POLICY NOTE

THE CORONAVIRUS (RECOVERY AND REFORM) (SCOTLAND) ACT 2022 (EXTENSION OF TEMPORARY JUSTICE MEASURES) REGULATIONS 2024.

SSI 2024/322

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

Summary Box

These Regulations modify the expiry date of the remaining temporary justice measures in the Coronavirus (Recovery and Reform) (Scotland) Act 2022 ("the 2022 Act"), with the effect that those measures remain in force until the end of 30 November 2025.

Policy Objectives

The 2022 Act includes a range of temporary justice measures that were originally introduced in response to Covid-19 to support the operation of Scotland's justice system as it responded to the impact of the pandemic and associated restrictions to which it led. These temporary measures were originally due to expire at the end of 30 November 2023. Some of them were then extended for a further year until the end of 30 November 2024. The option to extend the temporary measures is available for one more, final year. The instrument's objectives are to extend the expiry date of those temporary measures that are continuing to play a valuable role in helping Scotland's justice system to process business more effectively and efficiently in the wake of the Covid-19 pandemic and support the system's recovery from the effects of the pandemic. Further detail is provided in the Statement of Reasons produced to accompany this instrument (SG/2024/180).

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the Coronavirus (Recovery and Reform) (Scotland) Act 2022 (Extension of Temporary Justice Measures) Regulations 2024 are compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consideration

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

Consultation

To comply with the requirements of section 52(4) of the 2022 Act and to inform the contents of this instrument, the Scottish Ministers have carried out a review into the operation of the temporary justice measures which remain in force. As required by section 52(6) of the 2022 Act, the Scottish Ministers have consulted a range of stakeholders as part of that review. Further detail is provided in the Statement of Reasons produced to accompany this instrument (SG/2024/180).

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

- Coronavirus (Recovery and Reform) (Scotland) Bill: child rights and wellbeing impact assessment[1]
- Coronavirus (Recovery and Reform) (Scotland) Bill: equalities impact assessment[2]
- Coronavirus (Recovery and Reform) (Scotland) Bill: fairer Scotland duty impact assessment [3]
- Coronavirus (Recovery and Reform) (Scotland) Bill: island communities impact assessment[4]

Section 17(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024[5] came into force on 16 July 2024. This requires the Scottish Ministers to prepare and publish a child rights and wellbeing impact assessment ("CRWIA") for any Scottish statutory instrument that they make, other than one which brings a provision of an Act of the Scottish Parliament, or an Act of Parliament, into force.

The CRWIA for this instrument complements the CRWIA that was published 2022 Act. It has been reviewed and signed off by the Cabinet Secretary for Justice and Home Affairs, as confirmed by the Statement of Compatibility.

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

- Coronavirus (Recovery and Reform) (Scotland) Bill: business and regulatory impact assessment[6]

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

Scottish Government
Justice Directorate

September 2024

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*__Note on Parliamentary Procedure -__ Under the terms of the 2022 Act, regulation 3 is subject to the affirmative procedure. Regulation 2 only has meaningful effect if regulation 3 is passed by the Parliament.

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

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

[3] https://www.gov.scot/publications/coronavirus-recovery-reform-scotland-bill-fairer-scotland-duty-impact-assessment-fsdia/

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

[5] https://www.legislation.gov.uk/asp/2024/1/pdfs/asp_20240001_en.pdf

[6] https://www.gov.scot/publications/coronavirus-recovery-reform-scotland-bill-business-regulatory-impact-assessment-bria/