

Coronavirus Acts: ninth report to Scottish Parliament

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Executive Summary

Overview

This is the ninth, two-monthly report on the Coronavirus Acts in which the Scottish Government sets out the status and operation of the legislation necessary to respond to the coronavirus (Covid-19) pandemic. This report is the latest in our regular reporting on coronavirus-related legislation to ensure that the Scottish Parliament has oversight of the legislation, allowing it to hold Scottish Ministers to account for their use of the powers available to them.

Continued importance of the Coronavirus Acts

Covid-19 is first and foremost a public health crisis, and the measures to combat it have been necessary to save lives. The measures introduced by the Scottish Coronavirus Acts were largely intended to ensure that public services could continue to discharge their duties effectively whilst adhering to public health restrictions in an effort to limit the spread of the virus.

During the period of this report, on 9 August, we moved beyond Level 0. This signified a key step in our progress out of the pandemic, allowing individuals and businesses to get back to something much more like normality. From that date, physical distancing was no longer required by law outdoors or indoors; there were no longer limits on indoor household gatherings of family and friends; and all venues were legally allowed to open.

However, Covid-19 has not gone away, and it has been necessary to retain some safeguards for now. Although infection levels fell towards the end of the second part of this reporting period, case rates remain significant, and positive infection rates still matter as a criteria for assessing the threat from the virus. With every infection the risk of new variants emerging and resisting the vaccines increases, and that is why we continue to take a necessarily cautious approach to easing of restrictions. This is why we have chosen to retain a number of baseline measures necessary to reduce the risk of transmission, including a legal requirement for face coverings in indoor public places and on public transport, subject to exceptions. This is why some provisions within these Acts are necessary while the virus continues to present a risk to public health. This is in line with our commitment that we will only retain legislative provisions under these Acts where these are both necessary and proportionate.

In our last report, I noted that the Coronavirus (Extension and Expiry) (Scotland) Act 2021 had been passed by the Scottish Parliament and would be expiring measures in the Scottish Coronavirus Acts which are not required beyond the end of 30 September 2021. This report records which of these provisions have now expired. The Act has also ensured that the remaining provisions in Part 1 of each of the Scottish Coronavirus Acts are extended until the end of March 2022 with the possibility of further extension to the end of September 2022 (if needed and subject to Parliamentary approval).

The Scottish Government continues to place great importance on responding to the coronavirus epidemic, and protecting the health of people living in Scotland.

Ministers' Review of the Ninth Report - Statement by Ministers on necessity and status of provisions

This ninth coronavirus report covers the period from 1 August to 30 September 2021. Scottish Ministers have undertaken a review of the operation of the provisions of Part 1 of the Coronavirus (Scotland) Act 2020 ("the first Scottish Act") and the Coronavirus (Scotland) (No.2) Act 2020 ("the second Scottish Act"), and the provisions of the Coronavirus Act 2020 ("the UK Act") for which the Scottish Parliament gave legislative consent, in order to consider whether the provisions remain necessary. Ministers are satisfied that the status of those provisions at the end of this reporting period is appropriate.

Scottish Ministers have also undertaken a review of the Scottish Statutory Instruments (SSIs) to which section 14 of the second Scottish Act applies. Ministers are satisfied that the status of those SSIs at the end of the reporting period is appropriate.

Next steps

I welcome this opportunity to continue to update the Scottish Parliament on the operation of the Coronavirus Acts and continue to stand ready to engage with the Parliament in its scrutiny of this ninth report.

John Swinney MSP
Deputy First Minister and Cabinet Secretary for Covid Recovery

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1. Introduction

- 1.1. As required by section 15 of the first Scottish Act (Coronavirus (Scotland) Act 2020), and section 12 of the second Scottish Act (Coronavirus (Scotland) (No.2) Act 2020), this report includes information on the operation of the provisions of Part 1 of each of those Acts. It also includes an update on the status of those provisions, and confirmation that Scottish Ministers are satisfied that the status of those provisions is appropriate.
- 1.2. The report also covers the reporting requirements relating to Scottish Statutory Instruments (SSIs) made by Scottish Ministers where the main purpose relates to coronavirus, excluding those made by Scottish Ministers under the first or second Scottish Act or UK Act (Coronavirus Act 2020).

2. Background

Reporting requirements

- 2.1. Section 15 of the first Scottish Act and section 12 of the second Scottish Act requires that the Scottish Government reviews the provisions in Part 1 of the Acts every two months, including reporting on their operation and status.
- 2.2. The UK Act does not set out an equivalent statutory requirement for reporting by the Scottish Government or other Devolved Administrations. However, as with the approach taken to reports in the previous parliamentary session, the Scottish Government has included information on the provisions of the UK Act for which the Scottish Parliament gave legislative consent.

3. Scottish Government approach to reporting

- 3.1. In continuing to review and develop the Government's approach to reporting, it has been recognised that some measures in the legislation may have greater impact than others on individuals or groups (people with one or more of the protected characteristics listed in the Equality Act 2010), or more generally on equality and human rights. In assessing the equality impact of the measures the Scottish Government has considered the measures in light of the requirements of the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010, the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between people who share a protected characteristic and those who do not, and foster good relations between people who share a protected characteristic and those who do not. Public authorities are required to regularly publish equality information under [the Scottish specific duties](#) (including a new set of equality outcomes, pay gap information and equal pay statements). The Scottish Government last reported March 2021¹.
- 3.2. We have in this reporting period continued to reflect on the views and publications of key stakeholders with an interest in the areas of human rights,

¹ [Equality outcomes and mainstreaming: report 2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/information/equality-outcomes-and-mainstreaming-report-2021/)

children's rights and equality impacts. The Scottish Government consideration of views includes those of the British Institute of Human Rights, the Scottish Human Rights Commission and the Children and Young People's Commissioner Scotland.

- 3.3. The approach to reporting on these impacts will be kept under review in line with legislation and in response to the views of the Scottish Parliament.

4. UK Government reporting and engagement

- 4.1. The UK Act has a sunset provision (section 89) by which it expires two years after the day it was passed, on 25 March 2022, subject to certain exceptions which are set out in the legislation.
- 4.2. Review of the status, operation and continuing necessity of devolved provisions in the UK Act is part of the Scottish Government's two-monthly reporting to the Scottish Parliament, which provides the Parliament with an opportunity to scrutinise the judgements which have been made in the operation, and assessment of the continued necessity of those provisions.
- 4.3. The Scottish Government continues to engage and work with the UK Government and the other Devolved Administrations on the implementation and operation of the UK Act and to help ensure respective reporting arrangements operate successfully and appropriately alongside each other, to support robust and effective scrutiny of the legislation.

5. Further reporting

Coronavirus-related SSIs

- 5.1. Section 14 of the second Scottish Act requires Scottish Ministers to report on SSIs made by Scottish Ministers where the main purpose relates to coronavirus. This provision does not apply to SSIs made by Scottish Ministers under the first or second Scottish Acts or the UK Act. Information on SSIs, to which section 14 of the second Scottish Act applies, is included at **section 8** of this report. In this report information has been included on a total of 120 SSIs –10 of which are new to this reporting period - which are in scope for reporting under section 14 of the second Scottish Act.

Information about domestic abuse

- 5.2. Section 15A of the first Scottish Act and section 13 of the second Scottish Act require Scottish Ministers to take account of any information about the nature and number of incidents of domestic abuse occurring during the reporting period to which the review relates, given to them, or published by the Scottish Police Authority, or the Chief Constable of the Police Service of Scotland. Further, Scottish Ministers are required to explain in the report on that review, prepared under section 15 of the first Scottish Act and section 12 of the second Scottish Act, how the information was taken into account. The legislation does not require this information to be taken into account in the review of the powers under

the UK Act, however we have made a decision to do so in order to ensure consistency in our approach and ensure the fullest possible consideration is given to this information.

- 5.3. In terms of our requirements under the legislation, consideration has been given to the provisions in the Scottish and UK Acts where domestic abuse may be deemed relevant. Where information on the nature and number of incidents of domestic abuse may be deemed of relevance to a provision, this has been considered as part of the assessment of whether the provision remains necessary.
- 5.4. The information used to support the review was published on 30 September 2021², as part of the Scottish Government Justice Analytical Services data report on how the coronavirus pandemic has affected the justice system. The data from Police Scotland highlights that looking cumulatively across April to August 2021, domestic abuse incidents were 7% lower than the equivalent period in 2020 and 1% higher than the equivalent period in 2019 (26,790 incidents recorded in April – August 2021, 28,783 incidents in April – August 2020, and 26,602 incidents in April – August 2019). The proportion of April 2021 to August 2021 incidents that include the recording of at least one crime or offence was 42.1%, which is lower than for the equivalent period in 2020-21 of 43.2%.
- 5.5. Separate figures on crimes recorded under the Domestic Abuse (Scotland) Act 2018 are available from the Recorded Crime in Scotland monthly Official Statistics. There were 134 such crimes recorded by the police in August 2021, this is 10% higher than August 2020 (122 crimes) but 7% lower than August 2019 (144 crimes).
- 5.6. For the purposes of this reporting period, the information on the nature and number of incidents of domestic abuse has not impacted on the outcome of the assessment of whether the provisions remain necessary.
- 5.7. The Scottish Government remains committed to tackling domestic abuse and within the first 100 days of this government, new funding totalling £5 million went to rape crisis centres and domestic abuse services to cut waiting lists. This funding comprised approximately £4.5 million split between Scottish Women's Aid and Rape Crisis Scotland, and a total of £500,000 for 12 other specialist support services and organisations. In addition, we have created a new Delivering Equally Safe Fund (£19 million per annum) and have recently confirmed allocations to 121 projects from 112 organisations working to provide services and prevent gender-based violence.

Additional reporting requirements

- 5.8. Schedule 4, paragraph 12 of the second Scottish Act requires the Scottish Ministers to lay a report before Parliament on their responses to requests for information under the Freedom of Information (Scotland) Act 2020. The eighth

² [Coronavirus \(COVID-19\): Justice Analytical Services data report - August 2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/justice-analytical-services-data-report-august-2021/pages/2.aspx)

Table One – Status and operation of provisions

(Provisions in rows marked in grey have been expired)

Ref.	Act	Provision	Description of provision	Operation of the provision in reporting period nine (ending 30 September 2021)	Status at the end of reporting period nine (30 September 2021) and details of any change of status since last reporting period
1.	First Scottish Act	Section 2 and schedule 1 – Eviction from dwelling-houses	See section 7.1.1	In operation Supplementary information provided – see section 7.1.1 for further information	Commenced and still in force. No change to status since last reporting period.
2.	First Scottish Act	Section 3 and schedule 2 - Temporary extension of moratoria on diligence	The provisions extend the period of any new moratoria to a period of six months, and removes the limitation that only one such moratorium can be applied for in any twelve month period.	In operation Extended moratorium is available for individuals to apply. As at 30 June 2021, 2,731 applications had been granted under the new powers.	Commenced and still in force. Section 3, schedule 2, paragraphs 1 and 4 (6 month moratorium period) still in force. Section 3, schedule 2, paragraphs 2 and 3 (moratorium on diligence: multiple applications) expired at the end of 30 September 2021 as part of the Coronavirus (Extension and Expiry) (Scotland) Act 2021.
3.	First Scottish Act	Section 4 and schedule 3 – Children and vulnerable adults – Part 1 – Children	See section 7.1.2	Child protection provisions – in operation Children’s hearings provisions – in operation	Expired:

				<p>Looked after children provisions – in operation</p> <p>Supplementary information provided - see section 7.1.2 for further information</p>	<p>Paragraph 2(2)⁴ expired on 30 March 2021 and paragraph 6⁵ on 29 September 2020..</p> <p>As part of the Coronavirus (Extension and Expiry) (Scotland) Act 2021, all remaining provisions of Schedule 3, Part 1 expired at the end of 30 September 2021, subject to transitional and saving provisions⁶</p>
4.	First Scottish Act	Section 4 and schedule 3 – Children and vulnerable adults – Part 2 – Vulnerable adults	See section 7.1.3	<p>Not in operation</p> <p>Paragraph 11(1) expired on 29 September 2020⁷ and the rest of Paragraph 11 was suspended as from 30 September 2020.⁸</p>	<p>Expired</p> <p>As part of the Coronavirus (Extension and Expiry) (Scotland) Act 2021 the whole of section 4, schedule 3 in respect of vulnerable adults expired at the end of 30 September 2021.</p>
5.	First Scottish Act	Section 5 and schedule 4, Part 1 - Courts and tribunals: conduct of business by electronic means	These provisions allow documents produced by a court or tribunal, or connected with criminal or civil proceedings, to be signed and transmitted	<p>In operation</p> <p>Remote hearings and electronic processes have increased across all areas of criminal and civil business. The Lord President has previously stated the use of written submissions, the digital</p>	<p>Commenced and still in force</p> <p>No change to status since last reporting period.</p>

⁴ [The Coronavirus \(Scotland\) Acts \(Early Expiry and Suspension of Provisions\) Regulations 2021](#)

⁵ [The Coronavirus \(Scotland\) Acts \(Early Expiry of Provisions\) Regulations 2020](#)

⁶ [The Coronavirus \(Extension and Expiry\) \(Scotland\) Act 2021](#)

⁷ [The Coronavirus \(Scotland\) Acts \(Early Expiry of Provisions\) Regulations 2020](#)

⁸ [The Coronavirus \(Scotland\) Act 2020 \(Suspension: Adults with Incapacity\) Regulations 2020](#)

			<p>electronically, removing the requirement for physical movement and contact. This enables documents to be sent, served and lodged by means of email or other electronic means.</p> <p>The provisions also provide that any participant in either criminal or civil proceedings (judge, clerk, legal representatives, parties to proceedings, accused, convicted persons, appellants and witnesses) can take part in any proceedings by way of live visual (television) or audio (telephone) link from any location.</p>	<p>transmission of documents and the use of electronic signatures has enabled swift process changes which are necessary to operate court services efficiently.</p> <p>The conduct of virtual courtroom trials has been piloted and criminal justice organisations are working together to develop a model for trials to be conducted virtually where appropriate. Recent statistics published by Scottish Courts and Tribunals Service outlined that the use of remote jury centres, established across Scotland, have enabled jury trials to operate at pre-pandemic levels while Sheriff Court Summary business showed solid progress too.</p> <p>Remote Jury Centres (RJC)s will continue and will be expanded as part of the increase in additional Court capacity announced from 6 September.</p> <p>SCTS are planning to transition the majority of jurors from remote jury centres back to court buildings by end March 2022.</p> <p>A small number of these jury centres will continue to be required beyond March</p>	
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				<p>2022 to support court rooms which are not jury enabled as they deal with the backlogs in solemn trials.</p> <p>Civil business continues to operate virtually and remotely, as has been the case throughout the pandemic - almost all civil court and tribunal business is now conducted online or by telephone with all documents in civil cases lodged electronically; all new summonses signetted electronically and evidential hearings for civil cases being held remotely. In the Sheriff Appeal Court almost all civil hearings are being conducted remotely.</p> <p>From 13 July 2020 the All-Scotland Sheriff Personal Injury Court (ASSPIC) transitioned to a remote basis. The first ASSPIC proof hearings (for hearing evidential cases remotely) commenced in early August and since late November Scotland's Sheriff civil courts are now conducting proofs, debates, evidential and Fatal Accident Inquiry (FAI) hearings virtually using the WebEx video platform. The first blended civil proof (proof using both in person and video evidence) has taken place. Arrangements are currently being made for further blended commercial proofs in</p>	
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				the Court of Session and work continues on plans for civil jury trial resumption both in the Court of Session and ASSPIC.	
6.	First Scottish Act	Section 5 and schedule 4, Part 2 - Fiscal fines	The provisions enable a wider range of cases to be dealt with by fiscal fine and, thereby, mitigate the impact of coronavirus on the justice system.	<p>In operation In accordance with the revised policy guidance issued by the Lord Advocate in relation to fiscal fines, the increase in fine amounts enables alternative action to be taken in a wider range of cases, where such action is assessed as appropriate by prosecutors.</p> <p>Prosecutors are directed to first consider offering a direct measure, in particular a fiscal fine, in relation to appropriate cases which would otherwise have proceeded in the Justice of the Peace court.</p> <p>In the period since 7 April 2020 up until 30 August 2021, 18,932 people or approximately 25% of individuals who received a first marking action for a Direct Measure were offered a fiscal fine. Since implementation of the revised scale on 7 April 2020, 537 people or 3% of individuals offered a fiscal fine have been issued a fine amount above the previous scale maximum of £300.</p>	Commenced and still in force. No change to status since last reporting period

				<p>For as long as court business is affected by COVID-19, these provisions will continue to be required.</p> <p>COPFS will continue to monitor and review the use of the measure, which will only be used where such action is considered appropriate in the public interest.</p>	
7.	First Scottish Act	Section 5 and schedule 4, Part 3 - Cases beginning with an appearance from custody	The provisions introduce Scotland wide jurisdiction for sheriffs dealing with first appearances from police custody. This enables custody proceedings to be heard in any sheriff court in Scotland by a sheriff of any sheriffdom, no matter where the alleged offence took place. The provision also enables the court to hear any continuation of a case, up until a not guilty plea is tendered, if that occurs.	<p>In operation</p> <p>The provisions continue to enable custody proceedings to be heard in any sheriff court in Scotland by a sheriff of any sheriffdom, no matter where the alleged offence took place.</p> <p>The provision creates the necessary flexibility to ensure the continued safe and effective operation of custody courts during the coronavirus outbreak and allows the court to deal with guilty pleas and move them out of the court system, and in doing so, minimise the number of cases that have to be transferred to local court.</p> <p>For as long as court business is affected by COVID-19 and/or public health measures remain in place these provisions will continue to be required.</p>	Commenced and still in force. No change to status since last reporting period

				This provision enables the effective continued operation of custody court business and allows custody courts to be conducted in a way which minimises unnecessary travel and congregation of people, and allow Police Scotland and the Scottish Courts and Tribunals Service to operate a smaller number of centralised police custody suites and court hubs in response to Coronavirus.	
8.	First Scottish Act	Section 5 and schedule 4, Part 4 - Extension of time limits	See section 7.1.4	In operation Supplementary information provided – see section 7.1.4 for further information	Commenced and still in force. No change to status since last reporting period
9.	First Scottish Act	Section 5 and schedule 4, Part 5 - Evidence	The provisions allow evidence by statement where a witness is unable to attend court because their attendance at court presents a health risk connected to coronavirus.	In operation The provisions are intended to ensure that the inability of witnesses to give evidence in court because, for example, they are self-isolating due to coronavirus, does not unnecessarily prevent criminal trials from proceeding.	Expired As part of the Coronavirus (Extension and Expiry) (Scotland) Act 2021, this provision expired at the end of 30 September 2021 subject to saving provision in the Coronavirus (Extension and Expiry) (Scotland) Act 2021 (Evidence) (Saving Provision) Regulations 2021.
10.	First Scottish Act	Section 5 and schedule 4, Part 6 - Community orders	Schedule 4, Para 12-13 extend time limits for unpaid work in Community Payback Orders (CPOs) by 12 months, and require similar time limits to be	In operation	Para 13 commenced and still in force As part of the Coronavirus (Extension and Expiry) (Scotland) Act 2021 para 12

		<p>imposed in any new orders made.</p> <p>-----</p> <p>Schedule 4, para 12(3) – regulation making power to further extend time limits</p> <p>-----</p> <p>Schedule 4, Para 14 introduce regulation making powers to postpone requirements in CPOs or Drug Treatment and Testing Orders.</p> <p>-----</p> <p>Schedule 4, Para 15 - introduce regulation-making powers for the Scottish Ministers to vary, or revoke requirements in CPOs.</p>	<p>-----</p> <p>Not in operation</p> <p>-----</p> <p>Not in operation</p> <p>-----</p> <p>Schedule 4, para 15 – power to vary requirements in CPOs - draft regulations to vary unpaid work and other activity requirements as part of a CPO were laid on 29 January 2021, and these were approved by Parliament on 11 March 2021 following scrutiny⁹.</p> <p>The Community Orders (Coronavirus) (Scotland) Regulations 2021 vary the unpaid work or other activity</p>	<p>expired at the end of 30 September 2021</p> <p>-----</p> <p>As part of the Coronavirus (Extension and Expiry) (Scotland) Act 2021 para 12 expired at the end of 30 September 2021</p> <p>-----</p> <p>As part of the Coronavirus (Extension and Expiry) (Scotland) Act 2021 para 14 expired at the end of 30 September 2021</p> <p>-----</p> <p>Commenced and in force. The application of this regulation making power was restricted as part of the Coronavirus (Extension and Expiry) (Scotland) Act 2021 at the end of 30 September 2021. The regulation making power can no longer be used in relation to drug treatment and testing orders made under s.227U of the Criminal Procedure (Scotland) Act 1995.</p>
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⁹ [Scottish Parliament Official Report - 11 March 2021](#)

				requirements imposed in existing CPOs (except those imposed for domestic abuse, sexual offences, or stalking), reducing these by 35%. This is a necessary and proportionate action to reduce the overall volume of hours to be delivered and ensure that the community justice system can operate effectively.	Regulations came into force on 15 March 2021.
11.	First Scottish Act	Section 5 and schedule 4, Part 7 - Parole Board	The provisions allow parole hearings to continue and avoid postponements. They also provide the power for the Chair of the Parole Board to delegate their functions to another member of the Parole Board, should they become incapacitated for any reason.	<p>Provisions in Paragraphs 17, 18(1) and 18(3) are in operation</p> <p>The Parole Board continue to hold hearings almost unaffected. In the period 23 March 2020 to 6 September 2021, virtually all Tribunals/Oral Hearings scheduled were heard successfully (only 4 of 1,873 were unsuccessful). In the period 23 March 2020 to 28 June 2021, over 99% of Tribunals/Oral Hearings scheduled have been heard successfully with only 4 of 1,620 unsuccessful.</p> <p>Given the success of remote hearings, the Scottish Government expired provisions which allowed cases involving extended sentence prisoners recalled under section 17(3) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 and serving the extension part of their sentence, to be</p>	<p>Provisions in Paragraphs 17, 18(1) and 18(3) are commenced and still in force.</p> <p>Paragraph 18(2), (4) and (5) expired on 14 June 2021 by The Coronavirus (Scotland) Act 2020 (Early Expiry of Provisions) (No. 2) Regulations 2021</p>

				<p>heard at casework meetings by two rather than three members, rather than at an oral hearing. These provisions became non-essential and were expired early.</p> <p>The Government was also of the view that provisions which allow for the Parole Board to decide cases subject to Part IV of the Parole Board (Scotland) Rules 2001 on paper rather than by conducting a hearing face to face by allowing them to determine that an oral hearing would only take place if it was in the interests of justice to have one were no longer essential given the successful use of the provisions which allow for the use of a live link for oral hearings.</p> <p>The Coronavirus (Scotland) Act 2020 (Early Expiry of Provisions) (No. 2) Regulations 2021 were made to provide for the expiry of the provisions in paragraph 18(2), (4) and (5) provisions once they were identified as no longer essential.</p>	
12.	First Scottish Act	Section 5 and schedule 4, Part 8 - Release of prisoners	See section 7.1.5	<p>Not in operation</p> <p>Supplementary information provided – see section 7.1.5 for further information.</p>	<p>Commenced and still in force.</p> <p>No change to status since last reporting period</p>

13.	First Scottish Act	Section 5 and schedule 4, Part 9 - Legal Aid	The provisions allow for a reduction of the level of scrutiny required before interim payment may be made, enhanced powers of recovery in the event of overpayments resulting from interim payments, and removal of conditions for counsel to be able to apply for interim payment.	<p>In operation Arrangements were introduced on 12 January 2021¹⁰ in the Scottish court system.</p> <p>Many providers of legal aid services will continue to experience disruption to cash flow and the provisions will support access to payment prior to a case concluding.</p> <p>As we emerge from the public health crisis, maintaining a legal aid sector will be crucial to the recovery of the justice system and the resolution of problems associated with the pandemic and resulting economic shock.</p>	<p>Commenced and still in force.</p> <p>No change to status since last reporting period</p>
14.	First Scottish Act	Section 6 and schedule 5 – Alcohol licensing and section 7 and schedule 6, Part 1 - Licensing other than alcohol licensing	The Licensing (Scotland) Act 2005 and the Civic Government (Scotland) Act 1982 and associated statutory instruments provide the legislative framework to support licensing of activities such as the sale and supply of alcohol and taxi and private car hire. The legislative framework	<p>In operation Licensing Boards and licensing authorities are responsible for the day-to-day administration of the civil licensing regimes in Scotland. Information on the operation of the civil licensing regimes and how these powers under the first Scottish Act have been used is not held centrally.</p> <p>Examples of licensing authorities continuing to make use of the provisions</p>	<p>Commenced and still in force</p> <p>No change to status since last reporting period</p>

¹⁰ [New court arrangements from Tuesday 12 January 2021](#)

			contains strict timescales and deadlines with little or no flexibility available to the relevant authorities. Without legislative change, the impact of the coronavirus outbreak would result in people losing their licences through no fault of their own.	include holding virtual licence hearings and meetings to progress day to day licensing business due to the coronavirus outbreak and physical distancing requirements. The provisions require to remain in place to enable the licensing regime to function effectively and to ensure, as far as practicable, people do not lose licenses through no fault of their own.	
15.	First Scottish Act	Section 7 and schedule 6, Part 2 – Freedom of Information (FOI)	See section 7.1.6	Section 7, schedule 6, part 2, paragraph 6 - in operation Section 7, schedule 6, part 2, paragraph 7 – in operation Supplementary information provided – see section 7.1.6 for further information	Commenced and still in force: para 7 Expired: para 6
16.	First Scottish Act	Section 7 and schedule 6, Part 3 - Duties in respect of reports and other documents	The provision allows statutory reporting requirements to be postponed, and documents to be made available online instead of being made physically available.	In operation These are generic provisions that apply to reporting and publication requirements across the public sector. The suspension of physical publication requirements is in use, since it is not certain that physical access to documents can be provided in all circumstances while the potential for re-imposition of restrictions remains and while there is a continuing encouragement for people to work from home where possible and appropriate.	Commenced and still in force No change to status since last reporting period

				<p>The power to postpone reporting should only be used as necessary to enable public authorities to focus on the coronavirus response. Given the aim of reducing undue burdens, it would be disproportionate to request authorities to report on the individual uses of these powers, however the provision continues to be necessary for the reasons set out above.</p>	
17.	First Scottish Act	Section 7 and schedule 6, Part 4 - Local Authority meetings	<p>The provisions allow Local Authorities to exclude the public from Local Authority meetings on the basis that the presence of the public constitutes a real and substantial risk to public health relating to coronavirus. In addition, the requirement to provide hard copies or extracts of a document requested by a member of the public in their offices will only be provided if it is reasonably practicable and will no longer be compulsory.</p>	<p>In operation All 32 councils have arrangements in place for remote meetings. It is the responsibility of councils to determine for themselves the governance arrangements they put in place and it is not appropriate for the Scottish Government to intervene.</p> <p>A briefing prepared by the Improvement Service in October 2020 highlighted around half of councils reported or were found to be livestreaming meetings or allowing members of the public to participate (deputations etc.) in at least one meeting. Many of the councils that did not have the ability to livestream or allow the public to participate, were exploring options for doing so.</p> <p>This provision will remain in place until it expires at the end of 30 September</p>	<p>Paras 11(b), 12 and 14 commenced and still in force</p> <p>Para 13 expired as part of the Coronavirus (Extension and Expiry) (Scotland) Act 2021 at the end of 30 September 2021.</p>

				2021. At that time, it is anticipated that councils will continue to operate meetings remotely until it is safe to resume physical business. Access to recordings of meetings and minutes will continue to be made available where required.”	
18.	First Scottish Act	Section 7 and schedule 6, and Part 5 – Duties under the Public Finance and Accountability (Scotland) Act 2000	The provisions allow Scottish Ministers, by further regulation, to amend the statutory reporting deadlines of Scottish administration annual accounts.	Not in operation The provisions allowed for amendment of the statutory deadlines for annual accounts as set by the Public Finance and Accountability (Scotland) Act 2000. The deadlines for such accounts is 31 December 2021. The powers under schedule 6, Part 5 do not currently require to be used, the provisions therefore expired at the end of 30 September.	Expired As part of the Coronavirus (Extension and Expiry) (Scotland) Act 2021, these provisions expired at the end of 30 September 2021.
19.	First Scottish Act	Section 8 and schedule 7, paragraphs 1(b) and 5 - Social security	See section 7.1.7	On re-determinations – Since the last reporting period, Social Security Scotland received no requests to extend timescales for re-determinations. All decisions have been made within the required timescales	Expired Paragraphs 1(a), 2, 3 and 4 are expired ¹¹ as they are spent provisions. Paragraphs 1(b) and 5 expired at the end of 30 September 2021 by the Coronavirus (Extension and Expiry) (Scotland) Act 2021.

¹¹ [The Coronavirus \(Scotland\) Acts \(Early Expiry of Provisions\) Regulations 2020](#)

20.	First Scottish Act	Section 8 and schedule 7, paragraphs 6 and 7 -Irritancy clauses in commercial leases: non-payment of rent or other sums due	The provision allows for the statutory period for non-eviction of commercial tenants for non-payment of rent to be extended from 14 days to 14 weeks.	In operation As a preventative measure it is not possible to quantify how effective it has been. However, anecdotally it has been working well in conjunction with the Code of Practice for the Commercial Property Sector, which has also been extended to at least 22 March 2022, to prevent evictions for non-payment of rent. Rather landlords and tenants are continuing to arrive at mutually beneficial agreements on lease. Restructuring, Rental deferrals, holidays and reductions. There is accordingly little evidence of evictions taking place although this has always been possible under the Scottish Act.	Commenced and still in force No change to status since last reporting period
21.	First Scottish Act	Section 8 and schedule 7, paragraphs 8 to 10 - Duration of planning permission	The provision provides that if planning permission or planning permission in principle was to lapse during the emergency period, then the period within which development is to be commenced is extended.	In operation It would be disproportionate to request authorities or applicants to report on the individual uses of these powers. Whilst some restrictions remain in place, this means that further delays can be expected and it may take some time to deal with the backlog of developments. The Scottish Government will continue to liaise with stakeholders as part of the ongoing review of the operation and continued necessity of these provisions.	Commenced and still in force The emergency and extended periods, as amended by The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2021 under powers conferred by these provisions mean that the "emergency period" will now expire on 31 st March 2022 with the "extended period" expiring on 30 September 2022.

					Otherwise no change to status since last reporting period.
22.	First Scottish Act	Section 8 and schedule 7, paragraphs 11 to 19 – Land Registration	The provisions enable the digital submission of applications to the property registers and extend the period of protection provided by advance notices.	<p>In operation / expired The portal for the submission of digital applications continues to operate successfully. The Keeper of the Registers of Scotland will continue to update Parliament on its operation via the Economy and Fair Work Committee.</p> <p>The advance notice provisions (paras 15 to 19) were fully expired by 30 June 2021.</p>	<p>Commenced and still in force Paragraphs 11 to 14</p> <p>Expired Paragraphs 15 to 19 No change to status since last reporting period</p>
23.	First Scottish Act	Section 8 and schedule 7, paragraphs 20 to 22 - Anatomy Act	The provision extends the three year statutory time limit under the Anatomy Act 1984 for the retention of bodies which have been donated for anatomical research, to that of the life of the emergency legislation. This ensures that during this pandemic, licence holders are not committing an offence by possessing a body beyond the statutory	<p>Not in operation As cremations have generally been able to proceed without issue, albeit with further advanced planning, this provision was expired on 30 March 2021 by SSI 2021/93¹².</p>	<p>Expired No change to status since last reporting period.</p>

¹² [The Coronavirus \(Scotland\) Acts \(Early Expiry and Suspension of Provisions\) Regulations 2021](#)

			three years from the date of the deceased's death.		
24.	First Scottish Act	Section 8 and schedule 7, paragraphs 23 to 30 - Scrutiny of subordinate legislation in urgent cases	Paragraphs 23 to 30 of schedule 7 allow subordinate legislation which is subject to the affirmative procedure to be instead made under a made affirmative procedure where necessary by reason of urgency.	Not in operation The provision has not been used in the reporting period and has not been used during the period in which it has been available.	Expired As part of the Coronavirus (Extension and Expiry) (Scotland) Act 2021, the provision expired at the end of 30 September 2021.
25.	First Scottish Act	Section 8 and schedule 7, paragraph 31 – Business Improvement Districts	The provision extends to 31 March 2021 the duration of Business Improvement Districts (BIDs) that were due to end prior to that date, without the legal requirement to hold a ballot.	Not in operation The provision expressly states that it extends some BIDs to 31 March 2021, and no further. Therefore, it has no legal effect beyond that date and so was not operational in this reporting period. Regulations ¹³ to expire the spent provision were laid in Parliament on 26 May, following the return of Parliament after the 6 May election. These Regulations came into force and expired the provision on 30 June 2021.	Expired These provisions were expired on 30 June 2021 by the Coronavirus (Scotland) Act 2020 (Early Expiry of Provisions) Regulations 2021
26.	First Scottish Act	Section 8 and schedule 7, paragraphs 32 and 33 - Muirburn	The provisions ended the current Muirburn (management of moorland by burning and	Not in operation As provided for by SSI 2020/260 ¹⁴ , which came into effect on 1 October	Expired No change to status since last reporting period.

¹³ [The Coronavirus \(Scotland\) Act 2020 \(Early Expiry of Provisions\) Regulations 2021](#)

¹⁴ [The Coronavirus \(Scotland\) Act 2020 \(Suspension: Muirburn\) Regulations 2020](#)

			cutting) season early and they suspend Muirburn for the period in which the provisions are in force. In ordinary circumstances, Muirburn season runs from 1 October to 15 April inclusive in Scotland.	2020, the provision was expired on 30 March 2021 by SSI 2021/93 ¹⁵ .	
27.	Second Scottish Act	Section 2, schedule 1, Part 1 – Student residential tenancy: termination by tenant	See section 7.2.1	In operation Supplementary information provided at 7.2.1	Commenced and still in force No change to status since last reporting period. The following provisions of paragraph 3 expired at the end of 30 September 2021 as part of the Coronavirus (Extension and Expiry) (Scotland) Act 2021: sub-paragraph (2)(b)(i); certain words in sub-paragraph (2)(b)(ii); sub-paragraphs (3) and (4).
28.	Second Scottish Act	Section 2, schedule 1, Part 2 – Tenancies: pre-action requirements for order for possession or eviction order on	See section 7.2.2	In operation Supplementary information provided – see section 7.2.2 for further information.	Commenced and still in force No change to status since last reporting period.

¹⁵ [The Coronavirus \(Scotland\) Acts \(Early Expiry and Suspension of Provisions\) Regulations 2021](#)

		ground of rent arrears			
29.	Second Scottish Act	Section 2, schedule 1, Part 3- Coronavirus Carer's Allowance Supplement	Paragraph 6 modifies the effect of section 81 of the Social Security (Scotland) Act 2018. This has the effect of adding an additional £230.10 to awards of Carer's Allowance Supplement for the period from 1 April 2020 to 30 September 2020. This addition is known as the Coronavirus Carer's Allowance Supplement ('CCAS').	In operation Some backdated payments of Carer's Allowance Supplement made in December 2020 and June 2021 included payments of CCAS.	Expired As part of the Coronavirus (Extension and Expiry) (Scotland) Act 2021, these provisions expired at the end of 30 September 2021.
30.	Second Scottish Act	Section 2, schedule 1, Part 4 - Social Care Staff Support Fund	Paragraph 7 makes provision to require the Scottish Ministers to establish a Social Care Staff Support Fund as soon as is practicable when the second Scottish Act came into force. Paragraph 7(2) sets out what the fund is to be used for. The Scottish Ministers must use the fund to provide financial	In operation The Social Care Staff Support Fund (Coronavirus) (Scotland) Regulations 2020 established the Fund. These were amended by SSI 2020/469 ¹⁶ , which extended the Fund to cover a small group of social care workers who were shielding, but were not placed on the Coronavirus Job Retention Scheme between March – October 2020. This element of the Fund closed 24 February 2021.	Commenced and still in force No change to status since last reporting period.

¹⁶ [The Social Care Staff Support Fund \(Coronavirus\) \(Scotland\) Amendment Regulations 2020](#)

			assistance to workers in the social care sector who have a restricted ability to work due to coronavirus and, as a result of that, have a reduced income and consequently are experiencing, or would experience, financial hardship while the second Scottish Act is in force. Paragraphs 7(3) to 7(7) require the Scottish Ministers to make further provision by regulations about the establishment, maintenance and administration of the fund.		
31.	Second Scottish Act	Section 2, schedule 1, Part 5 – Bankruptcy	The provisions protect those in unsustainable debt by making bankruptcy more accessible, they provide that: the Minimal Asset Process (MAP) fee is reduced to £50; no fee will be payable in MAP cases for those receiving	<p>In operation</p> <p>The provision for increased minimum debt level for creditor petition bankruptcy remains in operation along with those that enable electronic service of documents and virtual meetings in bankruptcy procedures.</p> <p>Not in operation</p>	<p>Commenced and still in force</p> <p>Paragraphs 8, 10 and 12 of Part 5 of Schedule 1</p> <p>Expired Paragraphs 9, 11, 13 and 14 of Part 5 of Schedule 1¹⁷</p>

¹⁷ [Bankruptcy \(Miscellaneous Amendments\) \(Scotland\) Regulations 2021](#)

			<p>certain benefits, including when those benefits are not the applicant's sole income; the maximum debt level for MAP is increased to £25,000, and student loan debt is removed from that calculation; the Full Administration fee is reduced to £150; no fee will be payable in Full Administration cases for those receiving certain benefits, including when those benefits are not the applicant's sole income; and the minimum debt level for creditor petitions is increased to £10,000. All bankruptcy-related forms and circulars may be sent electronically.</p>	<p>The following measures have already been placed on a permanent footing through The Bankruptcy (Miscellaneous Amendments) (Scotland) Regulations 2021 which commenced on 29 March 2021. This SSI also expired the equivalent Coronavirus Act provisions from the same date. These measures are:</p> <ul style="list-style-type: none"> • Paragraph 9 – The financial criteria for Minimal Asset Process bankruptcy. • Paragraph 11 – Deadline for sending proposals for debtor contribution orders. • Paragraph 13 – Enabling electronic signatures on forms. • Paragraph 14 – Revision to fee structure for bankruptcy debtor applications 	
32.	Second Scottish Act	Section 2, schedule 1, Part 6 – Mental health: named person nomination	The second Scottish Act temporarily removes the requirement for a nominated person to have their signature witnessed by a prescribed person when	<p>In operation</p> <p>These provisions retain all the safeguards for the patient and are being applied to minimise any delay in the operation of the Mental Health Tribunal Scotland which is responsible for determining certain detentions. In addition this change ensures that</p>	<p>Commenced and still in force</p> <p>No change to status since last reporting period</p>

			<p>they agree to become a named person.</p> <p>This change applies to section 250(2A) of the Mental Health (Care and Treatment) (Scotland) Act 2003 and only affects the process for the proposed named person (nominee). There are no changes to the process for the patient (nominator).</p>	<p>people can continue to be treated and cared for in a way which respects their rights and allows services to be delivered effectively.</p>	
33.	Second Scottish Act	Section 2, schedule 1, Part 7 – Care Homes	See section 7.2.3	<p>Not in operation</p> <p>Supplementary information provided – see section 7.2.3 for further information</p>	<p>Commenced and still in force</p> <p>No change to status since last reporting period</p>
34.	Second Scottish Act	Section 2, schedule 1, Part 8 – Powers to purchase care home services and care at home providers	See section 7.2.4	<p>Not in operation</p> <p>Supplementary information provided – see section 7.2.4 for further information</p>	<p>Commenced and still in force</p> <p>No change to status since last reporting period</p>
35.	Second Scottish Act	Section 2, schedule 1, Part 9 – Care homes: further provisions	See section 7.2.5	<p>In operation</p> <p>Supplementary information provided – see section 7.2.5 for further information</p>	<p>Suspended</p> <p>These provisions were suspended at the end of 30 September 2021 as part of the Coronavirus (Extension and Expiry) (Scotland) Act 2021</p>

36.	Second Scottish Act	Section 2, schedule 1, Part 10 – Marriage and civil partnership	Schedule 1, Part 10, paragraph 24 requires the Scottish Ministers, in conjunction with the Registrar General of Births, Deaths and Marriages for Scotland, to take such steps as they consider necessary to ensure that the solemnisation of marriages and registration of civil partnerships continue to be available in Scotland whilst paragraph 24 is in force. It specifies that the steps taken must ensure that a person’s right to marry, which is protected by Article 12 of the ECHR, is not disproportionately interfered with for reasons relating to coronavirus. It also requires the Scottish Ministers to report on the steps taken and on the number of marriages and	Not in operation This provision was suspended on 30 March 2021 by SSI 2021/93. ¹⁸	Expired As part of the Coronavirus (Extension and Expiry) (Scotland) Act 2021 these provisions expired at the end of 30 September 2021
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¹⁸ [The Coronavirus \(Scotland\) Acts \(Early Expiry and Suspension of Provisions\) Regulations 2021](#)

			civil partnerships that have taken place.		
37.	Second Scottish Act	Section 3, schedule 2, Part 1 – Criminal justice - Criminal proceedings: extension of time limits	Paragraph 1 of schedule 2 makes provision to extend certain statutory time limits contained in the Criminal Procedure (Scotland) Act 1995 relating to criminal proceedings.	In operation Delays in progressing criminal cases as a result of the impact of coronavirus on the court system (in particular, jury trials) continued to remain a significant issue in this period and this provision ensured that there did not need to hold further hearings to re-adourn cases on a case-by-case basis when time limits on individual adjournments were reached, placing further pressure on the courts at a time when their capacity is limited. Sheriff Summary court business resumed on 19 April 2021 with trial courts returning to the pre-January lockdown loadings of three programmed trials and two back-up cases with witnesses on standby.	Commenced and still in force No change to status since last reporting period
38.	Second Scottish Act	Section 3, schedule 2 and Part 1 Criminal justice - Arrangements for the custody of persons detained at police stations	The provisions under paragraph 2 of schedule 2 allow Scottish Ministers to make arrangements for the transfer and custody of prisoners in police stations in connection with appearances before the court by electronic means, and	In operation These provisions continue to be necessary to support the operation of vital custody hubs across Scotland. There are currently fourteen sites where Prisoner Custody Officers are facilitating the movement of detained persons for their remote appearance for court.	Commenced and still in force No change to status since last reporting period

			administrative functions connected with such appearances, to be performed by Prisoner Custody Officers.	Police Scotland, the Scottish Courts and Tribunal Service and Scottish Prison Service are actively considering how these provisions can further extend the use of new custody hubs to reduce the physical appearance of people within the court estate.	
39.	Second Scottish Act	Section 3, schedule 2, Part 1 Criminal justice - Expiry of undertaking under section 25(2)(a) of the Criminal Justice (Scotland) Act 2016	Paragraph 6 of schedule 2 makes provision which enables the court to prevent the expiry of an undertaking given under section 25(2)(a) of the Criminal Justice (Scotland) Act 2016 by changing the time at which the person who gave it is to appear at court when certain conditions are met.	In operation This provision provides the court with the power to prevent the expiry of an undertaking and any conditions attached to it by changing the time the person is due to appear at court. By preventing the expiry of undertakings in this way, the measure has allowed COPFS to review the previously extended undertaking timescales, so dates may revert back to within 28 days of liberation, and 14 days for domestic abuse cases. Retaining this provision will ensure the court continues to have the power to prevent the expiry of an undertaking and any conditions attached to it if a person fails to appear at court as required by the terms of their undertaking, the court considers that the failure to appear is attributable to a reason relating to coronavirus and it is not appropriate to grant a warrant for the person's arrest.	Commenced and still in force No change to status since last reporting period

				This enables the preservation of protective conditions of undertaking that may otherwise be lost where a person fails to attend court due to coronavirus and is a key measure to preserve public and victim safety during the coronavirus outbreak, particularly in sensitive cases of domestic abuse.	
40.	Second Scottish Act	Section 3, schedule 2, Part 1 – Criminal Justice – Fixed Penalty Notices under the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020	Schedule 2, Part 1, paragraph 7 amended regulation 9 of the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 so that fixed penalty notices under those regulations could not be given to those aged 16 or 17. As a consequence, a police officer could only issue a Fixed Penalty Notice under these regulations where the officer reasonably believed that the person is aged 18 or over.	Not in operation The Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 have been revoked. Regulations ¹⁹ in place since then provide that a police officer ²⁰ can only issue a Fixed Penalty Notice where the officer believes that the person is aged 18 or over. This provision is therefore no longer necessary and was expired on 30 March 2021 by SSI 2021/93. ²¹	Expired No change to status since last reporting period

¹⁹ [The current regulations are at The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Regulations 2021 \(legislation.gov.uk\)](#)

²⁰ Under the Regulations, the power to issue a Fixed Penalty Notice is, in some circumstances, also exercisable by a person designated by a local authority (see regulation 15).

²¹ [The Coronavirus \(Scotland\) Acts \(Early Expiry and Suspension of Provisions\) Regulations 2021](#)

41.	Second Scottish Act	Section 3, schedule 2, Part 2 – Proceeds of Crime	<p>Paragraph 8 inserts a new subsection (4A) in section 99 (confiscation orders: postponement) of the Proceeds of Crime Act 2002 ('the 2002 Act'). Subsection (4A) specifies that, for the purposes of section 99(4) of the 2002 Act, "exceptional circumstances" includes the effect (whether direct or indirect) of coronavirus on the proceedings.</p> <p>Paragraph 9 inserts section 116A to the 2002 Act and makes provision for an accused to make application to the court for a further extension of the time to pay a confiscation order where the court accepts that an accused's inability to pay has been affected (whether directly or indirectly) as a result of coronavirus, and dis-applies the payment of interest on the outstanding amount as</p>	<p>In operation The disruption to usual court business is expected to continue despite the relaxation in Covid restrictions. Moreover, the Lord President issued a directive taking effect from 12 January 2021 which has again sought to prioritise only High court cases as well as priority and custody Sheriff Court cases. Application of that direction to confiscation in the Sheriff Court has been patchy resulting in a number of the confiscation cases again being administratively adjourned to later dates.</p> <p>These provisions will help to ensure that the confiscation process is not frustrated due to these delays. The provisions also ensure that individuals are not treated unfairly or disproportionately throughout this period if they have been unable to pay a confiscation order for reasons related to coronavirus.</p>	<p>Commenced and still in force No change to status since last reporting period</p>
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			set out at section 117 of the 2002 Act.		
42.	Second Scottish Act	Section 3, schedule 2, Part 3 – Intimation, etc. of documents	Where there is provision requiring or permitting a document to be displayed on the walls (or any other part) of a court building, or to be made publicly available within a court, that is instead to be done by publication of the document on the Scottish Courts and Tribunals Service (SCTS) website. Paragraph 1A (2) and 1A (3) provides direction making powers for the Lord President - providing latitude for the courts to adjust the operation of the new rule as necessary. This could allow, for example, redaction of sensitive information to account for any issues arising from the potential publication of sensitive data on the SCTS website.	In operation The disruption to usual court access by members of the public is expected to continue. In addition, the expansion of remote hearings has further reduced public attendance in court buildings. These provisions help to ensure that documents can continue to be made publically available, as required or permitted by statute. There are no alternatives which would prevent users of the justice system from adhering to rules for physical distancing and minimising contact. Reverting to placing documents on the walls of court as a means of public display would be irreconcilable with rules for physical distancing and minimising contact.	Commenced and still in force No change to status since last reporting period
43.	Second Scottish Act	Section 4, schedule 3, Part 1 –	Paragraph 1 of schedule 3 amends the Climate Change (Scotland) Act	Not in operation (expired).	Expired as a spent provision No change to status since last reporting period

		<p>Reports, etc. under the Climate Change (Scotland) Act 2009</p>	<p>2009 in relation to the dates by which; i) a Citizens Assembly on climate change is required to have completed its deliberations and reported to the Scottish Ministers and Scottish Parliament (such that if the Assembly is unable, for a reason relating to coronavirus, to report by 28 February 2021 then it must do so as soon as reasonably practicable after that date), and ii) the Scottish Ministers are required to have established – via regulations - a national Nitrogen Balance Sheet (the deadline is changed to 24 months after the relevant section of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 came into force, which in practice means by 23 March 2022).</p>		
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44.	Second Scottish Act	Section 4, schedule 3, Part 2 – Accounts of registered social landlords	Paragraph 2 of schedule 3 amends section 70 of the Housing (Scotland) Act 2010. It dis-applies the duty, in respect of the financial year ending 31 March 2020, for Registered Social Landlords to submit audited annual accounts to the Scottish Housing Regulator within six months of the end of the period to which they relate. Instead, they must be provided within nine months of the end of the period to which they relate.	Not in operation In operation for the financial year ending 31 March 2020 only.	Expired as a spent provision No change to status since last reporting period
45.	Second Scottish Act	Section 4, schedule 3, Part 3 – Accounts under the Public Finance and Accountability (Scotland) Act 2000	This provision makes an amendment to the first Scottish Act to reflect the periods most likely to be affected by the coronavirus outbreak (i.e. financial years 2019/20 and 2020/2021), as part of the response to the accounting timetable disruption caused by the outbreak.		Expired as a spent provision No change to status since last reporting period.

			The provision allows by further regulation amendments to the Public Finance and Accountability (Scotland) Act 2000 as it applies to accounts that are required under section 19 or 20 of that Act.		
46.	Second Scottish Act	Section 4, schedule 3, Part 4 – Housing (Scotland) Act 1987: statement under section 33B	Paragraph 4 of schedule 3 amended section 33B (1) of the Housing (Scotland) Act 1987 ('the 1987 Act') to extend, by six months, the deadline for the Scottish Ministers to publish a statement on the circumstances and criteria for exercising their power, in section 33A of the 1987 Act to modify referrals between Scottish Local Authorities on the grounds of local connection. The deadline is now 18 months (by 7 May 2021) rather than 12 months after the coming into force of section 33B (1) (on 7 November 2019.) The provision also gives the Scottish	Not in operation (expired) The regulation making powers have not been used since the provisions came into force.	Expired as a spent provision No change to status since last reporting period

			Ministers the power to make regulations to further extend the period by up to an additional six months (by 7 November 2021), on a one-off basis, should this be necessary.		
47.	Second Scottish Act	Section 5, schedule 4, Part 1 – UEFA European Championship	Part 1 of schedule 4 modifies the UEFA European Championship (Scotland) Act 2020.	Not in operation (expired)	Expired as a spent provision No change to status since last reporting period
48.	Second Scottish Act	Section 5, schedule 4, Part 2 – Listed buildings and conservation areas: consents	Paragraph 2 amends section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the ‘1997 Act’) to extend the duration of a listed building consent or a conservation area consent that would otherwise lapse during the emergency period because works authorised by the consent have not begun.	In operation It would be unduly burdensome to request authorities or applicants to report on the individual uses of these powers. Whilst construction sites are permitted to remain open, it may take some time to deal with the backlog of developments. The Scottish Government will continue to liaise with stakeholders as part of the ongoing review of the operation and continued necessity of these provisions.	Commenced and still in force The emergency and extended periods, as amended by The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2021 under powers conferred by these provisions mean that the “emergency period” will now expire on 31 March 2022 with the “extended period” expiring on 30 September 2022. Otherwise no change to status since last reporting period.
49.	Second Scottish Act	Section 5, schedule 4, Part 3 – Registers kept by the Keeper of the	Paragraph 3 makes provision for registration or recording in the Register of Inhibitions to proceed on the basis of	In operation The portal for the submission of digital applications providing access to the Register of Inhibitions and Register of Judgments is operating successfully.	Commenced and still in force No change to status since last reporting period

		Registers of Scotland	<p>electronic submission of documents and copies of documents to the Keeper of the Registers.</p> <p>Paragraph 4 makes provision for registration in the Register of Judgments and the issuing of documents to proceed on the basis of electronic submission to and by the Keeper of the Registers of documents and copies of documents.</p>	The Keeper of the Registers of Scotland will continue to update Parliament on its operation via the Economy and Fair Work Committee.	
50.	Second Scottish Act	Section 5, schedule 4, Part 4 – Care services: giving of notices by the Care Inspectorate	See section 7.2.8	In operation Supplementary information provided – see section 7.2.6 for further information.	Commenced and still in force No change to status since last reporting period
51.	Second Scottish Act	Section 5, schedule 4, Part 5 – Land and Buildings Transaction Tax: additional amount	The second Scottish Act extends to 36 months, for certain transactions, the period within which a previous main residence can be sold and a repayment of the Land and Buildings Transaction Tax (LBTT) Additional Dwelling Supplement (ADS)	Not in operation (expired)	Expired as a spent provision No change to status since last reporting period.

			claimed. It provides a power for the Scottish Ministers to amend, by order, the period of 36 months or the period of transactions to which the Act applies, where the Scottish Ministers are satisfied that this is appropriate for a reason related to coronavirus.		
52.	Second Scottish Act	Section 5, schedule 4, Part 6 – Non-Domestic Rates relief	Paragraph 7 amends section 153 of the Local Government etc. (Scotland) Act 1994 to allow the Scottish Ministers, during the financial year 2020/21, to make regulations prescribing rules that reduce or remit the amount payable as non-domestic rates. Those rules may reduce or remit the amount either for the whole of that year (including the period prior to the regulations being made), or for such period within that year as is specified in the regulations (including a	Not in operation	Expired as spent provision No change since last reporting period

			<p>period beginning prior to the regulations being made).</p> <p>Paragraph 8 provides that no Non-Domestic Rates are payable in respect of premises used wholly or mainly for production of newspapers and related news platforms. This relief applies on a daily basis, from the day after Royal Assent to the Act. The regulations that are amended provide for such relief to continue until and including 31 March 2021.</p>		
53.	Second Scottish Act	Section 5, schedule 4, Part 7 – Execution of documents, etc.	Paragraph 9 of schedule 4 removes the requirement for the physical presence of Scottish notaries public, solicitors and advocates in specific circumstances where an oath, affirmation or declaration is made, or where a document is executed, thus allowing for other methods for the duration	<p>In operation</p> <p>Personal attendance to execute documents and administer oaths in person etc. remains difficult as a result of physical distancing, and the continuing Scottish Government's position to advise home-working where possible. To support this position these provisions require to remain in place.</p>	<p>Commenced and still in force</p> <p>No change to status since last reporting period</p>

56.	Second Scottish Act	Section 5, schedule 4, Part 10 – Council Tax: exempt dwellings	Paragraph 14 creates an exemption from paying Council Tax for those properties that were occupied by one of the groups of individuals listed at paragraphs 10 and 12 of schedule 1 of the Council Tax (Exempt Dwellings) (Scotland) Order 1997, and which are unoccupied on or after 17 March 2020 for a reason relating to coronavirus. This exemption applies until the property is occupied or the second Scottish Act ceases to be in force.	<p>In operation</p> <p>There is no central data collected on the extent of use of this provision, and there are no plans to collate information of this nature.</p> <p>The provision is proportionate and the status of commenced and still in force is appropriate for the time period covered by this report.</p> <p>This measure therefore provides support to those businesses that rely on students renting their properties during term time.</p>	<p>Commenced and still in force</p> <p>No change to status since last reporting period</p>
57.	Second Scottish Act	Section 5, schedule 4, Part 11 – Traffic Regulation	Paragraph 15 of schedule 4 has the effect of extending the maximum duration of Temporary Traffic Regulation Orders (TTROs) made under section 14 of the Road Traffic Act 1984 (the ‘1984 Act’) which can restrict or prohibit the use of certain types of roads,	<p>Not in operation</p> <p>Provision expired on 30 March 2021 by SSI 2021/93²⁵</p>	<p>Expired</p> <p>No change to status since last reporting period</p>

²⁵ [The Coronavirus \(Scotland\) Acts \(Early Expiry and Suspension of Provisions\) Regulations 2021](#)

			<p>from 6 months to 18 months. Those roads are existing footpath, bridleway, cycle track or byway open to all vehicles. The maximum duration of TTROs on all other roads is unchanged and remains 18 months (see section 15(1) (b) of the 1984 Act).</p> <p>It also substitutes a reference to the 6 month time limit with a reference to 18 months in section 15(3) of the 1984 Act which deals with the power of the national authority (the Scottish Ministers) to direct that a TTRO may continue in force for a further period.</p>		
58.	Second Scottish Act	Section 5, schedule 4, Part 12 - Restriction on giving grant to businesses connected to tax havens	Schedule 4, Part 12 introduces new conditions in relation to tax havens that must be met before the Scottish Ministers, or any public body administering grants on their behalf, may make a coronavirus-	In operation.	Commenced and still in force. No change to status since last reporting period.

			related grant to a company.		
59.	UK Act	Section 2 - Emergency registration of nurses and other healthcare professionals	Section 2 introduces schedule 1 which modifies the Nursing and Midwifery Order 2001, and the Health Professions Order 2001, to permit the independent statutory regulators, the Nursing and Midwifery Council (NMC) and the Health and Care Professions Council (HCPC) to add people they consider to be “fit and proper and suitably experienced” to an emergency temporary professional register for the duration of a public health emergency as declared by the Secretary of State.	In operation Both temporary registers under the UK Act have been in operation continuously since the onset of the pandemic. They are still required to bolster capacity in responding to the resurgence of new variants of the coronavirus while standing up normal services and providing crucial support for the national vaccination programme, and 2021/22 winter pressures. The Health and Social Care Directorates Workforce Directorate has worked with the regulators with temporary registers (both under the Act and under their own legislation) to maximise the uptake of available posts in the Health Boards.	Commenced and still in force No change to status since last reporting period.
60.	UK Act	Section 4 and schedule 3 – Emergency arrangements concerning medical practitioners: Scotland	Section 4 introduces schedule 3 which makes temporary modifications to the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 and	In operation The use of the powers is largely an administrative process and it is for Health Boards to decide whether GPs can perform whilst their application is pending. As such there is no central oversight of the extent of the use of the powers in the reporting period.	Commenced and still in force No change to status since last reporting period

			creates a limited exception to the requirement that NHS GPs must be accepted on a register with their local Health Board (called a “performers list”) before beginning to practice in any GP surgery which provides NHS care in that Health Board’s area.	The provisions continue to be required due to the continuous risk that Health Boards will be subject to staff shortages which could delay the standard processes around the performers list. Powers to further modify the application process by regulations have not been used.	
61.	UK Act	Section 7 and schedule 6 - Temporary registration of social workers: Scotland	The provision increases the available social work workforce during the pandemic by inviting those on a career break, recently retired and final year students to join the register and return to/join frontline services.	In operation A direction was made by Scottish Ministers on 30 March 2020 (under section 46C(1) of the Regulation of Care (Scotland) Act 2001) - directing the Scottish Social Services Council to consider applications for registration as a temporary social worker in accordance with section 46D of the Regulation of Care (Scotland) Act 2001. The temporary social work register has been established and over 200 registrants are available to be deployed to frontline services. Details have been shared with Local Authorities in order that they can access registrants should they need to recruit additional social workers. An increase in demand for all social work services still remains with employers using the register for recruitment	Commenced and still in force No change in status since last reporting period

				therefore the temporary social work register continues to be necessary.	
62.	UK Act	Section 10 and schedule 9 - Temporary modification of mental health legislation	See section 7.3.1	Not in operation Supplementary information provided – see section 7.3.1 for further information	Not yet commenced No change to status since last reporting period
63.	UK Act	Section 12 - Indemnity for health services activity: Scotland	The provision grants Scottish Ministers the discretionary power to make indemnity arrangements for any person who is working within the NHS in Scotland, where the indemnity relates to coronavirus.	Not in operation Scottish Ministers issued a direction ²⁶ on 7 April 2020 under existing powers (the NHS (Scotland) Act 1978) to Health Boards to indemnify staff engaged in the coronavirus response. As directions were made under existing powers in the first reporting period, the provisions around indemnity arrangements under section 12 of the UK Act have not had to be used by Health Boards in this reporting period. Professional negligence claims relating to coronavirus treatment received during the pandemic may still be under investigation or otherwise pending.	Commenced and still in force No change to status since last reporting period.
64.	UK Act	Section 16 – Duty of Local Authority to assess needs:	See section 7.3.2	Supplementary information provided – see section 7.3.2 for further information	Suspended for children’s services. Section 16 to be suspended as from 29 September 2021 by The

²⁶ [Scottish Ministers' indemnity cover direction](#)

		Scotland, and section 17 – section 16: further provision			<p>Coronavirus Act 2020 (Suspension: Children and Young Persons Social Care) (Scotland) Regulations 2021 (SSI 2021/315)</p> <p>Suspended for adult services. Section 16 was suspended in respect of adult services from 30 November by the Coronavirus Act 2020 (Suspension: Adult Social Care) (Scotland) Regulations 2020 (SSI 2020/377).</p> <p>No change to status since last reporting period.</p>
65.	UK Act	Section 18 and schedule 13 - Registration of deaths and still-births etc.	Section 18 introduces schedule 13 which contains temporary modifications relating to the registration of deaths and still-births across the UK. Part 2 of schedule 13 relates to Scotland.	<p>In operation</p> <p>The provisions have continued to operate successfully in this reporting period, facilitating remote registration of deaths and still-births to the same standard of accuracy as in-person registration but without unnecessary exposure to coronavirus, and given the efficiency of the process, to enable Local Authorities to better address other remaining registration priorities such as birth and marriage/civil partnership.</p>	<p>Commenced and still in force</p> <p>No change to status since last reporting period</p>
66.	UK Act	Section 20 and schedule 14 – Review of Medical	Provisions under Part 1 enable Scottish Ministers to suspend the review of	Part 1 – Not in operation.	<p>Commenced and still in force</p> <p>No change to status since last reporting period</p>

		<p>Certificate of Cause of Death and cremation: Scotland</p>	<p>randomly selected Medical Certificates of Cause of Death by the Death Certification Review Service (DCRS) and pause interested persons reviews under the Certification of Death (Scotland) Act 2011.</p> <p>Provisions under Part 2 give Scottish Ministers the power to dis-apply the offence under section 49 of the Burial and Cremation (Scotland) Act 2016, insofar as it relates to the signing of an application for cremation.</p> <p>It also enables Scottish Ministers to suspend sections 53-55 of the Burial and Cremation (Scotland) Act 2016 and relevant associated provisions of the Cremation (Scotland) Regulations 2019.</p>	<p>Use of the power that was in operation for part of the first reporting period was revoked by direction²⁷ on 11 May 2020.</p> <p>Rather than full suspension, Ministers can choose to reduce the percentage of random reviews to be undertaken, as a temporary measure. This is by agreement and does not require legislative change. Parliament are notified via a letter to the Health and Sport Committee.</p> <p>Part 2 – Not in operation. Use of the powers that were in operation from 8 April 2020 to 22 July 2021 were revoked by determination on 22 July 2021.</p>	
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²⁷ [Coronavirus Act 2020 \(C.7\): direction under paragraph 2\(4\) of Schedule 14](#)

67.	UK Act	Section 22 - Appointment of temporary Judicial Commissioners	<p>The provision relates to the appointment of Judicial Commissioners under the Investigatory Powers Act 2016. Judicial Commissioners are appointed by the Prime Minister, following consultation with Scottish Ministers.</p> <p>The purpose of this provision is to allow the Secretary of State to make regulations allowing the Investigatory Powers Commissioner to appoint temporary commissioners for a 6 month period, renewable to 12 months.</p>	<p>Not in operation The Investigatory Powers (Temporary Judicial Commissioners and Modification of Time Limits) Regulations 2020 (SI 2020/360), made under the power in this section, which came into force on 27 March 2020, expired on 27 March 2021.</p> <p>The appointment of Temporary Judicial Commissioners has ensured that warrants needed by intelligence and law enforcement agencies continued to be considered. The temporary judicial commissioners are no longer in post, and the regulations expired during the sixth reporting period.</p> <p>No further regulations are currently planned therefore the provision has been suspended by UK regulations. This will allow the provision to be revived quickly at a future time should it be decided that further regulations are required. The Scottish Ministers agreed to the suspension of these provisions on a UK wide basis.</p>	<p>Suspended Section 22 was suspended from 21 April 2021 by the Coronavirus Act 2020 (Suspension: Temporary Judicial Commissioners, Urgent Warrants, and Disposal of Bodies) Regulations 2021</p>
68.	UK Act	Section 23 – Time limits in relation to urgent warrants under Investigatory Powers Act	<p>The provision relates to time period for urgent warrants under the Investigatory Powers Act 2016 and gives the Secretary of State the</p>	<p>Not in operation The Investigatory Powers (Temporary Judicial Commissioners and Modification of Time Limits) Regulations 2020 (SI 2020/360), made under the power in this section, which came into</p>	<p>Suspended Section 23 makes provision in relation to time limits in relation to urgent warrants etc. under Investigatory Powers Act and is currently suspended.</p>

			<p>power to make provision by regulations which extend the time periods applying to urgent warrants, should this be necessary given the impact that coronavirus is having, or is likely to have on the capacity of Judicial Commissioners to carry out their functions.</p>	<p>force on 27 March 2020, expired on 27 March 2021.</p> <p>The appointment of temporary Judicial Commissioners provided the independent Investigatory Powers Commissioner with resilience against the risk that their existing cohort of Judicial Commissioners may not be available as a result of the pandemic.</p> <p>No further regulations are currently planned therefore the provision has been suspended by UK regulations. This will allow the provision to be revived quickly at a future time should it be decided that further regulations are required.</p> <p>The Scottish Ministers agreed to the suspension of these provisions on a UK wide basis.</p>	<p>Ministers consider that it is appropriate that this provision is in force as at 30 September. Ministers have also taken the view within this reporting period to expire this provision earlier than March 2022. Further updates will be included within forthcoming reports.</p>
69.	UK Act	Sections 25 to 29 and schedule 15 – Food supply	<p>These provisions empowered Scottish Ministers, by regulation, to require those involved in a food supply chain to provide information to help determine whether there was disruption (or risk thereof) to the supply chain. The provisions</p>	<p>Expired</p> <p>Industry was very collaborative in sharing data and information throughout the Covid-19 response and so it was decided that there was not enough evidence that the provisions remained proportionate to the risk.</p> <p>The then Cabinet Secretary for Rural Economy & Tourism agreed to the early</p>	<p>Expired</p> <p>Expired by The Coronavirus Act 2020 (Early Expiry) Regulations 2021 which came into force on 16 July 2021.</p>

			also provided enforcement powers and imposed restrictions on the use of information.	expiry of these provisions on a UK wide basis.	
70.	UK Act	Sections 34 and 35 - Temporary disapplication of disclosure offences: Scotland and Power to reclassify certain disclosure requests: Scotland	See section 7.3.3	Not in operation Supplementary information provided – section 7.3.3 for further information	Commenced and still in force No change to status since last reporting period
71.	UK Act	Section 36 - Vaccination and immunisation: Scotland	The provisions amend section 40 of the National Health Service (Scotland) Act 1978. The requirement in that section, that vaccinations and immunisations be administered by medical practitioners or persons acting under their direction and control, is removed.	In operation In the first reporting period (on 7 April 2020), Scottish Ministers made directions ²⁸ under section 2(5) of the National Health Service (Scotland) Act 1978, to support vaccination delivery by GP practices where they are affected by coronavirus. The provisions have continued to be in operation in this reporting period. Scottish Ministers have since directed Health Boards to take responsibility for delivering the Influenza (September) and COVID (December) immunisation programmes.	Commenced and still in force No change to status since last reporting period

²⁸ [Provision of Routine Vaccinations and Immunisations \(Coronavirus Outbreak\) \(Scotland\) Directions 2020](#)

72.	UK Act	Section 37 and Part 2 of schedule 16 and section 38 and Part 2 of schedule 17 - Temporary closure of educational institutions and childcare premises, and temporary continuity: education, training and childcare	See section 7.3.4	In operation No further directions have been issued – see 7.3.4 below.	Commenced and still in force No change to status since last reporting period
73.	UK Act	Section 46 – NHS pension schemes: suspension of restrictions on return to work: Scotland	The provision suspends pension scheme rules which prevent retired NHS staff from returning to work for more than 16 hours per week and require that some staff's pensions are abated upon return to work. It also suspends the requirement that NHS staff reduce their pay by 10% if they elect to 'draw down' their benefits and continue working.	In operation The suspension of pension scheme rules has allowed former NHS staff to return to frontline NHS roles, including supporting the vaccination programme, adding vital capacity to the NHS workforce. The measures allow skilled and experienced staff who have recently retired from the NHS to return to work, and they have also allowed retired staff who have already returned to work to increase their commitments if required, without having their pension benefits suspended.	Commenced and still in force No change to status since last reporting period
74.	UK Act	Section 49 and schedule 19 –	See section 7.3.5	In operation Supplementary information provided – see section 7.3.5 for further information	Commenced and still in force No change to status since last reporting period

		Health Protection Regulations: Scotland			
75.	UK Act	Section 51 and Part 3 of schedule 21 - Powers relating to potentially infectious persons	See section 7.3.6	Schedule 21 powers were “switched on” by way of statutory declaration in March 2020, however the powers have not been used in this reporting period. Supplementary information provided – see section 7.3.6 for further information.	Commenced and still in force No change to status since last reporting period
76.	UK Act	Section 52 and Part 3 of schedule 22 - Powers to issue directions relating to events, gatherings and premises	See section 7.3.7	Schedule 22 powers were “switched on” by way of statutory declaration in March 2020, however the powers have not been used in this reporting period. Supplementary information provided – see section 7.3.7 for further information	Commenced and still in force Ministers consider that it is appropriate that this provision is in force as at 30 September. Ministers have also taken the view within this reporting period to expire this provision earlier than March 2022. Further updates will be included within forthcoming reports.
77.	UK Act	Section 58 and schedule 28 – Powers in relation to transportation, storage and disposal of dead bodies etc.	Section 58 and schedule 28 contain powers relating to the transportation, storage and disposal of dead bodies and other human remains. If advice indicates that the number of people who might die from coronavirus is likely to	The powers have not been used in the reporting period. Following discussion with the Society of Local Authority Chief Executives (SOLACE), the Scottish Government brought forward legislation to suspend Parts 2 and 3 of Schedule 28, which mirrors the position in England and Northern Ireland.	Parts 1, 4 and 5 commenced and still in force. Parts 2 and 3 were suspended during the reporting period by The Coronavirus Act 2020 (Suspension: Disposal of Bodies) (Scotland) Regulations 2021.

			significantly exceed the capacity to locally or nationally manage the deceased, designated Local Authorities and Scottish Ministers have the ability to take control of a component or components of the death management process.		Ministers consider that it is appropriate that this provision is in force as at 30 September. Ministers have also taken the view within this reporting period to suspend this provision earlier than March 2022. Further updates will be included within forthcoming reports.
78.	UK Act	Sections 69 and 70 - Postponement of elections: Scotland	The provisions enable Returning Officers and the Presiding Officer to respectively postpone local government by-elections and by-elections for constituency seats to the Scottish Parliament.	<p>Section 69 – not in operation The provision would only have been relevant if a vacancy for a Scottish Parliament constituency seat occurred during the period of the provision being in force.</p> <p>Section 70 – not in operation In the eighth reporting period the provision was not in operation. The provision was used a total of 20 times to postpone 13 by-elections during it being in force.</p>	Expired The provisions expired during reporting period seven on 6 May 2021 (date of the Scottish Parliament election)
79.	UK Act	Section 75 – Financial assistance for industry (disapplication of limit under section 8 of the Industrial	This provision provides that financial assistance provided under section 8 of the Industrial Development Act 1982 is not to count towards the limits set out in the	In operation This provision has elements of both reserved and devolved competence. As set out within section 75(3) of the UK Act, there are alternative reporting requirements in place for this provision, however these only relate to designated	Commenced and still in force No change to status since last reporting period

		Development Act 1982)	subsection of section 8, if the assistance has been given in relation to the coronavirus.	assistance provided by the Secretary of State. It does not cover assistance provided by the Scottish Ministers or Welsh Ministers. The Scottish Government continues to consider how devolved elements of this provision might aid industry in ever changing circumstances, including as part of Covid recovery. Ministers consider it appropriate that provision which might provide a source of support should not be prematurely expired. It is therefore proportionate and appropriate that this provision remains commenced and still in force, although not operational in this period.	
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7. Supplementary information

First Scottish Act

7.1.1 Section 2 and schedule 1 - Eviction from dwelling-houses

Description of Provisions

- 7.1.1.1 With the exception of anti-social behaviour, criminality, abandonment and vacant property eviction grounds, the provisions, as amended by regulations²⁹, increase the notice period across eviction grounds. For the private rented sector, the provisions amend all the eviction grounds a landlord can use to regain possession to make them discretionary.
- 7.1.1.2 Before the provisions commenced, a tenant with a private residential tenancy could have been asked to leave their home within 28 days of a notice being served by the landlord, if they had been living in the property for six months or less; or if the landlord was using an eviction ground to do with the tenant's behaviour. Where a tenant had lived in a property for six months or more and the eviction ground did not relate to the tenant's behaviour, a landlord was required to give 84 days' notice. With the new provisions, the tenant can stay for up to six months before an application can be made to the Tribunal to repossess a property for all grounds other than anti-social behaviour, criminality, abandonment and vacant property grounds.

Operation of Provision in Reporting Period

- 7.1.1.3 Section 2, schedule 1, paragraph 1, sub-paragraph 2 makes provision for all private rented sector eviction cases going before the First-tier Tribunal (Housing and Property Chamber) to be considered on a discretionary basis. As of 15 September 2021, the First-tier Tribunal (Housing and Property Chamber) confirmed that it had received 648 applications that fall within the scope of the emergency provisions.
- 7.1.1.4 Section 2, schedule 1, paragraph 8 provides a power for Scottish Ministers, exercisable by the negative procedure, to modify the length of any period of notice specified to apply during the relevant period. In exercising this power, the Scottish Ministers cannot specify a notice period which is longer than six months. In light of the substantial impact anti-social behaviour can have on individuals and communities, Ministers exercised these powers to ensure that where landlords have clear evidence of anti-social or criminal behaviour, which cannot be resolved by other means, then they are able to take the necessary action to end the tenancy. It should be noted that Ministers can exercise their power under section 2 (schedule 1, paragraph 8) at any time during the lifetime of the specific provisions in the emergency legislation.

²⁹ [The Coronavirus \(Scotland\) Act 2020 \(Eviction from Dwelling-houses\) \(Notice Periods\) Modification Regulations 2020](#)

- 7.1.1.5 The provisions which extend notice periods to - in effect - halt any eviction action under the existing legislation including the [Private Housing \(Tenancies\) \(Scotland\) Act 2016](#) and the [Housing \(Scotland\) Act 2001](#), for up to six months, have been used in the reporting period. This applies to both the social and private rented housing sectors in order to ensure that the position is absolutely clear for all landlords in Scotland.
- 7.1.1.6 To further support renters facing eviction during the ongoing pandemic, regulations banning the enforcement of eviction orders in the private and social rented sectors came into force on 11 December 2020. The evictions ban was subsequently added to the Local Levels Regulations³⁰ from 22 January 2021 and applied to areas subject to Levels 3 or 4 restrictions. On 5 March 2021, the Local levels Regulations (including the evictions ban in levels 3 and 4) were extended until 30 September 2021. The Local Levels Regulations (including the evictions ban) were revoked on 9 August 2021 by the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021. Accordingly, there is no current ban on the enforcement of evictions in Scotland.
- 7.1.1.7 Social and private landlords have also reaffirmed their commitment to supporting tenants facing difficulties during the pandemic - [Protecting tenants during pandemic - gov.scot \(www.gov.scot\)](#). On 22 June 2021, the Deputy First Minister announced a new £10m grant fund to support tenants who have fallen into rent arrears as a direct result of the pandemic and are at risk of homelessness.
- 7.1.1.8 The purpose of the Tenant Grant Fund is to mitigate the short to medium term financial challenges being experienced by tenants adversely impacted by restrictions and regulations introduced since March 2020, to control the spread of COVID-19. The fund is administered by local authorities – in recognition of the experience they have in supporting people in housing crisis - and is to be used as part of a broader holistic homelessness prevention approach, alongside existing tools and financial support such as Discretionary Housing Payments (DHPs), benefits checks etc.

Factors Considered to Determine Use and Continued Necessity

- 7.1.1.9 In this reporting period, in order to assess the continued necessity of the provisions, the Scottish Government has considered various sources of information. Recent employment statistics show that the estimated unemployment rate in Scotland in the latest quarterly period May to July 2021 was 4.3 per cent, up by 0.5 percentage points since the quarter December 2019 to February 2020 (pre-pandemic), but down 0.1 percentage points over the quarter. In August 2021, Scotland's unemployment claimant count was 167,300, a decrease of 6,100 (3.5%) over the month, but an increase of 54,200 (48.0%) since March 2020 (pre-pandemic)³¹. There has also been a substantial increase in Universal Credit claims compared to the pre-pandemic

³⁰ [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Regulations 2020](#)

³¹ [Labour market trends: September 2021 - gov.scot \(www.gov.scot\)](#)

period, with around 480,000 people in Scotland now on Universal Credit as at July 2021, almost double the number in March 2020³². As we move towards furlough ending there are significant concerns around the potential for further job losses.

- 7.1.1.10 Recently published employment statistics also show the impact over the latest year of employment for young people, with the unemployment rate for adults aged 16 to 24 increasing by 2.7 percentage points to 12.4% in the year July 2020 to June 2021 compared with the previous year³³.
- 7.1.1.11 Latest published housing advice data from Citizens Advice Scotland (CAS) across the two financial years 2019/20 and 2020/21³⁴ shows that advice provided about the private rented sector, as a proportion of all housing advice, remained above pre-pandemic levels as 2020/21 drew to a close. In addition, the proportion of advice on private sector rent arrears as a proportion of all housing arrears advice more than doubled over the last year, peaking at 17% in the quarter July to September 2021, compared to just 6% in the same quarter in the previous year.
- 7.1.1.12 Coronavirus dashboard information published by the Scottish Housing Regulator³⁵ shows that the total value of rent arrears in the social sector increased substantially from £150.0m to £165.0m in the four months between the end of April 2020 and the end of August, an increase of £15.0m (10.0%). The value of arrears subsequently stabilised across most months since then, and then decreased in March 2021 to stand at £160.7m as at end March 2021, following which the value of arrears has since dropped by £3.3m (2.0%) to £157.5m as at end June 2021. The number of notices of proceedings for recovery of possession issued by social landlords for rent arrears increased each month from June 2020, rising from 246 in June 2020 up to 1,514 in November 2020. After this the numbers decreased to 699 in January 2021, 875 in February 2021 and 934 in March 2021, following which there have been 2,411 notices issued in the latest quarter April to June 2021 (an average level of 804 per month). The number of court actions initiated for eviction increased from 30 in June 2020 up to 102 in September 2020, after which the number fell to 63 in March 2021, following which there have been 299 actions initiated in the latest quarter April to June 2021 (an average of 100 per month), levels which are significantly lower when compared to average monthly figures for previous years.
- 7.1.1.13 A report published in July 2021 by the Scottish Housing Regulator on the National Panel of Tenants and Service Users 2020 to 2021, showed that 3% of respondents had missed rent payments over the last year as a result of impact of the pandemic³⁶.

³² [Universal Credit Scotland dashboard 2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/universal-credit-scotland-dashboards-2021/pages/10/index.aspx), August 2021

³³ [Labour Market Statistics for young people \(16-24 years\): Scotland and UK – July 2020 to June 2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/labour-market-statistics-for-young-people-16-24-years-scotland-and-uk-2020-to-june-2021/pages/10/index.aspx)

³⁴ [cas_annual_housing_data_briefing.pdf](#)

³⁵ [Covid-19 dashboards | Scottish Housing Regulator](#)

³⁶ [National Panel of Tenants and Service Users 2020 to 2021 | Scottish Housing Regulator](#)

- 7.1.1.14 In terms of rent arrears in the private rented sector, research findings by the Joseph Rowntree Foundation³⁷ found that, as at June 2020, no sharp increase in rent arrears for private renters was identified, with fewer than one in ten private tenants in Scotland estimated to be in arrears as at June 2020. A separate analysis carried out by PayProp, based on the data that it holds from the processing of rent payments from tenants in Scotland, shows that the percentage of tenants in arrears increased at the start of the pandemic period from 5% in the quarter January to March 2020 up to 9% in April to June. Since then this proportion has remained relatively steady, although it has increased slightly in the latest quarter from 9% in October to December 2020 up to 10% in January to March 2021³⁸.
- 7.1.1.15 Scottish Government Homelessness Statistics for the financial year 2020/21 showed a notable decrease in households becoming homeless from a private rented tenancy compared to the previous year, with a drop of 2,161 (42%) from 5,145 to 2,984 at a national level, and a drop of 538 (67%) from 802 to 264 in the City of Edinburgh local authority area. Across Scotland a total of 11% of households assessed as homeless in 2020/21 gave the private rented sector as their previous accommodation type, compared to 16% in 2019/20, which may be due to a reduction in the number of evictions due to emergency coronavirus legislation temporarily extending eviction notice periods³⁹.
- 7.1.1.16 An analysis of the decisions made by the First-tier Tribunal (Housing and Property Chamber) shows that between 8 July 2020 to 6 September 2021, there have been a total of 190 eviction orders issued relating to private residential tenancies (PRTs) where rent arrears were cited⁴⁰.
- 7.1.1.17 The Scottish Government assessed the potential impact of these provisions for tenants in relation to human rights, children's rights and equalities prior to the introduction of the legislation and continues to keep these rights under review when considering their continued necessity.
- 7.1.1.18 The impact on a landlord's human rights was also considered, with regards to their ability to control their property in relation to Article 1 of Protocol No.1 to the European Convention on Human Rights (ECHR). The Scottish Government's view is that the temporary nature of the provisions continue to strike an appropriate balance between the landlord's rights in the property, and the rights of the tenant to be protected during the pandemic. The maximum period of notice that the landlord will have to provide will be six months and, in many circumstances, shorter notice periods may be provided.

³⁷ [Joseph Rowntree Foundation: Government can provide a housing lifeline in the coming economic storm](#)

³⁸ [PayProp UK Special Report on Arrears after 12 months of COVID-19, published May 2021](#)

³⁹ [Homelessness Statistics 2020-21 - gov.scot \(www.gov.scot\)](#)

⁴⁰ Due to Coronavirus, the First-tier Tribunal (Housing and Property Chamber) postponed operations and re-opened on 9 July 2020. [The Private Housing \(Tenancies\) \(Scotland\) Act 2016](#), requires that all tenancies since 1 December 2017 must be PRTs. The Tribunal publishes the decisions it makes on evictions. The Scottish Government monitors information on private residential tenancy evictions, as there is a commitment to review the 2016 Act in terms of eviction grounds used.

7.1.1.19 In light of the publication of Scotland's Strategic Framework, consideration has been given, in the review of the proportionality and necessity of these provisions, to the detrimental impact of a landlord not being able to take quick action to resolve serious cases of anti-social or criminal behaviour. However, that consideration has not resulted in any changes during the reporting period to the continuing need for tenants across both the social and private rented sectors to be protected against eviction, for all other eviction grounds.

7.1.1.20 Briefing from the Joseph Rowntree Foundation⁴¹ provides some information on the known impacts of the financial pressures related to the pandemic on people with one or more of the protected characteristics, including:

- A majority of households in all age groups except the over-55s reported extra costs as a result of the pandemic, reflecting more people complying with lockdown rules and staying at home for longer. Four in ten (42%) reported extra costs for food and three in ten (30%) for gas and electricity. These numbers are significantly higher (63% and 45% respectively) for families with children. Around one in four households (23%) say they are not able to cover these extra costs comfortably.
- There are indications that the pandemic has created financial pressure which is impacting on mental health and family life. Two-thirds of parents relying on Universal Credit or Child Tax Credit report money worries having either a significant (25%) or moderate (40%) impact on their mental health.

7.1.1.21 The Scottish Government considers that the temporary legislative changes to protect renters continue to have a positive impact across those with protected characteristics, including women who are more likely to have caring responsibilities and therefore be impacted more significantly - socially and financially - by the consequences of the outbreak. In the social rented sector, an estimated 54% of households have a highest income householder who is female, with the equivalent percentage for private renting households being 43%⁴². The legislative measures continue to prevent all renters across all protected characteristics from being evicted during the current crisis. Research carried out by the Resolution Foundation in May 2020⁴³ indicated that across the UK one-third of 18 to 24 year old employees had lost jobs or been furloughed, compared to one-in-six prime-age adults. In Scotland, over half (56%) of all highest income householders aged 16 to 24 live in the private rented sector, a total of 60,000 households⁴⁴. In terms of disability, 59% of households in the social rented sector in Scotland have someone living with a long term physical or mental health condition or illness.

⁴¹ [Joseph Rowntree foundation: A stronger Scottish lifeline in the economic storm](#)

⁴² [Social tenants in Scotland 2017](#)

⁴³ [Resolution Foundation: Young workers in the coronavirus crisis](#)

⁴⁴ [Scottish household survey 2019: annual report](#)

- 7.1.1.22 Family households are, as expected, significantly impacted by the health crisis. There is no evidence of some groups of children and young people being affected disproportionately by the provisions. Keeping the measures in place whilst we recover from the social and economic crisis will ensure both children and young people living within rented family homes continue to be protected from homelessness, with an estimated 230,000 children living in the social rented sector⁴⁵ and 120,000 children living in the private rented sector⁴⁶.
- 7.1.1.23 The provisions remain necessary to ensure that tenants, including those who have become unemployed, or will become unemployed as the furlough scheme ends, have time to apply for, and receive, the available support in the short term and, if necessary, to give them time to plan for the longer term as we recover from this unprecedented crisis. The provisions also continue to be necessary in order to help mitigate any further pressure on housing, health and other public services.
- 7.1.1.24 The provisions remain necessary to ensure that tenants, including those who have become unemployed, or will become unemployed as the furlough scheme ends, have time to apply for, and receive, the available support in the short term and, if necessary, to give them time to plan for the longer term as we recover from this unprecedented crisis. The provisions also continue to be necessary in order to help mitigate any further pressure on housing, health and other public services.

Reporting on the status of eviction provisions

- 7.1.1.25 Additional reporting requirements under section 6(1) of the 2021 require details of the measures in place to protect tenants from eviction and any plans for further measures. As discussed above, schedule 1 of the 2020 Act remains in force. In relation to the additional measures in place to protect tenants, since the last report the Scottish Government has funded councils with £10 million to provide grants to tenants who have fallen behind on their rent as a result of the pandemic and are at risk of eviction. This is in addition to the £10 million loan funding made available to tenants and the £5 million loan funding made available to landlords.
- 7.1.1.26 Section 6(1) of the 2021 Act also requires the Scottish Ministers to report on: notices of proceedings in social housing; rent arrears in social housing; and evictions orders issued by the First-tier Tribunal for Scotland because of rent arrears. Information on notices of proceedings and rent arrears in social housing can be found at paragraph 7.1.1.12 above. Information on eviction orders issued by the First-tier Tribunal can be found at paragraph 7.1.1.16 above.

⁴⁵ [Social tenants in Scotland 2017](#)

⁴⁶ [Scottish household survey 2018: annual report](#)

Section 4 and schedule 3 – Children and vulnerable adults – Part 1 – Children

Description of provisions

- 7.1.2.1 **Child protection provisions:** The provisions remove the requirement for a second working day hearing to be held following the issuing of a Child Protection Order (CPO), and to amend timescales in relation to the issuing of Child Assessment Orders (CAO).
- 7.1.2.2 **Children’s hearings provisions:** The provisions relax existing requirements for the composition of children’s hearings, as well as the administration and conduct of children’s hearings and there are extensions to the timescales for when certain legal orders must be reviewed and appeals against legal orders must be lodged.
- 7.1.2.3 **Looked after children provisions:** The provisions extend the timescales for review of children’s cases when they are placed in kinship care and enable Local Authorities to use foster carers more flexibly to look after additional children when necessary.

Operation of Provisions in Reporting Period

- 7.1.2.4 This section provides supplementary information on the use of children’s provisions within Part 1 of schedule 3 of the first Scottish Act. Guidance⁴⁷ on the use of provisions has been published. The provisions have been separated into three groups: child protection provisions, children’s hearings provisions and looked after children provisions, as data comes from different sources and there are separate structures to assess continued necessity of the provisions within each group.
- 7.1.2.5 The data in relation to the use of the powers under section 4 and schedule 3, Part 1 in relation to children covers the ninth reporting period 10 July 2021 to 8 September 2021 unless specified otherwise below. Information on where data has been gathered has been included along with any caveats. Data on previous reporting periods can be found in previous reports. [Coronavirus Acts: eighth report To Scottish Parliament \(August 2021\) - gov.scot \(www.gov.scot\)](https://www.gov.scot/Information/Scottish-Policy/Coronavirus-Acts/eighth-report-to-scottish-parliament-august-2021).

Child protection provisions

No requirement for a second working day hearing to be held following the issuing of a CPO

- 7.1.2.6 Under the first Scottish Act (schedule 3, paragraph 2(3) to (6)), which amends relevant provision of the Children’s Hearings (Scotland) Act 2011 (‘the 2011 Act’), the second working day children’s hearing is not required. Instead a children’s hearing to consider grounds for referral will sit on or before the

⁴⁷ [Children’s Hearings Improvement Partnership: Guidance – Coronavirus \(Scotland\) Act 2020](https://www.gov.scot/Information/Scottish-Policy/Coronavirus-Acts/eighth-report-to-scottish-parliament-august-2021)

eighth working day. Until the eighth working day, a child or relevant person can make an application for the CPO to be recalled or varied (ordinarily this would have been available until the second working day children's hearing under the 2011 Act) and for two working days following the second working day children's hearing (if the order is continued or varied by that hearing).

7.1.2.7 In the ninth reporting period there were 77 CPOs⁴⁸. Across reporting periods 1 – 8 there were 720 CPOs and in total there have been 797 CPOs across all reporting periods. The use of this provision has meant that the Scottish Children's Reporter Administration (SCRA) did not have to hold second working day children's hearings in all these cases.

Children's hearing provisions

Description of Provisions

7.1.2.8 Relaxation of requirement for children's hearing to consist of three children's panel members and relaxation of requirement to have a gender mix among panel members on each children's hearing.

Operation of Provisions in Reporting Period

7.1.2.9 The provisions (first Scottish Act, schedule 3, paragraph 1) include relaxation of the requirement for children's hearings to consist of three members and to have a gender mix.

7.1.2.10 In the ninth reporting period, 46 hearings had fewer than 3 panel members in attendance, and 27 did not have both male and female panel members. One hearing proceeded with only one panel member in attendance. The total number of hearings making use of the relaxation provisions during the reporting period was 58. This differs from the total making use of the two provisions (46 and 27) because it is possible for both provisions to be used at the same time (for example, a hearing consisting of 2 panel members of the same gender).

7.1.2.11 Since the powers came in to force, 309 hearings have had fewer than 3 panel members in place, and 191 did not have both male and female members. It is not possible to provide the exact total number of individual hearings making use of the relaxation powers since they came in to force, as the recording of this was not introduced until the second reporting period. The maximum total, however, would be 415 hearings.

7.1.2.12 The National Convener continues to permit the planned use of the emergency legislation where it is known in advance that it would not be possible to convene a 3-member, mixed gender panel to a particular hearing. Relying on the flexibilities provided by the emergency legislation is deemed preferable to delaying hearings for children, when insufficient panel members are available to form a 3-member mixed-gender hearing in the normal way. Use of the

⁴⁸ This data was provided by SCRA.

emergency legislation remains, however, a last resort when all other possibilities have been exhausted.

Maximum period for which a Compulsory Supervision Order (CSO) has effect

- 7.1.2.13 The first Scottish Act (schedule 3, paragraph 3) provides that if a hearing has not taken place to review a CSO before it expires, the order will not expire, unless six months have passed since the expiry date or the child has attained the age of 18 years. However, alongside this, there is a duty on the Principal Reporter to arrange a hearing before the original expiry date, and if not, to arrange the hearing as soon as practicable thereafter.
- 7.1.2.14 In the ninth reporting period there were 57 CSOs where orders were extended beyond their expiry date. In reporting periods 1 – 8 there were 4,928 CSOs where orders were extended beyond their expiry date and across all the reporting periods the total is 4,985 CSOs extended beyond the expiry date. This provision has only been used to the extent necessary driven by the practicalities of holding children’s hearings in the current context, and the extent of use will vary as the safety and operational contexts develop. In the ninth reporting period the use of this provision has decreased significantly. Due to the severe restriction in the number of children’s hearings which could be held as a result of the current pandemic, this provision has had the effect of extending a number of orders.
- 7.1.2.15 Prioritisation of work has been essential to ensure continuity of protections for children and young people, while putting in place appropriate legal measures to keep children and young people safe. The SCRA has been unable to operate at normal capacity as a result of movement restrictions, social distancing and virus prevention measures put in place and enforced. Working in concert with families and system partners, SCRA has been increasing the number of hearings as restriction measures were reducing, in line with the multi-agency children’s hearings recovery plan published in November 2020. This has been by arranging face to face hearings, sometimes with some participants attending remotely (‘hybrid hearings’), but also by continuing to maintain the number of virtual hearings.
- 7.1.2.16 Reporters are reviewing the use of this provision on a case by case basis, and taking into consideration whether there would likely be a risk of detriment to the child’s welfare if the CSO was not varied or terminated before the original expiry date. The Principal Reporter has applied a prioritisation framework to enable the timely consideration of individual cases and is closely monitoring the situation with a view to arranging such hearings as soon as practicable. Service user availability, views and preferences for rescheduling are some of the elements of ‘practicability’ and are considered alongside the need for a child to come to a hearing and the risk for the child. SCRA continues to make active decisions about the need to extend any existing CSO following dialogue with social workers and families and if families indicated they would want to have their hearing it has been arranged wherever possible.

- 7.1.2.17 This provision has been used extensively, but expiry review hearings have also been taking place during the currency of the Coronavirus (Scotland) Act 2020. In the ninth reporting period there were 1,125 children's hearings held when orders were due to expire. Across reporting periods 1-8 this number was 5,632 children's hearings and the total across all the reporting periods is 6,757 children's hearings.
- 7.1.2.18 A multi-agency recovery plan was developed by the weekly Children's Hearings Covid Recovery Group in autumn 2020, then agreed and published by the national strategic Children's Hearings Improvement Partnership in November 2020⁴⁹. The plan models review of all CSOs where the use of the emergency legislation will gradually be reduced and will cease to be used. The progress of this recovery plan has been materially affected by the additional movement restrictions and other virus suppression measures introduced in Scotland since 26 December 2020. This provision in the first Scottish Act allows an expiry review of a CSO to take place up to six months after the original expiry date. The use of this six month period was intended to be reduced incrementally as the SCRA increases its capacity, and its ability to arrange expiry review hearings becomes more practicable. This was impacted by the new restrictions in place since 26 December 2020. In order to recover, SCRA will need to arrange the expiry reviews within a given month alongside those reviews where the end date of extant orders have been extended by virtue of the legislation. This means that the operating capacity of the hearings system has to increase beyond the capacity it offered at the beginning of March 2020 prior to the pandemic.

Maximum period for which Interim Compulsory Supervision Order (ICSO) or Interim Variation of Compulsory Supervision Order (IVCSO) has effect

- 7.1.2.19 To allow more flexibility for agencies seeking to respond in a prioritised way to the challenges posed by the coronavirus pandemic, paragraph 4(2) and (3) of schedule 3 of the first Scottish Act amend sections 86(3) and 140(4) of the 2011 Act. This provides that the maximum period for which an ICSO or an IVCSO has effect is:
- where the order is made by a children's hearing, 44 days, or
 - Where the order is made by a sheriff, such other period as the sheriff may specify.
- 7.1.2.20 As with the existing legislation, a hearing may make an ICSO or interim variation for a shorter period than the maximum period.
- 7.1.2.21 Table Two below sets out the interim orders where the provision has been used (some children will have had more than one interim order issued in the period and the figures include orders which authorised secure accommodation). It is not possible to calculate how much time has been added; some orders will have had the maximum time (44 days for a hearing/

⁴⁹ [CHIP Recovery Plan 2020-2021](#)

possibly longer for the Sheriff Court) and others will have had different times up to the maximum.

Table Two – Interim orders where the provision has been used

Interim Order Type	Coronavirus Report 9 – 10th July 2021 to 8th September 2021	Reporting Periods 1 - 8	Reporting Periods 1 – 9 TOTALS
ICSO	582	3,715	4,297
IVCSO	221	1,393	1,614
Court ICSO / IVCSO (including following appeal)	300	2,254	2,554
Total	1,103	7,362	8,465

Extended timescale of interim orders with authorisation of secure accommodation

7.1.2.22 In the ninth reporting period, of the 19 interim orders authorising the use of secure accommodation, 12 used the extended timescales available under the provision (63%). In reporting periods 1 – 8 of the 153 interim orders authorising the use of secure accommodation, 99 used the extend timescales which are available under the provision (65%).

Modification of certain time limits for making and determination of appeals

7.1.2.23 Paragraph 7 of schedule 3 of the first Scottish Act extends the time limits for the making, disposal or determination of appeals or the making or lodging of applications. Disaggregated data is not available from the SCRA or the Scottish Courts and Tribunals Service (SCTS).

7.1.2.24 The SCRA has supplied data in relation to appeals which were lodged under the provisions of the first Scottish Act after 7 April 2020 and were determined before 8 September 2021. The SCRA does not record the data to distinguish appeals specifically modified by the provisions of the first Scottish Act, but it has been able to provide figures which indicate the current position in relation to appeals of decisions from the children’s hearing.

7.1.2.25 Schedule 3, paragraph 7(2) of the first Scottish Act extends the period of time available for a person with the right to appeal a decision of a children’s hearing to lodge that appeal at the Sheriff Court (from 21 to 42 days). There have been 381 appeals of decisions in relation to a CSO that have been determined in the period 7 April 2020 to 8 September 2021, and the average time taken from the date of the children’s hearing to the determination of the appeal was 50 days.

- 7.1.2.26 Schedule 3, paragraph 7(3) of the first Scottish Act extends from three to seven days the time limits for the determination of certain short notice appeals. There were 221 appeals of ICISOs determined in the period 7 April 2020 to 8 September 2021, and the average time taken from the date of the children's hearing to the determination of the appeal was 21 days (please note that appeals may not have been lodged until several days after the hearing).
- 7.1.2.27 Schedule 3, paragraph 7(4) of the first Scottish Act extends the time limit for making an appeal in relation to a relevant person determination from 7 to 21 days and extends the time period for determination of the appeal in relation to a relevant person determination from 3 to 7 days. There were 27 appeals of relevant person determinations (made by a children's hearing or a pre-hearing panel) in the period 7 April 2020 to 8 September 2021 and the average time taken from the date of the children's hearing to the determination of the appeal was 25 days for the hearing decision and 18 days for the pre-hearing panel decision (please note that appeals may not have been lodged until several days after the hearing).
- 7.1.2.28 Schedule 3, paragraph 7(5) of the first Scottish Act extends the time limits for lodging appeals in relation to a decision affecting a contact direction or permanence order from 21 to 42 days and extends the time for determination of the appeal from 3 to 7 days. The SCRA recorded no appeals of this type in the period 7 April 2020 to 8 September 2021.
- 7.1.2.29 Schedule 3, paragraph 7 sub paragraphs (6), (7) and (8) extends the time limit for lodging appeals to the Sheriff Appeal Court or Court of Session in relation to certain decisions made by sheriffs under the 2011 Act. The time limit is extended from 28 days to 56 days. There has been one appeal made against decisions to which the extended time limit applies in the period 7 April 2020 to 8 September 2021.

Dispensation with physical attendance at children's hearings

- 7.1.2.30 Schedule 3, paragraph 8 of the first Scottish Act covers attendance of persons other than children or relevant persons at children's hearings and facilitates the remote attendance of these other persons. There is existing provision in rule 19 of the procedural rules to enable attendance by other means.
- 7.1.2.31 Many of the 25,819 children's hearings that have taken place over the reporting periods have been 'virtual children's hearings' as children, family members, professionals, reporters and the decision makers (panel members) have been unable to attend the public spaces in children's hearings centres. Since July 2020, SCRA opened up children's hearings centres in a safe, socially distanced manner and the number of hearings where children and families have been able to attend in person markedly increased. Between 26 December 2020 and 8 September 2021 SCRA operated a model mostly reliant on virtual / hybrid children's hearings as a result of more extensive restrictions. If a child or family require to attend in person for them to participate in their children's hearing then a physical hearing was arranged. This will alter as restrictions across Scotland are lifted.

Authentication of children's hearings documentation by electronic signature

- 7.1.2.32 Schedule 3, paragraph 9 of the first Scottish Act covers authentication of documents by electronic signature. This power has been used in all of the 25,819 children's hearings held over the reporting periods.

Looked after children provisions

- 7.1.2.33 Schedule 3, paragraph 10 of the first Scottish Act extends the timescales for review of children's cases when they are placed in kinship care and enables Local Authorities to work with foster carers more flexibly to look after additional children when necessary. Where possible, Local Authorities have adhered to the previous timescales, but the provisions have allowed additional flexibility in pressured situations which has allowed Local Authorities to take into account the views of the children and where possible keep children within their extended families.

- 7.1.2.34 Across Scotland, 26 Local Authorities have been able to provide data on the use of these provisions from 1 August to 16 September 2021. Use of the provisions has been relatively low, and has varied between Local Authority areas. Some Local Authorities have not needed to use any of the provisions as their social work teams had enough capacity to respond to demand.

The provisions have been used to allow more than three children to be placed with a foster carer six times during the reporting period. There have been no instances of a child being placed with a kinship carer, in an emergency, for a period not exceeding five working days, rather than three working days. No kinship placement has been extended in an emergency, and the timeframes for kinship reviews have not been extended during the ninth reporting period.

- 7.1.2.35 Whilst not all Local Authorities have needed to use the provisions, there has been a general consensus that the provisions have been helpful to allow the right decisions to be made for a child. Local Authorities have reported that the provisions have provided a vital safety net, ensuring that decisions can be taken in the best interests of the child, and that despite the pandemic placing more pressure on social work resources, the provisions have helped to ensure that levels of care and support can be maintained.

- 7.1.2.36 Responses have included comments which suggest local authorities recognise the potential longer term impacts on families economically and emotionally; and that they are responding to increased demands on their services as restrictions have eased and social interactions increased.

- 7.1.2.37 The provisions have also ensured that Local Authorities have had the flexibility to ensure children and young people can be kept within their own family networks wherever possible, and that sisters and brothers stay together, in line with the recommendations of the Independent Care Review. Where necessary the provisions have given additional time to ensure that the views of both children and parents can be taken into account in decision making.

Factors Considered to Determine Use and Continued Necessity

- 7.1.2.38 The main factors which have been considered in the assessment of continued necessity of the provisions include: prevailing Government guidance and public health advice, an updated Health Protection Scotland-screened risk assessment of the impact of the pandemic on the health and availability of staff and volunteers, and an assessment of the impacts on vulnerable and disadvantaged children and families. In the context of this emergency, these provisions are designed to enable best use of very limited resources in Local Authorities, and the children's hearings system, so that efforts can be focused on safeguarding the welfare of Scotland's most vulnerable children and on supporting families and carers who need it most. The measures in the first Scottish Act are limited to those considered necessary to support and protect children's rights and promote their welfare and wellbeing in accordance with obligations under the UN Convention on the Rights of the Child. A Children's Rights and Wellbeing Impact Assessment for the children's provisions can be found here: [CRWIA - Coronavirus Scotland Act 2020 - Children's Provisions](#)
- 7.1.2.39 The Scottish Government is in regular dialogue with the children's services sector and children's hearings partners to monitor the impact of the pandemic on service provision and the protections afforded to children. Significant new resources have been made available to support the delivery of the recovery plan.
- 7.1.2.40 By virtue of provisions contained in the Coronavirus (Extension and Expiry) Scotland Bill, all remaining provisions of Section 4, schedule 3, Part 1 expired at the end of 30 September 2021. This is subject to transitional and saving provisions to ensure the appropriate continuing legal effect in relation to the exercise of those provisions prior to that date.

Section 4 and schedule 3 - Children and vulnerable adults – Part 2 - Vulnerable adults

Description of Provisions

- 7.1.3.1 Paragraphs 11(2) and 11(3) effectively 'stop the clock' on the duration of guardianship orders and certificates authorising medical treatment for the period the emergency legislation is in force.

Operation of Provisions in Reporting Period

- 7.1.3.2 The Coronavirus (Scotland) Act 2020 (Suspension: Adults with Incapacity) Regulations 2020 suspended schedule 3, Part 2, paragraphs 11(2) and 11(3) of the first Scottish Act which relate to guardianship and section 47 provisions. The suspension was effective from 30 September 2020.

Factors Considered to Determine Use and Continued Necessity

Paragraph 11(2) and (3)

- 7.1.3.3 The powers to ‘stop the clock’ on the duration of guardianship orders and section 47 certificates commenced on 7 April 2020. On 30 September 2020, at the beginning of the period of suspension, the time remaining on the orders and certificates resumed and applicants have to renew their guardianship or obtain another certificate as per the usual procedure.
- 7.1.3.4 These emergency provisions prevented the expiry of guardianships, or section 47 certificates, through want of being able to get an application through court, or to get a relevant health professional (normally a doctor) to authorise the certificate. A medical practitioner and a specialised mental health doctor are required to complete reports for guardianships as well as mental health officers.
- 7.1.3.5 In order to monitor the relevant factors a stakeholder group was formed which met every 4-5 weeks to consider the evidence available for continuation of the suspension of the provisions. The factors which were taken into consideration were the availability of the courts, the Office of the Public Guardian and relevant health professionals, as well as consideration of the human rights aspects of using the provisions. Representatives from organisations that can speak to these factors were on the group. The remit of the group and the notes from their meetings are publically available⁵⁰.
- 7.1.3.6 In the first reporting period the courts were only processing urgent interim guardianship cases, meaning that guardianship cases were likely to expire before the renewal application could reach court. The courts are now processing guardianship cases as business as usual.
- 7.1.3.7 The Office of the Public Guardian have all staff available and are also processing guardianship cases as business as usual.
- 7.1.3.8 There remain challenges in obtaining medical and mental health officer reports to support adults with incapacity applications and renewals, however these are not pandemic related.
- 7.1.3.9 As unanimously agreed at the stakeholder group meeting on 26 April the temporary provisions expired at the end of 30 September 2021.

⁵⁰ [Adults with Incapacity Emergency Legislation Commencement Consideration Group](#)

Section 5 and schedule 4, Part 4 - Extension of time limits in the Criminal Procedure (Scotland) Act 1995

Description of Provision

- 7.1.4.1 The provision suspends certain time limits contained in the Criminal Procedure (Scotland) Act 1995 for certain set periods of time i.e. the suspension of the relevant time limits are not for indefinite periods of time.
- 7.1.4.2 The provisions have the effect of increasing the maximum time period that an accused person can be held on remand prior to trial, together with other time limits for progressing a criminal case including the maximum wait prior to trial where the accused is not in custody. This may have an impact on the rights guaranteed by Articles 5(3) and 6(1) of the ECHR. However, the Scottish Government considers that these increases are compatible with the rights under Articles 5(3) and 6(1) to a trial within a reasonable time. The increases are necessary to address the continuing disruption to the justice system caused by coronavirus and in particular the considerable backlog of cases that has built up as a result of the period during which court capacity was very greatly reduced.
- 7.1.4.3 In any individual case, where an accused is brought before the court for a custody hearing, in determining whether to grant bail, the court requires to consider the accused's Article 5 and 6 rights in deciding whether it is appropriate to grant bail. Furthermore, an accused person can, at any time, apply to the court for a bail review under section 30 of the Criminal Procedure (Scotland) Act 1995, to enable the court to determine whether their continued detention is justified. The courts remain subject to the requirement to ensure that there is a fair and public hearing within a reasonable time. These safeguards are relevant to ensuring that these provisions are proportionate.

Operation of Provision in Reporting Period

- 7.1.4.4 The time limits to which the provision applies are: those under section 65 of the Criminal Procedure (Scotland) Act 1995 which sets various time limits in respect of trials under solemn procedure; section 136, which requires that proceedings in summary cases must commence within six months of the alleged offence; section 147, which makes provision for summary procedure in cases where the accused has been held on remand; and section 52T, which applies the custody time limits in sections 65 and 147, where the accused is detained in hospital because of an assessment order or a treatment order. The provision applies automatically in respect of any criminal case where one of those time limits was in effect on the date when the Act was commenced, or began after the Act commenced.

Factors Considered to Determine Use and Continued Necessity

- 7.1.4.5 Over the course of the pandemic, the capacity of courts to take forward cases and run trials was significantly constrained. As a result of this, backlogs of cases that are yet to be resolved have built up. These vary depending on key

factors such as the type of cases that are heard in different courts, the restrictions imposed on society over the period, and the response of the Scottish justice system.

- 7.1.4.6 On 11 January 2021, the Lord President announced that during the lockdown period the criminal courts will focus on the most serious trials and the majority of summary trials in the Sheriff Court and Justice of the Peace Court will be adjourned. This reduced the overall number of criminal trials taking place during lockdown by up to 75%. On 19 April, Sheriff Court summary business resumed, with trial courts returning to the pre-January lockdown loadings of three programmed trials and two back-up cases with witnesses on standby.
- 7.1.4.7 The Scottish Government keeps under review the necessity for the extended time limits contained within Part 4 of schedule 4 of the first Scottish Act Justice Analytical Services is working with SCTS to collect data to monitor the backlog of cases in the courts, which will help inform future assessments of the continuing need for this extension of time limits. At this time, a significant backlog of cases continues to exist and the Scottish Government considers the extended time limits continue to be necessary. An accused person's rights continue to be protected through the operation of the system of bail reviews which an accused person can seek at any time under section 30 of the Criminal Procedure (Scotland) Act 1995 if information was provided material to the decision that was not available when the accused was remanded. This can be used where, for example, the continuing impact on the operation of the courts means timings for when a case will be heard have changed.
- 7.1.4.8 The Justice Board for Scotland, which brings together senior leaders from Scotland's main national justice system organisations, has established a Criminal Justice Board to co-ordinate COVID-19 recovery activity across policing and justice, including in the criminal courts. The Board meets every two weeks to direct and monitor progress and ensure a whole system overview of the work underway.
- 7.1.4.9 To tackle backlogs built up while necessary public health restrictions have been in place, the Scottish Government has committed to investing £50 million this year to the Justice Recover, Renew, and Transform (RRT) programme. This will drive further reform, including greater use of digital tools and improved support for victims and witnesses. A number of measures have been put in place to mitigate the impact of the COVID pandemic – with most civil work being dealt with on-line or virtually and the establishment of innovations such as remote jury centres in cinemas for the most serious criminal trials. Using the additional funding, the SCTS announced additional sixteen court capacity, which forms a significant part of our Recovery programme and which has been made possible by continued collaboration across the whole justice system. The High Court will sit in Airdrie, Dundee, Inverness and Stirling, with the Sheriff Solemn courts sitting in Dumfries and Dunfermline. All trial courts will be linked to remote jury centres. The ten additional Sheriff Summary courts will be provided at varying locations across

Scotland, based on the level of cases and safe court capacity, with at least one additional court in each of the six sheriffdoms in Scotland.

Section 5 and schedule 4, Part 8 - Release of prisoners

Description of Provision

- 7.1.5.1 The provision allows that the Scottish Ministers may, by regulations, provide that a person who falls within a class of persons specified in the regulations is to be released from prison early.

Operation of Provision in Reporting Period

- 7.1.5.2 The provisions have not been used in the reporting period.

Factors Considered to Determine Use and Continued Necessity

- 7.1.5.3 The Scottish Government has engaged with the Scottish Prison Service (SPS) throughout the Covid-19 pandemic in relation to the potential use of these powers, as one aspect of wider ongoing discussions of the impact of coronavirus on the prison system, and the safe management of the prison population.
- 7.1.5.4 While the total prison population is currently lower than it was prior to the start of the pandemic, it is clear that there are a number of current and potential pressures that continue to place the prison service under strain, and which may make it necessary in the coming months to utilise these powers to implement an early release process in order to maintain safe and effective operations of prisons, and protect the health of prison staff and prisoners.
- 7.1.5.5 There is already an increased number of remanded prisoners in the prison population as a result of the backlog of court cases. The continuing efforts to restart court operations and recover the backlog may help reduce this, but it is also expected to produce a rise in the number of sentenced prisoners who will have to be accommodated. While the total prison population is lower than pre-Covid, it should be noted that much of that “unused” capacity is located in specialist facilities (Polmont, Castle Huntly, Cornton Vale), which the SPS cannot use to accommodate the majority of prisoners. Operating the necessary public health measure to mitigate or control any Covid infection also places an added demand for prison capacity.
- 7.1.5.6 In addition, cases of Covid infection within prisons and temporary local health restrictions imposed from the community are placing severe limits on the operation of individual prisons, and the accumulated effect of local restrictions can heavily impact on the management of the prison population overall. Increases in Covid cases in the community will also have an effect on prison staffing, causing increases in staff absence either for infections, or self-quarantining after possible contact with an infected person.

- 7.1.5.7 As with the previous use of this power, any decisions on future release of additional prisoners would be made with regard to the legislative requirements contained in the first Scottish Act (as extended), and wider public safety and human rights concerns. It would require the production of regulations specifying the eligibility criteria and handling of the process, which would be laid before Parliament for scrutiny and approval. As before, should a further action become necessary, the Scottish Government would work closely with justice partners, public and third sector services, and victims groups, in order to plan and deliver the necessary activities.
- 7.1.5.8 The first and second two-monthly reports on the Coronavirus Acts included detail on the factors considered to determine the previous use of these powers, including the engagement with wider stakeholders for the planning and delivery of the release process, and the particular consideration given to equality, human rights, and domestic abuse impacts.

Section 7 and schedule 6, Part 2 – Freedom of Information

Description of Provision

- 7.1.6.1 Prior to the repeal of the provisions mentioned below, the provisions extended the statutory deadlines under the Freedom of Information (Scotland) Act 2002 (FOISA) for responding to Freedom of Information (FOI) requests and reviews by an additional 40 working days; gave the Scottish Ministers the power, by direction, to specify circumstances where a Scottish public authority could extend that deadline; gave the Commissioner discretion to decide that, where failure to comply with a deadline was due to the effect of coronavirus, an authority had not failed to comply; and enabled the Commissioner and other Scottish public authorities to issue notices by electronic means.

Operation of Provision in Reporting Period

- 7.1.6.2 Paragraphs 3 and 4 of schedule 6 extended the deadlines for responding to FOI requests and reviews by an additional 40 working days. The extension applied to both new requests and those outstanding when the first Scottish Act came into force, but the requirement within FOISA to comply promptly with requests was otherwise unchanged. These provisions were repealed by the second Scottish Act and therefore were not in operation in this ninth reporting period.
- 7.1.6.3 The power of the Scottish Ministers, as conferred by paragraph 5 of schedule 6, was repealed in the first reporting period and therefore was not in operation in this ninth reporting period.
- 7.1.6.4 Where an appeal is made to the Commissioner in respect of a failure to comply with a relevant deadline, paragraph 6 of schedule 6 gives the Commissioner discretion to decide that a Scottish public authority has not failed to comply in certain circumstances. As passed, the Commissioner could exercise this discretion where the failure was due to the effect of coronavirus. The second Scottish Act amended paragraph 6 so that the Commissioner

could also take into account the effects of repealing paragraphs 3 and 4. It also amended paragraph 6 so that the public interest in prompt compliance is the primary consideration in deciding whether a failure was reasonable in all circumstances. Information in respect of the use of this element of the provision will be held by the Commissioner.

- 7.1.6.5 Paragraph 7 of schedule 6 allows the Commissioner and other Scottish public authorities to issue notices by electronic means. Information in respect of the use of this element of the provision will be held by the Commissioner and by individual authorities.

Factors Considered to Determine Use and Continued Necessity

- 7.1.6.6 Scottish public authorities continue to experience significant disruption, so the power at paragraph 6, conferring discretion on the Commissioner, remained necessary in the ninth reporting period. However, the power expired at the end of 30 September 2021, except in relation to FOI requests commenced on or before that date. This represents a gradual phasing out of the Commissioner's power.
- 7.1.6.7 The Commissioner's office is likely to require to operate a level of remote working for some time, so the power at paragraph 7, to issue notices electronically, remains necessary to enable decisions to be issued and to reduce disruption to the Commissioner's statutory functions. Other authorities are likely to benefit in the same way. We are currently consulting on whether to make this change permanent, as part of our consultation on *Covid recovery: public health, services and justice system reforms*. This change was among a number of technical amendments to FOISA proposed by the Commissioner in written evidence to the Parliament's Public Audit and Post-legislative Scrutiny Committee in 2019. The Committee recommended we should consult on the change in its report on Post-legislative Scrutiny of FOISA, published in May 2020.⁵¹

Section 8 and schedule 7, paragraphs 1 to 5 - Social security

Description of Provision

- 7.1.7.1 Paragraphs 1(a), 2, 3 and 4 of schedule 7 relaxed timescales which apply to clients seeking a redetermination, and clients bringing an appeal before the First-tier Tribunal for Scotland, where normal timescales cannot be met for reasons related to coronavirus. They also modified timescales for making applications where these have not been able to be met directly as a result of coronavirus. These provisions are now expired. The provisions which remain in force are paragraphs 1(b) and 5 of schedule 7, which relax the timescales which apply for Social Security Scotland making re-determinations.

⁵¹ [Post-legislative scrutiny: Freedom of Information \(Scotland\) Act 2002 \(azureedge.net\)](https://www.azureedge.net)

Operation of Provision in Reporting Period

- 7.1.7.2 During the period in which provisions have been in force, Social Security Scotland has extended the timescales for a re-determination on 38 occasions, taking an average 38 days to complete these re-determinations. This represents 1.8% of the re-determinations received. In addition, a small number of appeals have been accepted by the Tribunal, citing COVID-19 as a factor for their late appeal.

Factors Considered to Determine Use and Continued Necessity

- 7.1.7.3 The key factor in the considering the continuing necessity of these provisions is the disruption created by coronavirus. Where the continued disruption created by coronavirus impacts on Social Security Scotland's ability to process redeterminations, or on a client ability to gather information requested in support of their redetermination, the extended timelines for redetermination should remain in place.
- 7.1.7.4 Social Security Scotland is however required to make the redetermination as soon as reasonably practicable within the extended redetermination period; this provides a safeguard to ensure that clients' rights to receive a decision as quickly as possible and subsequently appeal rights to the First-tier Tribunal, are respected.
- 7.1.7.5 Evidence suggests that these provisions continue to be necessary for the Agency to be able to manage redeterminations with reduced capacity as a result of coronavirus and to allow clients additional time to provide information required for a redetermination to be made. They have therefore been of benefit to clients – for example, clients have cited delays in obtaining evidence that they wish to submit.
- 7.1.7.6 During the period in which provisions have been in force, Social Security Scotland has extended the timescales for a re-determination on 38 occasions, taking an average 38 days to complete these re-determinations. This represents 1.8% of the re-determinations received. Clients are citing COVID-19 as the reason for not being able to provide evidence sooner and on these occasions Social Security Scotland is working with the clients by extending and ensuring their application is determined as quickly as possible.
- 7.1.7.7 Social Security Scotland's continuing review of the operation of the provisions in the period indicates that these extensions provided some benefit to clients, in helping them access their rights despite the impact of coronavirus. They have also helped to avoid appeals by allowing more time to make the re-determination. The latitude for extending timescales is only being used when absolutely necessary as Social Security Scotland's aim remains to process cases within target deadlines whenever possible.
- 7.1.7.8 Social Security Scotland is of the view that there remained a need to have these extensions in place until 30 September as a contingency against further disruption to services and clients' circumstances, for example, if there was a

resurgence of the virus. The Coronavirus (Extension and Expiry) (Scotland) Act expired the remaining paragraphs 1(b) and 5, at the end of 30 September 2021. Any re-determination processes which commence after that date will therefore be subject to the formerly prescribed periods for re-determinations— which is, in practice, 16 working days. However, the operation of the Interpretative and Legislative Reform (Scotland) Act 2010 means that any re-determination processes caught by the provisions which commenced ahead of 30 September 2021 are ongoing will still benefit from the extension of the period available for re-determinations, as though paragraphs 1(b) and 5 had not been expired.

Second Scottish Act

Section 2, schedule 1, Part 1: Student residential tenancy: termination by tenant

Description of Provision

- 7.2.1.1 Section 2, Schedule 1, Part 1 of the Coronavirus (Scotland) (No.2) Act 2020 makes provision in relation to tenancies for students in halls of residence and Purpose Built Student Accommodation (PBSA). This means:
- Students who entered into a student residential tenancy before 27 May 2020 and occupied the property prior to that date, can give seven days' notice to their accommodation provider to terminate their tenancy.
 - Students who entered into a student residential tenancy before 27 May 2020 but did not occupy the property prior to that date, can give 28 days' notice to their accommodation provider.
 - Students who entered into a student residential tenancy after 27 May 2020 can give 28 days' notice to their accommodation provider.
- 7.2.1.2 Students can only terminate tenancies for a reason relating to coronavirus. From 1 October 2021, by virtue of the Coronavirus (Extension and Expiry) (Scotland) Act, the 28 day notice period will apply to all student residential tenancies regardless of when they were entered into and when the property was first occupied – the 7 day notice period for certain tenancies expired at the end of 30 September 2021.

Operation of the provision in Reporting Period

- 7.2.1.3 The Coronavirus (Extension and Expiry) (Scotland) Act 2021 extended the operation of the Coronavirus (Scotland) (No 2) Act 2020 until 31st March 2022 with powers available to the Scottish Ministers to further extend to 30th September 2022 should that be necessary.
- 7.2.1.4 During the ninth reporting period, the levels system of restrictions was revoked and revised guidance published for universities, colleges and community learning and development providers (<https://www.gov.scot/publications/coronavirus-covid-19-universities-colleges-and-community-learning-and-development-providers/>) The beyond level 0 Guidance reflects an understanding that the virus is unpredictable and significant risks remain and therefore, the provisions of the Act remain necessary.
- 7.2.1.5 The Scottish Government understands from informal consultation with stakeholders that the seven day notice period has been utilised by students who had returned home prior to lockdown and were no longer occupying their property, and by students who wished to return home prior to the end of their contract. This provision has allowed students to end their contract earlier than existing arrangements would have allowed had these provisions not been in

place. This is of particular importance given that colleges and universities adopted alternative learning models from face to face teaching in response to coronavirus. We anticipate that over the reporting period the number of students eligible for this will be lower than previous periods.

- 7.2.1.6 The 28 day notice period has given students looking to find suitable accommodation in the current academic year reassurance that, should restrictions continue or more restrictive measures be re-introduced, either locally or nationally, that prevent students from taking up their accommodation as planned, they will not be held liable to pay for accommodation they are not able to use.
- 7.2.1.7 Although the majority of further and higher education courses finished in June, there are many students who continued their studies over the summer months and continued to use halls and PBSA during this reporting period. The continued operation of these provisions over the summer months enabled students who were unable to use their accommodation to terminate their lease and avoid being held liable for the cost of accommodation they were unable to use.

Factors Considered to Determine Use and Continued Necessity

- 7.2.1.8 Despite progress on the vaccine roll out, we would still want students (some of whom may have been in student accommodation throughout the summer months) to continue to be able to utilise these enhanced rights, should local restrictions have been necessary over the coming months. As a result, these provisions remain necessary to ensure that students prevented from taking up their accommodation as planned, are not held liable to pay for accommodation they are unable to use.
- 7.2.1.9 Student accommodation providers set their own contract terms within tenancy agreements with students and terms will vary across the sector. Given the nature of student residential tenancies, contracts typically run for the entire length of the contract, with no provision for early release. The continued availability of the notice to leave period ensures students are not disadvantaged as a result of coronavirus.
- 7.2.1.10 The Scottish Government assessed the potential impact of these provisions on human rights, children's rights and equalities prior to the introduction of the legislation and continues to keep these rights under review when considering their continued necessity. The Scottish Government's view is that the temporary nature of the provisions continue to strike an appropriate balance between the rights of student accommodation providers and the rights of the students during the pandemic.

- 7.2.1.11 Although there has been significant progress in vaccine roll out, we would still want students in halls of residence and PBSA to be able to terminate their tenancy (on 28 days' notice) during the forthcoming academic term should that prove necessary due to coronavirus. For that reason the Coronavirus (Extension and Expiry) (Scotland) Act 2021 extended the operation of the Coronavirus (Scotland) (No 2) Act 2020 until 31 March 2022 with powers available to the Scottish Ministers to further extend to 30 September 2022 should that be necessary.

Section 2, schedule 1, Part 2: Tenancies: pre-action requirements for order for possession or eviction order on ground of rent arrears

Description of Provision

- 7.2.2.1 The provisions provide Scottish Ministers with the power to specify pre-action requirements for private landlords seeking to end a private tenancy due to rent arrears, where those arrears relate to the period during which paragraph 4 of schedule 1 of the second Scottish Act is in force. The First-tier Tribunal for Scotland (Housing and Property Chamber) must take account of the extent to which a landlord has complied with the pre-action requirements when deciding whether it is reasonable to grant an order for repossession.

Operation of Provision in Reporting Period

- 7.2.2.2 The provisions were in force during the reporting period. [The Rent Arrears Pre-Action Requirements \(Coronavirus\) \(Scotland\) Regulations 2020](#) (SSI 2020/304) came into force on 30 September 2020.

Factors Considered to Determine Use and Continued Necessity

- 7.2.2.3 Schedule 1 of the first Scottish Act makes all grounds for repossession in the private rented sector discretionary, including for rent arrears. This temporarily changed the original position whereby the First-tier Tribunal for Scotland (Housing and Property Chamber) must grant a repossession order if the level of arrears is in accordance with the criteria laid out in the relevant legislation. This change ensures that the Tribunal considers the reasonableness of making a repossession order during the coronavirus outbreak.
- 7.2.2.4 The introduction of regulations under the provision temporarily set pre-action requirements that will apply where all or part of the rent arrears have originated in the period during which paragraph 4 of schedule 1 of the second Scottish Act is in force. The extent to which a landlord has complied with these requirements must be taken into account by the First-tier Tribunal for Scotland (Housing and Property Chamber) when deciding whether it is reasonable to grant a repossession order.
- 7.2.2.5 The introduction of regulations formalises the steps landlords should take in relation to working with private sector tenants to manage arrears prior to seeking repossession during the coronavirus pandemic.

- 7.2.2.6 The Scottish Government has assessed the potential impact of these provisions on human rights, children's rights and equalities and considers the introduction of pre-action requirements will have a positive impact across those with protected characteristics including women and disabled people who may have been impacted by the consequences of coronavirus. The Scottish Government also considers these measures support the right to adequate housing under the International Covenant on Economic, Social and Cultural Rights by ensuring appropriate safeguards are in place to prevent unnecessary eviction.

Section 2, schedule 1, Part 7: Care homes

- 7.2.3.1 These provisions make changes to the Public Services Reform (Scotland) Act 2010 (the '2010 Act') for a limited time period to allow for the issuing of Emergency Directions and Emergency Intervention Orders.
- 7.2.3.2 Emergency Directions - Health Boards can make specific asks of care home providers where they believe there is a material risk to health within the care home due to coronavirus. These asks must relate directly to reducing the risk to health. Where the Health Board believes they have not been complied with, it can, subject to the court's approval, take steps to ensure they are carried out.
- 7.2.3.3 Emergency Intervention Orders - Ministers may apply to the court to appoint a nominated officer to temporarily take over the operation of a care home if there is a serious risk to life, health or wellbeing within the home. Where there is an imminent and serious risk to life or health, Ministers can exercise the powers before making an application to the court.

Operation of Provision in Reporting Period

- 7.2.3.4 Paragraph 16 of schedule 1 adds temporary modifications to Part 5 of the 2010 Act, adding in sections 63A and 63B.
- 7.2.3.5 Section 63A requires that where the Health Board considers that, for a reason relating to coronavirus, there is a material risk to the health of persons at the specified accommodation, the Health Board may issue a direction to the service provider to take specific steps. Section 63B gives Health Boards the power to act where a section 63A direction has not been complied with.
- 7.2.3.6 Although these powers have been commenced and are available, they have not been used in this reporting period. A Health Board has not yet been required to issue a direction to a care home using this legislation. Consequently, Health Boards have not had to use the power to act when said direction has not been complied with.
- 7.2.3.7 Paragraph 17 of schedule 1 inserts sections 65A and 65B into the 2010 Act.

- 7.2.3.8 Section 65A provides that Scottish Ministers may apply to a Sheriff Court or Court of Session for an Emergency Intervention Order in respect of a care home service provided at a care home which is stated in the application.
- 7.2.3.9 Section 65A subsection (2) sets out that an Emergency Intervention Order is an order which authorises the Scottish Ministers to nominate a person to act as a nominated officer. The nominated officer is authorised to (1) enter and occupy the accommodation (2) direct the provision of the care home service at the accommodation and (3) do anything that the officer considers necessary to ensure that the care home service is provided to an appropriate standard. It also requires the providers of care to comply with any direction given by the nominated officer in relation to the provision of care.
- 7.2.3.10 Subsection (7) provides that the court must make an Emergency Intervention Order if it appears there is, due to coronavirus, a serious risk to the life, health or wellbeing of people at the care home.
- 7.2.3.11 As yet, Scottish Ministers have not made an application to the courts for an Emergency Intervention Order in relation to coronavirus under these powers. The Care Inspectorate updates Ministers of any care home providers with which they have serious concerns and provide regular updates to them to enable emergency action to be taken if required.
- 7.2.3.12 Section 65B provides that Scottish Ministers may make further provisions to the Emergency Intervention Orders by regulations. Those regulations are subject to the 'made affirmative' procedure and will last for 28 days unless they are laid before Parliament and approved.
- 7.2.3.13 Powers under section 65B were used in the second reporting period to make, the Care Homes Emergency Intervention Orders (Coronavirus) (Scotland) Regulations 2020 (SSI 2020/201) ⁵² which came into force on 3 July 2020. They make further provisions to the emergency intervention powers set out under section 65A, including: enabling the nominated officer to delegate actions to others; allowing Scottish Ministers to obtain information from relevant bodies; and limiting claims for compensation.
- 7.2.3.14 No further regulations have been made under powers in section 65B during this eighth reporting period.

Factors Considered to Determine Use and Continued Necessity

- 7.2.3.15 While both the Emergency Directions and the Emergency Intervention Orders have not been used to date, there are a number of factors to consider in their continued necessity. The availability of these powers enables Health Boards to act swiftly to make specific asks of care home providers where they believe there is a material risk to health within the care home due to coronavirus. Where necessary and following approval of the court, it allows Health Boards to take steps to ensure that any actions are carried out. Similarly, the powers enable Ministers to act immediately to safeguard the life, health and wellbeing

⁵² [The Care Homes Emergency Intervention Orders \(Coronavirus\) \(Scotland\) Regulations 2020](#)

of care homes residents – provided the tests for intervening are met. The nature of the pandemic means circumstances can quickly change and these powers mean Ministers remain in a position to act swiftly. If the powers were removed while there are still concerns about the virus and its impact on care homes, there is a risk that any necessary swift action and additional oversight will not be forthcoming.

- 7.2.3.16 Care homes include persons of a variety of protected characteristics, in particular disabled persons and persons of varied ages, with the protected characteristics of age and disability being especially relevant to residents. The legislation builds on established powers and the availability of these powers ensures that immediate action to safeguard life health and wellbeing can be taken if continuity of care is jeopardised. Having these powers available permits Health Boards and Scottish Ministers to take more responsive action if they consider it is justified and necessary, in a sector which is particularly vulnerable to the virus.
- 7.2.3.17 Significant support to care homes has been required over the pandemic through local systems – Health Boards, Local Authorities and the Care Inspectorate - without necessitating the use of these powers. However, the nature of the pandemic means circumstances can quickly change which may necessitate the need for such interventions. These powers mean Ministers are in a position to act swiftly. If the powers were removed while there are still concerns about the virus and its impact on care homes, there is a risk that any necessary swift action and additional oversight will not be forthcoming.
- 7.2.3.18 The second wave of the virus, fuelled by the emergence of a new strain, had a significant impact on Scotland. Cases rose dramatically in Scotland across December (peaking at 2,622 new reported cases in the Scottish population on 31 December). This rise in community prevalence was mirrored in the care home sector which saw a steep increase in cases and deaths. Where care homes had outbreaks, these were significant and often overwhelming the resources of the care home who required mutual aid and support from NHS and Local Authority partners.
- 7.2.3.19 There is an ongoing significant threat from emerging new variants of concern including the Delta variant which is currently circulating across the UK and contributing to a third wave of the virus. Evidence suggests this variant spreads more easily than previous ones. As a result, cases are rising in the community and this is mirrored in care homes where we are continuing to see outbreaks, although at lower rates than seen before. However, in recent weeks outbreaks have risen steadily as at 15 September 2021, 130 (12%) of adult care homes had a current case of suspected COVID-19. This compares to 52 care homes as at 25 August 2021.
- 7.2.3.20 Evidence is still emerging about the efficacy of the vaccines for which progress in rolling out to the care home sector has been good. Emerging evidence suggest that the vaccine decreases the risk of serious disease and hospitalisation so this will likely protect the majority of residents from getting seriously ill with the virus. However, the evolving nature of the pandemic,

particularly the potential threat posed by potential new variants of concern, mean circumstances can and may change quickly. Until more is evidence is known about the impact on transmission and on health outcomes of existing vaccines, including against new variants of concern, public health measures continue to be required, although they do continue to be reviewed to take account of new information.

- 7.2.3.21 These concerns outlined above, combined with those around the vulnerability of the care home population, mean that the Scottish Government considers that the powers remain necessary and proportionate as they provide a safety net and assurance, allowing action to be taken by Scottish Ministers or Health Boards to protect public health.
- 7.2.3.22 There is check and balance to these powers, as any exercise of the powers to issue an emergency intervention order will be subject to the scrutiny of the courts.
- 7.2.3.23 While the above statements provide justification for having the powers in place during this period, the powers have not been used. Scotland's care infrastructure and the robust inspection regime of the Care Inspectorate is such that when these measures were implemented, it was considered that they would only need to be exercised in exceptional circumstances. Therefore, the fact the powers have not been used, does not mean that the rationale behind the implementation of these measures has ceased to be valid.
- 7.2.3.24 While the threat of the virus and emerging variants still remain, it is the opinion of the Scottish Government that these powers are still necessary and proportionate.

Section 2, schedule 1, Part 8: Power to purchase care home services and care at home providers

Description of Provision

- 7.2.4.1 The provisions in section 2 and paragraphs 18 to 20 of schedule 1, Part 8 set out temporary powers available to Local Authorities to purchase, by agreement, a care home or care at home services. It also sets out the powers available to Health Bodies (a Health Board, the Common Services Agency and Health Improvement Scotland) to acquire a care home, by agreement, on behalf of Scottish Ministers.
- 7.2.4.2 Circumstances where this can take place are where, for a reason relating to coronavirus: the provider is in serious financial difficulty; the Local Authority or health body is satisfied there is a threat to the life, health or wellbeing of people receiving the service; or where a provider has recently stopped providing the services.
- 7.2.4.3 These are for voluntary acquisitions only and do not grant powers for compulsory purchases.

7.2.4.4 Paragraph 19 also provides that the health body must comply with a written direction by Scottish Ministers.

Operation of Provision in Reporting Period

7.2.4.5 Paragraph 18 provides that a Local Authority may acquire, by agreement, a care home service, a care at home service and any asset or liability of those services under the circumstances outlined in paragraph 20.

7.2.4.6 Paragraph 19 provides that a health body (a Health Board, the Common Services Agency and Health Improvement Scotland) may acquire, by agreement, a care home service and any asset or liability of that provider on behalf of Scottish Ministers under the circumstances in paragraph 20.

7.2.4.7 Paragraph 19 also provides that the health body must comply with a written direction by Scottish Ministers. Directions must be published and they can be varied or revoked by a subsequent direction.

7.2.4.8 Paragraph 20 describes the circumstances in which the Local Authority can acquire the provider of a care home or care at home services (or any asset or liability of that provider) and a health body can acquire the provider of a care home service (or any asset or liability of that provider). These are set out in 7.2.4.2 above.

7.2.4.9 These powers have not been used in the reporting period. Neither a health body nor a Local Authority has acquired a care home, nor has a Local Authority acquired a care at home service, under these powers. Scottish Ministers have not directed a health body to acquire a care home under these powers.

Factors Considered to Determine Use and Continued Necessity

7.2.4.10 In addition to the factors that were considered as set out at sections 7.2.3.15 to 7.2.3.22 above, the following factors were also taken into consideration in the review.

7.2.4.11 These emergency provisions create powers in relation to the acquiring of care homes and care at home services. These types of transactions require detailed due diligence exercises to be carried out as well as practical discussions around matters such as budget, transition, employment considerations and property legalities. These matters require time. If action is required, the extension of these emergency provisions would also provide much clarity and benefit.

7.2.4.12 Additionally, the availability of these powers enables a Local Authority or a relevant health body to act to acquire a care home service or a care at home service in the circumstances set out in paragraph 7.2.4.2 above and enables a Local Authority or relevant health body to act to safeguard the interests of the residents of a care home. Equally, it also ensures a Local Authority can

quickly put in place continuity of care for those who receive a care at home service.

- 7.2.4.13 Levels of confidence in care home preparedness have improved significantly over the past 12 months, however care homes have been seen to be significantly overwhelmed by COVID during outbreaks. As described above in sections 7.2.3.19, the evolving nature of the pandemic, particularly the potential threat posed by variants of concern, mean circumstances can and may change quickly.
- 7.2.4.14 It remains a possibility that some homes will need an intervention. Pending more evidence on the efficacy and longevity of the vaccine, it would be prudent for the emergency powers to stay in place as they provide a safety net and assurance. Therefore, it is the opinion of the Scottish Government that these powers are still necessary and proportionate.

Section 2, schedule 1, Part 8: Power to purchase care home services and care at home providers

Description of Provision

- 7.2.4.15 The provisions in section 2 and paragraphs 18 to 20 of schedule 1, Part 8 set out temporary powers available to Local Authorities to purchase, by agreement, a care home or care at home services. It also sets out the powers available to Health Bodies (a Health Board, the Common Services Agency and Health Improvement Scotland) to acquire a care home, by agreement, on behalf of Scottish Ministers.
- 7.2.4.16 Circumstances where this can take place are where, for a reason relating to coronavirus: the provider is in serious financial difficulty; the Local Authority or health body is satisfied there is a threat to the life, health or wellbeing of people receiving the service; or where a provider has recently stopped providing the services.
- 7.2.4.17 These are for voluntary acquisitions only and do not grant powers for compulsory purchases.
- 7.2.4.18 Paragraph 19 also provides that the health body must comply with a written direction by Scottish Ministers.

Operation of Provision in Reporting Period

- 7.2.4.19 Paragraph 18 provides that a Local Authority may acquire, by agreement, a care home service, a care at home service and any asset or liability of those services under the circumstances outlined in paragraph 20.
- 7.2.4.20 Paragraph 19 provides that a health body (a Health Board, the Common Services Agency and Health Improvement Scotland) may acquire, by

agreement, a care home service and any asset or liability of that provider on behalf of Scottish Ministers under the circumstances in paragraph 20.

- 7.2.4.21 Paragraph 19 also provides that the health body must comply with a written direction by Scottish Ministers. Directions must be published and they can be varied or revoked by a subsequent direction.
- 7.2.4.22 Paragraph 20 describes the circumstances in which the Local Authority can acquire the provider of a care home or care at home services (or any asset or liability of that provider) and a health body can acquire the provider of a care home service (or any asset or liability of that provider). These are set out in 7.2.4.2 above.
- 7.2.4.23 These powers have not been used in the reporting period. Neither a health body nor a Local Authority has acquired a care home, nor has a Local Authority acquired a care at home service, under these powers. Scottish Ministers have not directed a health body to acquire a care home under these powers.

Factors Considered to Determine Use and Continued Necessity

- 7.2.4.24 In addition to the factors that were considered as set out at sections 7.2.3.15 to 7.2.3.22 above, the following factors were also taken into consideration in the review.
- 7.2.4.25 These emergency provisions create powers in relation to the acquiring of care homes and care at home services. These types of transactions require detailed due diligence exercises to be carried out as well as practical discussions around matters such as budget, transition, employment considerations and property legalities. These matters require time. If action is required, the extension of these emergency provisions would also provide much clarity and benefit.
- 7.2.4.26 Additionally, the availability of these powers enables a Local Authority or a relevant health body to act to acquire a care home service or a care at home service in the circumstances set out in paragraph 7.2.4.2 above and enables a Local Authority or relevant health body to act to safeguard the interests of the residents of a care home. Equally, it also ensures a Local Authority can quickly put in place continuity of care for those who receive a care at home service.
- 7.2.4.27 Levels of confidence in care home preparedness have improved significantly over the past 12 months, however care homes have been seen to be significantly overwhelmed by COVID during outbreaks. As described previously, the evolving nature of the pandemic, particularly the potential threat posed by variants of concern, mean circumstances can and may change quickly.
- 7.2.4.28 It remains a possibility that some homes will need an intervention. Pending more evidence on the efficacy and longevity of the vaccine, it would be

prudent for the emergency powers to stay in place as they provide a safety net and assurance. Therefore, it is the opinion of the Scottish Government that these powers are still necessary and proportionate.

Section 2 schedule 1, Part 9: Care homes: further provisions

Description of Provision

- 7.2.5.1 Section 2, schedule 1, Part 9 - care homes: further provisions, describes two provisions, which extend on the reporting work already undertaken by the Care Inspectorate in relation to care homes for the duration of the emergency period. The provisions introduce the publication of two reports that are laid before the Scottish Parliament: a fortnightly report on inspections of adult care homes; and a weekly report on the number of deaths notified by care home service providers.

Operation of Provision in Reporting Period – Reporting on Care Home Services Inspections

- 7.2.5.2 Section 53 of the Public Services Reform (Scotland) Act 2010 ('the 2010 Act') provides that the Care Inspectorate may inspect registered care services, and sets out the purpose of inspections. Section 2, schedule 1, Part 9 of the second Scottish Act adds section 53A to the 2010 Act, requiring that the Care Inspectorate must lay a report before Parliament every two weeks during the emergency period. These reports must set out which care home services it has inspected as well as the findings of those inspections.
- 7.2.5.3 This provision has been exercised from the date that the second Scottish Act came into force, with the first of the fortnightly reports being laid before Parliament on 10 June 2020. The Care Inspectorate continues to lay this report before Parliament every second Wednesday. The reports are also available on the Care Inspectorate website⁵³.
- 7.2.5.4 The report findings include indicators across three themes specific to coronavirus. These new quality indicators are now augmented in the Care Inspectorate's quality framework for Care Homes for Adults and Older People, and are also now included in the fortnightly report on inspections as follows: people's health and wellbeing are supported and safeguarded during the COVID-19 pandemic, infection control practices support a safe environment for both people experiencing care, and staff, and staffing arrangements are responsive to the changing needs of people experiencing care.

Factors Considered to Determine Use and Continued Necessity

- 7.2.5.5 In implementing this provision, the Care Inspectorate has had to develop and implement new processes to comply with the requirements. There have been clear advantages in taking a more targeted, intelligence-led and risk-based

⁵³ [Reports to the Scottish Parliament on Care Inspectorate inspections](#)

approach, working collaboratively with Health and Social Care Partnerships (HSCPs), clinical oversight teams, public health teams and Healthcare Improvement Scotland in both sharing information to prioritise services for inspection, and in undertaking the inspections themselves.

- 7.2.5.6 The Care Inspectorate has augmented their Quality Frameworks for inspections, including care homes for adults and older people, introducing quality indicators specific to COVID-19⁵⁴. This provides clarity in the reporting process during this time, where it is important to proactively identify where there may be a risk to the health and wellbeing of care home residents, and to the resilience of the service itself.
- 7.2.5.7 Where the Care Inspectorate has identified serious concerns in services, it has returned quickly to the care home to check and report on improvements. This has provided powerful evidence of the value of robust, independent scrutiny and assurance. This process has also been helpful in getting information into the public domain more quickly to provide assurance to Ministers, Parliament and the public at a time where levels of concern about the safety and wellbeing of care home residents is understandably high. It has enabled the Care Inspectorate to highlight more quickly the valuable work it and partners have been doing.
- 7.2.5.8 The reports which are provided to the Scottish Parliament present a useful overview of services inspected and their findings, providing the Care Inspectorate with the opportunity to make further enquiries if needed. The nature of reporting under the second Scottish Act requires a quick turnaround, albeit that full and complete inspection reports are now being produced in around the same time as it takes to publish the fortnightly reports.
- 7.2.5.9 Nevertheless, there continues to be an increased level of interest and scrutiny of care home issues and the potential threat from the virus and variant strains remains. The operation of the provision in the reporting period was proportionate, and the status of the provisions is appropriate. Among other factors, there has also been progress with the programme of vaccination in care homes, the reopening of visiting, and decrease in the number of deaths related to COVID-19 being reported. Whilst more evidence of the vaccine's efficacy is needed over time, it may be that the roll out of the vaccine in care homes, and across Scotland, continues to lead to a reduction in the number of care home deaths and the serious threat posed from the virus to care home residents.
- 7.2.5.10 The Care Inspectorate publishes its full inspection reports usually within 10 days of the inspection on its website, which is near to the timescales experienced pre-Covid. Although the expectation of this reporting has been appropriate and justified to date, these provisions are no longer felt to be necessary and are seen to add an administrative burden on the Care Inspectorate in preparing their findings every fortnight. As part of the Coronavirus (Extension and Expiry) (Scotland) Act 2021, this provision was

⁵⁴ [Care Inspectorate: Inspection during COVID-19](#)

suspended at the end of 30 September 2021. The second Scottish Act includes provision under section 8(1)(b) to permit suspended provisions to be revived by regulations. We will therefore continue to regularly review the position on reporting duties.

Operation of Provision in Reporting Period - Reporting on Coronavirus Deaths in Care Homes

- 7.2.5.11 Section 2, schedule 1, Part 9 of the second Scottish Act inserts section 79B into the Public Services Reform (Scotland) Act 2010 ('the 2010 Act'), which introduces new duties about the reporting of deaths in care homes. Section 79A of the 2010 Act requires that care home service providers must provide certain information to the Care Inspectorate each day in relation to the numbers of deaths which have occurred in a care home service, whether caused by, or attributable to, coronavirus or not. The Care Inspectorate must prepare a report setting out this information and share it with the Scottish Ministers.
- 7.2.5.12 This provision has been exercised from the date that the second Scottish Act came into force, with the first of the weekly reports being laid before Parliament on 10 June 2020. This contained data from 25 May 2020 onwards. The Scottish Ministers continue to lay this report before the Scottish Parliament each Wednesday and information relating to this is published on the Scottish Government website⁵⁵.

Factors Considered to Determine Use and Continued Necessity

- 7.2.5.13 Most care homes have continued to notify the Care Inspectorate of deaths promptly. A positive outcome of having this specifically set out in the legislation has been to remind care homes of the importance of reporting during this period. The Scottish Government and the Care Inspectorate and others have depended on accurate and timely reporting from providers.
- 7.2.5.14 National Records of Scotland (NRS) publish official statistics on deaths in Scotland, including deaths related to coronavirus in care homes. These statistics are sourced directly from death certificates and are the most accurate record of deaths.
- 7.2.5.15 Although NRS data and Care Inspectorate management information data on deaths in care homes are similar, they differ mainly due to the location of death (i.e. some care home residents who die in hospital are also included in the statistics reported to the Care Inspectorate from care home services). In this respect, NRS data allows greater distinction between deaths of care homes residents occurring in care homes and those occurring in other settings. There are also different time lags between the date of death and the date of registration, or date of notification to the Care Inspectorate. The NRS takes information directly from death certificates, meaning the lag time is consistent when publishing statistics.

⁵⁵ [Coronavirus \(COVID-19\): adult care homes - additional data](#)

- 7.2.5.16 These provisions are designed to provide assurance to Scottish Ministers, to the Scottish Parliament, the public and health and social care workforce, that the quality of care services is being properly scrutinised and supported during the emergency period. Care homes for older people are of a particular focus during the pandemic, although the provisions are relevant to all registered care home services.
- 7.2.5.17 The operation of the provision in the reporting period to provide for the weekly reporting has offered greater transparency than previously possible at the outset of the pandemic. The operation of the provision has been proportionate and the status appropriate. However, there are now a number of further factors to consider. The roll out of the vaccine in care homes, and across Scotland, has led to a reduction in the number of care home deaths and the serious threat posed from the virus to care home residents. It may be that this continues to lead to such a reduction. More evidence on the efficacy of the vaccine may be needed over time as part of a wider consideration into what reporting duties should look like. However, meantime, the vaccine appears to have positively impacted the toll of the virus in care homes.
- 7.2.5.18 With the NRS providing reliable and accurate data on Covid attributable deaths and noting the successful roll-out of the vaccine across care homes residents and staff, it is prudent to balance the continued necessity of these provisions with the burden placed on the capacity of the Care Inspectorate to carry out wider scrutiny activity, as well as on care home staff and providers who are asked to regularly report on deaths. Preparing the fortnightly report has reduced the Care Inspectorate's capacity to carry out wider scrutiny activity, as well as its inspectors who are involved in the preparation. Further, there has been a return to a near normal pre-Covid process where full inspection reports are published usually within 10 days of the inspection. The result of this is that in many cases, full inspection reports are being published around the same time as the associated and less detailed parliamentary report. There is unnecessary duplication of effort.
- 7.2.5.19 Therefore, although the expectation of this reporting has been appropriate and justified, these provisions are no longer necessary and, as part of the Coronavirus (Extension and Expiry) (Scotland) Act 2021, were suspended at the end of 30 September 2021. The second Scottish Act includes provision under section 8(1)(b) to permit suspended provisions to be revived by regulations. We will therefore continue to regularly review the position on reporting duties.
- 7.2.5.20 The Care Inspectorate has published its Equality Outcomes, Mainstreaming Report and Action Plan⁵⁶, setting out its approach to Equality Impact Assessments, obligations as corporate parents, and other duties.

⁵⁶ [Care Inspectorate: Equalities report 2019-21](#)

Section 5 and schedule 4, Part 4 - Care services: giving of notices by the Care Inspectorate

Description of Provision

- 7.2.6.1 This provides the Care Inspectorate with powers to send formal notices to registered care service providers by electronic means, in addition to normal post, for the duration of the emergency period.
- 7.2.6.2 This power also enables notice to be given to a person providing, or seeking to provide, a care service and covers:
- an individual;
 - a body corporate, to a director, secretary or other similar officer of that body or to a manager (or other similar officer) of the care service provided by that body; or
 - a firm, to a partner of that firm.
- 7.2.6.3 Under normal circumstances, formal notices are issued via postal services or are hand delivered. Presently, this is not possible due to the Care Inspectorate following public health guidance, and staff not having access to premises to carry out this function or printing services. This provision has enabled the Care Inspectorate to issue any notice by email, or to publish more generally on a website, when required, thereby expediting the process, at a time when it is increasingly important to deliver notices in a timely, accessible and safe manner.

Operation of Provision in Reporting Period

- 7.2.6.4 As of 16 September 2021 this power has been used by the Care Inspectorate in relation to 3,760 matters for the issuing of notices relating to registration, variation of conditions of registration, and enforcement action.
- 7.2.6.5 This has been seen as an important legislative change from the point of view of the Care Inspectorate. During the coronavirus pandemic the Care Inspectorate offices have been closed (and remain closed to the public at the time of reporting). Offices are also unable to receive postal correspondence, meaning electronic communication has become more vital.
- 7.2.6.6 Staff continue not to be able to freely access printers and other resources to enable hard copy correspondence to be issued timeously. Additionally, the accessing of the specific postal services required for notices still presents problems as does the giving of notice by hand delivery, which necessitates face-to-face contact. In the absence of this legislative change, the Care Inspectorate would have delivered formal notices by email and would have argued strongly that it did constitute effective delivery. The amendments that have been introduced put the position beyond doubt.

Factors Considered to Determine Use and Continued Necessity

- 7.2.6.7 The changes to the identities of individuals to whom a notice intended for a body corporate may be given, has been an essential change from the point of view of updating section 101 of the Public Service Reform (Scotland) Act 2010. This has made it fit for purpose in today's environment, regardless of coronavirus.
- 7.2.6.8 The Scottish Government's view has been that this provision should continue to be necessary for as long as there is not near-normal office access and similarly, near-normal access to postal services. It seeks to support emergency action required by ensuring notices are delivered and received quickly and safely. The availability of these emergency powers better ensures oversight without delay in a sector which is more vulnerable to the virus and brings delivery of notices up to the comparably modern standard experienced by other UK care service regulators.
- 7.2.6.9 The Care Inspectorate have indicated a preference to continue to serve improvement notices electronically in addition to being able to physically serve them on the wider list of persons provided under temporary section 101.
- 7.2.6.10 Therefore, it is our intention to seek the permanency of the principles of temporary section 101 through primary legislation, allowing the Care Inspectorate to continue to transmit notices electronically and serve these on a wider range of persons.
- 7.2.6.11 The Care Inspectorate, as the independent scrutiny and improvement body responsible for the regulation and inspection of care and support services in Scotland, is subject to the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012. Care homes include persons of protected characteristics, in particular disabled persons and persons of varied ages, with older person making up the majority of residents. See additional information regarding this at section 7.2.5.17 and 7.2.5.18 above.

Section 5, schedule 4, Part 12 - Restriction on giving grant to businesses connected to tax havens

- 7.2.7.1 The Scottish Ministers are required to take steps to satisfy themselves that the conditions are met.
- 7.2.7.2 A coronavirus-related grant may not be made if the conditions are not met and if, after a grant has been made, it is established that the conditions were not in fact met, the grant will be immediately repayable by the grantee.
- 7.2.7.3 The conditions that must be met are that the grantee company must not be based in a tax haven, the subsidiary of a company based in a tax haven, the parent company of a subsidiary based in a tax haven nor party to an arrangement under which any of its profits are subject to the tax regime of a tax haven.

7.2.7.4 The list of tax havens has not been amended since last reporting period. The list consists of:

- American Samoa
- Anguilla
- Dominica
- Fiji
- Guam
- Palau
- Panama
- Samoa
- Trinidad and Tobago
- US Virgin Islands
- Vanuatu
- Seychelles

UK Act

Section 10 and schedule 9 - Temporary modification of mental health legislation

Description of Provision

- 7.3.1.1 The provision makes temporary changes to mental health legislation and it aims to ensure that people can continue to be treated and cared for in a way which both respects their rights, and maintains safeguards. These temporary changes will continue to be compliant with human rights obligations.

Factors Considered to Determine Use and Continued Necessity

- 7.3.1.2 The provisions have not yet commenced.
- 7.3.1.3 Mental health legislation in Scotland provides for rigorous safeguards in respect of individuals' human rights which include that any function should be carried out for the maximum benefit of the patient, with the minimum necessary restriction on the freedom of the patient. During the passage of the Bill, Ministers were clear that these temporary changes would be brought in only when absolutely necessary.
- 7.3.1.4 The temporary provisions aim to provide additional flexibility to enable services to cope with significant staff shortages whilst maintaining appropriate safeguards for patients and to help support the continued safe running of compulsory care and treatment services under mental health legislation.
- 7.3.1.5 In order for Scottish Ministers to take a view on appropriate and timely commencement of the mental health provisions, the Scottish Government has been clear that there is an ongoing need to collate and review a range of evidence including NHS workforce information showing the overall and coronavirus-related staff absence rate across NHS Boards. In addition, the Scottish Government is working closely with the Mental Welfare Commission, the Mental Health Tribunal for Scotland, the Royal College of Psychiatrists and Social Work Scotland. The Mental Welfare Commission has a statutory duty to monitor the use of the Scottish Government's mental health legislation and it will ensure that the necessary data continues to be collected. Also, through its oversight group, the Mental Welfare Commission will be in a position to scrutinise and monitor the use of these emergency powers, if ever commenced.
- 7.3.1.6 Stakeholders recognise that the mental health impacts of this pandemic and associated lockdown restrictions may not be fully felt or understood for some months to come. All agreed that the data and evidence of impact on services and workforce is paramount when considering whether there is a need to commence the legislation. Therefore, we feel that it remains necessary to retain these provisions at present to provide additional flexibility given the current climate while recovery is underway.

- 7.3.1.7 Mental health legislation in Scotland already provides for rigorous safeguards in respect of individuals' human rights. Consideration has been given to the potential for impacting on an individual's human rights in the event that the amendments to mental health legislation ever require to be commenced. There is a balancing exercise involved in assessing the proportionality of a measure when multiple human rights are engaged; this remains the case even during a pandemic when Article 2 (the right to life) is engaged. We acknowledge that there is a risk that the relaxing of measures required for admission, and the increase in the length of time patients can be detained could be argued to have a detrimental impact on this protected group.
- 7.3.1.8 However, these temporary changes to mental health legislation are intended to ensure that people can continue to be treated and cared for in a way which both respects their rights and maintains safeguards while ensuring that services can better cope with staff shortages. Careful consideration was given as to how this could be achieved and the temporary measures are not about making it easier to detain people, but to ensure those who are in need of detention under the Mental Health Act receive the care they need when they need it.
- 7.3.1.9 Section 3 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (the '2003 Act') provides that certain persons exercising functions under the Act are required to discharge the function in a manner that encourages equal opportunities and in particular the observance of the equal opportunity requirements. This section will remain in force even if the amendments are commenced.
- 7.3.1.10 The amending provisions, if commenced, would be time limited and restricted to use only when necessary. They are not replacing existing legislation and as they are permissive rather than prescriptive then they would provide flexibility about staffing and time limits. If commenced they would only be used when adhering to the current mental health legislation is not practicable or would involve undesirable delay. Should it become necessary to commence and rely on the amended provisions, there is still a prescribed procedure that must be followed when an individual is being assessed, treated and/or detained.

Evidence from stakeholders suggests that it is important to retain the temporary provisions at present

- 7.3.1.11 Throughout the pandemic, we have engaged with key stakeholders through the Scottish Government's Short Life Mental Health Legislation Commencement Consideration to monitor and review the need to commence the temporary provisions on an ongoing basis. Meetings of the group are held regularly with group members providing real-time feedback on how well mental health services are able to operate mental health legislation from their perspectives across the system.
- 7.3.1.12 They report that this remains a challenging period however the current levels of operation of the Adults with Incapacity and Mental Health Acts merits a

continued cautious approach in respect of the emergency provisions. There has been an increased level of demand on mental health services both in terms of support services for those with poor mental wellbeing, but also on psychiatric services from people with more severe mental ill health. They view the temporary provisions as a safety net only to be used as a last resort. We feel that while there remains no need to commence the provisions it would be premature to take away that safety net at this particular moment while recovery is underway. It should also be noted that these temporary provisions, if commenced, are to be permissive rather than obligatory.

7.3.1.13 Members of the Short Life Mental Health Legislation Commencement Consideration Group have also appeared before the Equality and Human Rights Committee. During their evidence session they were clear that although the pressure on workloads remains challenging we are not at the stage where these temporary provisions should commence however it remains necessary to have these provisions available.

7.3.1.14 The Scottish Government has been and will continue to engage with stakeholders in order to gather, analyse and review all available data and evidence. This will be used to inform and shape future advice to Scottish Ministers regarding any decision to commence these temporary measures.

Section 16 - Duty of Local Authority to assess needs: Scotland, and section 17 - section 16: further provision

Description of Provision

- 7.3.2.1 The provisions allow for relaxation of some requirements relating to social work needs assessments.

Operation of Provision in Reporting Period

- 7.3.2.2 Sections 16 and 17 of the UK Act allow Local Authorities to dispense with particular social care assessment duties where it would not be practical to comply with them, or to do so would cause unnecessary delay in providing community care services to any person. The provision covers social care for adults and children and support for carers. It is intended to allow Local Authorities to provide urgent care without delay.
- 7.3.2.3 Scottish Ministers brought forward The Coronavirus Act 2020 (Suspension: Adult Social Care) (Scotland) Regulations 2020 under section 88 of the UK Act which suspends section 16 in respect of adult social care and adult carers which came into force on 30 November 2020. They also brought forward The Coronavirus Act 2021 (Suspension: Children and Young Persons Social Care) (Scotland) Regulations 2021 which will also suspend section 16 in respect of children and young carers and will come into force on 29 September 2021. Section 16 could be brought back into effect by regulations to revive the operation of a provision under section 88(3) of the UK Act, should the response to the virus require this. An Equality Impact Assessment⁵⁷ was completed for the regulations and revised guidance⁵⁸ has been issued.
- 7.3.2.4 To introduce the powers, Scottish Ministers made the Coronavirus Act 2020 (Commencement No. 1) (Scotland) Regulations 2020 (SSI 2020/121)⁵⁹, which came into force on 5 April 2020. Statutory guidance on these powers was issued on 3 April 2020, and the Deputy First Minister and Cabinet Secretary for Health and Sport wrote jointly to key stakeholders ahead of commencement which was on 5 April 2020. These communications made clear that these powers in respect of assessment duties would remain in operation only while absolutely necessary to protect people.
- 7.3.2.5 Following liaison with COSLA and Social Work Scotland, the Scottish Government issued regular surveys to Chief Social Work Officers to identify use of the powers in respect of children's services and the justification for retaining them in relation to children's services. Information from these surveys has been used to inform each of the two-monthly reports to the Scottish Parliament on use of powers under the Coronavirus Acts. Responses

⁵⁷ [Equality Impact Assessment - The Coronavirus Act 2020 \(Suspension: Adult Social Care\) \(Scotland\) Regulations 2020](#)

⁵⁸ [Coronavirus \(COVID 19\): changes to social care assessments - statutory guidance for local authorities on sections 16 and 17 of the Coronavirus Act 2020 as updated on 6 Nov 2020](#)

⁵⁹ [The Coronavirus Act 2020 \(Commencement No. 1\) \(Scotland\) Regulations 2020](#)

to the most recent survey covering the period to the end of August found that only one Local Authority reported they had used the powers.

- 7.3.2.6 Reasons given for use of the powers included: to allow staff to support front line duties, to provide flexibility to enable targeting of resources on those with most needs, and to ensure people receive appropriate care promptly.

Sections 34 and 35 - Temporary disapplication of disclosure offences: Scotland and power to reclassify certain disclosure requests: Scotland

Description of Provision

- 7.3.3.1 The provisions give Scottish Ministers the power to issue a direction that dis-applies or modifies the offences under section 35 (organisations not to use barred individuals for regulated work) and section 36 (personnel suppliers not to supply barred individuals for regulated work) of the Protection of Vulnerable Groups (Scotland) Act 2007 ('the PVG Act').

Factors Considered to Determine Use and Continued Necessity

- 7.3.3.2 This power has not been used in this reporting period. The use of these provisions is directly linked to the ability of Disclosure Scotland to continue to provide a service to those critical workers requiring PVG scheme membership. This provision is to ensure that employers that employ someone who is barred from regulated work are not criminalised due to the inability of Disclosure Scotland to provide this check in a timely manner.
- 7.3.3.3 Disclosure Scotland's Leadership Team monitors the number of applications received on a daily basis, and the length of time that it is taking to process and issue disclosures. Throughout the reporting period, the average processing time for PVG disclosures in connection with recruitment for coronavirus work has been under one week. Disclosure Scotland's Leadership Team also monitors staff absences daily, and these have not been at a level to impact adversely on the processing and issuing of disclosures. Scottish Ministers will make the decision to invoke this contingency if monitoring shows that there is a material risk of Disclosure Scotland being unable to continue to provide a service to critical workers requiring PVG scheme membership.
- 7.3.3.4 While at this time, the assessment is that the powers under sections 34 and 35 do not require to be used, the provision remains necessary overall as a contingency to ensure continuity of service.
- 7.3.3.5 The provisions are not considered to engage any children's rights, human rights or equality considerations. While the disclosure and barring services operated under the PVG Act can impact on both Article 6 and Article 8 rights, sections 34 and 35 do not change the type or extent of information that may be disclosed about a person's criminal past, nor do they affect Ministers' ability to place an individual under consideration for listing to prevent them

from working with vulnerable groups. They do not undermine safeguarding, since it would continue to be an offence for a barred individual to do regulated work with children and/or protected adults.

Section 37 and Part 2 of schedule 16 and section 38 and Part 2 of schedule 17 - Temporary closure of educational institutions and childcare premises, and temporary continuity: education, training and childcare

Description of Provision

- 7.3.4.1 The provisions provide Scottish Ministers with powers to direct the closure of educational establishments where it is necessary and proportionate, or give directions relating to the continuity of education, which may include directing the operator of an education establishment to take on additional functions, to close educational establishments, or reopen either partially or fully. Ministers have powers in respect of both types of direction to provide that any failure to comply with a statutory duty or time limit is to be disregarded to the extent the failure is attributable to the direction; a closure direction would have such effects automatically.

Operation of Provision in Reporting Period

- 7.3.4.2 The powers under section 37 and Part 2 of schedule 16 have not been used in the reporting period.
- 7.3.4.3 The powers under section 38 and Part 2 of schedule 17 have not been used in the reporting period.

Factors Considered to Determine Use and Continued Necessity

- 7.3.4.4 The directions issued by Scottish Ministers have underpinned guidance⁶⁰ that has been developed with the support and advice of the COVID-19 Education Recovery Group (CERG) and the Advisory Sub-Group on Education and Children's Issues. CERG and the Advisory Sub-Group have collectively provided the broad based overview of the effect of the current coronavirus guidance for schools/settings and any requirements for it to be amended or updated, taking consideration of views from across the schools and registered childcare sector. Accompanying impact assessments⁶¹ have also been published in relation to protected characteristics, children's rights and wellbeing, the Fairer Scotland Duty and island communities.
- 7.3.4.5 Guidance for the registered childcare sector (separate for early learning and childcare settings); school aged childcare; and childminders has been regularly updated⁶² The Impact Assessment for 'The reopening of childcare' was published on 30 September 2020 and an Impact Assessment for the

⁶⁰ [Coronavirus \(COVID-19\): guidance on reducing the risks in schools - gov.scot \(www.gov.scot\) – updated on 15 September 2021.](https://www.gov.scot/publications/coronavirus-guidance-on-reducing-the-risks-in-schools/pages/15-september-2021/)

⁶¹ [Impact assessment: Reducing risks in schools guidance for back to school arrangements - August 2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/impact-assessment-reducing-risks-in-schools-guidance-for-back-to-school-arrangements/pages/1-august-2021/)

⁶² [Coronavirus \(COVID-19\): early learning and childcare services - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/coronavirus-early-learning-and-childcare-services/pages/30-september-2020/)

temporary restrictions on early learning and childcare in 2021 was published on 19 February.⁶³

- 7.3.4.6 Ministers' powers to issue directions to educational establishments also include further and higher education institutions. To date, the powers have not been exercised in relation to FE or HE institutions. Nevertheless, it is considered appropriate for the powers to remain in force in full. It may become necessary in due course to issue educational continuity directions to those sectors, particularly as Covid related restrictions continue to ease and in person teaching resumes for the majority of students. Continuity directions would allow Ministers to require institutions to take appropriate health protection measures, possibly including partial closure of a further or higher institution where there is a significant outbreak. These powers would only be used as a last resort in the FE/HE sectors. The Scottish Government's position remains that it is working closely with universities, colleges and other organisations within the sector to mitigate any impacts on the further and higher education system arising from the pandemic while preventing the spread of the virus. The sector has voluntarily behaved responsibly, closing institutions when necessary, and complied with relevant non-statutory guidance and advice.
- 7.3.4.7 It is the case that Covid-19 related restrictions eased at the beginning of the reporting period and no education related directions are currently required. However, it is considered appropriate that these powers remain in force, as they are necessary to support actions in society to prevent the spread of the virus, and to ensure that educational provision is maintained for children and young people. Uncertainty as to the course of the pandemic remains and further educational continuity or closure directions may be necessary in future periods.

Section 49 and schedule 19 - Health Protection Regulations: Scotland

Description of Provision

- 7.3.5.1 Section 49 introduces schedule 19, which gives Scottish Ministers the powers 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 with coronavirus in Scotland.

Operation of Provision in Reporting Period

- 7.3.5.2 Section 49 and schedule 19 commenced on Royal Assent and came into force on 25 March 2020. The powers have been used to make several sets of regulations to provide for the "lockdown". While the full chronology of these

⁶³ [Coronavirus \(COVID-19\): re-opening childcare - impact assessment](#)

regulations up to 31 August 2021 (SSI 2021/263⁶⁴) can be viewed in the eighth two-monthly report to Parliament⁶⁵, the regulations made using these powers in this ninth reporting period are as follows:

- **5 August 2021:** [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Regulations 2021](#) (SSI 2021/277) were made. These Regulations provide that relevant hospitality and entertainment premises are required to obtain and record visitor information for the purpose of preventing the spread of coronavirus or monitoring the spread of infection and the incidence of coronavirus disease. They also require persons responsible for places of worship, carrying on a business or providing a service to have regard to relevant guidance issued by the Scottish Ministers about measures to minimise risk of exposure to coronavirus. They also provide that persons in specified indoor places must wear a face covering unless a specific exemption applies. They require persons who use a passenger transport service or passenger transport service premises to wear a face covering unless a specific exemption applies. They also cap numbers at live events at 5000 people for events held outdoors and at 2000 people for events held indoors subject to local authority approval of higher attendance limits in accordance with the process set out in the regulations. Enforcement powers are provided for. They also require Scottish Ministers to review the requirements at least once every 21 days and the regulations require Scottish Ministers to revoke any requirement as soon as it is no longer necessary.
- **2 September 2021:** [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment Regulations 2021](#) (SSI 2021/299) were made. These Regulations enable performers to perform or rehearse for a performance without face coverings in situations where distancing or partitioning is not possible. The exemption will apply as long as there is either a partition or a distance of at least one metre between performers and other people (including the audience) but that does not include people who are performing or rehearsing with the performers or assisting with the performance or rehearsal.
- **22 September 2021:** [The Health Protection \(Coronavirus, Restrictions\) \(Directions by Local Authorities\) \(Scotland\) Amendment Regulations 2021](#) (SSI 2021/329) were made. These Extend the expiry date of The Health Protection (Coronavirus, Restrictions) (Directions by Local Authorities) (Scotland) Regulations 2020 (“the principal regulations”) to 25 March 2022.
- **29 September 2021:** [The Health Protection \(Coronavirus\) \(Requirements\) \(Scotland\) Amendment \(No. 2\) Regulations 2021](#) (SSI/349) were made. These regulations provide that late night premises and premises where a relevant event is taking place must operate a reasonable system for checking that persons on, or seeking to enter, their premises are fully vaccinated against coronavirus or are exempt from the requirement to demonstrate that

⁶⁴ [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Local Levels\) \(Scotland\) Amendment \(No. 32\) Amendment Regulations 2021](#)

⁶⁵ [Coronavirus Acts: Eighth Report to Scottish Parliament](#)

they are fully vaccinated. Relevant premises must also prepare a compliance plan describing how their systems will operate and other measures in place to prevent or minimise the spread of coronavirus. These Regulations amend the Principal Regulations to enable a local authority to take appropriate steps to enforce the requirement to operate a vaccine checking system. These Regulations introduce a right of entry for persons designated by a local authority to enter premises operating a system. These Regulations also remove capacity limits previously in the Principal Regulations on stadia and live events above which a capacity exemption application must be approved by a local authority.

- 7.3.5.3 Associated guidance has been regularly updated. Evidence supporting the decisions applying the Strategic Framework levels across different parts of Scotland each week since they were first introduced on 2 November 2020 is set out in the series [Covid Protection Levels; Reviews and Evidence](#). This includes a series of [State of the Epidemic](#) reports which summarise the latest indicators on case numbers and testing, as well as evidence on prevalence of the new variant of concern (VOC).
- 7.3.5.4 On 11 December 2020 the Scottish Government published [Assessing the Four Harms of the Crisis](#). This document describes how the Four Harms approach works in practice and presents evidence to illustrate its application to decisions relevant to Scotland's Strategic Framework.
- 7.3.5.5 Revised [Local Protection Levels](#) were published on 13 April 2021. These were subject to ongoing review as necessary. Scotland has subsequently moved beyond Level 0.
- 7.3.5.6 On 22 June 2021 the Scottish Government published an updated version of COVID-19 Scotland's Strategic Framework which describes how we will prioritise moving out of lockdown, as well as a review of physical distancing in Scotland.
- 7.3.5.7 In addition, the [Modelling the Epidemic](#) series provides outputs from modelling of the spread and level of the epidemic by Scottish Government, as well as results by modelling groups feeding into the SAGE consensus. These help ensure a robust, peer-tested and up to date picture informs decisions.
- 7.3.5.8 Public Health Scotland ("PHS") also publish a [Covid19 weekly statistical report](#). This presents key information on the rollout of the vaccine, volumes of tests and data on Covid transmissions, prevalence of the new variant and case numbers, plus links to a range of research resources and tools.
- 7.3.5.9 Police Scotland is publishing weekly updates on the use of coronavirus legislation, including the number of Fixed Penalty Notices issued and other intervention activity⁶⁶. This information is drawn from Police Scotland's 'Coronavirus Interventions' application, which relies on manual input from police officers. Due to this manual input, these figures are indicative only and

⁶⁶ [Police Scotland: Enforcement and Response Data](#)

should not be considered Official Police Statistics. This system currently provides the broadest picture of the differing levels of co-operation experienced by police across Scotland.

- 7.3.5.10 In due course and as standard practice, the Official Statistics produced by the Scottish Government on Recorded Crime⁶⁷ and Criminal Proceedings⁶⁸ will ultimately provide users with information on both the number of crimes recorded in relation to the new powers, and the number of Fixed Penalty Notices issued. The Recorded Crime in Scotland, 2019-20 publication included a small number of crimes recorded under the legislation which was introduced towards the end of the reporting, in March 2020⁶⁷. Further updates on developments with these Official Statistics can be received by signing up to the SCOTSTAT network⁶⁹.
- 7.3.5.11 Information is now available on charges reported to COPFS under the various Health Protection Regulations made under schedule 19. Most charges were related to regulation 5(1), for failure to comply with the Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020.
- 7.3.5.12 Table Three below provides additional information on the number of charges reported up to 31 August 2021 and the initial decision on how these charges will proceed.

Table Three: Action taken as a result of charges reported to COPFS under the various Health Protection Regulations – up to 30 June 2021

Action taken	Number of charges reported	% of total
Solemn	102	5%
Summary	755	34%
Fiscal Fine	576	
Combined	1	
Fixed Penalty	9	
Diversion	93	
Reporter	60	
Warning	121	
Work Offer	3	
Direct Measure Total	863	38%
No Action/Not Separately Actioned Total	417	19%
No Decision Total	112	5%
Grand Total	2249	100%

Source: COPFS

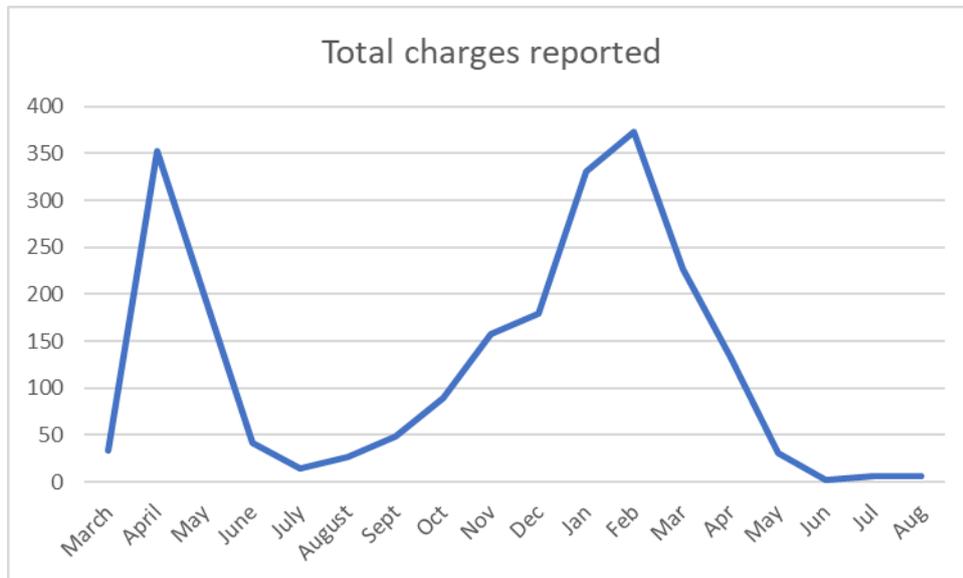
⁶⁷ [Recorded Crime in Scotland: 2019-2020](#)

⁶⁸ [Criminal proceedings in Scotland: 2019-2020](#)

⁶⁹ [ScotStat: Subscribe to our Alerts and Newsletters](#)

7.3.5.13 The table above covers the full period of the regulations being in force. A monthly breakdown of charges reported by date of offence is provided below.

Table Four: Charges reported to COPFS under the various Health Protection Regulations by date of offence – up to 31 August 2021



Source: COPFS

7.3.5.14 A total of 14 charges were reported to COPFS for offences committed between June and August 2021, with the number of charges now fewer than ten per month after the decline from peak levels seen in January and February 2021. April 2020 and February 2021 are the months in which the highest number of offences took place. Please note that the number of offences in recent months may increase as further reports are received.

7.3.5.15 A Local Authority can also use enforcement powers in relation to the parts of the regulations that relate to restrictions on businesses.

7.3.5.16 To ensure a co-ordinated approach to coronavirus was taken nationally, the Environmental Health/Trading Standards COVID-19 Expert Group was formed by the Society of Chief Officers of Environmental Health of Scotland and the Society of Chief Officers of Trading Standards in Scotland in conjunction with COSLA. Both Environmental Health and Trading Standards staff have been designated as authorised officers by Local Authorities to enforce the relevant requirements of the various Health Protection Regulations, made under schedule 19 of the UK Act.

7.3.5.17 Each Local Authority is publishing information about enforcement activity undertaken in relation to the regulations on the respective Local Authority's website. This information is currently published every two weeks.

Factors Considered to Determine Use and Continued Necessity

- 7.3.5.18 COVID-19: Scotland's Strategic Framework set out how the Scottish Government was working to suppress the virus and outlined the move to a strategic approach to outbreak management based on five levels of protection. The levels include graduated packages of measures designed to reduce transmission of the virus based on clinical advice and research. These levels could be applied nationally or to different areas of the country according to the evolving patterns of infection and transmission; higher levels indicated more stringent restrictions in response to higher infection rates.
- 7.3.5.19 The levels were designed with reference to Scotland's Framework for Decision Making and the Four Harms caused by the virus – in order to achieve the targeted impact on harm 1 at each level. They also seek to mitigate as much as possible the impact on harms 2-4.
- 7.3.5.20 Decisions about which levels to apply in which area were taken on the basis of public health and clinical advice, and an assessment against the four harms. These decisions require judgement to be applied to all the facts and considerations relevant at the time they are made.
- 7.3.5.21 The Strategic Framework was clear that decisions allocating levels to areas have to be based firmly in the best available evidence and information. They are assessed through a process that is open, transparent and collaborative so that restrictions are not kept in place longer than is strictly necessary to achieve the aim of suppressing the virus.
- 7.3.5.22 The process for moving between the levels took in clinical advice from the National Incident Management Team and Scottish Government clinical leads – around the Harm 1 direct health impacts from COVID. Directors of Public Health monitor data on a daily and weekly basis and SG officials update the suite of indicators weekly. The National Incident Management Team considers this information alongside local data and analysis in providing public health advice.
- 7.3.5.23 This is brought together with evidence and the assessment of impact on the other Harms caused by the virus – including the indirect health harms, the social harms and harms to the economy. A range of indicators, along with other evidence, was used to build up a picture of the Four Harms impacts of changes to levels. Wider considerations were also be taken into account such as the prevalence of infection elsewhere, or of the characteristics of new variants – which might suggest differential impacts.
- 7.3.5.24 Changes to level allocation, whether up or down, needed to be justified by the data, supported by public health advice and consistent with the Framework for Decision Making. Decisions were made by Ministers, in exercise of their statutory powers in relation to public health, and implemented through regulations.

- 7.3.5.25 Local authority partners were engaged in the decision making process through the National Incident Management Team and were consulted ahead of decisions applying levels being taken.
- 7.3.5.26 The Regulations must be reviewed at least every 21 days to ensure that the measures they impose continue to be necessary and proportionate.
- 7.3.5.27 In between these formal reviews, the individual measures are kept under continuous review and changes are assessed through the Four Harms approach. Changes arising from the reviews are set out to the Scottish Parliament in plenary and then considered by the Parliament's COVID-19 Committee.
- 7.3.5.28 Throughout the development of the regulations and guidance, the Scottish Government has always had regard to the need to protect human rights, equality considerations, the impact on business and the particular needs of island communities as part of the policy development process.
- 7.3.5.29 Ministers are clear that the restrictions and requirements imposed by regulations must be necessary and proportionate. Whilst measures across the levels aim to deal with a significant threat to public health, impact assessments have been, and will continue to be, carried out as required on these measures. Any proposed changes will be assessed for their impact on equality and other areas as part of the policy development. This will be reported to the Scottish Parliament in appropriate impact assessments supporting any further amending regulations. All impact assessments can be found on www.legislation.gov.uk under the appropriate instrument.

Section 51 and Part 3 of schedule 21 - Powers relating to potentially infectious persons

Description of Provision

- 7.3.6.1 Section 51 introduces schedule 21 which sets out powers which can be exercised by public health officers, constables and immigration officers in respect of persons where there are reasonable grounds to suspect that they are “potentially infectious”.

Operation of Provision in Reporting Period

- 7.3.6.2 A declaration of a serious and imminent threat to public health⁷⁰ was made on 25 March 2020 under schedule 21, and a further clarificatory declaration⁷¹ was made on 30 March 2020. Although the schedule 21 powers have been “switched on” via this declaration made by Scottish Ministers, they have not been used in the reporting period. The views and agreement of the Chief Medical Officer were formally sought and secured prior to the issuing of the

⁷⁰ [Coronavirus \(COVID-19\): Declaration of a serious and imminent threat to public health](#)

⁷¹ [Coronavirus \(COVID-19\): Declaration of a serious and imminent threat to public health \(supplementary\)](#)

declaration to switch on the schedule 21 powers, and continue to be sought as the Scottish Ministers keep the statutory declaration under review.

Factors Considered to Determine Use and Continued Necessity

- 7.3.6.3 The schedule 21 potentially infectious persons powers continue to be required particularly as restrictions ease and Scotland enters a Covid recovery period. There is also the potential for new variants to emerge. The Test and Protect programme aims to identify those at risk of exposure in order to test for coronavirus and require self-isolation. Where individuals do not co-operate on a voluntary basis it may be necessary, where appropriate, to use the powers under schedule 21 for their own and others' health and wellbeing.
- 7.3.6.4 In respect of the provisions in schedule 21, for example relating to isolation and medical screening and assessment, the requirements of ECHR were carefully considered when the Act was developed. When powers under schedule 21 are exercised, they must be exercised in a manner which strikes an appropriate balance between individuals' rights and the public health interest. To ensure this, a number of safeguards are built into the provisions, including the pre-requisite for the use of powers being a Ministerial declaration of a "serious and imminent risk to public health"; the requirement for the person exercising powers under the schedule to have reasonable grounds to believe that the person they are dealing with is potentially infectious; and appeal rights for those subject to restrictions.

Section 52 and Part 3 of schedule 22 - Powers to issue directions in relation to events, gatherings and premises

Description of Provision

- 7.3.7.1 Section 52 introduces schedule 22 which gives the Scottish Ministers direction-making powers in relation to events, gatherings and premises.

Operation of Provision in Reporting Period

- 7.3.7.2 A declaration of serious and imminent threat to public health⁷² was made on 25 March 2020 under schedule 22. This had the effect of starting a "public health response period" and switching on the schedule 22 powers (with a further clarificatory declaration⁷³ made on 30 March 2020).
- 7.3.7.3 The views and agreement of the Chief Medical Officer were formally sought and secured prior to the issuing of the declaration to switch on the schedule 22 powers.
- 7.3.7.4 Although the schedule 22 powers have been "switched on" via the declaration made by Scottish Ministers, they have not been used to make directions

⁷² [Coronavirus \(COVID-19\): Declaration of a serious and imminent threat to public health](#)

⁷³ [Coronavirus \(COVID-19\): Declaration of a serious and imminent threat to public health \(supplementary\)](#)

relating to events, gatherings and premises. Provision in that regard has instead been made to date by regulations made under schedule 19. Provision has also been made through regulations⁷⁴ made under the section 49, schedule 19 powers, to allow Local Authorities to give directions relating to specified premises, events and public outdoor places in their area.

7.3.7.5 As the requirement for the schedule 19 regulations is kept under review, based on public health grounds, so too is the ongoing requirement for the schedule 22 powers. In view of the fact that provision in respect of events, gatherings and premises may be made using the alternative powers discussed in para 7.3.7.4, Ministers have taken the view that the section 52 and schedule 22 powers should be expired.

⁷⁴ [The Health Protection \(Coronavirus, Restrictions\) \(Directions by Local Authorities\) \(Scotland\) Regulations 2020](#)

8. Coronavirus-related Scottish Statutory Instruments

8.1 Section 14 of the second Scottish Act requires Scottish Ministers to report on all SSIs made by Scottish Ministers where the primary purposes relate to coronavirus. This does not apply to SSIs made by Scottish Ministers under the first or second Scottish Acts or the UK Act, as SSIs made under these Acts are already being reported on. Information on SSIs, to which section 14 of the second Scottish Act applies, is included in **Table Five below**.

Table Five – SSIs to which section 14 of the second Scottish Act applies (SSIs in rows marked in grey have been expired)

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
1.	The National Health Service (Charges to Overseas Visitors) (Scotland) Amendment Regulations 2020 SSI 2020/17	Sections 98 and 105 of the National Health Service (Scotland) Act 1978	Negative	This instrument ensures that certain NHS services for any overseas visitor who requires diagnosis or treatment for coronavirus are provided without charge to that visitor.	30/01/2020	Open-ended	In force No change to status since last reporting period
2.	The Public Health etc. (Scotland) Act 2008 (Notifiable Disease and Notifiable Organisms) Amendment Regulations 2020 SSI 2020/51	Section 12(2) of the Public Health etc. (Scotland) Act 2008	Negative	Makes SARS-CoV-2 a notifiable virus and COVID-19 a notifiable disease.	22/02/2020	Open-ended	In force No change to status since last reporting period
3.	The Non-Domestic Rates (Coronavirus)	Section 153 of the Local	Negative	Introduces two reliefs in relation to Non-	01/04/2020	31/03/2021	Expired

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
	Reliefs (Scotland) Regulations 2020 SSI 2020/101	Government etc. (Scotland) Act 1994		Domestic Rates in the financial year beginning on 01/04/2020, and makes consequential amendments to other regulations that provide a relief from liability to pay rates.			Replaced by SSI 2021/151 for 2021-22
4.	The Council Tax Reduction (Scotland) (Amendment) (No.3) (Coronavirus) Regulations 2020 SSI 2020/108	Sections 80 and 113(1) and paragraph 1 of schedule 2 of the Local Government Finance Act 1992	Negative	The purpose of these regulations is to increase the additional earnings disregard from £17.10 to £37.10. The regulation takes effect on 06/04/2020 and ceases to have effect at the end of 04/04/2021, when the provisions in SSI 2021/137 come into force.	06/04/2020	04/04/2021	Expired
5.	The Carer's Allowance (Coronavirus) (Breaks in Care)(Scotland) Regulations 2020	Sections 70(8) and 175(1) and (3) of the Social Security Contributions	Negative	Relaxes the rules on breaks in caring so that breaks due to a carer or cared-for person being infected with or self-isolating	03/04/2020	Initially 8 months from 03/04/2020 The application of	Partially in force Regulation 2, which provides for the relaxation of the rules on breaks in

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
	SSI 2020/117	and Benefits Act 1992		<p>due to COVID-19 do not affect carers' receipt of Carer's Allowance.</p> <p>Payment will continue throughout any coronavirus-related break in care during the period for which regulation 2 of the 2020 Regulations has effect.</p>		<p>regulation 2, which provides for the relaxation of the rules on breaks in care, was extended to 12/05/2021 at 23:59 by SSI 2020/350.</p> <p>The application was further extended, to 31 August 2021, by SSI 2021/140 – see related table entries.</p> <p>It has now been expired.</p> <p>Regulation 4 remains in force.</p>	<p>care, expired on 31 August 2021.</p> <p>Regulation 4 remains in force, for the purpose of providing for a continued disregard of breaks in care which occurred for coronavirus related reasons during the period up to 31 August 2021.</p>

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
6.	The Single Use Carrier Bag Charge (Scotland) Amendment Regulations 2020 SSI 2020/118	Sections 88 and 96(2) of the Climate Change (Scotland) Act 2009	Affirmative	Waives the carrier bag fee in certain circumstances, such as bags being used to deliver groceries from a supermarket, for collections and for takeaways.	02/04/2020	Had effect until 00:01 on 03/10/2020	Not in force
7.	The Prisoner and Young Offenders Institutions (Scotland) Amendment Rules 2020 SSI 2020/122	Section 39 of the Prisons (Scotland) Act 1989	Negative	The amendments provide Governors with flexibility in regards to compliance with timescales and the provision of services detailed in Prison Rules.	07/04/2020	30/09/2021	Partially in force No change to status since last report – see entry for SSI 2020/264 and SSI 2021/80.
8.	The Electricity Works (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 SSI 2020/123	Section 2(2) of the European Communities Act 1972, sections 36(8), 36C(2), 60(2) and (3) and paragraph 1(3) of schedule 8 of	Negative	Suspends requirements for applicants to provide access to certain information at a physical location.	24/04/2020	Ending on the date on which Part 1 of the first Scottish Act expires	In force No change in status since last reporting period

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
		the Electricity Act 1989					
9.	The Town and Country Planning (Miscellaneous Temporary Modifications)(Coronavirus) (Scotland) Regulations 2020 SSI 2020/124	Section 2(2) of the European Communities Act 1972, sections 35B(5), 40, 43A(10) and (11) and 275 of the Town and Country Planning (Scotland) Act 1997	Negative	Suspends requirements for certain public events and meetings and for applicants to provide access to certain information at a physical location.	24/04/2020	Suspension of requirement for: i)environmental impact assessment reports to be available at a physical location ends on the date on which Part 1 of the first Scottish Act expires; ii) a public event in pre-application consultation expires at end 31/03/22; and iii) local review body meetings to be held in public expires	In force Certain expiration dates amended 29/09/21 (SSI 2021/292)

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
						at end of 30/09/21 Regulation 2 allows applications to be made up to 6 months after this point, where pre-application consultation (PAC) was carried out in accordance with the temporary emergency requirements rather than the re-instated PAC requirements.	
10.	The Education (Miscellaneous Amendments)(Coronavirus) (Scotland) Regulations 2020	Sections 28A(5) and 28D(3) of the Education (Scotland) Act	Negative	Extends timeframes for admissions related appeals and gives greater flexibility in	23/04/2020	Open-ended	In force

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
	SSI 2020/128	1980 and section 22 of, and paragraphs 4(3) and 6(6) of schedule 2 of the Education (Additional Support for Learning) (Scotland) Act 2004		how appeals can be conducted. Please note some of the extended timescales made by these regulations were shortened by SSI 2021/31			
11.	The Town and Country Planning (General Permitted Development) (Scotland) (Coronavirus) Amendment Order 2020 SSI 2020/129	Sections 30, 31 and 275 of the Town and Country Planning (Scotland) Act 1997	Negative	Allows Local Authorities to carry out development for emergency purposes.	24/04/2020	31/12/2021	In force Time period for effect of changes extended by SSI 2021/29
12.	The Children and Young People (Scotland) Act 2014 (Modification) (No.2) Revocation Order 2020	Section 48(2) of the Children and Young People (Scotland) Act 2014	Affirmative	This instrument revokes the increase of the mandatory amount of early learning and childcare	30/04/2020	Open-ended	In force No change to status since last reporting period.

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
	SSI 2020/136			from 600 hours to 1140 hours each year.			
13.	The Homeless Persons (Unsuitable Accommodation)(Scotland) Amendment Order 2020 SSI 2020/139	Section 29(3) and (4) of the Housing (Scotland) Act 1987	Negative	Extends the 2014 Unsuitable Accommodation Order to all homeless households.	05/05/2020	Open-ended except for Article 3 which expired on 30/09/2020 Only temporary exceptions expired repealed by the Homeless Persons (Unsuitable Accommodation) (Scotland) (Modification and Revocation) (Coronavirus) Order 2021 (SSI 2021/10). Permanent amendments	Partially in force No change to status since last reporting period.

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
						of 2020/139 remain in place.	
14.	The Education (Deemed Decisions) (Coronavirus) (Scotland) Amendment Regulations 2020 SSI 2020/149	Sections 28D(3)(b) and 28H(5)(b) of the Education (Scotland) Act 1980	Negative	Amends regulations that relate to an appeal against the decision of an education authority to exclude a pupil from school, by amending the time period after which failure of the education authority to hold an appeal committee hearing becomes a deemed decision from one month to four months.	15/05/2020	Open-ended	In force No change to status since last reporting period
15.	The Adults with Incapacity (Ethics Committee)(Coronavirus)(Scotland) Amendment Regulations 2020 SSI 2020/151	Section 51(6) of the Adults with Incapacity (Scotland) Act 2000	Negative	To improve capacity within, and allow some flexibilities in, working practice of the committee as a result of urgency of COVID-19 research and the subsequent amendments required to trials involving	21/05/2020	Open-ended	In force No change to status since last reporting period

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				adults with incapacity in Scotland, as research continues and is finessed beyond the pandemic stage when clinician members may be required to absent themselves due to clinical duties.			
16.	The Marine Works & Marine Licensing (Miscellaneous Temporary Modifications) (Scotland) Regulations 2020 SSI 2020/157	Section 2(2) of the European Communities Act 1972, sections 23(3)(d), (4) and (5), 24(2) and 165(1) of the Marine (Scotland) Act 2010	Negative	Replaces requirements for certain public consultation events with online events and suspends requirements for applicants to provide access to certain information at a physical location.	21/05/2020	Ending on the date on which Part 1 of the first Scottish Act expires	In force No change to status since last reporting period
17.	The Police Act 1997 and Protection of Vulnerable Groups (Scotland) Act 2007 (Fees) (Coronavirus) Regulations 2020	Sections 112(1)(b), 113A(1)(b), 113B(1)(b), 114(1)(b) and 116(1)(b) of	Negative	Qualifying sectors recruiting staff solely to respond to pandemic do not pay usual fee for a disclosure check.	26/06/2020	25/03/2022 The period for which this SSI has effect was extended	In force No change to status since last reporting period

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
	SSI 2020/163	the Police Act 1997 and sections 70(1) and (2) of the Protection of Vulnerable Groups (Scotland) Act 2007				to 25 March 2021 by the Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 (Fees) (Coronavirus) (Amendment) Regulations 2020 (SSI 2020/376). That period has been further amended to 25 March 2022 by The Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 (Fees) (Coronavirus)	

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
						Amendment Regulations 2021 (SSI 2021/71).	
18.	The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 SSI 2020/169	Section 94(1)(b)(i) of the Public Health etc. (Scotland) Act 2008	Made Affirmative	Introduces a requirement on international traveller arrivals into Scotland to provide data on their journey and contact details, and a requirement to self-isolate for 14 days after arrival, subject to a limited number of sectoral exemptions.	08/06/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidating SSI 2021/322. Not in force subject to regulation 52(2) of that SSI (transitional provisions).
19.	The Health Protection (Coronavirus) (Public Health Information for Travellers to Scotland) (Scotland) Regulations 2020 SSI 2020/170	Section 94(1)(b)(i) of the Public Health etc. (Scotland) Act 2008	Made Affirmative	Requires commercial carriers to provide information to travellers on applicable public health requirements in Scotland including the need to provide contact information and to self-isolate.	08/06/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
20.	The Health Protection (Coronavirus)(International Travel) (Scotland) Amendment Regulations 2020 SSI 2020/171	Section 94(1)(b)(i) of the Public Health etc. (Scotland) Act 2008	Made Affirmative	Amendments on penalty provisions.	08/06/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).
21.	The Land Reform (Scotland) Act 2016 (Supplementary Provision) (Coronavirus) Regulations 2020 SSI 2020/174	Section 127(1) of the Land Reform (Scotland) Act 2016	Affirmative	Provides a six month extension to an Amnesty period that was due to end on 12/06/2020.	12/06/2020	Six month extension - expires 12/12/2020	No longer in force
22.	The Prisons and Young Offenders Institutions (Coronavirus) (Scotland) Amendment Rules 2020 SSI 2020/175	Section 39 of the Prisons (Scotland) Act 1989	Negative	The Amendment Rules provide for the introduction of virtual visits, authorised personal communication devices and in-cell telephony in Scottish prisons.	15/06/2020	Open-ended	In force No change to status since last reporting period

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
23.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No.2) Regulations 2020 SSI 2020/184	Section 94(1)(b)(i) of the Public Health etc. (Scotland) Act 2008	Made Affirmative	Amends some of the sectoral exemptions to provide clarity on seamen and masters.	20/06/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).
24.	The Local Government Finance (Coronavirus) (Scotland) Amendment Order 2020 SSI 2020/187	Paragraph 1 of schedule 12 of the Local Government Finance Act 1992	Affirmative	Substitutes schedule 1 of the Local Government Finance (Scotland) Order 2020, which determines the amount of revenue support grant payable to each Local Authority in Scotland, in respect of the financial year 2020-2021.	25/06/2020	31/03/2021	No longer in force

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
25.	The Legal Aid and Advice and Assistance (Miscellaneous Amendments) (Coronavirus) (Scotland) Regulations 2020 SSI 2020/191	Sections 9, 12(3), 33(2), (3) and (3A), and 36(1), (2)(a) and (g) of the Legal Aid (Scotland) Act 1986	Affirmative	Makes provision for temporary amendments to legal aid regulations (during the emergency period) to facilitate interim payments of legal aid fees, support adherence to travel restrictions and social distancing guidance, and support access to justice for appeals against special restrictions or requirement.	01/07/2020 for Regulations 1 to 3, and 05/08/2020 for Regulation 4	For the duration of the emergency period, defined as the period beginning on 01/07/2020 and ending on the date on which Part 9 of schedule 4 of the Coronavirus (Scotland) Act 2020 expires in accordance with section 12 of that Act	In force No change to status since last reporting period
26.	The Registration of Independent Schools (Prescribed Persons)(Coronavirus) (Scotland) Amendment Regulations 2020 SSI 2020/205	Sections 98A(6) and 133(2D)(b) of the Education (Scotland) Act 1980	Affirmative	Amends regulation 3 of Registration of Independent Schools (Prescribed Person) (Scotland) Regulations 2017 to extend the deadline to 01/06/2021 for those	04/07/2020	Open-ended	In force No change to status since last reporting period

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				remaining teachers in independent schools to register with the General Teaching Council for Scotland.			
27.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No.3) Regulations 2020 SSI 2020/209	Section 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made Affirmative	Amendments to introduce additional sectoral exemptions and exemptions from self-isolation for travellers from certain countries and territories.	10/07/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).
28.	The Land and Buildings Transaction Tax (Tax Rates and Tax Bands) (Scotland) Amendment (No.2) (Coronavirus) Order 2020 SSI 2020/215	Section 24(1) of the Land and Buildings Transaction Tax (Scotland) Act 2013	Made Affirmative	Temporarily raises the nil rate band for Land and Buildings Transaction Tax (LBTT) for residential property transactions from £145,000 to £250,000. The revised rates will apply to all relevant transactions where the effective date is between 15/07/2020 and	15/07/2020	Applied to transactions with an effective date from the date of commencement up to the and including 31/03/2021	Expired Order ceased to have effect for transactions with an effective date after 31 March 2021.

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				31/03/2021 (inclusive of these dates). The rates for the Additional Dwelling Supplement and non-residential LBTT will remain unchanged.			
29.	Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 4) Regulations 2020 SSI 2020/221	Section 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made affirmative	Added Spain to the list of exempt countries in the international travel regulations. Travellers from these countries and territories are exempt from the requirement to self-isolate for 14 days on arrival in Scotland.	23/07/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).
30.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 5) Regulations 2020 SSI 2020/224	Section 94 of the Public Health etc. (Scotland) Act 2008	Made Affirmative	Amended the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 to remove Spain from the list of exemptions from the requirement to self-isolate for 14 days on arrival in Scotland.	26/07/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
31.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 6) Regulations 2020 SSI 2020/229	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made Affirmative	To amend the principal regulations (SSI 2020/169) to add Estonia, Latvia, Slovenia, Slovakia and St Vincent and the Grenadines to the list of exempt countries and territories in the international travel regulations. Travellers from these countries and territories are exempt from the requirement to self-isolate for 14 days on arrival in Scotland.	28/07/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).
32.	The Non-Domestic Rates (Coronavirus Reliefs) (Scotland) Amendment Regulations 2020 SSI 2020/230	Section 153 of the Local Government etc. (Scotland) Act 1994	Negative	Expanded the use categories of properties that qualify for the 100% rates relief introduced under the Non-Domestic Rates (Coronavirus Reliefs) (Scotland) Regulations 2020 in the financial year beginning on	05/09/2020	31/03/2021	Expired on 31 March 2021 Replaced by SSI 2021/151 for 2021-22

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				01/04/2020 (retrospectively, the power to do so for the financial year 2020-21 in that financial year having been introduced by schedule 4 of the Coronavirus (Scotland) (No.2) Act 2020). Amends the Non-Domestic (Coronavirus Reliefs) (Scotland) Regulations 2020 by introducing an additional relief in relation to Non-Domestic Rates in the financial year beginning on 01/04/2020, and makes consequential amendments to other regulations that provide a relief from liability to pay rates.			

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
33.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No.7) Regulations 2020 SSI 2020/233	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made affirmative	To amend the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 to remove Luxembourg from the list of exempt countries from quarantine requirements.	31/07/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).
34.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 8) Regulations 2020 SSI 2020/235	Section 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made affirmative	To amend the principal regulations (SSI 2020/169) to remove Andorra, Belgium and the Bahamas from, and add Brunei and Malaysia to, the list of exempt countries and territories in the international travel regulations. Travellers from these countries and territories are exempt from the requirement to self-	Removals came into force 08/08/2020 Additions came into force 11/08/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				isolate for 14 days on arrival in Scotland.			
35.	The Representation of the People (Absent Voting at Local Government Elections) (Amendment) (Coronavirus) (Scotland) Regulations 2020 SSI 2020/240	Sections 33 and 61(2) of the Local Electoral Administration and Registration Services (Scotland) Act 2006	Negative	Allows individuals who may be following guidance or instructed to self-isolate due to COVID-19 to be eligible for an emergency proxy vote in local government election.	23/09/2020	2 years from commencement with duty to review after one year (September 2021)	In force This SSI was reviewed in September 2021 and its provisions were deemed necessary to continue until September 2022
36.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No.9) Regulations 2020 SSI 2020/242	Section 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made affirmative	To amend the principal regulations (SSI 2020/169) to remove France, Monaco, the Netherlands, Malta, Aruba, the Turks and Caicos Islands from the list of exempt countries and territories. Travellers from these countries and territories are exempt from the requirement to self-	15/08/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				isolate for 14 days on arrival in Scotland.			
37.	The Direct Payments to Farmers (Controls) (Coronavirus) (Scotland) Regulations 2020 SSI 2020/244	Article 62 of Regulation 1306/2013	Negative	To reduce the control rate for inspections on direct payments for the 2020 claim year.	30/09/2020	Scheme Year 2020 (1 January to 31 December)	In force
38.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No.10) Regulations 2020 SSI 2020/252	Section 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made affirmative	To amend the principal regulations (SSI 2020/169) to remove Austria, Croatia, Switzerland and Trinidad & Tobago. Added Portugal to the list of exempt countries and territories in the International Travel regulations. Travellers from these countries and territories are exempt from the requirement to self-isolate for 14 days on arrival in Scotland. Amends schedule 2	22/08/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				exemptions for oil and gas workers, Crown servants, government contractors and officials of a foreign government bringing them into line with the provisions in England and Northern Ireland. Amends schedule 3 Specified Competitions adding the Dubai Duty Free Irish Open Golf Tournament (European Tour) and The Northern Ireland Golf Open Tournament (European Challenge Tour supported by the R&A).			
39.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 11) Regulations 2020	Section 94(1)(b)(i) and 122(2)(b) of the Public Health etc.	Made affirmative	To amend the principal regulations (SSI 2020/169) to remove the Czech Republic and Jamaica from, and add Cuba	29/08/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
	SSI 2020/263	(Scotland) Act 2008		to, the list of exempt countries and territories in the International Travel Regulations. Travellers from these countries and territories are exempt from the requirement to self-isolate for 14 days on arrival in Scotland.			that SSI (transitional provisions).
40.	The Prisons and Young Offenders Institutions (Coronavirus) (Scotland) Amendment (No 2) Rules 2020 SSI 2020/264	Section 39 of the Prisons (Scotland) Act 1989	Negative	Continue amendments made to prison rules in light of coronavirus beyond 30 September 2020. This further amended the Prison Rules so that the changes made by SSI 2020/122 have effect until 31 March 2021.	29/09/2020	31/03/2021	Superseded SSI 2021/80 extended the rules from 31 March 2021 to 30 September 2021. SSI 2021/289 further extended their application to 31 March 2022.
41.	The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment	Section 29(3) and (4) of the Housing (Scotland) Act 1987	Negative	To temporarily modify the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 to allow temporary	30/09/2020	31/01/2021	Expired Repealed by the Homeless Persons (Unsuitable Accommodation)

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
	(Coronavirus) Order 2020 SSI 2020/268			accommodation for reasons related to coronavirus.			(Scotland) (Modification and Revocation) (Coronavirus) Order 2021 (SSI 2021/10). No change to status since last reporting period.
42.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 12) Regulations 2020 SSI 2020/271	Section 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made affirmative	To amend the principal regulations (SSI 2020/169) to remove Greece from the list of exempt countries and territories in the International Travel regulations. Travellers from these countries and territories are exempt from the requirement to self-isolate for 14 days on arrival in Scotland.	03/09/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).
43.	The Health Protection (Coronavirus) (International Travel) (Scotland)	Section 94(1)(b)(i) and 122(2)(b) of the Public Health etc.	Made affirmative	To amend the principal regulations (SSI 2020/169) to remove the French Polynesia and Portugal from the	05/09/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
	Amendment (No. 13) Regulations 2020 SSI 2020/274	(Scotland) Act 2008		list of exempt countries and territories in the International Travel regulations. Travellers from these countries and territories are exempt from the requirement to self-isolate for 14 days on arrival in Scotland. Amends schedule 2 by amending the exemption for inspectors and surveyors of ships; and amends schedule 3 by substituting it with a new schedule 3A, which updates the list of specified competitions.			regulation 52(2) in that SSI (transitional provisions).
44.	The Valuation Timetable (Disposal of Appeals and Complaints) (Coronavirus) (Scotland)	Sections 13(1) and 42(1) of the Valuation and Rating (Scotland) Act 1956	Laid no procedure	To make the last date for the disposal by a valuation appeal committee of a valuation roll appeal, or complaint lodged with it, 31 December in	29/09/2020	Open-ended	In force No change to status since last reporting period

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
	Amendment Order 2020 SSI 2020/277			the fourth year following the year of revaluation, instead of 31 December in the third year following a year of revaluation, unless another rule provides for a later disposal date.			
45.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 14) Regulations 2020 SSI 2020/280	Section 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made Affirmative	To amend the principal regulations (SSI 2020/169) to remove Hungary and Reunion and add Sweden to the list of exempt countries and territories in the International Travel Regulations. Also enabled a regional approach to be taken to removals from and additions to the list of exempt countries and territories in schedule A1 replaced a reference to paragraphs 37 and 38 of schedule 1 of the	12/09/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020; and a minor amendment to the definition of "specified competition" in schedule 2.			
46.	The Corporate Insolvency and Governance Act 2020 (Meetings of Scottish Charitable Incorporated Organisations) (Coronavirus) Regulations 2020 SSI 2020/284	Corporate Insolvency and Governance Act 2020, schedule 14, paragraph 2(2)(b)	Made affirmative	To extend the "relevant period" during which Scottish Charitable Incorporated Organisations (SCIOs) can hold meetings (such as AGMs) remotely to 30/12/2020.	30/09/2020	30/12/2020	Not in force Superseded by SSI 2020/421
47.	The Representation of the People (Register Publication Date)(Coronavirus)(Scotland) Regulations 2020 SSI 2020/287	Sections 13(1)(a) and 201(1) and (3) of the Representation of the People Act 1983	Affirmative	Postpones the publication date of the revised electoral register from 01/12/2020 to 01/02/2021 to give electoral administrators more time to complete their	17/09/2020	01/02/2021	Expired Only relates to the 2020 register and extended the publication date of that register to 1 February 2021.

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				canvass with reduced resources (an impact of COVID-19).			
48.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 15) Regulations 2020 SSI 2020/288	Section 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made Affirmative	They remove Guadeloupe and Slovenia from the list of exempt countries and territories in Part 1 of schedule A1 of the International Travel Regulations. This means that persons arriving in Scotland at or after the time these regulations come into force are no longer exempt from the movement restriction in regulation 6 of the International Travel Regulations if, during the 14 days preceding their arrival, they have departed from, or transited through, Guadeloupe or Slovenia.	19/09/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
49.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 16) Regulations 2020 SSI 2020/301	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made Affirmative	Amend the International Travel Regulations to remove Curacao, Denmark, Iceland and Slovakia from the list of exempt countries and territories. To update passenger information requirements.	26/09/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).
50.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 17) Regulations 2020 SSI 2020/307	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made Affirmative	To further amend SSI 2020/169 - the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 to remove Turkey, Poland and Bonaire, Sint Eustatius and Saba from the list of exempt countries and territories in the International Travel Regulations and add Madeira and The Azores. Travellers from exempt countries and territories are	03/10/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				exempt from the requirement to self-isolate for 14 days on arrival in Scotland.			
51.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 18) Regulations 2020 SSI 2020/326	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made Affirmative	To further amend SSI 2020/169 - the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 to remove Italy, Vatican City State and San Marino from the list of exempt countries and territories in the International Travel Regulations and add Greece excluding Mykonos. Also adds an exemption for elite sportspersons travelling to the United Kingdom for medical examinations and people accompanying them to provide	17/10/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				<p>necessary care and support.</p> <p>Also amends the existing exemption for elite sportspersons so that it applies to domestic elite sportspersons who have been to non-exempt countries or territories for the purposes of training, and to multinational ancillary sportspersons.</p>			
52.	The Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) (Amendment) Regulations 2020 SSI 2020/328	Sections 94(1)(b)(i) of the Public Health etc. (Scotland) Act 2008	Made Affirmative	To further amend The Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 to add a 4th stage at which information is to be provided to passengers and specify the information	30/10/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

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				and the way in which it is to be provided.			
53.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 19) Regulations 2020 SSI 2020/330	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made Affirmative	To further amend SSI 2020/169 - the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 to remove Liechtenstein from the list of exempt countries and territories in the International Travel Regulations and add The Canary Islands, Denmark, Maldives, and Mykonos. Travellers from exempt countries and territories are exempt from the requirement to self-isolate for 14 days on arrival in Scotland. To also remove booking reference from	24/10/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				the passenger information requirements in schedule 1 and add seat number or coach number (where relevant) to same and substitute the definition of a “visiting force” with a new definition and amend the exemption for oil and gas workers (schedule 2).			
54.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 20) Regulations 2020 SSI 2020/343	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made Affirmative	To further amend SSI 2020/169 - the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 to remove Lithuania and Cyprus from the list of exempt countries and territories in the International Travel Regulations. Travellers from exempt countries and	31/10/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				territories are exempt from the requirement to self-isolate for 14 days on arrival in Scotland. To also remove competitions which have now concluded from the list of specified competitions in schedule 3A			
55.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 21) Regulations 2020 SSI 2020/354	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made Affirmative	To further amend SSI 2020/169 - the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 to remove Denmark, Germany and Sweden from the list of exempt countries and territories in the International Travel Regulations. Travellers from exempt countries and territories are exempt from the requirement to self-	The removal of Denmark came into force on 06/11/2020 Removal of Germany and Sweden came into force on 07/11/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				isolate for 14 days on arrival in Scotland.			
56.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 22) Regulations 2020 SSI 2020/358	Section 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made Affirmative	To further amend SSI 2020/169 - the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 to extend the requirement to stay in particular premises to members of the household of a person who has arrived in Scotland having departed from or transited through Denmark, and remove specific exemptions that apply to particular categories of person from those who have arrived from Denmark.	07/11/2020	12 months from 08/06/2020	No longer in force Revoked by SSI 2020/404.
57.	The Town and Country Planning (General Permitted Development)	Sections 30, 31 and 275 of the Town and Country	Negative	Extends the duration of application of provisions in the emergency Town and	30/12/20	01/07/21	In force Relevant time periods

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
	(Coronavirus) (Scotland) Amendment (No. 2) Order 2020 SSI 2020/366	Planning (Scotland) Act 1997		Country Planning (General Permitted Development) (Scotland) (Coronavirus) Amendment Order 2020 which grant temporary Permitted Development Rights (PDR) for emergency development undertaken by Health Boards and Local Authorities to manage the impacts of the virus.			superseded by SSI 2021/29
58.	The Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 (Fees) (Coronavirus) (Amendment) Regulations 2020 SSI 2020/376	Sections 112(1)(b), 113A(1)(b), 113B(1)(b), 114(1)(b) and 116(1)(b) of the Police Act 1997 and sections 70(1) and (2) of the Protection of	Negative	The amendment SSI will have the effect of extending the existing provisions of SSI 2020/163 for three months. This will ensure that the disclosure application fee of £0 for COVID-19 priority applications will remain	26/12/20	25/03/22	In force Extends the end date of SSI 2020/163 until 25 March 2021 – now further extended by SSI 2021/71 (see below).

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		Vulnerable Groups (Scotland) Act 2007		on a statutory footing until 25 March 2021. Superseded by SSI 2021/71 (see below).			
59.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 23) Regulations 2020 SSI 2020/378	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made affirmative	To further amend SSI 2020/169 - the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 to remove Greece (excluding the islands of Rhodes, Kos, Corfu, Crete and Zakynthos) and The Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus from the list of exempt countries and territories in the International Travel Regulations and add Bahrain, Cambodia, Chile, Iceland, Laos, Qatar, the United Arab Emirates and the	14/11/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				Turks and Caicos Islands. Travellers from exempt countries and territories are exempt from the requirement to self-isolate for 14 days on arrival in Scotland.			
60.	The Carer's Allowance (Coronavirus) (Breaks in Care) (Scotland) Amendment Regulations 2020 SSI 2020/350	Sections 70(8) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992	Negative	To amend the Carer's Allowance (Coronavirus) (Breaks in Care) (Scotland) Regulations so as to extend the duration of the coronavirus easement to 12 May 2021 at 2359 hours. SSI 2020/350 is no longer of any practical effect as it was superseded by SSI 2021/140.	3/12/20	The application of Regulation 2 was extended, to 31 August 2021, by SSI 2021/140 and has now been expired. Regulation 4 remains in force.	Partially in force See entry for SSI 2020/117. Regulation 4 remains in force, for the purpose of providing for a continued disregard of breaks in care which occurred for coronavirus related reasons during the period up to 31 August 2021.

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
61.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 24) Regulations 2020 SSI 2020/404	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made affirmative	Removes Latvia and Estonia from the list of exempt countries or territories or in the international travel regulations. Adds Aruba, Bhutan, Kiribati, Micronesia, Mongolia, Samoa, Solomon Islands, Timor-Leste, Tonga, Vanuatu, Israel and Jerusalem, Namibia, Rwanda, Sri Lanka, Bonaire, Sint Eustatius and Saba, Uruguay, Northern Mariana Islands and the US Virgin Islands to the list of exempt countries or territories in the international travel regulations. Travellers from these countries and territories are exempt from the requirement to self-isolate for 14	28/11/20	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				days on arrival in Scotland. To revoke SSI 2020/358 which put in place additional measures in respect of Denmark.			
62.	The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment (Coronavirus) (No.2) Order 2020 SSI 2020/419	Section 29(3) and (4) of the Housing (Scotland) Act 1987	Negative	To amend the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020 (2020/139) to take into account feedback from the Local Authority working group and other stakeholders about the drafting of the 2020/139 Order.	31/01/2021	Open ended	Came into force on 31 January 2021, and amended anomalies from SSI 2021/139. This instrument also contained temporary exceptions in response to covid which allowed local authorities to use unsuitable temporary accommodation only where households needed to be accommodated to allow for self-

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
							isolation or physical distancing. These temporary exceptions expired on 30 September 2021
63.	The Corporate Insolvency and Governance Act 2020 (Meetings of Scottish Charitable Incorporated Organisations) (Coronavirus) (No.2) Regulations 2020 SSI 2020/421	Corporate Insolvency and Governance Act 2020, schedule 14, para 2(2)(b)	Made Affirmative	To extend a relevant period in which SCIOs can hold meetings including AGMs remotely to 30 March 2021	30/12/2020	30/12/2020 – 30/03/2021	In force but the relevant period ended on 30 March 2021
64.	The Health Protection (Coronavirus) (International Travel and Public Health Information) (Scotland) Regulations 2020 SSI 2020/431	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made affirmative	Removes the Canary Islands from the list of exempt countries or territories or parts of countries or territories in schedule A1, Part 1 and adds Botswana and Saudi Arabia to the list of exempt countries or territories or parts of countries or	11/12/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				territories in schedule A1, Part 1. Reduces the quarantine period from 14 days to 10.			
65.	The Health Protection (Coronavirus) (International Travel and Public Health Information) (Scotland) (No. 2) Regulations 2020 SSI 2020/444	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made affirmative	Removes Namibia, the United States Virgin Islands and Uruguay from the list of exempt countries or territories or parts of countries or territories in schedule A1, Part 1 of the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020	18/12/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).
66.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 25) Regulations 2020 SSI 2020/474	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made affirmative	Extends the requirement to stay in particular premises to members of the household of a person who has arrived in Scotland having departed from or transited through South Africa, and it removes specific	23/12/2020	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				exemptions that apply to particular categories of person from those who have arrived from South Africa.			
67.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment Regulations 2021 SSI 2021/5	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made affirmative	Removes Botswana, Israel and Jerusalem, Mauritius and Seychelles from the list of exempt countries or territories or parts of countries or territories in schedule A1, Part 1 of the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020. Creates schedule A2 for acute risk countries and territories and adds Angola, Botswana, Eswatini, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Zambia and	08/01/2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				Zimbabwe to that schedule.			
68.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No.2) Regulations 2021 SSI 2021/6	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made affirmative	Removes the Emirate of Dubai from the list of exempt countries or territories in schedule A1 of the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020	10/01/21	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).
69.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No.3) Regulations 2021 SSI 2021/7	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made affirmative	Removes the United Arab Emirates from the list of exempt countries or territories in schedule A1 of the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020	11/01/21	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).
70.	The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment	Section 29(3) and (4) of the Housing (Scotland) Act 1987	Negative	Extends coronavirus related exceptions created via The Homeless Persons (Unsuitable	31/01/2021	30/09/2021	Not in force. Expired at the end of 30 September 2021.

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
	(Coronavirus) Order 2021 SSI 2021/10			Accommodation) (Scotland) Amendment Order 2020 and the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment (Coronavirus) Order 2020, for a further 5 months, given the ongoing impact and repercussions to the housing and homelessness system of the pandemic.			
71.	The Council Tax Reduction (Scotland) (Amendment) (Coronavirus) Regulations 2021 SSI 2021/12	Sections 80 and 113(1) and paragraph 1 of schedule 2 of the Local Government Finance Act 1992	Negative	Amends the Council Tax Reduction Regulations to fully disregard the one-off payment of £500 to NHS and social care workers.	25/02/2021	On-going	In force
72.	The Health Protection (Coronavirus) (International Travel) (Scotland)	Sections 94(1)(b)(i) and 122(2)(b) of the Public	Made affirmative	Removes Aruba, the Azores, Bonaire, Sint Eustatius and Saba, Chile, Madeira and	14/01/2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
	Amendment (No.4) Regulations 2021 SSI 2021/19	Health etc. (Scotland) Act 2008		Qatar from the list of exempt countries or territories or parts of countries or territories in schedule A1, Part 1 of the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020, and removes the Falkland Islands from the list of exempt United Kingdom overseas territories in schedule A1 Part 2. Adds all countries in South America, Portugal, Panama and Cape Verde to the list of acute risk countries and territories in schedule A2.			in force subject to regulation 52(2) in that SSI (transitional provisions).
73.	The Health Protection (Coronavirus, Pre-Departure Testing and Operator	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc.	Made affirmative	Introduces a new scheme for pre-departure testing to apply to persons travelling to Scotland	14/01/2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
	Liability) (Scotland) Regulations 2021 SSI 2021/20	(Scotland) Act 2008		<p>by placing duties on persons to obtain a negative test pre-departure underpinned by criminal offences. Provides exemptions from pre-departure testing for certain limited categories of traveller.</p> <p>Part 2 places related duties upon operators to ensure persons do not arrive in Scotland without a negative test result. The instrument creates criminal offences in respect of failure to comply with these duties. The instrument creates a duty on operators to ensure that persons do not arrive without a completed Passenger Locator Form and it creates a criminal offence in respect of a</p>			regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				failure by an operator to comply with said duty.			
74.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No.5) Regulations 2021 SSI 2021/21	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made affirmative	Removes all countries and territories from the list of exempt countries or territories in schedule A1 of the principal Regulation. Amends the principal Regulations to remove persons engaged in film or TV production and performing arts professionals from schedule 2	15/01/2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).
75.	The Health Protection (Coronavirus) (International Travel, Public Health Information and Pre-Departure Testing) (Scotland) Amendment Regulations 2021 SSI 2021/34	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made affirmative	Adds Democratic Republic of the Congo and Tanzania to the “acute risk countries or territories” contained in schedule A2. Reduces the amount of passenger information that people travelling to Scotland are required to provide on the	21/01/2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				<p>Passenger Locator Form. The information operators are required to provide to passengers includes information about the requirement, under regulation 5A of the principal Regulations, to possess notification of a negative coronavirus test result. Amends Part 2 of the Pre-Departure Testing Regulations so that operators are not required to ensure that a notification of a negative coronavirus test result is from a “qualifying test”, but are instead required only to check that passengers possess a notification of a coronavirus test which includes specified information.</p>			

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76.	The Town and Country Planning (General Permitted Development) (Coronavirus) (Scotland) Amendment Order 2021 SSI 2021/29	Sections 30, 31 and 275 of the Town and Country Planning (Scotland) Act 1997	Negative	Extends the duration of application of provisions in the emergency Town and Country Planning (General Permitted Development) (Scotland) (Coronavirus) Amendment Order 2020 which grant temporary Permitted Development Rights (PDR) for emergency development undertaken by Health Boards and Local Authorities to manage the impacts of the virus and would introduce PDR for similar developments by or on behalf of the Crown on Crown land.	28/02/2021	31/12/2021 for local authority and health bodies/ 18 months from date development started on Crown land	In force
77.	The Education (Miscellaneous Amendments) (Coronavirus)	Sections 28A(5), 28D(3), 28H(5), 56A,	Negative	To amend timescales in regulations relating to placing requests and exclusion appeals	27/02/2021	Open-ended	In force

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
	(Scotland) Regulations 2021 SSI 2021/31	56B and 56D of the Education (Scotland) Act 1980 and section 22 and paragraphs 4(3) and 6(6) of schedule 2 of the Education (Additional Support for Learning) (Scotland) Act 2004		procedure. Also to make non-coronavirus related amendments to the Nutritional Requirements for Food and Drink in Schools (Scotland) Regulations 2020.			
78.	The Single Use Carrier Bags Charge (Coronavirus) (Scotland) Amendment Regulations 2021 SSI 2021/53	Sections 88 and 96(2) of the Climate Change (Scotland) Act 2009	Affirmative	Waives the carrier bag fee in certain circumstances, such as bags being used to deliver groceries from a supermarket, for collections and for takeaways.	29/01/2021	Had effect until 00:01 on 31/05/2021	Not in force
79.	The Health Protection (Coronavirus) (International Travel,	Sections 94(1)(b) and 122(2)(b) of	Made affirmative	Adds Burundi, Rwanda and The United Arab Emirates to the list of	29/01/2021	Until 20 September 2021 No period	Provisions prohibiting flights

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
	Prohibition on Travel from the United Arab Emirates) (Scotland) Amendment Regulations 2021 SSI 2021/52	the Public Health etc. (Scotland) Act 2008		acute risk countries and territories in schedule A2 of the International Travel Regulations. Bans the arrival of passenger flights from the United Arab Emirates.		specified in respect of ban on flights from UAE.	from UAE revoked by SSI 2021/181. Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).
80.	The Police Act 1997 and the Protection of Vulnerable Groups (Scotland) Act 2007 (Fees) (Coronavirus) Amendment Regulations 2021 SSI 2021/71	Sections 112(1)(b), 113A(1)(b), 113B(1)(b), 114(1)(b) and 116(1)(b) of the Police Act 1997 and sections 70(1) and (2) of the Protection of Vulnerable Groups (Scotland) Act 2007	Negative	The amendment SSI extends the existing provisions of SSI 2020/163 until 25 March 2022. This amendment SSI supersedes SSI 2020/376. The changes mean that the disclosure application fee of £0 for COVID-19 priority applications will remain on a statutory footing until 25 March 2022.	25 March 2021	One year	In force

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
81.	The Local Authority (Capital Finance and Accounting) (Scotland) (Coronavirus) Amendment Regulations 2021 (legislation.gov.uk) SSI 2021 /119	Section 165 of the Local Government etc. (Scotland) Act 1994	Affirmative	Amendments to the Local Authority (Capital Financing and Accounting) (Scotland) Regulations 2016 relating to a loan fund repayment holiday in light of the financial impact of coronavirus and permanent amendments to repayment arrangements from 1 April 2022.	Part 1 5 March 2021 Part 2 1 April 2022	Repayment holiday only available for the financial years 2020-21 and 2021-22.	In force
82.	The Rural Support (Controls) (Coronavirus) (Scotland) Regulations 2021 SSI 2021/72	Article 75(3) of Regulation (EU) No. 1306/2013 as incorporated into UK domestic law in terms of the Direct Payments to Farmers (Legislative Continuity)	Made Affirmative	The effect of the SSI is that it will provide a derogation from the requirement for the verification of all eligibility conditions to be completed for payments to commence as, due to the coronavirus pandemic, on-the-spot checks have been postponed. The effect of the derogation is	31 March 2021	The derogation will only apply for the claim years 2020 and 2021 for certain designated schemes.	In force

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		Act 2020 (c.2),		that payments to beneficiaries may be made, for the schemes covered by the derogation, after the administrative checks have been finalised. This will enable us to make payments timeously before completing physical on-the-spot checks to provide continued financial stability to our farmers and crofters.			
83.	The Health Protection (Coronavirus) (International Travel) (Managed Accommodation and Testing) (Scotland) Regulations 2021 SSI 2021/74	Sections 94(1)(b) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008 and Coronavirus Act 2020 schedule 19 para 1(1).	Made Affirmative	New requirements of:- (i) Managed self-isolation – for all travellers, subject to exemptions, who arrive directly into Scotland from outside the Common Travel Area or from the Republic of Ireland having departed from or transited through an acute risk country.	15/02/2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				(ii) Mandatory testing for travellers, subject to exemptions, who have been outside the Common Travel Area in the 10 days prior to arrival in Scotland (requiring such persons to book, pay for and undertake two tests for the detection of coronavirus). Amends information required on PLF, amends exemptions and places further duties on operators.			
84.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 6) Regulations 2021 SSI 2021/81	Sections 94(1)(b) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made Affirmative	Amends regulation 6A and 6B of the International Travel Regulations so that the requirement to possess a managed self-isolation package applies to persons who travel to Scotland from England, where they would otherwise be	18/02/2021	20/09/21	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				required to comply with equivalent regulations in England. The Regulations also amend regulation 9(1) of the International Travel Regulations to add the requirements in regulations 6A (2) and 6A (4) to the list of provisions of which breach is a criminal offence. Finally, amendments are made to regulation 11 so that an immigration officer may issue a fixed penalty notice for a failure to comply with regulations 6A (2) and 6A (4).			
85.	The Health Protection (Coronavirus) (International Travel) (Managed Accommodation and Testing etc.) (Scotland)	Sections 94(1)(b) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made Affirmative	Amends regulations 6A and 6B of the International Travel Regulations so that the requirements to possess a managed self-isolation package	26/02/2021 except for regulation 8(b) which came into force on 25/02/2021	20/09/2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
	Amendment Regulations 2021 SSI 2021/107			<p>and to stay in managed accommodation apply to certain persons who arrive in Scotland from elsewhere within the common travel area, where that person has, at any time in the period beginning with the 10th day before the date of their arrival in Scotland, departed from or transited through an acute risk country or territory. This instrument amends the International Travel Regulations so that persons whose arrival in the United Kingdom has been arranged under a UK refugee resettlement scheme are not required to stay in managed accommodation but</p>			(transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				are required to stay in a specified premises. Schedule 2 of the International Travel Regulations is amended so that oil and gas workers returning from an installation in the North Sea who have transited via a non-acute risk country or territory (but have not entered that country or territory) are not required to stay in managed accommodation but are required to stay in specified premises (e.g. their own home).			
86.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 7) Regulations 2021 SSI 2021/111	Sections 94(1)(b) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made Affirmative	Removed Falkland Islands from the list of acute risk countries in schedule A2.	27/02/2021	20/09/21	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
							(transitional provisions).
87.	The Council Tax Reduction (Scotland) Amendment (No. 3) (Coronavirus) Regulations 2021 SSI 2021/137	Sections 80 and 113(1) and paragraph 1 of schedule 2 of the Local Government Finance Act 1992	Negative	Amends the Council Tax Reduction scheme to fully disregard the one-off £500 payment that UK Government is paying to working households receiving tax credits.	5/04/2021	Ongoing	In force
88.	The Carer's Allowance (Coronavirus) (Breaks in Care) (Scotland) Amendment Regulations 2021 SSI 2021/140	Sections 70(8) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992	Negative	To amend the Carer's Allowance (Coronavirus) (Breaks in Care) (Scotland) Regulations so as to extend the duration of the coronavirus easement to 31 August 2021.	12/05/21	The application of Regulation 2 was extended, to 31 August 2021, by SSI 2021/140 and has now been expired. Regulation 4 remains in force.	Partially in force See entry for SSI 2020/117. Regulation 4 remains in force, for the purpose of providing for a continued disregard of breaks in care which occurred for coronavirus related reasons during the period up to 31 August

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
							2021.
89.	The Valuation (Postponement of Revaluation) (Coronavirus) (Scotland) Order 2020 SSI 2020/418	Sections 13(1) and 42(2) of the Valuation and Rating (Scotland) Act 1956, and 35(2), 35(3) and 37(3) of the Local Government (Scotland) Act 1975	Affirmative	Delays the next non-domestic rates revaluation to 2023, with a tone date of 1 April 2022.	05/12/2020	Open-ended	In force
90.	The Non-Domestic Rates (Coronavirus Reliefs) (Scotland) Regulations 2021 SSI 2021/151	Section 153 of the Local Government etc. (Scotland) Act 1994	Negative	Continuation of non-domestic rates relief for properties in the retail, hospitality, leisure, aviation and newspaper publishing sectors in the financial year beginning on 01/04/2021	01/04/2021	31/03/2022	In force
91.	The Prisons and Young Offenders Institutions	Section 39 of the Prisons	Negative	Extends the application of amendments made to	31 March 2021	30 September 2021	In force SSI 2021/289 has further extended

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
	(Coronavirus) (Scotland) Amendment Rules 2021 SSI 2021/80	(Scotland) Act 1989.		the Prison Rules 2020 (SSI 2020/122) to 30 September 2021. See entries for SSIs 2020/264 and 2020/122			the applicability of certain rules contained in SSI 2020/122 until 31 March 2022.
92.	The Health Protection (Coronavirus) (International Travel etc.) (Scotland) Amendment Regulations 2021 SSI 2021/158	Sections 94(1)(b) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made Affirmative	Adds Ethiopia, Oman, Qatar and Somalia to the list of acute risk countries and territories, and removes Mauritius and Portugal from same. Adjusts exemptions from managed self-isolation for seafarers, air crew and certain elite sportspersons. Amends expiry date for international travel and associated regulations to 20 September 2021.	20 March 2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).
93.	The Zoonoses Amendment (Coronavirus) (Scotland) Order 2021 SSI No. 2021/83	Sections 1, 7(1), 8(1), 17(1), 23, 29 and 87(2) of the Animal	No Procedure	The Order amends the Zoonoses Order 1989 ("the Zoonoses Order"), which makes provision for the control of organisms	22 Feb. 2021	Ongoing	In force

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
		Health Act 1981		carried in animals which constitute a risk to human health. It designates SARS-CoV-2 as an organism that must be reported to Scottish Ministers if its presence is found in any kind of mammal (except man).			
94.	The Scottish Parliament (Elections etc.) Amendment (Coronavirus) Order 2021 SSI 2021/164	Sections 12(1) and 113(2), (4) and (5) of the Scotland Act 1998	Affirmative	Allows an elector to apply to change the proxy appointed to vote for them, where the existing proxy cannot reasonably attend a polling station for reasons related to coronavirus.	24 March 2021	Until 9 December 2022.	In force
95.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 8) Regulations 2021 SSI 2021/179	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made affirmative	Makes further amendments to SSI 2020/169 in relation to Passenger Locator Forms for unaccompanied children travelling to Scotland; self-isolation and day 2 and day 8	27 March 2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				testing; isolation for children returning to boarding schools or from outwith the common travel area; and to clarify when seamen and masters, shipping pilots and inspectors or surveyors of ships are not exempt from the requirements in SSI 2021/169.			
96.	The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) Regulations 2021 SSI 2021/181	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made affirmative	Amends the principle regulation to make clearer the scope of the testing requirements. Amendment to clarify the application of the requirement to self-isolate in specified premises where individuals are not required to enter managed isolation due	3 April 2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				to their holding a sectoral exemption. Adds Bangladesh, Kenya, Pakistan and the Philippines to the “acute risk countries and territories”. Revokes the prohibition on the arrival of aircraft travelling directly from the United Arab Emirates SSI 2021/52.			
97.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 9) Regulations 2021 SSI 2021/191	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made affirmative	Amends the principle Regulations so that persons travelling to Scotland for the purpose of transporting material containing human cells or blood for use in the provision of healthcare by a healthcare provider will be exempt from the requirements to possess a managed	23 April 2021. Regulation 5 came into force on 26 April 2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				<p>self-isolation package and to stay in managed accommodation when arriving in Scotland.</p> <p>Adds India to the “acute risk countries and territories”.</p> <p>Amends schedule 1, passenger information, so that a person must provide the name of the country which issued their passport or travel document, not the name of the issuing authority.</p> <p>Adds “Curling - World Mixed Doubles Championship” to the specified competitions in part 1 of schedule 3A.</p>			

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
98.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 10) Regulations 2021 SSI 2021/204	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made affirmative	Adds Maldives, Nepal and Turkey to the list of “acute risk countries and territories”.	12/05/2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).
99.	The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 2) Regulations 2021 SSI 2021/208	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made affirmative	Adds seasonal agricultural workers to the list of persons required to obtain tests after arrival in Scotland. Amends the principal regulations to include the date on which a person departed from or transited through an exempt country in the information to be given to a test provider. Amends the principal regulations to broaden out the testing	17 May 2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				<p>requirements on arrival in Scotland.</p> <p>Applies the requirement to self-isolate to persons who fail to undertake the required tests. Applies the requirement to isolate following a positive test result to persons who are required to self-isolate on arrival, or who qualify for an exemption from that requirement.</p> <p>Amends the principal regulations to align with the UKG system of managed isolation for red list, isolation at home for amber list and no isolation for green list.</p> <p>Adds Australia, Brunei, Faroe Islands, Iceland,</p>			

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				<p>Israel and Jerusalem, New Zealand, Portugal, Singapore, Falkland Islands, Gibraltar, St Helena, Ascension and Tristan da Cunha and South Georgia and the Sandwich Islands to schedule A1 ("the green list) of the principal regulations.</p> <p>Amends the passenger information regulations to update the information which operators are required to give to passengers travelling to Scotland.</p>			
100.	The Homeless Persons (Unsuitable Accommodation) (Scotland) (Modification and Revocation) (Coronavirus)	Section 29(3) and (4) of the Housing (Scotland) Act 1987	Negative	Extends coronavirus related exceptions created via 2020/139, 2020/268 and 2021/10 for a further 3 months to 30 September 2021, given the ongoing impact and	29/06/2021	Until 30/09/2021	Not in force. Expired at the end of 30 September 2021

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	Amendment Order 2021 SSI 2021/222			repercussions to the housing and homelessness system of the pandemic.			
101.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 11) Regulations 2021 SSI 2021/212	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made Affirmative	Amendment to Seafarers exemption limiting its application in relation to seafarers arriving from acute risk list countries who have worked or intend to work on a cruise ship	25 May 2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).
102.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 12) Regulations 2021 SSI 2021/230	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made Affirmative	Removes Portugal from the list of exempt countries and territories. Afghanistan, Bahrain, Costa Rica, Egypt, Sri Lanka, Sudan, and Trinidad and Tobago are added to the list of acute risk countries, territories and parts of countries or territories.	08 June 2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
103.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 13) Regulations 2021 SSI 2021/237	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made Affirmative	Changes the elite sports exemption related to the Commonwealth Games, and adds Trust Golf Women's Scottish Open, Golf – AIG Women's Open, FIM Speedway Grand Prix qualifiers and WTA Tour and ITF Tour Tennis to the list of Specified Sports in Schedule 3A	14 June 2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).
104.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 14) Regulations 2021 SSI 2021/256	Sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008	Made Affirmative	Adds exemption from self-isolation requirements for certain persons carrying out work in connection with the Edinburgh International Festival. A person who is an essential infrastructure worker or a performing arts professional is required to take day 2 and day 8 tests	5 July 2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

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				following arrival in Scotland. However, such a person permitted to leave specified premises where that person is staying to travel directly to, from or attend the location of the essential work or performing arts event.			
105.	The Valuation Timetable (Coronavirus) (Scotland) Amendment Order 2021 2021/231	Sections 13(1) and 42(2) of the Valuation and Rating (Scotland) Act 1956	Laid no procedure	Extends the last date for the disposal of appeals or complaints lodged between 1 January 2020 and 31 March 2021. The date for disposal of these appeals is extended to 31 December 2022.	30 June 2021	31 December 2022	In force
106.	The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 3) Regulations 2021 2021/254	Public Health etc. (Scotland) Act 2008 s94 (1) (b) (i) and 122(2).	Made affirmative	Adds Antigua, the Balearic Islands, Barbados, Barbuda, Dominica, Grenada, Madeira, Malta, Anguilla, Bermuda, the British Antarctic Territory, the British	30 June 2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI

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				<p>Indian Ocean Territory, the British Virgin Islands, the Cayman Islands, Montserrat, Pitcairn and the Turks and Caicos Islands to the list of exempt countries, territories, and parts of countries or territories, including United Kingdom overseas territories. Adds the Dominican Republic, Eritrea, Haiti, Mongolia, Tunisia and Uganda to the list of acute risk countries, territories and part of countries or territories in Amends the list of specified competitions to include European club football fixtures, including pre-season friendlies, and various forthcoming golf competitions.</p>			(transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
107.	The Health protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 4) Regulations 2021/261	Public Health etc. (Scotland) Act 2008 s94 (1) (b) (i) and 122(2).	Made affirmative	Adds exemptions to the International Travel Regulations for in-flight security officers and certain personnel conducting official business. Removes requirements on carriers to check documentation in relation to persons being extradited. Makes minor amendments to the existing exemption for elite sportspersons.	8 July 2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).
108.	The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 5) Regulations 2021/264	Public Health etc. (Scotland) Act 2008 s94 (1) (b) (i) and 122(2).	Made affirmative	Inserts a new regulation to define an eligible vaccinated arrival. Passengers meeting the definition do not require to take a day 8 test for coronavirus or quarantine for 10 days on arrival in Scotland. Makes a minor amendment to correct	19 July 2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				<p>the formatting of regulation 6(1)(e) Adds Antarctica, Bulgaria, Croatia, Hong Kong and Taiwan to the list of exempt countries and territories and removes The Balearic Islands and the British Virgin Islands from the list of exempt countries and territories. Cuba, Indonesia, Myanmar and Sierra Leone are added to the list of acute risk countries and territories. Amends the passenger information so that a person must declare on the passenger locator form whether they are an eligible vaccinated arrival. Amends the Operator Liability Regulations to place a duty on</p>			

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				operators of relevant transport services to check that a person who has declared that they are an eligible vaccinated arrival has the evidence required to support that declaration. This instrument creates a criminal offence in respect of failure to comply with this duty.			
109.	The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 6) Regulations 2021 2021/265	Public Health etc. (Scotland) Act 2008 s94 (1) (b) (i) and 122(2).	Made affirmative	Exclude passengers who have departed from, or transited through mainland France (including Corsica), from being “eligible vaccinated arrivals” exempt from certain restrictions, They also remove the duty on an operator of a relevant service which commences in France to check such a passenger	19 July 2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				having departed from or transited through Turkey within the preceding 10 days in order to participate in European club football fixtures are exempt from the managed isolation requirements.			
111.	The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 7) Regulations 2021 2021/278	Public Health etc. (Scotland) Act 2008 s94 (1) (b) (i) and 122(2).	Made affirmative	<p>Remove the exclusion of passengers who have departed from, or transited through Metropolitan France, from status as “eligible vaccinated arrivals”.</p> <p>Amends to make clear that a passenger purporting to meet the criteria to qualify as an eligible vaccinated arrival must provide proof of this if requested to do so by an immigration officer or the operator of the</p>	8 August 2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				<p>service on which they travel.</p> <p>Amends in relation to oil and gas workers covered by the sectoral exemption to make provision for their exemption from requirements in relation to the purchase of day 2 and day 8 tests. An additional change was made to remove superseded provision relating to workers returning from an installation in the North Sea who have transited via a non-acute risk country (but have not entered that country or territory).</p> <p>Changes made to permit students arriving in Scotland from an acute risk</p>			

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				<p>country or territory in order to attend boarding school anywhere in the United Kingdom to avoid entering managed self-isolation and instead self-isolate upon arrival at their boarding school.</p> <p>Amendments to the list of exempt countries, territories and parts of countries or territories in schedule A1 of the International Travel Regulations. Austria, Germany, Latvia, Norway, Romania, Slovakia and Slovenia are added to the list of exempt countries and territories specified in schedule A1.</p> <p>Amends to the list of acute risk countries, territories and part of</p>			

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				<p>countries or territories in schedule A2 of the International Travel Regulations. Georgia, Réunion, Mayotte and Mexico are added to that list and Bahrain, India, Qatar and the United Arab Emirates are removed from that list.</p> <p>Amendments have been made to the list of specified competitions amending the name of the Guinness PRO14 and Challenge Cup Rugby Union to reflect its new name – United Rugby Championship, and to add events</p> <p>Amends the Operator Liability Regulations to require persons operating commercial transport services</p>	12 August 2021		

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				<p>(“operators”) to ensure that passengers seeking to rely on certain exemptions in schedule 2 of the International Travel Regulations possess evidence that they are eligible for the exemption. It also amends the Operator Liability Regulations to provide that an operator who can show that a passenger presented a document purporting to be appropriate evidence of eligibility for such an exemption and which the operator could not reasonably have been expected to know was not appropriate evidence will have a defence to the offence at regulation 8(1)(a) of those Regulations. In</p>			

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				addition, it expands the duty on operators to check that a person who has declared that they are an eligible vaccinated arrival within the meaning of regulation 2A of the International Travel Regulations has the evidence required to support that declaration.			
112.	The Prisons and Young Offenders Institutions (Coronavirus) (Scotland) Amendment (No. 2) Rules 2021 SSI 2021/289:	Section 39 Prison (Scotland) Act 1989	Negative	Extend the application of certain modifications made to the Prison Rules in response to the coronavirus pandemic by the Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2020 (SSI 2020/122) (extended and slightly amended by the Prisons and Young Offenders Institutions (Scotland)	29 September 2021	31 March 2022	In force

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				Amendment (No.2) Rules 2020 (SSI 2020/264) and the Prisons and Young Offenders Institutions (Coronavirus) (Scotland) Amendment Rules 2021 (SSI 2021/80)), and revoke other modifications which it is no longer necessary to retain.			
113.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 16) Regulations 2021 2021/290	Public Health etc. (Scotland) Act 2008 s94 (1) (b) (i) and 122(2).	Made affirmative	Amends the list of exempt countries, territories and parts of countries or territories - Azores, Canada, Denmark, Finland, Liechtenstein, Lithuania and Switzerland are now added to that list. Amends the list of acute risk countries, territories and part of countries or territories - Montenegro and	30 August 2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				Thailand are now added to that list. Also amends to add various sporting events to the list of specified competitions.			
114.	The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2021 SSI 2021/292	Sections 32, 35A, 35B, 35C, 43A(10) and (11), 58(3D), 59(8D) and 275 of the Town and Country Planning (Scotland) Act 1997(1), section 16(7) of the Planning (Listed Buildings and Conservation Areas) (Scotland)	Negative	Consequential amendments, saving and revocation provisions related to the further extension of duration of planning permission, listed building consent and conservation area consent as extended by the Coronavirus (Extension and Expiry)(S) Act 2021. Amends provisions introduced by SSI 2020/124 after 30 /09/21: Extends suspension of requirement for a public event as part of	29/09/2021	Open-ended (but includes time limits on existing Coronavirus provisions)	In Force

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
		Act 1997(2), section 12(9) of the Coronavirus (Scotland) Act 2020(3), section 9(9) of the Coronavirus (Scotland) (No. 2) Act 2020(4)		pre-application consultation (PAC) requirements until 31 March 2022; postpones coming into force date of new PAC requirements (incl. additional public event) until 1 April 2022; and cancels suspension of requirement for local review body meetings to be held in public from 1 October 2021			
115.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 17) Regulations 2021 2021/301	Public Health etc. (Scotland) Act 2008 s94 (1) (b) (i) and 122(2).	Made affirmative	Amendments to introduce private testing for international travellers arriving in Scotland (i.e. so that day 2 and day 8 tests may be provided by private providers for those arriving from non-acute risk countries). Update an exemption for seasonal	6 September 2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				agricultural workers in relation to the location at which they are required to self-isolate.			
116.	The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 18) Regulations 2021 2021/307	Public Health etc. (Scotland) Act 2008 s94 (1) (b) (i) and 122(2).	Made affirmative	<p>Provide exemptions from self-isolation, managed quarantine, day 2 and day 8 testing requirements and from completion of the PLF for persons attending or facilitating the international climate summit known as “COP26” and the COP26 World Leaders Summit (“WLS”), with the exemptions varying for different categories of attendees.</p> <p>They also correct a technical error in regulation 5F(9)(b)</p>	13 September 2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not in force subject to regulation 52(2) in that SSI (transitional provisions).
117.	The Health Protection (Coronavirus) (International Travel) (Scotland)	Public Health etc. (Scotland) Act 2008 s94	Made affirmative	Provide an exemption from the requirement to possess and adhere to a managed self-	15 September 2021	Until 20 September 2021	Revoked on 20 September 2021 by consolidation SSI 2021/322. Not

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
	Amendment (No. 19) Regulations 2021 2021/319	(1) (b) (i) and 122(2).		isolation package in respect of participation in European professional football club fixtures in Scotland where players in the professional club arriving to play the fixture have departed from or transited through an acute risk country or territory within the preceding 10 days.			in force subject to regulation 52(2) in that SSI (transitional provisions).
118.	The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021 2021/322	Public Health etc. (Scotland) Act 2008 s94 (1) (b) (i) and 122(2). Coronavirus Act 2020, paragraph 1(1) of schedule 19.	Made affirmative	Consolidates, with amendments, the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (2020/169); the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 (SSI	20 September 2021	Until 16 May 2022	In force

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				<p>2020/170) and the Health Protection (Coronavirus) Pre-Departure Testing and Operator Liability)(Scotland) Regulations 2021 (SSI 2021/20) (as amended).</p> <p>The above named Regulations have been extensively amended and were due to expire on 20 September 2021. These Regulations revoke and replace (by consolidating) those three sets of Regulations from 20 September 2021.</p> <p>The Regulations consolidate the existing provision contained in the above named instruments, as</p>			

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				<p>well as their various corresponding amendment regulations.</p> <p>The Regulations also incorporate additional new provisions into those consolidated regulations to: amend the list of specified competitions; make changes in relation to COP26; and provide an exemption from managed isolation for in-flight security officers.</p>			
119.	The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment Regulations 2021 2021/328	Public Health etc. (Scotland) Act 2008 s94 (1) (b) (i) and 122(2).	Made affirmative	Amend the existing list of acute countries, territories and parts of countries or territories as per below. There were no additions. Countries removed: Bangladesh; Egypt; Kenya; Maldives;	22 September 2021	Until 16 May 2022	In force

Ref	SSI title and number	Power under which SSI was made	Parliamentary procedure to which SSI was subject	Brief description of what the SSI does	Date(s) of commencement	Period for which it has effect	Status at the end of the reporting period (30 September 2021)
				Oman; Pakistan; Sri Lanka; and Turkey.			
120.	The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 2) Regulations 2021 2021/343	Public Health etc. (Scotland) Act 2008 s94 (1) (b) (i)	Made affirmative	Allows for electronic certification issued by NHS Scotland to be used as proof of COVID vaccination status for the purpose of international travel. Updates a definition in the regulations relating to the exemption applicable to members of aircraft crew where they have travelled to the United Kingdom in the course of their work or are otherwise required to travel to the United Kingdom for work purposes.	30 September 2021	Until 16 May 2022	In force



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