SCOTTISH STATUTORY INSTRUMENTS

2020 No. 121 (C. 13)

SOCIAL CARE

CHILDREN AND YOUNG PERSONS

The Coronavirus Act 2020 (Commencement No. 1) (Scotland) Regulations 2020

Made - - - - at 2.00 p.m. on 3rd April 2020

Laid before the Scottish Parliament at 3.30 p.m. on 3rd April 2020

Coming into force - - 5th April 2020

The Scottish Ministers make the following Regulations in exercise of the power conferred by section 87(6) of the Coronavirus Act 2020(**a**).

Citation and commencement

1. These Regulations may be cited as the Coronavirus Act 2020 (Commencement No. 1) (Scotland) Regulations 2020 and come into force on 5 April 2020.

Appointed day

2. 5 April 2020 is the day appointed for the coming into force of the following provisions of the Coronavirus Act 2020—

(a) section 16 (duty of local authority to assess needs: Scotland), and

(b) section 17 (section 16: further provision).

JEANE FREEMAN
A member of the Scottish Government

St Andrew's House,
Edinburgh
At 2.00 p.m. on 3rd April 2020

(**a**) 2020 c.7.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force on 5 April 2020 sections 16 (duty of local authority to assess needs: Scotland) and 17 (section 16: further provision) of the Coronavirus Act 2020 ("the Act").

Section 16 of the Act provides that a local authority need not comply with the following statutory provisions in circumstances where it would either not be practical to comply with those provisions, or where to do so would cause unnecessary delay in providing services, support, advice, guidance and assistance:

— needs assessments under section 12A of the Social Work (Scotland) Act 1968,

— assessments for children and young persons under sections 22, 23 and 29 of the Children (Scotland) Act 1995,

— general principles applicable to local authority functions, in section 1 of the Social Care (Self-directed Support) (Scotland) Act 2013, and

— adult carer support plans and young carer statements under sections 6 and 12 of the Carers (Scotland) Act 2016.

Section 17 of the Act grants the Scottish Ministers power to issue guidance to local authorities, to which they must have regard, about the exercise of their functions under specified statutory provisions in consequence of section 16 of the Act. The Scottish Ministers may also direct local authorities to comply with the guidance. Section 17 also makes provision preventing local authorities from recovering charges under section 87 of the Social Work (Scotland) Act 1968 in certain circumstances, and for the matters a court must take into account in determining whether a local authority has complied with its duties to carry out assessments, adult carer support plans and young carer statements.

Section 16 remains in force until such time as regulations are in force under section 88 of the Act (power to suspend and revive provisions of the Act), or the Act is no longer in force. The operation of section 17 depends on section 16 being in force.

The Bill for the Act received Royal Assent on 25 March 2020. All but the following provisions of the Act came into force on that day: sections 8 to 10, 15 to 19, 21, 25 to 29 and schedules 7 to 13 and 15. Certain provisions of the Act have been brought into force for other parts of the UK by separate commencement regulations.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

Provision	*Date of Commencement*	*S.I. No.*
Section 18(2) and Part 2 of schedule 13	26 March 2020	S.I. 2020/361

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