **Commencement Information**

**I30** Sch. 13 para. 8 in force at 26.3.2020 by S.I. 2020/361, reg. 2(a)

- 9 (1) This paragraph applies where, during any period for which paragraph 5 has effect, a person delivers a relevant document in reliance on that paragraph.
- (2) The person must give, deliver or send the document in accordance with the applicable legislation as soon as reasonably practicable after the end of the period, and in any event not later than the end of the period of 3 months beginning with the day on which the period ends.
- (3) The Registrar General may give a direction—
- (a) setting a later deadline than the one specified in sub-paragraph (2), or
  - (b) dispensing with the duty under sub-paragraph (2).
- (4) A direction under sub-paragraph (3) may be expressed as having effect generally, in relation to persons within a description specified in the direction, or in relation to a particular case.
- (5) A direction under sub-paragraph (3) may vary or revoke previous directions given under that sub-paragraph.
- (6) A registrar may, in relation to a relevant document that is required to be given, delivered or sent to the registrar, give a direction in a particular case—
- (a) setting a later deadline than the one specified in sub-paragraph (2), or
  - (b) dispensing with the duty under sub-paragraph (2).
- (7) In this paragraph—
- “applicable legislation” means—
    - (a) in the case of a document within paragraph 5(2)(a), the 1953 Act, and
    - (b) in the case of a document within paragraph 5(2)(b), the 1926 Act;
  - “relevant document” has the same meaning as in paragraph 5.

#### **Commencement Information**

**I31** Sch. 13 para. 9 in force at 26.3.2020 by S.I. 2020/361, reg. 2(a)

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*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coronavirus Act 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

## PART 2 S

### SCOTLAND

#### Modifications etc. (not altering text)

**C24** Sch. 13 Pt. 2 continued until 24.9.2022 (24.3.2022) by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/40\)](#), regs. 1, **2(a)**

#### *Interpretation*

- 10 (1) In this Part of this Schedule “the 1965 Act” means the Registration of Births, Deaths and Marriages (Scotland) Act 1965.
- (2) Expressions used in this Part of this Schedule and in the 1965 Act have the same meaning as in that Act.

#### Commencement Information

**I32** Sch. 13 para. 10 in force at 26.3.2020 by [S.I. 2020/361](#), reg. **2(a)**

#### *Information concerning deaths*

- 11 A funeral director may for the purposes of section 23(1) of the 1965 Act give information concerning the death of a person if the funeral director—
- (a) is responsible for the arrangement of the deceased's funeral, and
  - (b) is authorised by a relative of the deceased to give information concerning the death.

#### Commencement Information

**I33** Sch. 13 para. 11 in force at 26.3.2020 by [S.I. 2020/361](#), reg. **2(a)**

#### *Giving information other than in person*

- 12 (1) A person who is required under the 1965 Act to give information about a death or still-birth to the district registrar for a registration district may give the information to the registrar—
- (a) by telephone, or
  - (b) by any other methods specified in guidance by the Registrar General, if the person is unable to attend the registrar personally.
- (2) A person is to be treated as unable to give information for the purposes of sub-paragraph (1) if it would be unreasonable for the person to do so (whether because of illness, the need to care for others, the risk of infection, staff shortages at the district registrar's office or any other reason).
- (3) Where information is given under sub-paragraph (1)—
- (a) if an approved digital means of attesting the death registration form or, as the case may be, register is available for the person providing the information



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(“the informant”) to use, the informant may attest the death registration form or, as the case may be, register by that means;

(b) otherwise—

- (i) the informant must provide such details as to the informant's usual signature as the district registrar may require, and
- (ii) if satisfied with those details, the registrar may in a manner specified in guidance by the Registrar General attest the death registration form or, as the case may be, register on behalf of the informant.

(4) For the purpose of sub-paragraph (3), “an approved digital means of attesting” is a means specified for that purpose in guidance issued by the Registrar General.

**Commencement Information**

**I34** Sch. 13 para. 12 in force at 26.3.2020 by S.I. 2020/361, reg. 2(a)

*Delivery of documents by alternative methods*

13 (1) Any relevant document may be given or delivered by any electronic or other means specified in guidance issued by the Registrar General.

(2) “Relevant document” means a document relating to a death or still-birth that is required or permitted by or under the 1965 Act.

**Commencement Information**

**I35** Sch. 13 para. 13 in force at 26.3.2020 by S.I. 2020/361, reg. 2(a)

*Guidance*

14 The Registrar General may vary or revoke any guidance issued under this Part of this Schedule.

**Commencement Information**

**I36** Sch. 13 para. 14 in force at 26.3.2020 by S.I. 2020/361, reg. 2(a)

*Transitional provision*

15 Anything relating to the registration of a death or still-birth that, immediately before the end of any period for which a provision of this Part of this Schedule has effect, is in the process of being done in reliance on that provision may continue to be done after the end of that period in reliance on that provision.

**Commencement Information**

**I37** Sch. 13 para. 15 in force at 26.3.2020 by S.I. 2020/361, reg. 2(a)

16 (1) This paragraph applies where, during any period for which paragraph 13 has effect, a person gives or delivers a relevant document in reliance on that paragraph.

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- (2) The person must give, deliver or send the document in accordance with the 1965 Act as soon as reasonably practicable after the end of the period, and in any event not later than the end of the period of 3 months beginning with the day on which the period ends.
- (3) The Registrar General may give a direction—
- (a) setting a later deadline than the one specified in sub-paragraph (2), or
  - (b) dispensing with the duty under sub-paragraph (2).
- (4) A direction under sub-paragraph (3) may be expressed as having effect generally, in relation to persons within a description specified in the direction, or in relation to a particular case.
- (5) A direction under sub-paragraph (3) may vary or revoke previous directions given under that sub-paragraph.
- (6) A district registrar may, in relation to a relevant document that is required to be given, delivered or sent to the registrar, give a direction in a particular case—
- (a) setting a later deadline than the one specified in sub-paragraph (2), or
  - (b) dispensing with the duty under sub-paragraph (2).
- (7) In this paragraph “relevant document” has the same meaning as in paragraph 13.

#### Commencement Information

**I38** Sch. 13 para. 16 in force at 26.3.2020 by S.I. 2020/361, reg. 2(a)

### PART 3 N.I.

#### NORTHERN IRELAND

#### Modifications etc. (not altering text)

**C25** Sch. 13 Pt. 3 continued in part until immediately before 25.9.2022 (24.3.2022) by [The Coronavirus Act 2020 \(Registration of deaths and still-births\) \(Extension\) Order \(Northern Ireland\) 2022 \(S.R. 2022/160\)](#), arts. 1, 3

#### Interpretation

- 17 (1) In this Part of this Schedule—
- “the 1976 Order” means the Births and Deaths Registration (Northern Ireland) Order 1976 (S.I. 1976/1041 (N.I. 14));
- “the 2012 Regulations” means the Civil Registration Regulations (Northern Ireland) 2012 (S.R. (N.I.) 2012 No. 408).
- (2) In this Part of this Schedule—
- (a) references to Articles are to Articles of the 1976 Order;
  - (b) references to Forms are to Forms in Schedule 1 to the 2012 Regulations.

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- (3) Expressions used in this Schedule and in the 1976 Order have the meaning given in that Order.

**Modifications etc. (not altering text)**

**C26** Sch. 13 para. 17 continued in part until 24.3.2023 (N.I.) (23.9.2022) by [The Coronavirus Act 2020 \(Registration of Deaths and Still-Births\) \(Extension\) \(No.2\) Order \(Northern Ireland\) 2022 \(S.R. 2022/225\)](#), [art. 2\(b\)](#)

**Commencement Information**

**I39** Sch. 13 para. 17 in force at 26.3.2020 by [S.I. 2020/361](#), [reg. 2\(a\)](#)

*Giving certificate of cause of still-birth directly*

- 18 (1) This paragraph applies if—
- (a) a registered medical practitioner or registered midwife is required under Article 15(5) to give an informant a certificate for the purposes of Article 15(3), and
  - (b) the certificate is signed during any period for which this paragraph has effect.
- (2) The medical practitioner or, as the case may be, the registered midwife—
- (a) must forthwith send a copy of the certificate to the registrar by electronic means;
  - (b) is not required to give the certificate to the informant (but may do so).
- (3) The informant is not subject to any duty under Article 15(3) in relation to the certificate.

**Modifications etc. (not altering text)**

**C27** Sch. 13 paras. 18-22 continued until 24.3.2023 (N.I.) (23.9.2022) by [The Coronavirus Act 2020 \(Registration of Deaths and Still-Births\) \(Extension\) \(No.2\) Order \(Northern Ireland\) 2022 \(S.R. 2022/225\)](#), [art. 2\(a\)](#)

**Commencement Information**

**I40** Sch. 13 para. 18 in force at 26.3.2020 by [S.I. 2020/361](#), [reg. 2\(a\)](#)

- 19 In accordance with paragraph 18, Form 10 has effect as if, in the opening lines, for “accompanied by” there were substituted “and a copy of”.

**Modifications etc. (not altering text)**

**C27** Sch. 13 paras. 18-22 continued until 24.3.2023 (N.I.) (23.9.2022) by [The Coronavirus Act 2020 \(Registration of Deaths and Still-Births\) \(Extension\) \(No.2\) Order \(Northern Ireland\) 2022 \(S.R. 2022/225\)](#), [art. 2\(a\)](#)

**Commencement Information**

**I41** Sch. 13 para. 19 in force at 26.3.2020 by [S.I. 2020/361](#), [reg. 2\(a\)](#)

*Status: Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.*

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*Giving certificate of notice of still-birth directly*

- 20 Article 15(7) (registrar receiving written notice of still-births) has effect as if—
- (a) for “accompanied by such a certificate” there were substituted “ and a copy of such a certificate ”;
  - (b) for “person sending the notice” there were substituted “ person who has control over, or who ordinarily effects the disposal of bodies at, any burial ground or other place at which it is intended to dispose of the body of a still-born child, ”.

**Modifications etc. (not altering text)**

**C27** Sch. 13 paras. 18-22 continued until 24.3.2023 (N.I.) (23.9.2022) by [The Coronavirus Act 2020 \(Registration of Deaths and Still-Births\) \(Extension\) \(No.2\) Order \(Northern Ireland\) 2022 \(S.R. 2022/225\)](#), [art. 2\(a\)](#)

**Commencement Information**

**I42** Sch. 13 para. 20 in force at 26.3.2020 by [S.I. 2020/361](#), [reg. 2\(a\)](#)

*Giving information to the registrar other than in person and dispensing with signing the register*

- 21 (1) A qualified informant who is required under the 1976 Order to give information concerning a death or still-birth to a registrar, but who is unable to attend before a registrar in person, may give that information—
- (a) by telephone, or
  - (b) by electronic means.
- (2) The duty of a qualified informant to sign the register does not apply where information is given in reliance on sub-paragraph (1).
- (3) Where information is given in reliance on sub-paragraph (1), that information is to be regarded for the purposes of the 1976 Order as having been given in the manner that is required by the 2012 Regulations.
- (4) An entry in the register of deaths or the register of still-births for which, by virtue of sub-paragraph (2), no signature is required is to be treated as an entry signed by a qualified informant for the purposes of the 2012 Regulations.
- (5) A qualified informant is to be treated as unable to attend before a registrar in person for the purposes of sub-paragraph (1) if it would be unreasonable or impracticable for the person to do so (whether because of illness, the need to care for others, the risk of infection, staff shortages at the registrar's office or any other reason).

**Modifications etc. (not altering text)**

**C27** Sch. 13 paras. 18-22 continued until 24.3.2023 (N.I.) (23.9.2022) by [The Coronavirus Act 2020 \(Registration of Deaths and Still-Births\) \(Extension\) \(No.2\) Order \(Northern Ireland\) 2022 \(S.R. 2022/225\)](#), [art. 2\(a\)](#)

**Commencement Information**

**I43** Sch. 13 para. 21 in force at 26.3.2020 by [S.I. 2020/361](#), [reg. 2\(a\)](#)

**Status:** Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

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- 22 In accordance with paragraph 21—
- (a) Form 2 has effect as if at entry number 15 for “Signature” there were substituted “ Name of person professing to be informant ”;
  - (b) Form 3 has effect as if at entry number 16 for “Signature of informant” there were substituted “ Name of person professing to be informant ”.

**Modifications etc. (not altering text)**

**C27** Sch. 13 paras. 18-22 continued until 24.3.2023 (N.I.) (23.9.2022) by [The Coronavirus Act 2020 \(Registration of Deaths and Still-Births\) \(Extension\) \(No.2\) Order \(Northern Ireland\) 2022 \(S.R. 2022/225\)](#), [art. 2\(a\)](#)

**Commencement Information**

**I44** Sch. 13 para. 22 in force at 26.3.2020 by [S.I. 2020/361](#), [reg. 2\(a\)](#)

*Signing of certificates of cause of death*

- 23 (1) This paragraph applies if—
- (a) a person dies as a result of any natural illness,
  - (b) the person was treated by a registered medical practitioner (“A”) within 28 days prior to the date of the person's death,
  - (c) the time when (apart from this paragraph) A would be required to sign the certificate of cause of death under Article 25(2) falls within any period for which this paragraph has effect,
  - (d) at that time, A is unable to sign the certificate or it is impracticable for A to do so, and
  - (e) another registered medical practitioner (“B”) can state to the best of B's knowledge and belief the cause of death.
- (2) B may sign the certificate of cause of death under Article 25(2).
- (3) B is subject to the other duties applicable to a person who has signed such a certificate.
- (4) A is not subject to any duties in relation to such a certificate.

**Commencement Information**

**I45** Sch. 13 para. 23 in force at 26.3.2020 by [S.I. 2020/361](#), [reg. 2\(a\)](#)

- 24 (1) This paragraph applies if—
- (a) a person dies as a result of any natural illness,
  - (b) the person was not treated by a registered medical practitioner within 28 days prior to the date of the person's death, and
  - (c) a registered medical practitioner (“C”) can state to the best of C's knowledge and belief the cause of death.
- (2) C may sign the certificate of cause of death under Article 25(2).
- (3) C is subject to the other duties applicable to a person who has signed such a certificate.

**Status:** Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coronavirus Act 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

#### Commencement Information

**I46** Sch. 13 para. 24 in force at 26.3.2020 by S.I. 2020/361, reg. 2(a)

- 25 Where B or C proposes to sign a certificate under Article 25(2) in reliance on paragraph 23 or 24, Form 12 has effect as if—
- (a) the two lines beginning with “Date on which was last seen alive and treated by me” were omitted, and
  - (b) for “has died as a result of the natural illness or disease for which he has been treated by me within twenty eight days prior to the date of death” there were substituted “has died as a result of the cause of death referred to above”.

#### Commencement Information

**I47** Sch. 13 para. 25 in force at 26.3.2020 by S.I. 2020/361, reg. 2(a)

- 26 Where C signs a certificate under Article 25(2) in reliance on paragraph 24, section 7 of the Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.)) has effect as if the words “for which he had been seen and treated by a registered medical practitioner within twenty-eight days prior to his death” were omitted.

#### Commencement Information

**I48** Sch. 13 para. 26 in force at 26.3.2020 by S.I. 2020/361, reg. 2(a)

#### *Giving certificate of cause of death directly*

- 27 (1) This paragraph applies if—
- (a) a registered medical practitioner signs a certificate of cause of death under Article 25(2) (whether or not the certificate is signed in reliance on paragraph 23 or 24), and
  - (b) the certificate is signed during any period for which this paragraph has effect.
- (2) The medical practitioner—
- (a) must forthwith send a copy of the certificate, together with such other particulars as are prescribed under Article 25(2), to the registrar by electronic means,
  - (b) is not required to give the certificate to the informant (but may do so).
- (3) The informant is not subject to any duties in relation to the certificate.

#### Modifications etc. (not altering text)

**C28** Sch. 13 paras. 27-29 continued until 24.3.2023 (N.I.) (23.9.2022) by The Coronavirus Act 2020 (Registration of Deaths and Still-Births) (Extension) (No.2) Order (Northern Ireland) 2022 (S.R. 2022/225), art. 2(a)

#### Commencement Information

**I49** Sch. 13 para. 27 in force at 26.3.2020 by S.I. 2020/361, reg. 2(a)

*Status:* Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coronavirus Act 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- 28 In accordance with paragraph 27—
- (a) Article 22 has effect as if the words “, accompanied by such medical certificate of the cause of the death as is required by Article 25 to be given to the registrar,” were omitted;
  - (b) Article 25(3) has effect as if after “paragraph (2)” there were inserted “ or give the registrar a copy of such a certificate ”;
  - (c) Article 25(4) has effect as if for the words from “An informant” to “and” there were substituted “ Where a registered medical practitioner gives to the registrar a copy of the certificate which the practitioner has signed under Article 25(2) together with such other particulars as are required under Article 25(2) to be given by the practitioner, ”.

**Modifications etc. (not altering text)**

**C28** Sch. 13 paras. 27-29 continued until 24.3.2023 (N.I.) (23.9.2022) by [The Coronavirus Act 2020 \(Registration of Deaths and Still-Births\) \(Extension\) \(No.2\) Order \(Northern Ireland\) 2022 \(S.R. 2022/225\)](#), [art. 2\(a\)](#)

**Commencement Information**

**I50** Sch. 13 para. 28 in force at 26.3.2020 by [S.I. 2020/361](#), [reg. 2\(a\)](#)

*Giving certificate of registration, or written notice, of death directly*

- 29 Article 29 (certificate of registration of death) has effect with the following modifications—
- (a) paragraph (1) has effect as if—
    - (i) after “person giving information concerning the death” there were inserted “ or the person who effects the disposal of, or performs any funeral service for, the body of the deceased person ”;
    - (ii) after “a certificate in the prescribed form”, the words “under his hand” were omitted;
  - (b) paragraph (2) has effect as if—
    - (i) for “the person sending the notice, if required to do so,” there were substituted “ the person who effects the disposal of, or performs any funeral service for, the body of the deceased person ”;
    - (ii) after “a certificate in the prescribed form”, the words “under his hand” were omitted.

**Modifications etc. (not altering text)**

**C28** Sch. 13 paras. 27-29 continued until 24.3.2023 (N.I.) (23.9.2022) by [The Coronavirus Act 2020 \(Registration of Deaths and Still-Births\) \(Extension\) \(No.2\) Order \(Northern Ireland\) 2022 \(S.R. 2022/225\)](#), [art. 2\(a\)](#)

**Commencement Information**

**I51** Sch. 13 para. 29 in force at 26.3.2020 by [S.I. 2020/361](#), [reg. 2\(a\)](#)

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*Transitional provision*

30 Anything relating to the registration of a death or still-birth that, immediately before the end of any period for which any provision of this Part of this Schedule has effect, is in the process of being done in reliance on that provision may continue to be done after the end of that period in reliance on that provision.

**Commencement Information**

**I52** Sch. 13 para. 30 in force at 26.3.2020 by S.I. 2020/361, reg. 2(a)

<sup>F75</sup>SCHEDULE 14 **S**

Section 20

**Textual Amendments**

**F75** Sch. 14 expires (25.3.2022) by Coronavirus Act 2020 (c. 7), s. 89 (with s. 90)

PROSPECTIVE

<sup>F76</sup>SCHEDULE 15 **U.K.**

Section 28

INFORMATION RELATING TO FOOD SUPPLY CHAINS: FINANCIAL PENALTIES

**Textual Amendments**

**F76** Sch. 15 expires (17.7.2021) by The Coronavirus Act 2020 (Early Expiry) Regulations 2021 (S.I. 2021/856), reg. 2(1)(e)

*Notice of intent*

<sup>F76</sup><sub>1</sub> .....

*Amount of penalty*

<sup>F76</sup><sub>2</sub> .....

*Right to make representations*

<sup>F76</sup><sub>3</sub> .....

*Final notice*

<sup>F76</sup><sub>4</sub> .....



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	<i>Late payment</i>
F765	.....
	<i>Withdrawal or amendment of notice</i>
F766	.....
	<i>Appeals</i>
F767	.....
	<i>Enforcement</i>
F768	.....

SCHEDULE 16 **U.K.**

Section 37

TEMPORARY CLOSURE OF EDUCATIONAL INSTITUTIONS AND CHILDCARE PREMISES

<sup>F77</sup>**PART 1 E+W**

ENGLAND AND WALES

**Textual Amendments**

**F77** Sch. 16 Pt. 1 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. **89** (with s. 90)

	<i>Schools, 16 to 19 Academies, further and higher education providers</i>
1	.....
	<i>Registered childcare providers</i>
2	.....
	<i>Effect of temporary closure directions on other provisions</i>
3	.....
	<i>Authorisations</i>
4	.....
	<i>Publication, duration and guidance</i>
5	.....

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## PART 2 S

### SCOTLAND

#### *Interpretation*

- 6 In this Part of this Schedule—
- “the 1980 Act” means the Education (Scotland) Act 1980;
  - “the 2005 Act” means the Further and Higher Education (Scotland) Act 2005 (asp 5);
  - “early learning and childcare” has the meaning given by section 46 of the Children and Young People (Scotland) Act 2014 (asp 8);
  - “education” includes early learning and childcare, school education, further education and higher education;
  - “education authority”, “grant-aided school”, “independent school”, “public school”, “school” and “school education” have the meanings given by section 135(1) of the 1980 Act;
  - “educational establishment” means—
    - (a) a school;
    - (b) an education and training establishment approved by the Scottish Qualifications Authority under section 2 of the Education (Scotland) Act 1996 as suitable for presenting persons for SQA qualifications;
    - (c) a further education institution;
    - (d) a higher education institution,
 and is also to be construed in accordance with paragraph 8(6) to (8);
  - “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;
  - “further education” has the meaning given by section 6 of the Further and Higher Education (Scotland) Act 1992;
  - “further education institution” means—
    - (a) a body listed under the heading “Institutions formerly eligible for funding by the Scottish Further Education Funding Council” or under the heading “Other institutions” in Schedule 2 to the 2005 Act;
    - (b) a college of further education which is assigned to a regional strategic body by an order made under section 7C(1) of the 2005 Act;
  - “higher education” has the meaning given by section 38 of the Further and Higher Education (Scotland) Act 1992;
  - “higher education institution” means—
    - (a) a body listed under the heading “Institutions formerly eligible for funding by the Scottish Higher Education Funding Council” or under the heading “Other institutions” in Schedule 2 to the 2005 Act;
    - (b) a person who provides a course of higher education designated by the Scottish Ministers under regulation 4(9) of the Education (Student Loans) (Scotland) Regulations 2007 (S.S.I. 2007/154) for the purposes of regulation 3(2) of those Regulations;
  - “managers”, in relation to a grant-aided school, has the meaning given by section 135(1) of the 1980 Act;
  - “out of school care” means any form of care provided—

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- (a) outside school hours;
  - (b) during school holidays;
- to children who are in attendance at a school;
- “proprietor”, in relation to an independent school, has the meaning given by section 135(1) of the 1980 Act.

**Modifications etc. (not altering text)**

**C29** Sch. 16 para. 6 continued until 24.9.2022 (24.3.2022) by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/40\)](#), regs. 1, **2(c)**

*Duty to have regard to public health advice*

- 7 (1) A relevant authority must have regard to any advice relating to the incidence or transmission of coronavirus from the Chief Medical Officer of the Scottish Administration or such other person as may be designated for the purposes of this paragraph by the Scottish Ministers.
- (2) Before giving a direction under paragraph 8, 10 or 11, the Scottish Ministers—
- (a) must have regard to any such advice, and
  - (b) must be satisfied that giving the direction is a necessary and proportionate action in response to the incidence or transmission of coronavirus.
- (3) In this paragraph—
- “relevant authority” means—
- (a) a relevant operator of an educational establishment;
  - (b) a relevant manager of school boarding accommodation (within the meaning given by paragraph 10(5));
  - (c) a relevant manager of student accommodation (within the meaning given by paragraph 11(5));
- “relevant operator”, in relation to an educational establishment, is to be construed in accordance with paragraph 8(6) to (8).

**Modifications etc. (not altering text)**

**C30** Sch. 16 para. 7 continued in part until 24.9.2022 (24.3.2022) by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/40\)](#), regs. 1, **2(c)**

*Closure of schools etc and further and higher education institutions*

- 8 <sup>F78</sup>(1) .....
- <sup>F78</sup>(2) .....
- <sup>F78</sup>(3) .....
- <sup>F78</sup>(4) .....
- <sup>F78</sup>(5) .....

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- (6) In this paragraph, “relevant operator”—
- (a) in relation to a school, means—
    - (i) where the school is a public school, the education authority by which it is managed;
    - (ii) where the school is an independent school, the proprietor;
    - (iii) where the school is a grant-aided school, the managers,
 (but see also sub-paragraphs (7) and (8));
  - (b) in relation to a further education institution or a higher education institution, means the governing body of the institution (within the meaning of section 35(2) of the 2005 Act).
- (7) Where out of school care is provided by a person in a school, “relevant operator” also includes such a person.
- (8) Where school education, early learning and childcare or out of school care is provided by a person in premises other than a school—
- (a) “relevant operator” also includes such a person, and
  - (b) references to “educational establishment” in this paragraph are to be read as if they were references to such premises.

<sup>F79</sup>(9) .....

**Textual Amendments**

**F78** Sch. 16 para. 8(1)-(5) expire (25.3.2022) by [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with s. 90)

**F79** Sch. 16 para. 8(9) expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with s. 90)

**Modifications etc. (not altering text)**

**C31** Sch. 16 para. 8(6)-(8) continued until 24.9.2022 (24.3.2022) by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/40\), regs. 1, 2\(c\)](#)

*Effect of educational closure direction on other provisions*

<sup>F80</sup>9 .....

**Textual Amendments**

**F80** Sch. 16 para. 9 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with s. 90)

*School boarding accommodation*

- 10 (1) The Scottish Ministers may give a direction under this paragraph (a “boarding accommodation closure direction”) that applies to—
- (a) the relevant manager of one or more named school boarding establishments in Scotland;
  - (b) the relevant managers of all school boarding establishments in Scotland (or any part of Scotland);
  - (c) the relevant managers of a particular description of school boarding establishment in Scotland (or any part of Scotland).

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- (2) A boarding accommodation closure direction is a direction that—
- (a) requires a relevant manager of a school boarding establishment to take reasonable steps to restrict access to the establishment for a specified period, or
  - (b) provides for pupils for whom school boarding accommodation is provided to be confined in their school boarding accommodation for a specified period.
- (3) A boarding accommodation closure direction may provide that any failure to comply with a duty or time limit imposed under any enactment or rule of law relating to education is to be disregarded to the extent that it would be attributable to the direction.
- (4) A boarding accommodation closure direction may—
- (a) require the taking of actions in general terms, or require the taking of particular actions, that the Scottish Ministers consider reasonable;
  - (b) make different provision for different purposes (for example, for different descriptions of people for whom school boarding accommodation is provided);
  - (c) prohibit access in respect of the whole or a specified part of premises in which school boarding accommodation is provided;
  - (d) prohibit access in respect of the carrying on of all activities or in respect of the carrying on of specified activities;
  - (e) be framed by reference to whatever matters the Scottish Ministers consider appropriate;
  - (f) make transitional, transitory or saving provision;
  - (g) make such other provision as the Scottish Ministers consider appropriate in connection with the giving of the direction.
- (5) In this paragraph—
- “pupil” has the meaning given by section 135(1) of the 1980 Act;
  - “relevant manager”, in relation to school boarding accommodation, means a person having responsibility for the management of the accommodation;
  - “school boarding accommodation”, in relation to a pupil, means residential accommodation provided to the pupil by a school care accommodation service (within the meaning of paragraph 3 of schedule 12 of the Public Services Reform (Scotland) Act 2010 (asp 8));
  - “school boarding establishment” means a place where school boarding accommodation is provided;
  - “specified” means specified, or falling within a description specified, in a direction under this paragraph.

**Modifications etc. (not altering text)**

C32 Sch. 16 para. 10 continued until 24.9.2022 (24.3.2022) by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/40\)](#), regs. 1, 2(c)

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### *Student accommodation*

- 11 (1) The Scottish Ministers may give a direction under this paragraph (a “student accommodation closure direction”) that applies to—
- (a) the relevant manager of one or more named student accommodation premises in Scotland;
  - (b) the relevant managers of all student accommodation premises in Scotland (or any part of Scotland);
  - (c) the relevant managers of a particular description of student accommodation premises in Scotland (or any part of Scotland).
- (2) A student accommodation closure direction is a direction that—
- (a) requires a relevant manager of student accommodation premises to take reasonable steps to restrict access to the premises for a specified period, or
  - (b) provides for persons for whom student accommodation is provided to be confined in their student accommodation for a specified period.
- (3) A student accommodation closure direction may provide that any failure to comply with a duty or time limit imposed under any enactment or rule of law relating to education is to be disregarded to the extent that it would be attributable to the direction.
- (4) A student accommodation closure direction may—
- (a) require the taking of actions in general terms, or require the taking of particular actions, that the Scottish Ministers consider reasonable;
  - (b) make different provision for different purposes (for example, for different descriptions of people for whom student accommodation is provided);
  - (c) prohibit access in respect of the whole or a specified part of student accommodation premises;
  - (d) prohibit access in respect of the carrying on of all activities or in respect of the carrying on of specified activities;
  - (e) be framed by reference to whatever matters the Scottish Ministers consider appropriate;
  - (f) make transitional, transitory or saving provision;
  - (g) make such other provision as the Scottish Ministers consider appropriate in connection with the giving of the direction.
- (5) In this paragraph—
- “relevant manager”, in relation to student accommodation, means a person having responsibility for the management of the accommodation;
- “specified” means specified, or falling within a description specified, in a direction under this paragraph;
- “student” means a person who is matriculated at a further education institution or a higher education institution;
- “student accommodation” means residential accommodation which has been built or converted solely for the purpose of being provided to students;
- “student accommodation premises” means a place where student accommodation is provided.

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**Modifications etc. (not altering text)**

- C33** Sch. 16 para. 11 continued until 24.9.2022 (24.3.2022) by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/40\)](#), regs. 1, **2(c)**

*Compliance and enforcement*

- 12 (1) A relevant authority must comply with a direction under this Part of this Schedule.
- (2) A relevant authority must have regard to any guidance given by the Scottish Ministers about how to comply with a direction under this Part of this Schedule.
- (3) The duty imposed on a relevant authority to comply with a direction under this Part of this Schedule is enforceable, on an application made by the Scottish Ministers, by interdict or (as the case may be) by specific implement.
- (4) An application made under sub-paragraph (3) may be made without notice being given to the relevant authority.
- (5) In this paragraph, “relevant authority” has the meaning given by paragraph 7(3).

**Modifications etc. (not altering text)**

- C34** Sch. 16 para. 12 continued in part until 24.9.2022 (24.3.2022) by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/40\)](#), regs. 1, **2(c)**

*Publication and duration of directions*

- <sup>x6</sup>13 (1) Subject to sub-paragraph (2), the Scottish Ministers must publish a direction under this Part of this Schedule.
- (2) Where a direction relates to a person specified by name—
- (a) the Scottish Ministers must give a copy of the direction to that person, and
- (b) the published version of the direction must not identify any individual without their consent.
- (3) A direction under this Part of this Schedule has effect until the earlier of—
- (a) the end of the period specified in the direction, or
- (b) the revocation of the direction by a further direction given by the Scottish Ministers.
- (4) Where a direction under this Part of this Schedule makes provision mentioned in paragraph 8(3), 10(3) or 11(3), the Scottish Ministers must, so long as it remains in effect, review the direction—
- (a) before the end of the period of 21 days beginning with the date on which the direction was given; and
- (b) before the end of each subsequent period of 21 days.

**Editorial Information**

- X6** The power conferred under this provision to make or revoke a direction may be exercised by means of a notice published in [The Gazette](#)

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**Modifications etc. (not altering text)**

- C35** Sch. 16 para. 13 continued in part until 24.9.2022 (24.3.2022) by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/40\)](#), regs. 1, **2(c)**

**PART 3** **N.I.**

NORTHERN IRELAND

*Schools*

**F81** 14 .....

**Textual Amendments**

- F81** Sch. 16 para. 14 expires (9.12.2021) by [The Coronavirus Act 2020 \(Early Expiry\) \(No. 2\) Regulations 2021 \(S.I. 2021/1399\)](#), regs. 1(2), **6**

*Institutions of further and higher education*

**F82** 15 .....

**Textual Amendments**

- F82** Sch. 16 para. 15 expires (9.12.2021) by [The Coronavirus Act 2020 \(Early Expiry\) \(No. 2\) Regulations 2021 \(S.I. 2021/1399\)](#), regs. 1(2), **6**

*Childcare providers*

**F83** 16 .....

**Textual Amendments**

- F83** Sch. 16 para. 16 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. **89** (with s. 90)

SCHEDULE 17 **U.K.**

Section 38

TEMPORARY CONTINUITY DIRECTIONS ETC: EDUCATION, TRAINING AND CHILDCARE

**PART 1** **E+W**

ENGLAND AND WALES

*Temporary continuity directions: England*

**F84** 1 .....



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### Textual Amendments

**F84** Sch. 17 para. 1 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with s. 90)

#### *Temporary continuity directions: Wales*

- 2 (1) The Welsh Ministers may give a temporary continuity direction that applies to—
- (a) one or more named relevant institutions in Wales;
  - (b) all relevant institutions in Wales (or any part of Wales);
  - (c) relevant institutions in Wales (or any part of Wales) of a particular description.
- (2) A temporary continuity direction is a direction that—
- (a) is given—
    - (i) to the responsible body in relation to a relevant institution, or
    - (ii) in the case of a relevant institution without a responsible body, to the institution, and
  - (b) requires that body or institution to take steps specified in the direction in connection with the provision, for a specified period, of—
    - (i) education, training or childcare,
    - (ii) services relating to education, training or childcare, or
    - (iii) ancillary services or facilities.
- (3) Before giving a direction under this paragraph, the Welsh Ministers—
- (a) must have regard to any advice from the Chief Medical Officer for Wales or one of the Deputy Chief Medical Officers for Wales relating to the incidence or transmission of coronavirus, and
  - (b) must be satisfied that giving the direction is a necessary and proportionate action for or in connection with the continued provision of anything mentioned in sub-paragraph (2)(b)(i) to (iii) for the specified period for one or more persons.
- (4) A temporary continuity direction under this paragraph may—
- (a) require the taking of reasonable steps in general terms, or require the taking of particular steps that the Welsh Ministers consider reasonable, in relation to any of the matters mentioned in the following paragraphs;
  - (b) require a relevant institution to open, to stay open, to re-open, or to open at times when it would not usually be open;
  - (c) require a relevant institution to provide education, training or childcare, services relating to education, training or childcare or ancillary services or facilities;
  - (d) require a relevant institution to allow specified persons to attend that institution for the purpose of receiving education, training or childcare, services relating to education, training or childcare or ancillary services or facilities, provided by or on behalf of that institution;
  - (e) require the alteration of term dates;
  - (f) require a relevant institution to provide or make arrangements for the provision of transport or other services relating to the provision of education, training or childcare or to ancillary services or facilities;

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- (g) make different provision for different purposes, or be framed by reference to whatever matters the Welsh Ministers consider appropriate;
  - (h) make transitional, transitory or saving provision;
  - (i) make such other provision as the Welsh Ministers consider appropriate in connection with the giving of the direction.
- (5) The duty of a responsible body or relevant institution to which a temporary continuity direction is given under this paragraph to comply with the direction is enforceable against the body or (as the case may be) institution by the Welsh Ministers making an application to the High Court or the county court for an injunction.
- (6) An application made under sub-paragraph (5) may be made without notice being given to the relevant institution or responsible body.
- (7) In this paragraph—

“ancillary services or facilities” means services or facilities that are arranged or provided for those attending a relevant institution to receive education, training or childcare (including residential accommodation, meals, laundry facilities, medical services, advice, and pastoral support);

“childcare” means anything which amounts to child minding or day care for children for the purposes of Part 2 of the Children and Families (Wales) Measure 2010 (nawm 1) (see section 19(2) to (4) of that Measure);

“local authority” means a county council in Wales or a county borough council;

“registered childcare provider” means a person who provides childcare and is registered under Part 2 of the Children and Families (Wales) Measure 2010, but does not include a childminder who is registered to provide childcare on domestic premises;

“relevant institution” means—

- (a) a registered childcare provider;
- (b) a school;
- (c) an institution within the further education sector, within the meaning of section 91(3) of the Further and Higher Education Act 1992;
- (d) an institution within the higher education sector within the meaning of section 91(5) of that Act;
- (e) a provider of education or training within the meaning of section 31(1) (a) or (b) or 32(1)(a) or (b) of the Learning and Skills Act 2000 that—
  - (i) is not an institution within the meaning of paragraph (c) or (d), and
  - (ii) is in receipt of funding for provision of that education or training from the Welsh Ministers or a local authority;

but does not include an employer who is a provider by reason only of the employer providing such education or training to its employees;

- (f) a provider of a course of education within the meaning of Schedule 6 to the Education Reform Act 1988 that is not an institution within the meaning of paragraph (c) or (d);
- (g) a local authority;

“responsible body” means—

- (a) in relation to a school, the proprietor, within the meaning of section 579(1) of the Education Act 1996;

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- (b) in relation to an institution within paragraph (c) or (d) of the definition of “relevant institution”, the governing body within the meaning of section 90(1) of the Further and Higher Education Act 1992;
- (c) in relation to a provider within paragraph (e) or (f) of that definition, the person with legal responsibility and accountability for the provider; “school” has the same meaning as in the Education Act 1996 (see section 4 of that Act); “specified” means specified, or falling within a description specified, in a temporary continuity direction under this paragraph.

**Modifications etc. (not altering text)**

**C36** Sch. 17 para. 2 continued to 24.9.2022 (23.3.2022) by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Wales\) Regulations 2022 \(S.I. 2022/348\)](#), regs. 1(2), **2(2)(c)(i)**

*Temporary continuity directions: authorisations*

- 3 (1) The Secretary of State may—
- (a) authorise a local authority to exercise any of the Secretary of State's functions under paragraph 1 in relation to one or more of the following—
    - (i) a registered childcare provider in the local authority's area;
    - (ii) a school in its area;
    - (iii) a 16 to 19 Academy, within the meaning of section 1B of the Academies Act 2010, in its area;
  - (b) authorise the Office for Students to exercise any of the Secretary of State's functions under paragraph 1 in relation to one or more registered higher education providers within the meaning of section 3(10)(a) of the Higher Education and Research Act 2017.
- (2) The Welsh Ministers may—
- (a) authorise a local authority to exercise any of the Welsh Ministers' functions under paragraph 2 in relation to one or more of the following—
    - (i) a registered childcare provider in the local authority's area;
    - (ii) a school in its area;
  - (b) authorise the Higher Education Funding Council for Wales to exercise any of the Welsh Ministers' functions under paragraph 2 in relation to one or more of the following—
    - (i) an institution within the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992;
    - (ii) a provider of a course of education within the meaning of Schedule 6 to the Education Reform Act 1988 which is not an institution within sub-paragraph (i).
- (3) An authorisation granted under this paragraph may be subject to the fulfilment of such terms and conditions as are specified in the authorisation.
- (4) In this paragraph—
- (a) in relation to England, “local authority” has the same meaning as in section 579(1) of the Education Act 1996, and

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- (b) in relation to Wales, “local authority” means a county council in Wales or a county borough council.

**Modifications etc. (not altering text)**

**C37** Sch. 17 para. 3 continued to 24.9.2022 (W.) (23.3.2022) by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Wales\) Regulations 2022 \(S.I. 2022/348\)](#), regs. 1(2), **2(2)(c)(ii)**

*Publication, duration and guidance in relation to temporary continuity directions*

- 4 (1) Subject to sub-paragraph (2), the appropriate authority must publish a temporary continuity direction under paragraph 1 or 2.
- (2) Where a direction relates to a person specified by name—
  - (a) the appropriate authority must give a copy of the direction to that person, and
  - (b) the published version of the direction must not identify any individual without their consent.
- (3) A temporary continuity direction under paragraph 1 or 2 has effect until the earlier of—
  - (a) the end of the period specified under paragraph 1(2)(b) or 2(2)(b) (as the case may be), or
  - (b) the revocation of the direction by a further direction given by the appropriate authority under the same paragraph.
- (4) A person to whom a temporary continuity direction under paragraph 1 or 2 is given must have regard to any guidance given by the appropriate authority about how to comply with a direction given by that authority under that paragraph.
- (5) In this paragraph, subject to sub-paragraph (6), “appropriate authority” means—
  - (a) the Secretary of State (in relation to a direction given under paragraph 1);
  - (b) the Welsh Ministers (in relation to a direction given under paragraph 2).
- (6) Where a person gives a direction by virtue of an authorisation under paragraph 3, “the appropriate authority”—
  - (a) in sub-paragraphs (1), (2) and (4), means that person, and
  - (b) in sub-paragraph (3)(b), includes that person.

**Modifications etc. (not altering text)**

**C38** Sch. 17 para. 4 continued to 24.9.2022 (W.) (23.3.2022) by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Wales\) Regulations 2022 \(S.I. 2022/348\)](#), regs. 1(2), **2(2)(c)(iii)**

*Notices temporarily removing or relaxing statutory provisions etc: England*

**F855** .....

**Textual Amendments**

**F85** Sch. 17 para. 5 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), **s. 89** (with s. 90)

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F86 6

#### Textual Amendments

F86 Sch. 17 para. 6 expires (25.3.2022) by Coronavirus Act 2020 (c. 7), s. 89 (with s. 90)

#### *Notices temporarily removing or relaxing statutory provisions: Wales*

- x77 (1) The Welsh Ministers may by notice make provision in relation to Wales—
- (a) disapplying, for a specified period, any enactment listed in sub-paragraph (5);
  - (b) modifying, for a specified period, any enactment listed in the table in sub-paragraph (6), in the manner described in that table.
- (2) A notice under sub-paragraph (1) may limit the disapplication or modification of a provision by reference to—
- (a) a specified person or description of persons;
  - (b) a specified area;
  - (c) any other matter.
- (3) A notice under sub-paragraph (1) may also make such consequential modifications of any other enactment, for the specified period, as the Welsh Ministers consider appropriate.
- (4) A notice under sub-paragraph (1) must state why the Welsh Ministers consider that the issuing of the notice is an appropriate and proportionate action in all the circumstances relating to the incidence or transmission of coronavirus.
- (5) This is the list referred to in sub-paragraph (1)(a)—
- (a) section 324(5)(a) and (b) of the Education Act 1996 (statement of special educational needs);
  - (b) section 328(5) of that Act (review of education needs);
  - (c) sections 437, 443 and 444(1) and (1A) of that Act (provisions relating to attendance at school);
  - [<sup>F87</sup>(ca) section 69 of, and Schedule 19 to, the School Standards and Framework Act 1998 (duty to secure due provision of religious education);]
  - (d) section 87 of the School Standards and Framework Act 1998 (no requirement to admit children permanently excluded from two or more schools);
  - (e) section 101(1) of the Education Act 2002 (basic curriculum for every maintained school);
  - [<sup>F88</sup>(ea) section 109 of that Act (implementation of the National Curriculum in maintained schools);
  - (eb) section 110 of that Act (implementation of the National Curriculum in nursery schools etc.);
  - (ec) sections 116A to 116K of that Act (the local curricula);]
  - (f) sections 28(1), 39(2), 40, 42(2) and 50(4) of, and paragraph 2(1) and (2) of Schedule 6 to, the Education Act 2005 (provisions relating to inspections);
  - (g) regulation 12 of the Childcare Act 2006 (Local Authority Assessment) (Wales) Regulations 2016 (S.I. 2016/88 (w.42)) (annual progress reports), so far as it requires an annual report for the years 2020 and 2021.

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- [<sup>F89</sup>(ga) sections 13(1), 14(10), 19(7), 23(1) and 24(1) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (provisions relating to individual development plans);]
- [<sup>F90</sup>(h) the National Curriculum (Key Stage 2 Assessment Arrangements) (Wales) Order 2004 (S.I. 2004/2915 (W. 254));
- (i) the National Curriculum (Key Stage 3 Assessment Arrangements) (Wales) Order 2005 (S.I. 2005/1394 (W. 108));
- (j) the Education (National Curriculum) (Assessment Arrangements for Reading and Numeracy) (Wales) Order 2013 (S.I. 2013/433 (W. 51));
- (k) the National Curriculum (Assessment Arrangements for the Foundation Phase and the Second and Third Key Stages) (Wales) Order 2014 (S.I. 2014/1999 (W. 200));
- (l) the National Curriculum (Moderation of Assessment Arrangements for the Second and Third Key Stages) (Wales) Order 2015 (S.I. 2015/1309 (W. 113));
- (m) the National Curriculum (Desirable Outcomes, Educational Programmes and Baseline and End of Phase Assessment Arrangements for the Foundation Phase) (Wales) Order 2015 (S.I. 2015/1596 (W. 195)).]
- [<sup>F91</sup>(n) regulations 3 and 4 of the Changing of School Session Times (Wales) Regulations 2009 (S.I. 2009/572 (W. 54))]

(6) This is the table referred to in sub-paragraph (1)(b)—

<i>Act, Measure or Enactment statutory instrument</i>	<i>Authorised modification</i>
The Further and Higher Education Act 1992	Section 44 (collective worship) Any duty imposed on a person by section 44 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 1996	Section 3 (definition of “pupil”) A person is not for the purposes of the Education Act 1996 to be treated as a pupil at a school merely because any education is provided for that person at the school on a temporary basis for reasons relating to the incidence or transmission of coronavirus.
Education Act 1996	Section 14 (functions in respect of primary and secondary schools) Any duty imposed on a person by section 14 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 1996	Section 19 (exceptional provision of education in a person by or under

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	pupil referral units or elsewhere)	or section 19 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 1996	Section 324 (statement of special educational needs)	Any duty imposed on a person by section 324(5) (a) or (b) is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 1996	Section 328 (review of educational needs)	Any duty imposed on a person by or under section 328 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 1996	Sections 512 to 512ZB (school meals)	Any duty imposed on a person by sections 512 to 512ZB is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
[ <sup>F92</sup> School Standards and Framework Act 1998	and Section 69 (duty to secure due provision of religious education)	Any duty imposed on a person by section 69(1) is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 1997	Section 43 (provision of careers education in schools in Wales)	Any duty imposed on a person by section 43(3) is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.]
School Standards and Framework Act 1998	and Section 70 (requirements relating to collective worship)	Any duty imposed on a person by section 70 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
School Standards and Framework Act 1998	and Section (determination of admission numbers)	89A Section 89A has effect as if subsections (1) and (3) were omitted and in subsection (2) for “Such a determination under

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		section 89 may also” there were substituted “A determination under section 89 may ” and paragraph (b) (and the preceding “and”) were omitted.
School Standards Framework Act 1998	and Section 99 (general restriction on selection by ability or aptitude)	Section 99 has effect as if subsections (2) and (4), and the words from “unless” to the end in subsection (3), were omitted.
School Standards Framework Act 1998	and Section 118 (duty of local authority as respects availability of nursery education)	Any duty imposed on a local authority by section 118 is to be treated as discharged if the local authority has used reasonable endeavours to discharge the duty.
Learning and Skills Act 2000	Sections 31 and 32 (education and training for those aged 16 to 19 and those over 19)	Any duty imposed on the Welsh Ministers by section 31 or 32 is to be treated as discharged if the Welsh Ministers have used reasonable endeavours to discharge the duty.
Learning and Skills Act 2000	Section 35 (financial resources: conditions)	Section 35 has effect, where a temporary closure direction or temporary continuity direction (under Schedule 16 or 17 to the Coronavirus Act 2020) applies in relation to a person, as if it authorised the Welsh Ministers to vary the conditions imposed, or impose additional conditions, under that section in relation to financial resources secured to that person under section 34.
Learning and Skills Act 2000	Section 140 (duty on the Welsh Ministers to arrange an assessment of a person with SEN in particular circumstances)	Any duty imposed on a person by section 140 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.



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[ <sup>F93</sup> Education Act 2002	Section 101 (basic curriculum for every maintained school in Wales)	Any duty imposed on a person by virtue of section 101 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.]
Education Act 2002	Section 108 (establishment of National Curriculum for Wales by Order)	Section 108 has effect as if it provided that any duty imposed on a person by an order under that section is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
[ <sup>F94</sup> Education Act 2002	Section 109 (implementation of the National Curriculum for Wales in schools)	Any duty imposed on a person by section 109 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 2002	Section 110 (implementation of the National Curriculum for Wales in respect of nursery schools etc)	Any duty imposed on a person by section 110 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 2002	Sections 116A to 116K (the local curricula)	Any duty imposed on a person by or under sections 116A to 116K is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.]
Education Act 2002	Section 166(2) (time limit for appeals by proprietor against decisions relating to registered schools)	The period for bringing an appeal is to be treated as increased from 28 days to 3 months.
Education Act 2005	Section 28 (duty to arrange regular inspections)	The duty imposed by section 28(1) is to be treated as discharged if the Chief Inspector has used reasonable endeavours to discharge the duty.
Education Act 2005	Section 39 (measures to be taken by appropriate authority)	The duty imposed on a person by virtue of section 39(2) is to be treated as discharged if the person has used

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		reasonable endeavours to discharge the duty.
Education Act 2005	Section 40 (statement prepared by a local authority)	Any duty imposed on a local authority by section 40 is to be treated as discharged if the local authority has used reasonable endeavours to discharge the duty.
Education Act 2005	Section 42 (statement to be prepared by proprietor of school)	The duty imposed on a person by virtue of section 42(2) is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 2005	Section 50 (inspection of religious education: Wales)	The duty imposed on a person by section 50(4) is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 2005	Paragraph 2(1) and (2) of Schedule 6 (procedure for inspections under section 50)	Any duty imposed on a person by paragraph 2(1) or (2) is treated as discharged if the person has used reasonable endeavours to discharge the duty.
Childcare Act 2006	Section 24 (arrangements between local authority and childcare providers)	Any duty imposed on a Welsh local authority by section 24 is to be treated as discharged if the Welsh local authority has used reasonable endeavours to discharge the duty; and section 24(2) has effect as if after “securing that” there were inserted “so far as reasonably practicable”.
Childcare Act 2006	Section 27 (duty to provide information, advice and assistance)	Any duty imposed on a Welsh local authority by section 27 is to be treated as discharged if the Welsh local authority has used reasonable endeavours to discharge the duty.

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Children and Families (Wales) Measure 2010	Section 45 (supply of information to local authorities)	Any duty imposed on the Welsh Ministers under section 45(1) is to be treated as discharged if the Welsh Ministers have used reasonable endeavours to discharge the duty.
Childcare Act 2006 (Local Authority Assessment) (Wales) Regulations 2016 (S.I. 2016/88 (W.42))	Regulation 3 (duty to prepare and publish assessments)	Regulation 3(3) has effect as if after “intervals” there were inserted “subject to any direction given by the Welsh Ministers to prepare and publish an assessment at another time”.
Child Minding and Day Care (Wales) Regulations 2010 (S.I. 2010/2574 (W.214))	The whole instrument	The Regulations have effect as if they included a Regulation in the following terms “The Welsh Ministers may, by notice in writing, relax any of the requirements of regulations 3, 4, 5, 12, 14, 15 or 16, or of paragraph 9 or 33 of Schedule 1, where to do so is a necessary and proportionate response to the incidence or transmission of coronavirus (and those requirements are to be read subject to any such relaxation).”
[ <sup>F95</sup> School Organisation Code made by the Welsh Ministers under sections 38 of the School Standards and Organisation (Wales) Act 2013 (Statutory Code Document Number 011/18)	Paragraph (consultation document)	3.4 Paragraph 3.4 has effect as if the references to “school day” include a day on which there would have been a school session but for any restriction on the attendance of pupils at the school in connection with the prevalence of coronavirus.
School Organisation Code made by the Welsh Ministers under sections 38 of the School Standards and Organisation (Wales) Act 2013 (Statutory	Paragraph (consultation children and young people)	3.5 Any duty imposed on a person by paragraph 3.5 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.

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011/18)

School Organisation Code Paragraph 4.1 (manner of Paragraph 4.1 has effect as made by the Welsh publication) if the references to “school day” include a day on Ministers under sections 38 of the School Standards and Organisation (Wales) Act 2013 (Statutory Code Document Number 011/18) which there would have been a school session but for any restriction on the attendance of pupils at the school in connection with the prevalence of coronavirus.]

- (7) The specified period in a notice under sub-paragraph (1) must not exceed one month.
- (8) The Welsh Ministers may by notice (a “cancellation notice”) cancel a notice under sub-paragraph (1) with effect from the time specified in the cancellation notice.
- (9) A cancellation notice may contain transitional or saving provision.
- (10) Where a notice under sub-paragraph (1) modifies section 166(2) of the Education Act 2002 in the manner specified in the table in sub-paragraph (6), that modification continues to have effect in relation to any notice of a refusal, determination or order mentioned in section 166(2) of that Act served during the specified period in the notice under sub-paragraph (1) (except that if the notice under sub-paragraph (1) is cancelled, that specified period is treated as having ended at the time the cancellation of the notice takes effect under sub-paragraph (8)).
- (11) Nothing in sub-paragraph (7) or (8) prevents the making of a further notice in relation to any provision.
- (12) Subject to sub-paragraph (13), the Welsh Ministers must—
- (a) publish a notice under this paragraph, and
  - (b) take such other steps as the Welsh Ministers consider reasonable to bring the notice to the attention of those persons likely to be affected by it.
- (13) Where the notice relates to a person specified by name—
- (a) the Welsh Ministers must give a copy of the notice to that person, and
  - (b) the published version of the notice must not identify any individual without their consent.
- (14) In this paragraph—
- “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978), and includes an enactment whenever passed or made;
- “specified”, in relation to a notice under sub-paragraph (1), means specified in the notice.

#### Editorial Information

- X7** The power conferred under this provision to issue or cancel a notice may be exercised by means of a notice published in [The Gazette](#)

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### Textual Amendments

- F87** Sch. 17 para. 7(5)(ca) inserted (23.6.2020) by [The Curriculum Requirements \(Amendment of paragraph 7\(5\) of Schedule 17 to the Coronavirus Act 2020\) \(Wales\) Regulations 2020 \(S.I. 2020/624\)](#), regs. 1(2), **2(a)**
- F88** Sch. 17 para. 7(5)(ea)-(ec) inserted (23.6.2020) by [The Curriculum Requirements \(Amendment of paragraph 7\(5\) of Schedule 17 to the Coronavirus Act 2020\) \(Wales\) Regulations 2020 \(S.I. 2020/624\)](#), regs. 1(2), **2(b)**
- F89** Sch. 17 para. 7(5)(ga) inserted (1.9.2021) by [The Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(Consequential Amendments\) Regulations 2021 \(S.I. 2021/861\)](#), regs. 1, **11(2)**
- F90** Sch. 17 para. 7(5)(h)-(m) inserted (23.6.2020) by [The Curriculum Requirements \(Amendment of paragraph 7\(5\) of Schedule 17 to the Coronavirus Act 2020\) \(Wales\) Regulations 2020 \(S.I. 2020/624\)](#), regs. 1(2), **2(c)**
- F91** Sch. 17 para. 7(5)(n) inserted (25.6.2020 at 12.00 p.m.) by [The Maintained Schools \(Amendment of paragraph 7 of Schedule 17 to the Coronavirus Act 2020\) \(Wales\) Regulations 2020 \(S.I. 2020/640\)](#), regs. 1(2), **2(2)**
- F92** Words in Sch. 17 para. 7(6) Table inserted (26.8.2020) by [The Curriculum Requirements \(Amendment of paragraph 7\(6\) of Schedule 17 to the Coronavirus Act 2020\) \(Wales\) Regulations 2020 \(S.I. 2020/891\)](#), regs. 1(2), **2(2)**
- F93** Words in Sch. 17 para. 7(6) Table inserted (26.8.2020) by [The Curriculum Requirements \(Amendment of paragraph 7\(6\) of Schedule 17 to the Coronavirus Act 2020\) \(Wales\) Regulations 2020 \(S.I. 2020/891\)](#), regs. 1(2), **2(3)**
- F94** Words in Sch. 17 para. 7(6) Table inserted (26.8.2020) by [The Curriculum Requirements \(Amendment of paragraph 7\(6\) of Schedule 17 to the Coronavirus Act 2020\) \(Wales\) Regulations 2020 \(S.I. 2020/891\)](#), regs. 1(2), **2(4)**
- F95** Words in Sch. 17 para. 7(6) Table inserted (25.6.2020 at 12.00 p.m.) by [The Maintained Schools \(Amendment of paragraph 7 of Schedule 17 to the Coronavirus Act 2020\) \(Wales\) Regulations 2020 \(S.I. 2020/640\)](#), regs. 1(2), **2(3)**

### Modifications etc. (not altering text)

- C39** Sch. 17 para. 7 continued to 24.9.2022 (23.3.2022) by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Wales\) Regulations 2022 \(S.I. 2022/348\)](#), regs. 1(2), **2(2)(c)(iv)**

- 8 (1) The Welsh Ministers may by regulations amend the list in paragraph 7(5) or the table in paragraph 7(6) so as to add an enactment relating (directly or indirectly) to children, education or training, or to vary or remove an entry.
- (2) The power to make regulations under this paragraph is exercisable by statutory instrument.
- (3) Regulations under this paragraph may—
- (a) make different provision for different purposes;
  - (b) contain transitional, transitory or saving provision.
- (4) A statutory instrument containing regulations under this paragraph must be laid before the National Assembly for Wales as soon as reasonably practicable after being made.
- (5) Regulations contained in an instrument laid before the National Assembly for Wales by virtue of sub-paragraph (4) cease to have effect at the end of the period of 40 days beginning with the day on which the instrument is made, unless within that period the instrument is approved by a resolution of the National Assembly for Wales.

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- (6) In calculating the period of 40 days, no account is to be taken of any time during which the National Assembly for Wales is—
- (a) dissolved, or
  - (b) in recess for more than 4 days.
- (7) Where regulations cease to have effect as a result of sub-paragraph (5), that does not—
- (a) subject to sub-paragraph (8), affect anything previously done under or by virtue of the regulations, or
  - (b) prevent the making of new regulations.
- (8) Where a notice has been given under paragraph 7 by virtue of the regulations and the regulations cease to have effect during the specified period set out in that notice, the specified period is treated as ending at the time the regulations cease to have effect.

**Modifications etc. (not altering text)**

**C40** Sch. 17 para. 8 continued to 24.9.2022 (23.3.2022) by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Wales\) Regulations 2022 \(S.I. 2022/348\)](#), regs. 1(2), **2(2)(c)(v)**

**PART 2** **S**

SCOTLAND

**Modifications etc. (not altering text)**

**C41** Sch. 17 Pt. 2 continued until 24.9.2022 (24.3.2022) by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/40\)](#), regs. 1, **2(d)**

*Interpretation*

- 9 In this Part—
- “the 1980 Act” means the Education (Scotland) Act 1980;
  - “the 2005 Act” means the Further and Higher Education (Scotland) Act 2005 (asp 6);
  - “early learning and childcare” has the meaning given by section 46 of the Children and Young People (Scotland) Act 2014 (asp 8);
  - “education” includes early learning and childcare, school education, further education and higher education;
  - “education authority”, “grant-aided school”, “independent school”, “public school”, “school” and “school education” have the meanings given by section 135(1) of the 1980 Act;
  - “educational establishment” means—
- (a) a school;
  - (b) an education and training establishment approved by the Scottish Qualifications Authority under section 2 of the Education (Scotland) Act 1996 as suitable for presenting persons for SQA qualifications;
  - (c) a further education institution;

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(d) a higher education institution,

and is also to be construed in accordance with paragraph 11(6) to (8);

“enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;

“further education” has the meaning given by section 6 of the Further and Higher Education (Scotland) Act 1992;

“further education institution” means—

(a) a body listed under the heading “Institutions formerly eligible for funding by the Scottish Further Education Funding Council” or under the heading “Other institutions” in schedule 2 of the 2005 Act;

(b) a college of further education which is assigned to a regional strategic body by an order made under section 7C(1) of the 2005 Act;

“higher education” has the meaning given by section 38 of the Further and Higher Education (Scotland) Act 1992;

“higher education institution” means—

(a) a body listed under the heading “Institutions formerly eligible for funding by the Scottish Higher Education Funding Council” or under the heading “Other institutions” in schedule 2 of the Further and Higher Education (Scotland) Act 2005;

(b) a person who provides a course of higher education designated by the Scottish Ministers under regulation 4(9) of the Education (Student Loans) (Scotland) Regulations 2007 (S.S.I. 2007/154) for the purposes of regulation 3(2) of those Regulations;

“managers”, in relation to a grant-aided school, has the meaning given by section 135(1) of the 1980 Act;

“out of school care” means any form of care provided—

(a) outside school hours;

(b) during school holidays;

to children who are in attendance at a school;

“proprietor”, in relation to an independent school, has the meaning given by section 135(1) of the 1980 Act.

#### *Duty to have regard to public health advice*

- 10 (1) A relevant operator of an educational establishment must have regard to any advice relating to coronavirus from the Chief Medical Officer of the Scottish Administration or such other person as may be designated for the purposes of this paragraph by the Scottish Ministers.
- (2) Before giving a direction under paragraph 11, the Scottish Ministers—
- (a) must have regard to any such advice; and
- (b) must be satisfied that the giving of the direction is a necessary and proportionate action for or in connection with the continued provision of education.
- (3) In this paragraph, “relevant operator”, in relation to an educational establishment, is to be construed in accordance with paragraph 11(6) to (8).

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### *Continuing operation of educational establishments*

- <sup>x8</sup>11 (1) The Scottish Ministers may give a direction under this paragraph (an “educational continuity direction”) that applies to—
- (a) the relevant operator of one or more named educational establishments in Scotland;
  - (b) the relevant operators of all educational establishments in Scotland (or any part of Scotland);
  - (c) the relevant operators of a particular description of educational establishment in Scotland (or any part of Scotland).
- (2) An educational continuity direction is a direction relating to the continuing operation of an educational establishment for a specified period.
- (3) An educational continuity direction may provide that any failure to comply with a duty or time limit imposed under any enactment or rule of law relating to education is to be disregarded to the extent that it would be attributable to the direction.
- (4) An educational continuity direction may—
- (a) confer additional functions on a relevant operator relating to—
    - (i) the provision of early learning and childcare, school education, further education or higher education;
    - (ii) the provision of related services (for example, out of school care);
    - (iii) the use of the operator's premises for the purpose of protecting public health;
  - (b) require an educational establishment to open, to stay open, to re-open, or to open at times when it would not usually be open;
  - (c) require a relevant operator to allow specified people or people of a specified description to attend an educational establishment or relevant premises for which the operator is responsible;
  - (d) provide for or require specified people or people of a specified description to attend a specified educational establishment or specified premises for the purposes of receiving early learning and childcare, school education, further education or higher education there;
  - (e) prohibit access in respect of the whole or a specified part of an educational establishment or of relevant premises;
  - (f) prohibit access in respect of the carrying on of all activities or in respect of the carrying on of specified activities;
  - (g) require measures to ensure safe standards of hygiene, and other measures to protect health, to be put in place;
  - (h) require the alteration of term dates, holiday dates or examination dates;
  - (i) require the taking of actions in general terms, or require the taking of particular actions, that the Scottish Ministers consider reasonable;
  - (j) make different provision for different purposes (for example, for different descriptions of people attending an educational establishment);
  - (k) be framed by reference to whatever matters the Scottish Ministers consider appropriate;
  - (l) make transitional, transitory or saving provision;
  - (m) make such other provision as the Scottish Ministers consider appropriate in connection with the giving of the direction.



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(5) In this paragraph—

“relevant premises”, means any premises (other than residential accommodation) which people attend in order to receive services provided by or on behalf of the relevant operator of an educational establishment there (see also sub-paragraphs (8) and (9)),

“specified” means specified, or falling within a description specified, in a direction under this paragraph.

(6) In this paragraph, “relevant operator”—

(a) in relation to a school, means—

(i) where the school is a public school, the education authority by which it is managed;

(ii) where the school is an independent school, the proprietor;

(iii) where the school is a grant-aided school, the managers,

(but see also sub-paragraphs (7) and (8));

(b) in relation to a further education institution or a higher education institution, means the governing body of the institution (within the meaning of section 35(2) of the 2005 Act);

(7) Where out of school care is provided by a person in a school, “relevant operator” also includes such a person.

(8) Where school education, early learning and childcare or out of school care is provided by a person in premises other than a school—

(a) “relevant operator” also includes such a person, and

(b) references to “educational establishment” in this paragraph are to be read as if they were references to such premises.

(9) Where early learning and childcare or out of school care is provided by a person acting as a child minder (within the meaning of paragraph 12 of Schedule 12 to the Public Services Reform (Scotland) Act 2010 (asp 8)) in premises used mainly as a private dwelling, an educational continuity direction may only apply to the part of the premises in which such care is provided.

#### **Editorial Information**

**X8** The power conferred under this provision to make a direction may be exercised by means of a notice published in [The Gazette](#)

#### *Compliance and enforcement*

- 12 (1) A relevant operator of an educational establishment must comply with a direction under paragraph 11.
- (2) A relevant operator must have regard to any guidance given by the Scottish Ministers about how to comply with a direction under paragraph 11.
- (3) The duty imposed on a relevant operator to comply with a direction under paragraph 11 is enforceable, on an application made by the Scottish Ministers, by interdict or (as the case may be) by specific implement.

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- (4) An application made under sub-paragraph (3) may be made without notice being given to the relevant operator.
- (5) In this paragraph, “relevant operator”, in relation to an educational establishment, is to be construed in accordance with paragraph 11(6) to (8).

*Publication, duration and review of directions*

- <sup>x9</sup>13 (1) Subject to sub-paragraph (2), the Scottish Ministers must publish a direction under paragraph 11.
- (2) Where a direction relates to a person specified by name—
  - (a) the Scottish Ministers must give a copy of the direction to that person, and
  - (b) the published version of the direction must not identify any individual without their consent.
- (3) A direction under paragraph 11 has effect until the earlier of—
  - (a) the end of the period specified in the direction, or
  - (b) the revocation of the direction by a further direction given by the Scottish Ministers.
- (4) Where a direction under paragraph 11 makes provision mentioned in paragraph 11(3), the Scottish Ministers must, so long as it remains in effect, review the direction—
  - (a) before the end of the period of 21 days beginning with the date on which the direction was given; and
  - (b) before the end of each subsequent period of 21 days.

**Editorial Information**

**X9** The power conferred under this provision to make or revoke a direction may be exercised by means of a notice published in [The Gazette](#)

<sup>F96</sup>**PART 3 N.I.**

NORTHERN IRELAND

**Textual Amendments**

**F96** Sch. 17 Pt. 3 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. **89** (with s. 90)

*Temporary continuity directions*

- 14 .....
- 15 .....
- 16 .....

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*Notices temporarily removing or relaxing education duties*

17 .....

SCHEDULE 18 **N.I.**

Section 48

POWERS TO ACT FOR THE PROTECTION OF PUBLIC HEALTH: NORTHERN IRELAND

**Modifications etc. (not altering text)**

- C42** Sch. 18 continued until 24.9.2022 (23.3.2022 at 3.30 p.m.) by [The Coronavirus Act 2020 \(Extension of Powers to Act for the Protection of Public Health\) Order \(Northern Ireland\) 2022 \(S.R. 2022/157\)](#), arts. 1, 2
- C43** Sch. 18 continued until 24.3.2023 (24.9.2022) by [The Coronavirus Act 2020 \(Extension of Powers to Act for the Protection of Public Health\) \(No. 2\) Order \(Northern Ireland\) 2022 \(S.R. 2022/224\)](#), arts. 1, 2

The Public Health Act (Northern Ireland) 1967 has effect as if after Part 1 there were inserted—

**“PART 1A **N.I.****

PUBLIC HEALTH PROTECTION

*Introductory*

**Infection or contamination**

25A(1) The following provisions have effect for the interpretation of this Part.

- (2) Any reference to infection or contamination is a reference to infection or contamination with coronavirus which presents or could present significant harm to human health; and “coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).
- (3) Any reference to the spread of contamination includes a reference to the spread of any source of contamination.
- (4) Any reference to disinfection or decontamination includes a reference to the removal of any vector, agent or source of the infection or contamination.
- (5) Related expressions are to be read accordingly.

*Power to make regulations*

**Health protection regulations: international travel etc**

25B(1) The Department of Health may by regulations make provision—

- (a) for preventing danger to public health from vessels, aircraft, trains or other conveyances arriving at any place,
- (b) for preventing the spread of infection or contamination by means of any vessel, aircraft, train or other conveyance leaving any place, and

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- (c) for giving effect to any international agreement or arrangement relating to the spread of infection or contamination.
- (2) Regulations under subsection (1) may in particular include provision—
- (a) for the detention of conveyances,
  - (b) for the medical examination, detention, isolation or quarantine of persons,
  - (c) for the inspection, analysis, retention, isolation, quarantine or destruction of things,
  - (d) for the disinfection or decontamination of conveyances, persons or things or the application of other sanitary measures,
  - (e) for prohibiting or regulating the arrival or departure of conveyances and the entry or exit of persons or things,
  - (f) imposing duties on masters, pilots, train managers and other persons on board conveyances and on owners and managers of ports, airports and other points of entry, and
  - (g) requiring persons to provide information or answer questions (including information or questions relating to their health).

### Health protection regulations: domestic

- 25C (1) The Department of Health may by regulations make provision for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Northern Ireland (whether from risks originating there or elsewhere).
- (2) The power in subsection (1) may be exercised—
- (a) in relation to infection or contamination generally or in relation to particular forms of infection or contamination, and
  - (b) so as to make provision of a general nature, to make contingent provision or to make specific provision in response to a particular set of circumstances.
- (3) Regulations under subsection (1) may in particular include provision—
- (a) imposing duties on registered medical practitioners or other persons to record and notify cases or suspected cases of infection or contamination,
  - (b) conferring on the Regional Agency or other persons functions in relation to the monitoring of public health risks, and
  - (c) imposing or enabling the imposition of restrictions or requirements on or in relation to persons, things or premises in the event of, or in response to, a threat to public health.
- (4) The restrictions or requirements mentioned in subsection (3)(c) include in particular—
- (a) a requirement that a child is to be kept away from school,
  - (b) a prohibition or restriction relating to the holding of an event or gathering,
  - (c) a restriction or requirement relating to the handling, transport, burial or cremation of dead bodies or the handling, transport or disposal of human remains, and
  - (d) a special restriction or requirement.
- (5) The power in subsection (1) is subject to section 25D.
- (6) For the purposes of this Part a “special restriction or requirement” means any of the following restrictions or requirements—

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- (a) that a person submit to medical examination;
  - (b) that a person be removed to a hospital or other suitable establishment;
  - (c) that a person be detained in a hospital or other suitable establishment;
  - (d) that a person be kept in isolation or quarantine;
  - (e) that a person be disinfected or decontaminated;
  - (f) that a person wear protective clothing;
  - (g) that a person provide information or answer questions about the person's health or other circumstances;
  - (h) that a person's health be monitored and the results reported;
  - (i) that a person attend training or advice sessions on how to reduce the risk of infecting or contaminating others;
  - (j) that a person be subject to restrictions on where the person goes or with whom the person has contact;
  - (k) that a person abstain from working or trading;
  - (l) that a thing be seized or retained;
  - (m) that a thing be kept in isolation or quarantine;
  - (n) that a thing be disinfected or decontaminated;
  - (o) in the case of a dead body, that the body be buried or cremated;
  - (p) in any other case, that a thing be destroyed or disposed of;
  - (q) that premises be closed;
  - (r) that, in the case of a conveyance or movable structure, the conveyance or structure be detained;
  - (s) that premises be disinfected or decontaminated;
  - (t) that, in the case of a building, conveyance or structure, the premises be destroyed.
- (7) But a restriction or requirement mentioned in subsection (4)(a), (b) or (c) is not to be regarded as a special restriction or requirement.

### **Restrictions on power to make regulations under section 25C**

- 25D(1) Regulations under section 25C may not include provision imposing a restriction or requirement by virtue of subsection (3)(c) of that section unless the Department considers, when making the regulations, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.
- (2) Regulations under section 25C may not include provision enabling the imposition of a restriction or requirement by virtue of subsection (3)(c) of that section unless the regulations provide that a decision to impose such a restriction or requirement may only be taken if the person taking it considers, when taking the decision, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.
  - (3) Regulations under section 25C may not include provision imposing a special restriction or requirement mentioned in section 25C(6)(a), (b), (c) or (d).
  - (4) Regulations under section 25C may not include provision enabling the imposition of a special restriction or requirement unless—
    - (a) the regulations are made in response to a serious and imminent threat to public health, or

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- (b) imposition of the restriction or requirement is expressed to be contingent on there being such a threat at the time when it is imposed.
- (5) For the purposes of this section—
- (a) regulations “enable the imposition of a restriction or requirement” if the restriction or requirement is imposed by virtue of a decision taken under the regulations by the Department, the Regional Agency or another person;
  - (b) regulations “impose a restriction or requirement” if the restriction or requirement is imposed without any such decision.

### **Medical treatment**

25E (1) Regulations under section 25B or 25C may not include provision requiring a person to undergo medical treatment.

- (2) “Medical treatment” includes vaccination and other prophylactic treatment.

### **Health protection regulations: supplementary**

25F (1) This section makes further provision about regulations under section 25B or 25C (“health protection regulations”).

- (2) Health protection regulations may—
  - (a) confer functions on the Regional Agency and other persons;
  - (b) create offences;
  - (c) enable a court to order a person convicted of any such offence to take or pay for remedial action in appropriate circumstances;
  - (d) provide for the execution and enforcement of restrictions and requirements imposed by or under the regulations;
  - (e) provide for appeals from and reviews of decisions taken under the regulations;
  - (f) permit or prohibit the levy of charges;
  - (g) permit or require the payment of incentive payments, compensation and expenses;
  - (h) provide for the resolution of disputes.
- (3) Health protection regulations may, for the purposes of giving effect to an international agreement or arrangement, amend any statutory provision.
- (4) Health protection regulations may not confer functions on officers of Revenue and Customs unless the regulations are made with the consent of the Commissioners for Her Majesty's Revenue and Customs.
- (5) Health protection regulations may not create an offence triable on indictment or punishable with imprisonment.
- (6) Health protection regulations—
  - (a) may not create an offence punishable with a fine exceeding £10,000, and
  - (b) if the regulations provide for a further fine for each day on which the default continues after conviction, may not provide for the daily penalty to exceed an amount equal to 2% of level 5 on the standard scale.
- (7) If health protection regulations provide for the imposition of a daily penalty in respect of a continuing offence, the court by which a person is convicted of the original offence

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may fix a reasonable period from the date of conviction for compliance by the defendant with any directions given by the court; and, where the court has fixed such a period, the daily penalty shall not be recoverable in respect of any day before that period expires.

- (8) Regulations under section 25C must provide for a right of appeal to a court of summary jurisdiction against any decision taken under the regulations by virtue of which a special restriction or requirement is imposed on or in relation to a person, a thing or premises.
- (9) Regulations under section 25C which enable a special restriction or requirement to be imposed by virtue of a decision taken under the regulations must also provide that, if the restriction or requirement is capable of remaining in force in relation to any person, thing or premises for more than a specified period, a specified person may require the continuation of the restriction or requirement to be reviewed in accordance with the regulations at specified intervals by a person determined in accordance with the regulations.
- (10) In relation to a special restriction or requirement mentioned in section 25C(6)(c) or (d)  
—
  - (a) the period specified by virtue of subsection (9) and the intervals specified by virtue of that subsection must be 28 days or less, and
  - (b) the regulations must require the continuation of the restriction or requirement to be reviewed without an application being made.

#### *Orders that may be made by a magistrates' court*

### **Power to order health measures in relation to persons**

25G(1) A magistrates' court may make an order under this subsection in relation to a person ("P") if the court is satisfied that—

- (a) P is or may be infected or contaminated,
  - (b) the infection or contamination is one which presents or could present significant harm to human health,
  - (c) there is a risk that P might infect or contaminate others, and
  - (d) it is necessary to make the order in order to remove or reduce that risk.
- (2) An order under subsection (1) may impose on or in relation to P one or more of the following restrictions or requirements—
- (a) that P submit to medical examination;
  - (b) that P be removed to a hospital or other suitable establishment;
  - (c) that P be detained in a hospital or other suitable establishment;
  - (d) that P be kept in isolation or quarantine;
  - (e) that P be disinfected or decontaminated;
  - (f) that P wear protective clothing;
  - (g) that P provide information or answer questions about P's health or other circumstances;
  - (h) that P's health be monitored and the results reported;
  - (i) that P attend training or advice sessions on how to reduce the risk of infecting or contaminating others;
  - (j) that P be subject to restrictions on where P goes or with whom P has contact;
  - (k) that P abstain from working or trading.

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- (3) A magistrates' court may make an order under this subsection in relation to a person (“P”) if the court is satisfied that—
- (a) P is or may be infected or contaminated,
  - (b) the infection or contamination is one which presents or could present significant harm to human health,
  - (c) there is a risk that a related party might infect or contaminate others, and
  - (d) it is necessary to make the order in order to remove or reduce that risk.
- (4) An order under subsection (3) may impose on or in relation to P a requirement that P provide information or answer questions about P's health or other circumstances (including, in particular, information or questions about the identity of a related party).
- (5) “Related party” means—
- (a) a person who has or may have infected or contaminated P, or
  - (b) a person whom P has or may have infected or contaminated.
- (6) An order under subsection (1) or (3) may also order a person with parental responsibility (within the meaning of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)) for P to secure that P submits to or complies with the restrictions or requirements imposed by the order.
- (7) The Department of Health must by regulations make provision about the evidence that must be available to a magistrates' court before the court can be satisfied as mentioned in subsection (1) or (3).
- (8) Any reference in this section to a person who is infected or contaminated includes a reference to a person who carries the source of an infection or contamination, and any reference to infecting or contaminating others includes a reference to passing that source to others.

### **Power to order health measures in relation to things**

- 25H(1) A magistrates' court may make an order under this subsection in relation to a thing if the court is satisfied that—
- (a) the thing is or may be infected or contaminated,
  - (b) the infection or contamination is one which presents or could present significant harm to human health,
  - (c) there is a risk that the thing might infect or contaminate humans, and
  - (d) it is necessary to make the order in order to remove or reduce that risk.
- (2) An order under subsection (1) may impose in relation to the thing one or more of the following restrictions or requirements—
- (a) that the thing be seized or retained;
  - (b) that the thing be kept in isolation or quarantine;
  - (c) that the thing be disinfected or decontaminated;
  - (d) in the case of a dead body, that the body be buried or cremated;
  - (e) in any other case, that the thing be destroyed or disposed of.
- (3) A magistrates' court may make an order under this subsection in relation to a thing if the court is satisfied that—
- (a) the thing is or may be infected or contaminated,



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- (b) the infection or contamination is one which presents or could present significant harm to human health,
  - (c) there is a risk that a related person or related thing might infect or contaminate humans, and
  - (d) it is necessary to make the order in order to remove or reduce that risk.
- (4) An order under subsection (3) may require—
- (a) the owner of the thing, or
  - (b) any person who has or has had custody or control of the thing,
- to provide information or answer questions about the thing (including, in particular, information or questions about where the thing has been or about the identity of any related person or the whereabouts of any related thing).
- (5) “Related person” means—
- (a) a person who has or may have infected or contaminated the thing mentioned in subsection (3)(a), or
  - (b) a person whom the thing has or may have infected or contaminated.
- (6) “Related thing” means—
- (a) a thing which has or may have infected or contaminated the thing mentioned in subsection (3)(a), or
  - (b) a thing which the thing mentioned in subsection (3)(a) has or may have infected or contaminated.
- (7) The Department of Health may by regulations make provision about the evidence that must be available to a magistrates' court before the court can be satisfied as mentioned in subsection (1) or (3).
- (8) In this section—
- (a) any reference to being infected or contaminated includes a reference to carrying the source of an infection or contamination, and
  - (b) any reference to infecting or contaminating humans, or a person or thing, includes a reference to passing the source of an infection or contamination to humans, or to the person or thing.

### **Power to order health measures in relation to premises**

- 25I (1) A magistrates' court may make an order under this subsection in relation to premises if the court is satisfied that—
- (a) the premises are or may be infected or contaminated,
  - (b) the infection or contamination is one which presents or could present significant harm to human health,
  - (c) there is a risk that the premises might infect or contaminate humans, and
  - (d) it is necessary to make the order in order to remove or reduce that risk.
- (2) An order under subsection (1) may impose in relation to the premises one or more of the following restrictions or requirements—
- (a) that the premises be closed;
  - (b) that, in the case of a conveyance or movable structure, the conveyance or structure be detained;
  - (c) that the premises be disinfected or decontaminated;

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- (d) that, in the case of a building, conveyance or structure, the premises be destroyed.
- (3) A magistrates' court may make an order under this subsection in relation to premises if the court is satisfied that—
- (a) the premises are or may be infected or contaminated or are or may be a place where infection or contamination was spread between persons or things,
  - (b) the infection or contamination is one which presents or could present significant harm to human health,
  - (c) there is a risk that a related person or related thing might infect or contaminate humans, and
  - (d) it is necessary to make the order in order to remove or reduce that risk.
- (4) An order under subsection (3) may require the owner or any occupier of the premises to provide information or answer questions about the premises (including, in particular, information about the identity of any related person or the whereabouts of any related thing).
- (5) “Related person” means—
- (a) a person who has or may have infected or contaminated the premises,
  - (b) a person who has or may have infected or contaminated a person who or thing which is or has been on the premises,
  - (c) a person whom the premises have or may have infected or contaminated, or
  - (d) a person who has or may have been infected or contaminated by a person who or thing which is or has been on the premises.
- (6) “Related thing” means—
- (a) a thing which has or may have infected or contaminated the premises,
  - (b) a thing which has or may have infected or contaminated a person who or thing which is or has been on the premises,
  - (c) a thing which the premises have or may have infected or contaminated, or
  - (d) a thing which has or may have been infected or contaminated by a person who or thing which is or has been on the premises.
- (7) The Department of Health may by regulations make provision about the evidence that must be available to a magistrates' court before the court can be satisfied as mentioned in subsection (1) or (3).
- (8) In this section—
- (a) any reference to being infected or contaminated includes a reference to carrying the source of an infection or contamination, and
  - (b) any reference to infecting or contaminating humans, or a person, a thing or premises, includes a reference to passing the source of an infection or contamination to humans, or to the person, thing or premises.

### **Orders in respect of groups**

- 25J (1) The powers in sections 25G, 25H and 25I include power to make an order in relation to a group of persons, things or premises.
- (2) For those purposes, those sections have effect as follows.
- (3) In section 25G—

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- (a) in subsections (1)(a) and (c) and (3)(a), the reference to P is a reference to each person in the group, and
  - (b) in subsections (2) and (4), any reference to P is a reference to any one or more of the persons in the group.
- (4) In section 25H—
- (a) in subsections (1)(a) and (c) and (3)(a), the reference to the thing is a reference to each thing in the group, and
  - (b) in subsections (2) and (4) any reference to the thing is a reference to any one or more of the things in the group.
- (5) In section 25I—
- (a) in subsections (1)(a) and (c) and (3)(a), the reference to the premises is a reference to each set of premises in the group, and
  - (b) in subsections (2) and (4), any reference to the premises is a reference to any one or more of the sets of premises in the group.

### **Part 1A orders: supplementary**

- 25K(1) This section makes further provision about orders under sections 25G, 25H and 25I (referred to in this Part as “Part 1A orders”).
- (2) A Part 1A order may include, in addition to the restrictions or requirements mentioned in the provision under which it is made, such other restrictions or requirements as the court considers necessary for the purpose of reducing or removing the risk in question.
  - (3) A restriction or requirement contained in a Part 1A order may be expressed to take effect subject to conditions specified in the order.
  - (4) Two or more Part 1A orders may be combined in a single order.
  - (5) A Part 1A order may contain such directions as the court considers appropriate to give effect to it.
  - (6) In particular (and without limiting the effect of subsection (5)), if the court is satisfied as mentioned in subsection (7) of section 25R, a Part 1A order may authorise a person to do anything which may be authorised by warrant under subsection (5) of that section.
  - (7) If a Part 1A order provides as mentioned in subsection (6), section 25S(1) to (3) (supplementary powers on entry) have effect as if—
    - (a) the order were a warrant issued under section 25R, and
    - (b) the person authorised by the order were an authorised officer.
  - (8) A Part 1A order may order the payment of compensation or expenses in connection with the taking of measures pursuant to the order.
  - (9) A Part 1A order is authority for those persons to whom it is addressed to do such things as may be necessary to give effect to it.

### **Period for which a Part 1A order may be in force**

- 25L(1) A Part 1A order must specify the period for which any restriction or requirement imposed by or under the order is to remain in force.
- (2) That period may be extended by further order of a magistrates' court.

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- (3) In relation to restrictions or requirements mentioned in section 25G(2)(c) or (d) (detention in hospital, or period of isolation or quarantine), neither—
  - (a) the period specified under subsection (1), nor
  - (b) the period of any extension under subsection (2),
 may exceed 28 days.
- (4) The Department of Health may by regulations prescribe a shorter period for the purposes of subsection (3).
- (5) The Department of Health may by regulations prescribe, in relation to any other restrictions or requirements—
  - (a) the maximum period which may be specified under subsection (1), and
  - (b) the maximum period of any extension under subsection (2).

### **Procedure for making, varying and revoking Part 1A orders**

- 25M(1) The power of a magistrates' court to make a Part 1A order is exercisable on the application of the Regional Agency by notice under Part 7 of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)).
- (2) The Department of Health must by regulations require the Regional Agency to give notice to such persons as may be prescribed of the making of an application for a Part 1A order; but this is subject to subsection (3).
  - (3) If a magistrates' court considers it necessary to do so, the court may make a Part 1A order without a person having been given such notice as is otherwise required to be given to that person under magistrates' court rules or regulations under subsection (2).
  - (4) The Department of Health may by regulations make other provision for the procedure on an application for a Part 1A order (including provision modifying the Magistrates' Courts (Northern Ireland) Order 1981 and magistrates' courts rules).
  - (5) A Part 1A order may be varied or revoked by a magistrates' court on the application of—
    - (a) an affected person,
    - (b) the Regional Agency, or
    - (c) any other authority with the function of executing or enforcing the order in question.
  - (6) In the case of an order under section 25G(1) or (3), the following persons are affected persons—
    - (a) P,
    - (b) a person with parental responsibility (within the meaning of the Children (Northern Ireland) Order 1995) for P,
    - (c) P's husband, wife or civil partner,
    - (d) a person living with P as if they were spouses of each other, and
    - (e) such other persons as may be prescribed.
  - (7) In the case of an order under section 25H(1), the following persons are affected persons—
    - (a) the owner of the thing,
    - (b) any person with custody or control of the thing, and
    - (c) such other persons as may be prescribed.

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- (8) In the case of an order under section 25I(1), the following persons are affected persons—
- (a) the owner of the premises,
  - (b) any occupier of the premises, and
  - (c) such other persons as may be prescribed.
- (9) In the case of an order under section 25H(3) or 25I(3), the person required to provide information or answer questions and such other persons as may be prescribed are affected persons.
- (10) Variation or revocation of a Part 1A order does not invalidate anything done under the order prior to the variation or revocation.

### **Power to make further provision by regulations**

- 25N(1) The Department of Health may by regulations make provision about the taking of measures pursuant to Part 1A orders.
- (2) The regulations may in particular make provision about—
- (a) the type of investigation which may be carried out as part of a medical examination;
  - (b) the manner in which measures are to be taken;
  - (c) who is to be responsible for executing and enforcing measures;
  - (d) who is to be liable for the costs of measures;
  - (e) the payment of compensation or expenses in connection with the taking of measures.
- (3) But the regulations may not confer functions on officers of Revenue and Customs to execute or enforce Part 1A orders unless the regulations are made with the consent of the Commissioners for Her Majesty's Revenue and Customs.

### **Enforcement of Part 1A orders**

- 25O(1) A person commits an offence if the person—
- (a) fails without reasonable excuse to comply with a restriction or requirement imposed by or under a Part 1A order, or
  - (b) wilfully obstructs anyone acting in the execution of a Part 1A order.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3) If—
- (a) a person is convicted of an offence under subsection (1), and
  - (b) the court by which the person is convicted is satisfied that the failure or wilful obstruction constituting the offence has caused premises or things to become infected or contaminated or otherwise damaged them in a material way,
- the court may, if it considers it appropriate to do so, order the person to take or pay for such remedial action as may be specified in the order.
- (4) Subsection (5) applies if—
- (a) a Part 1A order imposes a requirement that a person be detained or kept in isolation or quarantine in a place, and
  - (b) the person leaves that place contrary to the requirement.

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- (5) A constable may take the person into custody and return the person to that place.
- (6) But a person may not be taken into custody under subsection (5) after expiry of the period for which the requirement is in force.

### *Regulations under Part 1A: general*

#### **Assembly control**

- 25P (1) Regulations under this Part are subject to negative resolution; but this does not apply to—
- (a) regulations to which subsection (2) applies;
  - (b) regulations contained in a statutory rule by virtue of subsection (6) or section 25Q(8) (composite instruments).
- (2) Regulations to which this subsection applies (as to which, see subsections (4) and (5)) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.
- (3) Subsection (2) is subject to section 25Q (emergency procedure).
- (4) Subsection (2) applies to—
- (a) regulations under section 25C (but see subsection (5)),
  - (b) regulations which amend a statutory provision pursuant to section 25F(3),
  - (c) the first regulations to be made under section 25G(7),
  - (d) the first regulations to be made under section 25L(5), or
  - (e) the first regulations to be made under section 25N.
- (5) Subsection (2) does not apply to regulations under section 25C if the regulations contain a declaration that the Department is of the opinion that the regulations do not include any provision made by virtue of section 25C(3)(c) which imposes or enables the imposition of—
- (a) a special restriction or requirement, or
  - (b) any other restriction or requirement which has or would have a significant effect on a person's rights.
- (6) A statutory rule that (in accordance with subsection (2)) is laid before, and approved by a resolution of, the Assembly may contain regulations that would, but for subsection (1) (b) and this subsection, be subject to negative resolution.

#### **Emergency procedure**

- 25Q(1) This section applies to regulations to which subsection (2) of section 25P applies.
- (2) The regulations may be made without a draft having been laid and approved as mentioned in subsection (2) of that section if the regulations contain a declaration that the Department is of the opinion that, by reason of urgency, it is necessary to make the regulations without a draft being so laid and approved.
  - (3) After regulations are made in accordance with subsection (2), they must be laid before the Assembly.

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- (4) Regulations made in accordance with subsection (2) 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, the regulations are approved by a resolution of the Assembly.
- (5) But if on any day during that period, on proceedings on a motion that (or to the effect that) the regulations be so approved, the Assembly comes to a decision rejecting the regulations, they cease to have effect at the end of that day instead.
- (6) In reckoning any such period of 28 days, no account is to be taken of any time during which the Assembly is dissolved or is in recess for more than 4 days.
- (7) Subsections (4) and (5) do not—
  - (a) affect anything done in reliance on the regulations before they ceased to have effect, or
  - (b) prevent the making of new regulations.
- (8) A statutory rule that is made in accordance with subsection (2) may contain regulations that would, but for section 25P(1)(b) and this subsection, be subject to negative resolution.

### *General*

#### **Powers of entry**

- 25R (1) An authorised officer has the right (subject to subsections (2) to (4)) to enter any premises at all reasonable hours for any or all of the following purposes—
- (a) ascertaining whether there is, or has been, on, or in connection with, the premises any contravention of a provision of this Part, of regulations made under this Part, or of a Part 1A order;
  - (b) ascertaining whether or not circumstances exist which would authorise or require the Regional Agency to take any action, or execute any work, under such a provision or such regulations, or in relation to such an order;
  - (c) taking any action, or executing any work, authorised or required by such a provision or such regulations, or in relation to such an order, to be taken, or executed, by the Regional Agency;
  - (d) generally, for the purpose of the performance by the Regional Agency of its functions under such a provision or such regulations, or in relation to such an order.
- (2) The right may be exercised only on producing, if so required, a duly authenticated document showing the officer's authority.
  - (3) Admission to premises is not to be demanded as of right unless 24 hours' notice of the intended entry has been given to the occupier.
  - (4) Subsection (1) does not authorise entry to any part of premises which is used as a private dwelling (but this does not affect the power of a magistrates' court under subsection (5) to issue a warrant authorising entry to a private dwelling or to any part of premises used as a private dwelling).
  - (5) If it is shown to the satisfaction of a magistrates' court on sworn information in writing that the first and second conditions (set out in subsections (6) and (7)) are met in relation

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to any premises, the court may by signed warrant authorise the Regional Agency, by any authorised officer, to enter the premises, if need be by force.

- (6) The first condition is that there is reasonable ground for entry into the premises for any such purpose as is mentioned in subsection (1).
- (7) The second condition is that any of the following is the case—
  - (a) admission to any premises has been refused;
  - (b) if admission to the premises is requested, it will be or is likely to be refused;
  - (c) a request for admission would defeat the object of the entry;
  - (d) the occupier is temporarily absent;
  - (e) the premises are unoccupied; or
  - (f) the case is one of urgency.
- (8) If the case falls within subsection (7)(a) to (d), a warrant must not be issued unless the court is also satisfied—
  - (a) that notice of the intention to apply for a warrant has been given to the occupier, or
  - (b) that the giving of such notice would defeat the object of the entry.

#### **Supplementary provisions as to entry**

- 25S (1) An authorised officer (“the officer”) entering any premises by virtue of section 25R, or of a warrant issued under that section, may be accompanied by such other persons and such equipment and materials as may be necessary.
- (2) On leaving any unoccupied premises which the officer has entered by virtue of such a warrant, the officer must leave them as effectively secured against trespassers as the officer found them.
  - (3) The officer may for the purpose for which entry is authorised—
    - (a) search the premises,
    - (b) carry out measurements and tests of the premises or of anything found on them,
    - (c) take and retain samples of the premises or of anything found on them,
    - (d) inspect and take copies or extracts of any documents or records found on the premises,
    - (e) require information stored in an electronic form and accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible or from which it can readily be produced in a visible and legible form, and
    - (f) seize and detain or remove anything which the officer reasonably believes to be evidence of any contravention relevant to the purpose for which entry is authorised.
  - (4) Every warrant issued under section 25R continues in force until the purpose for which the entry is necessary has been satisfied.
  - (5) Nothing in section 25R or this section limits the other provisions of this Part, or of regulations made under it, with respect to entry into or upon, and inspection of, any premises.



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### **Offence of obstruction**

25T (1) A person who wilfully obstructs any person acting in the execution of a right under sections 25R and 25S, or of a warrant under section 25R, is guilty of an offence.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### *General*

### **Application to territorial sea**

25U The provisions of this Part have effect in relation to the territorial sea adjacent to Northern Ireland.

### **Form of notices**

25V The Department of Health may by regulations prescribe the form of any notice or other document to be used for the purposes of this Part.

### **Other provision as to offences**

25W(1) In its application to offences created by or under this Part, section 20(2) of the Interpretation Act (Northern Ireland) 1954 has effect with the omission of the words “the liability of whose members is limited”.

(2) A court of summary jurisdiction may hear and determine a complaint charging an offence created by or under this Part if the complaint is made both—

(a) before the end of the period of 3 years beginning with the date of the commission of the offence, and

(b) before the end of the period of 6 months beginning with the date on which evidence which the prosecutor thinks is sufficient to justify the proceedings comes to the prosecutor's knowledge;

and this applies in place of Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981.

(3) For the purposes of subsection (2)(b)—

(a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact, and

(b) a certificate stating that matter and purporting to be so signed is to be treated as so signed unless the contrary is proved.

### **Crown property**

25X(1) This section applies to any house, building or other premises being property belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a government department, or held in trust for Her Majesty for purposes of a government department.

(2) In relation to any such property, the appropriate authority may agree with the Regional Agency that any provision of this Part specified in the agreement shall apply to the

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property; and, while the agreement is in force, that provision shall apply to that property accordingly, subject to the terms of the agreement.

- (3) Any such agreement may contain such consequential and incidental provisions as appear to the appropriate authority to be necessary or equitable.
- (4) In this section, “the appropriate authority” means—
- (a) in the case of property belonging to Her Majesty in right of the Crown, the Crown Estate Commissioners or other government department having the management of the property;
  - (b) in the case of property belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
  - (c) in the case of property belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints; and
  - (d) in the case of property belonging to a government department or held in trust for Her Majesty for purposes of a government department, that department.
- (5) In this section, “premises” does not include any vessel—
- (a) belonging to Her Majesty, or
  - (b) under the command or charge of an officer holding Her Majesty's commission.

#### **Part 1A: further definitions**

25Y(1) This Part is to be read in accordance with this section.

- (2) “Authorised officer” includes any person authorised by the Regional Agency to exercise functions conferred on it by or under this Part (whether or not the person is an officer of the Agency).
- (3) “Medical examination” includes microbiological and toxicological tests.
- (4) References to the giving of notice are to notice in writing.
- (5) “Special restriction or requirement” has the meaning given by section 25C(6).
- (6) “Statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.
- (7) “Thing” includes—
  - (a) human tissue,
  - (b) a dead body or human remains,
  - (c) animals, and
  - (d) plant material.
- (8) Any reference to amending a statutory provision includes a reference to repealing, revoking or modifying the application of a statutory provision, and “amendment” is to be read accordingly.
- (9) Any reference to giving effect to an international agreement or arrangement includes a reference to giving effect to a recommendation issued under such an agreement or arrangement.”

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## SCHEDULE 19 **S**

Section 49

### HEALTH PROTECTION REGULATIONS: SCOTLAND

#### Modifications etc. (not altering text)

**C44** Sch. 19 continued until 24.9.2022 (24.3.2022) by [The Coronavirus Act 2020 \(Alteration of Expiry Date\) \(Scotland\) Regulations 2022 \(S.S.I. 2022/40\)](#), regs. 1, **2(e)**

#### *Health protection regulations*

- 1 (1) The Scottish Ministers may by regulations make provision for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Scotland (whether from risks originating there or elsewhere).
- (2) The power in sub-paragraph (1) may be exercised—
  - (a) in relation to infection or contamination generally or in relation to particular forms of infection or contamination, and
  - (b) so as to make provision of a general nature, to make contingent provision or to make specific provision in response to a particular set of circumstances.
- (3) Regulations under sub-paragraph (1) may in particular include provision—
  - (a) imposing duties on registered medical practitioners or other persons to record and notify cases or suspected cases of infection or contamination,
  - (b) conferring on local authorities, health boards or other persons functions in relation to the monitoring of public health risks, and
  - (c) imposing or enabling the imposition of restrictions or requirements on or in relation to persons, things or premises in the event of, or in response to, a threat to public health.
- (4) The restrictions or requirements mentioned in sub-paragraph (3)(c) include in particular—
  - (a) a requirement that a child is to be kept away from school,
  - (b) a prohibition or restriction relating to the holding of an event or gathering,
  - (c) a restriction or requirement relating to the handling, transport, burial or cremation of dead bodies or the handling, transport or disposal of human remains, and
  - (d) a special restriction or requirement (see paragraph 4).
- (5) The power in sub-paragraph (1) is subject to paragraphs 2 and 3.
- (6) For the purposes of this Schedule, “health board” and “local authority” have the meanings given in section 124 of the Public Health etc. (Scotland) Act 2008.

#### *Restrictions on power to make regulations under paragraph 1*

- 2 (1) Regulations under paragraph 1(1) may not include provision imposing a restriction or requirement by virtue of sub-paragraph (3)(c) of that paragraph unless the Scottish Ministers consider, when making the regulations, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.

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- (2) Regulations under paragraph 1(1) may not include provision enabling the imposition of a restriction or requirement by virtue of sub-paragraph (3)(c) of that paragraph unless the regulations provide that a decision to impose such a restriction or requirement may only be taken if the person taking it considers, when taking the decision, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.
- (3) Regulations under paragraph 1(1) may not include provision imposing a special restriction or requirement mentioned in paragraph 4(2)(a), (b), (c) or (d).
- (4) Regulations under paragraph 1(1) may not include provision enabling the imposition of a special restriction or requirement unless—
  - (a) the regulations are made in response to a serious and imminent threat to public health, or
  - (b) imposition of the restriction or requirement is expressed to be contingent on there being such a threat at the time when it is imposed.
- (5) For the purposes of this paragraph—
  - (a) regulations “enable the imposition of a restriction or requirement” if the restriction or requirement is imposed by virtue of a decision taken under the regulations by the Scottish Ministers, a local authority, health board or other person;
  - (b) regulations “impose a restriction or requirement” if the restriction or requirement is imposed without any such decision.

#### *Medical treatment*

- 3 (1) Regulations under paragraph 1(1) may not include provision requiring a person to undergo medical treatment.
- (2) “Medical treatment” includes vaccination and other prophylactic treatment.

#### *Special restrictions and requirements*

- 4 (1) For the purposes of this Schedule—
  - (a) a “special restriction or requirement” means a restriction or requirement mentioned in sub-paragraphs (2) to (4), but
  - (b) a restriction or requirement mentioned in paragraph 1(4)(a), (b) or (c) is not to be regarded as a special restriction or requirement.
- (2) In relation to a person, that the person—
  - (a) submit to medical examination;
  - (b) be removed to a hospital or other suitable establishment;
  - (c) be detained in a hospital or other suitable establishment;
  - (d) be kept in isolation or quarantine;
  - (e) be disinfected or decontaminated;
  - (f) wear protective clothing;
  - (g) provide information or answer questions about the person's health or other circumstances;
  - (h) has their health monitored and the results reported;

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**Status:** Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

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- (i) attend training or advice sessions on how to reduce the risk of infecting or contaminating others;
- (j) be subject to restrictions as to where the person may go or with whom the person has contact;
- (k) abstain from working or trading.

(3) In relation to a thing—

- (a) that the thing be seized or retained;
- (b) that the thing be kept in isolation or quarantine;
- (c) that the thing be disinfected or decontaminated;
- (d) in the case of a dead body, that the body be buried or cremated;
- (e) in any other case, that the thing be destroyed or disposed of.

(4) In relation to premises—

- (a) that the premises be closed;
- (b) that, in the case of a conveyance or movable structure, the conveyance or structure be detained;
- (c) that the premises be disinfected or decontaminated;
- (d) that, in the case of a building, conveyance or structure, the premises be destroyed.

(5) For the purposes of this paragraph—

“hospital” has the meaning given in section 124 of the Public Health etc. (Scotland) Act 2008;

“premises” includes any place and, in particular, includes—

- (a) any vehicle, train, vessel or aircraft,
- (b) any tent or movable structure, and
- (c) any offshore installation (as defined in regulation 3 of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 (S.I. 1995/738)).

*Health protection regulations: supplementary*

5 (1) This paragraph makes further provision about regulations under paragraph 1(1).

(2) The regulations may—

- (a) confer functions on local authorities, health boards and other persons;
- (b) create offences;
- (c) enable a court to order a person convicted of any such offence to take or pay for remedial action in appropriate circumstances;
- (d) provide for the execution and enforcement of restrictions and requirements imposed by or under the regulations;
- (e) provide for appeals from and reviews of decisions taken under the regulations;
- (f) permit or prohibit the levy of charges;
- (g) permit or require the payment of incentive payments, compensation and expenses;
- (h) provide for the resolution of disputes.

(3) The regulations may also make—

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- (a) different provision for different purposes or different areas,
  - (b) such incidental, supplementary, consequential, transitional or transitory provision as the Scottish Ministers consider appropriate.
- (4) The maximum penalties that may be imposed in relation to offences created under the regulations are—
- (a) on summary conviction, imprisonment for a period not exceeding 12 months or a fine not exceeding the statutory maximum (or both),
  - (b) on conviction on indictment, imprisonment for a period not exceeding two years or a fine (or both).
- (5) The regulations must provide for a right of appeal to the sheriff against any decision taken under the regulations by virtue of which a special restriction or requirement is imposed on or in relation to a person, thing or premises.
- (6) Regulations that enable a special restriction or requirement to be imposed by virtue of a decision taken under the regulations must also provide that, if the restriction or requirement is capable of remaining in force in relation to any person, thing or premises for more than a specified period, a specified person may require the continuation of the restriction or requirement to be reviewed in accordance with the regulations at specified intervals by a person determined in accordance with the regulations.
- (7) In relation to a special restriction or requirement mentioned in paragraph 4(2)(c) or (d)—
- (a) the period specified by virtue of sub-paragraph (6) of this paragraph and the intervals specified by virtue of that sub-paragraph must be 28 days or less, and
  - (b) the regulations must require the continuation of the restriction or requirement to be reviewed without an application being made.
- (8) For the purposes of this paragraph “specified” means specified in the regulations.

*Health protection regulations: procedure*

- 6 (1) Regulations under paragraph 1(1) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).
- (2) Sub-paragraph (1) does not apply if the Scottish Ministers consider that the regulations need to be made urgently.
- (3) Where sub-paragraph (2) applies, the regulations (the “emergency regulations”)—
- (a) must be laid before the Scottish Parliament; and
  - (b) cease to have effect on the expiry of the period of 28 days beginning with the date on which the regulations were made unless, before the expiry of that period, the regulations have been approved by a resolution of the Parliament.
- (4) Sub-paragraph (3)(b) does not apply in relation to regulations which—
- (a) revoke (in whole or in part) emergency regulations; and
  - (b) do—
    - (i) nothing else; or
    - (ii) nothing else except make provision incidental or supplementary to the revocation.

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- (5) In calculating any period of 28 days for the purposes of sub-paragraph (3)(b), no account is to be taken of any period during which the Scottish Parliament is—
- (a) dissolved; or
  - (b) in recess for more than 4 days.
- (6) Where emergency regulations cease to have effect under sub-paragraph (3)(b), that does not—
- (a) affect anything previously done by reference to the regulations;
  - (b) prevent new emergency regulations being made to the same or similar effect.

<sup>F97</sup>SCHEDULE 20 **U.K.**

Section 50

**Textual Amendments**

**F97** Sch. 20 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), **s. 89** (with **s. 90**)

<sup>F98</sup>SCHEDULE 21 **U.K.**

Section 51

POWERS RELATING TO POTENTIALLY INFECTIOUS PERSONS

**Textual Amendments**

**F98** Sch. 21 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), **s. 89** (with **s. 90**)

**PART 1 U.K.**

OVERVIEW AND INTERPRETATION

*Overview*

1 .....

*Potentially infectious persons*

2 .....

*Other definitions*

3 .....

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**Status:** Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.  
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**PART 2** **U.K.**

POWERS RELATING TO POTENTIALLY INFECTIOUS PERSONS IN ENGLAND

*Declarations of risks of coronavirus in England*

- 4 .....
- 5 .....

*Powers to direct or remove persons to a place suitable for screening and assessment*

- 6 .....
- 7 .....

*Powers exercisable at a screening and assessment place: public health officers*

- 8 .....
- 9 .....
- 10 .....
- 11 .....
- 12 .....

*Powers exercisable at a screening and assessment place: constables and immigration officers*

- 13 .....

*Powers exercisable after assessment*

- 14 .....
- 15 .....
- 16 .....
- 17 .....

*Children*

- 18 .....

*Formalities*

- 19 .....

*Ancillary powers*

- 20 .....

*Guidance and advice*

- 21 .....



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*End of transmission control period*

22 .....

*Offences*

23 .....

*Revocation of regulations*

24 .....

<sup>F98</sup>**PART 3 U.K.**

**POWERS RELATING TO POTENTIALLY INFECTIOUS PERSONS IN SCOTLAND**

*Declarations of risks of coronavirus in Scotland*

25 .....

26 .....

*Powers to direct or remove persons to a place suitable for screening and assessment*

27 .....

28 .....

*Powers exercisable at a screening and assessment place: public health officers*

29 .....

30 .....

31 .....

32 .....

33 .....

*Powers exercisable at a screening and assessment place: constables and immigration officers*

34 .....

*Powers exercisable after assessment*

35 .....

36 .....

37 .....

38 .....

39 .....

*Status:* Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

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*Children*

40 .....

*Formalities*

41 .....

*Ancillary powers*

42 .....

*Guidance and advice*

43 .....

*End of transmission control period*

44 .....

*Offences*

45 .....

<sup>F98</sup>*Modifications of Public Health etc. (Scotland) Act 2008*

<sup>F98</sup>46 .....

*Constables*

47 .....

**PART 4 U.K.**

**POWERS RELATING TO POTENTIALLY INFECTIOUS PERSONS IN WALES**

*Declarations of risks of coronavirus in Wales*

48 .....

49 .....

*Powers to direct or remove persons to a place suitable for screening and assessment*

50 .....

51 .....

*Powers exercisable at a screening and assessment place: public health officers*

52 .....

53 .....

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**Status:** Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

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54 .....  
55 .....  
56 .....

*Powers exercisable at a screening and assessment place: constables and immigration officers*

57 .....

*Powers exercisable after assessment*

58 .....  
59 .....  
60 .....  
61 .....

*Children*

62 .....

*Formalities*

63 .....

*Ancillary powers*

64 .....

*Guidance and advice*

65 .....

*End of transmission control period*

66 .....

*Offences*

67 .....

*Revocation of regulations*

68 .....

*Status:* Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

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**PART 5 U.K.**

POWERS RELATING TO POTENTIALLY INFECTIOUS PERSONS IN NORTHERN IRELAND

*Declarations of risks of coronavirus in Northern Ireland*

- 69 .....
- 70 .....

*Powers to direct or remove persons to a place suitable for screening and assessment*

- 71 .....
- 72 .....

*Powers exercisable at a screening and assessment place: public health officers*

- 73 .....
- 74 .....
- 75 .....
- 76 .....
- 77 .....

*Powers exercisable at a screening and assessment place: constables and immigration officers*

- 78 .....

*Powers exercisable after assessment*

- 79 .....
- 80 .....
- 81 .....
- 82 .....

*Children*

- 83 .....

*Formalities*

- 84 .....

*Ancillary powers*

- 85 .....

*Guidance and advice*

- 86 .....

*Status:* Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

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*End of transmission control period*

87 .....

*Offences*

88 .....

*Supplementary interpretation*

89 .....

SCHEDULE 22 **U.K.**

Section 52

POWERS TO ISSUE DIRECTIONS RELATING TO EVENTS, GATHERINGS AND PREMISES

<sup>F99</sup>PART 1 **U.K.**

GENERAL

**Textual Amendments**

**F99** Sch. 22 Pt. 1 expires (25.3.2022(25.3.2022)) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90)

*Interpretation*

1 .....

*Disapplication to the Parliamentary Estate*

2 .....

<sup>F100</sup>PART 2 **U.K.**

POWERS RELATING TO EVENTS, GATHERINGS AND PREMISES IN ENGLAND

**Textual Amendments**

**F100** Sch. 22 Pt. 2 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90)

*Declaration of threat to public health in England due to coronavirus*

3 .....

4 .....

*Status:* Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coronavirus Act 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

*Power to prohibit or otherwise restrict events or gatherings in England*

5 .....

*Power to close premises in England or impose restrictions on persons entering or remaining in them*

6 .....

*Variations and revocations*

7 .....

*Procedure*

8 .....

*Offences*

9 .....

10 .....

*Enforcement and prosecutions*

11 .....

*End of public health response period*

12 .....

**F101 PART 3 U.K.**

POWERS RELATING TO EVENTS, GATHERINGS AND PREMISES IN SCOTLAND

**Textual Amendments**

**F101** Sch. 22 Pt. 3 expires (S.) (12.12.2021) by [The Coronavirus Act 2020 \(Early Expiry of Provisions\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/439\)](#), regs. 1(1), **2(b)**

*Declaration of threat to public health in Scotland due to coronavirus*

13 .....

14 .....

*Power to prohibit or otherwise restrict events or gatherings in Scotland*

15 .....

**Status:** Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coronavirus Act 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

*Power to close premises in Scotland or impose  
restrictions on persons entering or remaining in them*

16 .....

*Variations and revocations*

17 .....

*Procedure*

18 .....

*Enforcement*

19 .....

*Constables*

20 .....

*Offences*

21 .....

22 .....

*Compensation*

23 .....

*End of public health response period*

24 .....

*Review*

25 .....

<sup>F102</sup>**PART 4 U.K.**

**POWERS RELATING TO EVENTS, GATHERINGS AND PREMISES IN WALES**

**Textual Amendments**

**F102** Sch. 22 Pt. 4 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90)

*Declaration of threat to public health in Wales due to coronavirus*

26 .....

27 .....

*Status:* Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coronavirus Act 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

*Power to prohibit or otherwise restrict events or gatherings in Wales*

28 .....

*Power to close premises in Wales or impose restrictions on persons entering or remaining in them*

29 .....

*Variations and revocations*

30 .....

*Procedure*

31 .....

*Offences*

32 .....

33 .....

*Enforcement and prosecutions*

34 .....

*Compensation*

35 .....

*End of public health response period*

36 .....

<sup>F103</sup>**PART 5 U.K.**

POWERS RELATING TO EVENTS, GATHERINGS AND PREMISES IN NORTHERN IRELAND

**Textual Amendments**

**F103** Sch. 22 Pt. 5 expires (N.I.) (9.12.2021) by [The Coronavirus Act 2020 \(Early Expiry\) \(No. 2\) Regulations 2021 \(S.I. 2021/1399\)](#), regs. 1(2), 6

*Declaration of threat to public health in Northern Ireland due to coronavirus*

37 .....

38 .....



*Status:* Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coronavirus Act 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

*Power to prohibit or otherwise restrict events or gatherings in Northern Ireland*

39 .....

*Power to close premises in Northern Ireland or impose restrictions on persons entering or remaining in them*

40 .....

*Variations and revocations*

41 .....

*Procedure*

42 .....

*Enforcement*

43 .....

*Offences*

44 .....

45 .....

*Compensation*

46 .....

*End of public health response period*

47 .....

F104 SCHEDULE 23 E+W

Section 53

.....

**Textual Amendments**

F104 Sch. 23 repealed (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. [201\(1\)](#), [208\(5\)\(z\)](#)

F105 SCHEDULE 24 U.K.

Section 54

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*Status: Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coronavirus Act 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

**F105** Sch. 24 repealed (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 201(1), 208(5)(z)**

### <sup>F106</sup>SCHEDULE 25 **U.K.**

Section 55

#### Textual Amendments

**F106** Sch. 25 repealed (28.6.2022 except for the purposes of [S.I. 2020/415](#), [S.I. 2020/416](#) and [S.I. 2020/651](#)) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 201(2), 208(1)**; [S.I. 2022/704](#), **reg. 2**

### <sup>F107</sup>SCHEDULE 26 **E+W**

Section 56

#### Textual Amendments

**F107** Sch. 26 expires (9.12.2021) by [The Coronavirus Act 2020 \(Early Expiry\) \(No. 2\) Regulations 2021 \(S.I. 2021/1399\)](#), **regs. 1(2), 4**

### SCHEDULE 27 **N.I.**

Section 57

#### USE OF LIVE LINKS IN LEGAL PROCEEDINGS: NORTHERN IRELAND

### PART 1 **N.I.**

#### POWERS OF COURTS AND TRIBUNALS TO DIRECT USE OF LIVE LINKS

#### Modifications etc. (not altering text)

**C45** Sch. 27 Pt. 1 continued until 24.9.2022 (27.1.2022) by [The Coronavirus Act 2020 \(Extension of Provisions Related to Courts, Tribunals and Inquests\) Order \(Northern Ireland\) 2022 \(S.R. 2022/24\)](#), **arts. 1, 3**

**C46** Sch. 27 Pt. 1 continued until 24.3.2023 (23.9.2022) by [The Coronavirus Act 2020 \(Extension of Provisions Relating to Live Links for Courts and Tribunals\) Order \(Northern Ireland\) 2022 \(S.R. 2022/227\)](#), **art. 2**

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*Proceedings to which this Part of this Schedule applies*

- 1
- (1) This Part of this Schedule applies to any proceedings in a court or statutory tribunal.
  - (2) In this Part of this Schedule “court” means—
    - (a) the Court of Appeal,
    - (b) the High Court,
    - (c) the Crown Court,
    - (d) a county court, or
    - (e) a magistrates' court.
  - (3) In this Part of this Schedule “statutory tribunal” means a tribunal (however named or described, and including a coroner holding an inquest) established by or under a statutory provision, but does not include—
    - (a) a court, or
    - (b) any tribunal established by or under a statutory provision that could not have been included in an Act of the Northern Ireland Assembly made without the Secretary of State's consent.
  - (4) In this paragraph “statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

*Power to give direction for participation by live link*

- 2
- (1) A person may, if a court or statutory tribunal so directs, participate in any proceedings in the court or tribunal through a live link.
  - (2) A direction may not be given under this paragraph as respects a person's participation in proceedings as a member of a jury.
  - (3) A direction may be given under this paragraph in respect of a person—
    - (a) of the court or tribunal's own motion,
    - (b) on application by the person, or
    - (c) on application by a party to the proceedings.
  - (4) A court or tribunal may not give a direction under this paragraph unless the court or tribunal is satisfied that it is in the interests of justice to do so.
  - (5) In deciding whether to give a direction under this paragraph, the court or tribunal must consider all the circumstances of the case.
  - (6) Those circumstances include (in particular)—
    - (a) the views of the person;
    - (b) the views of the parties to the proceedings;
    - (c) public health interests.
  - (7) Where a court or tribunal refuses an application for a direction under this paragraph, it must—
    - (a) state openly its reasons for doing so, and
    - (b) if it is a magistrates' court, cause the reasons to be entered in the Order Book.
  - (8) Power of a court or tribunal to give a direction under this paragraph is additional to, and does not limit, any other power of the court or tribunal.

*Status:* Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coronavirus Act 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

*Effect, and rescission, of directions*

- 3 (1) Where in any proceedings a court or tribunal—
- (a) has given a direction under paragraph 2 in respect of a person, and
  - (b) has not rescinded the direction,
- the person may not participate in the proceedings otherwise than through a live link.
- (2) A court or tribunal may rescind a direction under paragraph 2 if it appears to the court or tribunal to be in the interests of justice to do so.
- (3) Where it does so, the person concerned ceases to be able to participate in the proceedings through a live link, but this does not prevent a further direction under paragraph 2 being given in the proceedings in respect of the person.
- (4) A direction under paragraph 2 in respect of a person may be rescinded—
- (a) of the court or tribunal's own motion,
  - (b) on application by the person, or
  - (c) on application by a party to the proceedings.
- (5) An application may not be made under sub-paragraph (4)(b) or (c) unless there has been a material change of circumstances since the direction was given.
- (6) Where a court or tribunal rescinds a direction under paragraph 2, or refuses an application to rescind such a direction, it must—
- (a) state openly its reasons for rescinding the direction or refusing the application, and
  - (b) if it is a magistrates' court, cause the reasons to be entered in the Order Book.

*Meaning of references to participation in proceedings*

- 4 A reference in this Part of this Schedule to participating in any proceedings includes (in particular) participation—
- (a) as a party to the proceedings,
  - (b) as a witness,
  - (c) as a judge or other member of the court or tribunal,
  - (d) as a member of a jury,
  - (e) as a legal representative acting in the proceedings,
  - (f) as an interpreter or other person appointed by the court or tribunal to assist in the proceedings,
  - (g) as the clerk to the court or tribunal, or
  - (h) as a representative of the press.

*Participation by persons outside the United Kingdom*

- 5 (1) A direction under paragraph 2 may be given in respect of a person whether the person is in the United Kingdom or elsewhere.
- (2) A statement made on oath by a person outside the United Kingdom and given in evidence through a live link in accordance with a direction under paragraph 2 is to be treated for the purposes of Article 3 of the Perjury (Northern Ireland) Order 1979 (S.I. 1979/1714 (N.I. 19)) as having been made in the proceedings in which it is given in evidence.

*Status:* Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coronavirus Act 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

### *Meaning of “live link”*

- 6 (1) In this Part of this Schedule “live link” means a live video link or a live audio link.
- (2) A “live video link”, in relation to a person (“P”) participating in proceedings, is a live television link or other arrangement which—
- (a) enables P to see and hear all other persons participating in the proceedings who are not in the same location as P, and
  - (b) enables all other persons participating in the proceedings who are not in the same location as P to see and hear P.
- (3) A “live audio link”, in relation to a person (“P”) participating in proceedings, is a live telephone link or other arrangement which—
- (a) enables P to hear all other persons participating in the proceedings who are not in the same location as P, and
  - (b) enables all other persons participating in the proceedings who are not in the same location as P to hear P.
- (4) The extent (if any) to which a person is unable to hear or see by reason of any impairment of hearing or eyesight is to be disregarded for the purposes of subparagraphs (2) and (3).

### *Interpretation of this Part of this Schedule: general*

- 7 The Interpretation Act (Northern Ireland) 1954 applies for the purposes of the preceding provisions of this Part of this Schedule as if those provisions were contained in an Act of the Northern Ireland Assembly.

## **PART 2 N.I.**

### **PUBLIC PARTICIPATION IN PROCEEDINGS WHERE LIVE LINKS USED**

#### **Modifications etc. (not altering text)**

- C47** Sch. 27 Pt. 2 continued until 24.9.2022 (27.1.2022) by [The Coronavirus Act 2020 \(Extension of Provisions Related to Courts, Tribunals and Inquests\) Order \(Northern Ireland\) 2022 \(S.R. 2022/24\)](#), arts. 1, 3
- C48** Sch. 27 Pt. 2 continued until 24.3.2023 (23.9.2022) by [The Coronavirus Act 2020 \(Extension of Provisions Relating to Live Links for Courts and Tribunals\) Order \(Northern Ireland\) 2022 \(S.R. 2022/227\)](#), art. 2

- 8 The Judicature (Northern Ireland) Act 1978 has effect as if after section 102 there were inserted—

*Status: Point in time view as at 24/09/2022. This version of this Act contains provisions that are prospective.*

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## “PART 9A N.I.”

### USE OF LIVE LINKS IN COURT OR TRIBUNAL PROCEEDINGS: PUBLIC PARTICIPATION & OFFENCES OF RECORDING ETC

#### 102A Enabling the public to see and hear proceedings

- (1) If proceedings in a court or statutory tribunal are to be conducted wholly as video proceedings, whether or not as a result of directions given by the court or tribunal, the court or tribunal—
  - (a) may direct that the proceedings are to be broadcast (in the manner specified in the direction) for the purpose of enabling members of the public to see and hear the proceedings;
  - (b) may direct that a recording of the proceedings is to be made (in the manner specified in the direction) for the purpose of enabling the court or tribunal to keep an audio-visual record of the proceedings.
- (2) If proceedings in a court or statutory tribunal are to be conducted wholly as audio proceedings, whether or not as a result of directions given by the court or tribunal, the court or tribunal—
  - (a) may direct that the proceedings are to be broadcast (in the manner specified in the direction) for the purpose of enabling members of the public to hear the proceedings;
  - (b) may direct that a recording of the proceedings is to be made (in the manner specified in the direction) for the purpose of enabling the court or tribunal to keep an audio record of the proceedings.
- (3) A direction under this section may relate to the whole, or to part, of the proceedings concerned.

#### 102B Offences of recording or transmission in relation to broadcasting

- (1) It is an offence for a person to make—
  - (a) an unauthorised recording, or
  - (b) an unauthorised transmission,
 of an image or sound which is being broadcast in accordance with a direction under section 102A.
- (2) It is an offence for a person to make—
  - (a) an unauthorised recording, or
  - (b) an unauthorised transmission,
 of an image of, or sound made by, another person while the other person is viewing or listening to a broadcast made in accordance with a direction under section 102A.
- (3) It is a defence for a person charged with an offence under subsection (1) or (2) to prove that, at the time of the recording or transmission of the image or sound concerned, the person—
  - (a) was not in designated live-streaming premises, and

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- (b) did not know, and could not reasonably have known, that the image or sound was—
  - (i) being broadcast in accordance with a direction under section 102A (in the case of an offence under subsection (1)), or
  - (ii) an image of, or sound made by, another person while viewing or listening to a broadcast made in accordance with a direction under section 102A (in the case of an offence under subsection (2)).
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) For the purposes of this section it does not matter whether a person making a recording or transmission intends the recording or transmission, or anything comprised in it, to be seen or heard by any other person.
- (6) For the purposes of this section, a recording or transmission is “unauthorised” unless it is—
  - (a) authorised by a direction under section 102A,
  - (b) otherwise authorised (generally or specifically) by the court or tribunal in which the proceedings concerned are conducted, or
  - (c) authorised (generally or specifically) by the Department.

### **102C Offences of recording or transmitting participation through live link**

- (1) It is an offence for a person to make—
  - (a) an unauthorised recording, or
  - (b) an unauthorised transmission,of an image or sound which is being transmitted through a live video link or transmitted through a live audio link.
- (2) It is an offence for a person (“P”) to make—
  - (a) an unauthorised recording, or
  - (b) an unauthorised transmission,of an image of, or sound made by, any person (whether P or another person) while that person is participating in court or tribunal proceedings through a live video link or live audio link.
- (3) It is a defence for a person charged with an offence under subsection (1) or (2) to prove that, at the time of the recording or transmission, the person did not know, and could not reasonably have known, that the image or sound concerned—
  - (a) was being transmitted through a live video link or through a live audio link (in the case of an offence under subsection (1)), or
  - (b) was an image of, or sound made by, a person while that person was participating in court or tribunal proceedings through a live video link or live audio link (in the case of an offence under subsection (2)).
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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- (5) For the purposes of this section it does not matter whether a person making a recording or transmission intends the recording or transmission, or anything comprised in it, to be seen or heard by any other person.
- (6) For the purposes of this section, a recording or transmission is “unauthorised” unless it is—
  - (a) authorised (generally or specifically) by the court or tribunal in which the proceedings are conducted, or
  - (b) authorised (generally or specifically) by the Department.

### 102D Interpretation of Part 9A

- (1) This section applies for the purposes of this Part.
- (2) The following expressions have the meanings given—
  - “court” means—
    - (a) the Court of Appeal,
    - (b) the High Court,
    - (c) the Crown Court,
    - (d) a county court, or
    - (e) a magistrates' court;
  - “court or tribunal proceedings” means any proceedings in any court or statutory tribunal;
  - “the Department”—
    - (a) in relation to a court, means the Department of Justice, and
    - (b) in relation to a statutory tribunal, means a Northern Ireland department;
  - “designated live-streaming premises” means premises that are designated by the Department for the purposes of this section as premises provided by the Department for the purpose of enabling members of the public to see and hear, or hear, proceedings that are broadcast in accordance with directions under section 102A;
  - “recording” means a recording on any medium—
    - (a) of a single image, a moving image or any sound, or
    - (b) from which a single image, a moving image or any sound may be produced or reproduced;
  - “statutory tribunal” means a tribunal (however named or described, and including a coroner holding an inquest) established by or under a statutory provision, but does not include—
    - (a) a court, or
    - (b) any tribunal established by or under a statutory provision that could not have been included in an Act of the Northern Ireland Assembly made without the Secretary of State's consent;
  - “transmission” means any transmission by electronic means of a single image, a moving image or any sound.
- (3) A “live video link”, in relation to a person (“P”) taking part in proceedings, is a live television link or other arrangement which—
  - (a) enables P to see and hear all other persons taking part in the proceedings who are not in the same location as P, and



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- (b) enables all other persons taking part in the proceedings who are not in the same location as P to see and hear P.
- (4) Proceedings are conducted wholly as video proceedings if—
  - (a) directions have been given, whether under paragraph 2 of Schedule 27 to the Coronavirus Act 2020 or any other power, for all the persons taking part in the proceedings to do so through a live video link, and
  - (b) all those persons take part in the proceedings in accordance with those directions.
- (5) A “live audio link”, in relation to a person (“P”) taking part in proceedings, is a live telephone link or other arrangement which—
  - (a) enables P to hear all other persons taking part in the proceedings who are not in the same location as P, and
  - (b) enables all other persons taking part in the proceedings who are not in the same location as P to hear P.
- (6) Proceedings are conducted wholly as audio proceedings if—
  - (a) directions have been given, whether under paragraph 2 of Schedule 27 to the Coronavirus Act 2020 or any other power, for all the persons taking part in the proceedings to do so through a live audio link, and
  - (b) all those persons take part in the proceedings in accordance with those directions.
- (7) An image or sound—
  - (a) is transmitted through a live video link if it is transmitted as part of a person's participation in court or tribunal proceedings through a live video link;
  - (b) is transmitted through a live audio link if it is transmitted as part of a person's participation in court or tribunal proceedings through a live audio link.
- (8) The extent (if any) to which a person is unable to hear or see by reason of any impairment of hearing or eyesight is to be disregarded for the purposes of subsections (3) and (5).”

<sup>F108</sup>**PART 3** **N.I.**

AVAILABILITY OF LIVE LINKS IN CERTAIN MAGISTRATES'  
COURT PROCEEDINGS IN NORTHERN IRELAND

**Textual Amendments**

**F108** Sch. 27 Pt. 3 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\), s. 89](#) (with s. 90)

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F109 SCHEDULE 28 U.K.

Section 58

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**Textual Amendments**

F109 Sch. 28 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90)

F110 SCHEDULE 29 E+W

Section 81

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**Textual Amendments**

F110 Sch. 29 expires (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90)

**Status:**

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