Coronavirus Act 2020

CHAPTER 7

Explanatory Notes have been produced to assist in the understanding of this Act and are available separately

Coronavirus Act 2020

CHAPTER 7

CONTENTS

PART 1

MAIN PROVISIONS

Interpretation

1 Meaning of "coronavirus" and related terminology

Emergency registration of health professionals

2 Emergency registration of nurses and other health and care professionals
3 Emergency arrangements concerning medical practitioners: Wales
4 Emergency arrangements concerning medical practitioners: Scotland
5 Emergency registration of and extension of prescribing powers for pharmaceutical chemists: Northern Ireland

Temporary registration of social workers

6 Emergency registration of social workers: England and Wales
7 Temporary registration of social workers: Scotland

Emergency volunteers

8 Emergency volunteering leave
9 Compensation for emergency volunteers

Mental health and mental capacity

10 Temporary modification of mental health and mental capacity legislation

Health service indemnification

11 Indemnity for health service activity: England and Wales

12 Indemnity for health service activity: Scotland
13 Indemnity for health and social care activity: Northern Ireland

NHS and local authority care and support

14 NHS Continuing Healthcare assessments: England
15 Local authority care and support
16 Duty of local authority to assess needs: Scotland
17 Section 16: further provision

Registration of deaths and still-births etc

18 Registration of deaths and still-births etc
19 Confirmatory medical certificate not required for cremations: England and Wales
20 Review of cause of death certificates and cremations: Scotland
21 Modifications of requirements regarding medical certificates for cremations: Northern Ireland

Investigatory powers

22 Appointment of temporary Judicial Commissioners
23 Time limits in relation to urgent warrants etc under Investigatory Powers Act

Fingerprints and DNA profiles

24 Extension of time limits for retention of fingerprints and DNA profiles

Food supply

25 Power to require information relating to food supply chains
26 Authorities which may require information
27 Restrictions on use and disclosure of information
28 Enforcement of requirement to provide information
29 Meaning of "food supply chain" and related expressions

Inquests

30 Suspension of requirement to hold inquest with jury: England and Wales
31 Suspension of requirement to hold inquest with jury: Northern Ireland
32 Deaths in custody from natural illness: Northern Ireland

Disclosure: Wales

33 Disapplication etc by Welsh Ministers of DBS provisions

Disclosure: Scotland

34 Temporary disapplication of disclosure offences: Scotland
35 Power to reclassify certain disclosure requests: Scotland

Vaccinations: Scotland

36 Vaccination and immunisation: Scotland

Schools, childcare providers etc

37 Temporary closure of educational institutions and childcare premises
38 Temporary continuity: education, training and childcare

Statutory sick pay

39 Statutory sick pay: funding of employers' liabilities
40 Statutory sick pay: power to disapply waiting period limitation
41 Statutory sick pay: modification of regulation making powers
42 Statutory sick pay: funding of employers' liabilities: Northern Ireland
43 Statutory sick pay: power to disapply waiting period limitation: Northern Ireland
44 Statutory sick pay: modification of regulation making powers: Northern Ireland

Pensions

45 NHS pension schemes: suspension of restrictions on return to work: England and Wales
46 NHS pension schemes: suspension of restrictions on return to work: Scotland
47 Health and social care pension schemes: suspension of restrictions on return to work: Northern Ireland

Protection of public health

48 Powers to act for the protection of public health: Northern Ireland
49 Health protection regulations: Scotland

Power to suspend port operations

50 Power to suspend port operations

Powers relating to potentially infectious persons

51 Powers relating to potentially infectious persons

Powers relating to events, gatherings and premises

52 Powers to issue directions relating to events, gatherings and premises

Courts and tribunals: use of video and audio technology

53 Expansion of availability of live links in criminal proceedings
54 Expansion of availability of live links in other criminal hearings
55 Public participation in proceedings conducted by video or audio
56 Live links in magistrates' court appeals against requirements or restrictions imposed on a potentially infectious person
57 Use of live links in legal proceedings: Northern Ireland

Powers in relation to bodies

58 Powers in relation to transportation, storage and disposal of dead bodies etc

Postponement of elections, referendums, recall petitions and canvass

59 Elections and referendums due to be held in England in period after 15 March 2020
60 Postponement of elections due to be held on 7 May 2020
61 Power to postpone certain other elections and referendums
62 Power to postpone a recall petition under the Recall of MPs Act 2015
63 Power to make supplementary etc provision
64 Northern Ireland: timing of canvass and Assembly by-elections

Postponement of elections: Wales

65 Elections due to be held in Wales in period after 15 March 2020
66 Postponement of National Assembly for Wales elections for constituency vacancies
67 Power to postpone local authority elections in Wales for casual vacancies
68 Power to make supplementary etc provision

Postponement of elections: Scotland

69 Postponement of Scottish Parliament elections for constituency vacancies
70 Postponement of local authority elections in Scotland for casual vacancies

Other administrative requirements

71 Signatures of Treasury Commissioners

National Insurance Contributions

72 Power under section 143 of the Social Security Administration Act 1992
73 Power under section 145 of the Social Security Administration Act 1992
74 Power under section 5 of the National Insurance Contributions Act 2014

Financial assistance for industry

75 Disapplication of limit under section 8 of the Industrial Development Act 1982

HMRC functions

76 HMRC functions

Up-rating of working tax credit etc

77 Up-rating of working tax credit etc

Local authority meetings

78 Local authority meetings

Business improvement districts

79 Extension of BID arrangements: England
80 Extension of BID arrangements: Northern Ireland

Residential tenancies: protection from eviction

81 Residential tenancies in England and Wales: protection from eviction

Business tenancies: protection from forfeiture etc

82 Business tenancies in England and Wales: protection from forfeiture etc
83 Business tenancies in Northern Ireland: protection from forfeiture etc

General Synod of the Church of England

84 Postponement of General Synod elections

PART 2

FINAL PROVISIONS

85 Interpretation
86 Financial provision
87 Commencement
88 Power to suspend and revive provisions of this Act
89 Expiry
90 Power to alter expiry date
91 Power to amend Act in consequence of amendments to subordinate legislation
92 Power to make consequential modifications
93 Procedure for certain regulations made by a Minister of the Crown
94 Procedure for certain regulations made by the Welsh Ministers
95 Procedure for certain regulations made by the Scottish Ministers
96 Procedure for certain orders made by a Northern Ireland department
97 Reports by Secretary of State on status of non-devolved provisions of this Act
98 Six-month parliamentary review
99 Parliamentary consideration of status of non-devolved provisions of this Act
100 Extent
101 Extension to the Isle of Man
102 Short title

Schedule 1 — Emergency registration of nurses and other health and care professionals
Schedule 2 — Emergency arrangements concerning medical practitioners: Wales
Schedule 3 — Emergency arrangements concerning medical practitioners: Scotland
Schedule 4 — Emergency registration of pharmaceutical chemists and extension of prescribing powers: Northern Ireland
Schedule 5 — Emergency registration of social workers: England and Wales
Schedule 6 — Temporary registration of social workers: Scotland
Schedule 7 — Emergency volunteering leave
Part 1 — Entitlement to emergency volunteering leave
Part 2 — Effect of taking emergency volunteering leave
Part 3 — Modifications of Employment Rights Act 1996

Part 4 — Modifications of Employment Rights (Northern Ireland) Order 1996
Part 5 — General
Schedule 8 — Mental health: England and Wales
Part 1 — Introductory provision etc
Part 2 — Modifications of the Mental Health Act 1983 and related provision
Part 3 — Transitional provision
Schedule 9 — Mental health: Scotland
Part 1 — Introductory provision etc
Part 2 — Modifications of the Mental Health (Care and Treatment) (Scotland) Act 2003
Part 3 — Modifications of the Criminal Procedure (Scotland) Act 1995
Part 4 — Modifications of subordinate legislation
Schedule 10 — Mental health: Northern Ireland
Part 1 — Introductory provision etc
Part 2 — Modifications of the Mental Health (Northern Ireland) Order 1986
Part 3 — Transitional provision
Part 4 — Review of operation of certain provisions of this Schedule
Schedule 11 — Mental capacity: Northern Ireland
Part 1 — Introductory provision etc
Part 2 — Modifications of the Mental Capacity Act (Northern Ireland) 2016
Part 3 — Transitional provision
Part 4 — Review of operation of certain provisions of this Schedule
Schedule 12 — Local authority care and support
Part 1 — Powers and duties of local authorities in England
Part 2 — Powers and duties of local authorities in Wales
Schedule 13 — Registration of deaths and still-births
Part 1 — England and Wales
Part 2 — Scotland
Part 3 — Northern Ireland
Schedule 14 — Review of medical certificates of cause of death and cremations: Scotland
Part 1 — Review of medical certificates of cause of death
Part 2 — Cremations
Schedule 15 — Information relating to food supply chains: financial penalties
Schedule 16 — Temporary closure of educational institutions and childcare premises
Part 1 — England and Wales
Part 2 — Scotland
Part 3 — Northern Ireland
Schedule 17 — Temporary continuity directions etc: education, training and childcare
Part 1 — England and Wales
Part 2 — Scotland
Part 3 — Northern Ireland
Schedule 18 — Powers to act for the protection of public health: Northern Ireland
Schedule 19 — Health protection regulations: Scotland
Schedule 20 — Power to suspend port operations
Schedule 21 — Powers relating to potentially infectious persons
Part 1 — Overview and interpretation

Part 2 — Powers relating to potentially infectious persons in England
Part 3 — Powers relating to potentially infectious persons in Scotland
Part 4 — Powers relating to potentially infectious persons in Wales
Part 5 — Powers relating to potentially infectious persons in Northern Ireland
Schedule 22 — Powers to issue directions relating to events, gatherings and premises
Part 1 — General
Part 2 — Powers relating to events, gatherings and premises in England
Part 3 — Powers relating to events, gatherings and premises in Scotland
Part 4 — Powers relating to events, gatherings and premises in Wales
Part 5 — Powers relating to events, gatherings and premises in Northern Ireland
Schedule 23 — Live links in criminal proceedings
Part 1 — Expansion of powers under the Criminal Justice Act 2003
Part 2 — Other modifications
Schedule 24 — Live links in other criminal hearings
Part 1 — Expansion of powers under the Crime and Disorder Act 1998
Part 2 — Expansion of powers under the Extradition Act 2003
Part 3 — Other modifications
Schedule 25 — Public participation in proceedings conducted by video or audio
Schedule 26 — Live links in certain magistrates' court proceedings
Schedule 27 — Use of live links in legal proceedings: Northern Ireland
Part 1 — Powers of courts and tribunals to direct use of live links
Part 2 — Public participation in proceedings where live links used
Part 3 — Availability of live links in certain magistrates' court proceedings in Northern Ireland
Schedule 28 — Transportation, storage and disposal of dead bodies etc
Part 1 — Information about capacity
Part 2 — Directions and other measures to address lack of capacity
Part 3 — Power to direct local authorities etc
Part 4 — Deceased's wishes etc
Part 5 — Interpretation
Schedule 29 — Residential tenancies in England and Wales: protection from eviction

Coronavirus Act 2020

2020 CHAPTER 7

An Act to make provision in connection with coronavirus; and for connected purposes. [25th March 2020]

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

PART 1

MAIN PROVISIONS

Interpretation

1 Meaning of "coronavirus" and related terminology

(1) In this Act—

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

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

(2) A reference in this Act to infection or contamination, however expressed, is a reference to infection or contamination with coronavirus.

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

Emergency registration of health professionals

2 Emergency registration of nurses and other health and care professionals

Schedule 1 contains temporary modifications of—

(a) the Nursing and Midwifery Order 2001 (S.I. 2002/253), and

(b) the Health Professions Order 2001 (S.I. 2002/254).

3 Emergency arrangements concerning medical practitioners: Wales

Schedule 2 contains temporary modifications of—

(a) the National Health Service (Performers Lists) (Wales) Regulations 2004 (S.I. 2004/1020 (W. 117)), and

(b) the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004 (S.I. 2004/478 (W. 48)).

4 Emergency arrangements concerning medical practitioners: Scotland

Schedule 3 contains temporary modifications of—

(a) the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 (S.S.I. 2004/114),

(b) the National Health Service (General Medical Services Contracts (Scotland) Regulations 2018 (S.S.I. 2018/66), and

(c) the National Health Service (Primary Medical Services Section 17C Arrangements) (Scotland) Regulations 2018 (S.S.I. 2018/67).

5 Emergency registration of and extension of prescribing powers for pharmaceutical chemists: Northern Ireland

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

Temporary registration of social workers

6 Emergency registration of social workers: England and Wales

Schedule 5 contains temporary modifications of—

(a) the Social Workers Regulations 2018 (S.I. 2018/893), and

(b) the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2).

7 Temporary registration of social workers: Scotland

Schedule 6 contains temporary modifications of—

(a) the Regulation of Care (Scotland) Act 2001 (asp 8), and

(b) the Registration of Social Workers and Social Service Workers in Care Services (Scotland) Regulations 2013 (S.S.I. 2013/227).

Emergency volunteers

8 Emergency volunteering leave

Schedule 7 makes provision for emergency volunteering leave.

9 Compensation for emergency volunteers

(1) The Secretary of State must make arrangements for making payments to emergency volunteers by way of compensation—
  (a) for loss of earnings;
  (b) for travelling and subsistence.

(2) A person is entitled, in respect of acting as an emergency volunteer, to receive payments by way of compensation in accordance with arrangements made under this section.

(3) But a person is entitled to receive payments by way of compensation for loss of earnings only if, in consequence of acting as an emergency volunteer, the person has suffered a loss of earnings that the person would otherwise not have suffered.

(4) The arrangements made under subsection (1) may include—
  (a) conditions that a person must satisfy in order to be entitled to receive payment by way of compensation;
  (b) different provision for different cases;
  (c) provision about the procedure for making a claim;
  (d) provision about how the amount a person is entitled to claim is to be determined;
  (e) provision about the manner in which payments are to be made by the Secretary of State;
  (f) provision specifying limits on the amount that a person is entitled to claim.

(5) Sums required for the payment of compensation in accordance with this section are to be provided by the Secretary of State out of money provided by Parliament.

(6) The reference in subsection (1)(b) to payments by way of compensation for subsistence includes a reference to vouchers and other benefits which may be used to pay for subsistence, whether or not their use is subject to any limitations.

(7) The Secretary of State must—
  (a) publish arrangements made under this section in such manner as the Secretary of State considers appropriate, and
  (b) lay before Parliament a statement about arrangements made under this section, as soon as reasonably practicable after they are made.

(8) In this section a person is an "emergency volunteer" if an appropriate authority certifies that the person—
  (a) has been approved by the authority as an emergency volunteer in health or social care, and
  (b) has acted as an emergency volunteer in health or social care for a period for which emergency volunteering leave could have been taken

(whether or not the person is entitled to take, or actually took, emergency volunteering leave).

(9) In this section "appropriate authority", "emergency volunteering leave" and "health or social care" have the same meaning as in Schedule 7 (see paragraphs 4 and 31 of that Schedule).

Mental health and mental capacity

10 Temporary modification of mental health and mental capacity legislation

(1) Schedule 8 contains temporary modifications of the Mental Health Act 1983, and related provision.

(2) Schedule 9 contains temporary modifications of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), the Criminal Procedure (Scotland) Act 1995 and related subordinate legislation.

(3) Schedule 10 contains temporary modifications of the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4)), and related provision.

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

Health service indemnification

11 Indemnity for health service activity: England and Wales

(1) The appropriate authority may—
  (a) indemnify a person in respect of a qualifying liability incurred by the person, or
  (b) make arrangements for a person to be indemnified, in respect of a qualifying liability incurred by the person, by an authorised person.

(2) References in this section to a qualifying liability are to a liability in tort, in respect of or consequent on death, personal injury or loss, arising out of or in connection with a breach of a duty of care owed in connection with the provision, after the coming into force of this section, of a relevant service.

(3) "Relevant service" means a service which is provided by a person as part of the health service and which—
  (a) relates to—
    (i) caring for or treating a person who has, or is suspected of having, coronavirus disease, whether or not in respect of that disease,
    (ii) caring for or treating a person (other than a person within sub-paragraph (i)) who has been, or is suspected of being, infected or contaminated, in respect of that infection or contamination or suspected infection or contamination, or
    (iii) diagnosing or determining whether a person has been infected or contaminated,
  (b) relates to diagnosis, care or treatment and is provided in consequence of another person who usually provides such a service (other than one within paragraph (a)) as part of the health service being unable to do so in consequence of providing a service within paragraph (a), or

(c) relates to diagnosis, care or treatment and is provided in consequence of another person who usually provides such a service as part of the health service being unable to do so because of a reason relating to coronavirus.

(4) In a case within subsection (1)(a), any question relating to—
(a) whether a person has incurred a qualifying liability, or
(b) the amount of any payment by virtue of subsection (1),
is to be determined by the appropriate authority.

(5) In a case within subsection (1)(b)—
(a) any question relating to whether a person has incurred a qualifying liability is to be determined by the authorised person;
(b) any question relating to the amount of any payment by virtue of subsection (1) is to be determined by the authorised person in accordance with the arrangements.

(6) Subsection (1) does not apply where arrangements are already in place (whether under an insurance policy or otherwise) for the person to be indemnified in respect of the liability.

(7) In this section—
"the appropriate authority" means—
(a) in relation to a relevant service provided as part of the English health service, the Secretary of State;
(b) in relation to a relevant service provided as part of the Welsh health service, the Welsh Ministers;
"authorised person" means a person authorised by the appropriate authority;
"the health service" means the English health service or the Welsh health service;
"the English health service" means the health service continued under section 1(1) of the National Health Service Act 2006;
"the Welsh health service" means the health service continued under section 1(1) of the National Health Service (Wales) Act 2006.

12 Indemnity for health service activity: Scotland

(1) The Scottish Ministers may—
(a) indemnify a person in respect of a qualifying liability incurred by the person, or
(b) make arrangements for a person to be indemnified, in respect of a qualifying liability incurred by the person, by an authorised person.

(2) References in this section to a qualifying liability are to a liability in delict, in respect of or consequent on death, personal injury or loss, arising out of or in connection with a breach of a duty of care owed in connection with the provision, after the coming into force of this section, of a relevant service.

(3) "Relevant service" means a service which is provided by a person as part of the health service and which—
(a) relates to—

(i) caring for or treating a person who has, or is suspected of having, coronavirus disease, whether or not in respect of that disease,

(ii) caring for or treating a person (other than a person within sub-paragraph (i)) who has been, or is suspected of being, infected or contaminated, in respect of that infection or contamination or suspected infection or contamination, or

(iii) diagnosing or determining whether a person has been infected or contaminated,

(b) relates to diagnosis, care or treatment and is provided in consequence of another person who usually provides such a service (other than one within paragraph (a)) as part of the health service being unable to do so in consequence of providing a service within paragraph (a), or

(c) relates to diagnosis, care or treatment and is provided in consequence of another person who usually provides such a service as part of the health service being unable to do so because of a reason relating to coronavirus.

(4) In a case within subsection (1)(a), any question relating to—

(a) whether a person has incurred a qualifying liability, or

(b) the amount of any payment by virtue of subsection (1),

is to be determined by the Scottish Ministers.

(5) In a case within subsection (1)(b)—

(a) any question relating to whether a person has incurred a qualifying liability is to be determined by the authorised person;

(b) any question relating to the amount of any payment by virtue of subsection (1) is to be determined by the authorised person in accordance with the arrangements.

(6) Subsection (1) does not apply where arrangements are already in place (whether under an insurance policy or otherwise) for the person to be indemnified in respect of the liability.

(7) In this section—

"authorised person" means a person authorised by the Scottish Ministers;

"the health service" means the health service continued under section 1(1) of the National Health Service (Scotland) Act 1978.

13 Indemnity for health and social care activity: Northern Ireland

(1) The Department of Health may—

(a) indemnify a person in respect of a qualifying liability incurred by the person, or

(b) make arrangements for a person to be indemnified, in respect of a qualifying liability incurred by the person, by an authorised person.

(2) References in this section to a qualifying liability are to a liability in tort, in respect of or consequent on death, personal injury or loss, arising out of or in connection with a breach of a duty of care owed in connection with the provision, after the coming into force of this section, of a relevant service.

(3) "Relevant service" means a service which is provided by a person as part of the system of health and social care and which—

(a) relates to—

(i) caring for or treating a person who has, or is suspected of having, coronavirus disease, whether or not in respect of that disease,

(ii) caring for or treating a person (other than a person within sub-paragraph (i)) who has been, or is suspected of being, infected or contaminated, in respect of that infection or contamination or suspected infection or contamination, or

(iii) diagnosing or determining whether a person has been infected or contaminated,

(b) relates to diagnosis, care or treatment and is provided in consequence of another person who usually provides such a service (other than one within paragraph (a)) as part of the system of health and social care being unable to do so in consequence of providing a service within paragraph (a), or

(c) relates to diagnosis, care or treatment and is provided in consequence of another person who usually provides such a service as part of the system of health and social care being unable to do so because of a reason relating to coronavirus.

(4) In a case within subsection (1)(a), any question relating to—

(a) whether a person has incurred a qualifying liability, or

(b) the amount of any payment by virtue of subsection (1),

is to be determined by the Department of Health.

(5) In a case within subsection (1)(b)—

(a) any question relating to whether a person has incurred a qualifying liability is to be determined by the authorised person;

(b) any question relating to the amount of any payment by virtue of subsection (1) is to be determined by the authorised person in accordance with the arrangements.

(6) Subsection (1) does not apply where arrangements are already in place (whether under an insurance policy or otherwise) for the person to be indemnified in respect of the liability.

(7) In this section—

"authorised person" means a person authorised by the Department of Health;

"the Department of Health" means the Department of Health in Northern Ireland;

"the system of health and social care" means the system promoted under section 2(1) of the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1 (N.I.)).

NHS and local authority care and support

14 NHS Continuing Healthcare assessments: England

(1) A relevant body does not have to comply with—

(a) the duty imposed by regulation 21(2)(a) of the 2012 Regulations (assessment of eligibility for NHS Continuing Healthcare), or

(b) the duty imposed by regulation 21(12) of those Regulations (duty to have regard to National Framework), so far as relating to the duty referred to in paragraph (a).

(2) Accordingly, regulation 28 of the 2012 Regulations (assessment of need for nursing care) applies only if a relevant body chooses to comply with the duty imposed by regulation 21(2)(a) of those Regulations.

(3) If, despite subsection (1)(a), an assessment of eligibility for NHS Continuing Healthcare is nevertheless carried out as mentioned in regulation 21(2)(a) of the 2012 Regulations, the relevant body must comply with the duty imposed by regulation 21(3) of those Regulations (duty to ensure assessment is carried out before certain other steps are taken).

(4) An NHS trust does not have to comply with—

(a) the duty imposed by direction 2(2) of the 2013 Directions (assessment of eligibility for NHS Continuing Healthcare), or

(b) the duty imposed by direction 2(10) of those Directions (duty to have regard to National Framework), so far as relating to the duty referred to in paragraph (a).

(5) If, despite subsection (4)(a), an assessment of eligibility for NHS Continuing Healthcare is nevertheless carried out as mentioned in direction 2(2) of the 2013 Directions, the NHS trust must take reasonable steps to ensure that it is carried out before the NHS trust gives notice as mentioned in direction 2(1) of those Directions.

(6) Subsections (1) and (4) apply in relation to duties arising before the commencement day as they apply in relation to duties arising on or after that day.

(7) In subsection (6) "the commencement day", in relation to subsection (1) or (4), means—

(a) the day on which that subsection comes into force, or

(b) where on any day the operation of the subsection is revived by regulations under section 88(3), that day.

(8) Regulation 3 of the Care and Support (Discharge of Hospital Patients) Regulations 2014 (S.I. 2014/2823) (contents of assessment notice under paragraph 1(1) of Schedule 3 to the Care Act 2014) has effect as if paragraph (1)(f)(ii) were omitted.

(9) In this section—

"the 2012 Regulations" means the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012 (S.I. 2012/2996);

"the 2013 Directions" means the Delayed Discharges (Continuing Care) Directions 2013;

"NHS trust" means a National Health Service trust in England established under section 25 of the National Health Service Act 2006;

"relevant body" means—

(a) a clinical commissioning group established under section 14D of that Act, or

(b) the National Health Service Commissioning Board.

15 Local authority care and support

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

16 Duty of local authority to assess needs: Scotland

(1) A local authority need not comply with a provision mentioned in subsection (2) to the extent that the authority considers that—
  (a) it would not be practical to comply with that provision, or
  (b) to do so would cause unnecessary delay in providing community care services to any person.

(2) The provisions are—
  (a) section 12A of the 1968 Act (duty of local authority to assess needs);
  (b) section 1 of the 2013 Act (general principles regarding provision of social care), insofar as it relates to Part 2 of the 1968 Act.

(3) A local authority need not comply with a provision mentioned in subsection (4) to the extent that it considers that—
  (a) it would not be practical to comply with that provision, or
  (b) to do so would cause unnecessary delay in providing support to any person under section 24 of the 2016 Act (duty to provide support).

(4) The provisions are—
  (a) section 6 of the 2016 Act (duty to prepare adult carer support plan);
  (b) regulation 2(1) of the 2018 Regulations (identification of adult carer's outcomes and needs for support);
  (c) section 12 of the 2016 Act (duty to prepare young carer statement);
  (d) regulation 3(1) of the 2018 Regulations (identification of young carer's outcomes and needs for support);
  (e) section 1 of the 2013 Act, insofar as it relates to Part 2 or 3 of the 2016 Act.

(5) Subsection (6) applies where, in reliance on subsection (3), a local authority does not comply with regulation 2(1) or 3(1) of the 2018 Regulations in relation to a person.

(6) Section 24 of the 2016 Act applies in relation to the person as if any reference in that section to a person's identified needs were a reference to the person's needs for support in order to enable the person to provide or continue to provide care for a cared-for person.

(7) A local authority need not comply with a provision mentioned in subsection (8) to the extent that the authority considers that—
  (a) it would not be practical to comply with that provision, or
  (b) to do so would cause unnecessary delay in providing services to any child under section 22(1) of the 1995 Act (promotion of welfare of children in need).

(8) The provisions are—
  (a) section 23(3) of the 1995 Act (duty to assess needs of child affected by disability);

(b) section 1 of the 2013 Act, insofar as it relates to section 22 or 23 of the 1995 Act.

(9) A local authority need not comply with section 29(5) of the 1995 Act (duty to assess needs of person who was looked after by the authority) to the extent that the authority considers that—

(a) it would not be practical to comply with that provision, or

(b) to do so would cause unnecessary delay in providing advice, guidance or assistance to any person under section 29(1) or (5A) of the 1995 Act (after care for person who was looked after by the authority).

(10) Subsection (11) applies where, in reliance on subsection (9), a local authority does not carry out an assessment under section 29(5) of the 1995 Act in relation to a person who has made an application to the authority under section 29(2) of that Act.

(11) Section 29(5A) of the 1995 Act applies in relation to the person as if the authority had carried out the assessment.

(12) Subsection (1), (3), (7) or (9) applies in relation to a duty arising before the commencement day as it applies in relation to a duty arising on or after that day.

(13) In subsection (12), "the commencement day", in relation to a subsection, means—

(a) the day on which the subsection comes into force, or

(b) where on any day the operation of the subsection is revived by regulations under section 88(3), that day.

(14) In this section and section 17—

"1968 Act" means the Social Work (Scotland) Act 1968;

"1995 Act" means the Children (Scotland) Act 1995;

"2013 Act" means the Social Care (Self-directed Support) (Scotland) Act 2013 (asp 1);

"2016 Act" means the Carers (Scotland) Act 2016 (asp 9);

"2018 Regulations" means the Carers (Scotland) Act 2016 (Adult Carers and Young Carers: Identification of Outcomes and Needs for Support) Regulations 2018 (S.S.I. 2018/109);

"cared-for person" is to be construed in accordance with section 1(1) of the 2016 Act;

"community care services" has the meaning given by section 12A(8) of the 1968 Act;

"local authority" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

17 Section 16: further provision

(1) The Scottish Ministers may issue guidance to local authorities about the exercise of their functions under the following provisions in consequence of section 16—

(a) Part 2 of the 1968 Act;

(b) sections 22, 23 and 29 of the 1995 Act;

(c) sections 25, 26 and 27 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13);

(d) section 1 of the 2013 Act;
(e) Parts 2 and 3 of the 2016 Act.

(2) A local authority—
(a) must have regard to any guidance issued under subsection (1);
(b) must comply with such guidance issued under subsection (1) as the Scottish Ministers direct;
(c) may disregard, so far as it is inconsistent with guidance issued under subsection (1)—
(i) any guidance issued under section 5(1) of the 1968 Act;
(ii) a code of practice published under section 274(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003.

(3) The Scottish Ministers may—
(a) from time to time revise any guidance issued under subsection (1);
(b) vary or revoke a direction made under subsection (2)(b).

(4) A local authority must not recover a charge under section 87 of the 1968 Act for—
(a) community care services provided to a person if, in reliance on section 16(1), the authority did not—
(i) comply with section 12A of the 1968 Act before providing the services, or
(ii) comply with section 1 of the 2013 Act in relation to the services;
(b) services provided to a child under section 22(1) of the 1995 Act if, in reliance on section 16(7), the authority did not—
(i) where the services were provided following a request being made to the authority in relation to the child under section 23(3) of the 1995 Act, assess the child's needs for the services before providing them, or
(ii) comply with section 1 of the 2013 Act in relation to the services;
(c) advice, guidance or assistance provided to a person under section 29(1) or (5A) of the 1995 Act if, in reliance on section 16(9), the local authority did not carry out an assessment of the person's needs under section 29(5) of that Act before providing the advice, guidance or assistance.

(5) For the purposes of subsection (4), a local authority did not—
(a) comply with a provision if it only partially complied with the provision;
(b) carry out an assessment if it only partially carried out the assessment.

(6) Nothing in subsection (4) prevents a local authority from recovering charges if—
(a) the authority provides—
(i) services in the circumstances described in paragraph (a) or (b) of subsection (4), or
(ii) advice, guidance or assistance in the circumstances described in paragraph (c) of that subsection,
(b) the authority subsequently complies with the provisions mentioned in paragraph (a), (b) or (c) of that subsection (as the case may be) in relation to the services or the advice, guidance or assistance, and
(c) the charges relate only to the period after the authority so complies.

(7) Subsection (8) applies where—
  (a) a local authority provides accommodation to a person under Part 2 of the 1968 Act in the circumstances described in paragraph (a) of subsection (4),
  (b) the authority subsequently complies with the provisions mentioned in that paragraph in relation to the provision of the accommodation, and
  (c) after it complies with those provisions, the authority continues to provide the accommodation to the person.

(8) Despite subsections (4)(a) and (6), the authority may recover charges for the provision of the accommodation for any period—
  (a) before the authority complied with the provisions mentioned in subsection (4)(a), and
  (b) during which the person was a permanent resident.

(9) For the purposes of subsection (8), a person is a permanent resident if the person is expected to be provided with accommodation by the authority for a period of more than 52 weeks.

(10) Subsection (11) applies where—
  (a) any provision of section 16 has had effect for a period, and
  (b) that period has ended.

(11) In determining for the purposes of any proceedings whether a local authority has complied with any duty to carry out a relevant assessment within a reasonable period, a court must take into account (among other things) the following factors—
  (a) the length of any period for which any provision of section 16 had effect, and
  (b) the number of relevant assessments which need to be carried out by the local authority following the end of any such period.

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

Registration of deaths and still-births etc

18 Registration of deaths and still-births etc

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

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

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

19 Confirmatory medical certificate not required for cremations: England and Wales

(1) Regulation 16 of the Cremation (England and Wales) Regulations 2008 (S.I. 2008/2841) (which sets out preconditions for the cremation of the remains of a deceased person) has effect as if paragraph (1)(c)(i) did not require a confirmatory medical certificate to be given in accordance with regulation 17(2) of the Regulations.

(2) In relation to a case where regulation 16 has effect as mentioned in subsection (1), the Cremation (England and Wales) Regulations 2008 have effect with the following modifications.

(3) Regulation 2(1) (interpretation) has effect as if for the definition of "medical certificate" and "confirmatory medical certificate" there were substituted—

> ""medical certificate" is a reference to the certificate so named given in accordance with regulation 17(1);".

(4) Regulation 12 (supplementary powers of medical referee) has effect as if sub-paragraph (a) were omitted.

(5) Regulation 14(2)(b)(i) (forms) has effect as if the words "the confirmatory medical certificate," were omitted.

(6) Regulation 17 (medical certificate and confirmatory medical certificate) has effect as if—

(a) in the heading the words "and confirmatory medical certificate" were omitted, and

(b) paragraphs (2) to (4) were omitted.

(7) Regulation 22 (right to inspect medical certificate and confirmatory medical certificate) has effect as if—

(a) in the heading the words "and confirmatory medical certificate" were omitted,

(b) in paragraph (1)(a)(i) the words "and confirmatory medical certificate" were omitted,

(c) in paragraph (1)(a)(ii) for "those certificates" there were substituted "that certificate",

(d) in paragraph (2) the words "and confirmatory medical certificate" were omitted and for "those certificates" there were substituted "that certificate",

(e) in paragraph (3)(a) the words "and confirmatory medical certificate" were omitted, and

(f) in paragraph (3)(b) for "such a" there were substituted "the".

(8) Regulation 23 (authorisation of cremation of the remains of a deceased person by medical referee) has effect as if—

(a) in paragraph (1)(d)(ii) for "certificates have" there were substituted "a certificate has",

(b) in paragraph (2) the words "and confirmatory medical certificate" were omitted.

(9) Regulation 24(4)(b) (medical referee not satisfied about the cause of death of the deceased person) has effect as if the words "or confirmatory medical certificate" were omitted.

(10) Regulation 33(2)(k) (register kept by registrar) has effect as if the words "and confirmatory medical certificate" were omitted.

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

20 Review of cause of death certificates and cremations: Scotland

(1) Part 1 of Schedule 14 contains temporary modifications of legislation relating to the review of medical certificates of cause of death in Scotland, and related provision.

(2) Part 2 of Schedule 14 contains temporary modifications of legislation relating to cremation in Scotland, and related provision.

21 Modifications of requirements regarding medical certificates for cremations: Northern Ireland

(1) The Cremation (Belfast) Regulations (Northern Ireland) 1961 (S.R. & O. (N.I.) 1961 No. 61) have effect with the following modifications.

(2) Regulation 10 (conditions to be met for cremations) has effect as if for paragraph (a) there were substituted—

"(a) a certificate in Form B in the Schedule has been given by a registered medical practitioner who can certify definitely as to the cause of death; or".

(3) Regulation 12 (Medical Referee's power to give certificates in Forms C and D) has effect as if the words "if he has personally investigated the cause of death to give a certificate in Form C, and" were omitted.

(4) In regulation 13 (duties of the Medical Referee)—

(a) paragraph (e) has effect as if the reference to "the medical certificates" did not include the confirmatory medical certificate (Form C);

(b) paragraph (f) has effect as if—

(i) the words "for which he had been seen and treated by a registered medical practitioner within twenty-eight days prior to his death" were omitted;

(ii) the reference to "the certificates" did not include the confirmatory medical certificate (Form C).

(5) Form A in the Schedule (application for cremation) has effect as if, at question 8(e), the words "for which he or she had been seen and treated by a registered medical practitioner within twenty-eight days prior to death" were omitted.

(6) Form B in the Schedule (certificate by registered medical practitioner) has effect as if—

(a) in the paragraph above question 1, the words "attended the deceased during his or her last illness and within twenty-eight days before death, and" were omitted;

(b) in question 7, at the beginning there were inserted "If you saw the deceased alive,";

(c) in question 16(e), the words "for which he or she had been seen and treated by a registered medical practitioner within twenty-eight days prior to death" were omitted;

(d) in the certification after question 20, the words "for which he had been seen and treated by me within twenty-eight days prior to death" were omitted;

(e) in the Note at the end, for "the medical practitioner who is to give the confirmatory medical certificate on Form C" there were substituted "the Medical Referee".

(7) At the end of a period for which this section has effect, it continues to apply in relation to the cremation of the remains of a person who died during that period but whose remains have not been cremated unless, at the end of that period, a certificate in Form B in the Schedule to the Cremation (Belfast) Regulations (Northern Ireland) 1961 has not been completed in relation to the deceased person for the purposes of regulation 10(a) of those Regulations.

Investigatory powers

22 Appointment of temporary Judicial Commissioners

(1) The power in subsection (2) is exercisable if the Investigatory Powers Commissioner notifies the Secretary of State—

(a) that, as a result of the effects of coronavirus, there is a shortage of persons able to carry out functions conferred on Judicial Commissioners by—

(i) the Police Act 1997 ("the 1997 Act"),

(ii) the Regulation of Investigatory Powers Act 2000 and the Regulation of Investigatory Powers (Scotland) Act 2000 (asp 11) ("the 2000 Acts"), and

(iii) the Investigatory Powers Act 2016 ("the 2016 Act"), and

(b) that in the Commissioner's opinion the power needs to be exercised in order to deal with that shortage.

(2) The Secretary of State may by regulations made by statutory instrument provide for the Investigatory Powers Commissioner to be able to appoint persons to carry out functions conferred on Judicial Commissioners by the 1997 Act, the 2000 Acts and the 2016 Act.

A person so appointed is referred to in this section as a "temporary Commissioner".

(3) The regulations must provide that a temporary Commissioner may be appointed for one or more terms not exceeding six months each and not exceeding 12 months in total.

(4) The regulations may—

(a) provide for the 1997 Act, the 2000 Acts and the 2016 Act to apply in relation to temporary Commissioners with specified omissions or other modifications;

(b) make consequential, supplementary or transitional provision.

(5) The regulations need not reproduce the effect of section 227(4) to (6) of the 2016 Act (requirements for recommendations, consultation etc).

But they must require the Investigatory Powers Commissioner to notify the following persons of any appointment made under the regulations—

(a) the Prime Minister;
(b) the Secretary of State;
(c) the Lord Chancellor;
(d) the Lord Chief Justice of England and Wales;
(e) the Lord President of the Court of Session;
(f) the Lord Chief Justice of Northern Ireland.

(6) Subject to any provision made under subsection (4), a reference to a Judicial Commissioner in the 1997 Act, the 2000 Acts or the 2016 Act is to be read (so far as the context allows) as referring also to a temporary Commissioner.

(7) The regulations must provide for them to cease to have effect at the end of the period of 12 months beginning with the day on which they come into force.

(8) A person's appointment as a temporary Commissioner comes to an end (if it has not already done so) when the regulations cease to have effect.

(9) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

(10) In this section "Investigatory Powers Commissioner" has the meaning given in section 263(1) of the 2016 Act.

23 Time limits in relation to urgent warrants etc under Investigatory Powers Act

(1) The power in subsection (2) is exercisable if the Investigatory Powers Commissioner notifies the Secretary of State that, in the Commissioner's opinion, the power needs to be exercised in response to the effects that coronavirus is having, or is likely to have, on the capacity of Judicial Commissioners to carry out their functions.

(2) The Secretary of State may by regulations made by statutory instrument modify the Investigatory Powers Act 2016 so as to alter, for the purposes of any of the specified provisions of that Act (see subsection (3)), the length of a period referred to in that Act as "the relevant period".

(3) The specified provisions are—

(a) sections 24(3), 109(3), 180(3) and 209(3) (period within which Judicial Commissioner must decide whether to approve decision to issue urgent warrant);
(b) sections 32(2)(a), 116(2)(a), 184(2)(a) and 213(2)(a) (period at end of which urgent warrant ceases to have effect);
(c) sections 33(5)(a), 117(5)(a), 185(3)(a) and 214(3)(a) (period during which urgent warrant may be renewed);
(d) sections 38(5), 122(5), 124(3), 147(3), 166(3), 188(3) and 217(3) (period within which Judicial Commissioner or other appropriate person must decide whether to approve decision to make urgent modification of warrant).

(4) A modification made by the regulations may not increase the length of a period so that it ends after the 12th working day after the day on which the warrant was issued or, as the case may be, the modification was made.

(5) The regulations may make consequential, supplementary or transitional provision.

(6) The regulations must provide for them to cease to have effect at the end of the period of 12 months beginning with the day on which they come into force.

(7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

(8) In this section—

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

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

Fingerprints and DNA profiles

24 Extension of time limits for retention of fingerprints and DNA profiles

(1) This section applies to fingerprints and DNA profiles that are retained—

(a) in accordance with a national security determination;

(b) under any of the following provisions—

(i) section 63F of the Police and Criminal Evidence Act 1984 (retention of section 63D material);

(ii) paragraph 20B or 20C of Schedule 8 to the Terrorism Act 2000 (retention of paragraph 20A material);

(iii) section 18A of the Counter-Terrorism Act 2008 (retention of section 18 material);

(iv) paragraph 8(2) of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011 (retention of paragraph 6 material);

other than fingerprints and DNA profiles that may be retained indefinitely under the provision in question;

(c) before being destroyed under—

(i) section 18(3) of the Criminal Procedure (Scotland) Act 1995 (destruction of relevant physical data);

(ii) Article 64(1BA) or (3), 64ZB(2), 64ZC(3), 64ZD(3), 64ZE(3), 64ZF(3), 64ZG(3), 64ZH(3), 64ZI(5) or 64ZJ of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (destruction of fingerprints and samples).

(2) The Secretary of State may make regulations extending, for up to six months, the period for which the fingerprints and DNA profiles may be retained.

(3) The Secretary of State may exercise the power under subsection (2) only if the Secretary of State considers that—

(a) coronavirus is having, or is likely to have, an adverse effect on the capacity of persons responsible for making national security determinations to consider whether to make, or renew, national security determinations, and

(b) it is in the interests of national security to retain the fingerprints or DNA profiles.

(4) The power under subsection (2) may be exercised on more than one occasion, but not so as to extend the period for which any fingerprints or DNA profile may be retained by more than 12 months in total.

(5) The power under subsection (2) may be exercised only in relation to fingerprints and DNA profiles which (ignoring the possibility of an extension otherwise than by regulations under that subsection) would need to be destroyed within the period of 12 months beginning with the day on which this Act is passed.

(6) Before making regulations under this section, the Secretary of State must consult the Commissioner for the Retention and Use of Biometric Material.

(7) If the Secretary of State has not exercised the power under subsection (2) before the end of the period of 3 months beginning with the day on which this Act is passed, this section ceases to have effect.

(8) Regulations under subsection (2) may—
(a) make different provision for different purposes;
(b) make consequential, supplementary or transitional provision.

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

(10) In this section—
"DNA profile" means any information derived from any material that has come from a human body and consists of or includes human cells;
"fingerprints", in relation to any person, means a record (in any form and produced by any method) of the skin pattern and other physical characteristics of—
(a) any of that person's fingers, or
(b) either of the person's palms;
"national security determination" means a determination made or renewed under—
(a) section 63M of the Police and Criminal Evidence Act 1984 (section 63D material retained for purposes of national security);
(b) paragraph 20E of Schedule 8 to the Terrorism Act 2000 (paragraph 20A material retained for purposes of national security);
(c) section 18B of the Counter-Terrorism Act 2008 (section 18 material retained for purposes of national security);
(d) paragraph 11 of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011 (paragraph 6 material retained for purposes of national security);
(e) section 18G of the Criminal Procedure (Scotland) Act 1995 (certain material retained for purposes of national security);
(f) paragraph 7 of Schedule 1 to the Protection of Freedoms Act 2012 (material subject to the Police and Criminal Evidence (Northern Ireland) Order 1989 retained for purposes of national security);

(g) Article 64ZK of the Police and Criminal Evidence (Northern Ireland) Order 1989 (Article 64 material retained for purposes of national security).

Food supply

25 Power to require information relating to food supply chains

(1) An appropriate authority may, subject as follows, require—
  (a) a person who is in a food supply chain, or
  (b) a person who is closely connected with a food supply chain,
to provide relevant information to the authority.

(2) In subsection (1) "relevant information" means information about matters which relate to an activity of the person, where the activity is connected with the food supply chain mentioned in that subsection.

(3) An appropriate authority may require a person to provide information under this section only if the conditions in subsections (4) and (5) are met.

(4) The condition in this subsection is that the appropriate authority considers that the provision of the information is necessary (on its own or when put together with other information) for the purpose of establishing—
  (a) whether the whole or part of a food supply chain is being disrupted or is at risk of disruption, or
  (b) where a food supply chain is in the view of the appropriate authority being disrupted or at risk of disruption, the nature of the disruption.

(5) The condition in this subsection is that the appropriate authority has previously requested the person to provide the information (before or after the passing of this Act) and the person—
  (a) has not done so, or
  (b) has provided information that is false or misleading to a material extent.

(6) A requirement under this section may not be imposed on an individual.

(7) A requirement under this section must be in writing and must specify—
  (a) how the information is to be provided (and may in particular specify the form in which and means by which it is to be provided), and
  (b) when the information is to be provided (and may in particular specify the time or times at or before which it is to be provided).

26 Authorities which may require information

(1) The following are appropriate authorities in relation to a requirement under section 25—
  (a) the Secretary of State,
  (b) the Scottish Ministers,
  (c) the Welsh Ministers, and
  (d) the Department of Agriculture, Environment and Rural Affairs in Northern Ireland ("DAERA").

(2) The Scottish Ministers may impose a requirement under section 25 only if, and to the extent that, an Act of the Scottish Parliament could have authorised the Scottish Ministers to impose the requirement.

(3) The Welsh Ministers may impose a requirement under section 25 only if, and to the extent that, provision of an Act of the National Assembly for Wales could have authorised the Welsh Ministers to impose the requirement (including any provision of such an Act that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975).

(4) DAERA may impose a requirement under section 25 only if, and to the extent that, an Act of the Northern Ireland Assembly made without the Secretary of State's consent could have authorised DAERA to impose the requirement.

(5) The Secretary of State may not impose a requirement under section 25 without the consent of an authority referred to in subsection (1)(b) to (d) (a "devolved authority") if, and to the extent that, that authority could itself have imposed the requirement.

(6) Subsection (5) does not require the consent of a devolved authority to the extent that the activity to which the requirement relates is carried on outside the area of that authority.

(7) Where the Secretary of State imposes a requirement under section 25 with the consent of a devolved authority, the Secretary of State must disclose to that authority any information which—
   (a) is provided in response to the requirement, and
   (b) relates to the carrying on in the devolved authority's area of the activity to which the requirement relates.

(8) For the purposes of this section—
   (a) the Scottish Ministers' area is Scotland,
   (b) the Welsh Ministers' area is Wales, and
   (c) DAERA's area is Northern Ireland.

27 Restrictions on use and disclosure of information

(1) A person who holds information which has at any time been provided under section 25 may use it if, and only if, the use is for—
   (a) the purpose referred to in section 25(4),
   (b) the purpose of mitigating or eliminating the effects of disruption to a food supply chain, or
   (c) the purpose of preventing or reducing the risk of future disruption to a food supply chain.

(2) A person who holds information which has at any time been provided under section 25 ("the holder") may disclose it to another person ("the recipient") if, and only if—
   (a) the disclosure is for a purpose specified in subsection (1)(a) to (c),
   (b) in a case where the holder is not a government authority, the disclosure is in accordance with the terms on which the information was disclosed to that person, and
   (c) in a case where the recipient is not a government authority, the information is anonymised.

(3) Subsection (2) does not apply where the disclosure of information is required by section 26(7).

(4) A disclosure made in accordance with this Act does not breach any obligation of confidence owed by the person making the disclosure or any other restriction on the disclosure of information (however imposed).

(5) Personal data may not be used or disclosed under this section if the use or disclosure would contravene the data protection legislation (but in determining whether it would do so, take into account the powers conferred by subsections (1) and (2)).

(6) In this section—

"data protection legislation" and "personal data" have the same meanings as in the Data Protection Act 2018 (see section 3 of that Act);

"government authority" means—

(a) a Minister of the Crown,

(b) the Scottish Ministers,

(c) the Welsh Ministers,

(d) the First Minister of Northern Ireland, the deputy First Minister of Northern Ireland and any Northern Ireland Minister,

(e) a Northern Ireland department, and

(f) any other person exercising functions on behalf of the Crown.

(7) The provisions of this section bind the Crown.

28 Enforcement of requirement to provide information

(1) This section applies if an appropriate authority which has imposed a requirement under section 25 is satisfied on the balance of probabilities that a person has, without reasonable excuse—

(a) failed to comply with the requirement, or

(b) provided information that is false or misleading to a material extent in response to the requirement.

(2) The authority may impose a financial penalty on the person in accordance with Schedule 15.

29 Meaning of "food supply chain" and related expressions

(1) This section has effect for the purposes of sections 25 to 28.

(2) A "food supply chain" is a supply chain for providing individuals with items of food or drink for personal consumption, where the items consist of or include, or have been produced to any extent using—

(a) anything grown or otherwise produced in carrying on agriculture, or

(b) anything taken, grown or otherwise produced in carrying on fishing or aquaculture.

(3) The persons "in" a food supply chain are—

(a) the persons carrying on the agriculture, fishing or aquaculture ("producers"), and

(b) any persons in the supply chain between the producers and the individuals referred to in subsection (2) ("intermediaries").

(4) The persons "closely connected" with a food supply chain are—
  (a) persons supplying seeds, stock, equipment, feed, fertiliser, pesticides or similar items to producers for use in agriculture, fishing or aquaculture,
  (b) persons providing goods or services to producers or intermediaries, where the goods or services relate to—
    (i) the safety or quality of food or drink, or
    (ii) the welfare of animals, and
  (c) bodies representing persons in or closely connected with a food supply chain by virtue of the preceding provisions of this section.

(5) In this section—
  "agriculture" includes any growing of plants, and any keeping of animals, for the production of food or drink;
  "aquaculture" means the breeding, rearing, growing or cultivation of—
    (a) any fish or other aquatic animal,
    (b) seaweed or any other aquatic plant, or
    (c) any other aquatic organism;
  "plants" includes fungi;
  "seeds" includes bulbs and other things from which plants grow.

Inquests

30 Suspension of requirement to hold inquest with jury: England and Wales

(1) For the purposes of section 7(2)(c) of the Coroners and Justice Act 2009 (requirement for inquest to be held with jury if senior coroner has reason to suspect death was caused by notifiable disease etc), COVID-19 is not a notifiable disease.

(2) This section applies to an inquest that is opened while this section is in force (regardless of the date of the death).

31 Suspension of requirement to hold inquest with jury: Northern Ireland

(1) For the purposes of section 18(1)(c) of the Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.)) (requirement for inquest to be held with jury if it appears to coroner that death was caused by notifiable disease), COVID-19 is not a disease that requires notice to be given.

(2) This section applies to an inquest that is opened while this section is in force (regardless of the date of the death).

32 Deaths in custody from natural illness: Northern Ireland

(1) Subsection (2) applies if—
  (a) an inquest is required to be held in pursuance of section 39(2) of the 1953 Act (death of a prisoner), and
  (b) it appears to the coroner that the death was caused by natural illness.

(2) The coroner need not comply with the requirement in section 18(1) of the 1959 Act; and, accordingly, the coroner may proceed to hold or continue to hold the inquest without a jury.

(3) But if in any case to which subsection (2) applies it appears to the coroner, either before or in the course of an inquest begun without a jury, that it is desirable to summon a jury, the coroner may proceed to cause a jury to be summoned as if it were being summoned in accordance with section 18(1) of the 1959 Act.

(4) Section 13(2) of the 1959 Act has effect in relation to an inquest held without a jury in reliance on subsection (2) as if for the words from "Where more than" to "all the deaths so resulting" there were substituted "Where more than one inquest is required to be held in pursuance of section 39(2) of the 1953 Act and it appears to the coroner that all of the deaths were caused by natural illness and that one inquest ought to be held into them all,".

(5) In this section—

"the 1953 Act" means the Prison Act (Northern Ireland) 1953 (c. 18 (N.I.));

"the 1959 Act" means the Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.)).

Disclosure: Wales

33 Disapplication etc by Welsh Ministers of DBS provisions

(1) The Welsh Ministers may by notice make provision—

(a) disapplying, for a specified period, a health DBS provision or a social care DBS provision;

(b) modifying, for a specified period, a health DBS provision or a social care DBS provision.

(2) For the purposes of subsection (1) a "health DBS provision" is a provision of regulations under section 22 of the Care Standards Act 2000 (regulation of establishments and agencies) which imposes requirements—

(a) as to the persons who are fit to work at an establishment in Wales or for the purposes of an agency in Wales, and

(b) which relate to the obtaining in relation to such persons of certificates or information from the Disclosure and Barring Service.

(3) For the purposes of subsection (1) a "social care DBS provision" is a provision of regulations under section 27 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) (regulations about regulated services) which imposes requirements—

(a) as to the persons who are fit to work in a regulated service, and

(b) which relate to the obtaining in relation to such persons of certificates or information from the Disclosure and Barring Service.

(4) A notice under subsection (1) may limit the disapplication or modification of a health DBS provision or a social care DBS provision by reference to—

(a) a specified person or description of persons;

(b) a specified area;

(c) any other matter.

(5) A notice under subsection (1) must state why the Welsh Ministers consider that the issuing of the notice is an appropriate and proportionate action in all the circumstances relating to the incidence or transmission of coronavirus.

(6) The specified period in a notice under subsection (1) must not exceed one month.

(7) The Welsh Ministers may by notice (a "cancellation notice") cancel a notice under subsection (1) with effect from the time specified in the cancellation notice.

(8) A cancellation notice may contain transitional or saving provision.

(9) Nothing in subsection (6) or (7) prevents the making of a further notice in relation to a health DBS provision or a social care DBS provision.

(10) Subject to subsection (11), the Welsh Ministers must—
  (a) publish a notice under this section, and
  (b) take such other steps as the Welsh Ministers consider reasonable to bring the notice to the attention of those persons likely to be affected by it.

(11) Where the notice relates to a person specified by name—
  (a) the Welsh Ministers must give a copy of the notice to that person, and
  (b) the published version of the notice must not identify any individual without their consent.

(12) In this section—
  "the Disclosure and Barring Service" means the Disclosure and Barring Service established by section 87(1) of the Protection of Freedoms Act 2012;
  "specified", in relation to a notice under subsection (1), means specified in the notice.

(13) Expressions used in this section and in the Care Standards Act 2000 or the Regulation and Inspection of Social Care (Wales) Act 2016 have the same meaning as in that Act.

Disclosure: Scotland

34 Temporary disapplication of disclosure offences: Scotland

(1) The Scottish Ministers may issue a direction that disapplies or modifies—
  (a) section 35 of the 2007 Act (organisations not to use barred individuals for regulated work);
  (b) section 36 of the 2007 Act (personnel suppliers not to supply barred individuals for regulated work).

(2) In this section and section 35, "the 2007 Act" means the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14).

(3) A direction under subsection (1)—
  (a) may be of general application or specify particular persons or descriptions of persons to whom the direction applies;
  (b) may be framed by reference to particular kinds of regulated work with children or protected adults (within the meaning of section 91 of the 2007 Act);
  (c) may be framed by reference to any other matters the Scottish Ministers consider appropriate;

(d) may make different provision for different purposes;

(e) may make such other provision as the Scottish Ministers consider appropriate in connection with the giving of the direction.

(4) The Scottish Ministers must publish a direction under subsection (1).

(5) A direction under subsection (1) has effect—

(a) for the period specified in the direction, or

(b) until revoked by a further direction under that subsection.

35 Power to reclassify certain disclosure requests: Scotland

(1) Where the Scottish Ministers receive a disclosure request under—

(a) section 52 of the 2007 Act for a scheme record, or

(b) section 53 of the 2007 Act for a short scheme record,

they may treat it as a disclosure request for a statement of scheme membership under section 54 of the 2007 Act.

(2) Where the fee for a disclosure request for a statement of scheme membership is lower than the fee for a disclosure request for a scheme record or for a short scheme record, the Scottish Ministers must refund the difference in the fees to the applicant.

Vaccinations: Scotland

36 Vaccination and immunisation: Scotland

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

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

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

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

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

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

Schools, childcare providers etc

37 Temporary closure of educational institutions and childcare premises

(1) Part 1 of Schedule 16 makes provision enabling the Secretary of State and the Welsh Ministers to give directions for the restriction of attendance at premises used for the provision of education or childcare.

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

(3) Part 3 of Schedule 16 makes provision enabling—
  (a) the Department of Education in Northern Ireland to give directions requiring the temporary closure of schools;
  (b) the Department for the Economy in Northern Ireland to give directions requiring the temporary closure of further and higher education institutions;
  (c) the Department of Health in Northern Ireland to give directions requiring the temporary cessation of childcare provision.

38 Temporary continuity: education, training and childcare

(1) Part 1 of Schedule 17 makes provision enabling the Secretary of State and the Welsh Ministers—
  (a) to give directions requiring the provision, or continuing provision, of education, training and childcare;
  (b) to give notices disapplying or modifying enactments.

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

(3) Part 3 of Schedule 17 makes provision enabling—
  (a) the Department of Education in Northern Ireland and the Department for the Economy in Northern Ireland to give directions requiring the provision, or continuing provision, of education;
  (b) the Department of Health in Northern Ireland to give directions requiring the provision, or continuing provision, of childcare;
  (c) the Department of Education in Northern Ireland to give notices disapplying or modifying enactments.

Statutory sick pay

39 Statutory sick pay: funding of employers' liabilities

(1) The Social Security Contributions and Benefits Act 1992 has effect as if after section 159A there were inserted—

"159B Funding of employers' statutory sick pay liabilities in relation to coronavirus

(1) The Commissioners for Her Majesty's Revenue and Customs may by regulations make provision for the payment by employers of statutory sick pay in respect of incapacity for work related to coronavirus to be funded by Her Majesty's Revenue and Customs to such extent and in such manner as may be prescribed.

(2) Regulations under subsection (1) may—
  (a) make provision for a person who has made a payment of statutory sick pay in respect of an employee whose incapacity for work is related to coronavirus to be entitled, except in prescribed circumstances, to recover some or all of that payment;
  (b) include provision for a person who has made a payment of statutory sick pay in respect of an employee whose incapacity

for work is related to coronavirus to be entitled, except in prescribed circumstances, to recover an additional amount, determined in such manner as may be prescribed.

(3) Regulations under subsection (1) may make provision about when an employee's incapacity for work is related to coronavirus.

(4) Regulations under subsection (1) may, in particular, make provision—
  (a) for funding in advance as well as in arrear;
  (b) for funding, or the recovery of amounts due under provision made by virtue of subsection (2)(b), by means of deductions from such amounts for which employers are accountable to Her Majesty's Revenue and Customs as may be prescribed, or otherwise;
  (c) for the recovery by Her Majesty's Revenue and Customs of any sums overpaid to employers under the regulations.

(5) Where in accordance with any provision of regulations under subsection (1) an amount has been deducted from an employer's contributions payments, the amount so deducted is (except in such cases as may be prescribed) to be treated for the purposes of any provision made by or under any enactment in relation to primary or secondary Class 1 contributions—
  (a) as having been paid (on such date as may be determined in accordance with the regulations), and
  (b) as having been received by Her Majesty's Revenue and Customs,

towards discharging the employer's liability in respect of such contributions.

(6) Regulations under subsection (1) may make provision—
  (a) about the procedure for an employer to make a claim under those regulations;
  (b) about the determination of claims by Her Majesty's Revenue and Customs;
  (c) requiring an employer to keep records in relation to payments of statutory sick pay in respect of incapacity for work related to coronavirus.

(7) Regulations under subsection (1) may have retrospective effect in relation to a day of incapacity for work that falls on or after 13 March 2020.

(8) In this section—

"contributions payments", in relation to an employer, means any payments which the employer is required, by or under any enactment, to make in discharge of any liability in respect of primary or secondary Class 1 contributions;

"coronavirus" means severe acute respiratory syndrome coronavirus 2.

(9) Regulations under subsection (1) must be made with the concurrence of the Secretary of State."

(2) The Social Security Administration Act 1992 has effect as if in section 113A (statutory sick pay and statutory maternity pay: breach of regulations)—

(a) in subsection (1)(c), after "153(5)(b)" there were inserted "or 159B";
(b) in subsection (3), after "132" there were inserted "of this Act, or section 159B of the Contributions and Benefits Act".

(3) The Social Security Administration Act 1992 has effect as if in section 113B (statutory sick pay and statutory maternity pay: fraud and negligence)—
(a) in subsection (1)(b)(iii), after "153(5)(b)" there were inserted "or 159B";
(b) after subsection (2) there were inserted—

"(2A) Where an employer fraudulently or negligently receives a payment in pursuance of regulations under section 159B of the Contributions and Benefits Act (funding of employers' statutory sick pay liabilities in relation to coronavirus), the employer is liable to a penalty not exceeding £3,000."

40 Statutory sick pay: power to disapply waiting period limitation

(1) The Secretary of State may by regulations make provision disapplying section 155(1) of the Social Security Contributions and Benefits Act 1992 in relation to an employee whose incapacity for work is related to coronavirus.

(2) Regulations under subsection (1) may make provision about when an employee's incapacity for work is related to coronavirus.

(3) Section 175(3) to (5) of the Social Security Contributions and Benefits Act 1992 applies to regulations made under subsection (1) as if that subsection were contained in that Act.

(4) Regulations under subsection (1) may have retrospective effect in relation to a day of incapacity for work that falls on or after 13 March 2020.

(5) In this section "employee" and "incapacity for work" have the same meaning as in Part 11 of the Social Security Contributions and Benefits Act 1992.

(6) Regulations under subsection (1) are to be made by statutory instrument.

(7) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.

41 Statutory sick pay: modification of regulation making powers

(1) The Social Security Contributions and Benefits Act 1992 has effect as if in section 151 (employer's liability for statutory sick pay), after subsection (4) there were inserted—

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

(2) The Social Security Contributions and Benefits Act 1992 has effect as if in section 175 (regulations), after subsection (5) there were inserted—

"(5A) But regulations under—

(a) section 151(4) in relation to severe acute respiratory syndrome coronavirus 2, or

(b) section 159B,

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

42 Statutory sick pay: funding of employers' liabilities: Northern Ireland

(1) The Social Security Contributions and Benefits (Northern Ireland) Act 1992 has effect as if after section 155A there were inserted—

"155B Funding of employers' statutory sick pay liabilities in relation to coronavirus

(1) The Commissioners for Her Majesty's Revenue and Customs may by regulations make provision for the payment by employers of statutory sick pay in respect of incapacity for work related to coronavirus to be funded by Her Majesty's Revenue and Customs to such extent and in such manner as may be prescribed.

(2) Regulations under subsection (1) may—

(a) make provision for a person who has made a payment of statutory sick pay in respect of an employee whose incapacity for work is related to coronavirus to be entitled, except in prescribed circumstances, to recover some or all of that payment;

(b) include provision for a person who has made a payment of statutory sick pay in respect of an employee whose incapacity for work is related to coronavirus to be entitled, except in prescribed circumstances, to recover an additional amount, determined in such manner as may be prescribed.

(3) Regulations under subsection (1) may make provision about when an employee's incapacity for work is related to coronavirus.

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

(a) for funding in advance as well as in arrear;

(b) for funding, or the recovery of amounts due under provision made by virtue of subsection (2)(b), by means of deductions from such amounts for which employers are accountable to Her Majesty's Revenue and Customs as may be prescribed, or otherwise;

(c) for the recovery by Her Majesty's Revenue and Customs of any sums overpaid to employers under the regulations.

(5) Where in accordance with any provision of regulations under subsection (1) an amount has been deducted from an employer's contributions payments, the amount so deducted is (except in such cases as may be prescribed) to be treated for the purposes of any provision made by or under any statutory provision in relation to primary or secondary Class 1 contributions—

(a) as having been paid (on such date as may be determined in accordance with the regulations), and

(b) as having been received by Her Majesty's Revenue and Customs,

towards discharging the employer's liability in respect of such contributions.

(6) Regulations under subsection (1) may make provision—

(a) about the procedure for an employer to make a claim under those regulations;

(b) about the determination of claims by Her Majesty's Revenue and Customs;

(c) requiring an employer to keep records in relation to payments of statutory sick pay in respect of incapacity for work related to coronavirus.

(7) Regulations under subsection (1) may have retrospective effect in relation to a day of incapacity for work that falls on or after 13 March 2020.

(8) In this section—

"contributions payments", in relation to an employer, means any payments which the employer is required, by or under any statutory provision, to make in discharge of any liability in respect of primary or secondary Class 1 contributions;

"coronavirus" means severe acute respiratory syndrome coronavirus 2;

"prescribed" means specified in or determined in accordance with regulations made under subsection (1).

(9) Regulations under subsection (1) must be made with the concurrence of the Secretary of State."

(2) The Social Security Administration (Northern Ireland) Act 1992 has effect as if in section 107A (statutory sick pay and statutory maternity pay: breach of regulations)—

(a) in subsection (1)(c), after "149(5)(b)" there were inserted "or 155B";

(b) in subsection (3), after "124" there were inserted "of this Act, or section 155B of the Contributions and Benefits Act".

(3) The Social Security Administration (Northern Ireland) Act 1992 has effect as if in section 107B (statutory sick pay and statutory maternity pay: fraud and negligence)—

(a) in subsection (1)(b)(iii), after "149(5)(b)" there were inserted "or 155B";

(b) after subsection (2) there were inserted—

"(2A) Where an employer fraudulently or negligently receives a payment in pursuance of regulations under section 155B of the Contributions and Benefits Act (funding of employers' statutory sick pay liabilities in relation to coronavirus), the employer is liable to a penalty not exceeding £3,000."

43 Statutory sick pay: power to disapply waiting period limitation: Northern Ireland

(1) The Secretary of State may by regulations make provision disapplying section 151(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 in relation to an employee whose incapacity for work is related to coronavirus.

(2) Regulations under subsection (1) may make provision about when an employee's incapacity for work is related to coronavirus.

(3) Section 171(3) to (5) and (10) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 applies to regulations made under subsection (1) as if that subsection were contained in that Act.

(4) Regulations under subsection (1) may have retrospective effect in relation to a day of incapacity for work that falls on or after 13 March 2020.

(5) In this section "employee" and "incapacity for work" have the same meaning as in Part 11 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

(6) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.

44 Statutory sick pay: modification of regulation making powers: Northern Ireland

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

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

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

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

"(5A) But regulations under—

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

(b) section 155B,

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

Pensions

45 NHS pension schemes: suspension of restrictions on return to work: England and Wales

(1) The National Health Service Pension Scheme Regulations 1995 (S.I. 1995/300) have effect as if—

(a) regulation S1 (suspension of pension on return to NHS employment) were omitted, and

(b) in the opening words of regulation S2(3) (reduction of pension on return to NHS employment) the words "or (c)" were omitted.

(2) The National Health Service Pension Regulations 2008 (S.I. 2008/653) have effect as if the following regulations were omitted—
  (a) regulation 2.D.6(2)(a) (abatement of pension following increase in pensionable pay), and
  (b) regulation 3.D.6(2)(a) (abatement of pension following increase in engagement in employment).

(3) The National Health Service Pension Regulations 2015 (S.I. 2015/94) have effect as if regulation 86(3) (abatement of pension following continuation of employment) were omitted.

46 NHS pension schemes: suspension of restrictions on return to work: Scotland

(1) The National Health Service Superannuation Scheme (Scotland) Regulations 2011 (S.S.I. 2011/117) have effect as if—
  (a) regulation S1 (suspension of pension on return to NHS employment) were omitted, and
  (b) in the opening words of regulation S2(4) (reduction of pension on return to NHS employment) the words "or (c)" were omitted.

(2) The National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013 (S.S.I. 2013/174) have effect as if the following regulations were omitted—
  (a) regulation 2.D.6(2)(a) (abatement of pension following increase in pensionable pay), and
  (b) regulation 3.D.6(2)(a) (abatement of pension following increase in engagement in employment).

(3) The National Health Service Pension Scheme (Scotland) Regulations 2015 (S.S.I. 2015/94) have effect as if regulation 85(3) (abatement of pension following continuation of employment) were omitted.

47 Health and social care pension schemes: suspension of restrictions on return to work: Northern Ireland

(1) The Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995 (S.R. (N.I.) 1995 No.95) have effect as if—
  (a) regulation 84 (suspension of pension on return to HPSS employment) were omitted, and
  (b) in the opening words of regulation 85(3) (reduction of pension on return to HPSS employment) the words "or (c)" were omitted.

(2) The Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008 (S.R. (N.I.) 2008 No.256) have effect as if the following regulations were omitted—
  (a) regulation 50(2)(a) (abatement of pension following increase in pensionable pay), and
  (b) regulation 181(2)(a) (abatement of pension following increase in engagement in employment).

(3) The Health and Social Care Pension Scheme Regulations (Northern Ireland) 2015 (S.R. (N.I.) 2015 No.120) have effect as if regulation 85(3) (abatement of pension following continuation of employment) were omitted.

Protection of public health

48 Powers to act for the protection of public health: Northern Ireland

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

49 Health protection regulations: Scotland

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

Power to suspend port operations

50 Power to suspend port operations

Schedule 20 confers power on the Secretary of State in relation to the suspension of port operations.

Powers relating to potentially infectious persons

51 Powers relating to potentially infectious persons

Schedule 21 confers powers relating to potentially infectious persons and makes related provision.

Powers relating to events, gatherings and premises

52 Powers to issue directions relating to events, gatherings and premises

Schedule 22 confers powers to issue directions in relation to events, gatherings and premises.

Courts and tribunals: use of video and audio technology

53 Expansion of availability of live links in criminal proceedings

Schedule 23 contains temporary modifications of—
(a) the Criminal Justice Act 2003,
(b) the Criminal Appeal Act 1968, and
(c) the Criminal Justice Act 1988.

54 Expansion of availability of live links in other criminal hearings

Schedule 24 contains temporary modifications of—
(a) the Crime and Disorder Act 1998,
(b) the Extradition Act 2003,
(c) the Police and Criminal Evidence Act 1984,
(d) the Prosecution of Offences Act 1985, and

(e) the Serious Organised Crime and Police Act 2005.

55 Public participation in proceedings conducted by video or audio

Schedule 25 contains temporary modifications of—

(a) the Courts Act 2003, and

(b) the Tribunals, Courts and Enforcement Act 2007.

56 Live links in magistrates' court appeals against requirements or restrictions imposed on a potentially infectious person

Schedule 26 contains temporary modifications of the Magistrates' Courts Act 1980.

57 Use of live links in legal proceedings: Northern Ireland

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

Powers in relation to bodies

58 Powers in relation to transportation, storage and disposal of dead bodies etc

Schedule 28 confers powers to facilitate the transportation, storage and disposal of dead bodies and human remains.

Postponement of elections, referendums, recall petitions and canvass

59 Elections and referendums due to be held in England in period after 15 March 2020

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

(a) is required to be held on a day falling within the period beginning with 16 March 2020 and ending with the day 30 days after that on which this Act is passed, but

(b) is not held in that period.

(2) Section 39 of the 1983 Act (local elections void etc) does not apply, and is treated as never having applied, in relation to the poll.

(3) Section 63 of that Act (breach of official duty) does not apply, and is treated as never having applied, in relation to any act or omission in connection with the poll.

(4) In determining for the purpose of this section whether a poll has been held, postal votes are to be ignored.

(5) This section does not affect the application of section 39 or 63 of the 1983 Act in relation to a poll the date for which is determined by virtue of section 61 (power to postpone).

(6) In this section—

"the 1983 Act" means the Representation of the People Act 1983;

"local government area" has the same meaning as in the 1983 Act (see section 203(1) of that Act);

"relevant election" means an election of a councillor for any local government area in England to fill a casual vacancy;

"relevant referendum" means a referendum under or by virtue of Schedule 4B to the Town and Country Planning Act 1990 (referendums on neighbourhood development plans).

60 Postponement of elections due to be held on 7 May 2020

Local government

(1) The poll for the ordinary election of councillors for any local government area in England that would otherwise be held on the ordinary day of election in 2020 is to be held instead on the ordinary day of election in 2021.

(2) A councillor who would otherwise, pursuant to section 7 or 16 of the Local Government Act 1972 (elections of councillors), retire on the fourth day after the ordinary day of election in 2020 is instead to retire on the fourth day after the ordinary day of election in 2021; and the councillor's term of office is extended accordingly.

(3) A councillor who—

(a) is returned at an election the poll for which is held on the ordinary day of election in 2021, and

(b) fills a vacancy arising as a result of the expiry of a term of office extended under subsection (2),

is (notwithstanding section 7 or 16 of the Local Government Act 1972) to retire on the fourth day after the ordinary day of election in 2024; and the councillor's term of office is reduced accordingly.

(4) In determining under section 7(3) or (9)(c) of the Local Government Act 1972 which councillors are to retire in accordance with that provision on the fourth day after the ordinary day of election in 2021, councillors who retire in accordance with subsection (2) of this section are to be ignored.

(5) In subsections (1) to (4)—

(a) "local government area" has the same meaning as in the Representation of the People Act 1983 (see section 203(1) of that Act);

(b) a reference to the ordinary day of election in a year is to the ordinary day of election of councillors in that year determined under section 37 of that Act (ordinary day of local elections in England).

The Mayor of London and the London Assembly

(6) The poll for the ordinary election that would otherwise, pursuant to section 3(2) of the Greater London Authority Act 1999 (time of ordinary election for the Mayor of London and the London Assembly), be held on 7 May 2020 is to be held instead on 6 May 2021.

(7) The postponement of that ordinary election is to be ignored in determining the years in which subsequent ordinary elections are to be held.

Elected mayors of local authorities

(8) The poll for the election of any elected mayor that would otherwise, pursuant to regulations under section 9HB of the Local Government Act 2000 (time of elections etc), be held on 7 May 2020 is to be held instead on 6 May 2021.

(9) The postponement under subsection (8) of an election is to be ignored in determining the years in which subsequent elections of elected mayors are to be held.

Elected mayors of combined authorities

(10) The poll for the election of any mayor that would otherwise, pursuant to an order under Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009, be held on 7 May 2020 is to be held instead on 6 May 2021.

(11) The postponement under subsection (10) of an election is to be ignored in determining the years in which subsequent elections of mayors are to be held.

Police and crime commissioners

(12) The ordinary election that would otherwise, pursuant to section 50(1) of the Police Reform and Social Responsibility Act 2011 (ordinary election of police and crime commissioners), be held in 2020 is to be held instead in 2021.

(13) The postponement of that ordinary election is to be ignored in determining the years in which subsequent ordinary elections are to be held.

61 Power to postpone certain other elections and referendums

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

(2) For the purposes of this section an election or referendum is "relevant" if—
   (a) the date of the poll for the election or the referendum falls within the period beginning with 16 March 2020 and ending with 5 May 2021, and
   (b) subsection (3) or (4) applies to it.

(3) This subsection applies to—
   (a) an election of a councillor for any local government area in England to fill a casual vacancy;
   (b) a local election in Northern Ireland to fill a casual vacancy;
   (c) an election to fill a casual vacancy in respect of a constituency member of the Greater London Assembly;
   (d) an election to fill a vacancy in the office of the Mayor of London;
   (e) an election to fill a casual vacancy in the office of an elected mayor under Part 1A of the Local Government Act 2000;

(f) an election to fill a vacancy in the office of a mayor for the area of a combined authority under Part 6 of the Local Democracy, Economic Development and Construction Act 2009;

(g) an election to fill a vacancy in the office of a police and crime commissioner for a police area.

(4) This subsection applies to—

(a) a poll under section 116 of the Local Government Act 2003 (local polls);

(b) a referendum under section 9MB of the Local Government Act 2000 (referendums on governance arrangements);

(c) a referendum by virtue of section 9MC of the Local Government Act 2000 (referendums following petition);

(d) a referendum under section 52ZG or 52ZN of the Local Government Finance Act 1992 (referendums in relation to council tax);

(e) a referendum under or by virtue of Schedule 4B to the Town and Country Planning Act 1990 (referendums on neighbourhood development plans).

(5) Regulations under subsection (1) must not specify—

(a) a date later than 6 May 2021, or

(b) a period ending later than 6 May 2021.

(6) The power to make regulations under subsection (1) may be exercised more than once in respect of any relevant election or relevant referendum.

(7) Regulations under subsection (1) may make provision by reference to relevant elections or relevant referendums of a description specified in the regulations (for example, by reference to the nature, date or location of the elections or referendums).

(8) The power to make regulations under subsection (1) is capable of being exercised so as to amend, repeal or revoke any enactment.

In this subsection "enactment" has the same meaning as in section 92.

(9) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.

(10) In this section—

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

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

62 Power to postpone a recall petition under the Recall of MPs Act 2015

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

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

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

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

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

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

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

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

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

(7) In this section—

"the 2015 Act" means the Recall of MPs Act 2015;

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

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

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

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

63 Power to make supplementary etc provision

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

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

(a) acts or omissions in connection with an election, referendum or recall petition prior to its postponement (including provision disapplying any enactment imposing criminal liability in respect of such acts or omissions);

(b) things that have yet to be done in connection with an election, referendum or recall petition prior to its postponement;

(c) the conduct of elections, referendums or recall petitions that have been postponed or steps to be taken in respect of such elections, referendums or recall petitions;

(d) the manner of voting in elections or referendums, or of signing of recall petitions, that have been postponed;

(e) the terms of office of incumbent office-holders or those elected at a postponed election;

(f) the nomination of candidates;

(g) expenses incurred in relation to elections or referendums by persons other than local authorities (including the expenses of candidates);

(h) compensation for local authorities or candidates incurring additional expenditure as a result of this Act;

(i) the membership or governance arrangements of a local authority in relation to which an order has been made under section 7 of the Local Government and Public Involvement in Health Act 2007 (implementation of structural changes proposals), the membership or governance arrangements of any shadow authority established under such an order, or any other matter dealt with in such an order.

(3) Regulations under subsection (1) may make retrospective provision, including provision having effect in relation to times before the coming into force of this Act.

(4) The power to make regulations under subsection (1) is capable of being exercised so as to amend, repeal or revoke any enactment.
In this subsection "enactment" has the same meaning as in section 92.

(5) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.

64 Northern Ireland: timing of canvass and Assembly by-elections

(1) Section 10ZA of the Representation of the People Act 1983 (Northern Ireland: timing of the canvass) is amended in accordance with subsections (2) and (3).

(2) In subsection (1)—
(a) after paragraph (a) insert—
"(aa) the year 2021;
(ab) the year 2030;";
(b) in paragraph (b), for "2010" substitute "2030".

(3) In subsection (4)—
(a) omit paragraph (b) (including the "and" at the end);
(b) after paragraph (c) insert—
"(d) 2021,
(e) 2030, and
(f) every tenth year following 2030."

(4) Subsection (5) applies if, at any time during the relevant period, Article 7(2) of the 2001 Order requires the Chief Electoral Officer for Northern Ireland to set a date as the date of the poll for an Assembly by-election.

(5) Before setting the date, the Chief Electoral Officer must consult the Secretary of State.

(6) In subsection (4)—
"the relevant period" means the period beginning with the date on which this Act is passed and ending with 1 February 2021;
"the 2001 Order" means the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599).

Postponement of elections: Wales

65 Elections due to be held in Wales in period after 15 March 2020

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

(a) is required to be held on a day falling within the period beginning with 16 March 2020 and ending with the day 30 days after that on which this Act is passed, but

(b) is not held in that period.

(2) Section 39 of the 1983 Act (local elections void etc) does not apply, and is treated as never having applied, in relation to the poll.

(3) Section 63 of that Act (breach of official duty) does not apply, and is treated as never having applied, in relation to any act or omission in connection with the poll.

(4) In determining for the purpose of this section whether a poll has been held, postal votes are to be ignored.

(5) This section does not affect the application of section 39 or 63 of the 1983 Act in relation to a poll the date for which is determined by virtue of section 67 (power to postpone).

(6) In this section—

"the 1983 Act" means the Representation of the People Act 1983;

"relevant election" means an election to fill a casual vacancy in the office of councillor in a county council, county borough council or community council in Wales.

66 Postponement of National Assembly for Wales elections for constituency vacancies

(1) This section applies where under section 10 of the Government of Wales Act 2006 ("the 2006 Act"), an election is to be held to fill a vacant seat of a constituency member ("the election").

(2) The Presiding Officer may, where a date has been fixed for the poll for the election, fix a later date (which may be outwith the period required under section 10(5) or (6) of the 2006 Act).

(3) The Presiding Officer must fix a date under subsection (2) for the poll for the election to be held as soon as reasonably practicable.

(4) The power under subsection (2)—

(a) may be exercised more than once,

(b) may not be exercised so as to fix a date for the poll for the election that is within the period mentioned in 10(7) of the 2006 Act, and

(c) may not be exercised so as to fix a date after 6 May 2021.

(5) Before exercising the power under subsection (2), the Presiding Officer must consult the Welsh Ministers.

67 Power to postpone local authority elections in Wales for casual vacancies

(1) The Welsh Ministers may, by regulations made by statutory instrument, provide—

(a) that the poll for a relevant election is to be held on such date, or within such period, as is specified in the regulations;

(b) that polls for relevant elections that would otherwise be required to be held on dates that fall within a period specified in the regulations are

instead to be held on such later date, or within such period, as is specified in the regulations.

(2) For the purposes of this section an election is "relevant" if—
  (a) the date of the poll for the election falls within the period beginning with 16 March 2020 and ending with 5 May 2021, and
  (b) it is an election to fill a casual vacancy in the office of councillor in a county council, county borough council or community council in Wales.

(3) Regulations under subsection (1) must not specify—
  (a) a date later than 6 May 2021, or
  (b) a period ending later than 6 May 2021.

(4) The power to make regulations under subsection (1) may be exercised more than once in respect of any relevant election.

(5) Regulations under subsection (1) may make provision by reference to relevant elections of a description specified in the regulations (for example, by reference to the nature, date or location of the elections).

(6) The power to make regulations under subsection (1) is capable of being exercised so as to amend or repeal a provision of an Act of Parliament or of an Act or Measure of the National Assembly for Wales.

(7) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

68 Power to make supplementary etc provision

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

(2) Regulations under subsection (1) may, in particular, make provision about—
  (a) acts or omissions in connection with an election prior to its postponement (including provision disapplying any enactment imposing criminal liability in respect of such acts or omissions);
  (b) things that have yet to be done in connection with an election prior to its postponement;
  (c) the conduct of elections that have been postponed or steps to be taken in respect of such elections;
  (d) the manner of voting in elections that have been postponed;
  (e) the terms of office of incumbent office-holders or those elected at a postponed election;
  (f) the nomination of candidates;
  (g) expenses incurred in relation to elections by persons other than local authorities (including the expenses of candidates);
  (h) compensation for local authorities or candidates incurring additional expenditure as a result of the Act.

(3) Regulations under subsection (1) may make retrospective provision, including provision having effect in relation to times before the coming into force of this Act.

(4) The power to make regulations under subsection (1) is capable of being exercised so as to amend or repeal a provision of an Act of Parliament or of an Act or Measure of the National Assembly for Wales.

(5) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

Postponement of elections: Scotland

69 Postponement of Scottish Parliament elections for constituency vacancies

(1) This section applies where under section 9 of the Scotland Act 1998 ("the 1998 Act"), an election is to be held to fill a vacant seat of a constituency member ("the election").

(2) The Presiding Officer may—
  (a) where a date has been fixed for the poll for the election, fix a later date (which may be outwith the period required under section 9(3) of the 1998 Act), or
  (b) where no such date has been fixed, fix a date for the poll that is outwith that period.

(3) The Presiding Officer must fix a date under subsection (2) for the poll at the election to be held as soon as reasonably practicable.

(4) The Presiding Officer must notify the constituency returning officer for the election of the date fixed for the poll under subsection (2) in the same manner as if it had been fixed under section 9 of the 1998 Act.

(5) The power under subsection (2)—
  (a) may be exercised more than once,
  (b) may not be exercised so as to fix a date for the poll at the election that is within the period mentioned in section 9(4) of the 1998 Act, and
  (c) may not be exercised so as to fix a date after 6 May 2021.

(6) Before exercising the power under subsection (2), the Presiding Officer must consult—
  (a) the Scottish Ministers, and
  (b) the convener of the Electoral Management Board for Scotland.

(7) Subsection (8) applies where—
  (a) notice of the date for the poll for the election has been published under Part 1 of Schedule 2 to the Scottish Parliament (Elections etc.) Order 2015 (S.S.I. 2015/425) ("the 2015 Order"), and
  (b) under subsection (2)(a), the Presiding Officer fixes a later date for the poll ("the new date").

(8) The constituency returning officer must—
  (a) publish a notice stating that the date has changed, and
  (b) comply with the requirements of Part 1 of Schedule 2 to the 2015 Order as if the new date had just been fixed under section 9 of the 1998 Act.

(9) In this section "constituency returning officer" has the same meaning as in the 2015 Order.

70 Postponement of local authority elections in Scotland for casual vacancies

(1) This section applies where under section 37 of the Local Government (Scotland) Act 1973 ("the 1973 Act"), an election is to be held to fill a casual vacancy in the office of councillor in a local authority ("the election").

(2) The returning officer may—
  (a) where a date has been fixed for the poll for the election, fix a later date (which may be outwith the period required under section 37(1) of the 1973 Act), or
  (b) where no such date has been fixed, fix a date for the poll that is outwith that period.

(3) The returning officer must fix a date under subsection (2) for the poll at the election to be held as soon as reasonably practicable.

(4) The power under subsection (2)—
  (a) may be exercised more than once,
  (b) may not be exercised so as to fix a date for the poll at the election that is within the period mentioned in subsection (2) of section 37 of the 1973 Act, unless the holding of the election within that period is permitted under that subsection, and
  (c) may not be exercised so as to fix a date after 6 May 2021.

(5) Before exercising the power under subsection (2), the returning officer must consult—
  (a) the Scottish Ministers, and
  (b) the convener of the Electoral Management Board for Scotland.

(6) Subsection (7) applies where—
  (a) notice of the date for the poll for the election has been published under Part 1 of Schedule 1 to the Scottish Local Government Elections Order 2011 (S.S.I. 2011/399) ("the 2011 Order"), and
  (b) under subsection (2)(a), the returning officer fixes a later date for the poll ("the new date").

(7) The returning officer must—
  (a) publish a notice stating that the date has changed, and
  (b) comply with the requirements of Part 1 of Schedule 1 to the 2011 Order as if the new date had just been fixed under section 37 of the 1973 Act.

(8) In this section—
  "local authority" means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 and "area" in relation to a local authority means the local government area for which the authority is constituted;
  "returning officer", in relation to a local authority, means an officer appointed by the local authority under section 41(1) of the Representation of the People Act 1983.

Other administrative requirements

71 Signatures of Treasury Commissioners

(1) Section 1 of the Treasury Instruments (Signature) Act 1849 (instruments etc required to be signed by the Commissioners of the Treasury) has effect as if the reference to two or more of the Commissioners of Her Majesty's Treasury were to one or more of the Commissioners.

(2) For the purposes of that reference, a Minister of the Crown in the Treasury who is not a Commissioner of Her Majesty's Treasury is to be treated as if the Minister were a Commissioner of Her Majesty's Treasury.

National Insurance Contributions

72 Power under section 143 of the Social Security Administration Act 1992

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

(2) Section 143(1) of that Act has effect in relation to an order to which this section applies as if the words from "with a view" to "future period" were omitted.

(3) Section 143(4)(a) of that Act (no increase above 0.25%) does not apply to an order to which this section applies.

(4) Section 144 of that Act (requirement to lay report and orders not to have effect before next tax year) does not apply to an order to which this section applies.

(5) Section 190(1) of that Act (affirmative procedure for certain orders) does not apply in relation to an order to which this section applies (and accordingly such an order is subject to annulment in pursuance of a resolution of either House of Parliament).

73 Power under section 145 of the Social Security Administration Act 1992

(1) This section applies to an order made under section 145 of the Social Security Administration Act 1992 (power to alter primary and secondary contributions) if—
   (a) it is made on or after 19 March 2020 and before the end of the period of 2 years beginning with the day on which this Act is passed, and
   (b) it does not increase a rate or figure referred to in section 145(1), (2) or (4) of that Act above the rate or figure that would apply on 6 April 2020, ignoring the effect of any order made under section 143 or 145 of that Act on or after 19 March 2020.

(2) Section 145(3) of that Act (no increase above 0.25%) does not apply to an order to which this section applies.

(3) Subsections (2) to (5) of section 147 of that Act (requirement to lay report and coming into force and effect of order) do not apply to an order to which this section applies.

(4) Section 190(1) of that Act (affirmative procedure for certain orders) does not apply in relation to an order to which this section applies (and accordingly such an order is subject to annulment in pursuance of a resolution of either House of Parliament).

74 Power under section 5 of the National Insurance Contributions Act 2014

(1) This section applies to regulations under section 5 of the National Insurance Contributions Act 2014 (power to amend the employment allowance provisions) made on or after 19 March 2020 and before the end of the period of 2 years beginning with the day on which this Act is passed.

(2) Section 5(5) to (9) of that Act (Parliamentary procedure) does not apply to such regulations but a statutory instrument containing such regulations is subject to annulment in pursuance of a resolution of either House of Parliament.

(3) But subsection (2) does not apply to regulations falling within section 5(1)(a) of that Act which decrease a person's employment allowance for a tax year below £4,000 (accordingly, section 5(5) of that Act continues to apply to a statutory instrument containing such regulations).

Financial assistance for industry

75 Disapplication of limit under section 8 of the Industrial Development Act 1982

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

(2) The providing authority may make that designation if it appears to the authority that the assistance is provided (wholly or to a significant degree) for the purpose of preventing, reducing, or compensating for any effect or anticipated effect (direct or indirect) of coronavirus or coronavirus disease.

"The providing authority" means whichever of the Secretary of State, the Scottish Ministers or the Welsh Ministers provides the assistance.

(3) As soon as reasonably practicable after the end of any quarter in which assistance designated as coronavirus-related is provided by the Secretary of State, the Secretary of State must lay before Parliament a report stating the amount of, and containing such other details as the Secretary of State considers appropriate about—

(a) the designated assistance provided by the Secretary of State in that quarter, and

(b) all designated assistance provided by the Secretary of State from the time when this section came into force until the end of that quarter.

"Quarter" means a period of three months ending at the end of March, June, September or December.

HMRC functions

76 HMRC functions

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

Up-rating of working tax credit etc

77 Up-rating of working tax credit etc

(1) In the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (S.I. 2002/2005), in the table in Schedule 2 (maximum rates of the elements of a working tax credit), item 1 (basic element) has effect in relation to the tax year 2020-21 as if the amount specified in the second column (maximum annual rate) were £3,040.

(2) The modification made by subsection (1) does not apply for the purposes of any annual review carried out in accordance with section 41 of the Tax Credits Act 2002.

(3) Where a sum mentioned in section 150(1) of the Social Security Administration Act 1992 (annual review in relation to up-rating of benefits) is modified in relation to the tax year 2020-21 for purposes connected with coronavirus or coronavirus disease, the modification does not apply for the purposes of any annual review carried out in accordance with that section.

Local authority meetings

78 Local authority meetings

(1) The relevant national authority may by regulations make provision relating to—
  (a) requirements to hold local authority meetings;
  (b) the times at or by which, periods within which, or frequency with which, local authority meetings are to be held;
  (c) the places at which local authority meetings are to be held;
  (d) the manner in which persons may attend, speak at, vote in, or otherwise participate in, local authority meetings;
  (e) public admission and access to local authority meetings;
  (f) the places at which, and manner in which, documents relating to local authority meetings are to be open to inspection by, or otherwise available to, members of the public.

(2) The provision which may be made by virtue of subsection (1)(d) includes in particular provision for persons to attend, speak at, vote in, or otherwise participate in, local authority meetings without all of the persons, or without any of the persons, being together in the same place.

(3) The regulations may make provision only in relation to local authority meetings required to be held, or held, before 7 May 2021.

(4) The power to make regulations under this section includes power—

(a) to disapply or modify any provision of an enactment or subordinate legislation;
(b) to make different provision for different purposes;
(c) to make consequential, supplementary, incidental, transitional or saving provision.

(5) In this section the "relevant national authority" means—
(a) in relation to local authorities in England, the Secretary of State;
(b) in relation to local authorities in Wales, the Welsh Ministers;
(c) in relation to local authorities in Northern Ireland, the Department for Communities in Northern Ireland.

(6) In this section "local authority meeting" means a meeting of—
(a) a local authority;
(b) an executive of a local authority (within the meaning of Part 1A or 2 of the Local Government Act 2000 or Part 6 of the Local Government Act (Northern Ireland) 2014);
(c) a joint committee of two or more local authorities;
(d) a committee or sub-committee of anything within paragraphs (a) to (c).

(7) In this section "local authority", in relation to England, means—
(a) a county council;
(b) a district council;
(c) a London borough council;
(d) the Common Council of the City of London;
(e) the Greater London Authority;
(f) the Council of the Isles of Scilly;
(g) a parish council;
(h) a joint board continued in being by virtue of section 263(1) of the Local Government Act 1972;
(i) a port health authority constituted under section 2 of the Public Health (Control of Disease) Act 1984;
(j) an authority established under section 10 of the Local Government Act 1985;
(k) a joint authority established under Part 4 of the Local Government Act 1985;
(l) a joint committee constituted to be a local planning authority under section 29 of the Planning and Compulsory Purchase Act 2004;
(m) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
(n) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies, or created by an order under section 4A of that Act;
(o) a National Park authority established under section 63 of the Environment Act 1995;
(p) the Broads Authority established by section 1 of the Norfolk and Suffolk Broads Act 1988;
(q) a conservation board established under section 86 of the Countryside and Rights of Way Act 2000;
(r) an appeal panel constituted under the School Admissions (Appeals Arrangements) (England) Regulations 2012 (S.I. 2012/9).

(8) In this section "local authority", in relation to Wales, means—
- (a) a county council;
- (b) a county borough council;
- (c) a community council;
- (d) a joint board continued in being by virtue of section 263(1) of the Local Government Act 1972;
- (e) a port health authority constituted under section 2 of the Public Health (Control of Disease) Act 1984;
- (f) a joint committee constituted to be a local planning authority under section 29 of the Planning and Compulsory Purchase Act 2004;
- (g) a strategic planning panel established under section 60D of the Planning and Compulsory Purchase Act 2004;
- (h) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;
- (i) a National Park authority established under section 63 of the Environment Act 1995;
- (j) an appeal panel constituted under the Education (Admission Appeals Arrangements) (Wales) Regulations 2005 (S.I. 2005/1398).

(9) In this section "local authority", in relation to Northern Ireland, means a district council.

(10) In this section—

"enactment" includes—
- (a) an enactment comprised in an Act or Measure of the National Assembly for Wales;
- (b) an enactment comprised in Northern Ireland legislation;

"subordinate legislation" means—
- (a) subordinate legislation within the meaning of the Interpretation Act 1978;
- (b) an instrument made under an Act or Measure of the National Assembly for Wales;
- (c) an instrument made under Northern Ireland legislation.

(11) Regulations under this section made by the Secretary of State or the Welsh Ministers are to be made by statutory instrument.

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

(13) A statutory instrument containing regulations under this section made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(14) The power of the Department for Communities in Northern Ireland to make regulations under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).

(15) Regulations under this section made by the Department for Communities in Northern Ireland are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.

Business improvement districts

79 Extension of BID arrangements: England

(1) This section applies to BID arrangements if—
  (a) they are in force on the day on which this Act is passed, and
  (b) the period specified in the arrangements as the period for which they are in force is due to end on a date ("the 2020 expiry date") that is on or before 31 December 2020.

(2) But this section does not apply to BID arrangements ("current BID arrangements") if—
  (a) a ballot under section 49(1) of the Local Government Act 2003 ("the 2003 Act") has taken place before the day on which this Act is passed, and—
    (i) the business improvement district for the BID arrangements proposed in the ballot is the same or substantially the same as the business improvement district for which the current BID arrangements are in force, and
    (ii) the date for the coming into force of the proposed BID arrangements is after the day on which this Act is passed, or
  (b) a ballot under section 54(2) of the 2003 Act for the renewal of the current BID arrangements has taken place before the day on which this Act is passed.

(3) BID arrangements to which this section applies are to be read as if—
  (a) the period specified in the arrangements as the period for which they are in force ended on 31 March 2021,
  (b) the arrangements specified a chargeable period beginning on the day after the 2020 expiry date and ending on 31 March 2021 ("the 2021 chargeable period"),
  (c) the arrangements provided for the amount of BID levy chargeable for the 2021 chargeable period—
    (i) to be calculated in the same manner as for the last 2020 chargeable period, and
    (ii) to be apportioned on a just and reasonable basis, where the 2021 chargeable period is not the same length as the last 2020 chargeable period, and
  (d) the description of non-domestic ratepayers specified in the arrangements as liable for BID levy for the 2021 chargeable period were the same as that specified for the last 2020 chargeable period.

(4) "The last 2020 chargeable period" is the last chargeable period specified in the BID arrangements to end on or before the 2020 expiry date.

(5) The requirement in section 54(1) of the 2003 Act that the period for which BID arrangements have effect may not exceed 5 years does not apply to BID arrangements to which this section applies.

(6) Nothing in this section prevents the termination or alteration of BID arrangements in accordance with regulations under section 54(4) of the 2003 Act.

(7) Expressions used in this section and in Part 4 of the 2003 Act have the same meaning in this section as they have in that Part.

(8) This section binds the Crown.

(9) This section does not apply in relation to Wales.

80 Extension of BID arrangements: Northern Ireland

(1) This section applies to BID arrangements if—
  (a) they are in force on the day on which this Act is passed, and
  (b) the period specified in the arrangements as the period for which they are in force is due to end on a date ("the 2020 expiry date") that is on or before 31 December 2020.

(2) BID arrangements to which this section applies are to be read as if—
  (a) the period specified in the arrangements as the period for which they are in force ended on 31 March 2021,
  (b) there were a chargeable period in relation to the arrangements beginning on the day after the 2020 expiry date and ending on 31 March 2021 ("the 2021 chargeable period"),
  (c) the arrangements provided for the amount of BID levy chargeable for the 2021 chargeable period—
    (i) to be calculated in the same manner as for the last 2020 chargeable period, and
    (ii) to be apportioned on a just and reasonable basis, where the 2021 chargeable period is not the same length as the last 2020 chargeable period, and
  (d) the description of eligible ratepayers liable for BID levy in relation to the arrangements for the 2021 chargeable period were the same as that for the last 2020 chargeable period.

(3) "The last 2020 chargeable period" is the last chargeable period in relation to the BID arrangements to end on or before the 2020 expiry date.

(4) The requirement in section 16(1) of the Business Improvement Districts Act (Northern Ireland) 2013 (c. 5 (N. I.)) ("the 2013 Act") that the period for which BID arrangements have effect may not exceed 5 years does not apply to BID arrangements to which this section applies.

(5) Nothing in this section prevents the termination or alteration of BID arrangements in accordance with regulations under section 16(4) of the 2013 Act.

(6) Expressions used in this section and in the 2013 Act have the same meaning in this section as they have in that Act.

(7) This section binds the Crown.

Residential tenancies: protection from eviction

81 Residential tenancies in England and Wales: protection from eviction

Schedule 29 makes provision about notice periods in relation to possession proceedings in respect of certain residential tenancies etc.

Business tenancies: protection from forfeiture etc

82 Business tenancies in England and Wales: protection from forfeiture etc

(1) A right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent may not be enforced, by action or otherwise, during the relevant period.

(2) During the relevant period, no conduct by or on behalf of a landlord, other than giving an express waiver in writing, is to be regarded as waiving a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.

(3) Subsections (4) to (6) apply in relation to any proceedings in the High Court commenced before the relevant period to enforce a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.

(4) Any order made by the High Court during the relevant period to the effect that possession of the property comprised in the relevant business tenancy is to be given to the landlord must ensure that the tenant does not have to give possession of the property to the landlord before the end of the relevant period.

(5) Subsection (6) applies where—
   (a) the High Court has made an order which would otherwise have the effect of requiring possession of the property comprised in the relevant business tenancy to be given to the landlord during the relevant period unless the tenant complies with some requirement before a time falling within that period, and
   (b) before possession is given to the landlord in accordance with the order, the tenant applies to vary the order.

(6) In dealing with the application, the High Court must ensure that the tenant does not have to give possession of the property to the landlord before the end of the relevant period.

(7) Subsections (8) to (10) apply in relation to any proceedings in the county court commenced before the relevant period to enforce a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.

(8) The county court may not make an order, during the relevant period, under section 138(3) of the County Courts Act 1984 which specifies a period that expires before the end of the day which is the last day of the relevant period when the order is made.

(9) Subsection (10) applies where—
   (a) the period specified in an order made, before or during the relevant period, under section 138(3) of the County Courts Act 1984, or
   (b) the period so specified as extended, or in accordance with subsection (10) treated as extended, under section 138(4) of that Act,

   would otherwise expire during the relevant period.

(10) The period mentioned in paragraph (a) or (as the case may be) (b) of subsection (9) is to be treated as extended, under section 138(4) of that Act, so that it expires at the end of the relevant period.

(11) For the purposes of determining whether the ground mentioned in section 30(1)(b) of the Landlord and Tenant Act 1954 (persistent delay in paying rent which has become due) is established in relation to a relevant business tenancy,

any failure to pay rent under that tenancy during the relevant period (whether rent due before or in that period) is to be disregarded.

(12) In this section—

"relevant business tenancy" means —

(a) a tenancy to which Part 2 of the Landlord and Tenant Act 1954 applies, or

(b) a tenancy to which that Part of that Act would apply if any relevant occupier were the tenant;

"relevant national authority" means—

(a) in relation to England, the Secretary of State, and

(b) in relation to Wales, the Welsh Ministers;

"relevant occupier", in relation to a tenancy, means a person, other than the tenant, who lawfully occupies premises which are, or form part of, the property comprised in the tenancy;

"relevant period" means the period—

(a) beginning with the day after the day on which this Act is passed, and

(b) ending with 30 June 2020 or such later date as may be specified by the relevant national authority in regulations made by statutory instrument (and that power may be exercised on more than one occasion so as to further extend the period);

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

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

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

83 Business tenancies in Northern Ireland: protection from forfeiture etc

(1) A right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent may not be enforced, by action or otherwise, during the relevant period.

(2) During the relevant period, no conduct by or on behalf of a landlord, other than giving an express waiver in writing, is to be regarded as waiving a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.

(3) Subsections (4) and (5) apply in relation to any proceedings commenced in any court before the relevant period to enforce a right of re-entry or forfeiture, under a relevant business tenancy, for non-payment of rent.

(4) During the relevant period, the court may not make an order in pursuance of the right of re-entry or forfeiture to the effect that possession of the property comprised in the tenancy is to be given to the landlord before the end of the last day of the relevant period when the order is made.

(5) Where a court has, before or during the relevant period, made an order in pursuance of the right of re-entry or forfeiture to the effect that possession of the property comprised in the tenancy is to be given to the landlord before the

end of the last day of the relevant period the order is to be treated as if it specified that the land is to be delivered up immediately after the end of the relevant period.

(6) For the purposes of determining whether the ground mentioned in Article 12(1)(b) of the Business Tenancies (Northern Ireland) Order 1996 (S.I. 1996/725 (N.I. 5)) (persistent delay in paying rent which has become due) is established in relation to a relevant business tenancy, any failure to pay rent under that tenancy during the relevant period (whether rent due before or in that period) is to be disregarded.

(7) In this section—

"court" means the county court or the High Court;

"relevant business tenancy" means—

(a) a tenancy to which the Business Tenancies (Northern Ireland) Order 1996 (S.I. 1996/725 (N.I. 5)) applies, or

(b) a tenancy to which that Order would apply if any relevant occupier were the tenant;

"relevant occupier", in relation to a tenancy, means a person, other than the tenant, who lawfully occupies premises which are, or form part of, the property comprised in the tenancy;

"relevant period" means the period—

(a) beginning with the day after the day on which this Act is passed, and

(b) ending with 30 June 2020 or such later date as may be specified in regulations made by the Department of Finance in Northern Ireland (and that power may be exercised on more than one occasion so as to further extend the period);

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

(8) The power to make regulations under subsection (7) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).

(9) Regulations under subsection (7) are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.

General Synod of the Church of England

84 Postponement of General Synod elections

(1) Her Majesty may by Order in Council, at the joint request of the Archbishops of Canterbury and York, postpone to the date specified in the Order the date on which the Convocations of Canterbury and York stand dissolved for the purposes of the Church of England Convocations Act 1966.

(2) Section 1 of that Act is, accordingly, to be read subject to provision made by an Order under this section.

(3) If either of the Archbishops is unable to exercise the power to join in making a request under subsection (1), or if the see of either of the Archbishops is vacant, the power may be exercised by the senior bishop of the province, with seniority for that purpose being determined in accordance with section 10(4) of the Bishops (Retirement) Measure 1986.

(4) An Order under this section may make consequential, supplementary, incidental, transitional or saving provision.

PART 2

FINAL PROVISIONS

85 Interpretation

In this Act "Minister of the Crown" means the holder of an office in Her Majesty's Government in the United Kingdom.

86 Financial provision

(1) There is to be paid out of money provided by Parliament—
- (a) any expenditure which is incurred by a Minister of the Crown, government department or other public authority by virtue of this Act,
- (b) any increase attributable to this Act in the sums payable by virtue of any other Act out of money so provided, and
- (c) any other expenditure which is incurred by a Minister of the Crown, government department or other public authority in connection with the making of payments, or the giving of financial assistance to a person (whether directly or indirectly), as a result of coronavirus or coronavirus disease.

(2) In subsection (1)(c)—
- (a) the reference to expenditure includes expenditure incurred before or after the passing of this Act, and
- (b) "financial assistance" includes assistance provided by way of grant, loan, guarantee or indemnity, and any other kind of financial assistance (actual or contingent).

87 Commencement

(1) This Act comes into force on the day on which this Act is passed, subject to subsection (2).

(2) The following provisions of this Act come into force on such day as a Minister of the Crown may by regulations appoint, subject to subsections (3) to (9)—
- (a) section 8 (and Schedule 7);
- (b) section 9;
- (c) section 10 (and Schedules 8, 9, 10 and 11);
- (d) section 15 (and Schedule 12);
- (e) section 16;
- (f) section 17;
- (g) section 18 (and Schedule 13);
- (h) section 19;
- (i) section 21;
- (j) sections 25 to 29 (and Schedule 15).

(3) In the case of provision made by regulations under subsection (2) which could also be made by an authority under subsection (4), (6) or (8), a Minister of the Crown may not make the provision without the authority's consent.

(4) If the condition in subsection (5) is met, the Welsh Ministers may by regulations provide that a provision of this Act to which subsection (2) applies comes into force, so far as it extends to England and Wales and applies in relation to Wales, on a day appointed by the regulations.

(5) The condition is that, so far as it extends to England and Wales and applies in relation to Wales, the provision would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of that Assembly (including any provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975).

(6) If the condition in subsection (7) is met, the Scottish Ministers may by regulations provide that a provision of this Act to which subsection (2) applies comes into force so far as it extends to Scotland on a day appointed by the regulations.

(7) The condition is that, so far as it extends to Scotland, the provision would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.

(8) If the condition in subsection (9) is met, a Northern Ireland department may by order provide that a provision of this Act to which subsection (2) applies comes into force so far as it extends to Northern Ireland on a day appointed by the order.

(9) The condition is that the provision, so far as it extends to Northern Ireland—
   (a) would be within the legislative competence of the Northern Ireland Assembly, and
   (b) would not require the consent of the Secretary of State,

   if it were contained in an Act of that Assembly.

(10) Different days may be appointed under subsection (2), (4), (6) or (8) for different purposes or areas.

(11) A Minister of the Crown may by regulations make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act, subject as follows.

(12) In the case of provision made by regulations under subsection (11) which could also be made by an authority under any of subsections (13) to (15), a Minister of the Crown may not make the provision without the authority's consent.

(13) The Welsh Ministers may by regulations make transitional, transitory or saving provision in connection with the coming into force in relation to Wales of a provision of this Act if the Welsh Ministers—
   (a) have the power to bring the provision into force in relation to Wales by virtue of subsection (4) (whether or not it has been brought into force), or
   (b) would have that power if the provision were listed in subsection (2).

(14) The Scottish Ministers may by regulations make transitional, transitory or saving provision in connection with the coming into force in relation to Scotland of a provision of this Act if the Scottish Ministers—
   (a) have the power to bring the provision into force in relation to Scotland by virtue of subsection (6) (whether or not it has been brought into force), or

(b) would have that power if the provision were listed in subsection (2).

(15) A Northern Ireland department may by order make transitional, transitory or saving provision in connection with the coming into force in relation to Northern Ireland of any provision of this Act if a Northern Ireland department—

(a) has the power to bring the provision into force in relation to Northern Ireland by virtue of subsection (8) (whether or not it has been brought into force), or

(b) would have that power if the provision were listed in subsection (2).

(16) Any power of a Minister of the Crown or the Welsh Ministers to make regulations under this section is exercisable by statutory instrument.

(17) Any power of a Northern Ireland department to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).

88 Power to suspend and revive provisions of this Act

(1) A relevant national authority may by regulations suspend the operation of any provision of this Act.

(2) Section 16(1) of the Interpretation Act 1978 applies in relation to the suspension of a provision of this Act by regulations under subsection (1) as if the provision had been repealed by an Act.

(3) A relevant national authority may by regulations revive the operation of a provision of this Act suspended by regulations under subsection (1).

(4) The power in subsection (1) and the power in subsection (3) may be exercised more than once in relation to the same provision.

(5) Regulations under this section—

(a) may make different provision for different purposes or areas;

(b) may make transitional, transitory or saving provision.

(6) References in this section to a provision of this Act do not include—

(a) section 1;

(b) section 2 (and Schedule 1);

(c) section 5 and Schedule 4 so far as they—

(i) make provision about a person who has been registered in the register of pharmaceutical chemists or against whose name in that register an annotation has been recorded, or

(ii) make provision for or in connection with the revocation of a person's registration or the removal of an annotation;

(d) section 6(a) and paragraph 1 of Schedule 5 so far as they—

(i) make provision about a person who has been registered in any register by virtue of that Schedule, or

(ii) make provision for or in connection with the revocation of a person's registration;

(e) section 6(b) (and paragraph 2 of Schedule 5);

(f) sections 11, 12 and 13;

(g) section 17;

(h) section 19(11);
(i) section 21(7);
(j) section 34;
(k) section 35;
(l) section 36;
(m) section 37(2) (and Part 2 of Schedule 16);
(n) section 38(2) (and Part 2 of Schedule 17);
(o) section 45;
(p) section 46;
(q) section 47;
(r) section 48 (and Schedule 18);
(s) section 49 (and Schedule 19);
(t) section 50 (and Schedule 20);
(u) section 51 (and Schedule 21);
(v) section 52 (and Schedule 22);
(w) sections 59 to 70;
(x) sections 72 to 74;
(y) section 75;
(z) a provision of this Part;
(z1) Parts 2 to 5 of Schedule 7, and section 8 so far as relating to those Parts;
(z2) Part 3 of Schedule 8, and section 10(1) and Part 1 of that Schedule so far as relating to that Part;
(z3) Parts 3 and 4 of Schedule 10, and section 10(3) and Part 1 of that Schedule so far as relating to those Parts;
(z4) Parts 3 and 4 of Schedule 11, and section 10(4) and Part 1 of that Schedule so far as relating to those Parts;
(z5) paragraphs 3(2) and (3), 10, 13, 18, 30, 33 and 35 of Schedule 12, and section 15 and paragraphs 1 and 19 of that Schedule so far as relating to those paragraphs;
(z6) paragraphs 8, 9, 15, 16 and 30 of Schedule 13, and section 18 and paragraphs 1, 10 and 17 of that Schedule so far as relating to those paragraphs.

(7) In this section "relevant national authority" means a Minister of the Crown, subject as follows.

(8) In the case of regulations under this section which could also be made by an authority by virtue of subsection (9), (11) or (13), a Minister of the Crown may not make the regulations without the authority's consent.

(9) The Welsh Ministers are also a relevant national authority for the purposes of this section in relation to a provision of this Act if—
(a) it extends to England and Wales and applies in relation to Wales, and
(b) so far as it so extends and applies, it would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of that Assembly (including any provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975).

(10) The power of the Welsh Ministers to make regulations under this section in relation to a provision of this Act is a power to do so only so far as the provision extends to England and Wales and applies in relation to Wales.

(11) The Scottish Ministers are also a relevant national authority for the purposes of this section in relation to a provision of this Act if—
  (a) it extends to Scotland, and
  (b) so far as it so extends, it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.

(12) The power of the Scottish Ministers to make regulations under this section in relation to a provision of this Act is a power to do so only so far as the provision extends to Scotland.

(13) A Northern Ireland department is also a relevant national authority for the purposes of this section in relation to a provision of this Act if—
  (a) it extends to Northern Ireland, and
  (b) so far as it so extends, were it contained in an Act of the Northern Ireland Assembly—
    (i) it would be within the legislative competence of that Assembly, and
    (ii) it would not require the consent of the Secretary of State.

(14) References in this section to regulations are to be read in relation to a Northern Ireland department as references to an order.

(15) The power of a Northern Ireland department to make an order under this section in relation to a provision of this Act is a power to do so only so far as the provision extends to Northern Ireland.

(16) Any power of a Minister of the Crown or the Welsh Ministers to make regulations under this section is exercisable by statutory instrument.

(17) Any power of a Northern Ireland department to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).

89 Expiry

(1) This Act expires at the end of the period of 2 years beginning with the day on which it is passed, subject to subsection (2) and section 90.

(2) Subsection (1) does not apply to—
  (a) section 1;
  (b) section 2 and Schedule 1 so far as they—
    (i) make provision about a person who has been registered in any register by virtue of that Schedule, or
    (ii) make provision for or in connection with the revocation of a person's registration;
  (c) section 5 and Schedule 4 so far as they—
    (i) make provision about a person who has been registered in the register of pharmaceutical chemists or against whose name in that register an annotation has been recorded, or
    (ii) make provision for or in connection with the revocation of a person's registration or the removal of an annotation;
  (d) section 6 and Schedule 5 so far as they—
    (i) make provision about a person who has been registered in any register by virtue of that Schedule, or

(ii) make provision for or in connection with the revocation of a person's registration;

(e) sections 11, 12 and 13;

(f) section 17;

(g) section 19(11);

(h) section 21(7);

(i) sections 59 to 70;

(j) sections 72 to 74;

(k) section 75(1);

(l) section 76;

(m) this Part;

(n) Parts 2 to 5 of Schedule 7, and section 8 so far as relating to those Parts;

(o) Part 3 of Schedule 8, and section 10(1) and Part 1 of that Schedule so far as relating to that Part;

(p) Parts 3 and 4 of Schedule 10, and section 10(3) and Part 1 of that Schedule so far as relating to those Parts;

(q) Parts 3 and 4 of Schedule 11, and section 10(4) and Part 1 of that Schedule so far as relating to those Parts;

(r) paragraphs 3(2) and (3), 10, 13, 18, 30, 33 and 35 of Schedule 12, and section 15 and paragraphs 1 and 19 of that Schedule so far as relating to those paragraphs;

(s) paragraphs 8, 9, 15, 16 and 30 of Schedule 13, and section 18 and paragraphs 1, 10 and 17 of that Schedule so far as relating to those paragraphs.

(3) A Minister of the Crown may by regulations make transitional, transitory or saving provision in connection with the expiry of any provision of this Act.

(4) In the case of provision made by regulations under subsection (3) which could also be made by an authority under subsection (5), (7) or (9), a Minister of the Crown may not make the provision without the authority's consent.

(5) If the condition in subsection (6) is met, the Welsh Ministers may by regulations make transitional, transitory or saving provision in connection with the expiry in relation to Wales of any provision of this Act.

(6) The condition is that, so far as it extends to England and Wales and applies to Wales, the provision would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of that Assembly (including any provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975).

(7) If the condition in subsection (8) is met, the Scottish Ministers may by regulations make transitional, transitory or saving provision in connection with the expiry in relation to Scotland of any provision of this Act.

(8) The condition is that, so far as it extends to Scotland, the provision would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.

(9) If the condition in subsection (10) is met, a Northern Ireland department may by order make transitional, transitory or saving provision in connection with the expiry in relation to Northern Ireland of any provision of this Act.

(10) The condition is that the provision, so far as it extends to Northern Ireland—
(a) would be within the legislative competence of the Northern Ireland Assembly, and
(b) would not require the consent of the Secretary of State,
if it were contained in an Act of that Assembly.

(11) The power of a Minister of the Crown or the Welsh Ministers to make regulations under this section is exercisable by statutory instrument.

(12) The power of a Northern Ireland department to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).

90 Power to alter expiry date

(1) A relevant national authority may by regulations provide that any provision of this Act—
(a) does not expire at the time when it would otherwise expire (whether by virtue of section 89 or previous regulations under this subsection or subsection (2)), and
(b) expires instead at such earlier time as is specified in the regulations.

(2) A relevant national authority may by regulations provide that any provision of this Act—
(a) does not expire at the time when it would otherwise expire (whether by virtue of section 89 or previous regulations under this subsection or subsection (1)), and
(b) expires instead at such later time as is specified in the regulations.

(3) A time specified under subsection (2) in relation to a provision of this Act must not be later than the end of the period of 6 months beginning with the time when the provision would otherwise have expired (whether by virtue of section 89 or previous regulations under subsection (1) or (2)).

(4) Regulations under this section—
(a) may make different provision for different purposes or areas;
(b) may make transitional, transitory or saving provision.

(5) In this section "relevant national authority" means a Minister of the Crown, subject as follows.

(6) In the case of regulations under this section which could also be made by an authority by virtue of subsection (7), (9) or (11), a Minister of the Crown may not make the regulations without the authority's consent.

(7) The Welsh Ministers are also a relevant national authority for the purposes of this section in relation to a provision of this Act if—
(a) it extends to England and Wales and applies in relation to Wales, and
(b) so far as it so extends and applies, it would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of that Assembly (including any provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975).

(8) The power of the Welsh Ministers to make regulations under this section in relation to a provision of this Act is a power to do so only so far as the provision extends to England and Wales and applies in relation to Wales.

(9) The Scottish Ministers are also a relevant national authority for the purposes of this section in relation to a provision of this Act if—
  (a) it extends to Scotland, and
  (b) so far as it so extends, it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.

(10) The power of the Scottish Ministers to make regulations under this section in relation to a provision of this Act is a power to do so only so far as the provision extends to Scotland.

(11) A Northern Ireland department is also a relevant national authority for the purposes of this section in relation to a provision of this Act if—
  (a) it extends to Northern Ireland, and
  (b) so far as it so extends, were it contained in an Act of the Northern Ireland Assembly—
    (i) it would be within the legislative competence of that Assembly, and
    (ii) it would not require the consent of the Secretary of State.

(12) References in this section to regulations are to be read in relation to a Northern Ireland department as references to an order.

(13) The power of a Northern Ireland department to make an order under this section in relation to a provision of this Act is a power to do so only so far as the provision extends to Northern Ireland.

(14) Any power of a Minister of the Crown or the Welsh Ministers to make regulations under this section is exercisable by statutory instrument.

(15) Any power of a Northern Ireland department to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).

91 Power to amend Act in consequence of amendments to subordinate legislation

(1) A relevant national authority may by regulations amend or repeal any provision of this Act which modifies a provision of subordinate legislation.

(2) The power in subsection (1) may be exercised only if the amendment or repeal is necessary in consequence of the amendment or revocation of the provision of subordinate legislation by other subordinate legislation.

(3) Regulations under subsection (1) may make transitional, transitory or saving provision.

(4) In this section "relevant national authority" means a Minister of the Crown, subject as follows.

(5) In the case of regulations under subsection (1) which could also be made by an authority by virtue of any of subsections (6) to (8), a Minister of the Crown may not make the regulations without the authority's consent.

(6) The Welsh Ministers are also a relevant national authority in relation to regulations under subsection (1) which make provision which would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of that Assembly (including any provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975).

(7) The Scottish Ministers are also a relevant national authority in relation to regulations under subsection (1) which make provision which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.

(8) A Northern Ireland department is also a relevant national authority in relation to regulations under subsection (1) which make provision which, if it were contained in an Act of the Northern Ireland Assembly—
- (a) would be within the legislative competence of that Assembly, and
- (b) would not require the consent of the Secretary of State.

(9) Any power of a Minister of the Crown or the Welsh Ministers to make regulations under subsection (1) is exercisable by statutory instrument.

(10) References in this section to regulations are to be read in relation to a Northern Ireland department as references to an order.

(11) Any power of a Northern Ireland department to make an order under subsection (1) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).

(12) In this section "subordinate legislation" means—
- (a) subordinate legislation within the meaning of the Interpretation Act 1978,
- (b) an instrument made under an Act or Measure of the National Assembly for Wales,
- (c) an instrument made under an Act of the Scottish Parliament, or
- (d) an instrument made under Northern Ireland legislation.

92 Power to make consequential modifications

(1) A relevant national authority may by regulations make provision for an enactment to have effect with modifications in consequence of any provision of this Act.

(2) Without prejudice to section 14 of the Interpretation Act 1978 (implied power to amend), a relevant national authority may by regulations amend or revoke any regulations made by the authority under subsection (1) in consequence of—
- (a) the exercise of a power under section 88,
- (b) the expiry of a provision of this Act under section 89, or
- (c) the exercise of a power under section 90.

(3) Regulations under this section may make transitional, transitory or saving provision.

(4) In this section "relevant national authority" means a Minister of the Crown, subject as follows.

(5) In the case of regulations under this section which could also be made by an authority by virtue of any of subsections (6) to (8), a Minister of the Crown may not make the regulations without the authority's consent.

(6) The Welsh Ministers are also a relevant national authority in relation to regulations under this section which make provision which would be within the legislative competence of the National Assembly for Wales if it were contained in an Act of that Assembly (including any provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975).

(7) The Scottish Ministers are also a relevant national authority in relation to regulations under this section which make provision which would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament.

(8) A Northern Ireland department is also a relevant national authority in relation to regulations under this section which make provision which, if it were contained in an Act of the Northern Ireland Assembly—
  (a) would be within the legislative competence of that Assembly, and
  (b) would not require the consent of the Secretary of State.

(9) Any power of a Minister of the Crown or the Welsh Ministers to make regulations under this section is exercisable by statutory instrument.

(10) References in this section to regulations are to be read in relation to a Northern Ireland department as references to an order.

(11) Any power of a Northern Ireland department to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).

(12) In this section "enactment" includes—
  (a) an enactment comprised in an Act or Measure of the National Assembly for Wales,
  (b) an enactment comprised in an Act of the Scottish Parliament,
  (c) an enactment comprised in Northern Ireland legislation, and
  (d) an enactment comprised in subordinate legislation.

(13) In this section "subordinate legislation" means—
  (a) subordinate legislation within the meaning of the Interpretation Act 1978,
  (b) an instrument made under an Act or Measure of the National Assembly for Wales,
  (c) an instrument made under an Act of the Scottish Parliament, or
  (d) an instrument made under Northern Ireland legislation.

93 Procedure for certain regulations made by a Minister of the Crown

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

(2) A statutory instrument containing regulations made by a Minister of the Crown under section 90(2) must be laid before Parliament as soon as reasonably practicable after being made.

(3) A statutory instrument containing regulations made by a Minister of the Crown under section 91(1) must be laid before Parliament as soon as reasonably practicable after being made.

(4) A statutory instrument containing regulations made by a Minister of the Crown under section 92—
   (a) if the regulations only provide for subordinate legislation within the meaning of that section to have effect with modifications or to be amended or revoked, is subject to annulment in pursuance of a resolution of either House of Parliament;
   (b) otherwise, must be laid before Parliament as soon as reasonably practicable after being made.

(5) Subsection (2), (3) or (4)(b) does not apply if a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(6) Regulations contained in an instrument laid before Parliament by virtue of subsection (2), (3) or (4)(b) cease to have effect at the end of the period of 40 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.

(7) In calculating the period of 40 days, no account is to be taken of any time during which—
   (a) Parliament is dissolved or prorogued, or
   (b) both Houses of Parliament are adjourned for more than 4 days.

(8) Where regulations cease to have effect as a result of subsection (6) that does not—
   (a) affect anything previously done under or by virtue of the regulations, or
   (b) prevent the making of new regulations.

94 Procedure for certain regulations made by the Welsh Ministers

(1) A statutory instrument containing regulations made by the Welsh Ministers under section 90(1) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

(2) A statutory instrument containing regulations made by the Welsh Ministers under section 90(2) must be laid before the National Assembly for Wales as soon as reasonably practicable after being made.

(3) A statutory instrument containing regulations made by the Welsh Ministers under section 91(1) must be laid before the National Assembly for Wales as soon as reasonably practicable after being made.

(4) A statutory instrument containing regulations made by the Welsh Ministers under section 92—
   (a) if the regulations only provide for subordinate legislation within the meaning of that section to have effect with modifications or to be amended or revoked, is subject to annulment in pursuance of a resolution of the National Assembly for Wales;

(b) otherwise, must be laid before the National Assembly for Wales as soon as reasonably practicable after being made.

(5) Subsection (2), (3) or (4)(b) does not apply if a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

(6) Regulations contained in an instrument laid before the National Assembly for Wales by virtue of subsection (2), (3) or (4)(b) cease to have effect at the end of the period of 40 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of the National Assembly for Wales.

(7) In calculating the period of 40 days, no account is to be taken of any time during which the National Assembly for Wales is—

(a) dissolved, or

(b) in recess for more than 4 days.

(8) Where regulations cease to have effect as a result of subsection (6) that does not—

(a) affect anything previously done under or by virtue of the regulations, or

(b) prevent the making of new regulations.

95 Procedure for certain regulations made by the Scottish Ministers

(1) Regulations made by the Scottish Ministers under section 90(1) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010) (asp 10)).

(2) Regulations made by the Scottish Ministers under section 90(2) must be laid before the Scottish Parliament as soon as reasonably practicable after being made.

(3) Regulations made by the Scottish Ministers under section 91(1) must be laid before the Scottish Parliament as soon as reasonably practicable after being made.

(4) Regulations made by the Scottish Ministers under section 92—

(a) if they only provide for subordinate legislation within the meaning of that section to have effect with modifications or to be amended or revoked, are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010);

(b) otherwise, must be laid before the Scottish Parliament as soon as reasonably practicable after being made.

(5) Subsection (2), (3) or (4)(b) does not apply if the regulations have been subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).

(6) Regulations laid before the Scottish Parliament by virtue of subsection (2), (3) or (4)(b) cease to have effect at the end of the period of 40 days beginning with the day on which they are made unless, during that period, the regulations are approved by resolution of the Scottish Parliament.

(7) In calculating the period of 40 days, no account is to be taken of any time during which the Scottish Parliament is—

(a) dissolved, or

(b) in recess for more than 4 days.

(8) Where regulations cease to have effect as a result of subsection (6) that does not—
(a) affect anything previously done under or by virtue of the regulations, or
(b) prevent the making of new regulations.

96 Procedure for certain orders made by a Northern Ireland department

(1) An order made by a Northern Ireland department under section 90(1) is subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.

(2) An order made by a Northern Ireland department under section 90(2) must be laid before the Northern Ireland Assembly as soon as reasonably practicable after being made.

(3) An order made by a Northern Ireland department under section 91(1) must be laid before the Northern Ireland Assembly as soon as reasonably practicable after being made.

(4) An order under section 92 made by a Northern Ireland department—
(a) if the order only provides for subordinate legislation within the meaning of that section to have effect with modifications or to be amended or revoked, is subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954;
(b) otherwise, must be laid before the Northern Ireland Assembly as soon as reasonably practicable after being made.

(5) Subsection (2), (3) or (4)(b) does not apply if a draft of the order has been laid before, and approved by a resolution of, the Northern Ireland Assembly.

(6) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (5) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.

(7) An order laid before the Northern Ireland Assembly by virtue of subsection (2), (3) or (4)(b) ceases to have effect at the end of the period of 40 days beginning with the day on which the order is made unless, during that period, the instrument is approved by a resolution of the Northern Ireland Assembly.

(8) In calculating the period of 40 days, no account is to be taken of any time during which the Northern Ireland Assembly is—
(a) dissolved,
(b) in recess for more than 4 days, or
(c) adjourned for more than 6 days.

(9) Where an order ceases to have effect as a result of subsection (7) that does not—
(a) affect anything previously done under or by virtue of the order, or
(b) prevent the making of a new order.

97 Reports by Secretary of State on status of non-devolved provisions of this Act

(1) The Secretary of State must—

(a) in respect of each reporting period, prepare and publish a report on the status of the provisions of Part 1 of this Act;
(b) include in the report a statement that the Secretary of State is satisfied that the status of those provisions is appropriate.

(2) A reference in this section to a provision of this Act is to the provision only so far as the Secretary of State is responsible for it (see subsection (6)).

(3) The references in subsection (1) to the "status" of a provision are to—
(a) whether the provision is in force at the end of the reporting period, and
(b) whether any power under the following provisions has been exercised by a Minister of the Crown in relation to it during that period (and, if so, which and how)—
(i) section 87(2) (regulations bringing provision into force);
(ii) section 88(1) or (3) (regulations suspending or reviving provision);
(iii) section 90(1) or (2) (regulations altering expiry date of provision).

(4) Each of the following is a "reporting period"—
(a) the period of 2 months beginning with the day on which this Act is passed;
(b) each successive period of 2 months that ends during the substantive operational period of this Act.

(5) The "substantive operational period of this Act" is —
(a) the two-year period mentioned in section 89(1), or
(b) if different, the period—
(i) beginning with the day on which this Act is passed, and
(ii) ending with the time of expiry of the provision of this Act which, by virtue of regulations made by a Minister of the Crown under section 90(2), expires the latest.

(6) The Secretary of State is responsible for a provision of this Act so far as—
(a) it extends to England and Wales and applies in relation to England;
(b) it—
(i) extends to England and Wales and applies in relation to Wales, or extends to Scotland or Northern Ireland, and
(ii) is outside devolved legislative competence in Wales, Scotland or Northern Ireland (as the case may be).

(7) A provision is "outside devolved legislative competence"—
(a) in relation to Wales, if it would not be within the legislative competence of the National Assembly for Wales if it were contained in an Act of that Assembly (assuming, in the case of provision that could only be made with the consent of a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975, that such consent were given);
(b) in relation to Scotland, if it would not be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament;
(c) in relation to Northern Ireland, if—
(i) it would not be within the legislative competence of the Northern Ireland Assembly, or
(ii) it would require the consent of the Secretary of State,

if it were contained in an Act of that Assembly.

(8) The Secretary of State must lay each report prepared under subsection (1) before Parliament.

(9) If the Secretary of State does not prepare and publish the report required by subsection (1) within 7 days beginning with the end of a reporting period, the Secretary of State must—

(a) explain why in a statement made in writing, and

(b) publish the statement.

98 Six-month parliamentary review

(1) If the House of Commons rejects a motion in the form set out in subsection (2), moved in accordance with subsection (3) by a Minister of the Crown, a Minister of the Crown must exercise the power conferred by section 90(1) so as to ensure that the relevant temporary provisions expire not later than the end of the period of 21 days beginning with the day on which the rejection takes place.

(2) The form of the motion is—

"That the temporary provisions of the Coronavirus Act 2020 should not yet expire."

(3) So far as practicable, a Minister of the Crown must make arrangements for the motion mentioned in subsection (1) to be debated and voted on by the House of Commons within a period of 7 sitting days beginning immediately after each 6 month review period.

(4) In this section—

"6 month review period" means—

(a) the period of 6 months beginning with the day on which this Act is passed, and

(b) each subsequent period of 6 months,

but only (in each case) if at least one relevant temporary provision still exists at the end of the period (whether or not that provision has ever been brought into force or is at that time suspended);

"relevant temporary provision" means any provision of this Act—

(a) which is not listed in section 89(2) (provisions not subject to expiry), and

(b) in respect of which a Minister of the Crown could make provision under section 90(1) (early expiry regulations) without the consent of the Welsh Ministers, the Scottish Ministers or a Northern Ireland department;

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

99 Parliamentary consideration of status of non-devolved provisions of this Act

(1) This section applies where the substantive operational period of this Act is longer than the period of one year beginning with the day on which this Act is passed.

(2) A Minister of the Crown must make arrangements for—

(a) a motion in neutral terms, to the effect that the House of Commons has considered the one-year status report, to be moved in that House by a Minister of the Crown within the period of 14 Commons sitting days beginning with the day after the end of the sixth reporting period, and

(b) a motion for the House of Lords to take note of the one-year status report to be moved in that House by a Minister of the Crown within the period of 14 Lords sitting days beginning with the day after the end of the sixth reporting period.

(3) The "one-year status report" is the report required to be prepared by the Secretary of State under section 97 in respect of the sixth reporting period.

(4) In this section—

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

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

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

100 Extent

(1) The following provisions extend to England and Wales, Scotland and Northern Ireland—

(a) section 1;
(b) section 2 (and Schedule 1);
(c) section 8, so far as it relates to Parts 1, 2 and 5 of Schedule 7 (and those Parts of that Schedule);
(d) section 9;
(e) sections 22 and 23;
(f) section 24;
(g) sections 25 to 29 (and Schedule 15);
(h) section 50 (and Schedule 20);
(i) section 51 (and Schedule 21);
(j) section 52 (and Schedule 22);
(k) section 54, so far as it relates to Part 2 of Schedule 24 (and that Part of that Schedule);
(l) section 55, so far as it relates to paragraph 2 of Schedule 25 (and that paragraph of that Schedule);
(m) section 58 (and Schedule 28);
(n) sections 62 to 64 and 66;
(o) sections 68 and 69;
(p) section 71;
(q) sections 72 to 74;
(r) section 75;
(s) section 76;
(t) section 77(1) and (2);
(u) this Part.

(2) The following provisions extend to England and Wales and Scotland only—

(a) section 8, so far as it relates to Part 3 of Schedule 7 (and that Part of that Schedule);
(b) sections 39 to 41;
(c) section 77(3).

(3) The following provisions extend to England and Wales and Northern Ireland only—
(a) section 61;
(b) section 78.

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

(5) The following provisions extend to Scotland only—
(a) section 4 (and Schedule 3);
(b) section 7 (and Schedule 6);
(c) section 10(2) (and Schedule 9);
(d) section 12;
(e) sections 16 and 17;
(f) section 18(2) (and Part 2 of Schedule 13);
(g) section 20 (and Schedule 14);
(h) sections 34 and 35;
(i) section 36;
(j) section 37(2) (and Part 2 of Schedule 16);
(k) section 38(2) (and Part 2 of Schedule 17);
(l) section 46;
(m) section 49 (and Schedule 19);
(n) section 70.

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

101 Extension to the Isle of Man

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

102 Short title

This Act may be cited as the Coronavirus Act 2020.

SCHEDULES

SCHEDULE 1

Section 2

EMERGENCY REGISTRATION OF NURSES AND OTHER HEALTH AND CARE PROFESSIONALS

Nursing and Midwifery Order 2001

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

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

"9A Temporary registration in emergencies involving loss of human life or human illness etc

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

(a) the Secretary of State has advised the Registrar that an emergency has occurred, is occurring or is about to occur and that the Registrar should consider acting under this article, and

(b) the Registrar considers that the emergency registration requirement is met in relation to the person or group of persons.

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

(a) in relation to a person, if the Registrar considers that the person is a fit, proper and suitably experienced person to be registered as a nurse, midwife or nursing associate with regard to the emergency;

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

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

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

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

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

(7) A person's registration under this article ceases to have effect if revoked by the Registrar; and the Registrar—

(a) must revoke the registration if the Secretary of State advises the Registrar that the circumstances that led the Secretary of State to give the advice referred to in paragraph (1)(a) no longer exist;

(b) may at any time revoke the registration for any other reason, including where the Registrar suspects that the person's fitness to practise may be impaired.

(8) A person's registration as a member of a specified group may be revoked—

(a) without the registration of the other members of the group being revoked, or

(b) as a result of a decision to revoke the registration of all the members of the group.

(9) Rules under article 7 may not provide for fees to be charged in respect of a person's registration under this article.

(10) The following provisions of this Order do not apply to persons registered under this article—

articles 5A, 9, 10, 12 and 13 (provisions relating to registration);

articles 15 to 19 (provisions relating to education and training);

Part 5 (fitness to practise), other than articles 21, 22(10) and 25(1) and (3) to (6).

(11) If a person breaches a condition to which the person's registration under this article is subject, anything done by the person in breach of the condition is to be treated as not done by a registered nurse, midwife or nursing associate (as the case may be).

(12) In this article "emergency" means an emergency of the kind described in section 19(1)(a) of the Civil Contingencies Act 2004, read with subsection (2)(a) and (b) of that section."

(3) Article 25(1) (power of Nursing and Midwifery Council to require disclosure of information) has effect as if it enabled requirements to be imposed for the purpose of assisting the Registrar in carrying out functions in respect of identifying any person registered by virtue of article 9A(2)(b) (emergency registration of a group of persons).

(4) Article 37 (appeals against Registrar's decisions) has effect as if after paragraph (2B) there were inserted—

"(2C) No appeal lies to the Council where the Registrar—

(a) has refused to register a person under article 9A, or

(b) has revoked a person's registration under that article."

Health Professions Order 2001

2 (1) The Health Professions Order 2001 (S.I. 2002/254) has effect as if it were subject to the following modifications.

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

"9A Temporary registration in emergencies involving loss of human life or human illness etc

(1) The Registrar may register a person as a member of a relevant profession, or the persons comprising a specified group of persons as members of a relevant profession, if—

(a) the Secretary of State has advised the Registrar that an emergency has occurred, is occurring or is about to occur and that the Registrar should consider acting under this article, and

(b) the Registrar considers that the emergency registration requirement is met in relation to the person or group of persons.

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

(a) in relation to a person, if the Registrar considers that the person is a fit, proper and suitably experienced person to be registered as a member of the profession in question with regard to the emergency;

(b) in relation to a group of persons, if the Registrar considers that the group is comprised of persons who are of a type who may reasonably be considered fit, proper and suitably experienced persons to be registered as members of the profession in question with regard to the emergency.

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

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

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

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

(7) A person's registration under this article ceases to have effect if revoked by the Registrar; and the Registrar—

(a) must revoke the registration if the Secretary of State advises the Registrar that the circumstances that led the Secretary of State to give the advice referred to in paragraph (1)(a) no longer exist;

(b) may at any time revoke the registration for any other reason, including where the Registrar suspects that the person's fitness to practise may be impaired.

(8) A person's registration as a member of a specified group may be revoked—

(a) without the registration of the other members of the group being revoked, or

(b) as a result of a decision to revoke the registration of all the members of the group.

(9) Rules under article 7 may not provide for fees to be charged in respect of a person's registration under this article.

(10) The following provisions of this Order do not apply to persons registered under this article—

articles 9, 10, 11 and 12 (provisions relating to registration);

articles 15 to 19 (provisions relating to education and training);

Part 5 (fitness to practise), other than articles 21, 22(10) and 25(1) and (3) to (5).

(11) If a person breaches a condition to which the person's registration under this article is subject, anything done by the person in breach of the condition is to be treated as not done by a person registered as a member of the relevant profession in question.

(12) In this article "emergency" means an emergency of the kind described in section 19(1)(a) of the Civil Contingencies Act 2004, read with subsection (2)(a) and (b) of that section."

(3) Article 25(1) (power of Health and Care Professions Council to require disclosure of information) has effect as if it enabled requirements to be imposed for the purpose of assisting the Registrar in carrying out functions in respect of identifying any person registered by virtue of article 9A(2)(b) (emergency registration of a group of persons).

(4) Article 38 (appeals) has effect as if after paragraph (1A) there were inserted—

"(1B) No appeal lies to the Council where the Registrar—

(a) has refused to register a person under article 9A, or

(b) has revoked a person's registration under that article."

SCHEDULE 2

Section 3

EMERGENCY ARRANGEMENTS CONCERNING MEDICAL PRACTITIONERS: WALES

Temporary exception to rule requiring listing in order to perform primary medical services

1 (1) The National Health Service (Performers Lists) (Wales) Regulations 2004 (S.I. 2004/1020 (W. 117)) have effect with the following modifications.

(2) The regulations have effect as if, after regulation 22, there were inserted—

"22A Temporary exception under the Coronavirus Act 2020

(1) A person who is registered in the GP Register by virtue of section 18A of the Medical Act 1983 (temporary registration with regard to

emergencies) may perform primary medical services, despite not being included in a medical performers list, provided that—

(a) the person has made an application to a Local Health Board for inclusion in its medical performers list under regulation 4 or 4A, and

(b) the person's application has not been—

(i) refused under regulation 6, 22B or 24, or

(ii) deferred under regulation 7 or 22B.

(2) Regulation 9 applies to a person who performs primary medical services by virtue of this regulation as it applies to a performer included in a medical performers list.

22B Grounds for refusal and deferral under the Coronavirus Act 2020

(1) This regulation applies where a person who is registered in the GP Register by virtue of section 18A of the Medical Act 1983 has made an application to a Local Health Board for inclusion in its medical performers list.

(2) But this regulation does not affect a Local Health Board's functions under regulations 6, 7 and 24 in relation to the refusal or deferral of an application by such a person.

(3) A Local Health Board may refuse the person's application for inclusion in its medical performers list if—

(a) the Local Health Board has received an allegation (in any manner) about either—

(i) professional misconduct of the person, or

(ii) the person's involvement in a matter which the person would be under a duty to disclose under regulation 9(1) or (2), and

(b) the nature of the allegation is such that, were the person already included in its list, the Local Health Board would be satisfied that it would be necessary for the protection of members of the public, or otherwise in the public interest, to suspend the person from its list under regulation 13 while it decided whether to remove them from its list.

(4) A Local Health Board may defer determination of the person's application for inclusion in its medical performers list if—

(a) the person has declared any matter specified in regulation 9(1) or (2), and

(b) the Local Health Board is satisfied that it is necessary for the protection of members of the public, or otherwise in the public interest, to complete its consideration of the person's application before the person is permitted to perform primary medical services.

(5) Unless paragraph (6) applies, a person whose application is refused by a Local Health Board under paragraph (3) may not reapply for inclusion in any medical performers list.

(6) This paragraph applies where a person subsequently becomes registered in the GP Register as a fully registered person, within the

meaning given by section 55(1) of the Medical Act 1983, otherwise than by virtue of section 18A of that Act.

(7) A Local Health Board must notify an applicant in writing of a determination made under this regulation, and the reasons for it, within 7 days of making the determination.

(8) An applicant may not appeal any determination made by a Local Health Board under this regulation."

(3) Regulation 15 (appeals) has effect as if before paragraph (1) there were inserted—

"(A1) This regulation does not apply where a person's application for inclusion in a medical performers list is refused under regulation 22B(3)."

Modification of General Medical Services Contracts Regulations 2004

2 (1) The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004 (S.I. 2004/478 (W. 48)) have effect subject to the following modifications.

(2) In paragraph 52 of Schedule 6 (contractual terms: qualifications of performers), after sub-paragraph (2) insert—

"(2A) Sub-paragraph (1)(a) does not apply in the case of a person who is performing primary medical services by virtue of regulation 22A of the National Health Service (Primary Medical Services Performers Lists) (Wales) Regulations 2004 (S.I. 2004/1020 (W. 117))."

(3) In paragraph 56 of Schedule 6 (contractual terms: conditions for employment and engagement), after sub-paragraph (4) insert—

"(4A) This paragraph does not apply in the case of a person who is performing primary medical services by virtue of regulation 22A of the National Health Service (Primary Medical Services Performers Lists) (Wales) Regulations 2004 (S.I. 2004/1020 (W. 117))."

(4) In paragraph 58 of Schedule 6 (contractual terms: conditions for employment and engagement), after sub-paragraph (3) insert—

"(4) This paragraph does not apply in the case of a person who is performing primary medical services by virtue of regulation 22A of the National Health Service (Primary Medical Services Performers Lists) (Wales) Regulations 2004 (S.I. 2004/1020 (W. 117))."

Power to modify Schedule

3 (1) The Welsh Ministers may by regulations made by statutory instrument modify this Schedule.

(2) A statutory instrument containing regulations under sub-paragraph (1) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

SCHEDULE 3

Section 4

EMERGENCY ARRANGEMENTS CONCERNING MEDICAL PRACTITIONERS: SCOTLAND

National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004

1 (1) The National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 (S.S.I. 2004/114) have effect subject to the following modifications.

(2) After regulation 3 insert—

"3A Temporary exception under the Coronavirus Act 2020

(1) A person who is registered in the GP Register by virtue of section 18A of the Medical Act 1983 (temporary registration with regard to emergencies) may perform primary medical services, despite not being included in the primary medical services performers list of a Health Board, provided that—

(a) the person has made an application to a Health Board for inclusion in the list under regulation 6, and

(b) the person's application has not been refused or deferred under regulation 7 or 7B.

(2) But a person may only perform primary medical services by virtue of this regulation in the area of a Health Board whose list they have applied to be included in.

(3) Regulation 8 applies to a person who performs primary medical services by virtue of this regulation as it applies to a performer included in a primary medical services performers list (and the references to a "performer" in paragraph 3 of Schedule 1 are to be read as if they included persons who perform primary medical services by virtue of this regulation)."

(3) After regulation 7A insert—

"7B Grounds for refusal and deferral under the Coronavirus Act 2020

(1) This regulation applies where a person who is registered in the GP Register by virtue of section 18A of the Medical Act 1983 (temporary registration with regard to emergencies) has made an application to a Health Board for inclusion in its primary medical services performers list.

(2) But this regulation does not affect a Health Board's duties imposed by regulation 7 to refuse or defer an application by such a person.

(3) A Health Board may refuse the person's application for inclusion in its primary medical services performers list if—

(a) the Health Board has received an allegation (in any manner) about either—

(i) conduct by the person about which the Health Board would have the power to make representations to the NHS Tribunal under section 29 of the National Health Service (Scotland) Act 1978, or

(ii) the person's involvement in a matter which they would be under a duty to disclose under paragraph 3 of Schedule 1, and

(b) the nature of the allegation is such that, were the person already included in its list, the Health Board would be satisfied that it would be necessary for the protection of members of the public, or otherwise in the public interest, to suspend the person from its list while it considered whether to remove them from its list.

(4) A Health Board may defer determination of the person's application for inclusion in its primary medical services performers list if—

(a) the person has declared any matter specified in paragraph 2(c) to (o) of Schedule 1, and

(b) the Health Board is satisfied that it is necessary for the protection of members of the public, or otherwise in the public interest, to complete its consideration of the person's application before the person is permitted to perform primary medical services.

(5) Unless paragraph (6) applies, a person whose application is refused by a Health Board under paragraph (3) may not reapply for inclusion in the primary medical services performers list of any Health Board.

(6) This paragraph applies where a person subsequently becomes registered in the GP Register as a fully registered person, within the meaning given by section 55(1) of the Medical Act 1983, otherwise than by virtue of section 18A of that Act.

(7) A Health Board must notify an applicant in writing of a determination made under this regulation, and the reasons for it, within 7 days of making the determination.

(8) An applicant may not appeal any determination made by a Health Board under this regulation."

(4) In regulation 13 (appeal to the Scottish Ministers) before paragraph (1) insert—

"(A1) This regulation does not apply where a person's application for inclusion in a primary medical services performers list is refused under regulation 7B(3)."

National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018

2 (1) The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018 (S.S.I. 2018/66) have effect subject to the following modifications.

(2) In paragraph 46 of Schedule 6 (contractual terms: qualifications of performers), after sub-paragraph (2) insert—

"(2A) Sub-paragraph (1)(a) does not apply in the case of a person who is performing primary medical services by virtue of regulation 3A of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 (S.S.I. 2004/114)."

(3) In paragraph 50 of Schedule 6 (contractual terms: conditions for

employment and engagement), after sub-paragraph (3) insert—

"(4) This paragraph does not apply in the case of a person who is performing primary medical services by virtue of regulation 3A of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 (S.S.I. 2004/114)."

(4) In paragraph 52 of Schedule 6 (contractual terms: conditions for employment and engagement), after sub-paragraph (3) insert—

"(4) This paragraph does not apply in the case of a person who is performing primary medical services by virtue of regulation 3A of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 (S.S.I. 2004/114)."

National Health Service (Primary Medical Services Section 17C Arrangements) (Scotland) Regulations 2018

3 (1) The National Health Service (Primary Medical Services Section 17C Arrangements) (Scotland) Regulations 2018 (S.S.I. 2018/67) have effect subject to the following modifications.

(2) In paragraph 18 of Schedule 1 (content of agreements terms: qualifications of performers) after sub-paragraph (2) insert—

"(2A) Sub-paragraph (1)(a) does not apply in the case of a person who is performing primary medical services by virtue of regulation 3A of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 (S.S.I. 2004/114)."

(3) In paragraph 22 of Schedule 1 (content of agreements terms: conditions for employment and engagement) after sub-paragraph (4) insert—

"(5) This paragraph does not apply in the case of a person who is performing primary medical services by virtue of regulation 3A of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 (S.S.I. 2004/114)."

(4) In paragraph 24 of Schedule 1 (content of agreements terms: conditions for employment and engagement) after sub-paragraph (3) insert—

"(4) This paragraph does not apply in the case of a person who is performing primary medical services by virtue of regulation 3A of the National Health Service (Primary Medical Services Performers Lists) (Scotland) Regulations 2004 (S.S.I. 2004/114)."

Power to modify Schedule

4 (1) The Scottish Ministers may by regulations modify this Schedule.

(2) Regulations under sub-paragraph (1) are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).

SCHEDULE 4

Section 5

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

Interpretation

1 (1) In this Schedule "the 1976 Order" means the Pharmacy (Northern Ireland) Order 1976 (S.I. 1976/1213 (N.I. 22)).

(2) In this Schedule references to Articles are to Articles of the 1976 Order.

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

Emergency registration of pharmaceutical chemists

2 The 1976 Order has effect as if it were subject to the following modifications.

3 After Article 8D insert—

"8E Temporary registration in the register of pharmaceutical chemists in certain emergencies

(1) The registrar may register a person, or the persons comprising a specified group of persons, in the register of pharmaceutical chemists if the conditions set out in paragraph (2) are satisfied.

(2) The conditions are that—

(a) the Department has advised the registrar that an emergency has occurred, is occurring or is about to occur and that the registrar should consider acting under this Article; and

(b) the registrar considers that the emergency registration requirement is met in relation to the person or group of persons.

(3) The emergency registration requirement is met—

(a) in relation to a person, if the person is a fit, proper and suitably experienced person to be registered as a pharmaceutical chemist with regard to the emergency;

(b) in relation to a group of persons, if the group is comprised of persons who are of a type who may reasonably be considered fit, proper and suitably experienced persons to be registered as pharmaceutical chemists with regard to the emergency.

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

(5) A person's registration under this Article has effect subject to any conditions imposed by the registrar; and the registrar may at any time vary or revoke such a condition or add new conditions.

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

(7) The registration of a person under this Article ceases to have effect if revoked by the registrar; and the registrar—

(a) must revoke the registration if the Department advises the registrar that the circumstances that led the Department to give the advice referred to in paragraph (2)(a) no longer exist;

(b) may at any time revoke the registration for any other reason, including where the registrar has grounds for suspecting that the person's fitness to practise may be impaired.

(8) A person's registration as a member of a specified group may be revoked—

(a) without revoking the registration of the other members of the group; or

(b) as a result of a decision to revoke the registration of all the members of the group.

(9) Regulations made under Article 5 with respect to the following matters do not apply to persons registered under this Article—

(a) paragraph (1)(b) (examinations and qualifications for registration);

(b) paragraph (1)(bb), in so far as it refers to the necessary knowledge of English;

(c) paragraph (1)(e) (fees);

(d) paragraph (1)(f), (ffg) and (g) (qualifications etc in relation to registration);

(e) such other matters as the Council may by regulations provide;

but this is subject to paragraph (11).

(10) The following provisions of this Order do not apply to persons registered under this Article—

(a) Article 4A (continuing professional development);

(b) Articles 7, 8 and 8AA (provisions relating to registration);

(c) Article 11(1) (evidence of qualification required for registration);

(d) Article 15 (retention fees);

(e) Article 20 and Schedule 3 (fitness to practise) other than paragraphs 1 to 3; and

(f) such other provisions as the Council may by regulations provide;

but this is subject to paragraph (11).

(11) The Council may make regulations that provide that the following apply to persons registered under this Article—

(a) regulations with respect to any of the matters referred to in paragraph (9)(a) to (e); and

(b) any of the provisions of this Order referred to in paragraph (10)(a) to (f).

(12) If a person breaches any condition to which the person's registration under this Article is subject, anything done by that person in breach of the condition is to be treated as not being done by a registered pharmaceutical chemist.

(13) The registrar may make available information to assist with the identification of persons registered under this Article in such manner as the registrar sees fit.

(14) In this Article—

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

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

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

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

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

Emergency extension of prescribing powers for pharmaceutical chemists

6 After Article 9 insert—

"9A Temporary extension of prescribing powers in certain emergencies

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

(a) the name of a registered person; or

(b) the names of the persons comprising a specified group of registered persons,

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

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

(3) The conditions are that—

(a) the Department has advised the registrar that an emergency has occurred, is occurring or is about to occur and that the registrar should consider acting under this Article; and

(b) the registrar considers that the emergency annotation requirement is met in relation to the person or group of persons.

(4) The emergency annotation requirement is met—

(a) in relation to a registered person, if the person is a fit, proper and suitably experienced person to order drugs, medicines and appliances in a specified capacity with regard to the emergency; and

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

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

(6) Annotations recorded by virtue of this Article—
  (a) must be removed by the registrar if the Department advises the registrar that the circumstances that led the Department to give the advice referred to in paragraph (3)(a) no longer exist;
  (b) may at any time be removed by the registrar for any other reason including where the registrar has grounds for suspecting that the person's fitness to order drugs, medicines and appliances may be impaired.

(7) An annotation recorded against the name of a person in the register as a member of a specified group may be removed—
  (a) without the removal by the registrar of the annotations recorded against the names in the register of the other members of the group; or
  (b) by virtue of a decision by the registrar to remove the annotations recorded against the names in the register of all the members of the group.

(8) Regulations made under Article 5 with respect to the following matters do not apply to persons with an annotated entry—
  (a) paragraph (1)(e) (fees);
  (b) paragraph (1)(ff) (annotations of the register); and
  (c) such other matters as the Council may by regulations provide;

but this is subject to paragraph (10).

(9) The following provisions of this Order do not apply to persons with an annotated entry—
  (a) Article 4A (continuing professional development);
  (b) Article 8 (qualifications for registration); and
  (c) such other provisions as the Council may by regulations provide;

but this is subject to paragraph (10).

(10) The Council may make regulations that provide that the following apply to persons with an annotated entry—
  (a) regulations with respect to any of the matters referred to in paragraph (8)(a) to (c); and
  (b) any of the provisions of this Order referred to in paragraph (9)(a) to (c).

(11) In this Article—

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

"person with an annotated entry" means a person who has an annotation under paragraph (2) against their name in the register; and

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

Appeals

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

"(3) No appeal lies to the Council against a decision of the registrar—

(a) to register or refuse to register a person under Article 8E;

(b) to register or refuse to register under that Article the persons comprising a group of persons;

(c) to impose, vary or revoke a condition as respects the registration of a person, or the persons comprising a group of persons, under Article 8E(5);

(d) to revoke a person's registration under that Article (and, in the case of a member of a group, it does not matter whether the registrar also decides to revoke the registration of any or all of the other members of the group);

(e) to record or refuse to record an annotation under Article 9A(2) against the name of a registered person, or the names of the persons comprising a group of registered persons;

(f) to remove an annotation under that Article (and, in the case of a member of a group, it does not matter whether the registrar also decides to remove the annotation of any or all of the other members of the group)."

Power to require disclosure of information

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

SCHEDULE 5

Section 6

EMERGENCY REGISTRATION OF SOCIAL WORKERS: ENGLAND AND WALES

Social Workers Regulations 2018

1 (1) The Social Workers Regulations 2018 (S.I. 2018/893) have effect as if they were subject to the following modifications.

(2) Regulation 9 (information to be recorded in the register in relation to a registered social worker) has effect as if—

(a) in paragraph (1) after sub-paragraph (b) there were inserted—

"(ba) in the case of a social worker registered under regulation 12A (emergency registration) the fact that the social worker has been registered under that regulation,", and

(b) after paragraph (1) there were inserted—

"(1A) The information referred to in paragraph (1)(a), (b) or (ba) is not required to be recorded in the register in relation to a social worker registered under regulation 12A as a member of a specified group."

(3) The regulations have effect as if after regulation 12 there were inserted—

"12A Temporary registration in emergencies involving loss of human life or human illness etc

(1) The regulator may register a person as a social worker, or the persons comprising a specified group of persons as social workers, if—

(a) the Secretary of State has advised the regulator that an emergency has occurred, is occurring or is about to occur and that the regulator should consider acting under this regulation, and

(b) the regulator considers that the emergency registration requirement is met in relation to the person or group of persons.

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

(a) in relation to a person, if the regulator considers that the person is a fit, proper and suitably experienced person to be registered as a social worker with regard to the emergency;

(b) in relation to a group of persons, if the regulator considers that the group is comprised of persons who are of a type who may reasonably be considered fit, proper and suitably experienced persons to be registered as social workers with regard to the emergency.

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

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

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

(6) A person's registration under this regulation ceases to have effect if revoked by the regulator; and the regulator—

(a) must revoke the registration if the Secretary of State advises the regulator that the circumstances that led the Secretary of State to give the advice referred to in paragraph (1)(a) no longer exist;

(b) may at any time revoke the registration for any other reason, including where the regulator suspects that the person's fitness to practise may be impaired.

(7) A person's registration as a member of a specified group may be revoked—

(a) without the registration of the other members of the group being revoked, or

(b) as a result of a decision to revoke the registration of all the members of the group.

(8) If a person's registration under this regulation is revoked under paragraph (6)(a), the registration ceases to have effect at the end of the period of 14 days beginning with the day on which it is revoked.

(9) If a person's registration under this section is revoked under paragraph (6)(b), the registration ceases to have effect immediately.

(10) The following provisions of these regulations do not apply to persons registered under this regulation—

(a) regulation 9 (content of the register), other than paragraph (1)(a), (b) and (ba) and paragraphs (1A) and (3);

(b) regulations 10 to 12 and 13 to 15 (other provisions relating to registration);

(c) regulation 16(4) and (5) (duty to provide information to regulator: sanctions);

(d) regulation 17 (fees for registration);

(e) Part 5 (discipline and fitness to practise).

(11) If a person breaches a condition to which the person's registration under this regulation is subject, anything done by the person in breach of the condition is to be treated as not done by a registered social worker.

(12) The regulator may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the performance of its functions under this regulation.

(13) This includes—

(a) making rules, and

(b) issuing guidance to persons registered under this regulation or to the public.

(14) Paragraphs (2) to (5) of regulation 3 do not apply to rules under paragraph (12)(a).

(15) In this regulation "emergency" means an emergency of the kind described in section 19(1)(a) of the Civil Contingencies Act 2004, read with subsection (2)(a) and (b) of that section."

(4) Regulation 19 (registration appeals) has effect as if after paragraph (2) there were inserted—

"(2A) Paragraph (1) does not apply to—

(a) a decision by the regulator to refuse to register a person under regulation 12A, or

(b) a decision by the regulator to revoke a person's registration under that regulation."

Regulation and Inspection of Social Care (Wales) Act 2016

2 (1) The Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) has effect as if it were subject to the following modifications.

(2) The Act has effect as if after section 83 of the English language text there were inserted—

"83A Temporary registration in emergencies involving loss of human life or human illness etc

(1) The registrar may register a person as a social worker in the social worker part of the register, or the persons comprising a specified group of persons as social workers in that part, if—
  (a) the Welsh Ministers have advised the registrar that an emergency has occurred, is occurring or is about to occur and that the registrar should consider acting under this section, and
  (b) the registrar considers that the emergency registration requirement is met in relation to the person or group of persons.

(2) For the purposes of subsection (1)(b) the emergency registration requirement is met—
  (a) in relation to a person, if the registrar considers that the person is a fit, proper and suitably experienced person to be registered as a social worker with regard to the emergency;
  (b) in relation to a group of persons, if the registrar considers that the group is comprised of persons who are of a type who may reasonably be considered fit, proper and suitably experienced persons to be registered as social workers with regard to the emergency.

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

(4) The registrar may include an annotation in the social worker part of the register denoting that a person has been registered under this section.

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

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

(7) A person's registration under this section ceases to have effect if revoked by the registrar; and the registrar—
  (a) must revoke the registration if the Welsh Ministers advise the registrar that the circumstances that led the Welsh Ministers to give the advice referred to in subsection (1)(a) no longer exist;
  (b) may at any time revoke the registration for any other reason, including where the registrar suspects that the person's fitness to practise may be impaired.

(8) A person's registration as a member of a specified group may be revoked—

(a) without the registration of the other members of the group being revoked, or

(b) as a result of a decision to revoke the registration of all the members of the group.

(9) If a person's registration under this section is revoked under subsection (7)(a), the registration ceases to have effect at the end of the period of 14 days beginning with the day on which it is revoked.

(10) If a person's registration under this section is revoked under subsection (7)(b), the registration ceases to have effect immediately.

(11) Rules under section 74 may not provide for fees to be charged in respect of a person's registration under this section.

(12) The following provisions do not apply to persons registered under this section—

(a) sections 82, 83, 84, 86, 87, 89, 94 and 95 (provisions relating to registration) of this Act;

(b) sections 113 to 115 (continuing professional development) of this Act and rules made under any of those sections;

(c) Part 6 (social care workers: fitness to practise) of this Act, other than section 160(1) and (3) to (5).

(13) If a person breaches a condition to which the person's registration under this section is subject, anything done by the person in breach of the condition is to be treated as not done by a person registered in the social worker part of the register.

(14) In this section "emergency" means an emergency of the kind described in section 19(1)(a) of the Civil Contingencies Act 2004, read with subsection (2)(a) and (b) of that section."

(3) The Act has effect as if after section 83 of the Welsh language text there were inserted—

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

(1) Caiff y cofrestrydd gofrestru person fel gweithiwr cymdeithasol yn rhan gweithwyr cymdeithasol y gofrestr, neu bersonau sy'n ffurfio grŵp penodedig o bersonau fel gweithwyr cymdeithasol yn y rhan honno, —

(a) os yw Gweinidogion Cymru wedi cynghori'r cofrestrydd bod argyfwng wedi codi, yn codi neu ar fin codi, ac y dylai'r cofrestrydd ystyried gweithredu o dan yr adran hon, a

(b) os yw'r cofrestrydd yn ystyried bod y gofyniad ar gyfer cofrestru mewn argyfwng wedi ei fodloni mewn perthynas â'r person neu'r grŵp o bersonau.

(2) At ddibenion is-adran (1)(b) mae'r gofyniad ar gyfer cofrestru mewn argyfwng yn cael ei fodloni—

(a) mewn perthynas â pherson, os yw'r cofrestrydd yn ystyried bod y person yn berson addas a phriodol sydd â phrofiad cyfaddas i gael ei gofrestru fel gweithiwr cymdeithasol o ran yr argyfwng;

(b) mewn perthynas â grŵp o bersonau, os yw'r cofrestrydd yn ystyried bod y grŵp yn cael ei ffurfio o bersonau sydd o fath y gellir eu hystyried yn rhesymol yn bersonau addas a phriodol sydd â phrofiad cyfaddas i gael eu cofrestru fel gweithwyr cymdeithasol o ran yr argyfwng.

(3) Caiff y cofrestrydd gofrestru pob un o'r personau sy'n ffurfio grŵp penodedig o bersonau heb enwi'n gyntaf bob person yn y grŵp.

(4) Caiff y cofrestrydd gynnwys anodiad yn rhan gweithwyr cymdeithasol y gofrestr sy'n dynodi bod person wedi cael ei gofrestru o dan yr adran hon.

(5) Mae cofrestriad person o dan yr adran hon yn cael effaith yn ddarostyngedig i unrhyw amodau a osodir gan y cofrestrydd; a chaiff y cofrestrydd amrywio neu ddirymu unrhyw amod o'r fath neu ychwanegu unrhyw amodau newydd ar unrhyw adeg.

(6) Pan fo person wedi ei gofrestru o dan yr adran hon fel aelod o grŵp penodedig, caniateir i gofrestriad y person fod (ond nid oes rhaid iddo fod) yn ddarostyngedig i'r un amodau â chofrestriad aelodau eraill o'r grŵp.

(7) Mae cofrestriad person o dan yr adran hon yn peidio â chael effaith os caiff ei ddirymu gan y cofrestrydd; a—

(a) rhaid i'r cofrestrydd ddirymu'r cofrestriad os yw Gweinidogion Cymru yn cynghori'r cofrestrydd nad yw'r amgylchiadau a arweiniodd Gweinidogion Cymru at roi'r cyngor y cyfeirir ato yn is-adran (1)(a) bellach yn bodoli;

(b) caiff y cofrestrydd, ar unrhyw adeg, ddirymu'r cofrestriad am unrhyw reswm arall, gan gynnwys pan fo'r cofrestrydd yn amau y gall addasrwydd y person i ymarfer fod wedi ei amharu.

(8) Caniateir i gofrestriad person fel aelod o grŵp penodedig gael ei ddirymu—

(a) heb ddirymu cofrestriad aelodau eraill o'r grŵp, neu

(b) o ganlyniad i benderfyniad i ddirymu cofrestriad pob aelod o'r grŵp.

(9) Os yw cofrestriad unrhyw berson yn cael ei ddirymu o dan is-adran (7)(a), mae'r cofrestriad yn peidio â chael effaith ar ddiwedd cyfnod o 14 diwrnod sy'n dechrau â'r diwrnod y caiff ei ddirymu.

(10) Os yw cofrestriad unrhyw berson yn cael ei ddirymu o dan is-adran (7)(b), mae'r cofrestriad yn peidio â chael effaith ar unwaith.

(11) Ni chaiff rheolau o dan adran 74 ddarparu ar gyfer codi ffioedd o ran cofrestriad person o dan yr adran hon.

(12) Nid yw darpariaethau canlynol y Ddeddf yn gymwys i bersonau a gofrestrir o dan yr adran hon—

(a) adrannau 82, 83, 84, 86, 87, 89, 94 a 95 (darpariaethau sy'n ymwneud â chofrestru) o'r Ddeddf hon;

(b) adrannau 113 i 115 (datblygiad proffesiynol parhaus) o'r Ddeddf hon a rheolau a wneir o dan unrhyw un o'r adrannau hynny;

(c) Rhan 6 (gweithwyr gofal cymdeithasol: addasrwydd i ymarfer) o'r Ddeddf hon ac eithrio adran 160(1) a (3) i (5).

(13) Os yw person yn torri amod y mae cofrestriad y person o dan yr adran hon yn ddarostyngedig iddo, mae unrhyw beth a wneir gan y person yn groes i'r amod i'w drin fel peth nad yw wedi ei wneud gan berson a gofrestrwyd yn rhan gweithwyr cymdeithasol y gofrestr.

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

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

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

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

(a) a decision by the registrar to refuse to register a person under section 83A, or

(b) a decision by the registrar to revoke a person's registration under that section.";

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

"(3) Nid yw is-adran (1) yn gymwys i—

(a) penderfyniad gan y cofrestrydd i wrthod cofrestru person o dan adran 83A, neu

(b) penderfyniad gan y cofrestrydd i ddirymu cofrestriad person o dan yr adran honno."

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

SCHEDULE 6

Section 7

TEMPORARY REGISTRATION OF SOCIAL WORKERS: SCOTLAND

Regulation of Care (Scotland) Act 2001

1 (1) The Regulation of Care (Scotland) Act 2001 (asp 8) has effect subject to the following modifications.

(2) In section 44 (register of social workers and other social service workers)—

(a) in subsection (1), after paragraph (aa) insert—

"(ab) temporary social workers;",

(b) in subsection (2), after paragraph (a) insert—

"(ba) temporary social workers;", and

(c) after subsection (2A) insert—

"(2B) In this Part, "temporary social worker" means a person who satisfies the requirements for temporary registration under section 46D.

(2C) Any rules made by the Council under this Part apply in relation to a person registered as a temporary social worker, and applications for registration as a temporary social worker, unless otherwise stated or provided for in this Part."

(3) In section 46 (grant or refusal of registration) after subsection (2H) insert—

"(2I) This section does not apply in relation to applications for registration as a temporary social worker (see section 46D)."

(4) After section 46B insert—

"46C Direction to Council to consider applications for temporary registration

(1) The Scottish Ministers may direct the Council to consider applications for registration as a temporary social worker in accordance with section 46D.

(2) Before giving a direction under subsection (1), the Scottish Ministers—

(a) must have regard to advice relating to coronavirus from the Chief Medical Officer of the Scottish Administration or such other person as may be designated for the purposes of this section by the Scottish Ministers; and

(b) must be satisfied that the direction is a necessary and proportionate action for or in connection with the continued provision of social work services (within the meaning given by section 48 of the Public Services Reform (Scotland) Act 2010).

(3) The Scottish Ministers must publish a direction under subsection (1).

(4) A direction under subsection (1) has effect—

(a) for the period specified in the direction; or

(b) until revoked by a further direction stating that the Council is no longer to consider applications for registration as a temporary social worker.

46D Grant or refusal of temporary registration

(1) This section only applies where the Scottish Ministers have given the Council a direction under section 46C(1).

(2) The Council may grant an application for registration as a temporary social worker unconditionally if subsection (4) or (6) applies.

(3) Where the Council is not satisfied as mentioned in subsection (4) or (6) it may—

(a) grant the application subject to such conditions as it thinks fit; or

(b) refuse the application.

(4) This subsection applies where the Council is satisfied that the applicant—

(a) had previously been registered as a social worker in a relevant register during the period of 5 years before the date

on which section 7 of the Coronavirus Act 2020 came into force;

(b) is of good character;

(c) satisfies such requirements as to competence or conduct as the Council may by rules impose; and

(d) either—

(i) satisfies such requirements as to education as the Council may by rules impose and has successfully completed a course of training, approved by the Council, for persons wishing to become social workers; or

(ii) satisfies such other requirements relating to education as the Council considers appropriate.

(5) For the purpose of subsection (4)(a), "relevant register" means—

(a) the register maintained by the Council under this Part;

(b) the register maintained by Social Work England under Part 2 of the Children and Social Work Act 2017 (and any corresponding register established under the law of England and Wales before that Act came into force);

(c) the register maintained by Social Care Wales under section 80 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) (and any corresponding register established under the law of England and Wales before that Act came into force);

(d) the register maintained by the Northern Ireland Social Care Council under Part 1 of the Health and Personal Social Services Act (Northern Ireland) 2001 (c. 1 (N.I.)).

(6) This subsection applies where the Council is satisfied that the applicant—

(a) is participating in the final year of a relevant course of training in Scotland or in another part of the United Kingdom;

(b) despite not having completed the course, is suitably experienced to be registered as a temporary social worker;

(c) is of good character; and

(d) satisfies such requirements as to competence or conduct as the Council may by rules impose.

(7) For the purpose of subsection (6)(a), "relevant course of training" means—

(a) a course for those wishing to become a social worker which is approved by the Council in rules made under section 54(1) of this Act,

(b) such other course for those wishing to become a social worker as the Council considers appropriate.

46E Notice and effect of decisions on temporary registration

(1) Where the Council grants an application for registration as a temporary social worker unconditionally under section 46D(2)—

(a) the Council must give the applicant notice of that decision; and

(b) registration takes effect immediately on the notice being given.

(2) Where, under section 46D(3), the Council refuses such an application or grants it subject to conditions—

(a) the Council must give the applicant notice of that decision; and

(b) the notice must state the Council's reasons for the decision.

(3) A decision to refuse the application or grant it subject to conditions takes effect immediately on notice to that effect being given.

(4) An applicant may not appeal any decision made by the Council under section 46D.

46F Registration period for temporary registration

(1) A person's registration as a temporary social worker has effect until the date on which the Scottish Ministers give a direction in accordance with section 46C(4)(b).

(2) After the date mentioned in subsection (1), the Council must remove the entry relating to the person in the part of the register for temporary social workers.

(3) The Council may not by rules extend the period for which, by virtue of subsection (1), a person's registration as a temporary social worker has effect.

46G Subsequent applications for registration as social worker

(1) Where a person described in section 46D(4)(a)—

(a) is granted registration as a temporary social worker under that section; and

(b) remains registered as a temporary social worker;

the person may subsequently apply for registration as a social worker in accordance with this Part.

(2) Where a person described in section 46D(6)(a)—

(a) is granted registration as a temporary social worker under that section;

(b) remains registered as a temporary social worker; and

(c) completes their course of training;

the person may subsequently apply for registration as a social worker in accordance with this Part.

(3) Where subsection (1) or (2) applies and the person's application for registration as a social worker is granted—

(a) the person's registration as a temporary social worker ceases to have effect from the date on which their registration as a social worker has effect under section 46; and

(b) the Council must remove the entry relating to the person in the part of the register for temporary social workers.

(4) Where a person's registration as a temporary social worker otherwise ceases to have effect, the person may subsequently apply for registration as a social worker in accordance with this Part."

(5) In section 47 (variation of conditions) after subsection (2) insert—

"(3) Subsection (2)(b) does not apply in relation to a person registered as a temporary social worker."

(6) In section 48 (right to make representations to Council as respects decision under section 47) after subsection (2) insert—

"(2A) But subsections (3) and (4) do not apply in relation to a person registered as a temporary social worker."

(7) In section 50 (notice of Council's decision under rules under section 49) after subsection (2) insert—

"(3) Subsection (3)(a) does not apply in relation to a person registered as a temporary social worker."

(8) In section 51 (appeals) before subsection (A1) insert—

"(ZA1) This section does not apply in relation to a person registered as a temporary social worker or applications for registration as a temporary social worker."

(9) In section 52 (offence of using title of social worker while unregistered) in subsection (1)(a), in each of the three places where it occurs, after "social worker" insert "or temporary social worker".

(10) In section 53 (codes of practice) before subsection (1) insert—

"(A1) For the purpose of this section, "social service worker" includes a person registered as a temporary social worker."

(11) In section 54 (approval of courses etc) after subsection (4) insert—

"(5) This section does not apply in relation to a person registered as a temporary social worker."

(12) In section 55 (grants and allowances for training) in subsection (1), after "social service workers" insert "or temporary social workers".

(13) In section 57 (power of the Council to make rules)—

(a) in subsection (1)(c), in the closing text, after "provide" insert "(but see sections 46F and 46G of this Act in relation to a person registered as a temporary social worker)";

(b) after subsection (2A) insert—

"(2B) Rules made by the Council under subsection (2) may not make provision for the payment of fees in connection with registration as a temporary social worker."

(14) In section 57A (notification of dismissal etc to Council)—

(a) in the opening words, after "worker" insert "or a person registered as a temporary social worker";

(b) in paragraph (a), after "worker" insert "or person registered as a temporary social worker";

(c) in paragraph (b), after "worker" insert "or person registered as a temporary social worker".

(15) In section 57B (provision of other information to Council by employer) after "social service worker" insert "or a person registered as a temporary social worker".

(16) In section 58 (functions of the Scottish Ministers under this Part)—
(a) in subsection (1)(a), before sub-paragraph (i) insert—
"(zi) temporary social workers;";
(b) in subsection (1)(b), after "social service workers" insert "or temporary social workers";
(c) in subsection (2)(b), after "social service workers" insert "or temporary social workers";
(d) in subsection (3), after "social service workers" insert "or temporary social workers".

(17) In section 77 (interpretation) after the definition of "EEA state", insert—
""temporary social worker" has the meaning given by section 44(2B);".

Social workers and social service workers in care services

2 (1) The Registration of Social Workers and Social Service Workers in Care Services (Scotland) Regulations 2013 (S.S.I. 2013/227) have effect subject to the following modifications.

(2) In regulation 4 (requirements on social workers)—
(a) in paragraph (3)(a), for "6" substitute "12"; and
(b) in paragraph (6), for "six" substitute "12".

(3) In regulation 5 (requirements on social service workers)—
(a) in paragraph (3)(a), for "6" substitute "12"; and
(b) in paragraph (6), for "six" substitute "12".

SCHEDULE 7

Section 8

EMERGENCY VOLUNTEERING LEAVE

PART 1

ENTITLEMENT TO EMERGENCY VOLUNTEERING LEAVE

Entitlement to emergency volunteering leave

1 (1) A worker is entitled to be absent from work on leave for the period specified in an emergency volunteering certificate if the condition in sub-paragraph (2) is met.

(2) The condition is that, no later than 3 working days before the first day of the period specified in the emergency volunteering certificate, the worker—
(a) notifies their employer in writing of their intention to be absent from work on leave for the period specified in the emergency volunteering certificate, and
(b) provides their employer with a copy of the certificate.

(3) An "emergency volunteering certificate" is a document issued by an appropriate authority certifying that the worker—
  (a) has been approved by the authority as an emergency volunteer in health or social care, and
  (b) will be acting as an emergency volunteer in health or social care from the date, and for the period, specified in the certificate.

(4) The period specified in the certificate must be a period of—
  (a) two consecutive weeks,
  (b) three consecutive weeks, or
  (c) four consecutive weeks,
and must begin and end in the same volunteering period.

(5) A worker may not be absent from work under this paragraph more than once in each volunteering period.

(6) This paragraph is subject to paragraph 3 (exceptions).

(7) In this Schedule "emergency volunteering leave" means leave under this paragraph.

Meaning of "volunteering period"

2 (1) For the purposes of paragraph 1 the "volunteering periods" are—
  (a) the period of 16 weeks beginning with the day on which this Schedule comes into force;
  (b) any subsequent periods of 16 weeks specified by the relevant national authority in regulations;
  (c) any period of less than 16 weeks, ending with the expiry of this Part of this Schedule, specified by the relevant national authority in regulations.

(2) A volunteering period specified in regulations under sub-paragraph (1)(b) or (1)(c)—
  (a) may not begin before the end of the previous volunteering period;
  (b) may, but need not, begin immediately after the end of the previous volunteering period.

(3) In this paragraph the "relevant national authority" means—
  (a) in relation to England and Wales and Scotland, the Secretary of State;
  (b) in relation to Northern Ireland, the Secretary of State or the Department for the Economy in Northern Ireland.

(4) The Secretary of State may not make regulations under this paragraph in relation to Northern Ireland unless the Department for the Economy in Northern Ireland consents.

Exceptions to entitlement to emergency volunteering leave

3 (1) Paragraph 1 does not apply where the worker—
  (a) is employed by an undertaking which has a headcount of staff of less than 10;
  (b) is employed by the Crown;
  (c) is a relevant member of the House of Lords staff, within the meaning of section 194 of the Employment Rights Act 1996;

(d) is a relevant member of the House of Commons staff, within the meaning of section 195 of the Employment Rights Act 1996;

(e) is employed under a contract of employment with the National Assembly for Wales Commission;

(f) is employed under a contract of employment with the Scottish Parliamentary Corporate Body;

(g) is employed under a contract of employment with the Northern Ireland Assembly Commission;

(h) is employed under a contract of employment in police service (within the meaning of section 200(2) of the Employment Rights Act 1996);

(i) is of a description specified in regulations made by the relevant national authority.

(2) Sub-paragraph (1)(h) does not apply in relation to Northern Ireland.

(3) In sub-paragraph (1)(i) the "relevant national authority" means—

(a) in relation to England and Wales and Scotland, the Secretary of State;

(b) in relation to Northern Ireland, the Department for the Economy in Northern Ireland.

Meaning of "appropriate authority"

4 (1) This paragraph applies for the interpretation of this Part of this Schedule.

(2) In relation to England, "appropriate authority" means—

(a) the Secretary of State for Health and Social Care,

(b) the National Health Service Commissioning Board,

(c) a county council,

(d) a district council for an area for which there is no county council,

(e) a London borough council,

(f) the Common Council of the City of London, or

(g) the Council of the Isles of Scilly.

(3) In relation to Wales, "appropriate authority" means—

(a) the Welsh Ministers,

(b) a county council, or

(c) a county borough council.

(4) In relation to Scotland, "appropriate authority" means—

(a) the Scottish Ministers, or

(b) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.

(5) In relation to Northern Ireland, "appropriate authority" means—

(a) the Department of Health in Northern Ireland,

(b) the Regional Health and Social Care Board, or

(c) a Health and Social Care trust.

PART 2

EFFECT OF TAKING EMERGENCY VOLUNTEERING LEAVE

Application of terms and conditions of employment

5 (1) An employee who takes emergency volunteering leave is, during any period of leave—
  (a) entitled to the benefit of all of the terms and conditions of employment which would have applied if the employee had not been absent, and
  (b) bound by any obligations arising under those terms and conditions (except in so far as they are inconsistent with paragraph 1).

(2) In sub-paragraph (1) "terms and conditions of employment"—
  (a) includes matters connected with an employee's employment whether or not they arise under the contract of employment, but
  (b) does not include terms and conditions about remuneration.

(3) For the purposes of this paragraph, only sums payable to an employee by way of wages or salary are to be treated as remuneration.

Right to return

6 (1) An employee who returns to work after a period of emergency volunteering leave is entitled to return from leave to the job in which they were employed before the absence.

(2) The right to return under this paragraph is a right to return—
  (a) with the employee's seniority, pension and similar rights as they would have been if the employee had not been absent, and
  (b) on terms and conditions no less favourable than those which would have applied if the employee had not been absent.

Pension rights

7 (1) If an employment-related benefit scheme does not include an emergency volunteering rule, it is to be treated as including one.

(2) An emergency volunteering rule is a provision that has the effect set out in sub-paragraphs (3) and (4).

(3) If a relevant term does not treat time when a worker is on emergency volunteering leave as it treats time when they are not, the term is modified so as to treat time when they are on emergency volunteering leave as time when they are not.

(4) If a term confers a relevant discretion capable of being exercised so that time when a worker is on emergency volunteering leave is treated differently from time when they are not, the term is modified so as not to allow the discretion to be exercised in that way.

(5) A term is relevant if it is—
  (a) a term relating to membership of the scheme,
  (b) a term relating to the accrual of rights under the scheme, or

(c) a term providing for the determination of the amount of a benefit payable under the scheme.

(6) A discretion is relevant if its exercise is capable of affecting—
(a) membership of the scheme,
(b) the accrual of rights under the scheme, or
(c) the determination of the amount of a benefit payable under the scheme.

(7) This paragraph does not require the worker's contributions to the scheme in respect of time when they are on emergency volunteering leave to be determined otherwise than by reference to the amount they are paid by the employer in respect of that time.

(8) "Employment-related benefit scheme"—
(a) in relation to England and Wales and Scotland, has the meaning given by paragraph 7 of Schedule 5 to the Social Security Act 1989;
(b) in relation to Northern Ireland, has the meaning given by paragraph 7 of Schedule 5 to the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13)).

PART 3

MODIFICATIONS OF EMPLOYMENT RIGHTS ACT 1996

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

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

"47H Emergency volunteering leave

(1) A worker has the right not to be subjected to a detriment by any act, or any deliberate failure to act, by their employer on the grounds that—
(a) the worker took, sought to take, or made use of the benefits of, emergency volunteering leave under Schedule 7 to the Coronavirus Act 2020, or
(b) the employer believed that the worker was likely to take emergency volunteering leave under that Schedule.

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

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

10 The 1996 Act has effect as if in section 48 (complaints to employment tribunals)—
(a) after subsection (1B) there were inserted—

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

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

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

(a) in subsection (1), for "or (1B)" there were substituted ", (1B) or (1C)";

(b) after subsection (7) there were inserted—

"(8) Where—

(a) the complaint is made under section 48(1C),

(b) the detriment to which the worker is subjected is the termination of their worker's contract, and

(c) that contract is not a contract of employment,

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

12 The 1996 Act has effect as if in section 88 (pay during period of notice: employments with normal working hours), in subsection (1)(c), after "paternity leave" there were inserted "or emergency volunteering leave under Schedule 7 to the Coronavirus Act 2020".

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

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

"104H Emergency volunteering leave

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

(a) the employee took, sought to take, or made use of the benefits of, emergency volunteering leave under Schedule 7 to the Coronavirus Act 2020, or

(b) the employer believed that the employee was likely to take emergency volunteering leave under that Schedule.

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

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

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

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

"(gn) section 104H applies,".

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

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

PART 4

MODIFICATIONS OF EMPLOYMENT RIGHTS (NORTHERN IRELAND) ORDER 1996

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

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

"70G Emergency volunteering leave

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

(a) the worker took, sought to take, or made use of the benefits of, emergency volunteering leave under Schedule 7 to the Coronavirus Act 2020, or

(b) the employer believed that the worker was likely to take emergency volunteering leave under that Schedule.

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

(3) Paragraph (1) does not apply where the worker is an employee and the detriment in question amounts to dismissal within the meaning of Part 11."

21 The 1996 Order has effect as if in Article 71 (complaints to industrial tribunals)—

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

"(1C) A worker may present a complaint to an industrial tribunal that they have been subjected to a detriment in contravention of Article 70G.";

(b) in paragraph (2), for "or (1B)" there were substituted ", (1B) or (1C)".

22 The 1996 Order has effect as if in Article 72 (remedies)—

(a) in paragraph (1), for "or (1B)" there were substituted ", (1B) or (1C)";

(b) after paragraph (7) there were inserted—

"(8) Where—

(a) the complaint is made under Article 71(1C),

(b) the detriment to which the worker is subjected is the termination of their worker's contract, and

(c) that contract is not a contract of employment,

any compensation must not exceed the compensation that would be payable under Chapter 2 of Part 11 if the worker had been an employee and had been dismissed for the reason specified in Article 135G."

23 The 1996 Order has effect as if in Article 120 (pay during period of notice: employments with normal working hours), in paragraph (1)(c), after "paternity leave" there were inserted "or emergency volunteering leave under Schedule 7 to the Coronavirus Act 2020".

24 The 1996 Order has effect as if in Article 121 (pay during period of notice: employments without normal working hours), in paragraph (3)(b), after "paternity leave" there were inserted "or emergency volunteering leave under Schedule 7 to the Coronavirus Act 2020".

25 The 1996 Order has effect as if after Article 135F there were inserted—

"135G Emergency volunteering leave

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

(a) the employee took, sought to take, or made use of the benefits of, emergency volunteering leave under Schedule 7 to the Coronavirus Act 2020, or

(b) the employer believed that the employee was likely to take emergency volunteering leave under that Schedule.

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

26 The 1996 Order has effect as if in Article 137 (redundancy)—

(a) in paragraph (1)(c), for "(7M)" there were substituted "(7N)";

(b) after paragraph (7M) there were inserted—

"(7N) This paragraph applies if the reason (or, if more than one, the principal reason) for which the employee was selected for dismissal was one of those specified in Article 135G."

27 The 1996 Order has effect as if in Article 140(3) (exceptions to qualifying period of employment for unfair dismissal), after sub-paragraph (fk) there were inserted—

"(fl) Article 135G applies,".

28 The 1996 Order has effect as if in Article 158(1A) (exceptions to limits on compensation), after "135F," there were inserted "135G,".

29 The 1996 Order has effect as if in Article 245(1)(a) (restrictions on contracting out), after "this Order" there were inserted "or Schedule 7 to the Coronavirus Act 2020".

PART 5

GENERAL

Application of this Schedule to agency workers

30 (1) This paragraph applies in relation to a worker who is supplied by a person (an "agent") to do work for another (a "principal") under a contract or other arrangements made between the agent and the principal.

(2) Where the worker gives notice and a certificate under paragraph 1(2) to the employer, the employer must as soon as reasonably practicable provide copies of them—
  (a) if the employer is the agent, to any principals to whom the worker was to be supplied during the period specified in the certificate,
  (b) if the employer is a principal, to the agent, and
  (c) if the employer is neither the agent nor a principal, to the agent and any principals to whom the worker was to be supplied during the period specified in the certificate.

(3) For the purposes of the provisions mentioned in sub-paragraph (4) references to the worker's employer are to be read as including—
  (a) the agent, and
  (b) any principals to whom the worker was to be supplied during the period specified in the certificate,

  (where they would not otherwise be the worker's employer).

(4) The provisions referred to in sub-paragraph (3) are—
  (a) in paragraph 9, section 47H (right not to be subjected to detriment by employer: Great Britain);
  (b) in paragraph 20, Article 70G (right not to be subjected to detriment by employer: Northern Ireland).

Interpretation

31 (1) This paragraph applies for the interpretation of this Schedule.

(2) In relation to England and Wales and Scotland, the following terms have the meaning given by section 230 of the Employment Rights Act 1996—
  "contract of employment",
  "employed",
  "employee",
  "employer",
  "employment",
  "worker",
  "worker's contract".

(3) In relation to Northern Ireland, the following terms have the meaning given by Article 3 of the Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16))—
  "contract of employment",
  "employed",
  "employee",
  "employer",
  "employment",
  "worker",
  "worker's contract".

(4) "Emergency volunteering leave" has the meaning given by paragraph 1.

(5) "Health or social care" has the meaning given by section 9 of the Health and Social Care Act 2008.

(6) "Week" means any period of 7 consecutive days.

(7) "Working day" means a day other than—
  (a) a Saturday or a Sunday,
  (b) Christmas Day or Good Friday, or
  (c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom.

Regulations

32 A power to make regulations under this Schedule includes power to make consequential, supplementary, incidental, transitional or saving provision.

33 (1) Regulations made by the Secretary of State under this Schedule are to be made by statutory instrument.

(2) A statutory instrument containing regulations made by the Secretary of State under this Schedule is subject to annulment in pursuance of a resolution of either House of Parliament.

34 (1) Regulations made by the Department for the Economy in Northern Ireland under this Schedule may contain only provision which—
  (a) would be within the legislative competence of the Northern Ireland Assembly, and
  (b) would not require the consent of the Secretary of State,
if it were contained in an Act of that Assembly.

(2) The power of the Department for the Economy in Northern Ireland to make regulations under this Schedule is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).

(3) Regulations under this Schedule made by the Department for the Economy in Northern Ireland are subject to negative resolution within the meaning given by section 41(6) of the Interpretation Act (Northern Ireland) 1954.

SCHEDULE 8

Section 10

MENTAL HEALTH: ENGLAND AND WALES

PART 1

INTRODUCTORY PROVISION ETC

Interpretation

1 (1) References in this Schedule to sections are to sections of the Mental Health Act 1983 ("the 1983 Act").

(2) Expressions used in this Schedule and in the 1983 Act have the same meaning as in that Act.

Forms

2 Where any form prescribed for use in connection with a provision of the 1983 Act is inconsistent with a modification made by Part 2 of this Schedule, the form—

(a) may, in connection with the provision as so modified, be used with appropriate amendments;

(b) is otherwise, for use in that connection, to be read with such amendments as are necessary to reflect the modification.

PART 2

MODIFICATIONS OF THE MENTAL HEALTH ACT 1983 AND RELATED PROVISION

Applications for compulsory admission to hospital for assessment or treatment

3 (1) An application by an approved mental health professional under section 2 or 3 made during a period for which this paragraph has effect may be founded on a recommendation by a single registered medical practitioner (a "single recommendation"), if the professional considers that compliance with the requirement under that section for the recommendations of two practitioners is impractical or would involve undesirable delay.

(2) A single recommendation must otherwise comply with the requirements of section 2(3) or 3(3).

(3) An application founded on a single recommendation must include a statement of the opinion referred to in sub-paragraph (1).

(4) An emergency application under section 4 may not be founded on a single recommendation (but this does not limit section 4(3)).

(5) Section 11(7) (applications may be founded on separate or joint recommendations) does not apply to an application founded on a single recommendation.

(6) Section 12(1) has effect as if it required a single recommendation to be signed on or before the date of the application, and to be given by a practitioner who has personally examined the patient.

(7) Section 12(2) has effect as if it required a single recommendation to be given by a practitioner approved for the purposes of that section by the Secretary of State as having special experience in the diagnosis or treatment of mental disorder (or by a person treated as so approved by virtue of section 12(2A)).

(8) Section 12(1) and (2) do not otherwise apply to a single recommendation (and accordingly there is no requirement for the practitioner giving the recommendation to have previous acquaintance with the patient).

(9) A single recommendation is subject to section 15(2) (except paragraph (b)) in the same way as one of two recommendations (and section 15(3) does not apply to it).

Applications for compulsory admission of patients already in hospital

4 (1) Any registered medical practitioner or approved clinician may furnish a report for the purposes of section 5(2) (detention of patient in hospital

pending application for admission) if it appears to the practitioner or clinician that complying with the requirement under that provision for the report to be furnished by the practitioner or clinician in charge of the treatment of the patient is impractical or would involve undesirable delay.

(2) Section 5(2) (period for which patient can be detained following report by practitioner or clinician) has effect in relation to a patient detained after the beginning of any period for which this sub-paragraph has effect as if for "72 hours" there were substituted "120 hours".

(3) Section 5(4) (period for which patient can be detained pending report by practitioner or clinician) has effect in relation to a patient detained after the beginning of any period for which this sub-paragraph has effect as if for "six hours" there were substituted "12 hours".

Period of remand to hospital

5 Sections 35(7) (period of remand to hospital for report on mental condition) and 36(6) (period of remand to hospital for treatment) have effect as if the words "or for more than 12 weeks in all" were omitted.

Court orders for the detention of accused or convicted persons in hospital

6 (1) Any power of a court under a provision listed in sub-paragraph (2) may be exercised if the court—

(a) is satisfied that complying with the requirement applying to that provision for the evidence of two registered medical practitioners is impractical or would involve undesirable delay, and

(b) is satisfied on the evidence of a single registered medical practitioner of the matters of which it would (but for this paragraph) have to be satisfied on the evidence of two practitioners,

and any other conditions for the exercise of the power are met.

(2) Those provisions are—

(a) section 36(1) (power to remand accused person to hospital for treatment);

(b) section 37(1) (power to order detention in hospital, or guardianship, of convicted person);

(c) section 38(1) (power to order interim detention of convicted person in hospital pending final hospital order or other disposal);

(d) section 45A(3) (power to direct that a person sentenced to imprisonment be detained in hospital instead of prison);

(e) section 51(5) (power to order detention of a person in hospital in the absence of the person).

(3) The power in section 45A(3) may only be exercised by virtue of sub-paragraph (1) if the practitioner has given evidence orally before the court (and section 45A(4) accordingly does not apply).

Directions for the transfer of prisoners to hospital

7 A transfer direction may be given under section 47(1) or 48(1) (removal of prisoners to hospital) if the Secretary of State—

(a) is satisfied that complying with the requirement under that provision for reports from at least two registered medical practitioners is impractical or would involve undesirable delay, and
(b) is satisfied of the matters mentioned in paragraphs (a) to (c) of that provision by a report from one registered medical practitioner,

and any other conditions for the exercise of the power are met.

Conveyance of accused or convicted persons to hospital

8 (1) The provisions listed in sub-paragraph (2) have effect as if references to conveying or admitting a person to hospital within a specified period were references to doing so within that period or as soon as practicable after the end of that period.

(2) Those provisions are—
(a) section 35(9) (including as applied by section 36(8)) (remand in hospital);
(b) section 40(1) and (3) (effect of hospital orders and interim hospital orders);
(c) section 45B(1) (effect of hospital directions and limitation directions).

(3) Section 47(2) (period within which person subject to transfer direction must be received into hospital) has effect as if for "14 days" there were substituted "28 days".

(4) This paragraph applies, during a period for which it has effect, only in relation to a person in respect of whom an order or direction is made after the beginning of that period.

Administration of medicine to persons liable to detention in hospital

9 (1) The approved clinician in charge of treatment within section 58(1)(b) (administration of medicine for more than three months) may give a certificate under section 58(3)(b) (appropriateness of treatment without consent) if the clinician considers that complying with the requirement under that provision for the certificate to be given by a registered medical practitioner other than that clinician or the responsible clinician is impractical or would involve undesirable delay.

(2) A registered medical practitioner (or an approved clinician acting in accordance with sub-paragraph (1)) may give a certificate under section 58(3)(b) having consulted only one other person, if the practitioner (or clinician) considers that complying with the requirement under section 58(4) for consultation with two other persons is impractical or would involve undesirable delay.

(3) The person consulted in accordance with sub-paragraph (2)—
(a) must have been professionally concerned with the patient's medical treatment, and
(b) must not be a nurse, a registered medical practitioner, the responsible clinician or the approved clinician in charge of the treatment in question.

Detention in place of safety

10 Sections 135(3ZA) and 136(2A) (period of detention in a place of safety) and 136B (extension of detention) have effect in relation to a person detained after the beginning of any period for which this paragraph has effect as if for "24 hours" (in each place where it occurs) there were substituted "36 hours".

Constitution and proceedings of the Mental Health Review Tribunal for Wales

11 (1) Sub-paragraph (2) applies if the President of the Mental Health Review Tribunal for Wales ("the Tribunal"), or another member of the Tribunal appointed by the President for the purpose referred to in paragraph 4 of Schedule 2 to the 1983 Act, considers that it is impractical or would involve undesirable delay for the Tribunal to be constituted, for the purposes of any proceedings or class or group of proceedings under the 1983 Act, by at least three members as provided for in that paragraph.

(2) The President, or that other member, may instead appoint to constitute the Tribunal, for the purposes of those proceedings or that class or group of proceedings—

(a) one of the legal members of the Tribunal, or

(b) one of the legal members of the Tribunal and one other member who is not a legal member.

(3) Where the Tribunal is constituted by one or two members under sub-paragraph (2)(a) or (b), section 65(3) has effect as if the reference to any three or more of its members were a reference to that one member or those two members (as the case may be).

(4) Paragraph 6 of Schedule 2 to the 1983 Act does not apply where the Tribunal is constituted by one or two members under sub-paragraph (2)(a) or (b).

If the Tribunal is constituted by two members, the legal member is to be the chairman.

(5) Where the Tribunal is constituted by a single member under sub-paragraph (2)(a), in rule 11(2) of the Mental Health Review Tribunal for Wales Rules 2008 (S.I. 2008/2705) ("the 2008 Rules"), the reference to the chairman is to be read as a reference to that member.

(6) Where the Tribunal is constituted under sub-paragraph (2) without a medical member, rule 20(1) and (2) of the 2008 Rules does not apply.

12 (1) The Mental Health Review Tribunal for Wales Rules 2008 ("the 2008 Rules") have effect subject to this paragraph.

(2) The Tribunal may determine an application or reference without a hearing if it considers that—

(a) holding a hearing is impractical or would involve undesirable delay,

(b) having regard to the nature of the issues raised in the case, sufficient evidence is available to enable it to come to a decision without a hearing, and

(c) to dispense with a hearing would not be detrimental to the health of the patient.

(3) The Tribunal must, as soon as reasonably practicable, give notice to each party of—

(a) its decision to dispense with a hearing under sub-paragraph (2), and

(b) the earliest time at which it might determine the application or reference in accordance with that sub-paragraph (which must be such as to afford the parties reasonable notice).

(4) Where an application or reference is to be determined in accordance with sub-paragraph (2)—

(a) in rules 4, 15 and 20 of the 2008 Rules, references to a hearing (or its commencement) are to be read as references to the time notified under sub-paragraph (3)(b);

(b) in rule 24(1) and (2) of the 2008 Rules, references to the start of the hearing are to be read as references to the determination of the application or reference;

(c) in rule 28 of the 2008 Rules—

(i) paragraph (1) does not apply, and

(ii) in paragraph (3), references to the hearing are to be read as references to the determination of the application or reference.

(5) The Tribunal may at any time reverse a decision to dispense with a hearing under sub-paragraph (2), and if it does so it must give notice to each party and make such consequential directions as it considers appropriate.

(6) Expressions used in this paragraph and in the 2008 Rules have the same meaning as in those Rules.

13 (1) If the President of the Tribunal is temporarily unable to discharge the functions of the office, the President of the Welsh Tribunals may from time to time nominate another legal member of the Tribunal to act as the temporary deputy of the President of the Tribunal for the purpose of discharging those functions generally or certain of them specifically.

(2) While such a nomination remains in force, any reference to the President of the Tribunal in the 1983 Act or any other enactment or instrument is to be read accordingly.

PART 3

TRANSITIONAL PROVISION

14 Paragraph 4(2) or (3), 8(3) or 10 continues to apply after the end of a period for which it has effect for the purposes of determining the length of any period which has begun before the end of that period.

15 Where, by virtue of paragraph 5, a person has been remanded under section 35(7) or 36(6) for more than 12 weeks in all, the person may not be further remanded under that provision after the end of a period for which that paragraph has effect.

16 (1) Paragraph 8(1) continues to apply after the end of a period for which it has effect in relation to any order or direction made during that period, subject to sub-paragraph (2).

(2) The constable or other person whose duty is modified by that provision must in any event convey the person concerned to the requisite hospital within the period of seven days beginning with the day on which the period referred to in sub-paragraph (1) ends.

17 Paragraph 11(3) to (6) continues to apply after the end of a period for which it has effect in relation to proceedings that are, when the period ends, before a constitution of the Mental Health Review Tribunal for Wales appointed under sub-paragraph (2) of that paragraph.

18 Paragraph 12 continues to apply after the end of a period for which it has effect in relation to any application or reference with respect to which, when the period ends, a decision to dispense with a hearing has been notified by the Mental Health Review Tribunal for Wales under sub-paragraph (3) of that paragraph and remains current

19 Paragraph 13 continues to apply after the end of a period for which it has effect in relation to any nomination of a temporary deputy that is in force when the period ends.

SCHEDULE 9

Section 10

MENTAL HEALTH: SCOTLAND

PART 1

INTRODUCTORY PROVISION ETC

Interpretation

1 (1) References in Part 2 of this Schedule to sections and schedules are to sections and schedules of the Mental Health (Care and Treatment) (Scotland) Act 2003 ("the 2003 Act").

(2) Expressions used in Part 2 of this Schedule and in the 2003 Act have the same meaning as in that Act.

(3) References in Part 3 of this Schedule to sections are to sections of the Criminal Procedure (Scotland) Act 1995 ("the 1995 Act").

(4) Expressions used in Part 3 of this Schedule and in the 1995 Act have the same meaning as in that Act.

Forms

2 Where any form prescribed for use in connection with a provision of the 2003 Act or the 1995 Act is inconsistent with a modification made by Part 2 or (as the case may be) Part 3 of this Schedule, the form—

(a) may, in connection with the provision as so modified, be used with appropriate amendments;

(b) is otherwise, for use in that connection, to be read with such amendments as are necessary to reflect the modification.

PART 2

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

Emergency detention

3 Section 36(8)(b) (emergency detention: period for which patient may be detained in hospital) has effect as if for "72 hours" there were substituted "120 hours".

Short-term detention certificates

4 (1) An approved medical practitioner may grant a short-term detention certificate in respect of a patient under section 44(1) without consulting a mental health officer if the practitioner considers that compliance with the requirement under that section to consult a mental health officer (and for the mental health officer to consent to the granting of the certificate) is impractical or would involve undesirable delay.

(2) Sub-paragraphs (3) to (6) apply where a short-term detention certificate (the "first certificate") is in force in respect of a patient.

(3) Despite section 44(1)(b), an approved medical practitioner may grant one further short-term detention certificate (the "second certificate") in respect of the patient under section 44(1).

(4) The second certificate may be granted before or on the expiry of the first certificate.

(5) If the second certificate is granted before the expiry of the first certificate, the first certificate expires on the granting of the second certificate.

(6) If the approved medical practitioner grants a second certificate, the practitioner must record the reasons why it has been impracticable to apply instead for a compulsory treatment order.

(7) Other than as mentioned in sub-paragraphs (3) to (6), section 44 (as modified by sub-paragraph (1)) applies in relation to a second certificate as it applies in relation to a first certificate.

Compulsory treatment orders

5 (1) An application by a mental health officer under section 63 may be founded on a mental health report from a single approved medical practitioner (who may be the practitioner making the application) if the approved medical practitioner considers that compliance with the requirement under that section for mental health reports from two medical practitioners is impractical or would involve undesirable delay.

(2) A single mental health report must otherwise comply with the requirements of section 57.

Transfer for treatment directions

6 A transfer for treatment direction may be made under section 136(2) if the Scottish Ministers—

(a) are satisfied that complying with the requirement under that section for reports from two medical practitioners is impractical or would involve undesirable delay, and

(b) are satisfied of the matters mentioned in subsections (3) and (4) of that section by a report from a single approved medical practitioner,

and any other conditions for the exercise of the power are met.

Nurse's power to detain pending medical examination

7 Section 299(2) (nurse's power to detain pending medical examination) has effect as if for "3 hours" there were substituted "6 hours".

Admission to hospital

8 Section 136(3) and (6) have effect as if references to admitting a person to hospital within the period of 7 days were references to doing so within that period or as soon as practicable after the end of that period.

Suspension of requirements to review orders and directions authorising detention

9 (1) The provisions listed in sub-paragraph (2) are suspended.

(2) Those provisions are—

(a) section 77 (first mandatory review of compulsory treatment order);

(b) section 78 (further mandatory reviews of compulsory treatment order);

(c) section 139 (first review of compulsion order);

(d) section 140 (further reviews of compulsion order);

(e) section 182 (review of compulsion and restriction order);

(f) section 189 (reference to Tribunal by Scottish Ministers);

(g) section 206 (review of hospital direction and transfer for treatment direction);

(h) section 213 (hospital direction and transfer for treatment direction: reference to Tribunal).

Administration of medicine

10 Medicine (as defined in section 240) may be given to a patient without a certificate under section 241(1) if the patient's responsible medical officer has requested a certificate from a designated medical practitioner but the practitioner has not yet issued a certificate (and a certificate has not been refused).

Constitution of Mental Health Tribunal for Scotland

11 The Tribunal may consist of—

(a) the President or a single member selected by the President from the panel mentioned in paragraph 1(1)(a) of Schedule 2 ("the convener"), or

(b) the convener and a member selected by the President from the panel mentioned in paragraph 1(1)(b) or (c) of that Schedule,

if it is impractical to comply with paragraph 7(3) of that Schedule.

PART 3

MODIFICATIONS OF THE CRIMINAL PROCEDURE (SCOTLAND) ACT 1995

Assessment orders: extension

12 Section 52G(4A)(b) (period for which assessment order may be extended: end point) has effect as if for the words "14 days" there were substituted "12 weeks".

Court orders authorising detention

13 (1) Any power of a court under a provision listed in sub-paragraph (2) may be exercised if the court—
  (a) is satisfied that complying with the requirement under that provision for the written or oral evidence of two medical practitioners is impractical or would involve undesirable delay, and
  (b) is satisfied on the written or oral evidence of a single approved medical practitioner of the matters of which it would (but for this paragraph) have to be satisfied on the evidence of two practitioners,

and any other conditions for the exercise of the power are met.

(2) Those provisions are—
  (a) section 52M(2) (treatment order);
  (b) section 53(2) (interim compulsion order);
  (c) section 54(1) (temporary compulsion order);
  (d) section 57A(2), (5) and (6) (compulsion order);
  (e) section 59A(2) (hospital direction);
  (f) section 60C(2) (acquitted persons: detention for medical examination).

Admission to hospital

14 (1) The provisions listed in sub-paragraph (2) have effect as if references to admitting a person to hospital within the period of 7 days were references to doing so within that period or as soon as practicable after the end of that period.

(2) Those provisions are—
  (a) section 53(8) (interim compulsion order);
  (b) section 54(2B) (temporary compulsion order);
  (c) section 57A(5) (compulsion order);
  (d) section 59A(4) and (7) (hospital direction).

PART 4

MODIFICATIONS OF SUBORDINATE LEGISLATION

The Mental Health Tribunal for Scotland (Practice and Procedure) (No. 2) Rules 2005 (SSI 2005/519)

15 If the Tribunal considers that it would be impractical to hold a hearing rule 58 of the Mental Health Tribunal for Scotland (Practice and Procedure) (No.

2) Rules 2005 (power of Tribunal to decide case without a hearing) applies as if rule 58(1)(d) to (f), (2)(b) to (e), (3) and (4) were omitted.

The Mental Health (Conflict of Interest) (Scotland) Regulations 2017 (SSI 2017/174)

16 (1) The Mental Health (Conflict of Interest) (Scotland) Regulations 2017 apply as if the regulations mentioned in sub-paragraph (2) (all of which make provision about circumstances in which there is to be taken to be a conflict of interest for medical practitioners) were omitted.

(2) Those regulations are—
(a) regulation 2(b);
(b) regulation 4(1)(c) and (d), (2) and (3);
(c) regulation 5(1)(b) and (2).

SCHEDULE 10

Section 10

MENTAL HEALTH: NORTHERN IRELAND

PART 1

INTRODUCTORY PROVISION ETC

Interpretation

1 (1) In this Schedule—
"the 1986 Order" means the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4));
"the 1986 Regulations" means the Mental Health (Nurses, Guardianship, Consent to Treatment and Prescribed Forms) Regulations (Northern Ireland) 1986 (S.R. (N.I.) 1986 No. 174);
"the Department of Health" means the Department of Health in Northern Ireland;
an "RQIA practitioner" means a medical practitioner appointed for the purposes of Part 2 of the 1986 Order by RQIA.

(2) In this Schedule—
(a) references to Articles are to Articles of the 1986 Order;
(b) references to Forms are to the Forms set out in the Schedule to the 1986 Regulations.

(3) Expressions used in this Schedule and in the 1986 Order have the meaning given in that Order.

Prescribed forms

2 Where any form prescribed for use in connection with a provision of the 1986 Order is inconsistent with a modification made by Part 2 of this Schedule, the form—
(a) may, in connection with the provision as so modified, be used with appropriate amendments;

(b) is otherwise, for use in that connection, to be read with such amendments as are necessary to reflect the modification.

PART 2

MODIFICATIONS OF THE MENTAL HEALTH (NORTHERN IRELAND) ORDER 1986

Applications for compulsory admission to hospital for assessment

3 (1) An application for assessment may be made by a relevant social worker in accordance with Article 4 if the social worker is of the opinion that an application should be made but that it is impractical or would involve undesirable delay for the application to be made by an approved social worker.

(2) A patient may be admitted to hospital for assessment and there detained for the period allowed by Article 9 (as modified by paragraph 6), in pursuance of such an application; and—

(a) references in Part 2 of the 1986 Order to an application for admission for assessment made in accordance with Article 4, or duly completed or made under or in accordance with that Part, include an application for assessment duly completed or made by a relevant social worker in reliance on this paragraph; and

(b) in relation to such an application, references in the 1986 Order to "the applicant" include the relevant social worker who made the application.

(3) A relevant social worker who is proposing to make an application in reliance on this paragraph must inform the patient, and where practicable the person (if any) appearing to the relevant social worker to be the nearest relative of the patient, that—

(a) the application is being made in reliance on this paragraph, and

(b) the social worker is of the opinion referred to in sub-paragraph (1).

(4) Article 5(2) (person making application must have personally seen patient not more than 2 days before date of application) has effect in relation to an application for assessment made during a period for which this sub-paragraph has effect (whether by an approved social worker or a relevant social worker) as if for "two days" there were substituted "five days".

(5) An application for assessment made by a relevant social worker in reliance on this paragraph must be accompanied by a written statement complying with sub-paragraphs (6) and (7).

(6) The statement must specify—

(a) that the application is being made in reliance on this paragraph,

(b) that the social worker is of the opinion referred to in sub-paragraph (1),

(c) that the social worker is registered in accordance with and has the experience required by this paragraph (see the definition of "relevant social worker" in sub-paragraph (10)),

(d) that the social worker has informed the patient in accordance with sub-paragraph (3), and

(e) whether the social worker has informed the person appearing to the social worker to be the nearest relative of the patient in accordance

with sub-paragraph (3), and if not the reasons why it was not practicable to do so.

(7) The statement must contain a summary of the views (if any) expressed by the patient and the person (if any) who was informed in accordance with sub-paragraph (3).

(8) Article 5 otherwise does not apply in relation to an application for assessment made in reliance on this paragraph.

(9) Where an application for assessment is made by a relevant social worker in reliance on this paragraph, Form 2 has effect as if—

(a) in the heading, for "an approved social worker" there were substituted "a relevant social worker";

(b) for the sentence beginning "I am an officer of" there were substituted "I am a relevant social worker in accordance with paragraph 3 of Schedule 10 to the Coronavirus Act 2020.";

(c) for the two sections headed "The following section should be completed if nearest relative consulted" and "The following section should be completed if nearest relative not consulted" there were substituted—

"I have informed [full name of patient], before making this application, as specified in the written statement by me which accompanies this application.

Delete either (a), (b) or (c) as appropriate

(a) I have informed [name and address] who, to the best of my knowledge and belief, is the patient's nearest relative, before making this application, as specified in that written statement.

OR

(b) I have informed [name and address] who I understand has been authorised by a county court to exercise the functions under the Order of the patient's nearest relative, before making this application, as specified in that written statement.

OR

(c) It has not been practicable for me to inform the patient's nearest relative, before making this application, as specified in that written statement.".

(10) In this paragraph, "relevant social worker" means a person (other than an approved social worker) who—

(a) is registered as a social worker in the principal part of the register maintained by the Northern Ireland Social Care Council under section 3 of the Health and Personal Social Services Act (Northern Ireland) 2001 (c. 1 (N.I.)), and

(b) has at least 5 years' experience of working as a social worker within the 10 years immediately preceding the day on which the application is made; and for this purpose the 5 years need not be a single period, or continuous periods, of such experience.

Medical recommendation

4 Article 6(a) (medical practitioner to have personally examined patient not more than 2 days before date on which signs medical recommendation) has effect in relation to an application for assessment made during a period for

which this paragraph has effect (whether by an approved social worker or a relevant social worker) as if for "two days" there were substituted "five days".

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

5 (1) Article 7(2) (period for which patient can be detained following report by medical practitioner on staff of hospital) has effect in relation to any patient detained after the beginning of any period for which this sub-paragraph has effect as if for "48 hours" there were substituted "120 hours".

(2) Article 7(3) (period for which patient can be detained pending report by medical practitioner on staff of hospital) has effect has effect in relation to any patient detained after the beginning of any period for which this sub-paragraph has effect as if for "6 hours" there were substituted "12 hours".

The assessment period

6 (1) Article 9(1) (period within which patient admitted to hospital in pursuance of an application for assessment must be examined by a medical practitioner) has effect as if for "immediately after" there were substituted "as soon as practicable and not later than 12 hours after".

(2) Article 9(4) (period for which patient may be detained in hospital for assessment following report on examination under Article 9(1)) has effect —

(a) as if for sub-paragraph (b) there were substituted—

"(aa) where the report was furnished by any other medical practitioner, and the conditions in paragraph (4A) were satisfied, for a period not exceeding 120 hours from the time when the report was furnished;

(b) where the report was furnished by any other medical practitioner, and any of the conditions in paragraph (4A) was not satisfied, for a period not exceeding 48 hours from when the report was furnished;", and

(b) as if after paragraph (4) there were inserted—

"(4A) The conditions are that the medical practitioner—

(a) had (at the date on which the examination of the patient in accordance with paragraph (1) was carried out) at least 5 years' experience of working with mental health patients within the 10 years immediately preceding that date;

(b) considered that it was impractical for the responsible medical practitioner or a medical practitioner appointed for the purposes of this Part by RQIA to carry out the examination under paragraph (1) before the end of the period of 48 hours from the date on which the report was furnished; and

(c) furnished together with the report a written statement specifying that the practitioner—

(i) had the experience referred to in sub-paragraph (a); and

(ii) was of the opinion referred to in sub-paragraph (b).

(4B) The 5 years' experience referred to in sub-paragraph (4A)(a) need not be a single period, or continuous periods, of such experience."

(3) Article 9(5) (period within which patient must be examined by responsible medical officer where examination under Article 9(1) was not by that officer) has effect as if for "sub-paragraph (b) of paragraph (4)" there were substituted "sub-paragraph (aa) or (b) of paragraph (4)".

(4) Article 9(8) (further period for which patient may be detained for assessment where responsible medical officer furnishes report under Article 9(8)) has effect as if for "7 days" there were substituted "21 days".

Rectification of applications, recommendations and reports

7 Article 11(1) (period within which application for assessment, medical recommendation or report furnished under Article 9 may be amended) has effect as if for "14 days" there were substituted "28 days".

Detention for treatment

8 (1) A relevant medical practitioner may, during the period for which a patient is detained for assessment by virtue of Article 9(8) (as modified by paragraph 6(4)) (the "extended assessment period")—

(a) examine a patient who is detained for assessment by virtue of Article 9(8), and

(b) furnish to the responsible authority a report of the examination,

if the practitioner considers that it would be impractical for an RQIA practitioner to carry out the examination of the patient and furnish the report of that examination under Article 12(1) during that period.

(2) For the purposes of sub-paragraph (1), sub-paragraphs (a) to (d) of Article 12(1) apply as if the reference in each to "his opinion" were a reference to the relevant medical practitioner's opinion.

(3) A report in reliance on this paragraph must be in the form prescribed under paragraph (1) of Article 12 for a report under that sub-paragraph (Form 10), but as if for the sentence beginning "I [full name and professional address of medical practitioner]" there were substituted—

"I [full name and professional address of medical practitioner], a relevant medical practitioner in accordance with paragraph 8 of Schedule 10 to the Coronavirus Act 2020, examined this patient on [date]."

(4) Article 12(2) applies in relation to a report in reliance on this paragraph as it applies to a report under Article 12(1).

(5) A report by a relevant medical practitioner in reliance on sub-paragraph (1) must be accompanied by a written statement by the practitioner specifying that—

(a) the practitioner is of the opinion referred to in sub-paragraph (1), and

(b) the practitioner has the experience required by this paragraph (see sub-paragraph (9)).

(6) Where, before the end of the extended assessment period—

(a) an examination of a patient is carried out and a report is furnished in reliance on this paragraph, and

(b) the report is accompanied by a written statement in accordance with sub-paragraph (5),

the report is sufficient authority for the responsible authority to detain the patient in hospital for treatment for a period not exceeding 28 days from the end of the extended assessment period, pending an examination of the patient by an RQIA practitioner.

(7) Where an RQIA practitioner examines the patient and furnishes a report of the examination under Article 12(1) before the end of the period of 28 days referred to in sub-paragraph (6), the report has the same effect as if the RQIA practitioner had examined the patient and furnished the report before the end of the extended assessment period.

(8) The responsible authority must immediately forward to RQIA a copy of any report furnished to it in reliance on this paragraph.

(9) In this paragraph, a "relevant medical practitioner" means a medical practitioner who—

(a) is not an RQIA practitioner, and

(b) has at least 5 years' experience of working with mental health patients, of which at least one year's experience must have been of working with patients who were detained for treatment.

Periods of remand to hospital

9 Article 42(7) (including as applied by Article 43(5)) (periods of remand of accused to hospital for report on mental condition or treatment) has effect as if the words "or for more than 12 weeks in all" were omitted.

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

10 (1) A court may make an order, determination or direction under a provision listed in sub-paragraph (2) if the court—

(a) is satisfied that complying with the requirement applying to that provision for the oral evidence of an RQIA practitioner and the written or oral evidence of one other medical practitioner is impractical or would involve undesirable delay, and

(b) is satisfied on the evidence of a single RQIA practitioner of the matters of which it would (but for this paragraph) have to be satisfied on the evidence of two practitioners as referred to in sub-paragraph (a),

and any other conditions for the making of the order, determination or direction are met.

(2) The provisions referred to in sub-paragraph (1) are—

(a) Article 43(1) (order remanding accused person to hospital for treatment);

(b) Article 44(1)(a) or (b) (hospital order, or guardianship, in respect of convicted person);

(c) Article 45(1) (interim hospital order in respect of convicted person pending final hospital order or other disposal);

(d) Article 49 (determination of question of fitness of person to be tried on indictment);

(e) Article 50(1) (direction for recording of finding that person is not guilty of offence charged on indictment on ground of insanity).

(3) Article 44(7) has effect as if—

(a) for "described by each of the practitioners" there were substituted "described by the practitioner";

(b) for "whether or not he is also described by either of them" there were substituted "whether or not he is also described by the practitioner".

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

11 A court may make an order under Article 57(5) (hospital order in respect of a detainee falling within Article 54(2)(a) in absence of detainee) if the court—

(a) is satisfied that complying with the requirement under Article 57(6) for the oral evidence of two RQIA practitioners is impractical or would involve undesirable delay, and

(b) is satisfied on the evidence of a single RQIA practitioner of the matters of which it would (but for this paragraph) have to be satisfied on the evidence of two practitioners as referred to in sub-paragraph (a),

and any other conditions for the making of the order are met.

Directions for the transfer of prisoners etc to hospital

12 (1) The Department of Justice in Northern Ireland may give a transfer direction under Article 53(1) (transfer of prisoners etc to hospital) if the Department—

(a) is satisfied that complying with the requirement under that provision for written reports from at least two registered medical practitioners, one of whom is an RQIA practitioner, is impractical or would involve undesirable delay, and

(b) is satisfied of the matters mentioned in paragraphs (a) and (b) of that provision by a written report from a single RQIA medical practitioner,

and any other conditions for the giving of the transfer direction are met.

(2) Article 54(1) has effect as if for "satisfied by the same reports as are required" there were substituted "satisfied by the same report as is required".

Conveyance of accused or convicted persons to hospital

13 (1) The following provisions have effect as if references to conveying or admitting a person to hospital within a specified period were references to doing so within that period or as soon as practicable after the end of that period—

(a) Article 42(9)(c) (including as applied by Article 43(5)) (period within which accused person remanded to hospital for report on mental condition or treatment must be conveyed and admitted to hospital);

(b) Article 46(2) and (3) (period within which person in respect of whom hospital order or interim hospital order is made must be conveyed and admitted to hospital).

(2) Article 46(4) has effect as if for "within the period of 28 days referred to in" there were substituted "in accordance with".

(3) Article 53(2) (including as applied by Article 54(3)) (period within which person subject to transfer direction must be received into hospital) has effect as if for "14 days" there were substituted "28 days".

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

14 (1) The Department of Health may designate a different hospital to that which it previously designated under—
(a) Article 46(1) or (3)(a), or
(b) this sub-paragraph,
where the Department considers that the conditions in sub-paragraph (2) are met.

(2) Those conditions are—
(a) that in all the circumstances it is impractical and would involve unreasonable delay for the person who is the subject of the hospital order or interim hospital order to be admitted to the hospital previously designated by it, and
(b) that it would be possible for the person to be admitted sooner to the different hospital.

(3) The power in sub-paragraph (1)(b) may be exercised on more than one occasion where the Department of Health considers that to be expedient.

(4) Where the Department of Health designates a hospital by virtue of sub-paragraph (1)—
(a) the new designation takes the place of the previous designation;
(b) the references in Article 46(2) and (3) (as modified by paragraph 13(1)(b)) to conveying or admitting the person to hospital apply as regards the hospital specified in the new designation and as if the time limits for doing so begin with the date of that designation.

Code of practice

15 (1) The Code of Practice for the time being published under Article 111 is subject to the provisions of such further Code of Practice ("temporary Code") as the Department of Health may prepare, as appropriate revise, and publish, for the guidance, in relation to a period for which a provision of this Schedule has effect, of medical practitioners, the Board, authorised HSC trusts, staff of hospitals and social workers in relation to admission of patients to hospitals.

(2) The Department of Health must consult RQIA, and such other bodies as appear to it to be concerned, in relation to the preparation or revision by it of any such temporary Code.

PART 3

TRANSITIONAL PROVISION

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

17 Where, by virtue of paragraph 9, a person has been remanded under Article 42 or 43 for more than 12 weeks in all, the person may not be further

remanded under that provision after the end of a period for which that paragraph has effect.

18 (1) Paragraph 13(1) or 14(4) continues to apply after the end of a period for which it has effect in relation to any order or direction made during that period, subject to sub-paragraph (2).

(2) The constable or other person whose duty is modified by paragraph 13(1) or 14(4) (as the case may be) must in any event convey the person concerned to the requisite hospital before—

(a) the end of the period specified in Article 42(9)(c) or Article 46(2) or (3), without the modification made by the provision concerned, or

(b) the end of the period of seven days beginning with the day on which the period referred to in sub-paragraph (1) ends,

whichever is later.

PART 4

REVIEW OF OPERATION OF CERTAIN PROVISIONS OF THIS SCHEDULE

19 (1) Each HSC trust must maintain a record of each instance where—

(a) an application for assessment is made in reliance on paragraph 3,

(b) a patient was detained for assessment in reliance on Article 9(4)(aa) or (b) (as substituted by paragraph 6(2)(a)), and

(c) a report is furnished in reliance on paragraph 8.

(2) The HSC trust must prepare a report containing an evaluation by it of each such instance and its opinion as to whether the reliance—

(a) by the relevant social worker on paragraph 3,

(b) by the medical practitioner on Article 9(4)(aa) or (b) (as substituted by paragraph 6(2)(a)), or

(c) by the relevant medical practitioner on paragraph 8,

was appropriate.

(3) The HSC trust must send the report under sub-paragraph (2) to the Department of Health no later than 56 days after the end of a period for which the paragraph of this Schedule in question has effect.

SCHEDULE 11

Section 10

MENTAL CAPACITY: NORTHERN IRELAND

PART 1

INTRODUCTORY PROVISION ETC

Interpretation

1 (1) In this Schedule, "the 2016 Act" means the Mental Capacity Act (Northern Ireland) 2016 (c. 18 (N.I.)).

(2) In this Schedule—

(a) references to sections are to sections of the 2016 Act;

(b) references to Schedules are to Schedules to that Act.

(3) Expressions used in this Schedule and in the 2016 Act have the meaning given in that Act.

Prescribed forms

2 Where any form prescribed for use in connection with a provision of the 2016 Act is inconsistent with a modification made by Part 2 of this Schedule, the form—

(a) may, in connection with the provision as so modified, be used with appropriate amendments,

(b) is otherwise, for use in that connection, to be read with such amendments as are necessary to reflect the modification.

PART 2

MODIFICATIONS OF THE MENTAL CAPACITY ACT (NORTHERN IRELAND) 2016

Proceedings of panels constituted to decide applications

3 Section 297(2) (panels to have 3 members, all present) has effect as if for "(all of whom must be present during any proceedings of the panel)" there were substituted ", all of whom must be present during any proceedings of the panel, except where—

(a) the panel does not hear oral evidence,

(b) each of the members provides a written opinion, and

(c) the decision of the panel is unanimous."

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

4 Paragraph 19(2) of Schedule 1 (time limit for panel's decision) has effect as if for "7 working days" there were substituted "28 working days".

Interim authorisations by panels of certain serious interventions

5 Paragraph 20 of Schedule 1 (interim authorisations by panels) has effect as if in each of sub-paragraphs (2)(b), (3)(b) and (5)(a) for "28 days" there were substituted "56 days".

Report authorising short-term detention in hospital for examination etc

6 Paragraph 4(2) of Schedule 2 (medical practitioner making medical report for inclusion in report under paragraph 2 to have examined P not more than 2 days before date on which medical report is made) has effect in relation to the making of a medical report during a period for which this paragraph has effect as if for "two days" there were substituted "five days".

7 Paragraph 5 of Schedule 2 (person making report under paragraph 2 to have personally seen P not more than 2 days before date on which report is made) has effect in relation to the making of a report during a period for which this paragraph has effect as if for "two days" there were substituted "five days".

Consultation required before such a report is made

8 (1) Paragraph 6(1) of Schedule 2 (circumstances in which a person may make a report under paragraph 2 of Schedule 2 only if the person has consulted an approved social worker) has effect as if for "only if the person has consulted an approved social worker." there were substituted "only if—

(a) the person has consulted an approved social worker, or

(b) the person considers that it is impractical or would involve undesirable delay to consult an approved social worker, the person has consulted a relevant social worker."

(2) A person who in relation to the person's proposal to make a report under paragraph 2 of Schedule 2—

(a) is of the opinion referred to in paragraph 6(1)(b) of Schedule 2 (as inserted by sub-paragraph (1)), and

(b) is proposing to consult a relevant social worker in reliance on that paragraph,

must inform P, and where practicable P's nominated person, of those facts.

(3) A report by a person under paragraph 2 of Schedule 2 who has consulted in reliance on paragraph 6(1)(b) of that Schedule (as inserted by sub-paragraph (1)) must be accompanied by a written statement complying with sub-paragraphs (4) and (5).

(4) The statement must specify—

(a) that the person was of the opinion referred to in paragraph 6(1)(b) of Schedule 2 (as inserted by sub-paragraph (1)) and accordingly consulted a relevant social worker;

(b) that the person has informed P as referred to in sub-paragraph (2);

(c) whether the person has informed P's nominated person as referred to in sub-paragraph (2), and if not, the reasons why it was not practicable to do so.

(5) The statement must contain a summary of the views (if any) expressed by P and P's nominated person.

(6) In this paragraph a "relevant social worker" means a person (other than an approved social worker), who—

(a) is registered as a social worker in the principal part of the register maintained by the Northern Ireland Social Care Council under section 3 of the Health and Personal Social Services Act (Northern Ireland) 2001, and

(b) appears to the person proposing to make the report to have at least 5 years' experience within the 10 years immediately preceding the day on which the report is proposed to be made of working as a social worker in relation to persons who lack capacity; and for this purpose the period of 5 years need not be a single period, or continuous periods, of such experience.

Extension by panel of period of authorisation

9 Paragraph 9(2) of Schedule 3 (time limit for panel's decision on application for extension of period of authorisation) has effect as if for "7 working days" there were substituted "28 working days".

Additional notification requirements for panels

10 Where a panel, during a period for which paragraph 3, 4, 5 or 9 has effect, operates in reliance on that paragraph, the panel must as soon as practicable after making the decision concerned give written notice of that fact to P and P's nominated person.

Period of detention in place of safety

11 Section 146(1) (maximum period of detention of person removed from public place to place of safety under section 139) has effect in relation to a person detained after the beginning of any period for which this paragraph has effect as if for "24 hours" there were substituted "36 hours".

Periods of remand to hospital

12 Section 162(5) (periods of remand or further remand of accused to hospital for report on mental condition or treatment) has effect as if the words "or for more than 12 weeks in total" were omitted.

Required medical evidence for court to be satisfied treatment condition is met in relation to remand to hospital

13 (1) A court considering whether to remand an accused person to hospital under section 162(1) may regard the treatment condition as met where the court—

(a) is satisfied that complying with the requirement under section 165(3) for the evidence of at least two registered medical practitioners in accordance with that provision is impractical or would involve undesirable delay, and

(b) is satisfied on the written or oral evidence of a single relevant medical practitioner of the matters of which it would (but for this paragraph) have to be satisfied on the evidence of at least two practitioners as referred to in sub-paragraph (a),

and any other requirements for the treatment condition to be met are satisfied.

(2) In sub-paragraph (1)(b), "relevant medical practitioner" means a medical practitioner referred to in paragraph (a) or (b) (as the case may be) of section 165(3).

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

14 (1) A court may make an order, determination or direction under a provision listed in sub-paragraph (2) if the court—

(a) is satisfied that complying with the requirement under that provision for the written or oral evidence of at least two medical practitioners, including the oral evidence of an approved medical practitioner, is impractical or would involve unreasonable delay, and

(b) is satisfied on the written or oral evidence of a single approved medical practitioner of the matters of which it would (but for this paragraph) have to be satisfied on the evidence of at least two practitioners as referred to in sub-paragraph (a),

and any other conditions for the making of the order, determination or direction are met.

(2) Those provisions are—

(a) section 167(2) (public protection order requiring convicted person to be admitted to and detained in hospital or care home specified in order) (see also section 168(5));

(b) section 177(2) (interim detention order requiring convicted person to be admitted to and detained in hospital specified in order) (see also section 177(5));

(c) section 204 (determination of question of fitness of person to be tried on indictment);

(d) section 206 (direction for recording of finding that person is not guilty of offence charged on indictment on ground of insanity).

Required medical evidence for hospital directions

15 (1) A court may give a hospital direction under section 174 (when passing custodial sentence, for the removal to and detention in hospital of a convicted person) where the court—

(a) is satisfied that complying with the requirement under that provision for the evidence of at least two registered medical practitioners in accordance with that provision is impractical or would involve undesirable delay, and

(b) is satisfied on the written or oral evidence of a single relevant medical practitioner of the matters of which it would (but for this paragraph) have to be satisfied on the evidence of at least two practitioners as referred to in sub-paragraph (a),

and any other conditions for giving the direction are met.

(2) In sub-paragraph (1), "relevant medical practitioner" means a medical practitioner referred to in paragraph (a) or (b) (as the case may be) of section 175(4).

Extension reports in relation to public protection orders without restrictions

16 Section 183 (period within which appropriate medical practitioner making extension report in relation to public protection order without restrictions must have examined person subject to order) has effect as if in subsection (3)—

(a) in paragraph (a) of the definition of "the reporting period" (first extension under section 181), for "last month" there were substituted "last two months", and

(b) in paragraph (b) of that definition (subsequent extension under section 182), for "last two months" there were substituted "last three months".

Required medical evidence for directions for the transfer of prisoners etc to hospital

17 (1) The Department of Justice in Northern Ireland may give a direction under a provision listed in sub-paragraph (3) if the Department—

(a) is satisfied that complying with the requirement under that provision for written reports from at least two medical practitioners

in accordance with that provision is impractical or would involve undesirable delay, and

(b) is satisfied on the basis of a written report from a single relevant medical practitioner of the matters of which it would (but for this paragraph) have to be satisfied on the written reports of at least two practitioners as referred to in sub-paragraph (a),

and any other conditions for giving the direction are met.

(2) In sub-paragraph (1), "relevant medical practitioner" means a medical practitioner referred to in paragraph (a) or (b) (as the case may be) of section 212(4) or (as the case may be) 223(5).

(3) Those provisions are—

(a) section 211(1) (direction for removal to hospital of person serving custodial sentence etc);

(b) section 214(1) (direction for removal to hospital of civil prisoner or immigration detainee);

(c) section 217(1) (direction for removal to hospital of person remanded in custody by magistrates' court);

(d) section 220(1) (direction for removal to hospital of certain other detainees).

Admission of person subject to hospital transfer direction to hospital

18 Section 224(2)(b) (period within which person subject to hospital transfer direction must be admitted to hospital) has effect as if for "14 days" there were substituted "28 days".

Code of practice

19 (1) The Code of Practice for the time being published under section 288 is subject to the provisions of such further Code of Practice ("temporary Code") as the Department of Health in Northern Ireland may prepare, as appropriate revise, and publish, for the guidance, in relation to a period for which a provision of this Schedule has effect, of such of the persons or bodies referred to in subsection (1) of that section as the Department considers appropriate on such matters as the Department considers appropriate.

(2) Subsections (4) to (6) and (8) to (10) of section 288 apply to a temporary Code as they apply to a Code of Practice referred to in that section.

(3) Section 288 does not otherwise apply to a temporary Code.

PART 3

TRANSITIONAL PROVISION

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

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

PART 4

REVIEW OF OPERATION OF CERTAIN PROVISIONS OF THIS SCHEDULE

22 (1) Each HSC trust must maintain a record of each instance where a panel operates in reliance on paragraph 5 or 9.

(2) The HSC trust must prepare a report containing an evaluation by it of each such instance and its opinion as to whether the reliance on paragraph 5 or 9 was appropriate.

(3) The HSC trust must send the report under sub-paragraph (2) to the Department of Health in Northern Ireland no later than 3 months after the end of a period for which the paragraph of this Schedule in question has effect.

SCHEDULE 12

Section 15

LOCAL AUTHORITY CARE AND SUPPORT

PART 1

POWERS AND DUTIES OF LOCAL AUTHORITIES IN ENGLAND

Introductory

1 (1) In this Part of this Schedule "CA 2014" means the Care Act 2014.

(2) Expressions used in this Part of this Schedule and in Part 1 of CA 2014 have the same meaning in this Part of this Schedule as in Part 1 of that Act.

Assessing needs for care and support

2 (1) A local authority does not have to comply with any duties imposed by the following provisions—

(a) section 9 of CA 2014 (assessment of an adult's needs for care and support);

(b) section 10 of that Act (assessment of a carer's needs for support);

(c) any regulations made under section 12(1) or (2) of that Act (further provision about assessments under section 9 or 10);

(d) section 12(3) and (4) of that Act (duties to give written records of assessments);

(and accordingly section 11 of that Act (refusal of assessment) does not apply).

(2) A local authority does not have to comply with any duties imposed by section 13 of CA 2014 (determination of whether needs meet the eligibility criteria) or any regulations made under that section.

(3) A local authority does not have to comply with any duties imposed by the following provisions—

(a) sections 58 and 59 of CA 2014 (assessment of a child's needs for care and support);

(b) sections 60 and 61 of that Act (assessment of a child's carer's needs for support);

(c) sections 63 and 64 of that Act (assessment of a young carer's needs for support);

(d) any regulations made under section 65(1) of that Act (further provision about assessments under sections 58 to 64).

(4) Nothing in this paragraph prevents a local authority from carrying out any assessment, or making any determination, it considers appropriate for the purposes of exercising its functions under section 18, 19, 20 or 62 of CA 2014 (as modified by paragraphs 4 to 6 and 9 of this Schedule).

Assessment of financial resources

3 (1) A local authority does not have to comply with any duties imposed by section 17 of CA 2014 (assessment of financial resources).

This is subject to sub-paragraph (2).

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

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

Duties and powers to meet needs for care and support

4 Section 18 of CA 2014 (duty to meet needs for care and support) has effect as if for subsection (1) there were substituted—

"(1) A local authority must meet an adult's needs for care and support if—

(a) the adult is ordinarily resident in the authority's area or is present in its area but of no settled residence,

(b) the authority considers that it is necessary to meet those needs for the purpose of avoiding a breach of the adult's Convention rights, and

(c) there is no charge under section 14 for meeting the needs or, in so far as there is, condition 1, 2 or 3 is met.

In this subsection "Convention rights" has the same meaning as in the Human Rights Act 1998."

5 Section 19 of CA 2014 (power to meet needs for care and support) has effect as if there were omitted—

(a) the reference in subsection (1) to having carried out a needs assessment and a financial assessment;

(b) the reference in subsection (2) to having made a determination under section 13(1) of that Act, and the words "which meet the eligibility criteria";

(c) the reference in subsection (3) to having not yet carried out a needs assessment or made a determination under section 13(1) of that Act.

6 In section 20 of CA 2014 (duty and power to meet a carer's needs for support), subsection (1) has effect as if—

(a) the words ", having made a determination under section 13(1)," and "which meet the eligibility criteria" were omitted;

(b) after paragraph (a) there were inserted—

"(aa) the authority considers that it is necessary to meet those needs for the purpose of avoiding a breach of the carer's Convention rights,";

(c) at the end there were inserted—

"In this subsection "Convention rights" has the same meaning as in the Human Rights Act 1998."

7 (1) For the purposes of sections 18(6) and 20(9) of CA 2014 (meaning of references to there being no charge for meeting needs), a local authority that decides not to carry out an assessment under section 17 of that Act as a result of paragraph 3(1) above is to be treated as having decided not to make a charge under section 14 of that Act (but see paragraph 10 below).

(2) But the duty under section 18 or 20(1) of CA 2014 does not apply to a local authority if—

(a) the authority notifies the relevant person that it may make a charge for meeting needs under that section, and

(b) the relevant person asks the authority not to meet those needs.

(3) In sub-paragraph (2) "the relevant person" means—

(a) the person who would be liable to pay any such charge, or

(b) in a case where—

(i) the authority would be meeting the needs of an adult under section 18 of CA 2014, and

(ii) the adult lacks capacity to arrange for the provision of care and support,

a person who is authorised under the Mental Capacity Act 2005 to arrange for such provision or is otherwise in a position to do so on the adult's behalf.

8 A local authority does not have to comply with any duties imposed by the following provisions—

(a) any regulations made under section 30 of CA 2014 (cases where adult expresses preference for particular accommodation);

(b) section 47(2) of that Act (duty to prevent or mitigate loss or damage to property of adults being cared for away from home).

9 Section 62 of CA 2014 (power to meet child's carer's needs for support) has effect as if the reference in subsection (1) to having carried out a child's carer's assessment were omitted.

Charging for meeting needs during emergency period

10 (1) This paragraph applies where—

(a) at any time during an emergency period, a local authority begins to meet needs under section 18, 19, 20 or 62 of CA 2014,

(b) at that time, the authority would have been entitled to make a charge under section 14 of that Act for meeting any of those needs, but

(c) the authority decided not to carry out an assessment under section 17 of that Act before beginning to meet those needs.

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

(2) The local authority is not prevented by that decision from subsequently carrying out an assessment under section 17 of CA 2014 (whether during or after the emergency period) and deciding to make a charge for meeting those needs during that period; and nothing in that section is to be taken to prevent the authority from carrying out such an assessment, even though the authority has already begun to meet, or has met, those needs.

(3) In so far as there is any charge for meeting any needs under section 18 or 19(2) of CA 2014 during the emergency period, the fact that condition 1, 2 or 3 in section 18 of that Act is not met at the time of the making of the charge does not affect anything already done under section 18 or (as the case may be) 19(2) of that Act.

(4) In so far as there is any charge for meeting any needs under section 20(1) of CA 2014 during the emergency period, the fact that condition 1, 2, 3 or 4 in that section is not met at the time of the making of the charge does not affect anything already done under that section.

Care and support plans etc

11 A local authority does not have to comply with any duties imposed by the following provisions of CA 2014—

(a) section 24 (duty to prepare care and support plan or support plan, etc);

(b) section 25 (duties relating to plans);

(c) section 27(1), (4), (4A) and (5) (duty to review plans, etc).

The reference in paragraph (c) to subsection (4A) of section 27 of CA 2014 is to the subsection treated as inserted by regulation 11 of the Care and Support (Children's Carers) Regulations 2015 (S.I. 2015/305).

Continuity of care and support when person moves

12 A local authority does not have to comply with any duties imposed by the following provisions of CA 2014—

(a) section 37 (duties of notification, assessment, etc when a person moves);

(b) section 38 (case where assessments not complete on day of move).

13 (1) This paragraph applies where—

(a) paragraph 12 has had effect for any period ("the emergency period"), and

(b) the emergency period has ended.

(2) Section 37 of CA 2014 has effect subject to the modifications in sub-paragraphs (3) to (5).

(3) In subsections (1) and (2)—

(a) any reference to notifying a local authority that an adult intends to move to the area of that authority includes, in the case of an adult

who moved to the area of a local authority during the emergency period, a reference to notifying that authority that the adult has moved to that area, and

(b) where a local authority is notified that an adult has moved to the authority's area by virtue of paragraph (a), the condition in subsection (1)(c) or (as the case may be) (2)(c) is to be disregarded (and accordingly the requirement imposed by subsection (4)(b) does not apply).

(4) In subsection (3)—

(a) the reference to notifying a local authority that an adult intends to move out of accommodation but to remain in the authority's area includes, in the case of an adult who moved out of accommodation in the area of a local authority during the emergency period, a reference to notifying that authority that the adult has moved out of the accommodation but has remained in that area, and

(b) where a local authority is notified that an adult has moved out of accommodation by virtue of paragraph (a), the condition in subsection (3)(c) is to be disregarded (and accordingly the requirement imposed by subsection (4)(b) does not apply).

(5) In a case where subsection (4)(b) does not apply by virtue of sub-paragraph (3)(b) or (4)(b), subsection (5) has effect as if the reference to having received the notification under subsection (4)(b) were omitted.

(6) The reference in section 38(1) of CA 2014 to the day of the intended move is, in the case of an adult who moved as mentioned in section 37(1)(b), (2)(b) or (3)(b) of that Act during the emergency period, to be read as a reference to the day on which that period ended.

Discharge of hospital patients with care and support needs

14 In Schedule 3 to CA 2014 (discharge of hospital patients with care and support needs), paragraph 3 has effect as if for sub-paragraph (1) there were substituted—

"(1) The relevant authority, having received an assessment notice, must inform the NHS body responsible for the patient—

(a) whether the patient has needs for care and support,

(b) (where applicable) whether a carer has needs for support,

(c) which (if any) of those needs the authority plans to meet, and

(d) how the authority plans to meet those needs."

Transition for children to adult care and support

15 A local authority does not have to comply with any duties imposed by—

(a) section 2A(2) to (4) or (6) of the Chronically Sick and Disabled Persons Act 1970 (welfare services: transition for children to adult care and support), or

(b) section 17ZH(2) to (4) or (6) of the Children Act 1989 (section 17 services: transition for children to adult care and support).

Duties arising before commencement

16 (1) A provision of this Part of this Schedule that provides that a local authority does not have to comply with a relevant duty, or modifies a relevant duty of a local authority, applies in relation to duties arising before the commencement day as it applies in relation to duties arising on or after that day.

(2) In sub-paragraph (1)—

"the commencement day", in relation to a provision of this Part of this Schedule, means—

(a) the day on which that provision comes into force, or

(b) where on any day the operation of the provision is revived by regulations under section 88(3), that day;

"relevant duty" means a duty under—

(a) Part 1 of CA 2014,

(b) section 2A(2) to (4) or (6) of the Chronically Sick and Disabled Persons Act 1970, or

(c) section 17ZH(2) to (4) or (6) of the Children Act 1989.

Period within which assessments may be carried out

17 (1) Sub-paragraph (2) applies where—

(a) any provision of paragraph 2 or 12 has had effect for any period, and

(b) that period has ended.

(2) In determining for the purposes of any proceedings whether a local authority has complied with its duty to carry out a relevant assessment within a reasonable period, a court must take into account (among other things) the following factors—

(a) the length of any period for which any provision of paragraph 2 or 12 had effect, and

(b) the number of relevant assessments which need to be carried out by the local authority following the end of any such period.

(3) In this paragraph "relevant assessment" means—

(a) a needs assessment under section 9 of CA 2014;

(b) a carer's assessment under section 10 of that Act;

(c) a determination under section 13(1) of that Act;

(d) an assessment under section 37(6) of that Act;

(e) a child's needs assessment under section 58 of that Act;

(f) a child's carer's assessment under section 60 of that Act;

(g) a young carer's assessment under section 63 of that Act.

Guidance

18 (1) The Secretary of State may issue guidance about how local authorities are to exercise functions under any of the following enactments in consequence of the provision made by this Part of this Schedule—

(a) Part 1 of CA 2014;

(b) section 2 of the Chronically Sick and Disabled Persons Act 1970;

(c) section 17 of the Children Act 1989.

(2) A local authority must have regard to any guidance issued under this paragraph.

(3) A local authority must comply with such guidance issued under this paragraph as the Secretary of State directs.

(4) The Secretary of State—
  (a) may from time to time revise any guidance issued under this paragraph;
  (b) may vary or revoke a direction made under sub-paragraph (3).

(5) A local authority may disregard any guidance under section 7 of the Local Authority Social Services Act 1970 or section 78 of CA 2014, so far as it is inconsistent with guidance issued under this paragraph.

PART 2

POWERS AND DUTIES OF LOCAL AUTHORITIES IN WALES

Introductory

19 (1) In this Part of this Schedule "SSW(W)A 2014" means the Social Services and Well-being (Wales) Act 2014 (anaw 4).

(2) Expressions used in this Part of this Schedule and in SSW(W)A 2014 have the same meaning in this Part of this Schedule as in that Act.

Assessing needs for care and support

20 A local authority does not have to comply with any duties imposed by—
  (a) section 19 of SSW(W)A 2014 (duty to assess the needs of an adult for care and support), or
  (b) any regulations made under section 30 of that Act, so far as relating to needs assessments under section 19;

(and accordingly section 20 of that Act (refusal of a needs assessment for an adult) does not apply).

21 In the case of any carer who is an adult, a local authority does not have to comply with any duties imposed by—
  (a) section 24 of SSW(W)A 2014 (duty to assess the needs of a carer for support), or
  (b) any regulations made under section 30 of that Act, so far as relating to needs assessments under section 24;

(and accordingly section 25 of that Act (refusal of a needs assessment for an adult carer) does not apply).

22 (1) This paragraph applies in the case of any adult (including an adult who is a carer).

(2) A local authority does not have to comply with any duties imposed by—
  (a) section 32(1)(a) of SSW(W)A 2014 (determination of whether needs meet the eligibility criteria),
  (b) section 32(2)(b) of that Act (determination of charge), or
  (c) any regulations made under subsection (3) of that section.

(3) The English language text of section 32 of SSW(W)A 2014 has effect as if in subsection (1) there were omitted—
  (a) in the opening words, the words ", on the basis of a needs assessment,", and
  (b) in paragraph (b), the words "if the needs do not meet the eligibility criteria," and "nevertheless".

(4) The Welsh language text of section 32 of SSW(W)A 2014 has effect as if in subsection (1) there were omitted—
  (a) in the opening words, the words ", ar sail asesiad o anghenion,", and
  (b) in paragraph (b), the words "os nad yw'r anghenion yn bodloni'r meini prawf cymhwystra," and ", serch hynny,".

23 Nothing in paragraph 20, 21 or 22 prevents a local authority from carrying out any assessment, or making any determination, it considers appropriate for the purposes of exercising its functions under section 35 or 40 of SSW(W)A 2014 (as modified by paragraphs 26 and 27 of this Schedule).

24 (1) Sub-paragraph (2) applies where—
  (a) paragraph 20, 21 or 22 has had effect for any period, and
  (b) that period has ended.

(2) In determining for the purposes of any proceedings whether a local authority has complied with its duty to carry out a relevant assessment within a reasonable period, a court must take into account (among other things) the following factors—
  (a) the length of any period for which paragraph 20, 21 or 22 had effect, and
  (b) the number of relevant assessments which need to be carried out by the local authority following the end of any such period.

(3) In this paragraph "relevant assessment" means—
  (a) a needs assessment under section 19 of SSW(W)A 2014;
  (b) a needs assessment under section 24 of that Act;
  (c) a determination under section 32(1)(a) of that Act.

Duty to carry out financial assessment

25 (1) A local authority does not have to comply with the duty imposed by section 63(2) of SSW(W)A 2014 (duty to carry out a financial assessment).

(2) But a local authority may not impose a charge under section 59 of SSW(W)A 2014 for meeting any needs under section 35 or 40 of that Act during any period for which paragraph 26 or (as the case may be) 27 applies without having carried out an assessment under section 63(2) of that Act.

Duties to meet needs for care and support

26 Section 35 of SSW(W)A 2014 (duty to meet care and support needs of an adult) has effect as if subsection (3)(a) were omitted.

27 Section 40 of SSW(W)A 2014 (duty to meet support needs of an adult carer) has effect as if—
  (a) in the English language text, for subsection (3) there were

substituted—

"(3) Condition 2 is that the local authority considers it necessary to meet the carer's needs in order to protect the carer from abuse or neglect or a risk of abuse or neglect.", and

(b) in the Welsh language text, for subsection (3) there were substituted—

"(3) Amod 2 yw bod yr awdurdod lleol yn barnu ei bod yn angenrheidiol diwallu'r anghenion er mwyn amddiffyn yr oedolyn rhag cael ei gam-drin neu ei esgeuluso neu rhag risg o gael ei gam-drin neu ei esgeuluso."

28 (1) For the purpose of determining whether the duty imposed by section 35 or 40 of SSW(W)A 2014 applies to a local authority, any reference in that section to there being no charge under section 59 of that Act includes a reference to there being no charge because the authority has decided not to carry out an assessment under section 63(2) of that Act as a result of paragraph 25(1) above (but see paragraph 30 below).

(2) But the duty under section 35 or 40 of SSW(W)A 2014 does not apply to a local authority if—

(a) the authority notifies the relevant person that it may impose a charge for meeting needs under that section, and

(b) the relevant person asks the authority not to meet those needs.

(3) In sub-paragraph (2) "the relevant person" means—

(a) the person who would be liable to pay any such charge, except where paragraph (b) or (c) applies;

(b) in a case where—

(i) the authority would be meeting the needs of an adult under section 35 of SSW(W)A 2014, and

(ii) the adult lacks capacity to arrange for the provision of care and support,

a person who is authorised under the Mental Capacity Act 2005 to arrange for such provision or is otherwise in a position to do so on the adult's behalf;

(c) in a case where the authority would be meeting the needs of a carer under section 40 of SSW(W)A 2014 and the person cared for by the carer ("P")—

(i) lacks capacity to decide whether to have the needs met by the provision of care and support to P, or

(ii) where P is a disabled child aged under 16, does not have sufficient understanding to make an informed decision about having the needs met by the provision of care and support to P,

a relevant representative.

(4) The following are relevant representatives for the purposes of sub-paragraph (3)(c)—

(a) an authorised person within the meaning of section 41 of SSW(W)A 2014 (see subsection (15) of that section), and

(b) in the case of a disabled child, a person with parental responsibility for the child.

(5) In a case where the local authority would be meeting the needs of a carer under section 40 of SSW(W)A 2014 and the person cared for by the carer is a disabled child aged 16 or 17, the authority may disregard a request for the purposes of sub-paragraph (2)(b) if it is satisfied that it would not be in the disabled child's best interests.

(6) In a case where the local authority would be meeting the needs of a carer under section 40 of SSW(W)A 2014 and the person cared for by the carer is a disabled child aged under 16, the authority may disregard a request for the purposes of sub-paragraph (2)(b) if it is satisfied that it would not be consistent with the disabled child's well-being.

29 In the case of any adult (including an adult who is a carer), a local authority does not have to comply with any duties imposed by regulations under section 57 of SSW(W)A 2014 (cases where a person expresses preference for particular accommodation).

Charging for meeting needs during emergency period

30 (1) This paragraph applies where—

(a) at any time during an emergency period, a local authority begins to meet needs under section 35 or 40 of SSW(W)A 2014,

(b) at that time, the authority would have been entitled to impose a charge under section 59 of that Act for meeting any of those needs, but

(c) the authority decided not to carry out an assessment under section 63(2) of that Act before beginning to meet those needs.

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

(2) The local authority is not prevented by that decision from subsequently carrying out an assessment under section 63(2) of SSW(W)A 2014 (whether during or after the emergency period) and deciding to impose a charge for meeting those needs during that period; and nothing in that section is to be taken to prevent the authority from carrying out such an assessment, even though the authority has already begun to meet, or has met, those needs.

(3) In so far as there is any charge for meeting any needs under section 35 of SSW(W)A 2014 during the emergency period, the fact that condition 3 in that section is not met at the time of the imposition of the charge does not affect anything already done under that section.

(4) In so far as there is any charge for meeting any needs under section 40 of SSW(W)A 2014 during the emergency period, the fact that condition 3 in that section is not met at the time of the imposition of the charge does not affect anything already done under that section.

Care and support plans etc

31 In the case of any adult (including an adult who is a carer), a local authority does not have to comply with any duties imposed by—

(a) section 54 of SSW(W)A 2014 (care and support plans and support plans), or

(b) any regulations made under that section or section 55 of that Act.

Portability of care and support

32 In the case of an adult, a local authority does not have to comply with any duties imposed by section 56 of SSW(W)A 2014 (portability of care and support).

33 (1) This paragraph applies where—
(a) paragraph 32 has had effect for any period ("the emergency period"), and
(b) the emergency period has ended.

(2) Section 56 of SSW(W)A 2014 has effect in the case of an adult with the modifications in sub-paragraphs (3) to (5).

(3) In subsection (1)—
(a) the reference to a local authority being notified that a person is going to move to the area of another local authority includes, in the case of an adult who moved to the area of another local authority during the emergency period, a reference to being notified that the adult has moved to that area, and
(b) where a local authority is notified that an adult has moved to the area of another local authority by virtue of paragraph (a), the reference to the authority being satisfied that the move is likely to happen is to be disregarded (and accordingly the requirement imposed by subsection (1)(a) does not apply).

(4) In subsection (2)—
(a) the reference to a local authority being notified that a person is going to move to the area of that authority includes, in the case of an adult who moved to the area of a local authority during the emergency period, a reference to that authority being notified that the adult has moved to that area, and
(b) where a local authority is notified that an adult has moved to the authority's area by virtue of paragraph (a), the reference to the authority being satisfied that the move is likely to happen is to be disregarded (and accordingly the requirement imposed by subsection (2)(a) does not apply).

(5) The reference in subsection (3) to the day the person moves to the area of a local authority is, in the case of an adult who moved to the area of a local authority during the emergency period, to be read as a reference to the day on which that period ended.

Duties arising before commencement

34 (1) A provision of this Part of this Schedule that provides that a local authority does not have to comply with a relevant duty, or modifies a relevant duty of a local authority, applies in relation to duties arising before the commencement day as it applies in relation to duties arising on or after that day.

(2) In sub-paragraph (1)—
"the commencement day", in relation to a provision of this Part of this Schedule, means—
(a) the day on which that provision comes into force, or

(b) where on any day the operation of the provision is revived by regulations under section 88(3), that day;

"relevant duty" means a duty under Parts 3 to 5 of SSW(W)A 2014.

Guidance

35 (1) The Welsh Ministers may issue guidance about how local authorities are to exercise functions under Parts 2 to 5 of SSW(W)A 2014 in consequence of the provision made by this Part of this Schedule.

(2) A local authority must have regard to any guidance issued under this paragraph.

(3) A local authority must comply with such guidance issued under this paragraph as the Welsh Ministers direct.

(4) The Welsh Ministers—

(a) may from time to time revise any guidance issued under this paragraph;

(b) may vary or revoke a direction made under sub-paragraph (3).

(5) A local authority may disregard any provision of a code under section 145 of SSW(W)A 2014, so far as it is inconsistent with guidance issued under this paragraph.

SCHEDULE 13

Section 18

REGISTRATION OF DEATHS AND STILL-BIRTHS

PART 1

ENGLAND AND WALES

Interpretation

1 (1) In this Part of this Schedule—

"the 1926 Act" means the Births and Deaths Registration Act 1926;

"the 1953 Act" means the Births and Deaths Registration Act 1953;

"the principal 1987 Regulations" means the Registration of Births and Deaths Regulations 1987 (S.I. 1987/2088);

"the 2019 Regulations" means the Notification of Deaths Regulations 2019 (S.I. 2019/1112).

(2) Expressions used in this Part of this Schedule and in the 1953 Act have the same meaning as in that Act.

Information concerning deaths: England and Wales

2 (1) A funeral director is qualified for the purposes of section 16 or 17 of the 1953 Act to give information concerning the death of a person if the funeral director—

(a) is responsible for the arrangement of the deceased's funeral, and

(b) is authorised by a relative of the deceased to give information concerning the death.

(2) Section 36 of the 1953 Act (penalties for failure to give information) does not apply to a funeral director who provides information in reliance on sub-paragraph (1).

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

3 (1) A qualified informant who is required under the 1953 Act to give information about a death or still-birth to the registrar may give the information to the registrar—

(a) by telephone, or

(b) by any other methods specified in guidance issued by the Registrar General,

if the informant is unable to attend before the registrar in person.

(2) The duty of a qualified informant to sign the register in the presence of the registrar does not apply where information is provided in reliance on sub-paragraph (1).

(3) An entry in a register of deaths or a register of still-births for which, by virtue of sub-paragraph (2), no signature is required is to be treated as an entry signed by a qualified informant for the purposes of the 1953 Act.

(4) A person is to be treated as unable to give information for the purposes of sub-paragraph (1) if it would be impractical for the person to do so (whether because of illness, the need to care for others, the risk of infection, staff shortages at the registrar's office or any other reason).

Medical certificates of cause of death

4 (1) Sub-paragraphs (2) to (5) have effect for any period before the coming into force of the section 22 of the 1953 Act that is substituted by paragraph 14 of Schedule 21 to the Coroners and Justice Act 2009.

(2) A registered medical practitioner ("X") who is not the practitioner who attended the deceased person ("D") during D's last illness may sign a certificate under section 22(1) of the 1953 Act (certificates of cause of death) if—

(a) the practitioner who attended D is unable to sign the certificate or it is impractical for that practitioner to sign the certificate, and

(b) X is able to state to the best of X's knowledge and belief the cause of death.

(3) A registered medical practitioner ("P") may sign a certificate under section 22(1) of the 1953 Act, even in the case of a person who has not been attended during that person's last illness by a registered medical practitioner, if P is able to state to the best of P's knowledge and belief the cause of death.

(4) Where a registered medical practitioner proposes to sign a certificate under section 22(1) of the 1953 Act in reliance on sub-paragraph (2) or (3)—

(a) Forms 14 and 15 in Schedule 2 to the principal 1987 Regulations have effect as if in each case—

(i) the line beginning with "Last seen" were omitted, and

(ii) the words "I was in medical attendance during the above named deceased's last illness, and that" were omitted;

(b) Forms 11 and 12 in Schedule 2 to the Registration of Births and Deaths (Welsh Language) Regulations 1987 (S.I. 1987/2089) were subject to modifications corresponding to those mentioned in paragraph (a).

(5) Where a registered medical practitioner signs a certificate under section 22(1) of the 1953 Act in reliance on sub-paragraph (2) or (3)—

(a) the practitioner is subject to the other duties applicable to a person who has signed such a certificate, and

(b) in a sub-paragraph (2) case, the practitioner who attended the deceased is not subject to any duties in relation to such a certificate.

(6) Where a registered medical practitioner signs a certificate under section 22(1) of the 1953 Act in reliance on sub-paragraph (3), regulation 41 of the principal 1987 Regulations (reference to coroner) has effect as if paragraph (1)(a) were omitted.

(7) In section 20 of the Coroners and Justice Act 2009 (medical certificate of cause of death), subsection (4) has effect as if the words "during a period of emergency" were omitted.

Delivery of documents by alternative methods

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

(2) "Relevant document" means—

(a) a document relating to a death or still-birth that is required or permitted by or under the 1953 Act, or

(b) a certificate for the purposes of section 1 of the 1926 Act (prohibition on disposal of body except on registrar's certificate) or a notification of disposal for the purposes of section 3 of that Act.

Further modifications of the principal 1987 Regulations

6 (1) The principal 1987 Regulations have effect with the following modifications.

(2) Regulation 34(1) (registration of still-birth where no reference to the coroner) has effect as if—

(a) in sub-paragraph (c) "personally" were omitted, and

(b) in the words after sub-paragraph (c) "in the presence of the informant" were omitted.

(3) Regulation 41(1)(b)(ii) (reference to coroner) has effect as if—

(a) for "the certifying medical practitioner" there were substituted "a medical practitioner", and

(b) for "14 days" there were substituted "28 days".

(4) Regulation 42(1) (registration of death within 12 months where no report to coroner) has effect as if—

(a) in sub-paragraph (c) "personally" were omitted, and

(b) in the words after sub-paragraph (c) "in the presence of the informant" were omitted.

(5) Regulation 43(1) (registration of death where no inquest held) has effect as if "in the presence of a qualified informant" were omitted.

(6) Regulation 47(3) (registration of death after 12 months) has effect as if—
  (a) the words "shall arrange for that informant to attend at his office and" were omitted, and
  (b) "in his presence" were omitted.

Notification of death to coroner

7 (1) A registered medical practitioner is not required to notify the relevant senior coroner of a person's death in the circumstances described in regulation 3(1)(e) or (f) of the 2019 Regulations unless the practitioner also reasonably believes that—
  (a) there is no registered medical practitioner who may sign a certificate under section 22(1) of the 1953 Act in reliance on paragraph 4(2) or (3), or
  (b) there is such a registered medical practitioner, but the practitioner is not available within a reasonable time of the person's death to sign the certificate.

(2) Expressions used in this paragraph and the 2019 Regulations have the same meaning as in the Regulations.

Transitional provision

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

9 (1) This paragraph applies where, during any period for which paragraph 5 has effect, a person delivers a relevant document in reliance on that paragraph.

(2) The person must give, deliver or send the document in accordance with the applicable legislation as soon as reasonably practicable after the end of the period, and in any event not later than the end of the period of 3 months beginning with the day on which the period ends.

(3) The Registrar General may give a direction—
  (a) setting a later deadline than the one specified in sub-paragraph (2), or
  (b) dispensing with the duty under sub-paragraph (2).

(4) A direction under sub-paragraph (3) may be expressed as having effect generally, in relation to persons within a description specified in the direction, or in relation to a particular case.

(5) A direction under sub-paragraph (3) may vary or revoke previous directions given under that sub-paragraph.

(6) A registrar may, in relation to a relevant document that is required to be given, delivered or sent to the registrar, give a direction in a particular case—
  (a) setting a later deadline than the one specified in sub-paragraph (2), or

(b) dispensing with the duty under sub-paragraph (2).

(7) In this paragraph—

"applicable legislation" means—

(a) in the case of a document within paragraph 5(2)(a), the 1953 Act, and

(b) in the case of a document within paragraph 5(2)(b), the 1926 Act;

"relevant document" has the same meaning as in paragraph 5.

PART 2

SCOTLAND

Interpretation

10 (1) In this Part of this Schedule "the 1965 Act" means the Registration of Births, Deaths and Marriages (Scotland) Act 1965.

(2) Expressions used in this Part of this Schedule and in the 1965 Act have the same meaning as in that Act.

Information concerning deaths

11 A funeral director may for the purposes of section 23(1) of the 1965 Act give information concerning the death of a person if the funeral director—

(a) is responsible for the arrangement of the deceased's funeral, and

(b) is authorised by a relative of the deceased to give information concerning the death.

Giving information other than in person

12 (1) A person who is required under the 1965 Act to give information about a death or still-birth to the district registrar for a registration district may give the information to the registrar—

(a) by telephone, or

(b) by any other methods specified in guidance by the Registrar General,

if the person is unable to attend the registrar personally.

(2) A person is to be treated as unable to give information for the purposes of sub-paragraph (1) if it would be unreasonable for the person to do so (whether because of illness, the need to care for others, the risk of infection, staff shortages at the district registrar's office or any other reason).

(3) Where information is given under sub-paragraph (1)—

(a) if an approved digital means of attesting the death registration form or, as the case may be, register is available for the person providing the information ("the informant") to use, the informant may attest the death registration form or, as the case may be, register by that means;

(b) otherwise—

(i) the informant must provide such details as to the informant's usual signature as the district registrar may require, and

(ii) if satisfied with those details, the registrar may in a manner specified in guidance by the Registrar General attest the death registration form or, as the case may be, register on behalf of the informant.

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

Delivery of documents by alternative methods

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

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

Guidance

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

Transitional provision

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

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

(2) The person must give, deliver or send the document in accordance with the 1965 Act as soon as reasonably practicable after the end of the period, and in any event not later than the end of the period of 3 months beginning with the day on which the period ends.

(3) The Registrar General may give a direction—

(a) setting a later deadline than the one specified in sub-paragraph (2), or

(b) dispensing with the duty under sub-paragraph (2).

(4) A direction under sub-paragraph (3) may be expressed as having effect generally, in relation to persons within a description specified in the direction, or in relation to a particular case.

(5) A direction under sub-paragraph (3) may vary or revoke previous directions given under that sub-paragraph.

(6) A district registrar may, in relation to a relevant document that is required to be given, delivered or sent to the registrar, give a direction in a particular case—

(a) setting a later deadline than the one specified in sub-paragraph (2), or

(b) dispensing with the duty under sub-paragraph (2).

(7) In this paragraph "relevant document" has the same meaning as in paragraph 13.

PART 3

NORTHERN IRELAND

Interpretation

17 (1) In this Part of this Schedule—

"the 1976 Order" means the Births and Deaths Registration (Northern Ireland) Order 1976 (S.I. 1976/1041 (N.I. 14));

"the 2012 Regulations" means the Civil Registration Regulations (Northern Ireland) 2012 (S.R. (N.I.) 2012 No. 408).

(2) In this Part of this Schedule—

(a) references to Articles are to Articles of the 1976 Order;

(b) references to Forms are to Forms in Schedule 1 to the 2012 Regulations.

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

Giving certificate of cause of still-birth directly

18 (1) This paragraph applies if—

(a) a registered medical practitioner or registered midwife is required under Article 15(5) to give an informant a certificate for the purposes of Article 15(3), and

(b) the certificate is signed during any period for which this paragraph has effect.

(2) The medical practitioner or, as the case may be, the registered midwife—

(a) must forthwith send a copy of the certificate to the registrar by electronic means;

(b) is not required to give the certificate to the informant (but may do so).

(3) The informant is not subject to any duty under Article 15(3) in relation to the certificate.

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

Giving certificate of notice of still-birth directly

20 Article 15(7) (registrar receiving written notice of still-births) has effect as if—

(a) for "accompanied by such a certificate" there were substituted "and a copy of such a certificate";

(b) for "person sending the notice" there were substituted "person who has control over, or who ordinarily effects the disposal of bodies at, any burial ground or other place at which it is intended to dispose of the body of a still-born child,".

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

21 (1) A qualified informant who is required under the 1976 Order to give information concerning a death or still-birth to a registrar, but who is unable to attend before a registrar in person, may give that information—
(a) by telephone, or
(b) by electronic means.

(2) The duty of a qualified informant to sign the register does not apply where information is given in reliance on sub-paragraph (1).

(3) Where information is given in reliance on sub-paragraph (1), that information is to be regarded for the purposes of the 1976 Order as having been given in the manner that is required by the 2012 Regulations.

(4) An entry in the register of deaths or the register of still-births for which, by virtue of sub-paragraph (2), no signature is required is to be treated as an entry signed by a qualified informant for the purposes of the 2012 Regulations.

(5) A qualified informant is to be treated as unable to attend before a registrar in person for the purposes of sub-paragraph (1) if it would be unreasonable or impracticable for the person to do so (whether because of illness, the need to care for others, the risk of infection, staff shortages at the registrar's office or any other reason).

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

Signing of certificates of cause of death

23 (1) This paragraph applies if—
(a) a person dies as a result of any natural illness,
(b) the person was treated by a registered medical practitioner ("A") within 28 days prior to the date of the person's death,
(c) the time when (apart from this paragraph) A would be required to sign the certificate of cause of death under Article 25(2) falls within any period for which this paragraph has effect,
(d) at that time, A is unable to sign the certificate or it is impracticable for A to do so, and
(e) another registered medical practitioner ("B") can state to the best of B's knowledge and belief the cause of death.

(2) B may sign the certificate of cause of death under Article 25(2).

(3) B is subject to the other duties applicable to a person who has signed such a certificate.

(4) A is not subject to any duties in relation to such a certificate.

24 (1) This paragraph applies if—

(a) a person dies as a result of any natural illness,
(b) the person was not treated by a registered medical practitioner within 28 days prior to the date of the person's death, and
(c) a registered medical practitioner ("C") can state to the best of C's knowledge and belief the cause of death.

(2) C may sign the certificate of cause of death under Article 25(2).

(3) C is subject to the other duties applicable to a person who has signed such a certificate.

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

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

Giving certificate of cause of death directly

27 (1) This paragraph applies if—
(a) a registered medical practitioner signs a certificate of cause of death under Article 25(2) (whether or not the certificate is signed in reliance on paragraph 23 or 24), and
(b) the certificate is signed during any period for which this paragraph has effect.

(2) The medical practitioner—
(a) must forthwith send a copy of the certificate, together with such other particulars as are prescribed under Article 25(2), to the registrar by electronic means,
(b) is not required to give the certificate to the informant (but may do so).

(3) The informant is not subject to any duties in relation to the certificate.

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

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

29 Article 29 (certificate of registration of death) has effect with the following modifications—

(a) paragraph (1) has effect as if—

(i) after "person giving information concerning the death" there were inserted "or the person who effects the disposal of, or performs any funeral service for, the body of the deceased person";

(ii) after "a certificate in the prescribed form", the words "under his hand" were omitted;

(b) paragraph (2) has effect as if—

(i) for "the person sending the notice, if required to do so," there were substituted "the person who effects the disposal of, or performs any funeral service for, the body of the deceased person";

(ii) after "a certificate in the prescribed form", the words "under his hand" were omitted.

Transitional provision

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

SCHEDULE 14

Section 20

REVIEW OF MEDICAL CERTIFICATES OF CAUSE OF DEATH AND CREMATIONS: SCOTLAND

PART 1

REVIEW OF MEDICAL CERTIFICATES OF CAUSE OF DEATH

Interpretation

1 (1) In this Part of this Schedule—

"the 1965 Act" means the Registration of Births, Deaths and Marriages (Scotland) Act 1965;

"the 2011 Act" means the Certification of Death (Scotland) Act 2011 (asp 11).

(2) Expressions used in this Part of this Schedule and in the 2011 Act have the same meanings as in that Act.

Power to suspend review of certain medical certificates of cause of death

2 (1) This paragraph applies at any time the Scottish Ministers are of the view that—

(a) the incidence or transmission of coronavirus constitutes a serious and imminent threat to public health, and

(b) the exercise of the powers conferred by this paragraph will be an effective means of expediting the disposal of bodies and better utilise medical resources.

(2) The Scottish Ministers may, by direction, suspend—
(a) the referral of medical certificates of cause of death for review under section 24A of the 1965 Act,
(b) the right of an interested person to apply for a review of a medical certificate of cause of death under section 4(1) of the 2011 Act, and
(c) the review of medical certificates of cause of death under section 8(1) of the 2011 Act.

(3) Before making a direction under sub-paragraph (2), the Scottish Ministers must consult the senior medical reviewer (or, if unavailable, the medical reviewer who is to perform the senior medical reviewer's functions in such circumstances).

(4) A direction under sub-paragraph (2)—
(a) is to have effect until it is revoked by the Scottish Ministers making a direction to that effect;
(b) must suspend all of the matters in paragraphs (a) to (c) of that sub-paragraph;
(c) may be made on more than one occasion.

(5) The Scottish Ministers must—
(a) give a copy of any direction made under this paragraph to the Registrar General, and
(b) publish it in such manner as they consider appropriate.

Effect of direction on existing reviews referred under section 24A of the 1965 Act

3 (1) This paragraph applies to any review of a medical certificate of cause of death, other than one falling within paragraph 5, which—
(a) was referred for review under section 24A of the 1965 Act prior to a direction being made under paragraph 2(2), and
(b) has not been completed at the time the direction is made.

(2) The medical reviewer or, as the case may be, senior medical reviewer must—
(a) stop conducting the review, and
(b) notify the relevant registrar that the death may be registered.

Effect of direction on existing reviews made by application under section 4(1) of the 2011 Act

4 (1) This paragraph applies to any review of a medical certificate of cause of death, other than one falling within paragraph 5—
(a) in respect of which an application was made under section 4(1) of the 2011 Act (other than one which has been rejected as vexatious under section 4(3) of that Act) prior to a direction being made under paragraph 2(2) of this Schedule, and
(b) which has not been completed at the time the direction is made.

(2) The medical reviewer or, as the case may be, senior medical reviewer must—
(a) pause the review until such time as the direction is revoked,

(b) notify the persons mentioned in section 13(3) of the 2011 Act of the pause, and

(c) notify the relevant registrar that the death may be registered (if it has not already been registered).

Automatic referral of medical certificates of the cause of death to procurator fiscal

5 (1) A review of a medical certificate of cause of death falls within this paragraph if—

(a) the review has not been completed at the time a direction under paragraph 2(2) is made, and

(b) the medical reviewer or, as the case may be, senior medical reviewer conducting the review considers that it may be appropriate to refer the certificate to the procurator fiscal for investigation into the cause of death of the deceased person to whom the certificate relates under section 11, 12 or 16 of the 2011 Act.

(2) Where a review falls within this paragraph, the medical reviewer or, as the case may be, senior medical reviewer must refer the certificate to the procurator fiscal for investigation into the cause of death of the deceased person to whom the certificate relates under section 11, 12 or 16 of the 2011 Act.

PART 2

CREMATIONS

Interpretation

6 (1) In this Part of this Schedule—

"the 2016 Act" means the Burial and Cremation (Scotland) Act 2016 (asp 20);

"the 2019 Regulations" means the Cremation (Scotland) Regulations 2019 (S.S.I. 2019/36).

(2) Expressions used in this Part of this Schedule and in the 2016 Act have the same meanings as in that Act.

Application

7 This Part of this Schedule applies at any time the Scottish Ministers are of the view that—

(a) the incidence or transmission of coronavirus constitutes a serious and imminent threat to public health, and

(b) the exercise of powers conferred by this Part of this Schedule will be an effective means of expediting the disposal of bodies and better utilise resources.

Suspension of offence relating to signing of declaration

8 (1) The Scottish Ministers may determine that section 49 of the 2016 Act (offences relating to applications for cremation) is not to have effect in relation to signing the declaration in an application for cremation made under section 48(1) of the 2016 Act in accordance with the 2019 Regulations on or after such date as may be specified in the determination.

(2) A determination under sub-paragraph (1) may be revoked by the Scottish Ministers making a determination to that effect.

(3) The Scottish Ministers must publish any determination made under this paragraph in such manner as they consider appropriate.

Suspension of provisions relating to collection of ashes

9 (1) The Scottish Ministers may determine that the provisions listed in sub-paragraph (2) are to have no effect from such date as may be specified in the determination.

(2) The provisions are—
- (a) section 53 of the 2016 Act (failure to collect ashes);
- (b) section 54 of the 2016 Act (power of funeral director in relation to ashes);
- (c) section 55 of the 2016 Act (duties of cremation authority where ashes returned);
- (d) regulation 12(1), (2) and (3) of the 2019 Regulations;
- (e) regulation 13(2), (3) and (4) of the 2019 Regulations.

(3) A determination under sub-paragraph (1) may be revoked by the Scottish Ministers making a determination to that effect.

(4) The Scottish Ministers must publish any determination made under this paragraph in such manner as they consider appropriate.

Retention of ashes during period provisions are suspended

10 (1) This paragraph applies where—
- (a) a determination has been made under paragraph 9(1) and not been revoked, and
- (b) a cremation authority or, as the case may be, funeral director is retaining ashes—
  - (i) in respect of which the wishes of the applicant as to how the ashes are to be dealt with are not known, or
  - (ii) that have not been collected.

(2) The cremation authority or, as the case may be, funeral director must retain the ashes until—
- (a) the ashes are collected by the applicant (or by some other person in accordance with the applicant's wishes), or
- (b) the determination under paragraph 9(1) is revoked and the duties under paragraph 11 have been met.

Resumption of duties in relation to retained ashes after revocation

11 (1) This paragraph applies where—
- (a) a determination under paragraph 9(1) is revoked, and
- (b) a cremation authority or, as the case may be, funeral director is retaining ashes—
  - (i) in respect of which the wishes of the applicant as to how the ashes are to be dealt with are not known, or
  - (ii) that have not been collected.

(2) Irrespective of whether of any steps were taken to ascertain the wishes of the applicant in relation to the ashes prior to the revocation of the determination—

(a) a cremation authority must comply with the duties in section 53(2) of the 2016 Act or, as the case may be, section 55(2) of that Act as soon as reasonably practicable;

(b) a funeral director must comply with the duty in section 54(2) of the 2016 Act as soon as reasonably practicable.

(3) For the purposes of sub-paragraph (2)(a), the specified period in sections 53(2) and 55(2)(a) of the 2016 Act is to be a period of 4 weeks beginning with the date on which the determination under paragraph 9(1) was revoked.

Suspension of local authority duty to make enquiries as to surviving relatives

12 (1) This paragraph applies where—

(a) a determination has been made under paragraph 9(1) and not been revoked, and

(b) a local authority is making arrangements for a person's remains to cremated under section 87 of the 2016 Act.

(2) In making an application under section 48(1) of the 2016 Act, the local authority may elect—

(a) not to take steps to ascertain how the ashes of the cremated person are to be disposed of at that time, and

(b) submit the application without making any declaration to that effect.

(3) Where the local authority makes such an election, it must retain the ashes until such time as—

(a) the determination is revoked, and

(b) the duty in sub-paragraph (4)(a) has been met.

(4) As soon as practicable after the revocation of the determination, the local authority must—

(a) take reasonable steps to ascertain whether there is a surviving relative, and

(b) if there is such a relative, in accordance with that relative's wishes, direct the cremation authority to (as the case may be)—

(i) make the ashes available for collection,

(ii) dispose of the ashes in the manner indicated by the relative or in the specified manner, or

(iii) retain the ashes.

(5) Where the local authority is unable to identity a surviving relative or ascertain a relative's wishes, it may direct the cremation authority to dispose of the ashes in accordance with the 2016 Act.

(6) Sub-paragraph (3) does not apply where a relative of the deceased person notifies the local authority of the way in which the ashes should be dealt with.

SCHEDULE 15

Section 28

INFORMATION RELATING TO FOOD SUPPLY CHAINS: FINANCIAL PENALTIES

Notice of intent

1 (1) Before an appropriate authority imposes a financial penalty on a person under section 28, the authority must by written notice (a "notice of intent") inform the person that it intends to impose the penalty.

(2) The notice of intent must specify—
(a) the amount of the proposed financial penalty,
(b) the reasons for proposing to impose the penalty, and
(c) information about the right to make representations in accordance with this Schedule.

Amount of penalty

2 (1) The maximum amount of a financial penalty that may be specified in a notice of intent given to a person who is carrying on a business consisting of the provision of goods or services is 1% of the qualifying turnover of the person.

(2) In sub-paragraph (1), "qualifying turnover", in relation to a person, means the amount of the person's turnover for their most recent complete accounting period (or, if their first accounting period has not yet ended, the amount the appropriate authority estimates to be the likely turnover for that period).

(3) For the purposes of sub-paragraph (2) the amount of a person's turnover for an accounting period is, in the event of a disagreement between the person and the appropriate authority, the amount determined by that authority.

(4) For the purposes of this paragraph—
"accounting period", in relation to a person, means a period in respect of which accounts are prepared in relation to that person;
"turnover", in relation to a person, means the amounts derived from the provision of goods and services by the person, after deduction of trade discounts, value added tax and any other taxes based on the amounts so derived.

Right to make representations

3 A person to whom a notice of intent is given may, within the period of 14 days beginning with the day after that on which the notice was given, make written representations about the proposed financial penalty to the appropriate authority which gave the notice.

Final notice

4 (1) After the end of the period of 14 days referred to in paragraph 3 the appropriate authority which gave the written notice must—
(a) decide whether to impose a financial penalty on the person, and
(b) if the authority decides to do so, decide the amount of the penalty (which may not exceed the amount proposed in the notice of intent).

(2) If the appropriate authority decides to impose a financial penalty on the person, it must do so by written notice (a "final notice").

(3) The final notice must require the person to pay the financial penalty within the period of 28 days beginning with the day after that on which the notice was given to the person.

(4) The final notice must specify—
- (a) the amount of the financial penalty,
- (b) the reasons for imposing the penalty,
- (c) information about how to pay the penalty,
- (d) the period for payment of the penalty,
- (e) information about rights of appeal, and
- (f) the consequences of failure to comply with the notice (including the consequences specified in paragraph 5).

Late payment

5 (1) This paragraph applies if a person to whom a final notice is given does not pay the financial penalty specified in the notice within the period of 28 days referred to in paragraph 4(3).

(2) The amount of the penalty is increased by 50%.

(3) The appropriate authority which gave the final notice may publish, in such manner as it thinks fit—
- (a) the fact that the penalty has been imposed on the person,
- (b) the amount of the penalty, and
- (c) the grounds on which it was imposed.

Withdrawal or amendment of notice

6 (1) The appropriate authority may at any time—
- (a) withdraw a notice of intent or final notice, or
- (b) reduce the amount specified in a notice of intent or final notice.

(2) The power in sub-paragraph (1) is to be exercised by giving notice in writing to the person to whom the notice of intent or final notice was given.

Appeals

7 (1) A person on whom a financial penalty is imposed by a final notice may appeal against the notice—
- (a) in England and Wales, to the First-tier Tribunal,
- (b) in Scotland, to the sheriff or summary sheriff, and
- (c) in Northern Ireland, to a county court.

(2) The grounds for an appeal under this paragraph are that—
- (a) the decision to impose the financial penalty was based on an error of fact,
- (b) the decision was wrong in law,
- (c) the amount of the penalty is unreasonable, or
- (d) the decision was unreasonable for any other reason.

(3) If a person appeals under this paragraph, the final notice is suspended until the appeal is finally determined or withdrawn.

(4) On an appeal under this paragraph the tribunal, court, sheriff or summary sheriff may—
  (a) quash the final notice,
  (b) confirm the final notice,
  (c) vary the final notice by reducing the amount of the financial penalty, or
  (d) remit to the appropriate authority the decision whether to—
    (i) withdraw or confirm the final notice, or
    (ii) vary the final notice by reducing the amount of the financial penalty.

Enforcement

8 If a person does not pay the whole or any part of a financial penalty which the person is liable to pay under this Schedule, the penalty or part of the penalty is recoverable—
  (a) in England and Wales or Northern Ireland, if the county court so orders, as if it were payable under an order of that court, and
  (b) in Scotland, in the same manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.

SCHEDULE 16

Section 37

TEMPORARY CLOSURE OF EDUCATIONAL INSTITUTIONS AND CHILDCARE PREMISES

PART 1

ENGLAND AND WALES

Schools, 16 to 19 Academies, further and higher education providers

1 (1) The Secretary of State may give a temporary closure direction that applies to—
  (a) one or more named educational institutions in England;
  (b) all educational institutions in England (or any part of England);
  (c) educational institutions in England (or any part of England) of a particular description.

(2) The Welsh Ministers may give a temporary closure direction that applies to—
  (a) one or more named educational institutions in Wales;
  (b) all educational institutions in Wales (or any part of Wales);
  (c) educational institutions in Wales (or any part of Wales) of a particular description.

(3) A temporary closure direction under this paragraph is a direction that requires the responsible body of an educational institution to which it

applies to take reasonable steps to secure that persons do not, for a specified period, attend premises of the institution.

(4) Before giving a direction under this paragraph, the Secretary of State—
  (a) must have regard to any advice from the Chief Medical Officer or one of the Deputy Chief Medical Officers of the Department of Health and Social Care relating to the incidence or transmission of coronavirus, and
  (b) must be satisfied that giving the direction is a necessary and proportionate action in response to the incidence or transmission of coronavirus.

(5) Before giving a direction under this paragraph, the Welsh Ministers—
  (a) must have regard to any advice from the Chief Medical Officer for Wales or one of the Deputy Chief Medical Officers for Wales relating to the incidence or transmission of coronavirus, and
  (b) must be satisfied that giving the direction is a necessary and proportionate action in response to the incidence or transmission of coronavirus.

(6) A temporary closure direction under this paragraph may—
  (a) require the taking of reasonable steps in general terms, or require the taking of particular steps that the appropriate authority considers reasonable, in relation to any of the matters mentioned in the following paragraphs;
  (b) relate to attendance of persons generally, or to attendance by specified persons;
  (c) relate to premises generally, or to specified premises or parts of premises;
  (d) relate to attendance generally, or to attendance for specified purposes;
  (e) otherwise make different provision for different purposes, or be framed by reference to whatever matters the appropriate authority considers appropriate;
  (f) make transitional, transitory or saving provision;
  (g) make such other provision as the appropriate authority considers appropriate in connection with the giving of the direction.

(7) Where a temporary closure direction under this paragraph applies to an educational institution in England—
  (a) any FE funding agreement in respect of that institution has effect, or
  (b) any Academy arrangements in respect of that institution or its responsible body have effect,

subject to any modifications necessary to enable the direction to be complied with.

(8) The duty of a responsible body to which a temporary closure direction is given under this paragraph to comply with the direction is enforceable against that body by the appropriate authority making an application to the High Court or the county court for an injunction.

(9) An application made under sub-paragraph (8) may be made without notice being given to the responsible body.

(10) In this paragraph—

"appropriate authority" means the Secretary of State (in relation to a temporary closure direction given under sub-paragraph (1)) or the Welsh Ministers (in relation to a temporary closure direction given under sub-paragraph (2));

"premises", in relation to an educational institution, means—

(a) any premises which persons normally attend in order to receive services provided by the institution, and

(b) any other premises to the extent that those premises are being used by the institution for examinations or assessments of—

(i) regulated qualifications within the meaning of section 130 of the Apprenticeships, Skills and Learning Act 2009, in relation to England, or

(ii) qualifications regulated by Qualifications Wales, in relation to Wales.

"school" has the same meaning as in the Education Act 1996 (see section 4 of that Act);

"specified" means specified, or falling within a description specified, in a temporary closure direction under this paragraph.

(11) In this paragraph, in relation to England—

"Academy arrangements" has the meaning given by section 1(2) of the Academies Act 2010;

"educational institution" means—

(a) a school;

(b) a 16 to 19 Academy, within the meaning of section 1B of the Academies Act 2010;

(c) an institution within the further education sector, within the meaning of section 91(3) of the Further and Higher Education Act 1992;

(d) a provider of post-16 education or training—

(i) to which Chapter 3 of Part 8 of the Education and Inspections Act 2006 applies, and

(ii) in respect of which funding is provided by, or under, arrangements made by the Secretary of State, a local authority or a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009,

but does not include an employer who is a provider by reason only of the employer providing such education or training to its employees;

(e) a higher education provider within the meaning of section 83(1) of the Higher Education and Research Act 2017;

(f) a provider of higher education within the meaning of section 83(1) of the Higher Education and Research Act 2017 which is not an institution (within the meaning of that section) whether or not it is designated under section 84 of that Act;

"FE funding agreement" means an agreement, in respect of education or training to which Chapter 3 of Part 8 of the Education and Inspections Act 2006 applies, that is entered into between—

(a) the Secretary of State, a local authority or a combined authority established under section 103 of the Local

Democracy, Economic Development and Construction Act 2009, and

(b) an educational institution,

but does not include an agreement that is Academy arrangements;

"local authority" has the same meaning as in section 579(1) of the Education Act 1996;

"responsible body" means—

(a) in relation to a school or a 16 to 19 Academy, the proprietor, within the meaning of section 579(1) of the Education Act 1996;

(b) in relation to an institution within the further education sector, the governing body within the meaning of section 90(1) of the Further and Higher Education Act 1992;

(c) in relation to a provider of post-16 education or training, the person with legal responsibility and accountability for the provider;

(d) in relation to a higher education provider within the meaning of section 83(1) of the Higher Education and Research Act 2017 or a provider of higher education designated under section 84 of that Act, the governing body within the meaning of section 85(1) of that Act;

(e) in relation to any other provider of higher education not mentioned in paragraph (d), any person responsible for the management of the provider.

(12) In this paragraph, in relation to Wales—

"educational institution" means—

(a) a school;

(b) an institution within the further education sector, within the meaning of section 91(3) of the Further and Higher Education Act 1992;

(c) an institution within the higher education sector within the meaning of section 91(5) of that Act;

(d) a provider of education or training within the meaning of section 31(1)(a) or (b) or 32(1)(a) or (b) of the Learning and Skills Act 2000 that—

(i) is not an institution within the meaning of paragraph (b) or (c), and

(ii) is in receipt of funding for provision of that education or training from the Welsh Ministers or a local authority,

but does not include an employer who is a provider by reason only of the employer providing such education or training to its employees;

(e) a provider of a course of education within the meaning of Schedule 6 to the Education Reform Act 1988 that is not an institution within the meaning of paragraph (b) or (c).

"local authority" means a county council in Wales or a county borough council;

"responsible body" means—

(a) in relation to a school, the proprietor, within the meaning of section 579(1) of the Education Act 1996;

(b) in relation to an institution within the meaning of paragraph (b) or (c) of the definition of "educational institution", the governing body within the meaning of section 90(1) of the Further and Higher Education Act 1992;

(c) in relation to a provider within paragraph (d) or (e) of that definition, the person with legal responsibility and accountability for the provider.

Registered childcare providers

2 (1) The Secretary of State may give a temporary closure direction that applies to—

(a) one or more named registered childcare providers in England;

(b) all registered childcare providers in England (or any part of England);

(c) registered childcare providers in England (or any part of England) of a particular description.

(2) The Welsh Ministers may give a temporary closure direction that applies to—

(a) one or more named registered childcare providers in Wales;

(b) all registered childcare providers in Wales (or any part of Wales);

(c) registered childcare providers in Wales (or any part of Wales) of a particular description.

(3) A temporary closure direction under this paragraph is a direction that requires a registered childcare provider to which it applies to take reasonable steps to secure that persons do not, for a specified period, attend premises of the provider for purposes connected with the provision of childcare.

(4) Before giving a direction under this paragraph, the Secretary of State—

(a) must have regard to any advice from the Chief Medical Officer or one of the Deputy Chief Medical Officers of the Department of Health and Social Care relating to the incidence or transmission of coronavirus, and

(b) must be satisfied that giving the direction is a necessary and proportionate action in response to the incidence or transmission of coronavirus.

(5) Before giving a direction under this paragraph, the Welsh Ministers—

(a) must have regard to any advice from the Chief Medical Officer for Wales or one of the Deputy Chief Medical Officers for Wales relating to the incidence or transmission of coronavirus, and

(b) must be satisfied that giving the direction is a necessary and proportionate action in response to the incidence or transmission of coronavirus.

(6) A temporary closure direction under this paragraph may—

(a) require the taking of reasonable steps in general terms, or require the taking of particular steps that the appropriate authority considers reasonable, in relation to any of the matters mentioned in the following paragraphs;

(b) relate to attendance of persons generally, or to attendance by specified persons;

(c) relate to premises generally, or to specified premises or parts of premises;

(d) relate to attendance for purposes connected with the provision of childcare generally, or to attendance for specified purposes;

(e) otherwise make different provision for different purposes, or be framed by reference to whatever matters the appropriate authority considers appropriate;

(f) make transitional, transitory or saving provision;

(g) make such other provision as the appropriate authority considers appropriate in connection with the giving of the direction.

(7) The duty of a registered childcare provider to which a temporary closure direction has been given under this paragraph to comply with the direction is enforceable against that provider by the appropriate authority making an application to the High Court or the county court for an injunction.

(8) An application made under sub-paragraph (7) may be made without notice being given to the registered childcare provider.

(9) In this paragraph—

"appropriate authority" means the Secretary of State (in relation to a temporary closure direction given under sub-paragraph (1)) or the Welsh Ministers (in relation to a temporary closure direction given under sub-paragraph (2));

"childcare"—

(a) in relation to England, has the same meaning as in section 18 of the Childcare Act 2006;

(b) in relation to Wales, means anything which amounts to child minding or day care for children for the purposes of Part 2 of the Children and Families (Wales) Measure 2010 (nawm 1) (see section 19(2) to (4) of that Measure);

"premises"—

(a) in relation to a registered childcare provider in England, means premises in respect of which that provider is registered under Part 3 of the Childcare Act 2006;

(b) in relation to a registered childcare provider in Wales—

(i) if the provider is registered under Part 2 of the Children and Families (Wales) Measure 2010 as a child minder, means premises on which child minding is provided by the provider (and "child minding" is for this purpose to be read in accordance with paragraph (b) of the definition of "childcare" above);

(ii) if the provider is registered under Part 2 of that Measure as a provider of day care for children, means premises on which day care is provided by the provider (and "day care" is for this purpose to be read in accordance with paragraph (b) of the definition of "childcare" above);

"registered childcare provider" means—

(a) in relation to England, a person who provides childcare and is registered under Part 3 of the Childcare Act 2006;

(b) in relation to Wales, a person who provides childcare and is registered under Part 2 of the Children and Families (Wales) Measure 2010;

"specified" means specified, or falling within a description specified, in a temporary closure direction under this paragraph.

Effect of temporary closure directions on other provisions

3 (1) In relation to a period during which a temporary closure direction under paragraph 1 has effect in relation to a school—

(a) the duty under section 19(1) of the Education Act 1996 (duty of local authorities to arrange for exceptional provision of education) does not apply to the extent that the potential failure of any child to receive suitable education is attributable to the direction;

(b) the duties of parents and local authorities in respect of school attendance orders under sections 437 to 443 of the Education Act 1996 do not apply to the extent that any failure to comply with those duties is attributable to the direction;

(c) any failure of a child to attend the school is to be disregarded for the purposes of section 444 of the Education Act 1996 (offence of failing to secure regular attendance at school of a registered pupil) to the extent that the failure is attributable to the direction.

(2) In relation to a period during which a temporary closure direction has effect in relation to a registered childcare provider—

(a) there is no breach of either of the following duties to the extent that a failure to satisfy the terms of the duty is attributable to the direction—

(i) the duty of a local authority in England under section 7 of the Childcare Act 2006 (duty to secure early years provision free of charge in accordance with regulations);

(ii) the duty of the Secretary of State under section 1 of the Childcare Act 2016 (duty to secure 30 hours free childcare for working parents of children in England);

(b) the Chief Inspector must, in exercising functions under Part 3 of the Childcare Act 2006, take account of the direction in dealing with any allegation that a registered childcare provider to which the direction applies has failed to meet any of the requirements specified under section 39(1)(a) or (b) of that Act (learning, development and welfare requirements).

(3) In relation to a period during which a temporary closure direction has effect under paragraph 2(2)—

(a) there is no breach of either of the following duties to the extent that a failure to satisfy the terms of the duty is attributable to the direction—

(i) the duty of a local authority in Wales under section 118 of the School Standards and Framework Act 1998 (duty to secure sufficient provision of nursery education);

(ii) the duty of the Welsh Ministers under section 1(1) of the Childcare Funding (Wales) Act 2019 (anaw 1) (duty of Welsh Ministers to provide funding for childcare of working parents);

(b) the Welsh Ministers must, in exercising functions under Part 2 of the Children and Families (Wales) Measure 2010, take account of the direction in dealing with any allegation—

(i) which relates to a registered childcare provider to which the direction applies, and

(ii) to which regulations under section 30(3) of that Measure (allegations of failure to meet prescribed childcare standards) apply.

(4) In this paragraph—

"the Chief Inspector" means Her Majesty's Chief Inspector of Education, Children's Services and Skills;

"school" has the same meaning as in paragraph 1;

"registered childcare provider" has the same meaning as in paragraph 2.

Authorisations

4 (1) The Secretary of State may—

(a) authorise a local authority to exercise any of the Secretary of State's functions under paragraph 1 or 2 in relation to one or more of the following—

(i) a registered childcare provider in the local authority's area;

(ii) a school in its area;

(iii) a 16 to 19 Academy, within the meaning of section 1B of the Academies Act 2010, in its area;

(b) authorise the Office for Students to exercise any of the Secretary of State's functions under paragraph 1 in relation to one or more registered higher education providers within the meaning of section 3(10)(a) of the Higher Education and Research Act 2017.

(2) The Welsh Ministers may—

(a) authorise a local authority to exercise any of the Welsh Ministers' functions under paragraph 1 or 2 in relation to one or more of the following—

(i) a registered childcare provider in the local authority's area;

(ii) a school in its area;

(b) authorise the Higher Education Funding Council for Wales to exercise any of the Welsh Ministers' functions under paragraph 1 in relation to one or more of the following—

(i) an institution within the higher education sector, within the meaning of section 91(5) of the Further and Higher Education Act 1992;

(ii) a provider of a course of education within the meaning of Schedule 6 to the Education Reform Act 1988 that is not an institution within the meaning of sub-paragraph (i).

(3) An authorisation granted under this paragraph may be subject to the fulfilment of such terms and conditions as are specified in the authorisation.

(4) In this paragraph—

(a) in relation to England, "local authority" has the same meaning as in section 579(1) of the Education Act 1996, and

(b) in relation to Wales, "local authority" means a county council in Wales or a county borough council.

Publication, duration and guidance

5 (1) Subject to sub-paragraph (2), the appropriate authority must publish a temporary closure direction under paragraph 1 or 2.

(2) Where a direction relates to a person specified by name—
(a) the appropriate authority must give a copy of the direction to that person, and
(b) the published version of the direction must not identify any individual without their consent.

(3) A temporary closure direction under paragraph 1 or 2 has effect until the earlier of—
(a) the end of the period specified under paragraph 1(3) or 2(3), or
(b) the revocation of the direction by a further direction given by the appropriate authority under the same paragraph.

(4) A person to whom a temporary closure direction under paragraph 1 or 2 is given must have regard to any guidance given by the appropriate authority about how to comply with a direction given by that authority under that paragraph.

(5) In this paragraph, subject to sub-paragraph (6), "appropriate authority" means—
(a) the Secretary of State (in relation to a direction given under paragraph 1(1), or 2(1)),
(b) the Welsh Ministers (in relation to a direction given under paragraph 1(2) or 2(2)).

(6) Where a person gives a direction by virtue of an authorisation under paragraph 4, "the appropriate authority"—
(a) in sub-paragraphs (1), (2) and (4) means that person, and
(b) in sub-paragraph (3)(b), includes that person.

PART 2

SCOTLAND

Interpretation

6 In this Part of this Schedule—

"the 1980 Act" means the Education (Scotland) Act 1980;

"the 2005 Act" means the Further and Higher Education (Scotland) Act 2005 (asp 5);

"early learning and childcare" has the meaning given by section 46 of the Children and Young People (Scotland) Act 2014 (asp 8);

"education" includes early learning and childcare, school education, further education and higher education;

"education authority", "grant-aided school", "independent school", "public school", "school" and "school education" have the meanings given by section 135(1) of the 1980 Act;

"educational establishment" means—

(a) a school;

(b) an education and training establishment approved by the Scottish Qualifications Authority under section 2 of the Education (Scotland) Act 1996 as suitable for presenting persons for SQA qualifications;

(c) a further education institution;

(d) a higher education institution,

and is also to be construed in accordance with paragraph 8(6) to (8);

"enactment" includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;

"further education" has the meaning given by section 6 of the Further and Higher Education (Scotland) Act 1992;

"further education institution" means—

(a) a body listed under the heading "Institutions formerly eligible for funding by the Scottish Further Education Funding Council" or under the heading "Other institutions" in Schedule 2 to the 2005 Act;

(b) a college of further education which is assigned to a regional strategic body by an order made under section 7C(1) of the 2005 Act;

"higher education" has the meaning given by section 38 of the Further and Higher Education (Scotland) Act 1992;

"higher education institution" means—

(a) a body listed under the heading "Institutions formerly eligible for funding by the Scottish Higher Education Funding Council" or under the heading "Other institutions" in Schedule 2 to the 2005 Act;

(b) a person who provides a course of higher education designated by the Scottish Ministers under regulation 4(9) of the Education (Student Loans) (Scotland) Regulations 2007 (S.S.I. 2007/154) for the purposes of regulation 3(2) of those Regulations;

"managers", in relation to a grant-aided school, has the meaning given by section 135(1) of the 1980 Act;

"out of school care" means any form of care provided—

(a) outside school hours;

(b) during school holidays;

to children who are in attendance at a school;

"proprietor", in relation to an independent school, has the meaning given by section 135(1) of the 1980 Act.

Duty to have regard to public health advice

7 (1) A relevant authority must have regard to any advice relating to the incidence or transmission of coronavirus from the Chief Medical Officer of the Scottish Administration or such other person as may be designated for the purposes of this paragraph by the Scottish Ministers.

(2) Before giving a direction under paragraph 8, 10 or 11, the Scottish Ministers—

(a) must have regard to any such advice, and

(b) must be satisfied that giving the direction is a necessary and proportionate action in response to the incidence or transmission of coronavirus.

(3) In this paragraph—

"relevant authority" means—

(a) a relevant operator of an educational establishment;

(b) a relevant manager of school boarding accommodation (within the meaning given by paragraph 10(5);

(c) a relevant manager of student accommodation (within the meaning given by paragraph 11(5);

"relevant operator", in relation to an educational establishment, is to be construed in accordance with paragraph 8(6) to (8).

Closure of schools etc and further and higher education institutions

8 (1) The Scottish Ministers may give a direction under this paragraph (an "educational closure direction") that applies to—

(a) the relevant operator of one or more named educational establishments in Scotland;

(b) the relevant operators of all educational establishments in Scotland (or any part of Scotland);

(c) the relevant operators of a particular description of educational establishment in Scotland (or any part of Scotland).

(2) An educational closure direction is a direction that requires a relevant operator of an educational establishment to take reasonable steps to restrict access to the establishment for a specified period.

(3) An educational closure direction may provide that any failure to comply with a duty or time limit imposed under any enactment or rule of law relating to education is to be disregarded to the extent that it would be attributable to the direction.

(4) An educational closure direction may—

(a) require the taking of actions in general terms, or require the taking of particular actions, that the Scottish Ministers consider reasonable;

(b) make different provision for different purposes (for example, for different descriptions of people attending an educational establishment);

(c) prohibit access in respect of the whole or a specified part of an educational establishment or of relevant premises;

(d) prohibit access in respect of the carrying on of all activities or in respect of the carrying on of specified activities;

(e) be framed by reference to whatever matters the Scottish Ministers consider appropriate;

(f) make transitional, transitory or saving provision;

(g) make such other provision as the Scottish Ministers consider appropriate in connection with the giving of the direction.

(5) In this paragraph—

"relevant premises", means any premises (other than residential accommodation) which people attend in order to receive services

provided by or on behalf of the relevant operator of an educational establishment there (but see also sub-paragraphs (8) and (9));

"specified" means specified, or falling within a description specified, in a direction under this paragraph.

(6) In this paragraph, "relevant operator"—

(a) in relation to a school, means—

(i) where the school is a public school, the education authority by which it is managed;

(ii) where the school is an independent school, the proprietor;

(iii) where the school is a grant-aided school, the managers,

(but see also sub-paragraphs (7) and (8));

(b) in relation to a further education institution or a higher education institution, means the governing body of the institution (within the meaning of section 35(2) of the 2005 Act).

(7) Where out of school care is provided by a person in a school, "relevant operator" also includes such a person.

(8) Where school education, early learning and childcare or out of school care is provided by a person in premises other than a school—

(a) "relevant operator" also includes such a person, and

(b) references to "educational establishment" in this paragraph are to be read as if they were references to such premises.

(9) Where early learning and childcare or out of school care is provided by a person acting as a child minder (within the meaning of paragraph 12 of schedule 12 of the Public Services Reform (Scotland) Act 2010) (asp 8) in premises used mainly as a private dwelling, an educational closure direction may only apply to the part of the premises in which such care is provided.

Effect of educational closure direction on other provisions

9 (1) Where an educational closure direction has effect in relation to a school—

(a) any failure by an education authority to discharge any of the duties under the following sections of the 1980 Act is to be disregarded to the extent that the failure is attributable to the direction—

(i) section 1(1) (provision of education);

(ii) section 14 (education for children unable to attend school etc);

(iii) section 53(2) (provision of free school lunches);

(b) the duty under section 30(1) of the 1980 Act (duty of parents to provide education for their children) does not apply in respect of a child who is a pupil at the school but who is, as a result of the direction, unable to be in regular attendance at the school;

(c) any failure of a child to attend the school is to be disregarded for the purposes of section 35 of the 1980 Act (failure of parents to secure regular attendance of child at school) to the extent that the failure is attributable to the direction.

(2) Any failure by an education authority to discharge the duty under section 4(1) of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4) (provision for additional support needs) is to be disregarded to the extent that the failure is attributable to an educational closure direction.

(3) Any failure by an education authority to discharge the duty under section 47(1) of the Children and Young People (Scotland) Act 2014 (duty to secure provision of early learning and childcare) is to be disregarded to the extent that the failure is attributable to an educational closure direction.

(4) Where early learning and childcare is provided by a person in premises other than a school, references to "school" in sub-paragraph (1) are to be read as if they were references to premises in which such early learning and childcare is provided.

School boarding accommodation

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

(2) A boarding accommodation closure direction is a direction that—
(a) requires a relevant manager of a school boarding establishment to take reasonable steps to restrict access to the establishment for a specified period, or
(b) provides for pupils for whom school boarding accommodation is provided to be confined in their school boarding accommodation for a specified period.

(3) A boarding accommodation closure direction may provide that any failure to comply with a duty or time limit imposed under any enactment or rule of law relating to education is to be disregarded to the extent that it would be attributable to the direction.

(4) A boarding accommodation closure direction may—
(a) require the taking of actions in general terms, or require the taking of particular actions, that the Scottish Ministers consider reasonable;
(b) make different provision for different purposes (for example, for different descriptions of people for whom school boarding accommodation is provided);
(c) prohibit access in respect of the whole or a specified part of premises in which school boarding accommodation is provided;
(d) prohibit access in respect of the carrying on of all activities or in respect of the carrying on of specified activities;
(e) be framed by reference to whatever matters the Scottish Ministers consider appropriate;
(f) make transitional, transitory or saving provision;
(g) make such other provision as the Scottish Ministers consider appropriate in connection with the giving of the direction.

(5) In this paragraph—
"pupil" has the meaning given by section 135(1) of the 1980 Act;

"relevant manager", in relation to school boarding accommodation, means a person having responsibility for the management of the accommodation;

"school boarding accommodation", in relation to a pupil, means residential accommodation provided to the pupil by a school care accommodation service (within the meaning of paragraph 3 of schedule 12 of the Public Services Reform (Scotland) Act 2010 (asp 8));

"school boarding establishment" means a place where school boarding accommodation is provided;

"specified" means specified, or falling within a description specified, in a direction under this paragraph.

Student accommodation

11 (1) The Scottish Ministers may give a direction under this paragraph (a "student accommodation closure direction") that applies to—

(a) the relevant manager of one or more named student accommodation premises in Scotland;

(b) the relevant managers of all student accommodation premises in Scotland (or any part of Scotland);

(c) the relevant managers of a particular description of student accommodation premises in Scotland (or any part of Scotland).

(2) A student accommodation closure direction is a direction that—

(a) requires a relevant manager of student accommodation premises to take reasonable steps to restrict access to the premises for a specified period, or

(b) provides for persons for whom student accommodation is provided to be confined in their student accommodation for a specified period.

(3) A student accommodation closure direction may provide that any failure to comply with a duty or time limit imposed under any enactment or rule of law relating to education is to be disregarded to the extent that it would be attributable to the direction.

(4) A student accommodation closure direction may—

(a) require the taking of actions in general terms, or require the taking of particular actions, that the Scottish Ministers consider reasonable;

(b) make different provision for different purposes (for example, for different descriptions of people for whom student accommodation is provided);

(c) prohibit access in respect of the whole or a specified part of student accommodation premises;

(d) prohibit access in respect of the carrying on of all activities or in respect of the carrying on of specified activities;

(e) be framed by reference to whatever matters the Scottish Ministers consider appropriate;

(f) make transitional, transitory or saving provision;

(g) make such other provision as the Scottish Ministers consider appropriate in connection with the giving of the direction.

(5) In this paragraph—

"relevant manager", in relation to student accommodation, means a person having responsibility for the management of the accommodation;

"specified" means specified, or falling within a description specified, in a direction under this paragraph;

"student" means a person who is matriculated at a further education institution or a higher education institution;

"student accommodation" means residential accommodation which has been built or converted solely for the purpose of being provided to students;

"student accommodation premises" means a place where student accommodation is provided.

Compliance and enforcement

12 (1) A relevant authority must comply with a direction under this Part of this Schedule.

(2) A relevant authority must have regard to any guidance given by the Scottish Ministers about how to comply with a direction under this Part of this Schedule.

(3) The duty imposed on a relevant authority to comply with a direction under this Part of this Schedule is enforceable, on an application made by the Scottish Ministers, by interdict or (as the case may be) by specific implement.

(4) An application made under sub-paragraph (3) may be made without notice being given to the relevant authority.

(5) In this paragraph, "relevant authority" has the meaning given by paragraph 7(3).

Publication and duration of directions

13 (1) Subject to sub-paragraph (2), the Scottish Ministers must publish a direction under this Part of this Schedule.

(2) Where a direction relates to a person specified by name—

(a) the Scottish Ministers must give a copy of the direction to that person, and

(b) the published version of the direction must not identify any individual without their consent.

(3) A direction under this Part of this Schedule has effect until the earlier of—

(a) the end of the period specified in the direction, or

(b) the revocation of the direction by a further direction given by the Scottish Ministers.

(4) Where a direction under this Part of this Schedule makes provision mentioned in paragraph 8(3), 10(3) or 11(3), the Scottish Ministers must, so long as it remains in effect, review the direction—

(a) before the end of the period of 21 days beginning with the date on which the direction was given; and

(b) before the end of each subsequent period of 21 days.

PART 3

NORTHERN IRELAND

Schools

14 (1) The Department may give a temporary closure direction that applies to—
(a) one or more named schools in Northern Ireland;
(b) all schools in Northern Ireland (or any part of Northern Ireland);
(c) schools in Northern Ireland (or any part of Northern Ireland) of a particular description.

(2) A temporary closure direction under this paragraph is a direction that—
(a) requires the managers of the school or schools to which it applies to take reasonable steps to secure that persons do not, for a specified period, attend premises of the school for purposes connected with the school, and
(b) in the case of a direction that applies to a boarding school (whether or not it applies also to other schools), provides for pupils for whom boarding accommodation is provided to be confined in their boarding accommodation for a specified period.

(3) Before giving a direction under this paragraph, the Department—
(a) must have regard to any advice from the Chief Medical Officer or any of the Deputy Chief Medical Officers of the Department of Health in Northern Ireland relating to the incidence or transmission of coronavirus, and
(b) must be satisfied that giving the direction is a necessary and proportionate action in response to the incidence or transmission of coronavirus.

(4) A temporary closure direction under this paragraph, may—
(a) require the taking of reasonable steps in general terms, or require the taking of particular steps that the Department considers reasonable, in relation to any of the matters mentioned in the following paragraphs;
(b) relate to attendance of persons generally, or to attendance by specified persons;
(c) relate to premises generally, or to specified premises or parts of premises;
(d) relate to attendance for purposes connected with a school generally, or to attendance for specified purposes;
(e) otherwise make different provision for different purposes, or be framed by reference to whatever matters the Department considers appropriate;
(f) make transitional, transitory or saving provision;
(g) make such other provision as the Department considers appropriate in connection with the giving of the direction.

(5) Subject to sub-paragraph (6), the Department must publish a temporary closure direction under this paragraph.

(6) Where a direction relates to a person specified by name—
(a) the Department must give a copy of the direction to that person, and

(b) the published version of the direction must not identify any individual without their consent.

(7) A temporary closure direction under this paragraph has effect until the earlier of—

(a) the end of the period specified under sub-paragraph (2), or

(b) the revocation of the direction by a further direction given by the Department under this paragraph.

(8) The managers of a school to which a temporary closure direction under this paragraph applies must have regard to any guidance given by the Department about how to comply with that direction.

(9) The duty of the managers of a school to comply with a temporary closure direction under this paragraph is enforceable against those managers by the Department making an application to the High Court or a county court for an injunction.

(10) An application under sub-paragraph (9) may be made without notice being given to the managers of the school.

(11) Where a temporary closure direction under this paragraph applies to a school, there is no breach of the following duties to the extent that a failure to satisfy the terms of the duty is attributable to the direction—

(a) the duty under Article 45(1) of the 1986 Order (duty of parents to secure full-time education of children of compulsory school age by attendance at school or otherwise);

(b) the duties under Articles 58 and 59 of the 1986 Order (duties on the Education Authority, the trustees or Board of Governors of a voluntary grammar school and the Board of Governors of a grant-maintained integrated school to provide milk, meals and related facilities);

(c) the duty under paragraph 1(4) of Schedule 13 to the 1986 Order (duty of managers of grant-aided school to admit child in accordance with attendance order);

(d) the duty under paragraph 3(1) of Schedule 13 to the 1986 Order (duty of parent of registered pupil to secure pupil's regular attendance at school of registration);

(e) the duty under Article 86 of the Education (Northern Ireland) Order 1998 (S.I. 1998/1759 (N.I. 13)) (duty of Education Authority to make arrangements for exceptional provision of education);

(f) the duties under regulations 14 and 15 of the Primary Schools (General) Regulations (Northern Ireland) 1973 (S.R. & O. (N.I.) 1973 No.402) and regulations 11 and 12 of the Secondary Schools (Grant Conditions) Regulations (Northern Ireland) 1973 (S.R. & O. (N.I.) 1973 No.403) (terms and days of operation of school and dates of school holidays, etc).

(12) For the purposes of Article 45(2) of, and paragraphs 1 and 4 of Schedule 13 to, the 1986 Order, a child cannot be taken to have failed to attend regularly at a school where that failure is attributable to a temporary closure direction under this paragraph.

(13) In this paragraph—

"the 1986 Order" means the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3));

"child", "managers" and "school" have the meaning given in the 1986 Order;

"the Department" means the Department of Education in Northern Ireland;

"specified" means specified in a temporary closure direction under this paragraph, or falling within a description specified in a temporary closure direction under this paragraph.

Institutions of further and higher education

15 (1) The Department may give a temporary closure direction that applies to—

(a) one or more named relevant institutions in Northern Ireland;

(b) all relevant institutions in Northern Ireland (or any part of Northern Ireland);

(c) relevant institutions in Northern Ireland (or any part of Northern Ireland) of a particular description.

(2) A temporary closure direction under this paragraph is a direction that requires the governing body of a relevant institution to which it applies to take reasonable steps to secure that persons do not, for a specified period, attend premises of the institution for purposes connected with the institution.

(3) Before giving a direction under this paragraph the Department—

(a) must have regard to any advice from the Chief Medical Officer or any of the Deputy Chief Medical Officers of the Department of Health in Northern Ireland relating to the incidence or transmission of coronavirus, and

(b) must be satisfied that giving the direction is a necessary and proportionate action in response to the incidence or transmission of coronavirus.

(4) A temporary closure direction under this paragraph may—

(a) require the taking of reasonable steps in general terms, or require the taking of particular steps that the Department considers reasonable, in relation to any of the matters mentioned in the following paragraphs;

(b) relate to attendance of persons generally, or to attendance by specified persons;

(c) relate to premises generally, or to specified premises or parts of premises;

(d) relate to attendance for purposes connected with a relevant institution generally, or to attendance for specified purposes;

(e) otherwise make different provision for different purposes, or be framed by reference to whatever matters the Department considers appropriate;

(f) make transitional, transitory or saving provision;

(g) include such other provision as the Department considers appropriate in connection with the giving of the direction.

(5) Subject to sub-paragraph (6), the Department must publish a temporary closure direction under this paragraph.

(6) Where a direction relates to a person specified by name—

(a) the Department must give a copy of the direction to that person, and
(b) the published version of the direction must not identify any individual without their consent.

(7) A temporary closure direction under this paragraph has effect until the earlier of—
(a) the end of the period specified under sub-paragraph (2), or
(b) the revocation of the direction by a further direction given by the Department under this paragraph.

(8) The governing body of an institution to which a temporary closure direction under this paragraph applies must have regard to any guidance given by the Department about how to comply with that direction.

(9) The duty of a governing body of an institution to comply with a temporary closure direction under this paragraph is enforceable against that body by the Department making an application to the High Court or a county court for an injunction.

(10) An application under sub-paragraph (9) may be made without notice being given to the governing body of the institution.

(11) In this paragraph—
"the 1993 Order" means the Education and Libraries (Northern Ireland) Order 1993 (S.I. 1993/2810 (N.I. 12));
"the Department" means the Department for the Economy in Northern Ireland;
"appropriate person", in relation to a relevant institution, means—
(a) an individual whose name is provided by the institution to the Department for the purposes of this paragraph;
(b) if no individual is named under paragraph (a)—
(i) in the case of a further education institution or a college of education, the principal;
(ii) in the case of a university, the vice-chancellor;
(iii) in the case of the Open University, the Director;
"governing body", in relation to a higher education institution, has the same meaning as in Article 30 of the 1993 Order;
"premises", in relation to a relevant institution, means any premises which are regularly attended by persons in order to receive services provided by the institution;
"relevant institution" means—
(a) a further education institution recognised by the Department under Article 8 of the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15)), or
(b) a higher education institution within the meaning of Article 30 of the 1993 Order;
"specified" means specified in a temporary closure direction under this paragraph, or falling within a description specified in a temporary closure direction under this paragraph.

Childcare providers

16 (1) The Department may give a temporary closure direction that applies to—

(a) one or more named persons registered under Article 118 of the 1995 Order (child minders and those who provide day care);
(b) all persons registered under that Article in Northern Ireland (or any part of Northern Ireland);
(c) persons registered under that Article of a particular description in Northern Ireland (or any part of Northern Ireland).

(2) A temporary closure direction under this paragraph is a direction that requires any person to whom it applies to take reasonable steps to secure that persons do not, for a specified period, attend the premises with respect to which the person is registered, for purposes connected with the provision of child minding or day care.

(3) Before giving a direction under this paragraph, the Department—
(a) must have regard to any advice from the Chief Medical Officer or any of the Deputy Chief Medical Officers of the Department of Health in Northern Ireland relating to the incidence or transmission of coronavirus, and
(b) must be satisfied that giving the direction is a necessary and proportionate action in response to the incidence or transmission of coronavirus.

(4) A temporary closure direction under this paragraph, may—
(a) require the taking of reasonable steps in general terms, or require the taking of particular steps that the Department considers reasonable, in relation to any of the matters mentioned in the following paragraphs;
(b) relate to attendance of persons generally, or to attendance by specified persons;
(c) relate to premises generally, or to specified premises or parts of premises;
(d) relate to attendance for purposes connected with the provision of day care or child minding generally, or to attendance for specified purposes;
(e) otherwise make different provision for different purposes, or be framed by reference to whatever matters the Department considers appropriate;
(f) make transitional, transitory or saving provision;
(g) make such other supplementary provision as the Department considers appropriate in connection with the giving of the direction.

(5) Subject to sub-paragraph (6), the Department must publish a temporary closure direction under this paragraph.

(6) Where a direction relates to a person specified by name—
(a) the Department must give a copy of the direction to that person, and
(b) the published version of the direction must not identify any individual without their consent.

(7) A temporary closure direction under this paragraph has effect until the earlier of—
(a) the end of the period specified under sub-paragraph (2), or
(b) the revocation of the direction by a further direction given by the Department under this paragraph.

(8) A person registered under Article 118 of the 1995 Order must have regard to any guidance given by the Department about how to comply with a temporary closure direction under this paragraph.

(9) The duty of a person registered under Article 118 of the 1995 Order to comply with a direction under this paragraph is enforceable against that person by the Department making an application to the High Court or a county court for an injunction.

(10) An application under sub-paragraph (9) may be made without notice being given to the registered person.

(11) There is no breach of a duty under the following Articles to the extent that a failure to satisfy the terms of the duty is attributable to a temporary closure direction under this paragraph—
- (a) Article 19(2) or (5) of the 1995 Order (duties to provide care or supervised activities for children in need);
- (b) Article 130(4) of the 1995 Order (duty to inspect premises at least once every year).

(12) In this paragraph—

"the 1995 Order" means the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2));

"authority", "child minding" and "day care" have the same meaning as in the 1995 Order;

"the Department" means the Department of Health in Northern Ireland;

"specified" means specified in a temporary closure direction under this paragraph, or falling within a description specified in a temporary closure direction under this paragraph.

SCHEDULE 17

Section 38

TEMPORARY CONTINUITY DIRECTIONS ETC: EDUCATION, TRAINING AND CHILDCARE

PART 1

ENGLAND AND WALES

Temporary continuity directions: England

1 (1) The Secretary of State may give a temporary continuity direction that applies to—
- (a) one or more named relevant institutions in England;
- (b) all relevant institutions in England (or any part of England);
- (c) relevant institutions in England (or any part of England) of a particular description.

(2) A temporary continuity direction is a direction under this paragraph that—
- (a) is given—
  - (i) to the responsible body in relation to a relevant institution, or
  - (ii) in the case of a relevant institution without a responsible body, to the institution, and

(b) requires that body or institution to take steps specified in the direction in connection with the provision, for a specified period, of—
  (i) education, training or childcare,
  (ii) services relating to education, training or childcare, or
  (iii) ancillary services or facilities.

(3) Before giving a direction under this paragraph, the Secretary of State—
  (a) must have regard to any advice from the Chief Medical Officer or one of the Deputy Chief Medical Officers of the Department of Health and Social Care relating to the incidence or transmission of coronavirus, and
  (b) must be satisfied that giving the direction is a necessary and proportionate action for or in connection with the continued provision of anything mentioned in sub-paragraph (2)(b)(i) to (iii) for the specified period for one or more persons.

(4) A temporary continuity direction under this paragraph may—
  (a) require the taking of reasonable steps in general terms, or require the taking of particular steps that the Secretary of State considers reasonable, in relation to any of the matters mentioned in the following paragraphs;
  (b) require a relevant institution to open, to stay open, to re-open, or to open at times when it would not usually be open;
  (c) require a relevant institution to provide education, training or childcare, services relating to education, training or childcare or ancillary services or facilities;
  (d) require a relevant institution to allow specified persons to attend that institution for the purpose of receiving education, training or childcare, services relating to education, training or childcare or ancillary services or facilities, provided by or on behalf of that institution;
  (e) require the alteration of term dates;
  (f) require a relevant institution to provide or make arrangements for the provision of transport or other services relating to the provision of education, training or childcare or to ancillary services or facilities;
  (g) make different provision for different purposes, or be framed by reference to whatever matters the Secretary of State considers appropriate;
  (h) make transitional, transitory or saving provision;
  (i) make such other provision as the Secretary of State considers appropriate in connection with the giving of the direction.

(5) Where a temporary continuity direction under this paragraph applies to a relevant institution—
  (a) any FE funding agreement in respect of that institution has effect, and
  (b) any Academy arrangements in respect of that institution or its responsible body have effect,

  subject to any modifications necessary to enable the direction to be complied with.

(6) The duty of a responsible body or relevant institution to which a temporary continuity direction is given under this paragraph to comply with the

direction is enforceable against the body or (as the case may be) institution by the Secretary of State making an application to the High Court or the county court for an injunction.

(7) An application made under sub-paragraph (6) may be made without notice being given to the responsible body or relevant institution.

(8) In this paragraph—

"Academy arrangements" has the meaning given by section 1(2) of the Academies Act 2010;

"ancillary services or facilities" means services or facilities that are arranged or provided for those attending a relevant institution to receive education, training or childcare (including residential accommodation, meals, laundry facilities, medical services, advice and pastoral support);

"childcare" has the same meaning as in section 18 of the Childcare Act 2006;

"FE funding agreement" means an agreement, in respect of education or training to which Chapter 3 of Part 8 of the Education and Inspections Act 2006 applies, that is entered into between—

(a) the Secretary of State, a local authority or a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009, and

(b) a relevant institution,

but does not include an agreement that is Academy arrangements;

"local authority" has the same meaning as in section 579(1) of the Education Act 1996;

"registered childcare provider" means a person who provides childcare and is registered under Part 3 of the Childcare Act 2006, but does not include early years childminders or later years childminders within the meaning of section 96 of that Act;

"relevant institution" means—

(a) a registered childcare provider;

(b) a school;

(c) a 16 to 19 Academy, within the meaning of section 1B of the Academies Act 2010;

(d) an institution within the further education sector, within the meaning of section 91(3) of the Further and Higher Education Act 1992;

(e) a provider of post-16 education or training—

(i) to which Chapter 3 of Part 8 of the Education and Inspections Act 2006 applies, and

(ii) in respect of which funding is provided by, or under, arrangements made by the Secretary of State, a local authority or a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009,

but does not include an employer who is a provider by reason only of the employer providing such education or training to its employees;

(f) a higher education provider within the meaning of section 83(1) of the Higher Education and Research Act 2017;

(g) a provider of higher education within the meaning of section 83(1) of that Act which is not an institution (within the meaning of that section) whether or not it is designated under section 84 of that Act;

(h) a local authority;

"responsible body" means—

(a) in relation to a school or a 16 to 19 Academy, the proprietor, within the meaning of section 579(1) of the Education Act 1996;

(b) in relation to an institution within the further education sector, the governing body within the meaning of section 90(1) of the Further and Higher Education Act 1992;

(c) in relation to a provider of post-16 education or training, the person with legal responsibility and accountability for the provider;

(d) in relation to a higher education provider within the meaning of section 83(1) of the Higher Education and Research Act 2017 or a provider of higher education designated under section 84 of that Act, the governing body within the meaning of section 85(1) of that Act;

(e) in relation to any other provider of higher education not mentioned in paragraph (d), any person responsible for the management of the provider;

"school" has the same meaning as in the Education Act 1996 (see section 4 of that Act);

"specified" means specified, or falling within a description specified, in a temporary continuity direction under this paragraph.

Temporary continuity directions: Wales

2 (1) The Welsh Ministers may give a temporary continuity direction that applies to—

(a) one or more named relevant institutions in Wales;

(b) all relevant institutions in Wales (or any part of Wales);

(c) relevant institutions in Wales (or any part of Wales) of a particular description.

(2) A temporary continuity direction is a direction that—

(a) is given—

(i) to the responsible body in relation to a relevant institution, or

(ii) in the case of a relevant institution without a responsible body, to the institution, and

(b) requires that body or institution to take steps specified in the direction in connection with the provision, for a specified period, of—

(i) education, training or childcare,

(ii) services relating to education, training or childcare, or

(iii) ancillary services or facilities.

(3) Before giving a direction under this paragraph, the Welsh Ministers—

(a) must have regard to any advice from the Chief Medical Officer for Wales or one of the Deputy Chief Medical Officers for Wales relating to the incidence or transmission of coronavirus, and

(b) must be satisfied that giving the direction is a necessary and proportionate action for or in connection with the continued provision of anything mentioned in sub-paragraph (2)(b)(i) to (iii) for the specified period for one or more persons.

(4) A temporary continuity direction under this paragraph may—

(a) require the taking of reasonable steps in general terms, or require the taking of particular steps that the Welsh Ministers consider reasonable, in relation to any of the matters mentioned in the following paragraphs;

(b) require a relevant institution to open, to stay open, to re-open, or to open at times when it would not usually be open;

(c) require a relevant institution to provide education, training or childcare, services relating to education, training or childcare or ancillary services or facilities;

(d) require a relevant institution to allow specified persons to attend that institution for the purpose of receiving education, training or childcare, services relating to education, training or childcare or ancillary services or facilities, provided by or on behalf of that institution;

(e) require the alteration of term dates;

(f) require a relevant institution to provide or make arrangements for the provision of transport or other services relating to the provision of education, training or childcare or to ancillary services or facilities;

(g) make different provision for different purposes, or be framed by reference to whatever matters the Welsh Ministers consider appropriate;

(h) make transitional, transitory or saving provision;

(i) make such other provision as the Welsh Ministers consider appropriate in connection with the giving of the direction.

(5) The duty of a responsible body or relevant institution to which a temporary continuity direction is given under this paragraph to comply with the direction is enforceable against the body or (as the case may be) institution by the Welsh Ministers making an application to the High Court or the county court for an injunction.

(6) An application made under sub-paragraph (5) may be made without notice being given to the relevant institution or responsible body.

(7) In this paragraph—

"ancillary services or facilities" means services or facilities that are arranged or provided for those attending a relevant institution to receive education, training or childcare (including residential accommodation, meals, laundry facilities, medical services, advice, and pastoral support);

"childcare" means anything which amounts to child minding or day care for children for the purposes of Part 2 of the Children and Families (Wales) Measure 2010 (nawm 1) (see section 19(2) to (4) of that Measure);

"local authority" means a county council in Wales or a county borough council;

"registered childcare provider" means a person who provides childcare and is registered under Part 2 of the Children and Families (Wales) Measure 2010, but does not include a childminder who is registered to provide childcare on domestic premises;

"relevant institution" means—

(a) a registered childcare provider;

(b) a school;

(c) an institution within the further education sector, within the meaning of section 91(3) of the Further and Higher Education Act 1992;

(d) an institution within the higher education sector within the meaning of section 91(5) of that Act;

(e) a provider of education or training within the meaning of section 31(1)(a) or (b) or 32(1)(a) or (b) of the Learning and Skills Act 2000 that—

(i) is not an institution within the meaning of paragraph (c) or (d), and

(ii) is in receipt of funding for provision of that education or training from the Welsh Ministers or a local authority;

but does not include an employer who is a provider by reason only of the employer providing such education or training to its employees;

(f) a provider of a course of education within the meaning of Schedule 6 to the Education Reform Act 1988 that is not an institution within the meaning of paragraph (c) or (d);

(g) a local authority;

"responsible body" means—

(a) in relation to a school, the proprietor, within the meaning of section 579(1) of the Education Act 1996;

(b) in relation to an institution within paragraph (c) or (d) of the definition of "relevant institution", the governing body within the meaning of section 90(1) of the Further and Higher Education Act 1992;

(c) in relation to a provider within paragraph (e) or (f) of that definition, the person with legal responsibility and accountability for the provider;

"school" has the same meaning as in the Education Act 1996 (see section 4 of that Act);

"specified" means specified, or falling within a description specified, in a temporary continuity direction under this paragraph.

Temporary continuity directions: authorisations

3 (1) The Secretary of State may—

(a) authorise a local authority to exercise any of the Secretary of State's functions under paragraph 1 in relation to one or more of the following—

(i) a registered childcare provider in the local authority's area;

(ii) a school in its area;

(iii) a 16 to 19 Academy, within the meaning of section 1B of the Academies Act 2010, in its area;

(b) authorise the Office for Students to exercise any of the Secretary of State's functions under paragraph 1 in relation to one or more registered higher education providers within the meaning of section 3(10)(a) of the Higher Education and Research Act 2017.

(2) The Welsh Ministers may—

(a) authorise a local authority to exercise any of the Welsh Ministers' functions under paragraph 2 in relation to one or more of the following—

(i) a registered childcare provider in the local authority's area;

(ii) a school in its area;

(b) authorise the Higher Education Funding Council for Wales to exercise any of the Welsh Ministers' functions under paragraph 2 in relation to one or more of the following—

(i) an institution within the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992;

(ii) a provider of a course of education within the meaning of Schedule 6 to the Education Reform Act 1988 which is not an institution within sub-paragraph (i).

(3) An authorisation granted under this paragraph may be subject to the fulfilment of such terms and conditions as are specified in the authorisation.

(4) In this paragraph—

(a) in relation to England, "local authority" has the same meaning as in section 579(1) of the Education Act 1996, and

(b) in relation to Wales, "local authority" means a county council in Wales or a county borough council.

Publication, duration and guidance in relation to temporary continuity directions

4 (1) Subject to sub-paragraph (2), the appropriate authority must publish a temporary continuity direction under paragraph 1 or 2.

(2) Where a direction relates to a person specified by name—

(a) the appropriate authority must give a copy of the direction to that person, and

(b) the published version of the direction must not identify any individual without their consent.

(3) A temporary continuity direction under paragraph 1 or 2 has effect until the earlier of—

(a) the end of the period specified under paragraph 1(2)(b) or 2(2)(b) (as the case may be), or

(b) the revocation of the direction by a further direction given by the appropriate authority under the same paragraph.

(4) A person to whom a temporary continuity direction under paragraph 1 or 2 is given must have regard to any guidance given by the appropriate authority about how to comply with a direction given by that authority under that paragraph.

(5) In this paragraph, subject to sub-paragraph (6), "appropriate authority" means—
  (a) the Secretary of State (in relation to a direction given under paragraph 1);
  (b) the Welsh Ministers (in relation to a direction given under paragraph 2).

(6) Where a person gives a direction by virtue of an authorisation under paragraph 3, "the appropriate authority"—
  (a) in sub-paragraphs (1), (2) and (4), means that person, and
  (b) in sub-paragraph (3)(b), includes that person.

Notices temporarily removing or relaxing statutory provisions etc: England

5 (1) The Secretary of State may by notice make provision in relation to England—
  (a) disapplying, for a specified period, any enactment listed in sub-paragraph (5) or any similar Academy arrangements provision;
  (b) modifying, for a specified period—
    (i) any enactment listed in the table in sub-paragraph (6), in the manner described in that table, or
    (ii) any similar Academy arrangements provision in the corresponding manner.

(2) A notice under sub-paragraph (1) may limit the disapplication or modification of a provision by reference to—
  (a) a specified person or description of persons;
  (b) a specified area;
  (c) any other matter.

(3) A notice under sub-paragraph (1) may also make such consequential modifications of any other enactment, for the specified period, as the Secretary of State considers appropriate.

(4) A notice under sub-paragraph (1) must state why the Secretary of State considers that the issuing of the notice is an appropriate and proportionate action in all the circumstances relating to the incidence or transmission of coronavirus.

(5) This is the list referred to in sub-paragraph (1)(a)—
  (a) section 512(3)(b) and (c)(ii) of the Education Act 1996 (provision of school meals);
  (b) sections 437, 443 and 444(1) and (1A) of that Act (provisions relating to attendance at school);
  (c) section 87 of the School Standards and Framework Act 1998 (no requirement to admit children permanently excluded from two or more schools);
  (d) section 1(6) of the Care Standards Act 2000 (which provides that a school is a "children's home" in specified circumstances);
  (e) sections 5(1), 13(2)(b), 15(3), 17(2), 48(3) and 49(1) and (2) of the Education Act 2005 (provisions relating to inspections);
  (f) section 1A(1)(b) of the Academies Act 2010 (requirement for academy to have broad and balanced curriculum);

(g) section 43 of the Children and Families Act 2014 (schools and other institutions named in EHC plan: duty to admit);

(h) section 44(1) of that Act (reviews and re-assessments).

(6) This is the table referred to in sub-paragraph (1)(b)—

Act	*Enactment*	*Authorised modification*
The Further and Higher Education Act 1992	Section 44 (collective worship)	Any duty imposed on a person by section 44 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
The Further and Higher Education Act 1992	Section 51A (duty to provide for named individuals: England)	Any duty imposed by section 51A on a governing body of an institution within section 51A(1) is to be treated as discharged if the governing body has used reasonable endeavours to discharge the duty.
Education Act 1996	Section 3 (definition of "pupil")	A person is not for the purposes of the Education Act 1996 to be treated as a pupil at a school merely because any education is provided for that person at the school on a temporary basis for reasons relating to the incidence or transmission of coronavirus.

Act	*Enactment*	*Authorised modification*
Education Act 1996	Section 14 (functions in respect of primary and secondary schools)	Any duty imposed on a person by section 14 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 1996	Section 15ZA to 15ZC (duties on local authorities in respect of post-16 education and training)	Any duty imposed on a person by sections 15ZA to 15ZC is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 1996	Section 19 (exceptional provision of education in pupil referral units or elsewhere)	Any duty imposed on a person by or under section 19 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 1996	Sections 508A to 508F and Schedule 35C (travel arrangements)	Any duty imposed on a person by sections 508A to 508F or Schedule 35C is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 1996	Sections 512 to 512ZB (school meals)	Any duty imposed on a person by sections 512 to 512ZB is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.

Act	*Enactment*	*Authorised modification*
School Standards and Framework Act 1998	Section 70 (requirements relating to collective worship)	Any duty imposed on a person by section 70 is to be treated as discharged if the person used reasonable endeavours to discharge the duty.
School Standards and Framework Act 1998	Section 88D (determination of admission numbers)	Section 88D has effect as if subsections (1) and (3) were omitted, and in subsection (2) for "Such a determination under section 88C may also" there were substituted "A determination under section 88C may" and paragraph (b) (and the preceding "and") were omitted.
School Standards and Framework Act 1998	Section 99 (general restriction on selection by ability or aptitude)	Section 99 has effect as if subsections (2) and (4), and the words from "unless" to the end in subsection (3), were omitted.
Education Act 2005	Section 5 (duty of chief inspector to inspect certain schools)	The duty imposed by section 5(1)(a) is to be treated as discharged if the Chief Inspector has used reasonable endeavours to discharge the duty.
Education Act 2005	Section 13 (duty of chief inspector to consider comments on reports of schools causing concern)	The duty imposed by section 13(2)(b) is to be treated as discharged if the Chief Inspector has used reasonable endeavours to discharge the duty.

Act	*Enactment*	*Authorised modification*
Education Act 2005	Section 15 (measures to be taken by local authority)	The duty imposed on a local authority by virtue of section 15(3) is to be treated as discharged if the local authority has used reasonable endeavours to discharge the duty.
Education Act 2005	Section 17 (statement to be prepared by proprietor of school)	The duty imposed on a person by virtue of section 17(2) is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 2005	Section 48 (inspection of religious education: England)	Any duty imposed on a person by section 48(3) is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 2005	Section 49 (procedure for inspection under section 48)	Any duty imposed on a person by section 49(1) or (2) is treated as discharged if the person has used reasonable endeavours to discharge the duty.
Childcare Act 2006	Sections 7 and 7A (duty to secure early years provision free of charge in accordance with regulations)	Any duty imposed on a person by or under section 7 or 7A is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.

Act	*Enactment*	*Authorised modification*
Childcare Act 2006	Section 12 (duty to provide information, advice and assistance)	Any duty imposed on a person by or under section 12 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education and Skills Act 2008	Section 124(2) (time limit for appeal by proprietor against decision to deregister independent educational institution)	The period for bringing an appeal is to be treated as increased from 28 days to 3 months.
Education and Skills Act 2008	Section 125(2) (time limit for appeal by proprietor against other decisions relating to independent educational institution)	The period for bringing an appeal is to be treated as increased from 28 days to 3 months.
Children and Families Act 2014	Section 42 (duty to secure special educational provision and health care provision in accordance with EHC Plan)	Any duty imposed on a person by section 42 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.

(7) The specified period in a notice under sub-paragraph (1) must not exceed one month.

(8) The Secretary of State may by notice (a "cancellation notice") cancel a notice under sub-paragraph (1) with effect from the time specified in the cancellation notice.

(9) A cancellation notice may contain transitional or saving provision.

(10) Where a notice under sub-paragraph (1) modifies section 124(2) or 125(2) of the Education and Skills Act 2008 in the manner specified in the table in sub-paragraph (6), that modification continues to have effect in relation to any decision notice served during the specified period in the notice (except that if the notice is cancelled, that specified period is treated as having ended at the time the cancellation of the notice takes effect under sub-paragraph (8)).

(11) Nothing in sub-paragraph (7) or (8) prevents the making of a further notice in relation to any provision.

(12) Subject to sub-paragraph (13), the Secretary of State must—
- (a) publish a notice under this paragraph, and
- (b) take such other steps as the Secretary of State considers reasonable to bring the notice to the attention of those persons likely to be affected by it.

(13) Where the notice relates to a person specified by name—
- (a) the Secretary of State must give a copy of the notice to that person, and
- (b) the published version of the notice must not identify any individual without their consent.

(14) In this paragraph—

"Academy arrangements" has the meaning given by section 1(2) of the Academies Act 2010;

"enactment" includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978), and includes an enactment whenever passed or made;

"similar Academy arrangements provision" means—
- (a) for the purposes of sub-paragraph (1)(a) any provision of Academy arrangements which is similar to any enactment listed in sub-paragraph (5), and
- (b) for the purposes of sub-paragraph (1)(b) any provision of Academy arrangements which is similar to any enactment listed in the table in sub-paragraph (6);

"specified", in relation to a notice under sub-paragraph (1), means specified in the notice.

6 (1) The Secretary of State may by regulations amend the list in paragraph 5(5) or the table in paragraph 5(6) so as to add an enactment relating (directly or indirectly) to children, education or training, or to vary or remove an entry.

(2) The power to make regulations under this paragraph is exercisable by statutory instrument.

(3) Regulations under this paragraph may—
- (a) make different provision for different purposes;
- (b) contain transitional, transitory or saving provision.

(4) A statutory instrument containing regulations under this paragraph must be laid before Parliament as soon as reasonably practicable after being made.

(5) Regulations contained in an instrument laid before Parliament by virtue of sub-paragraph (4) cease to have effect at the end of the period of 40 days beginning with the day on which the instrument is made, unless within that period the instrument is approved by a resolution of each House of Parliament.

(6) In calculating the period of 40 days, no account is to be taken of any time during which—
- (a) Parliament is dissolved or prorogued, or
- (b) both Houses of Parliament are adjourned for more than 4 days.

(7) Where regulations cease to have effect as a result of sub-paragraph (5), that does not—
  (a) subject to sub-paragraph (8), affect anything previously done under or by virtue of the regulations, or
  (b) prevent the making of new regulations.

(8) Where a notice has been given under paragraph 5 by virtue of the regulations and the regulations cease to have effect during the specified period set out in that notice, the specified period is treated as ending at the time the regulations cease to have effect.

Notices temporarily removing or relaxing statutory provisions: Wales

7 (1) The Welsh Ministers may by notice make provision in relation to Wales—
  (a) disapplying, for a specified period, any enactment listed in sub-paragraph (5);
  (b) modifying, for a specified period, any enactment listed in the table in sub-paragraph (6), in the manner described in that table.

(2) A notice under sub-paragraph (1) may limit the disapplication or modification of a provision by reference to—
  (a) a specified person or description of persons;
  (b) a specified area;
  (c) any other matter.

(3) A notice under sub-paragraph (1) may also make such consequential modifications of any other enactment, for the specified period, as the Welsh Ministers consider appropriate.

(4) A notice under sub-paragraph (1) must state why the Welsh Ministers consider that the issuing of the notice is an appropriate and proportionate action in all the circumstances relating to the incidence or transmission of coronavirus.

(5) This is the list referred to in sub-paragraph (1)(a)—
  (a) section 324(5)(a) and (b) of the Education Act 1996 (statement of special educational needs);
  (b) section 328(5) of that Act (review of education needs);
  (c) sections 437, 443 and 444(1) and (1A) of that Act (provisions relating to attendance at school);
  (d) section 87 of the School Standards and Framework Act 1998 (no requirement to admit children permanently excluded from two or more schools);
  (e) section 101(1) of the Education Act 2002 (basic curriculum for every maintained school);
  (f) sections 28(1), 39(2), 40, 42(2) and 50(4) of, and paragraph 2(1) and (2) of Schedule 6 to, the Education Act 2005 (provisions relating to inspections);
  (g) regulation 12 of the Childcare Act 2006 (Local Authority Assessment) (Wales) Regulations 2016 (S.I. 2016/88 (w.42)) (annual progress reports), so far as it requires an annual report for the years 2020 and 2021.

(6) This is the table referred to in sub-paragraph (1)(b)—

Act, Measure or statutory instrument	*Enactment*	*Authorised modification*
The Further and Higher Education Act 1992	Section 44 (collective worship)	Any duty imposed on a person by section 44 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 1996	Section 3 (definition of "pupil")	A person is not for the purposes of the Education Act 1996 to be treated as a pupil at a school merely because any education is provided for that person at the school on a temporary basis for reasons relating to the incidence or transmission of coronavirus.
Education Act 1996	Section 14 (functions in respect of primary and secondary schools)	Any duty imposed on a person by section 14 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 1996	Section 19 (exceptional provision of education in pupil referral units or elsewhere)	Any duty imposed on a person by or under section 19 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.

Act, Measure or statutory instrument	*Enactment*	*Authorised modification*
Education Act 1996	Section 324 (statement of special educational needs)	Any duty imposed on a person by section 324(5)(a) or (b) is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 1996	Section 328 (review of educational needs)	Any duty imposed on a person by or under section 328 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 1996	Sections 512 to 512ZB (school meals)	Any duty imposed on a person by sections 512 to 512ZB is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
School Standards and Framework Act 1998	Section 70 (requirements relating to collective worship)	Any duty imposed on a person by section 70 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.

Act, Measure or statutory instrument	*Enactment*	*Authorised modification*
School Standards and Framework Act 1998	Section 89A (determination of admission numbers)	Section 89A has effect as if subsections (1) and (3) were omitted and in subsection (2) for "Such a determination under section 89 may also" there were substituted "A determination under section 89 may" and paragraph (b) (and the preceding "and") were omitted.
School Standards and Framework Act 1998	Section 99 (general restriction on selection by ability or aptitude)	Section 99 has effect as if subsections (2) and (4), and the words from "unless" to the end in subsection (3), were omitted.
School Standards and Framework Act 1998	Section 118 (duty of local authority as respects availability of nursery education)	Any duty imposed on a local authority by section 118 is to be treated as discharged if the local authority has used reasonable endeavours to discharge the duty.
Learning and Skills Act 2000	Sections 31 and 32 (education and training for those aged 16 to 19 and those over 19)	Any duty imposed on the Welsh Ministers by section 31 or 32 is to be treated as discharged if the Welsh Ministers have used reasonable endeavours to discharge the duty.

Act, Measure or statutory instrument	*Enactment*	*Authorised modification*
Learning and Skills Act 2000	Section 35 (financial resources: conditions)	Section 35 has effect, where a temporary closure direction or temporary continuity direction (under Schedule 16 or 17 to the Coronavirus Act 2020) applies in relation to a person, as if it authorised the Welsh Ministers to vary the conditions imposed, or impose additional conditions, under that section in relation to financial resources secured to that person under section 34.
Learning and Skills Act 2000	Section 140 (duty on the Welsh Ministers to arrange an assessment of a person with SEN in particular circumstances)	Any duty imposed on a person by section 140 is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 2002	Section 108 (establishment of National Curriculum for Wales by Order)	Section 108 has effect as if it provided that any duty imposed on a person by an order under that section is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 2002	Section 166(2) (time limit for appeals by proprietor against decisions relating to registered schools)	The period for bringing an appeal is to be treated as increased from 28 days to 3 months.

Act, Measure or statutory instrument	*Enactment*	*Authorised modification*
Education Act 2005	Section 28 (duty to arrange regular inspections)	The duty imposed by section 28(1) is to be treated as discharged if the Chief Inspector has used reasonable endeavours to discharge the duty.
Education Act 2005	Section 39 (measures to be taken by appropriate authority)	The duty imposed on a person by virtue of section 39(2) is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 2005	Section 40 (statement prepared by a local authority)	Any duty imposed on a local authority by section 40 is to be treated as discharged if the local authority has used reasonable endeavours to discharge the duty.
Education Act 2005	Section 42 (statement to be prepared by proprietor of school)	The duty imposed on a person by virtue of section 42(2) is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.
Education Act 2005	Section 50 (inspection of religious education: Wales)	The duty imposed on a person by section 50(4) is to be treated as discharged if the person has used reasonable endeavours to discharge the duty.

Act, Measure or statutory instrument	*Enactment*	*Authorised modification*
Education Act 2005	Paragraph 2(1) and (2) of Schedule 6 (procedure for inspections under section 50)	Any duty imposed on a person by paragraph 2(1) or (2) is treated as discharged if the person has used reasonable endeavours to discharge the duty.
Childcare Act 2006	Section 24 (arrangements between local authority and childcare providers)	Any duty imposed on a Welsh local authority by section 24 is to be treated as discharged if the Welsh local authority has used reasonable endeavours to discharge the duty; and section 24(2) has effect as if after "securing that" there were inserted "so far as reasonably practicable".
Childcare Act 2006	Section 27 (duty to provide information, advice and assistance)	Any duty imposed on a Welsh local authority by section 27 is to be treated as discharged if the Welsh local authority has used reasonable endeavours to discharge the duty.
Children and Families (Wales) Measure 2010	Section 45 (supply of information to local authorities)	Any duty imposed on the Welsh Ministers under section 45(1) is to be treated as discharged if the Welsh Ministers have used reasonable endeavours to discharge the duty.

Act, Measure or statutory instrument	*Enactment*	*Authorised modification*
Childcare Act 2006 (Local Authority Assessment) (Wales) Regulations 2016 (S.I. 2016/88 (W.42))	Regulation 3 (duty to prepare and publish assessments)	Regulation 3(3) has effect as if after "intervals" there were inserted "subject to any direction given by the Welsh Ministers to prepare and publish an assessment at another time".
Child Minding and Day Care (Wales) Regulations 2010 (S.I. 2010/2574 (W.214))	The whole instrument	The Regulations have effect as if they included a Regulation in the following terms "The Welsh Ministers may, by notice in writing, relax any of the requirements of regulations 3, 4, 5, 12, 14, 15 or 16, or of paragraph 9 or 33 of Schedule 1, where to do so is a necessary and proportionate response to the incidence or transmission of coronavirus (and those requirements are to be read subject to any such relaxation)."

(7) The specified period in a notice under sub-paragraph (1) must not exceed one month.

(8) The Welsh Ministers may by notice (a "cancellation notice") cancel a notice under sub-paragraph (1) with effect from the time specified in the cancellation notice.

(9) A cancellation notice may contain transitional or saving provision.

(10) Where a notice under sub-paragraph (1) modifies section 166(2) of the Education Act 2002 in the manner specified in the table in sub-paragraph (6), that modification continues to have effect in relation to any notice of a refusal, determination or order mentioned in section 166(2) of that Act served during the specified period in the notice under sub-paragraph (1)

(except that if the notice under sub-paragraph (1) is cancelled, that specified period is treated as having ended at the time the cancellation of the notice takes effect under sub-paragraph (8)).

(11) Nothing in sub-paragraph (7) or (8) prevents the making of a further notice in relation to any provision.

(12) Subject to sub-paragraph (13), the Welsh Ministers must—
- (a) publish a notice under this paragraph, and
- (b) take such other steps as the Welsh Ministers consider reasonable to bring the notice to the attention of those persons likely to be affected by it.

(13) Where the notice relates to a person specified by name—
- (a) the Welsh Ministers must give a copy of the notice to that person, and
- (b) the published version of the notice must not identify any individual without their consent.

(14) In this paragraph—

"enactment" includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978), and includes an enactment whenever passed or made;

"specified", in relation to a notice under sub-paragraph (1), means specified in the notice.

8 (1) The Welsh Ministers may by regulations amend the list in paragraph 7(5) or the table in paragraph 7(6) so as to add an enactment relating (directly or indirectly) to children, education or training, or to vary or remove an entry.

(2) The power to make regulations under this paragraph is exercisable by statutory instrument.

(3) Regulations under this paragraph may—
- (a) make different provision for different purposes;
- (b) contain transitional, transitory or saving provision.

(4) A statutory instrument containing regulations under this paragraph must be laid before the National Assembly for Wales as soon as reasonably practicable after being made.

(5) Regulations contained in an instrument laid before the National Assembly for Wales by virtue of sub-paragraph (4) cease to have effect at the end of the period of 40 days beginning with the day on which the instrument is made, unless within that period the instrument is approved by a resolution of the National Assembly for Wales.

(6) In calculating the period of 40 days, no account is to be taken of any time during which the National Assembly for Wales is—
- (a) dissolved, or
- (b) in recess for more than 4 days.

(7) Where regulations cease to have effect as a result of sub-paragraph (5), that does not—
- (a) subject to sub-paragraph (8), affect anything previously done under or by virtue of the regulations, or
- (b) prevent the making of new regulations.

(8) Where a notice has been given under paragraph 7 by virtue of the regulations and the regulations cease to have effect during the specified period set out in that notice, the specified period is treated as ending at the time the regulations cease to have effect.

PART 2

SCOTLAND

Interpretation

9 In this Part—

"the 1980 Act" means the Education (Scotland) Act 1980;

"the 2005 Act" means the Further and Higher Education (Scotland) Act 2005 (asp 6);

"early learning and childcare" has the meaning given by section 46 of the Children and Young People (Scotland) Act 2014 (asp 8);

"education" includes early learning and childcare, school education, further education and higher education;

"education authority", "grant-aided school", "independent school", "public school", "school" and "school education" have the meanings given by section 135(1) of the 1980 Act;

"educational establishment" means—

(a) a school;

(b) an education and training establishment approved by the Scottish Qualifications Authority under section 2 of the Education (Scotland) Act 1996 as suitable for presenting persons for SQA qualifications;

(c) a further education institution;

(d) a higher education institution,

and is also to be construed in accordance with paragraph 11(6) to (8);

"enactment" includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;

"further education" has the meaning given by section 6 of the Further and Higher Education (Scotland) Act 1992;

"further education institution" means—

(a) a body listed under the heading "Institutions formerly eligible for funding by the Scottish Further Education Funding Council" or under the heading "Other institutions" in schedule 2 of the 2005 Act;

(b) a college of further education which is assigned to a regional strategic body by an order made under section 7C(1) of the 2005 Act;

"higher education" has the meaning given by section 38 of the Further and Higher Education (Scotland) Act 1992;

"higher education institution" means—

(a) a body listed under the heading "Institutions formerly eligible for funding by the Scottish Higher Education Funding Council" or under the heading "Other institutions" in schedule 2 of the Further and Higher Education (Scotland) Act 2005;

(b) a person who provides a course of higher education designated by the Scottish Ministers under regulation 4(9) of the Education (Student Loans) (Scotland) Regulations 2007 (S.S.I. 2007/154) for the purposes of regulation 3(2) of those Regulations;

"managers", in relation to a grant-aided school, has the meaning given by section 135(1) of the 1980 Act;

"out of school care" means any form of care provided—

(a) outside school hours;

(b) during school holidays;

to children who are in attendance at a school;

"proprietor", in relation to an independent school, has the meaning given by section 135(1) of the 1980 Act.

Duty to have regard to public health advice

10 (1) A relevant operator of an educational establishment must have regard to any advice relating to coronavirus from the Chief Medical Officer of the Scottish Administration or such other person as may be designated for the purposes of this paragraph by the Scottish Ministers.

(2) Before giving a direction under paragraph 11, the Scottish Ministers—

(a) must have regard to any such advice; and

(b) must be satisfied that the giving of the direction is a necessary and proportionate action for or in connection with the continued provision of education.

(3) In this paragraph, "relevant operator", in relation to an educational establishment, is to be construed in accordance with paragraph 11(6) to (8).

Continuing operation of educational establishments

11 (1) The Scottish Ministers may give a direction under this paragraph (an "educational continuity direction") that applies to—

(a) the relevant operator of one or more named educational establishments in Scotland;

(b) the relevant operators of all educational establishments in Scotland (or any part of Scotland);

(c) the relevant operators of a particular description of educational establishment in Scotland (or any part of Scotland).

(2) An educational continuity direction is a direction relating to the continuing operation of an educational establishment for a specified period.

(3) An educational continuity direction may provide that any failure to comply with a duty or time limit imposed under any enactment or rule of law relating to education is to be disregarded to the extent that it would be attributable to the direction.

(4) An educational continuity direction may—

(a) confer additional functions on a relevant operator relating to—

(i) the provision of early learning and childcare, school education, further education or higher education;

(ii) the provision of related services (for example, out of school care);

(iii) the use of the operator's premises for the purpose of protecting public health;

(b) require an educational establishment to open, to stay open, to re-open, or to open at times when it would not usually be open;

(c) require a relevant operator to allow specified people or people of a specified description to attend an educational establishment or relevant premises for which the operator is responsible;

(d) provide for or require specified people or people of a specified description to attend a specified educational establishment or specified premises for the purposes of receiving early learning and childcare, school education, further education or higher education there;

(e) prohibit access in respect of the whole or a specified part of an educational establishment or of relevant premises;

(f) prohibit access in respect of the carrying on of all activities or in respect of the carrying on of specified activities;

(g) require measures to ensure safe standards of hygiene, and other measures to protect health, to be put in place;

(h) require the alteration of term dates, holiday dates or examination dates;

(i) require the taking of actions in general terms, or require the taking of particular actions, that the Scottish Ministers consider reasonable;

(j) make different provision for different purposes (for example, for different descriptions of people attending an educational establishment);

(k) be framed by reference to whatever matters the Scottish Ministers consider appropriate;

(l) make transitional, transitory or saving provision;

(m) make such other provision as the Scottish Ministers consider appropriate in connection with the giving of the direction.

(5) In this paragraph—

"relevant premises", means any premises (other than residential accommodation) which people attend in order to receive services provided by or on behalf of the relevant operator of an educational establishment there (see also sub-paragraphs (8) and (9)),

"specified" means specified, or falling within a description specified, in a direction under this paragraph.

(6) In this paragraph, "relevant operator"—

(a) in relation to a school, means—

(i) where the school is a public school, the education authority by which it is managed;

(ii) where the school is an independent school, the proprietor;

(iii) where the school is a grant-aided school, the managers,

(but see also sub-paragraphs (7) and (8));

(b) in relation to a further education institution or a higher education institution, means the governing body of the institution (within the meaning of section 35(2) of the 2005 Act);

(7) Where out of school care is provided by a person in a school, "relevant operator" also includes such a person.

(8) Where school education, early learning and childcare or out of school care is provided by a person in premises other than a school—
  (a) "relevant operator" also includes such a person, and
  (b) references to "educational establishment" in this paragraph are to be read as if they were references to such premises.

(9) Where early learning and childcare or out of school care is provided by a person acting as a child minder (within the meaning of paragraph 12 of Schedule 12 to the Public Services Reform (Scotland) Act 2010 (asp 8)) in premises used mainly as a private dwelling, an educational continuity direction may only apply to the part of the premises in which such care is provided.

Compliance and enforcement

12 (1) A relevant operator of an educational establishment must comply with a direction under paragraph 11.

(2) A relevant operator must have regard to any guidance given by the Scottish Ministers about how to comply with a direction under paragraph 11.

(3) The duty imposed on a relevant operator to comply with a direction under paragraph 11 is enforceable, on an application made by the Scottish Ministers, by interdict or (as the case may be) by specific implement.

(4) An application made under sub-paragraph (3) may be made without notice being given to the relevant operator.

(5) In this paragraph, "relevant operator", in relation to an educational establishment, is to be construed in accordance with paragraph 11(6) to (8).

Publication, duration and review of directions

13 (1) Subject to sub-paragraph (2), the Scottish Ministers must publish a direction under paragraph 11.

(2) Where a direction relates to a person specified by name—
  (a) the Scottish Ministers must give a copy of the direction to that person, and
  (b) the published version of the direction must not identify any individual without their consent.

(3) A direction under paragraph 11 has effect until the earlier of—
  (a) the end of the period specified in the direction, or
  (b) the revocation of the direction by a further direction given by the Scottish Ministers.

(4) Where a direction under paragraph 11 makes provision mentioned in paragraph 11(3), the Scottish Ministers must, so long as it remains in effect, review the direction—
  (a) before the end of the period of 21 days beginning with the date on which the direction was given; and
  (b) before the end of each subsequent period of 21 days.

PART 3

NORTHERN IRELAND

Temporary continuity directions

14 (1) The Department may give a temporary continuity direction that applies to—
- (a) the Education Authority;
- (b) one or more named schools in Northern Ireland;
- (c) all schools in Northern Ireland (or any part of Northern Ireland);
- (d) schools in Northern Ireland (or any part of Northern Ireland) of a particular description.

(2) A temporary continuity direction under this paragraph is a direction that requires the Education Authority, or the managers of the school or schools to which it applies, to take steps specified in the direction in connection with the provision, for a specified period, of education or services relating to education.

(3) Before giving a temporary continuity direction under this paragraph—
- (a) the Department must have regard to any advice from the Chief Medical Officer or any of the Deputy Chief Medical Officers of the Department of Health in Northern Ireland relating to the incidence or transmission of coronavirus, and
- (b) the Department must be satisfied that giving the direction is a necessary and proportionate action for or in connection with the continued provision of education or services relating to education for the specified period.

(4) A temporary continuity direction under this paragraph may—
- (a) require the taking of reasonable steps in general terms, or require the taking of particular steps that the Department considers reasonable;
- (b) in the case of a school, require the school to open, to stay open, to re-open, or to open at times when it would not usually be open;
- (c) in the case of a school, require the school to allow specified pupils to attend that school for the purpose of receiving education or services relating to education provided by or on behalf of that school;
- (d) in the case of a school, require the alteration of term dates, holiday dates or examination dates;
- (e) in the case of a school, require the school to provide or make arrangements for the provision of education or services relating to education;
- (f) make different provision for different purposes, or be framed by reference to whatever matters the Department considers appropriate;
- (g) make transitional, transitory or saving provision;
- (h) make such other provision as the Department considers appropriate in connection with the giving of a direction.

(5) Subject to sub-paragraph (6), the Department must publish a temporary continuity direction under this paragraph.

(6) Where a direction relates to a person specified by name—
- (a) the Department must give a copy of the direction to that person, and

(b) the published version of the direction must not identify any individual without their consent.

(7) The Education Authority, or (as the case may be) the managers of a school or schools to which a temporary continuity direction under this paragraph applies, must have regard to any guidance given by the Department about how to comply with such a direction.

(8) The duty of the Education Authority or the managers of a school to comply with a temporary continuity direction under this paragraph is enforceable, by the Department making an application to the High Court or a county court for an injunction.

(9) An application under sub-paragraph (8) may be made without notice being given to the Education Authority or (as the case may be) the managers of the school.

(10) Where a temporary continuity direction under this paragraph applies to a school, there is no breach of the following provisions to the extent that a breach is attributable to the direction—

(a) regulations 14 and 15 of the Primary Schools Regulations and regulations 11 and 12 of the Secondary Schools Regulations (terms and days of operation of school and dates of school holidays, etc);

(b) regulation 18 of the Primary Schools Regulations (child who is not a registered pupil at a school not permitted to attend the school).

(11) In this paragraph—

"child", "managers" and "school" have the meaning given in the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3));

"the Department" means the Department of Education in Northern Ireland;

"the Education Authority" means the Authority established by section 1(1) of the Education Act (Northern Ireland) 2014 (c. 12 (N.I.));

"the Primary Schools Regulations" means the Primary Schools (General) Regulations (Northern Ireland) 1973 (S.R. & O. (N.I.) 1973 No. 402);

"the Secondary Schools Regulations" means the Secondary Schools (Grant Conditions) Regulations (Northern Ireland) 1973 (S.R. & O. (N.I.) 1973 No. 403);

"specified" means specified in a temporary continuity direction under this paragraph, or falling within a description specified in a temporary continuity direction under this paragraph.

15 (1) The Department may give a temporary continuity direction that applies to—

(a) one or more named relevant institutions in Northern Ireland;

(b) all relevant institutions in Northern Ireland (or any part of Northern Ireland);

(c) relevant institutions in Northern Ireland (or any part of Northern Ireland) of a particular description.

(2) A temporary continuity direction under this paragraph is a direction that requires the governing body of the relevant institution to which it applies to take steps specified in the direction in connection with the provision, for a specified period, of further or higher education or services relating to further or higher education.

(3) Before giving a temporary continuity direction under this paragraph—
  (a) the Department must have regard to any advice from the Chief Medical Officer or any of the Deputy Chief Medical Officers of the Department of Health in Northern Ireland relating to the incidence or transmission of coronavirus, and
  (b) the Department must be satisfied that giving the direction is a necessary and proportionate action for or in connection with the continued provision of further or higher education or services relating to further or higher education for the specified period.

(4) A temporary continuity direction under this paragraph may—
  (a) require the taking of reasonable steps in general terms, or require the taking of particular steps that the Department considers reasonable;
  (b) require the institution to open, to stay open, to re-open, or to open at times when it would not usually be open;
  (c) require the institution to allow specified persons to attend that institution for the purpose of receiving further or higher education or services relating to further or higher education provided by or on behalf of that institution;
  (d) require the alteration of term dates, holiday dates or examination dates;
  (e) require the institution to provide or make arrangements for the provision of further or higher education or services relating to further or higher education;
  (f) make different provision for different purposes, or be framed by reference to whatever matters the Department considers appropriate;
  (g) make such other provision as the Department considers appropriate in connection with the giving of a direction.

(5) Subject to sub-paragraph (6), the Department must publish a temporary continuity direction under this paragraph.

(6) Where a direction relates to a person specified by name—
  (a) the Department must give a copy of the direction to that person, and
  (b) the published version of the direction must not identify any individual without their consent.

(7) The governing body of an institution to which a temporary continuity direction under this paragraph applies must have regard to any guidance given by the Department about how to comply with that direction.

(8) The duty of the governing body of an institution to comply with a temporary continuity direction under this paragraph is enforceable by the Department making an application to the High Court or a county court for an injunction.

(9) An application under sub-paragraph (8) may be made without notice being given to the governing body of the institution.

(10) In this paragraph—
  "the Department" means the Department for the Economy in Northern Ireland;
  "governing body", in relation to a higher education institution, has the same meaning as in Article 30 of the Education and Libraries

(Northern Ireland) Order 1993 (S.I. 1993/2810 (N.I. 12)) (the "1993 Order");

"relevant institution" means—

(a) a further education institution recognised by the Department under Article 8 of the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15)), or

(b) a higher education institution within the meaning of Article 30 of the 1993 Order;

"specified" means specified in a temporary continuity direction under this paragraph, or falling within a description specified in a temporary continuity direction under this paragraph.

16 (1) The Department may give a temporary continuity direction that applies to—

(a) one or more named persons registered under Article 118 of the 1995 Order (child minders and those who provide day care);

(b) all persons registered under that Article in Northern Ireland (or any part of Northern Ireland);

(c) persons registered under that Article of a particular description in Northern Ireland (or any part of Northern Ireland).

(2) A temporary continuity direction under this paragraph is a direction that requires any person to whom it applies to take steps specified in the direction in connection with the provision, for a specified period, of child minding or day care or services relating to child minding or day care.

(3) Before giving a temporary continuity direction under this paragraph—

(a) the Department must have regard to any advice from the Chief Medical Officer or any of the Deputy Chief Medical Officers of the Department relating to the incidence or transmission of coronavirus, and

(b) the Department must be satisfied that giving the direction is a necessary and proportionate action for or in connection with the continued provision of child minding or day care or services relating to child minding or day care for the specified period.

(4) A temporary continuity direction under this paragraph may—

(a) require the taking of reasonable steps in general terms, or require the taking of particular steps that the Department considers reasonable;

(b) require a person registered under Article 118 of the 1995 Order to provide services, to continue to provide services, to provide services again or to provide services when the person would not usually do so.

(5) The references in sub-paragraph (4)(b) to providing services are to the provision of child minding or day care.

(6) Subject to sub-paragraph (7), the Department must publish a temporary continuity direction under this paragraph.

(7) Where a direction relates to a person specified by name—

(a) the Department must give a copy of the direction to that person, and

(b) the published version of the direction must not identify any individual without their consent.

(8) A person to whom a temporary continuity direction under this paragraph applies must have regard to any guidance given by the Department about how to comply with that direction.

(9) The duty of a person registered under Article 118 of the 1995 Order to comply with a temporary continuity direction under this paragraph is enforceable by the Department making an application to the High Court or a county court for an injunction.

(10) An application under sub-paragraph (9) may be made without notice being given to the registered person.

(11) In this paragraph—

"the 1995 Order" means the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2));

"child minding" and "day care" have the same meaning as in the 1995 Order;

"the Department" means the Department of Health in Northern Ireland;

"specified" means specified in a temporary continuity direction under this paragraph, or falling within a description specified in a temporary continuity direction under this paragraph.

Notices temporarily removing or relaxing education duties

17 (1) The Department may by notice make provision disapplying or modifying, for a specified period, any one or more of the provisions listed in sub-paragraph (2).

(2) This is the list referred to in sub-paragraph (1)—

(a) the following provisions of the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3))—

(i) Article 45(1) (duty of parents to secure full-time education);

(ii) Articles 58 and 59 (provision of milk, meals and related facilities);

(iii) paragraph 1(4) of Schedule 13 (duty of managers of grant-aided school to admit child in accordance with attendance order);

(iv) paragraph 3(1) of Schedule 13 (duty of parents to secure attendance of pupil at school);

(b) Articles 6 to 21B of the Education (Northern Ireland) Order 1996 (S.I. 1996/274 (N.I. 1)) (duties in relation to special educational needs);

(c) Article 16(2) of the Education (Northern Ireland) Order 1998 (S.I. 1998/1759 (N.I. 13)) (class size in primary schools);

(d) regulations 5 to 22 of the Education (Special Educational Needs) Regulations (Northern Ireland) 2005 (S.R. (N.I.) 2005 No. 384) (duties in relation to assessments and statements);

(e) any provision of, or made under, Part 2 of the Education (Northern Ireland) Order 2006 (S.I. 2006/1915 (N.I. 11)) (duties in relation to the curriculum).

(3) The Department may by regulations amend the list in sub-paragraph (2).

(4) A notice under sub-paragraph (1) may limit the disapplication or modification of a provision by reference to—

(a) a specified person or description of persons;
(b) a specified area;
(c) any other matter.

(5) In particular, a notice under sub-paragraph (1) that disapplies any provision of, or made under, Part 2 of the Education (Northern Ireland) Order 2006 may—
(a) relate to the curriculum generally or to specified aspects of the curriculum;
(b) relate to all key stages or specified key stages;
(c) make different provision for different key stages;
(d) relate to all areas of learning or to contributory elements;
(e) be framed by reference to such other matters as the Department considers appropriate.

(6) A notice under sub-paragraph (1) must state why the Department considers that the issuing of the notice is an appropriate and proportionate action in all the circumstances.

(7) The specified period in a notice under sub-paragraph (1) must not exceed one month.

(8) The Department may by notice (a "cancellation notice") cancel a notice under sub-paragraph (1) with effect from the time specified in the cancellation notice.

(9) A cancellation notice may contain transitional or saving provision.

(10) Nothing in sub-paragraph (7) or (8) prevents the issuing of a further notice in relation to any provision.

(11) Subject to sub-paragraph (12), the Department must—
(a) publish a notice under this paragraph;
(b) take such other steps as the Department considers reasonable to bring the notice to the attention of those likely to be affected by it.

(12) Where the notice relates to a person specified by name—
(a) the Department must give a copy of the notice to that person, and
(b) the published version of the notice must not identify any individual without their consent.

(13) In this paragraph—
"the Department" means the Department of Education in Northern Ireland;
"specified", in relation to a notice under sub paragraph (1), means specified in the notice.

(14) The power to make regulations under sub-paragraph (3) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (and not by statutory instrument).

(15) Regulations under sub-paragraph (3) may make different provision for different purposes.

(16) Regulations under sub-paragraph (3) must be laid before the Northern Ireland Assembly as soon as reasonably practicable after being made.

(17) Regulations laid before the Assembly by virtue of sub-paragraph (16) cease to have effect at the end of the period of 40 days beginning with the day on which the instrument is made, unless within that period the instrument is approved by a resolution of the Assembly.

(18) In calculating the period of 40 days, no account is to be taken of any time during which the Assembly is dissolved or during which it is in recess for more than four days.

(19) Where regulations cease to have effect as a result of sub-paragraph (17), that does not—

(a) affect anything previously done under the regulations (except as set out in sub-paragraph (20)), or

(b) prevent the making of new regulations.

(20) Where—

(a) a notice has been given under sub-paragraph (1) disapplying or modifying a provision that has been added to the list in sub-paragraph (2) by virtue of the regulations, and

(b) the regulations cease to have effect during the specified period set out in that notice,

the notice ceases to have effect at the time the regulations cease to have effect.

SCHEDULE 18

Section 48

POWERS TO ACT FOR THE PROTECTION OF PUBLIC HEALTH: NORTHERN IRELAND

The Public Health Act (Northern Ireland) 1967 has effect as if after Part 1 there were inserted—

"PART 1A

PUBLIC HEALTH PROTECTION

Introductory

25A Infection or contamination

(1) The following provisions have effect for the interpretation of this Part.

(2) Any reference to infection or contamination is a reference to infection or contamination with coronavirus which presents or could present significant harm to human health; and "coronavirus" means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

(3) Any reference to the spread of contamination includes a reference to the spread of any source of contamination.

(4) Any reference to disinfection or decontamination includes a reference to the removal of any vector, agent or source of the infection or contamination.

(5) Related expressions are to be read accordingly.

Power to make regulations

25B Health protection regulations: international travel etc

(1) The Department of Health may by regulations make provision—
  (a) for preventing danger to public health from vessels, aircraft, trains or other conveyances arriving at any place,
  (b) for preventing the spread of infection or contamination by means of any vessel, aircraft, train or other conveyance leaving any place, and
  (c) for giving effect to any international agreement or arrangement relating to the spread of infection or contamination.

(2) Regulations under subsection (1) may in particular include provision—
  (a) for the detention of conveyances,
  (b) for the medical examination, detention, isolation or quarantine of persons,
  (c) for the inspection, analysis, retention, isolation, quarantine or destruction of things,
  (d) for the disinfection or decontamination of conveyances, persons or things or the application of other sanitary measures,
  (e) for prohibiting or regulating the arrival or departure of conveyances and the entry or exit of persons or things,
  (f) imposing duties on masters, pilots, train managers and other persons on board conveyances and on owners and managers of ports, airports and other points of entry, and
  (g) requiring persons to provide information or answer questions (including information or questions relating to their health).

25C Health protection regulations: domestic

(1) The Department of Health may by regulations make provision for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection or contamination in Northern Ireland (whether from risks originating there or elsewhere).

(2) The power in subsection (1) may be exercised—
  (a) in relation to infection or contamination generally or in relation to particular forms of infection or contamination, and
  (b) so as to make provision of a general nature, to make contingent provision or to make specific provision in response to a particular set of circumstances.

(3) Regulations under subsection (1) may in particular include provision—
  (a) imposing duties on registered medical practitioners or other persons to record and notify cases or suspected cases of infection or contamination,

(b) conferring on the Regional Agency or other persons functions in relation to the monitoring of public health risks, and

(c) imposing or enabling the imposition of restrictions or requirements on or in relation to persons, things or premises in the event of, or in response to, a threat to public health.

(4) The restrictions or requirements mentioned in subsection (3)(c) include in particular—

(a) a requirement that a child is to be kept away from school,

(b) a prohibition or restriction relating to the holding of an event or gathering,

(c) a restriction or requirement relating to the handling, transport, burial or cremation of dead bodies or the handling, transport or disposal of human remains, and

(d) a special restriction or requirement.

(5) The power in subsection (1) is subject to section 25D.

(6) For the purposes of this Part a "special restriction or requirement" means any of the following restrictions or requirements—

(a) that a person submit to medical examination;

(b) that a person be removed to a hospital or other suitable establishment;

(c) that a person be detained in a hospital or other suitable establishment;

(d) that a person be kept in isolation or quarantine;

(e) that a person be disinfected or decontaminated;

(f) that a person wear protective clothing;

(g) that a person provide information or answer questions about the person's health or other circumstances;

(h) that a person's health be monitored and the results reported;

(i) that a person attend training or advice sessions on how to reduce the risk of infecting or contaminating others;

(j) that a person be subject to restrictions on where the person goes or with whom the person has contact;

(k) that a person abstain from working or trading;

(l) that a thing be seized or retained;

(m) that a thing be kept in isolation or quarantine;

(n) that a thing be disinfected or decontaminated;

(o) in the case of a dead body, that the body be buried or cremated;

(p) in any other case, that a thing be destroyed or disposed of;

(q) that premises be closed;

(r) that, in the case of a conveyance or movable structure, the conveyance or structure be detained;

(s) that premises be disinfected or decontaminated;

(t) that, in the case of a building, conveyance or structure, the premises be destroyed.

(7) But a restriction or requirement mentioned in subsection (4)(a), (b) or (c) is not to be regarded as a special restriction or requirement.

25D Restrictions on power to make regulations under section 25C

(1) Regulations under section 25C may not include provision imposing a restriction or requirement by virtue of subsection (3)(c) of that section unless the Department considers, when making the regulations, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.

(2) Regulations under section 25C may not include provision enabling the imposition of a restriction or requirement by virtue of subsection (3)(c) of that section unless the regulations provide that a decision to impose such a restriction or requirement may only be taken if the person taking it considers, when taking the decision, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.

(3) Regulations under section 25C may not include provision imposing a special restriction or requirement mentioned in section 25C(6)(a), (b), (c) or (d).

(4) Regulations under section 25C may not include provision enabling the imposition of a special restriction or requirement unless—

(a) the regulations are made in response to a serious and imminent threat to public health, or

(b) imposition of the restriction or requirement is expressed to be contingent on there being such a threat at the time when it is imposed.

(5) For the purposes of this section—

(a) regulations "enable the imposition of a restriction or requirement" if the restriction or requirement is imposed by virtue of a decision taken under the regulations by the Department, the Regional Agency or another person;

(b) regulations "impose a restriction or requirement" if the restriction or requirement is imposed without any such decision.

25E Medical treatment

(1) Regulations under section 25B or 25C may not include provision requiring a person to undergo medical treatment.

(2) "Medical treatment" includes vaccination and other prophylactic treatment.

25F Health protection regulations: supplementary

(1) This section makes further provision about regulations under section 25B or 25C ("health protection regulations").

(2) Health protection regulations may—

(a) confer functions on the Regional Agency and other persons;

(b) create offences;

(c) enable a court to order a person convicted of any such offence to take or pay for remedial action in appropriate circumstances;

(d) provide for the execution and enforcement of restrictions and requirements imposed by or under the regulations;

(e) provide for appeals from and reviews of decisions taken under the regulations;

(f) permit or prohibit the levy of charges;

(g) permit or require the payment of incentive payments, compensation and expenses;

(h) provide for the resolution of disputes.

(3) Health protection regulations may, for the purposes of giving effect to an international agreement or arrangement, amend any statutory provision.

(4) Health protection regulations may not confer functions on officers of Revenue and Customs unless the regulations are made with the consent of the Commissioners for Her Majesty's Revenue and Customs.

(5) Health protection regulations may not create an offence triable on indictment or punishable with imprisonment.

(6) Health protection regulations—

(a) may not create an offence punishable with a fine exceeding £10,000, and

(b) if the regulations provide for a further fine for each day on which the default continues after conviction, may not provide for the daily penalty to exceed an amount equal to 2% of level 5 on the standard scale.

(7) If health protection regulations provide for the imposition of a daily penalty in respect of a continuing offence, the court by which a person is convicted of the original offence may fix a reasonable period from the date of conviction for compliance by the defendant with any directions given by the court; and, where the court has fixed such a period, the daily penalty shall not be recoverable in respect of any day before that period expires.

(8) Regulations under section 25C must provide for a right of appeal to a court of summary jurisdiction against any decision taken under the regulations by virtue of which a special restriction or requirement is imposed on or in relation to a person, a thing or premises.

(9) Regulations under section 25C which enable a special restriction or requirement to be imposed by virtue of a decision taken under the regulations must also provide that, if the restriction or requirement is capable of remaining in force in relation to any person, thing or premises for more than a specified period, a specified person may require the continuation of the restriction or requirement to be reviewed in accordance with the regulations at specified intervals by a person determined in accordance with the regulations.

(10) In relation to a special restriction or requirement mentioned in section 25C(6)(c) or (d)—

(a) the period specified by virtue of subsection (9) and the intervals specified by virtue of that subsection must be 28 days or less, and

(b) the regulations must require the continuation of the restriction or requirement to be reviewed without an application being made.

Orders that may be made by a magistrates' court

25G Power to order health measures in relation to persons

(1) A magistrates' court may make an order under this subsection in relation to a person ("P") if the court is satisfied that—
  (a) P is or may be infected or contaminated,
  (b) the infection or contamination is one which presents or could present significant harm to human health,
  (c) there is a risk that P might infect or contaminate others, and
  (d) it is necessary to make the order in order to remove or reduce that risk.

(2) An order under subsection (1) may impose on or in relation to P one or more of the following restrictions or requirements—
  (a) that P submit to medical examination;
  (b) that P be removed to a hospital or other suitable establishment;
  (c) that P be detained in a hospital or other suitable establishment;
  (d) that P be kept in isolation or quarantine;
  (e) that P be disinfected or decontaminated;
  (f) that P wear protective clothing;
  (g) that P provide information or answer questions about P's health or other circumstances;
  (h) that P's health be monitored and the results reported;
  (i) that P attend training or advice sessions on how to reduce the risk of infecting or contaminating others;
  (j) that P be subject to restrictions on where P goes or with whom P has contact;
  (k) that P abstain from working or trading.

(3) A magistrates' court may make an order under this subsection in relation to a person ("P") if the court is satisfied that—
  (a) P is or may be infected or contaminated,
  (b) the infection or contamination is one which presents or could present significant harm to human health,
  (c) there is a risk that a related party might infect or contaminate others, and
  (d) it is necessary to make the order in order to remove or reduce that risk.

(4) An order under subsection (3) may impose on or in relation to P a requirement that P provide information or answer questions about P's health or other circumstances (including, in particular, information or questions about the identity of a related party).

(5) "Related party" means—
  (a) a person who has or may have infected or contaminated P, or
  (b) a person whom P has or may have infected or contaminated.

(6) An order under subsection (1) or (3) may also order a person with parental responsibility (within the meaning of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)) for P to secure that P submits to or complies with the restrictions or requirements imposed by the order.

(7) The Department of Health must by regulations make provision about the evidence that must be available to a magistrates' court before the court can be satisfied as mentioned in subsection (1) or (3).

(8) Any reference in this section to a person who is infected or contaminated includes a reference to a person who carries the source of an infection or contamination, and any reference to infecting or contaminating others includes a reference to passing that source to others.

25H Power to order health measures in relation to things

(1) A magistrates' court may make an order under this subsection in relation to a thing if the court is satisfied that—
  (a) the thing is or may be infected or contaminated,
  (b) the infection or contamination is one which presents or could present significant harm to human health,
  (c) there is a risk that the thing might infect or contaminate humans, and
  (d) it is necessary to make the order in order to remove or reduce that risk.

(2) An order under subsection (1) may impose in relation to the thing one or more of the following restrictions or requirements—
  (a) that the thing be seized or retained;
  (b) that the thing be kept in isolation or quarantine;
  (c) that the thing be disinfected or decontaminated;
  (d) in the case of a dead body, that the body be buried or cremated;
  (e) in any other case, that the thing be destroyed or disposed of.

(3) A magistrates' court may make an order under this subsection in relation to a thing if the court is satisfied that—
  (a) the thing is or may be infected or contaminated,
  (b) the infection or contamination is one which presents or could present significant harm to human health,
  (c) there is a risk that a related person or related thing might infect or contaminate humans, and
  (d) it is necessary to make the order in order to remove or reduce that risk.

(4) An order under subsection (3) may require—
  (a) the owner of the thing, or
  (b) any person who has or has had custody or control of the thing,

to provide information or answer questions about the thing (including, in particular, information or questions about where the thing has been or about the identity of any related person or the whereabouts of any related thing).

(5) "Related person" means—
  (a) a person who has or may have infected or contaminated the thing mentioned in subsection (3)(a), or
  (b) a person whom the thing has or may have infected or contaminated.

(6) "Related thing" means—
  (a) a thing which has or may have infected or contaminated the thing mentioned in subsection (3)(a), or
  (b) a thing which the thing mentioned in subsection (3)(a) has or may have infected or contaminated.

(7) The Department of Health may by regulations make provision about the evidence that must be available to a magistrates' court before the court can be satisfied as mentioned in subsection (1) or (3).

(8) In this section—
  (a) any reference to being infected or contaminated includes a reference to carrying the source of an infection or contamination, and
  (b) any reference to infecting or contaminating humans, or a person or thing, includes a reference to passing the source of an infection or contamination to humans, or to the person or thing.

25I Power to order health measures in relation to premises

(1) A magistrates' court may make an order under this subsection in relation to premises if the court is satisfied that—
  (a) the premises are or may be infected or contaminated,
  (b) the infection or contamination is one which presents or could present significant harm to human health,
  (c) there is a risk that the premises might infect or contaminate humans, and
  (d) it is necessary to make the order in order to remove or reduce that risk.

(2) An order under subsection (1) may impose in relation to the premises one or more of the following restrictions or requirements—
  (a) that the premises be closed;
  (b) that, in the case of a conveyance or movable structure, the conveyance or structure be detained;
  (c) that the premises be disinfected or decontaminated;
  (d) that, in the case of a building, conveyance or structure, the premises be destroyed.

(3) A magistrates' court may make an order under this subsection in relation to premises if the court is satisfied that—
  (a) the premises are or may be infected or contaminated or are or may be a place where infection or contamination was spread between persons or things,
  (b) the infection or contamination is one which presents or could present significant harm to human health,
  (c) there is a risk that a related person or related thing might infect or contaminate humans, and

(d) it is necessary to make the order in order to remove or reduce that risk.

(4) An order under subsection (3) may require the owner or any occupier of the premises to provide information or answer questions about the premises (including, in particular, information about the identity of any related person or the whereabouts of any related thing).

(5) "Related person" means—

(a) a person who has or may have infected or contaminated the premises,

(b) a person who has or may have infected or contaminated a person who or thing which is or has been on the premises,

(c) a person whom the premises have or may have infected or contaminated, or

(d) a person who has or may have been infected or contaminated by a person who or thing which is or has been on the premises.

(6) "Related thing" means—

(a) a thing which has or may have infected or contaminated the premises,

(b) a thing which has or may have infected or contaminated a person who or thing which is or has been on the premises,

(c) a thing which the premises have or may have infected or contaminated, or

(d) a thing which has or may have been infected or contaminated by a person who or thing which is or has been on the premises.

(7) The Department of Health may by regulations make provision about the evidence that must be available to a magistrates' court before the court can be satisfied as mentioned in subsection (1) or (3).

(8) In this section—

(a) any reference to being infected or contaminated includes a reference to carrying the source of an infection or contamination, and

(b) any reference to infecting or contaminating humans, or a person, a thing or premises, includes a reference to passing the source of an infection or contamination to humans, or to the person, thing or premises.

25J Orders in respect of groups

(1) The powers in sections 25G, 25H and 25I include power to make an order in relation to a group of persons, things or premises.

(2) For those purposes, those sections have effect as follows.

(3) In section 25G—

(a) in subsections (1)(a) and (c) and (3)(a), the reference to P is a reference to each person in the group, and

(b) in subsections (2) and (4), any reference to P is a reference to any one or more of the persons in the group.

(4) In section 25H—
  (a) in subsections (1)(a) and (c) and (3)(a), the reference to the thing is a reference to each thing in the group, and
  (b) in subsections (2) and (4) any reference to the thing is a reference to any one or more of the things in the group.

(5) In section 25I—
  (a) in subsections (1)(a) and (c) and (3)(a), the reference to the premises is a reference to each set of premises in the group, and
  (b) in subsections (2) and (4), any reference to the premises is a reference to any one or more of the sets of premises in the group.

25K Part 1A orders: supplementary

(1) This section makes further provision about orders under sections 25G, 25H and 25I (referred to in this Part as "Part 1A orders").

(2) A Part 1A order may include, in addition to the restrictions or requirements mentioned in the provision under which it is made, such other restrictions or requirements as the court considers necessary for the purpose of reducing or removing the risk in question.

(3) A restriction or requirement contained in a Part 1A order may be expressed to take effect subject to conditions specified in the order.

(4) Two or more Part 1A orders may be combined in a single order.

(5) A Part 1A order may contain such directions as the court considers appropriate to give effect to it.

(6) In particular (and without limiting the effect of subsection (5)), if the court is satisfied as mentioned in subsection (7) of section 25R, a Part 1A order may authorise a person to do anything which may be authorised by warrant under subsection (5) of that section.

(7) If a Part 1A order provides as mentioned in subsection (6), section 25S(1) to (3) (supplementary powers on entry) have effect as if—
  (a) the order were a warrant issued under section 25R, and
  (b) the person authorised by the order were an authorised officer.

(8) A Part 1A order may order the payment of compensation or expenses in connection with the taking of measures pursuant to the order.

(9) A Part 1A order is authority for those persons to whom it is addressed to do such things as may be necessary to give effect to it.

25L Period for which a Part 1A order may be in force

(1) A Part 1A order must specify the period for which any restriction or requirement imposed by or under the order is to remain in force.

(2) That period may be extended by further order of a magistrates' court.

(3) In relation to restrictions or requirements mentioned in section 25G(2)(c) or (d) (detention in hospital, or period of isolation or quarantine), neither—
  (a) the period specified under subsection (1), nor
  (b) the period of any extension under subsection (2),
may exceed 28 days.

(4) The Department of Health may by regulations prescribe a shorter period for the purposes of subsection (3).

(5) The Department of Health may by regulations prescribe, in relation to any other restrictions or requirements—
  (a) the maximum period which may be specified under subsection (1), and
  (b) the maximum period of any extension under subsection (2).

25M Procedure for making, varying and revoking Part 1A orders

(1) The power of a magistrates' court to make a Part 1A order is exercisable on the application of the Regional Agency by notice under Part 7 of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)).

(2) The Department of Health must by regulations require the Regional Agency to give notice to such persons as may be prescribed of the making of an application for a Part 1A order; but this is subject to subsection (3).

(3) If a magistrates' court considers it necessary to do so, the court may make a Part 1A order without a person having been given such notice as is otherwise required to be given to that person under magistrates' court rules or regulations under subsection (2).

(4) The Department of Health may by regulations make other provision for the procedure on an application for a Part 1A order (including provision modifying the Magistrates' Courts (Northern Ireland) Order 1981 and magistrates' courts rules).

(5) A Part 1A order may be varied or revoked by a magistrates' court on the application of—
  (a) an affected person,
  (b) the Regional Agency, or
  (c) any other authority with the function of executing or enforcing the order in question.

(6) In the case of an order under section 25G(1) or (3), the following persons are affected persons—
  (a) P,
  (b) a person with parental responsibility (within the meaning of the Children (Northern Ireland) Order 1995) for P,
  (c) P's husband, wife or civil partner,
  (d) a person living with P as if they were spouses of each other, and
  (e) such other persons as may be prescribed.

(7) In the case of an order under section 25H(1), the following persons are affected persons—
  (a) the owner of the thing,
  (b) any person with custody or control of the thing, and
  (c) such other persons as may be prescribed.

(8) In the case of an order under section 25I(1), the following persons are affected persons—
  (a) the owner of the premises,
  (b) any occupier of the premises, and
  (c) such other persons as may be prescribed.

(9) In the case of an order under section 25H(3) or 25I(3), the person required to provide information or answer questions and such other persons as may be prescribed are affected persons.

(10) Variation or revocation of a Part 1A order does not invalidate anything done under the order prior to the variation or revocation.

25N Power to make further provision by regulations

(1) The Department of Health may by regulations make provision about the taking of measures pursuant to Part 1A orders.

(2) The regulations may in particular make provision about—
  (a) the type of investigation which may be carried out as part of a medical examination;
  (b) the manner in which measures are to be taken;
  (c) who is to be responsible for executing and enforcing measures;
  (d) who is to be liable for the costs of measures;
  (e) the payment of compensation or expenses in connection with the taking of measures.

(3) But the regulations may not confer functions on officers of Revenue and Customs to execute or enforce Part 1A orders unless the regulations are made with the consent of the Commissioners for Her Majesty's Revenue and Customs.

25O Enforcement of Part 1A orders

(1) A person commits an offence if the person—
  (a) fails without reasonable excuse to comply with a restriction or requirement imposed by or under a Part 1A order, or
  (b) wilfully obstructs anyone acting in the execution of a Part 1A order.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) If—
  (a) a person is convicted of an offence under subsection (1), and
  (b) the court by which the person is convicted is satisfied that the failure or wilful obstruction constituting the offence has

caused premises or things to become infected or contaminated or otherwise damaged them in a material way,

the court may, if it considers it appropriate to do so, order the person to take or pay for such remedial action as may be specified in the order.

(4) Subsection (5) applies if—
  (a) a Part 1A order imposes a requirement that a person be detained or kept in isolation or quarantine in a place, and
  (b) the person leaves that place contrary to the requirement.

(5) A constable may take the person into custody and return the person to that place.

(6) But a person may not be taken into custody under subsection (5) after expiry of the period for which the requirement is in force.

Regulations under Part 1A: general

25P Assembly control

(1) Regulations under this Part are subject to negative resolution; but this does not apply to—
  (a) regulations to which subsection (2) applies;
  (b) regulations contained in a statutory rule by virtue of subsection (6) or section 25Q(8) (composite instruments).

(2) Regulations to which this subsection applies (as to which, see subsections (4) and (5)) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(3) Subsection (2) is subject to section 25Q (emergency procedure).

(4) Subsection (2) applies to—
  (a) regulations under section 25C (but see subsection (5)),
  (b) regulations which amend a statutory provision pursuant to section 25F(3),
  (c) the first regulations to be made under section 25G(7),
  (d) the first regulations to be made under section 25L(5), or
  (e) the first regulations to be made under section 25N.

(5) Subsection (2) does not apply to regulations under section 25C if the regulations contain a declaration that the Department is of the opinion that the regulations do not include any provision made by virtue of section 25C(3)(c) which imposes or enables the imposition of—
  (a) a special restriction or requirement, or
  (b) any other restriction or requirement which has or would have a significant effect on a person's rights.

(6) A statutory rule that (in accordance with subsection (2)) is laid before, and approved by a resolution of, the Assembly may contain regulations that would, but for subsection (1)(b) and this subsection, be subject to negative resolution.

25Q Emergency procedure

(1) This section applies to regulations to which subsection (2) of section 25P applies.

(2) The regulations may be made without a draft having been laid and approved as mentioned in subsection (2) of that section if the regulations contain a declaration that the Department is of the opinion that, by reason of urgency, it is necessary to make the regulations without a draft being so laid and approved.

(3) After regulations are made in accordance with subsection (2), they must be laid before the Assembly.

(4) Regulations made in accordance with subsection (2) cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, the regulations are approved by a resolution of the Assembly.

(5) But if on any day during that period, on proceedings on a motion that (or to the effect that) the regulations be so approved, the Assembly comes to a decision rejecting the regulations, they cease to have effect at the end of that day instead.

(6) In reckoning any such period of 28 days, no account is to be taken of any time during which the Assembly is dissolved or is in recess for more than 4 days.

(7) Subsections (4) and (5) do not—
  (a) affect anything done in reliance on the regulations before they ceased to have effect, or
  (b) prevent the making of new regulations.

(8) A statutory rule that is made in accordance with subsection (2) may contain regulations that would, but for section 25P(1)(b) and this subsection, be subject to negative resolution.

General

25R Powers of entry

(1) An authorised officer has the right (subject to subsections (2) to (4)) to enter any premises at all reasonable hours for any or all of the following purposes—
  (a) ascertaining whether there is, or has been, on, or in connection with, the premises any contravention of a provision of this Part, of regulations made under this Part, or of a Part 1A order;
  (b) ascertaining whether or not circumstances exist which would authorise or require the Regional Agency to take any action, or execute any work, under such a provision or such regulations, or in relation to such an order;
  (c) taking any action, or executing any work, authorised or required by such a provision or such regulations, or in relation to such an order, to be taken, or executed, by the Regional Agency;

(d) generally, for the purpose of the performance by the Regional Agency of its functions under such a provision or such regulations, or in relation to such an order.

(2) The right may be exercised only on producing, if so required, a duly authenticated document showing the officer's authority.

(3) Admission to premises is not to be demanded as of right unless 24 hours' notice of the intended entry has been given to the occupier.

(4) Subsection (1) does not authorise entry to any part of premises which is used as a private dwelling (but this does not affect the power of a magistrates' court under subsection (5) to issue a warrant authorising entry to a private dwelling or to any part of premises used as a private dwelling).

(5) If it is shown to the satisfaction of a magistrates' court on sworn information in writing that the first and second conditions (set out in subsections (6) and (7)) are met in relation to any premises, the court may by signed warrant authorise the Regional Agency, by any authorised officer, to enter the premises, if need be by force.

(6) The first condition is that there is reasonable ground for entry into the premises for any such purpose as is mentioned in subsection (1).

(7) The second condition is that any of the following is the case—
(a) admission to any premises has been refused;
(b) if admission to the premises is requested, it will be or is likely to be refused;
(c) a request for admission would defeat the object of the entry;
(d) the occupier is temporarily absent;
(e) the premises are unoccupied; or
(f) the case is one of urgency.

(8) If the case falls within subsection (7)(a) to (d), a warrant must not be issued unless the court is also satisfied—
(a) that notice of the intention to apply for a warrant has been given to the occupier, or
(b) that the giving of such notice would defeat the object of the entry.

25S Supplementary provisions as to entry

(1) An authorised officer ("the officer") entering any premises by virtue of section 25R, or of a warrant issued under that section, may be accompanied by such other persons and such equipment and materials as may be necessary.

(2) On leaving any unoccupied premises which the officer has entered by virtue of such a warrant, the officer must leave them as effectively secured against trespassers as the officer found them.

(3) The officer may for the purpose for which entry is authorised—
(a) search the premises,
(b) carry out measurements and tests of the premises or of anything found on them,

(c) take and retain samples of the premises or of anything found on them,

(d) inspect and take copies or extracts of any documents or records found on the premises,

(e) require information stored in an electronic form and accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible or from which it can readily be produced in a visible and legible form, and

(f) seize and detain or remove anything which the officer reasonably believes to be evidence of any contravention relevant to the purpose for which entry is authorised.

(4) Every warrant issued under section 25R continues in force until the purpose for which the entry is necessary has been satisfied.

(5) Nothing in section 25R or this section limits the other provisions of this Part, or of regulations made under it, with respect to entry into or upon, and inspection of, any premises.

25T Offence of obstruction

(1) A person who wilfully obstructs any person acting in the execution of a right under sections 25R and 25S, or of a warrant under section 25R, is guilty of an offence.

(2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

General

25U Application to territorial sea

The provisions of this Part have effect in relation to the territorial sea adjacent to Northern Ireland.

25V Form of notices

The Department of Health may by regulations prescribe the form of any notice or other document to be used for the purposes of this Part.

25W Other provision as to offences

(1) In its application to offences created by or under this Part, section 20(2) of the Interpretation Act (Northern Ireland) 1954 has effect with the omission of the words "the liability of whose members is limited".

(2) A court of summary jurisdiction may hear and determine a complaint charging an offence created by or under this Part if the complaint is made both—

(a) before the end of the period of 3 years beginning with the date of the commission of the offence, and

(b) before the end of the period of 6 months beginning with the date on which evidence which the prosecutor thinks is sufficient to justify the proceedings comes to the prosecutor's knowledge;

and this applies in place of Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981.

(3) For the purposes of subsection (2)(b)—
  (a) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact, and
  (b) a certificate stating that matter and purporting to be so signed is to be treated as so signed unless the contrary is proved.

25X Crown property

(1) This section applies to any house, building or other premises being property belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a government department, or held in trust for Her Majesty for purposes of a government department.

(2) In relation to any such property, the appropriate authority may agree with the Regional Agency that any provision of this Part specified in the agreement shall apply to the property; and, while the agreement is in force, that provision shall apply to that property accordingly, subject to the terms of the agreement.

(3) Any such agreement may contain such consequential and incidental provisions as appear to the appropriate authority to be necessary or equitable.

(4) In this section, "the appropriate authority" means—
  (a) in the case of property belonging to Her Majesty in right of the Crown, the Crown Estate Commissioners or other government department having the management of the property;
  (b) in the case of property belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;
  (c) in the case of property belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints; and
  (d) in the case of property belonging to a government department or held in trust for Her Majesty for purposes of a government department, that department.

(5) In this section, "premises" does not include any vessel—
  (a) belonging to Her Majesty, or
  (b) under the command or charge of an officer holding Her Majesty's commission.

25Y Part 1A: further definitions

(1) This Part is to be read in accordance with this section.

(2) "Authorised officer" includes any person authorised by the Regional Agency to exercise functions conferred on it by or under this Part (whether or not the person is an officer of the Agency).

(3) "Medical examination" includes microbiological and toxicological tests.

(4) References to the giving of notice are to notice in writing.

(5) "Special restriction or requirement" has the meaning given by section 25C(6).

(6) "Statutory provision" has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

(7) "Thing" includes—
(a) human tissue,
(b) a dead body or human remains,
(c) animals, and
(d) plant material.

(8) Any reference to amending a statutory provision includes a reference to repealing, revoking or modifying the application of a statutory provision, and "amendment" is to be read accordingly.

(9) Any reference to giving effect to an international agreement or arrangement includes a reference to giving effect to a recommendation issued under such an agreement or arrangement."

SCHEDULE 19

Section 49

HEALTH PROTECTION REGULATIONS: SCOTLAND

Health protection regulations

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

(2) The power in sub-paragraph (1) may be exercised—
(a) in relation to infection or contamination generally or in relation to particular forms of infection or contamination, and
(b) so as to make provision of a general nature, to make contingent provision or to make specific provision in response to a particular set of circumstances.

(3) Regulations under sub-paragraph (1) may in particular include provision—
(a) imposing duties on registered medical practitioners or other persons to record and notify cases or suspected cases of infection or contamination,
(b) conferring on local authorities, health boards or other persons functions in relation to the monitoring of public health risks, and
(c) imposing or enabling the imposition of restrictions or requirements on or in relation to persons, things or premises in the event of, or in response to, a threat to public health.

(4) The restrictions or requirements mentioned in sub-paragraph (3)(c) include in particular—

(a) a requirement that a child is to be kept away from school,
(b) a prohibition or restriction relating to the holding of an event or gathering,
(c) a restriction or requirement relating to the handling, transport, burial or cremation of dead bodies or the handling, transport or disposal of human remains, and
(d) a special restriction or requirement (see paragraph 4).

(5) The power in sub-paragraph (1) is subject to paragraphs 2 and 3.

(6) For the purposes of this Schedule, "health board" and "local authority" have the meanings given in section 124 of the Public Health etc. (Scotland) Act 2008.

Restrictions on power to make regulations under paragraph 1

2 (1) Regulations under paragraph 1(1) may not include provision imposing a restriction or requirement by virtue of sub-paragraph (3)(c) of that paragraph unless the Scottish Ministers consider, when making the regulations, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.

(2) Regulations under paragraph 1(1) may not include provision enabling the imposition of a restriction or requirement by virtue of sub-paragraph (3)(c) of that paragraph unless the regulations provide that a decision to impose such a restriction or requirement may only be taken if the person taking it considers, when taking the decision, that the restriction or requirement is proportionate to what is sought to be achieved by imposing it.

(3) Regulations under paragraph 1(1) may not include provision imposing a special restriction or requirement mentioned in paragraph 4(2)(a), (b), (c) or (d).

(4) Regulations under paragraph 1(1) may not include provision enabling the imposition of a special restriction or requirement unless—
(a) the regulations are made in response to a serious and imminent threat to public health, or
(b) imposition of the restriction or requirement is expressed to be contingent on there being such a threat at the time when it is imposed.

(5) For the purposes of this paragraph—
(a) regulations "enable the imposition of a restriction or requirement" if the restriction or requirement is imposed by virtue of a decision taken under the regulations by the Scottish Ministers, a local authority, health board or other person;
(b) regulations "impose a restriction or requirement" if the restriction or requirement is imposed without any such decision.

Medical treatment

3 (1) Regulations under paragraph 1(1) may not include provision requiring a person to undergo medical treatment.

(2) "Medical treatment" includes vaccination and other prophylactic treatment.

Special restrictions and requirements

4 (1) For the purposes of this Schedule—
(a) a "special restriction or requirement" means a restriction or requirement mentioned in sub-paragraphs (2) to (4), but
(b) a restriction or requirement mentioned in paragraph 1(4)(a), (b) or (c) is not to be regarded as a special restriction or requirement.

(2) In relation to a person, that the person—
(a) submit to medical examination;
(b) be removed to a hospital or other suitable establishment;
(c) be detained in a hospital or other suitable establishment;
(d) be kept in isolation or quarantine;
(e) be disinfected or decontaminated;
(f) wear protective clothing;
(g) provide information or answer questions about the person's health or other circumstances;
(h) has their health monitored and the results reported;
(i) attend training or advice sessions on how to reduce the risk of infecting or contaminating others;
(j) be subject to restrictions as to where the person may go or with whom the person has contact;
(k) abstain from working or trading.

(3) In relation to a thing—
(a) that the thing be seized or retained;
(b) that the thing be kept in isolation or quarantine;
(c) that the thing be disinfected or decontaminated;
(d) in the case of a dead body, that the body be buried or cremated;
(e) in any other case, that the thing be destroyed or disposed of.

(4) In relation to premises—
(a) that the premises be closed;
(b) that, in the case of a conveyance or movable structure, the conveyance or structure be detained;
(c) that the premises be disinfected or decontaminated;
(d) that, in the case of a building, conveyance or structure, the premises be destroyed.

(5) For the purposes of this paragraph—
"hospital" has the meaning given in section 124 of the Public Health etc. (Scotland) Act 2008;
"premises" includes any place and, in particular, includes—
(a) any vehicle, train, vessel or aircraft,
(b) any tent or movable structure, and
(c) any offshore installation (as defined in regulation 3 of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 (S.I. 1995/738)).

Health protection regulations: supplementary

5 (1) This paragraph makes further provision about regulations under paragraph 1(1).

(2) The regulations may—
- (a) confer functions on local authorities, health boards and other persons;
- (b) create offences;
- (c) enable a court to order a person convicted of any such offence to take or pay for remedial action in appropriate circumstances;
- (d) provide for the execution and enforcement of restrictions and requirements imposed by or under the regulations;
- (e) provide for appeals from and reviews of decisions taken under the regulations;
- (f) permit or prohibit the levy of charges;
- (g) permit or require the payment of incentive payments, compensation and expenses;
- (h) provide for the resolution of disputes.

(3) The regulations may also make—
- (a) different provision for different purposes or different areas,
- (b) such incidental, supplementary, consequential, transitional or transitory provision as the Scottish Ministers consider appropriate.

(4) The maximum penalties that may be imposed in relation to offences created under the regulations are—
- (a) on summary conviction, imprisonment for a period not exceeding 12 months or a fine not exceeding the statutory maximum (or both),
- (b) on conviction on indictment, imprisonment for a period not exceeding two years or a fine (or both).

(5) The regulations must provide for a right of appeal to the sheriff against any decision taken under the regulations by virtue of which a special restriction or requirement is imposed on or in relation to a person, thing or premises.

(6) Regulations that enable a special restriction or requirement to be imposed by virtue of a decision taken under the regulations must also provide that, if the restriction or requirement is capable of remaining in force in relation to any person, thing or premises for more than a specified period, a specified person may require the continuation of the restriction or requirement to be reviewed in accordance with the regulations at specified intervals by a person determined in accordance with the regulations.

(7) In relation to a special restriction or requirement mentioned in paragraph 4(2)(c) or (d)—
- (a) the period specified by virtue of sub-paragraph (6) of this paragraph and the intervals specified by virtue of that sub-paragraph must be 28 days or less, and
- (b) the regulations must require the continuation of the restriction or requirement to be reviewed without an application being made.

(8) For the purposes of this paragraph "specified" means specified in the regulations.

Health protection regulations: procedure

6 (1) Regulations under paragraph 1(1) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).

(2) Sub-paragraph (1) does not apply if the Scottish Ministers consider that the regulations need to be made urgently.

(3) Where sub-paragraph (2) applies, the regulations (the "emergency regulations")—
- (a) must be laid before the Scottish Parliament; and
- (b) cease to have effect on the expiry of the period of 28 days beginning with the date on which the regulations were made unless, before the expiry of that period, the regulations have been approved by a resolution of the Parliament.

(4) Sub-paragraph (3)(b) does not apply in relation to regulations which—
- (a) revoke (in whole or in part) emergency regulations; and
- (b) do—
  - (i) nothing else; or
  - (ii) nothing else except make provision incidental or supplementary to the revocation.

(5) In calculating any period of 28 days for the purposes of sub-paragraph (3)(b), no account is to be taken of any period during which the Scottish Parliament is—
- (a) dissolved; or
- (b) in recess for more than 4 days.

(6) Where emergency regulations cease to have effect under sub-paragraph (3)(b), that does not—
- (a) affect anything previously done by reference to the regulations;
- (b) prevent new emergency regulations being made to the same or similar effect.

SCHEDULE 20

Section 50

POWER TO SUSPEND PORT OPERATIONS

Power to give direction to suspend relevant port operations

1 (1) The Secretary of State may, subject to sub-paragraph (2), give a direction in writing to an operator of a port requiring the operator to suspend such relevant port operations as the Secretary of State may specify in the direction.

(2) The Secretary of State may give a direction under sub-paragraph (1) only if—
- (a) the Secretary of State considers that there is a real and significant risk that, as a direct or indirect result of the incidence or transmission of coronavirus, there are or will be insufficient border force officers to maintain adequate border security, and

(b) the Secretary of State has taken such other measures as are reasonably practicable to mitigate that risk.

(3) A direction under sub-paragraph (1) must specify—

(a) the operator to whom it is given,

(b) the relevant port operations which are to be suspended,

(c) the time at which the direction takes effect,

(d) the period of time for which the direction is to remain in effect (the "suspension period"), and

(e) any arrangements that must be made, or steps that must be taken, by the operator which are reasonably incidental to the direction.

Duration of suspension period

2 (1) The suspension period specified in a direction under paragraph 1(1) may be no longer than six hours, subject as follows.

(2) If after giving a direction under paragraph 1(1) the Secretary of State considers that there is or will be a risk of the kind referred to in paragraph 1(2)(a) if the suspension period is not extended, the Secretary of State may before the expiry of the period extend it by notice in writing to the operator (and may do so more than once).

(3) The first notice under sub-paragraph (2) in relation to a suspension period may not extend the period for more than six hours from the time at which it would otherwise expire.

(4) A second or subsequent notice under sub-paragraph (2) in relation to a suspension period may not extend the period for more than twelve hours from the time at which it would otherwise expire.

Power to give consequential direction

3 (1) Where the Secretary of State gives a direction under paragraph 1(1), the Secretary of State may also give a direction in writing to any person requiring the person to make such arrangements, or take such steps, as the Secretary of State considers appropriate in consequence of the direction under paragraph 1(1).

(2) A direction under sub-paragraph (1) must specify—

(a) the person to whom it is given, and

(b) the arrangements which the person is required to make or the steps which they are required to take,

and be accompanied by the direction under paragraph 1(1) to which it relates.

(3) A direction under sub-paragraph (1) may, among other things—

(a) require a person to take action to secure the safe arrival of any vessel, aircraft, train or other conveyance or vehicle at an alternative port;

(b) specify a period of time for which the direction is to remain in effect.

Supplementary provisions

4 The Secretary of State must notify the Scottish Ministers, the Welsh Ministers and the Department for Infrastructure in Northern Ireland of any direction or notice given under this Schedule.

5 The Secretary of State may at any time revoke a direction or notice under this Schedule to any extent, having regard to the risk referred to in paragraph 1(2)(a).

Offences

6 (1) A person commits an offence if the person fails without reasonable excuse to comply with a direction under this Schedule.

(2) A person has in particular a reasonable excuse for the purposes of sub-paragraph (1) if complying with the direction would cause the person to breach a duty to which the person is subject by virtue of any enactment.

(3) The duties referred to in sub-paragraph (2) include duties under a direction or instruction given by the Secretary of State under any of the following provisions—

(a) Schedule 3A to the Merchant Shipping Act 1995;
(b) Part 2 of the Aviation Security Act 1982;
(c) sections 118 and 119 of the Railways Act 1993;
(d) articles 13 to 16 of the Channel Tunnel (Security) Order 1994.

(4) A person guilty of an offence under this paragraph is liable on summary conviction—

(a) in England and Wales, to a fine or a term of imprisonment not exceeding 51 weeks or both,
(b) in Scotland, to a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 12 months or both, or
(c) in Northern Ireland, to a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding 6 months or both.

(5) In relation to an offence committed before section 281(5) of the Criminal Justice Act 2003 comes into force, the reference in sub-paragraph (4) to 51 weeks is to be read as a reference to 6 months.

Interpretation

7 In this Schedule—

"border force officer" means—

(a) a person appointed by the Secretary of State as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971;
(b) a person designated as a general customs official or a customs revenue official under the Borders, Citizenship and Immigration Act 2009 (see sections 3 and 11 of that Act);

"operator", in relation to a port, means a person concerned in the management of the port;

"port" means—

(a) any port (including an airport, seaport or hoverport) in the United Kingdom;

(b) a place in the United Kingdom which is an authorised terminal control point for international services for the purposes of sections 11 and 12 of the Channel Tunnel Act 1987;

"relevant port operations" means any operations or functions carried out by an operator at a port in relation to—

(a) the arrival of any vessel, aircraft, train or other conveyance or vehicle into the United Kingdom;

(b) the entry into the United Kingdom of persons or things;

"suspension period" has the meaning given in paragraph 1(3)(d);

"vessel" has the same meaning as in the Public Health (Control of Disease) Act 1984 (see section 74 of that Act).

8 The provisions of this Schedule bind the Crown.

SCHEDULE 21

Section 51

POWERS RELATING TO POTENTIALLY INFECTIOUS PERSONS

PART 1

OVERVIEW AND INTERPRETATION

Overview

1 (1) Parts 2 to 5 of this Schedule—

(a) confer powers on public health officers, constables and immigration officers in England, Wales, Scotland and Northern Ireland, and

(b) make related provision.

(2) This Part of this Schedule contains provision relating to the interpretation of Parts 2 to 5.

Potentially infectious persons

2 (1) For the purposes of this Schedule, a person is "potentially infectious" at any time if—

(a) the person is, or may be, infected or contaminated with coronavirus, and there is a risk that the person might infect or contaminate others with coronavirus, or

(b) the person has been in an infected area within the 14 days preceding that time.

(2) For the purposes of this paragraph, "infected area" means any country, territory or other area outside the United Kingdom which the Secretary of State has declared as a country, territory or area—

(a) where there is known or thought to be sustained human-to-human transmission of coronavirus, or

(b) from which there is a high risk that coronavirus will be transmitted to the United Kingdom.

(3) A declaration under sub-paragraph (2)—

(a) is to be made by being published online, and
(b) must, as soon as reasonably practicable after it is made, also be published in the London Gazette.

Other definitions

3 (1) In this Schedule—

"assessment", in relation to a person, means assessment of the measures that it would be appropriate to take in relation to the person (under this Schedule or otherwise) to mitigate the risk that the person might infect or contaminate others with coronavirus;

"biological sample" includes a sample of blood or respiratory secretions (including a sample of such secretions taken by a swab of the nasopharyngeal cavity);

"immigration officer" means a person appointed by the Secretary of State as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971;

"screening", in relation to a person, means—

(a) assessing the extent to which a person has been exposed to coronavirus,
(b) determining whether the person is infected or contaminated with coronavirus, and
(c) assessing the person's symptoms and state of health.

(2) "Public health officer" means—

(a) in Part 2 of this Schedule—
(i) an officer of the Secretary of State designated by the Secretary of State for any or all of the purposes of this Schedule, or
(ii) a registered public health consultant so designated;
(b) in Part 3 of this Schedule—
(i) a person designated by the Scottish Ministers for any or all of the purposes of this Schedule,
(ii) a person designated by a Health Board (see section 2(1)(a) of the National Health Service (Scotland) Act 1978) for any or all of the purposes of this Schedule, or
(iii) a person designated under section 3(1) of the Public Health etc. (Scotland) Act 2008 (asp 5) as a health board competent person;
(c) in Part 4 of this Schedule—
(i) an officer of the Welsh Ministers designated by them for any or all of the purposes of this Schedule, or
(ii) a registered public health consultant so designated;
(d) in Part 5 of this Schedule—
(i) an officer of the Regional Agency for Public Health and Social Well-being, or
(ii) a person acting under the direction or advice of the Director of Public Health in Northern Ireland under arrangements for preventing or controlling the transmission of coronavirus.

(3) A designation under sub-paragraph (2) may in particular be of a class or description of person.

(4) In this Schedule references to England, Scotland, Wales and Northern Ireland include the territorial sea adjacent to those parts of the United Kingdom respectively.

PART 2

POWERS RELATING TO POTENTIALLY INFECTIOUS PERSONS IN ENGLAND

Declarations of risks of coronavirus in England

4 (1) If at any time the Secretary of State is of the view that—
(a) the incidence or transmission of coronavirus constitutes a serious and imminent threat to public health in England, and
(b) the powers conferred by this Part of this Schedule will be an effective means of delaying or preventing significant further transmission of coronavirus in England,
the Secretary of State may make a declaration to that effect.

(2) If, having made a declaration under this paragraph, the Secretary of State ceases to be of the view referred to in sub-paragraph (1), the Secretary of State must revoke the declaration.

(3) A declaration or the revocation of a declaration under this paragraph—
(a) is to be made by being published online, and
(b) must, as soon as reasonably practicable after it is made, also be published in the London Gazette.

(4) The Secretary of State may make a declaration under this paragraph on more than one occasion.

(5) Before making or revoking a declaration under this paragraph the Secretary of State must consult the Chief Medical Officer or any of the Deputy Chief Medical Officers of the Department of Health and Social Care.

5 In this Part of this Schedule, "transmission control period" means a period which—
(a) begins when the Secretary of State makes a declaration under paragraph 4, and
(b) ends when the declaration is revoked.

Powers to direct or remove persons to a place suitable for screening and assessment

6 (1) This paragraph applies if, during a transmission control period, a public health officer has reasonable grounds to suspect that a person in England is potentially infectious.

(2) The public health officer may, subject to sub-paragraph (3)—
(a) direct the person to go immediately to a place specified in the direction which is suitable for screening and assessment,
(b) remove the person to a place suitable for screening and assessment, or
(c) request a constable to remove the person to a place suitable for screening and assessment (and the constable may then do so).

(3) A public health officer may exercise the powers conferred by this paragraph in relation to a person only if the officer considers that it is necessary and proportionate to do so—
(a) in the interests of the person,
(b) for the protection of other people, or
(c) for the maintenance of public health.

(4) Where a public health officer exercises the powers conferred by this paragraph, the officer must inform that person—
(a) of the reason for directing or removing them, and
(b) that it is an offence—
(i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction, or
(ii) in a case where a person is removed (by the officer or by a constable), to abscond.

7 (1) This paragraph applies if, during a transmission control period—
(a) a constable, or
(b) an immigration officer in the course of exercising any of their functions,
has reasonable grounds to suspect that a person in England is potentially infectious.

(2) The immigration officer or constable may, subject to sub-paragraph (3)—
(a) direct the person to go immediately to a place specified in the direction which is suitable for screening and assessment, or
(b) remove the person to a place suitable for screening and assessment.

(3) An immigration officer or constable may exercise the powers conferred by this paragraph in relation to a person only if the officer or constable considers that it is necessary and proportionate to do so—
(a) in the interests of the person,
(b) for the protection of other people, or
(c) for the maintenance of public health.

(4) Where an immigration officer or constable exercises the power to direct or remove a person under this paragraph, the officer or constable must inform that person—
(a) of the reason for directing or removing them, and
(b) that it is an offence—
(i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction, or
(ii) in a case where a person is removed, to abscond.

(5) An immigration officer or constable must, before exercising the powers conferred by this paragraph, consult a public health officer to the extent that it is practicable to do so.

Powers exercisable at a screening and assessment place: public health officers

8 (1) Paragraphs 9 to 11 apply where, during a transmission control period—
(a) a person is (whether or not pursuant to the exercise of powers under this Part of this Schedule) at a place in England which is suitable for screening and assessment, and

(b) a public health officer has reasonable grounds to suspect that the person is potentially infectious.

(2) A public health officer may exercise a power conferred by paragraphs 9 to 11 only if the officer considers that it is necessary and proportionate to do so—

(a) in the interests of the person,

(b) for the protection of other people, or

(c) for the maintenance of public health.

9 (1) A public health officer may require the person referred to in paragraph 8 to remain at the place for screening and assessment purposes for a period not exceeding 48 hours.

(2) Where a public health officer requires a person to remain at a place under this paragraph, the officer must inform that person—

(a) of the reason for imposing the requirement,

(b) of the maximum period the person may be required to remain there, and

(c) that it is an offence to fail to comply with the requirement.

(3) A requirement imposed on a person under this paragraph may be enforced by a public health officer or a constable keeping the person at the place.

10 (1) A public health officer may—

(a) require the person referred to in paragraph 8 to be screened and assessed, and

(b) impose other requirements on the person in connection with their screening and assessment.

(2) Requirements under sub-paragraph (1)(a) may in particular include requirements on a person—

(a) at such times as the public health officer may specify—

(i) to provide a biological sample, or

(ii) to allow a healthcare professional to take a biological sample by appropriate means;

(b) to answer questions and provide information about their health or other relevant matters (including their travel history and other individuals with whom they may have had contact).

(3) In sub-paragraph (2)(a)(ii) "healthcare professional" means —

(a) a registered medical practitioner,

(b) a registered nurse, or

(c) such other registered healthcare professional as may be designated by the Secretary of State.

(4) Requirements under sub-paragraph (1)(b) may in particular include requirements on a person—

(a) to produce any documents which may assist in their assessment;

(b) to provide details by which they may be contacted during such subsequent period as the public health officer may specify.

11 (1) If a public health officer considers it appropriate for the purposes of screening or assessing the person, the officer may—

(a) direct the person referred to in paragraph 8 to go immediately to another place which is specified in the direction and is suitable for those purposes,
(b) remove the person to another place suitable for those purposes, or
(c) request a constable to remove the person to another place suitable for those purposes (and the constable may then do so).

(2) Where a public health officer exercises the powers conferred by this paragraph, the officer must inform that person—
(a) of the reason for directing or removing them, and
(b) that it is an offence—
(i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction, or
(ii) in a case where a person is removed (by the officer or by a constable), to abscond.

12 Where the powers in paragraph 6, 7 or 11 are exercised in relation to a person in a place so as to direct them to go to, or remove them to, another place, paragraphs 9 to 11 apply in relation to that person afresh in that other place.

Powers exercisable at a screening and assessment place: constables and immigration officers

13 (1) This paragraph applies where, during a transmission control period—
(a) a person is (whether or not pursuant to the exercise of powers under this Part of this Schedule) at a place in England which is suitable for screening and assessment, and
(b) an immigration officer or a constable has reasonable grounds to suspect that the person is potentially infectious.

(2) The immigration officer or constable may, subject to sub-paragraphs (3) to (6), keep the person at that place until such time as a public health officer can exercise the functions under paragraphs 9 to 11 in relation to that person.

(3) A person may not under sub-paragraph (2) be kept—
(a) by a constable, for a period exceeding 24 hours, or
(b) by an immigration officer, for a period exceeding 3 hours.

(4) If before the end of the period referred to in sub-paragraph (3)(a) or (b) the immigration officer or constable considers that it is necessary to extend the period because it is not reasonably practicable for a public health officer to exercise the functions under paragraphs 9 to 11 before the end of that period, the officer or constable may, with the consent of a relevant officer, extend the period for a further—
(a) 24 hours, in the case of keeping by a constable, or
(b) 9 hours, in the case of keeping by an immigration officer.

(5) In sub-paragraph (4) "relevant officer" means—
(a) constable of the rank of superintendent or above, in the case of keeping by a constable, or
(b) an immigration officer not below the rank of chief immigration officer, in the case of keeping by an immigration officer.

(6) An immigration officer or constable may keep a person under this paragraph only if they consider it is necessary and proportionate to do so—
(a) in the interests of the person,

(b) for the protection of other people, or
(c) for the maintenance of public health.

(7) Where an immigration officer or constable keeps a person at a place under this paragraph, they must inform that person—
(a) of the reason for keeping them,
(b) of the maximum period for which they may be kept (taking into account the effect of sub-paragraph (4)), and
(c) that it is an offence to abscond.

(8) An immigration officer or constable must, before exercising the powers conferred by this paragraph, consult a public health officer to the extent that it is practicable to do so.

Powers exercisable after assessment

14 (1) This paragraph applies where, during a transmission control period—
(a) a person in England has been screened and assessed by a public health officer (under paragraph 10 or otherwise) and—
(i) the screening confirmed that the person is infected or contaminated with coronavirus, or
(ii) the screening was inconclusive, or
(b) a person in England has been assessed by a public health officer (under paragraph 10 or otherwise) and the officer has reasonable grounds to suspect that the person is potentially infectious.

(2) A public health officer may at any time during the transmission control period impose such requirements and restrictions on the person as the officer considers necessary and proportionate—
(a) in the interests of the person,
(b) for the protection of other people, or
(c) for the maintenance of public health.

(3) Requirements under this paragraph may include requirements—
(a) to provide information to the public health officer or any specified person;
(b) to provide details by which the person may be contacted during a specified period;
(c) to go for the purposes of further screening and assessment to a specified place suitable for those purposes and do anything that may be required under paragraph 10(1);
(d) to remain at a specified place (which may be a place suitable for screening and assessment) for a specified period;
(e) to remain at a specified place in isolation from others for a specified period.

(4) Restrictions on a person under this paragraph may include restrictions, for a specified period, on—
(a) the person's movements or travel (within or outside the United Kingdom);
(b) the person's activities (including their work or business activities);
(c) the person's contact with other persons or with other specified persons.

(5) Where a public health officer imposes a requirement or restriction on a person under this paragraph, the officer must inform the person—
  (a) of the reason for doing so, and
  (b) that it is an offence to fail to comply with the requirement or restriction.

(6) In deciding whether to impose a requirement referred to in sub-paragraph (3)(d) or (e) the public health officer must have regard to a person's wellbeing and personal circumstances.

(7) A public health officer may vary or revoke a requirement or restriction imposed on a person (but may only extend the period to which a requirement referred to in sub-paragraph (3)(d) or (e) or a restriction relates in accordance with paragraph 15).

15 (1) The period specified in relation to a requirement referred to in paragraph 14(3)(d) or (e) (a "requirement to remain"), or in relation to any restriction under paragraph 14, may not exceed 14 days.

(2) After the imposition of a requirement to remain or a restriction under paragraph 14, a public health officer must—
  (a) assess the person within 48 hours, and
  (b) in the light of that assessment reconsider which requirements or restrictions it is necessary and proportionate to impose on that person under paragraph 14 for the purposes referred to in paragraph 14(2).

(3) The public health officer may, following reconsideration under sub-paragraph (2)—
  (a) revoke the requirement to remain or the restriction or specify a different period not exceeding 14 days in relation to it;
  (b) substitute a different requirement or restriction under paragraph 14.

(4) If under sub-paragraph (3) the public health officer revokes the requirement to remain or the restriction, the Secretary of State may, if satisfied that the person is potentially infectious, re-impose the requirement or restriction (for the period originally specified).

(5) If before the end of the period specified in relation to a requirement to remain or restriction (under paragraph 14(3) or sub-paragraph (3)(a))—
  (a) a public health officer reasonably suspects that the person will be potentially infectious at the end of that period, and
  (b) the officer considers that the requirement or restriction is still necessary and proportionate for the purposes referred to in paragraph 14(2),

the officer may extend the period for a further specified period.

(6) Except in the case of a requirement referred to in paragraph 14(3)(e) (requirement to remain in isolation), the further period specified under sub-paragraph (5) may not exceed 14 days.

(7) Where the period to which a requirement to remain or restriction under paragraph 14 relates is extended under sub-paragraph (5), a public health officer must review the requirement or restriction at least once in every period of 24 hours.

(8) If on a review under sub-paragraph (7) the public health officer considers that the person is no longer potentially infectious, the officer must revoke the requirement to remain or the restriction.

(9) If on a review under sub-paragraph (7)—
(a) sub-paragraph (8) does not apply, but
(b) the public health officer considers that the requirement to remain or the restriction is no longer necessary and proportionate for the purposes referred to in paragraph 14(2),

the public health officer may substitute a different requirement or restriction under paragraph 14 (which may not apply beyond the end of the further period specified under sub-paragraph (5)).

16 Where a person is required to remain at a place under paragraph 14(3)(d) or (e) the requirement may be enforced—
(a) by a constable or public health officer removing the person to the place;
(b) by a constable or public health officer keeping the person at the place;
(c) if the person absconds, by a constable taking the person into custody and returning them to that place or another place a public health officer may specify.

17 (1) A person on whom a requirement or restriction is imposed under paragraph 14 may appeal against it (or against any variation of it or any extension of the period to which it relates) to a magistrates' court.

(2) On an appeal under this paragraph the court may—
(a) confirm the requirement or restriction (or variation or extension), with or without modification, or
(b) quash the requirement or restriction (or variation or extension).

Children

18 (1) An individual who has responsibility for a child must, so far as reasonably practicable, secure that the child complies with any direction, instruction, requirement or restriction given to or imposed on the child under this Part of this Schedule.

(2) An individual who has responsibility for a child must provide to a person exercising a power under this Part of this Schedule such information and assistance in relation to the child as is reasonably necessary and practicable in the circumstances.

(3) A power under this Part of this Schedule to direct or require a child to go to a place may instead be exercised by directing or requiring an individual who has responsibility for the child to take the child to the place.

(4) A power under paragraph 10 or 14 may only be exercised in relation to a child in the presence of—
(a) an individual who has responsibility for the child, or
(b) if the child is not accompanied by such an individual, an adult (not being a person on whom powers are conferred under this Part of this Schedule) that the person exercising the power considers to be appropriate, having regard to any views of the child.

(5) Where a power under this Part of this Schedule is exercisable in relation to a child but the child is not accompanied by an individual who has responsibility for the child, the person by whom the power is exercisable must—
  (a) if practicable, contact an individual who has responsibility for the child before the power is exercised, or
  (b) if that is not practicable, take reasonable steps after the power is exercised to contact such an individual and inform them of any exercise of the power in relation to the child.

(6) Where a child has a right of appeal (see paragraph 17) the right may be exercised by an individual who has responsibility for the child.

(7) For the purposes of this paragraph—
  "adult" means a person aged 18 or over;
  "child" means a person under the age of 18;
  an individual has responsibility for a child—
    (a) if the individual has custody or charge of the child for the time being (without being a person on whom powers are conferred by this Part of this Schedule), or
    (b) if the individual has parental responsibility for the child (within the meaning of the Children Act 1989).

Formalities

19 (1) A direction, instruction, requirement or restriction under this Part of this Schedule may be given or imposed orally or in writing.

(2) But where a requirement or restriction under paragraph 14 is given to a person orally by a public health officer, the public health officer must as soon as reasonably practicable thereafter give the person a notice setting it out in writing.

Ancillary powers

20 (1) A public health officer, constable or immigration officer may give reasonable instructions to a person in connection with—
  (a) a direction given to that person under a power conferred by this Part of this Schedule, or
  (b) removing the person to or keeping the person at a place under a power conferred by this Part of this Schedule.

(2) Where a public health officer, constable or immigration officer gives a reasonable instruction to a person under sub-paragraph (1), the officer or constable must inform that person—
  (a) of the reason for the instruction, and
  (b) that it is an offence to fail to comply with it.

(3) A power conferred by this Part of this Schedule to remove a person to a place includes a power to keep the person for a reasonable period pending their removal.

(4) A constable or immigration officer may use reasonable force, if necessary, in the exercise of a power conferred by this Part of this Schedule.

(5) A constable may enter any place for the purpose of the exercise of a power conferred by this Part of this Schedule.

Guidance and advice

21 A person exercising a power conferred by this Part of this Schedule must have regard to—

(a) any relevant guidance issued, before or after the passing of this Act, by the Secretary of State, and

(b) any advice given by a public health officer in relation to any particular case.

End of transmission control period

22 When the transmission control period during which a power conferred by this Part of this Schedule is exercised comes to an end, any requirement or restriction imposed under the power ceases to have effect in respect of times after the end of the period.

Offences

23 (1) A person commits an offence if the person—

(a) fails without reasonable excuse to comply with any direction, reasonable instruction, requirement or restriction given to or imposed on the person under this Part of this Schedule,

(b) fails without reasonable excuse to comply with a duty under paragraph 18(1) or (2) (duties of individuals who have responsibility for a child),

(c) absconds or attempts to abscond while being removed to or kept at a place under this Part of this Schedule,

(d) knowingly provides false or misleading information in response to a requirement to provide information under this Part of this Schedule or otherwise in connection with the exercise of any power under this Part of this Schedule, or

(e) obstructs a person who is exercising or attempting to exercise a power conferred by this Part of this Schedule.

(2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Revocation of regulations

24 (1) The Health Protection (Coronavirus) Regulations 2020 (S.I. 2020/129) ("the 2020 Regulations") are revoked.

(2) Any area declared by the Secretary of State under regulation 2 of the 2020 Regulations is to be regarded as an infected area for the purposes of this Schedule.

(3) The declaration made by the Secretary of State on 10 February 2020 under regulation 3 of the 2020 Regulations is to be regarded as a declaration made by the Secretary of State under paragraph 4 of this Schedule.

(4) The revocation of the 2020 Regulations does not affect any requirement imposed on a person under regulation 4 of the 2020 Regulations (detention).

(5) Any requirement or restriction which—
  (a) is imposed on a person under regulation 5, 7 or 8 of the 2020 Regulations, and
  (b) which, but for the revocation of the 2020 Regulations, would continue to have effect in relation to times after the coming into force of this paragraph,

is to be regarded as having been imposed under paragraph 14 of this Schedule.

(6) A person who, at the time the 2020 Regulations are revoked, is being removed or kept under regulation 14(2)(b) or (c) is to be treated as removed or kept under (respectively) paragraph 7(2)(b) or 13(2) of this Schedule.

PART 3

POWERS RELATING TO POTENTIALLY INFECTIOUS PERSONS IN SCOTLAND

Declarations of risks of coronavirus in Scotland

25 (1) If at any time the Scottish Ministers are of the view that—
  (a) the incidence or transmission of coronavirus constitutes a serious and imminent threat to public health in Scotland, and
  (b) the powers conferred by this Part of this Schedule will be an effective means of delaying or preventing significant further transmission of coronavirus in Scotland,

the Scottish Ministers may make a declaration to that effect.

(2) If, having made a declaration under this paragraph, the Scottish Ministers cease to be of the view referred to in sub-paragraph (1), they must revoke the declaration.

(3) A declaration or the revocation of a declaration under this paragraph—
  (a) is to be made by being published online, and
  (b) must, as soon as reasonably practicable after it is made, also be published in the Edinburgh Gazette.

(4) The Scottish Ministers may make a declaration under this paragraph on more than one occasion.

(5) Before making or revoking a declaration under this paragraph the Scottish Ministers must consult the Chief Medical Officer of the Scottish Administration or such other person as may be designated for the purposes of this paragraph by the Scottish Ministers.

26 In this Part of this Schedule, "transmission control period" means a period which—
  (a) begins when a declaration is made under paragraph 25, and
  (b) ends when the declaration is revoked.

Powers to direct or remove persons to a place suitable for screening and assessment

27 (1) This paragraph applies if, during a transmission control period, a public health officer has reasonable grounds to suspect that a person in Scotland is potentially infectious.

(2) The public health officer may, subject to sub-paragraph (3)—

(a) direct the person to go immediately to a place specified in the direction which is suitable for screening and assessment,
(b) remove the person to a place suitable for screening and assessment, or
(c) request a constable to remove the person to a place suitable for screening and assessment (and the constable may then do so).

(3) A public health officer may exercise the powers conferred by this paragraph in relation to a person only if the officer considers that it is necessary and proportionate to do so—
(a) in the interests of the person,
(b) for the protection of other people, or
(c) for the maintenance of public health.

(4) Where a public health officer exercises the powers conferred by this paragraph, the officer must inform that person—
(a) of the reason for directing or removing them, and
(b) that it is an offence—
(i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction, or
(ii) in a case where a person is removed (by the officer or by a constable), to abscond.

28 (1) This paragraph applies if, during a transmission control period—
(a) a constable, or
(b) an immigration officer in the course of exercising any of their functions,
has reasonable grounds to suspect that a person in Scotland is potentially infectious.

(2) The immigration officer or constable may, subject to sub-paragraph (3)—
(a) direct the person to go immediately to a place specified in the direction which is suitable for screening and assessment, or
(b) remove the person to a place suitable for screening and assessment.

(3) An immigration officer or constable may exercise the powers conferred by this paragraph in relation to a person only if the officer or constable considers that it is necessary and proportionate to do so—
(a) in the interests of the person,
(b) for the protection of other people, or
(c) for the maintenance of public health.

(4) Where an immigration officer or constable exercises the power to direct or remove a person under this paragraph, the officer or constable must inform that person—
(a) of the reason for directing or removing them, and
(b) that it is an offence—
(i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction, or
(ii) in a case where a person is removed, to abscond.

(5) An immigration officer or constable must, before exercising the powers conferred by this paragraph, consult a public health officer to the extent that it is practicable to do so.

Powers exercisable at a screening and assessment place: public health officers

29 (1) Paragraphs 30 to 32 apply where, during a transmission control period—
(a) a person is (whether or not pursuant to the exercise of powers under this Part of this Schedule) at a place in Scotland which is suitable for screening and assessment, and
(b) a public health officer has reasonable grounds to suspect that the person is potentially infectious.

(2) A public health officer may exercise a power conferred by paragraphs 30 to 32 only if the officer considers that it is necessary and proportionate to do so—
(a) in the interests of the person,
(b) for the protection of other people, or
(c) for the maintenance of public health.

30 (1) A public health officer may require the person referred to in paragraph 29 to remain at the place for screening and assessment purposes for a period not exceeding 48 hours.

(2) Where a public health officer requires a person to remain at a place under this paragraph, the officer must inform that person—
(a) of the reason for imposing the requirement,
(b) of the maximum period the person may be required to remain there, and
(c) that it is an offence to fail to comply with the requirement.

(3) A requirement imposed on a person under this paragraph may be enforced by a constable keeping the person at the place.

31 (1) A public health officer may—
(a) require the person referred to in paragraph 29 to be screened and assessed, and
(b) impose other requirements on the person in connection with their screening and assessment.

(2) Requirements under sub-paragraph (1)(a) may in particular include requirements on a person—
(a) at such times as the public health officer may specify—
(i) to provide a biological sample, or
(ii) to allow a healthcare professional to take a biological sample by appropriate means;
(b) to answer questions and provide information about their health or other relevant matters (including their travel history and other individuals with whom they may have had contact).

(3) In sub-paragraph (2)(a)(ii) "healthcare professional" means —
(a) a registered medical practitioner,
(b) a registered nurse, or
(c) such other registered healthcare professional as may be designated by the Scottish Ministers.

(4) Requirements under sub-paragraph (1)(b) may in particular include requirements on a person—
(a) to produce any documents which may assist in their assessment;

(b) to provide details by which they may be contacted during such subsequent period as the public health officer may specify.

32 (1) If a public health officer considers it appropriate for the purposes of screening or assessing the person, the officer may—

(a) direct the person referred to in paragraph 29 to go immediately to another place which is specified in the direction and is suitable for those purposes,

(b) remove the person to another place suitable for those purposes, or

(c) request a constable to remove the person to another place suitable for those purposes (and the constable may then do so).

(2) Where a public health officer exercises the powers conferred by this paragraph, the officer must inform that person—

(a) of the reason for directing or removing them, and

(b) that it is an offence—

(i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction, or

(ii) in a case where a person is removed (by the officer or by a constable), to abscond.

33 Where the powers in paragraph 27, 28 or 32 are exercised in relation to a person in a place so as to direct them to go to, or remove them to, another place, paragraphs 30 to 32 apply in relation to that person afresh in that other place.

Powers exercisable at a screening and assessment place: constables and immigration officers

34 (1) This paragraph applies where, during a transmission control period—

(a) a person is (whether or not pursuant to the exercise of powers under this Part of this Schedule) at a place in Scotland which is suitable for screening and assessment, and

(b) an immigration officer or a constable has reasonable grounds to suspect that the person is potentially infectious.

(2) The immigration officer or constable may, subject to sub-paragraphs (3) to (6), keep the person at that place until such time as a public health officer can exercise the functions under paragraphs 30 to 32 in relation to that person.

(3) A person may not under sub-paragraph (2) be kept—

(a) by a constable, for a period exceeding 24 hours, or

(b) by an immigration officer, for a period exceeding 3 hours.

(4) If before the end of the period referred to in sub-paragraph (3)(a) or (b) the immigration officer or constable considers that it is necessary to extend the period because it is not reasonably practicable for a public health officer to exercise the functions under paragraphs 30 to 32 before the end of that period, the officer or constable may, with the consent of a relevant officer, extend the period for a further—

(a) 24 hours, in the case of keeping by a constable, or

(b) 9 hours, in the case of keeping by an immigration officer.

(5) In sub-paragraph (4) "relevant officer" means—

(a) a constable of the rank of superintendent or above, in the case of keeping by a constable, or

(b) an immigration officer not below the rank of chief immigration officer, in the case of keeping by an immigration officer.

(6) An immigration officer or constable may keep a person under this paragraph only if they consider it is necessary and proportionate to do so—
(a) in the interests of the person,
(b) for the protection of other people, or
(c) for the maintenance of public health.

(7) Where an immigration officer or constable keeps a person at a place under this paragraph, they must inform that person—
(a) of the reason for keeping them,
(b) of the maximum period for which they may be kept (taking into account the effect of sub-paragraph (4)), and
(c) that it is an offence to abscond.

(8) An immigration officer or constable must, before exercising the powers conferred by this paragraph, consult a public health officer to the extent that it is practicable to do so.

Powers exercisable after assessment

35 (1) This paragraph applies where, during a transmission control period—
(a) a person in Scotland has been screened and assessed by a public health officer (under paragraph 30 or otherwise) and—
(i) the screening confirmed that the person is infected or contaminated with coronavirus, or
(ii) the screening was inconclusive, or
(b) a person in Scotland has been assessed by a public health officer (under paragraph 30 or otherwise) and the officer has reasonable grounds to suspect that the person is potentially infectious.

(2) A public health officer may at any time during the transmission control period impose such requirements and restrictions on the person as the officer considers necessary and proportionate—
(a) in the interests of the person,
(b) for the protection of other people, or
(c) for the maintenance of public health.

(3) Requirements under this paragraph may include requirements—
(a) to provide information to the public health officer or any specified person;
(b) to provide details by which the person may be contacted during a specified period;
(c) to go for the purposes of further screening and assessment to a specified place suitable for those purposes and do anything that may be required under paragraph 30(1);
(d) to remain at a specified place (which may be a place suitable for screening and assessment) for a specified period;
(e) to remain at a specified place in isolation from others for a specified period.

(4) Restrictions on a person under this paragraph may include restrictions, for a specified period, on—

(a) the person's movements or travel (within or outside the United Kingdom);
(b) the person's activities (including their work or business activities);
(c) the person's contact with other persons or with other specified persons.

(5) Where a public health officer imposes a requirement or restriction on a person under this paragraph, the officer must inform the person—
(a) of the reason for doing so, and
(b) that it is an offence to fail to comply with the requirement or restriction.

(6) In deciding whether to impose a requirement referred to in sub-paragraph (3)(d) or (e) the public health officer must have regard to a person's wellbeing and personal circumstances.

(7) A public health officer may vary or revoke a requirement or restriction imposed on a person (but may only extend the period to which a requirement referred to in sub-paragraph (3)(d) or (e) or a restriction relates in accordance with paragraph 36).

36 (1) The period specified in relation to a requirement referred to in paragraph 35(3)(d) or (e) (a "requirement to remain"), or in relation to any restriction under paragraph 35, may not exceed 14 days.

(2) After the imposition of a requirement to remain or a restriction under paragraph 35, a public health officer must—
(a) assess the person within 48 hours, and
(b) in the light of that assessment reconsider which requirements or restrictions it is necessary and proportionate to impose on that person under paragraph 35 for the purposes referred to in paragraph 35(2).

(3) The public health officer may, following reconsideration under sub-paragraph (2)—
(a) revoke the requirement to remain or the restriction or specify a different period not exceeding 14 days in relation to it;
(b) substitute a different requirement or restriction under paragraph 35.

(4) If under sub-paragraph (3) the public health officer revokes the requirement to remain or the restriction, the Scottish Ministers may, if satisfied that the person is potentially infectious, re-impose the requirement or restriction (for the period originally specified).

(5) If before the end of the period specified in relation to a requirement to remain or restriction (under paragraph 35(3) or sub-paragraph (3)(a))—
(a) a public health officer reasonably suspects that the person will be potentially infectious at the end of that period, and
(b) the officer considers that the requirement or restriction is still necessary and proportionate for the purposes referred to in paragraph 35(2),
the officer may extend the period for a further specified period.

(6) Except in the case of a requirement referred to in paragraph 35(3)(e) (requirement to remain in isolation), the further period specified under sub-paragraph (5) may not exceed 14 days.

(7) Where the period to which a requirement to remain or restriction under paragraph 35 relates is extended under sub-paragraph (5), a public health officer must review the requirement or restriction at least once in every period of 24 hours.

(8) If on a review under sub-paragraph (7) the public health officer considers that the person is no longer potentially infectious, the officer must revoke the requirement to remain or the restriction.

(9) If on a review under sub-paragraph (7)—
(a) sub-paragraph (8) does not apply, but
(b) the public health officer considers that the requirement to remain or restriction is no longer necessary and proportionate for the purposes referred to in paragraph 35(2),

the public health officer may substitute a different requirement or restriction under paragraph 35 (which may not apply beyond the end of the further period specified under sub-paragraph (5)).

37 Where a person is required to remain at a place under paragraph 35(3)(d) or (e) the requirement may be enforced—
(a) by a constable or public health officer removing the person to the place;
(b) by a constable or public health officer keeping the person at the place;
(c) if the person absconds, by a constable taking the person into custody and returning them to that place or another place a public health officer may specify.

38 (1) A person on whom a requirement or restriction is imposed under paragraph 35 may appeal against it (or against any variation of it or any extension of the period to which it relates) to the sheriff or summary sheriff.

(2) On an appeal under this paragraph the sheriff or summary sheriff may—
(a) confirm the requirement or restriction (or variation or extension), with or without modification, or
(b) quash the requirement or restriction (or variation or extension).

39 The Scottish Ministers may compensate any person on whom a requirement or restriction is imposed under paragraph 35.

Children

40 (1) An individual who has responsibility for a child must, so far as reasonably practicable, secure that the child complies with any direction, instruction, requirement or restriction given to or imposed on the child under this Part of this Schedule.

(2) An individual who has responsibility for a child must provide to a person exercising a power under this Part of this Schedule such information and assistance in relation to the child as is reasonably necessary and practicable in the circumstances.

(3) A power under this Part of this Schedule to direct or require a child to go to a place may instead be exercised by directing or requiring an individual who has responsibility for the child to take the child to the place.

(4) A power under paragraph 31 or 35 may only be exercised in relation to a child in the presence of—
  (a) an individual who has responsibility for the child, or
  (b) if the child is not accompanied by such an individual, an adult (not being a person on whom powers are conferred under this Part of this Schedule) that the person exercising the power considers to be appropriate, having regard to any views of the child.

(5) Where a power under this Part of this Schedule is exercisable in relation to a child but the child is not accompanied by an individual who has responsibility for the child, the person by whom the power is exercisable must—
  (a) if practicable, contact an individual who has responsibility for the child before the power is exercised, or
  (b) if that is not practicable, take reasonable steps after the power is exercised to contact such an individual and inform them of any exercise of the power in relation to the child.

(6) Where a child has a right of appeal (see paragraph 38), the right may be exercised by an individual who has responsibility for the child.

(7) For the purposes of this paragraph—
  "adult" means a person aged 16 or over;
  "child" means a person under the age of 16;
  an individual has responsibility for a child—
    (a) if the individual has custody or charge of the child for the time being (without being a person on whom powers are conferred by this Part of this Schedule), or
    (b) if the individual has parental responsibilities or parental rights in relation to the child (see sections 1(3) and 2(4) of the Children (Scotland) Act 1995).

Formalities

41 (1) A direction, instruction, requirement or restriction under this Part of this Schedule may be given or imposed orally or in writing.

(2) But where a requirement or restriction under paragraph 35 is given to a person orally by a public health officer, the public health officer must as soon as reasonably practicable thereafter give the person a notice setting it out in writing.

Ancillary powers

42 (1) A public health officer, constable or immigration officer may give reasonable instructions to a person in connection with—
  (a) a direction given to that person under a power conferred by this Part of this Schedule, or
  (b) removing the person to or keeping the person at a place under a power conferred by this Part of this Schedule.

(2) Where a public health officer, constable or immigration officer gives a reasonable instruction to a person under sub-paragraph (1), the officer or constable must inform that person—
  (a) of the reason for the instruction, and

(b) that it is an offence to fail to comply with it.

(3) A power conferred by this Part of this Schedule to remove a person to a place includes a power to keep the person for a reasonable period pending their removal.

(4) A constable or immigration officer may use reasonable force, if necessary, in the exercise of a power conferred by this Part of this Schedule.

(5) A constable may enter any place for the purpose of the exercise of a power conferred by this Part of this Schedule.

Guidance and advice

43 (1) A person exercising a power conferred by this Part of this Schedule must have regard to—

(a) any relevant guidance issued, before or after the passing of this Act, by the relevant authority, and

(b) any advice given by a public health officer in relation to any particular case.

(2) In sub-paragraph (1) "relevant authority" means—

(a) in relation to the exercise of a power by an immigration officer, the Secretary of State;

(b) in relation to the exercise of a power by a public health officer or constable, the Scottish Ministers.

End of transmission control period

44 When the transmission control period during which a power conferred by this Part of this Schedule is exercised comes to an end, any requirement or restriction imposed under the power ceases to have effect in respect of times after the end of the period.

Offences

45 (1) A person commits an offence if the person—

(a) fails without reasonable excuse to comply with any direction, reasonable instruction, requirement or restriction given to or imposed on the person under this Part of this Schedule,

(b) fails without reasonable excuse to comply with a duty under paragraph 40(1) or (2) (duties of individuals who have responsibility for a child),

(c) absconds or attempts to abscond while being removed to or kept at a place under this Part of this Schedule,

(d) knowingly provides false or misleading information in response to a requirement to provide information under this Part of this Schedule or otherwise in connection with the exercise of any power under this Part of this Schedule, or

(e) obstructs a person who is exercising or attempting to exercise a power conferred by this Part of this Schedule.

(2) A person guilty of an offence under this paragraph is liable on summary conviction to imprisonment for a term not exceeding 12 months or to a fine not exceeding level 5 on the standard scale (or to both).

Modifications of Public Health etc. (Scotland) Act 2008

46 During a transmission control period, sections 56(1) and 58(2) of the Public Health etc. (Scotland) Act 2008 (asp 5) (which relate to compensation) have effect as if for "must" there were substituted "may".

Constables

47 (1) The chief constable of the Police Service of Scotland may authorise a police custody and security officer (see section 28 of the Police and Fire Reform (Scotland) Act 2012 (asp 8)) to exercise the powers conferred on a constable by this Part of this Schedule.

(2) Accordingly references to a constable in this Part of this Schedule include a police custody and security officer so authorised.

PART 4

POWERS RELATING TO POTENTIALLY INFECTIOUS PERSONS IN WALES

Declarations of risks of coronavirus in Wales

48 (1) If at any time the Welsh Ministers are of the view that—

(a) the incidence or transmission of coronavirus constitutes a serious and imminent threat to public health in Wales, and

(b) the powers conferred by this Part of this Schedule will be an effective means of delaying or preventing significant further transmission of coronavirus in Wales,

the Welsh Ministers may make a declaration to that effect.

(2) If, having made a declaration under this paragraph, the Welsh Ministers cease to be of the view referred to in sub-paragraph (1), they must revoke the declaration.

(3) A declaration or the revocation of a declaration under this paragraph—

(a) is to be made by being published online, and

(b) must, as soon as reasonably practicable after it is made, also be published in a newspaper circulating in Wales.

(4) The Welsh Ministers may make a declaration under this paragraph on more than one occasion.

(5) Before making or revoking a declaration under this paragraph the Welsh Ministers must consult the Chief Medical Officer or one of the Deputy Chief Medical Officers of the Health and Social Services Directorate in Wales.

49 In this Part of this Schedule, "transmission control period" means a period which—

(a) begins when a declaration is made under paragraph 48, and

(b) ends when the declaration is revoked.

Powers to direct or remove persons to a place suitable for screening and assessment

50 (1) This paragraph applies if, during a transmission control period, a public health officer has reasonable grounds to suspect that a person in Wales is potentially infectious.

(2) The public health officer may, subject to sub-paragraph (3)—
  (a) direct the person to go immediately to a place specified in the direction which is suitable for screening and assessment,
  (b) remove the person to a place suitable for screening and assessment, or
  (c) request a constable to remove the person to a place suitable for screening and assessment (and the constable may then do so).

(3) A public health officer may exercise the powers conferred by this paragraph in relation to a person only if the officer considers that it is necessary and proportionate to do so—
  (a) in the interests of the person,
  (b) for the protection of other people, or
  (c) for the maintenance of public health.

(4) Where a public health officer exercises the powers conferred by this paragraph, the officer must inform that person—
  (a) of the reason for directing or removing them, and
  (b) that it is an offence—
    (i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction, or
    (ii) in a case where a person is removed (by the officer or by a constable), to abscond.

51 (1) This paragraph applies if, during a transmission control period—
  (a) a constable, or
  (b) an immigration officer in the course of exercising any of their functions,

has reasonable grounds to suspect that a person in Wales is potentially infectious.

(2) The immigration officer or constable may, subject to sub-paragraph (3)—
  (a) direct the person to go immediately to a place specified in the direction which is suitable for screening and assessment, or
  (b) remove the person to a place suitable for screening and assessment.

(3) An immigration officer or constable may exercise the powers conferred by this paragraph in relation to a person only if the officer or constable considers that it is necessary and proportionate to do so—
  (a) in the interests of the person,
  (b) for the protection of other people, or
  (c) for the maintenance of public health.

(4) Where an immigration officer or constable exercises the power to direct or remove a person under this paragraph, the officer or constable must inform that person—
  (a) of the reason for directing or removing them, and
  (b) that it is an offence—
    (i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction, or
    (ii) in a case where a person is removed, to abscond.

(5) An immigration officer or constable must, before exercising the powers conferred by this paragraph, consult a public health officer to the extent that it is practicable to do so.

Powers exercisable at a screening and assessment place: public health officers

52 (1) Paragraphs 53 to 55 apply where, during a transmission control period—
(a) a person is (whether or not pursuant to the exercise of powers under this Part of this Schedule) at a place in Wales which is suitable for screening and assessment, and
(b) a public health officer has reasonable grounds to suspect that the person is potentially infectious.

(2) A public health officer may exercise a power conferred by paragraphs 53 to 55 only if the officer considers that it is necessary and proportionate to do so—
(a) in the interests of the person,
(b) for the protection of other people, or
(c) for the maintenance of public health.

53 (1) A public health officer may require the person referred to in paragraph 52 to remain at the place for screening and assessment purposes for a period not exceeding 48 hours.

(2) Where a public health officer requires a person to remain at a place under this paragraph, the officer must inform that person—
(a) of the reason for imposing the requirement,
(b) of the maximum period the person may be required to remain there, and
(c) that it is an offence to fail to comply with the requirement.

(3) A requirement imposed on a person under this paragraph may be enforced by a public health officer or a constable keeping the person at the place.

54 (1) A public health officer may—
(a) require the person referred to in paragraph 52 to be screened and assessed, and
(b) impose other requirements on the person in connection with their screening and assessment.

(2) Requirements under sub-paragraph (1)(a) may in particular include requirements on a person—
(a) at such times as the public health officer may specify—
(i) to provide a biological sample, or
(ii) to allow a healthcare professional to take a biological sample by appropriate means;
(b) to answer questions and provide information about their health or other relevant matters (including their travel history and other individuals with whom they may have had contact).

(3) In sub-paragraph (2)(a)(ii) "healthcare professional" means—
(a) a registered medical practitioner,
(b) a registered nurse, or
(c) such other registered healthcare professional as may be designated by the Welsh Ministers.

(4) Requirements under sub-paragraph (1)(b) may in particular include requirements on a person—
  (a) to produce any documents which may assist in their assessment;
  (b) to provide details by which they may be contacted during such subsequent period as the public health officer may specify.

55 (1) If a public health officer considers it appropriate for the purposes of screening or assessing the person, the officer may—
  (a) direct the person referred to in paragraph 52 to go immediately to another place which is specified in the direction and is suitable for those purposes,
  (b) remove the person to a place suitable for those purposes, or
  (c) request a constable to remove the person to a place suitable for those purposes (and the constable may then do so).

(2) Where a public health officer exercises the powers conferred by this paragraph, the officer must inform that person—
  (a) of the reason for directing or removing them, and
  (b) that it is an offence—
    (i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction, or
    (ii) in a case where a person is removed (by the officer or by a constable), to abscond.

56 Where the powers in paragraph 50, 51 or 55 are exercised in relation to a person in a place so as to direct them to go to, or remove them to, another place, paragraphs 53 to 55 apply in relation to that person afresh in that other place.

Powers exercisable at a screening and assessment place: constables and immigration officers

57 (1) This paragraph applies where, during a transmission control period—
  (a) a person is (whether or not pursuant to the exercise of powers under this Part of this Schedule) at a place in Wales which is suitable for screening and assessment, and
  (b) an immigration officer or a constable has reasonable grounds to suspect that the person is potentially infectious.

(2) The immigration officer or constable may, subject to sub-paragraphs (3) to (6), keep the person at that place until such time as a public health officer can exercise the functions under paragraphs 53 to 55 in relation to that person.

(3) A person may not under sub-paragraph (2) be kept—
  (a) by a constable, for a period exceeding 24 hours, or
  (b) by an immigration officer, for a period exceeding 3 hours.

(4) If before the end of the period referred to in sub-paragraph (3)(a) or (b) the immigration officer or constable considers that it is necessary to extend the period because it is not reasonably practicable for a public health officer to exercise the functions under paragraphs 53 to 55 before the end of that period, the officer or constable may, with the consent of a relevant officer, extend the period for a further—
  (a) 24 hours, in the case of keeping by a constable, or
  (b) 9 hours, in the case of keeping by an immigration officer.

(5) In sub-paragraph (4) "relevant officer" means—
  (a) a constable of the rank of superintendent or above, in the case of keeping by a constable, or
  (b) an immigration officer not below the rank of chief immigration officer, in the case of keeping by an immigration officer.

(6) An immigration officer or constable may keep a person under this paragraph only if they consider it is necessary and proportionate to do so—
  (a) in the interests of the person,
  (b) for the protection of other people, or
  (c) for the maintenance of public health.

(7) Where an immigration officer or constable keeps a person at a place under this paragraph, they must inform that person—
  (a) of the reason for keeping them,
  (b) of the maximum period for which they may be kept (taking into account the effect of sub-paragraph (4)), and
  (c) that it is an offence to abscond.

(8) An immigration officer or constable must, before exercising the powers conferred by this paragraph, consult a public health officer to the extent that it is practicable to do so.

Powers exercisable after assessment

58 (1) This paragraph applies where during a transmission control period—
  (a) a person in Wales has been screened and assessed by a public health officer (under paragraph 54 or otherwise) and—
    (i) the screening confirmed that the person is infected or contaminated with coronavirus, or
    (ii) the screening was inconclusive, or
  (b) a person has in Wales been assessed by a public health officer (under paragraph 54 or otherwise) and the officer has reasonable grounds to suspect that the person is potentially infectious.

(2) A public health officer may at any time during the transmission control period impose such requirements and restrictions on the person as the officer considers necessary and proportionate—
  (a) in the interests of the person,
  (b) for the protection of other people, or
  (c) for the maintenance of public health.

(3) Requirements under this paragraph may include requirements—
  (a) to provide information to the public health officer or any specified person;
  (b) to provide details by which the person may be contacted during a specified period;
  (c) to go for the purposes of further screening and assessment to a specified place suitable for those purposes and do anything that may be required under paragraph 54(1);
  (d) to remain at a specified place (which may be a place suitable for screening and assessment) for a specified period;

(e) to remain at a specified place in isolation from others for a specified period.

(4) Restrictions on a person under this paragraph may include restrictions, for a specified period, on—
(a) the person's movements or travel (within or outside the United Kingdom);
(b) the person's activities (including their work or business activities);
(c) the person's contact with other persons or with other specified persons.

(5) Where a public health officer imposes a requirement or restriction on a person under this paragraph, the officer must inform the person—
(a) of the reason for doing so, and
(b) that it is an offence to fail to comply with the requirement or restriction.

(6) In deciding whether to impose a requirement referred to in sub-paragraph (3)(d) or (e) the public health officer must have regard to a person's wellbeing and personal circumstances.

(7) A public health officer may vary or revoke a requirement or restriction imposed on a person (but may only extend the period to which a requirement referred to in sub-paragraph (3)(d) or (e) or a restriction relates in accordance with paragraph 59).

59 (1) The period specified in relation to a requirement referred to in paragraph 58(3)(d) or (e) (a "requirement to remain"), or in relation to any restriction under paragraph 58, may not exceed 14 days.

(2) After the imposition of a requirement to remain or a restriction under paragraph 58, a public health officer must—
(a) assess the person within 48 hours, and
(b) in the light of that assessment reconsider which requirements or restrictions it is necessary and proportionate to impose on that person under paragraph 58 for the purposes referred to in paragraph 58(2).

(3) The public health officer may, following reconsideration under sub-paragraph (2)—
(a) revoke the requirement to remain or the restriction or specify a different period not exceeding 14 days in relation to it;
(b) substitute a different requirement or restriction under paragraph 58.

(4) If under sub-paragraph (3) the public health officer revokes the requirement to remain or the restriction, the Welsh Ministers may, if satisfied that the person is potentially infectious, re-impose the requirement or restriction (for the period originally specified).

(5) If before the end of the period specified in relation to a requirement to remain or restriction (under paragraph 58(3) or sub-paragraph (3)(a))—
(a) a public health officer reasonably suspects that the person will be potentially infectious at the end of that period, and
(b) the officer considers that the requirement or restriction is still necessary and proportionate for the purposes referred to in paragraph 58(2),

the officer may extend the period for a further specified period.

(6) Except in the case of a requirement referred to in paragraph 58(3)(e) (requirement to remain in isolation), the further period specified under sub-paragraph (5) may not exceed 14 days.

(7) Where the period to which a requirement to remain or restriction under paragraph 58 relates is extended under sub-paragraph (5), a public health officer must review the requirement or restriction at least once in every period of 24 hours.

(8) If on a review under sub-paragraph (7) the public health officer considers that the person is no longer potentially infectious, the officer must revoke the requirement to remain or the restriction.

(9) If on a review under sub-paragraph (7)—
(a) sub-paragraph (8) does not apply, but
(b) the public health officer considers that the requirement to remain or the restriction is no longer necessary and proportionate for the purposes referred to in paragraph 58(2),

the public health officer may substitute a different requirement or restriction under paragraph 58 (which may not apply beyond the end of the further period specified under sub-paragraph (5)).

60 Where a person is required to remain at a place under paragraph 58(3)(d) or (e), the requirement may be enforced—
(a) by a constable or public health officer removing the person to the place;
(b) by a constable or public health officer keeping the person at the place;
(c) if the person absconds, by a constable taking the person into custody and returning them to that place or another place a public health officer may specify.

61 (1) A person on whom a requirement or restriction is imposed under paragraph 58 may appeal against it (or against any variation of it or any extension of the period to which it relates) to a magistrates' court.

(2) On an appeal under this paragraph the court may—
(a) confirm the requirement or restriction (or variation or extension), with or without modification, or
(b) quash the requirement or restriction (or variation or extension).

Children

62 (1) An individual who has responsibility for a child must, so far as reasonably practicable, secure that the child complies with any direction, instruction, requirement or restriction given to or imposed on the child under this Part of this Schedule.

(2) An individual who has responsibility for a child must provide to a person exercising a power under this Part of this Schedule such information and assistance in relation to the child as is reasonably necessary and practicable in the circumstances.

(3) A power under this Part of this Schedule to direct or require a child to go to a place may instead be exercised by directing or requiring an individual who has responsibility for the child to take the child to the place.

(4) A power under paragraph 54 or 58 may only be exercised in relation to a child in the presence of—
  (a) an individual who has responsibility for the child, or
  (b) if the child is not accompanied by such an individual, an adult (not being a person on whom powers are conferred under this Part of this Schedule) that the person exercising the power considers to be appropriate, having regard to any views of the child.

(5) Where a power under this Part of this Schedule is exercisable in relation to a child but the child is not accompanied by an individual who has responsibility for the child, the person by whom the power is exercisable must—
  (a) if practicable, contact an individual who has responsibility for the child before the power is exercised, or
  (b) if that is not practicable, take reasonable steps after the power is exercised to contact such an individual and inform them of any exercise of the power in relation to the child.

(6) Where a child has a right of appeal (see paragraph 61), the right may be exercised by an individual who has responsibility for the child.

(7) For the purposes of this paragraph—
  "adult" means a person aged 18 or over;
  "child" means a person under the age of 18;
  an individual has responsibility for a child—
    (a) if the individual has custody or charge of the child for the time being (without being a person on whom powers are conferred by this Part of this Schedule), or
    (b) if the individual has parental responsibility for the child (within the meaning of the Children Act 1989).

Formalities

63 (1) A direction, instruction, requirement or restriction under this Part of this Schedule may be given or imposed orally or in writing.

(2) But where a requirement or restriction under paragraph 58 is given to a person orally by a public health officer, the public health officer must as soon as reasonably practicable thereafter give the person a notice setting it out in writing.

Ancillary powers

64 (1) A public health officer, constable or immigration officer may give reasonable instructions to a person in connection with—
  (a) a direction given to that person under a power conferred by this Part of this Schedule, or
  (b) removing the person to or keeping the person at a place under a power conferred by this Part of this Schedule.

(2) Where a public health officer, constable or immigration officer gives a reasonable instruction to a person under sub-paragraph (1), the officer or constable must inform that person—
  (a) of the reason for the instruction, and
  (b) that it is an offence to fail to comply with it.

(3) A power conferred by this Part of this Schedule to remove a person to a place includes a power to keep the person for a reasonable period pending their removal.

(4) A constable or immigration officer may use reasonable force, if necessary, in the exercise of a power conferred by this Part of this Schedule.

(5) A constable may enter any place for the purpose of the exercise of a power conferred by this Part of this Schedule.

Guidance and advice

65 (1) A person exercising a power conferred by this Part of this Schedule must have regard to—
  (a) any relevant guidance issued, before or after the passing of this Act, by the relevant authority, and
  (b) any advice given by a public health officer in relation to any particular case.

(2) In sub-paragraph (1) "relevant authority" means—
  (a) in relation to the exercise of a power by a constable or immigration officer, the Secretary of State;
  (b) in relation to the exercise of a power by a public health officer, the Welsh Ministers.

(3) Before issuing guidance under this paragraph in relation to constables, the Secretary of State must consult the Welsh Ministers.

End of transmission control period

66 When the transmission control period during which a power conferred by this Part of this Schedule is exercised comes to an end, any requirement or restriction imposed under the power ceases to have effect in respect of times after the end of the period.

Offences

67 (1) A person commits an offence if the person—
  (a) fails without reasonable excuse to comply with any direction, reasonable instruction, requirement or restriction given to or imposed on the person under this Part of this Schedule,
  (b) fails without reasonable excuse to comply with a duty under paragraph 62(1) or (2) (duties of individuals who have responsibility for a child),
  (c) absconds or attempts to abscond while being removed to or kept at a place under this Part of this Schedule,
  (d) knowingly provides false or misleading information in response to a requirement to provide information under this Part of this Schedule

or otherwise in connection with the exercise of any power under this Part of this Schedule, or

(e) obstructs a person who is exercising or attempting to exercise a power conferred by this Part of this Schedule.

(2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Revocation of regulations

68 (1) The Health Protection (Coronavirus) (Wales) Regulations 2020 (S.I. 2020/308 (W. 68)) ("the 2020 Regulations") are revoked.

(2) The declaration made by the Welsh Ministers on 17 March 2020 under regulation 3 of the 2020 Regulations is to be regarded as a declaration made by the Welsh Ministers under paragraph 48 of this Schedule.

(3) The revocation of the 2020 Regulations does not affect any requirement imposed on a person under regulation 4 of those Regulations (detention).

(4) Any requirement or restriction which—

(a) is imposed on a person under regulation 5, 7 or 8 of the 2020 Regulations, and

(b) which, but for the revocation of the 2020 Regulations, would continue to have effect in relation to times after the coming into force of this paragraph,

is to be regarded as having been imposed under paragraph 58 of this Schedule.

(5) A person who, at the time the 2020 Regulations are revoked, is being removed or kept under regulation 13(2)(b) or (c) is to be treated as removed or kept under (respectively) paragraph 51(2)(b) or 57(2) of this Schedule.

PART 5

POWERS RELATING TO POTENTIALLY INFECTIOUS PERSONS IN NORTHERN IRELAND

Declarations of risks of coronavirus in Northern Ireland

69 (1) If at any time the Department of Health is of the view that—

(a) the incidence or transmission of coronavirus constitutes a serious and imminent threat to public health in Northern Ireland, and

(b) the powers conferred by this Part of this Schedule will be an effective means of delaying or preventing significant further transmission of coronavirus in Northern Ireland,

the Department of Health may make a declaration to that effect.

(2) If, having made a declaration under this paragraph, the Department of Health ceases to be of the view referred to in sub-paragraph (1), it must revoke the declaration.

(3) A declaration or the revocation of a declaration under this paragraph—

(a) is to be made by being published online, and

(b) must, as soon as reasonably practicable after it is made, also be published in the Belfast Gazette.

(4) The Department of Health may make a declaration under this paragraph on more than one occasion.

(5) Before making or revoking a declaration under this paragraph the Department of Health must consult the Chief Medical Officer or any of the Deputy Chief Medical Officers of the Department of Health.

70 In this Part of this Schedule, "transmission control period" means a period which—

(a) begins when a declaration is made under paragraph 69, and

(b) ends when the declaration is revoked.

Powers to direct or remove persons to a place suitable for screening and assessment

71 (1) This paragraph applies if, during a transmission control period, a public health officer has reasonable grounds to suspect that a person in Northern Ireland is potentially infectious.

(2) The public health officer may, subject to sub-paragraph (3)—

(a) direct the person to go immediately to a place specified in the direction which is suitable for screening and assessment,

(b) remove the person to a place suitable for screening and assessment, or

(c) request a constable to remove the person to a place suitable for screening and assessment (and the constable may then do so).

(3) A public health officer may exercise the powers conferred by this paragraph in relation to a person only if the officer considers that it is necessary and proportionate to do so—

(a) in the interests of the person,

(b) for the protection of other people, or

(c) for the maintenance of public health.

(4) Where a public health officer exercises the powers conferred by this paragraph, the officer must inform that person—

(a) of the reason for directing or removing them, and

(b) that it is an offence—

(i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction, or

(ii) in a case where a person is removed (by the officer or by a constable), to abscond.

72 (1) This paragraph applies if, during a transmission control period—

(a) a constable, or

(b) an immigration officer in the course of exercising any of their functions,

has reasonable grounds to suspect that a person in Northern Ireland is potentially infectious.

(2) The immigration officer or constable may, subject to sub-paragraph (3)—

(a) direct the person to go immediately to a place specified in the direction which is suitable for screening and assessment, or

(b) remove the person to a place suitable for screening and assessment.

(3) An immigration officer or constable may exercise the powers conferred by this paragraph in relation to a person only if the officer or constable considers that it is necessary and proportionate to do so—
  (a) in the interests of the person,
  (b) for the protection of other people, or
  (c) for the maintenance of public health.

(4) Where an immigration officer or constable exercises the power to direct or remove a person under this paragraph, the officer or constable must inform that person—
  (a) of the reason for directing or removing them, and
  (b) that it is an offence—
    (i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction, or
    (ii) in a case where a person is removed, to abscond.

(5) An immigration officer or constable must, before exercising the powers conferred by this paragraph, consult a public health officer to the extent that it is practicable to do so.

Powers exercisable at a screening and assessment place: public health officers

73 (1) Paragraphs 74 to 76 apply where, during a transmission control period—
  (a) a person is (whether or not pursuant to the exercise of powers under this Part of this Schedule) at a place in Northern Ireland which is suitable for screening and assessment, and
  (b) a public health officer has reasonable grounds to suspect that the person is potentially infectious.

(2) A public health officer may exercise a power conferred by paragraphs 74 to 76 only if the officer considers that it is necessary and proportionate to do so—
  (a) in the interests of the person,
  (b) for the protection of other people, or
  (c) for the maintenance of public health.

74 (1) A public health officer may require the person referred to in paragraph 73 to remain at the place for screening and assessment purposes for a period not exceeding 48 hours.

(2) Where a public health officer requires a person to remain at a place under this paragraph, the officer must inform that person—
  (a) of the reason for imposing the requirement,
  (b) of the maximum period the person may be required to remain there, and
  (c) that it is an offence to fail to comply with the requirement.

(3) A requirement imposed on a person under this paragraph may be enforced by a public health officer or a constable keeping the person at the place.

75 (1) A public health officer may—
  (a) require the person referred to in paragraph 73 to be screened and assessed, and
  (b) impose other requirements on the person in connection with their screening and assessment.

(2) Requirements under sub-paragraph (1)(a) may in particular include requirements on a person—
  (a) at such times as the public health officer may specify—
    (i) to provide a biological sample, or
    (ii) to allow a healthcare professional to take a biological sample by appropriate means;
  (b) to answer questions and provide information about their health or other relevant matters (including their travel history and other individuals with whom they may have had contact).

(3) In sub-paragraph (2)(a)(ii) "healthcare professional" means—
  (a) a registered medical practitioner,
  (b) a registered nurse, or
  (c) such other registered healthcare professional as may be designated by the Department of Health.

(4) Requirements under sub-paragraph (1)(b) may in particular include requirements on a person—
  (a) to produce any documents which may assist in their assessment;
  (b) to provide details by which they may be contacted during such subsequent period as the public health officer may specify.

76 (1) If a public health officer considers it appropriate for the purposes of screening or assessing the person, the officer may—
  (a) direct the person referred to in paragraph 73 to go immediately to another place which is specified in the direction and is suitable for those purposes,
  (b) remove the person to another place suitable for those purposes, or
  (c) request a constable to remove the person to another place suitable for those purposes (and the constable may then do so).

(2) Where a public health officer exercises the powers conferred by this paragraph, the officer must inform that person—
  (a) of the reason for directing or removing them, and
  (b) that it is an offence—
    (i) in a case where a person is directed, to fail without reasonable excuse to comply with the direction, or
    (ii) in a case where a person is removed (by the officer or by a constable), to abscond.

77 Where the powers in paragraph 71, 72 or 76 are exercised in relation to a person in a place so as to direct them to go to, or remove them to, another place, paragraphs 74 to 76 apply in relation to that person afresh in that other place.

Powers exercisable at a screening and assessment place: constables and immigration officers

78 (1) This paragraph applies where, during a transmission control period—
  (a) a person is (whether or not pursuant to the exercise of powers under this Part of this Schedule) at a place in Northern Ireland which is suitable for screening and assessment, and
  (b) an immigration officer or a constable has reasonable grounds to suspect that the person is potentially infectious.

(2) The immigration officer or constable may, subject to sub-paragraphs (3) to (6), keep the person at that place until such time as a public health officer can exercise the functions under paragraphs 74 to 76 in relation to that person.

(3) A person may not under sub-paragraph (2) be kept—
  (a) by a constable, for a period exceeding 24 hours, or
  (b) by an immigration officer, for a period exceeding 3 hours.

(4) If before the end of the period referred to in sub-paragraph (3)(a) or (b) the immigration officer or constable considers that it is necessary to extend the period because it is not reasonably practicable for a public health officer to exercise the functions under paragraphs 74 to 76 before the end of that period, the officer or constable may, with the consent of a relevant officer, extend the period for a further—
  (a) 24 hours, in the case of keeping by a constable, or
  (b) 9 hours, in the case of keeping by an immigration officer.

(5) In sub-paragraph (4) "relevant officer" means—
  (a) a constable of the rank of superintendent or above, in the case of keeping by a constable, or
  (b) an immigration officer not below the rank of chief immigration officer, in the case of keeping by an immigration officer.

(6) An immigration officer or constable may keep a person under this paragraph only if they consider it is necessary and proportionate to do so—
  (a) in the interests of the person,
  (b) for the protection of other people, or
  (c) for the maintenance of public health.

(7) Where an immigration officer or constable keeps a person at a place under this paragraph, they must inform that person—
  (a) of the reason for keeping them,
  (b) of the maximum period for which they may be kept (taking into account the effect of sub-paragraph (4)), and
  (c) that it is an offence to abscond.

(8) An immigration officer or constable must, before exercising the powers conferred by this paragraph, consult a public health officer to the extent that it is practicable to do so.

Powers exercisable after assessment

79 (1) This paragraph applies where, during a transmission control period—
  (a) a person in Northern Ireland has been screened and assessed by a public health officer (under paragraph 75 or otherwise) and—
    (i) the screening confirmed that the person is infected or contaminated with coronavirus, or
    (ii) the screening was inconclusive, or
  (b) a person in Northern Ireland has been assessed by a public health officer (under paragraph 75 or otherwise) and the officer has reasonable grounds to suspect that the person is potentially infectious.

(2) A public health officer may at any time during the transmission control period impose such requirements and restrictions on the person as the officer considers necessary and proportionate—
  (a) in the interests of the person,
  (b) for the protection of other people, or
  (c) for the maintenance of public health.

(3) Requirements under this paragraph may include requirements—
  (a) to provide information to the public health officer or any specified person;
  (b) to provide details by which the person may be contacted during a specified period;
  (c) to go for the purposes of further screening and assessment to a specified place suitable for those purposes and do anything that may be required under paragraph 75(1);
  (d) to remain at a specified place (which may be a place suitable for screening and assessment) for a specified period;
  (e) to remain at a specified place in isolation from others for a specified period.

(4) Restrictions on a person under this paragraph may include restrictions, for a specified period, on—
  (a) the person's movements or travel (within or outside the United Kingdom);
  (b) the person's activities (including their work or business activities);
  (c) the person's contact with other persons or with other specified persons.

(5) Where a public health officer imposes a requirement or restriction on a person under this paragraph, the officer must inform the person—
  (a) of the reason for doing so, and
  (b) that it is an offence to fail to comply with the requirement or restriction.

(6) In deciding whether to impose a requirement referred to in sub-paragraph (3)(d) or (e) the public health officer must have regard to a person's wellbeing and personal circumstances.

(7) A public health officer may vary or revoke a requirement or restriction imposed on a person (but may only extend the period to which a requirement referred to in sub-paragraph (3)(d) or (e) or a restriction relates in accordance with paragraph 80).

80 (1) The period specified in relation to a requirement referred to in paragraph 79(3)(d) or (e) (a "requirement to remain") or in relation to any restriction under paragraph 79, may not exceed 14 days.

(2) After the imposition of a requirement to remain or a restriction under paragraph 79, a public health officer must—
  (a) assess the person within 48 hours, and
  (b) in the light of that assessment reconsider which requirements or restrictions it is necessary and proportionate to impose on that person under paragraph 79 for the purposes referred to in paragraph 79(2).

(3) The public health officer may, following reconsideration under sub-paragraph (2)—
  (a) revoke the requirement to remain or the restriction or specify a different period not exceeding 14 days in relation to it;
  (b) substitute a different requirement or restriction under paragraph 79.

(4) If under sub-paragraph (3) the public health officer revokes the requirement to remain or the restriction, the Department of Health may, if satisfied that the person is potentially infectious, re-impose the requirement or restriction (for the period originally specified).

(5) If before the end of the period specified in relation to a requirement to remain or restriction (under paragraph 79(3) or sub-paragraph (3)(a))—
  (a) a public health officer reasonably suspects that the person will be potentially infectious at the end of that period, and
  (b) the officer considers that the requirement or restriction is still necessary and proportionate for the purposes referred to in paragraph 79(2),

the officer may extend the period for a further specified period.

(6) Except in the case of a requirement referred to in paragraph 79(3)(e) (requirement to remain in isolation), the further period specified under sub-paragraph (5) may not exceed 14 days.

(7) Where the period to which a requirement to remain or restriction under paragraph 79 relates is extended under sub-paragraph (5), a public health officer must review the requirement or restriction at least once in every period of 24 hours.

(8) If on a review under sub-paragraph (7) the public health officer considers that the person is no longer potentially infectious, the officer must revoke the requirement to remain or the restriction.

(9) If on a review under sub-paragraph (7)—
  (a) sub-paragraph (8) does not apply, but
  (b) the public health officer considers that the requirement to remain or the restriction is no longer necessary and proportionate for the purposes referred to in paragraph 79(2),

the public health officer may substitute a different requirement or restriction under paragraph 79 (which may not apply beyond the end of the further period specified under sub-paragraph (5)).

81 Where a person is required to remain at a place under paragraph 79(3)(d) or (e), the requirement may be enforced—
  (a) by a constable or public health officer removing the person to the place;
  (b) by a constable or public health officer keeping the person at the place;
  (c) if the person absconds, by a constable taking the person into custody and returning them to that place or another place a public health officer may specify.

82 (1) A person on whom a requirement or restriction is imposed under paragraph 79 may appeal against it (or against any variation of it or any extension of the period to which it relates) to a court of summary jurisdiction.

(2) On an appeal under this paragraph the court may—
  (a) confirm the requirement or restriction (or variation or extension), with or without modification, or
  (b) quash the requirement or restriction (or variation or extension).

Children

83 (1) An individual who has responsibility for a child must, so far as reasonably practicable, secure that the child complies with any direction, instruction, requirement or restriction given to or imposed on the child under this Part of this Schedule.

(2) An individual who has responsibility for a child must provide to a person exercising a power under this Part of this Schedule such information and assistance in relation to the child as is reasonably necessary and practicable in the circumstances.

(3) A power under this Part of this Schedule to direct or require a child to go to a place may instead be exercised by directing or requiring an individual who has responsibility for the child to take the child to the place.

(4) A power under paragraph 75 or 79 may only be exercised in relation to a child in the presence of—
  (a) an individual who has responsibility for the child, or
  (b) if the child is not accompanied by such an individual, an adult (not being a person on whom powers are conferred under this Part of this Schedule or a person employed by the Northern Ireland Policing Board) that the person exercising the power considers to be appropriate, having regard to any views of the child.

(5) Where a power under this Part of this Schedule is exercisable in relation to a child but the child is not accompanied by an individual who has responsibility for the child, the person by whom the power is exercisable must—
  (a) if practicable, contact an individual who has responsibility for the child before the power is exercised, or
  (b) if that is not practicable, take reasonable steps after the power is exercised to contact such an individual and inform them of any exercise of the power in relation to the child.

(6) Where a child has a right of appeal (see paragraph 82), the right may be exercised by an individual who has responsibility for the child.

(7) For the purposes of this paragraph—
  "adult" means a person aged 18 or over;
  "child" means a person under the age of 18;
  an individual has responsibility for a child—
    (a) if the individual has custody or charge of the child for the time being (without being a person on whom powers are conferred by this Part of this Schedule or a person employed by the Northern Ireland Policing Board), or
    (b) if the individual has parental responsibility for the child (within the meaning of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2))).

Formalities

84 (1) A direction, instruction, requirement or restriction under this Part of this Schedule may be given or imposed orally or in writing.

(2) But where a requirement or restriction under paragraph 79 is given to a person orally by a public health officer, the public health officer must as soon as reasonably practicable thereafter give the person a notice setting it out in writing.

Ancillary powers

85 (1) A public health officer, constable or immigration officer may give reasonable instructions to a person in connection with—

(a) a direction given to that person under a power conferred by this Part of this Schedule, or

(b) removing the person to or keeping the person at a place under a power conferred by this Part of this Schedule.

(2) Where a public health officer, constable or immigration officer gives a reasonable instruction to a person under sub-paragraph (1), the officer or constable must inform that person—

(a) of the reason for the instruction, and

(b) that it is an offence to fail to comply with it.

(3) A power conferred by this Part of this Schedule to remove a person to a place includes a power to keep the person for a reasonable period pending their removal.

(4) A constable or immigration officer may use reasonable force, if necessary, in the exercise of a power conferred by this Part of this Schedule.

(5) A constable may enter any place for the purpose of the exercise of a power conferred by this Part of this Schedule.

Guidance and advice

86 (1) A person exercising a power conferred by this Part of this Schedule must have regard to—

(a) any relevant guidance issued, before or after the passing of this Act, by the relevant authority, and

(b) any advice given by a public health officer in relation to any particular case.

(2) In sub-paragraph (1) "relevant authority" means—

(a) in relation to the exercise of a power by an immigration officer, the Secretary of State;

(b) in relation to the exercise of a power by a public health officer or constable, the Department of Health.

End of transmission control period

87 When the transmission control period during which a power conferred by this Part of this Schedule is exercised comes to an end, any requirement or restriction imposed under the power ceases to have effect in respect of times after the end of the period.

Offences

88 (1) A person commits an offence if the person—
(a) fails without reasonable excuse to comply with any direction, reasonable instruction, requirement or restriction given to or imposed on the person under this Part of this Schedule,
(b) fails without reasonable excuse to comply with a duty under paragraph 83(1) or (2) (duties of individuals who have responsibility for a child),
(c) absconds or attempts to abscond while being removed to or kept at a place under this Part of this Schedule,
(d) knowingly provides false or misleading information in response to a requirement to provide information under this Part of this Schedule or otherwise in connection with the exercise of any power under this Part of this Schedule, or
(e) obstructs a person who is exercising or attempting to exercise a power conferred by this Part of this Schedule.

(2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Supplementary interpretation

89 In this Part of this Schedule—
(a) "constable" includes any police officer and any member of the Harbour or Airport Police;
(b) "Department of Health" means the Department of Health in Northern Ireland.

SCHEDULE 22

Section 52

POWERS TO ISSUE DIRECTIONS RELATING TO EVENTS, GATHERINGS AND PREMISES

PART 1

GENERAL

Interpretation

1 (1) In this Schedule—
"Crown premises" means (subject to sub-paragraph (2)) any premises that are property—
(a) belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster,
(b) belonging to the Duchy of Cornwall,
(c) belonging to a government department or held in trust for Her Majesty for the purposes of a government department, or
(d) belonging to an office-holder in the Scottish Administration or held in trust for Her Majesty by an office-holder in the Scottish Administration for the purposes of the Scottish Administration;

"premises" includes any place and, in particular, includes—
(a) any vehicle, train, vessel or aircraft,
(b) any tent or movable structure, and
(c) any offshore installation (within the meaning given by regulation 3 of the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 (S.I. 1995/738)),
and references to premises include a part of premises;
"specified" means specified in a direction issued under this Schedule;
"vessel" has the same meaning as in the Public Health (Control of Disease) Act 1984 (see section 74 of that Act).

(2) For the purposes of sub-paragraph (1), "Crown premises" does not include any vessel—
(a) belonging to Her Majesty, or
(b) under the command or charge of an officer holding Her Majesty's commission.

(3) This Schedule applies in relation to Crown premises as it applies in relation to any other premises.

Disapplication to the Parliamentary Estate

2 Nothing in this Schedule applies in relation to the Parliamentary Estate.

PART 2

POWERS RELATING TO EVENTS, GATHERINGS AND PREMISES IN ENGLAND

Declaration of threat to public health in England due to coronavirus

3 (1) If at any time the Secretary of State is of the view that—
(a) the incidence or transmission of coronavirus constitutes a serious and imminent threat to public health in England, and
(b) the powers conferred by this Part of this Schedule will be an effective means of—
(i) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus in England, or
(ii) facilitating the most appropriate deployment of medical or emergency personnel and resources in England,
the Secretary of State may make a declaration to that effect.

(2) If, having made a declaration under this paragraph, the Secretary of State ceases to be of the view mentioned in sub-paragraph (1), the Secretary of State must revoke the declaration.

(3) A declaration or the revocation of a declaration under this paragraph—
(a) is to be made by being published online, and
(b) must, as soon as reasonably practicable after it is made, also be published in the London Gazette.

(4) Before making or revoking a declaration under this paragraph, the Secretary of State must consult the Chief Medical Officer or any of the Deputy Chief Medical Officers of the Department of Health and Social Care.

(5) The Secretary of State may make a declaration under this paragraph on more than one occasion.

4 In this Part of this Schedule, "public health response period" means a period which—

(a) begins when the Secretary of State makes a declaration under paragraph 3(1), and

(b) ends when the Secretary of State revokes the declaration.

Power to prohibit or otherwise restrict events or gatherings in England

5 (1) The Secretary of State may, for the purpose of—

(a) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus, or

(b) facilitating the most appropriate deployment of medical or emergency personnel and resources,

issue a direction prohibiting, or imposing requirements or restrictions in relation to, the holding of an event or gathering in England.

(2) A direction under sub-paragraph (1) may be issued in relation to—

(a) a specified event or gathering, or

(b) events or gatherings of a specified description.

(3) A direction under sub-paragraph (1) may only have the effect of imposing prohibitions, requirements or restrictions on—

(a) the owner or occupier of premises for an event or gathering to which the direction relates;

(b) the organiser of such an event or gathering;

(c) any other person involved in holding such an event or gathering.

(4) A direction under sub-paragraph (1) may only be issued during a public health response period.

(5) A direction under sub-paragraph (1) may, among other things, impose requirements about informing persons who may be planning to attend an event or gathering of its prohibition or any requirements or restrictions imposed in relation to the holding of it.

(6) For the purposes of sub-paragraph (2), events or gatherings may be described—

(a) by reference to a number of people attending the event or gathering,

(b) by reference to a requirement for medical or emergency services to attend the event or gathering, or

(c) in any other way.

(7) The reference in sub-paragraph (3)(c) to a person involved in the holding of an event or gathering does not include a person whose only involvement in the event or gathering is, or would be, by attendance at the event or gathering.

Power to close premises in England or impose restrictions on persons entering or remaining in them

6 (1) The Secretary of State may, for the purpose of—
(a) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus, or
(b) facilitating the most appropriate deployment of medical or emergency personnel and resources,
issue a direction imposing prohibitions, requirements or restrictions in relation to the entry into, departure from, or location of persons in, premises in England.

(2) A direction under sub-paragraph (1) may be issued in relation to—
(a) specified premises, or
(b) premises of a specified description.

(3) A direction under sub-paragraph (1) may only have the effect of imposing prohibitions, requirements or restrictions on—
(a) the owner or occupier of premises to which the direction relates;
(b) any other person involved in managing entry into, or departure from, such premises or the location of persons in them.

(4) A direction under sub-paragraph (1) may only be issued during a public health response period.

(5) A direction under sub-paragraph (1) may, among other things, impose requirements for the purpose of—
(a) closing the premises;
(b) restricting entry into the premises;
(c) securing restrictions in relation to the location of persons in the premises.

(6) A direction under sub-paragraph (1) may impose prohibitions, requirements or restrictions by reference to (among other things)—
(a) the number of persons in the premises;
(b) the size of the premises;
(c) the purpose for which a person is in the premises;
(d) the facilities in the premises;
(e) a period of time.

Variations and revocations

7 The Secretary of State may vary or revoke to any extent a direction issued under this Part of this Schedule.

Procedure

8 (1) Before issuing a direction under this Part of this Schedule, the Secretary of State must have regard to any relevant advice given to the Secretary of State by the Chief Medical Officer or any of the Deputy Chief Medical Officers of the Department of Health and Social Care.

(2) Where a direction imposes prohibitions, requirements or restrictions on a person specified by name, the direction—

(a) must be given in writing to that person, and
(b) may be published in such manner as the Secretary of State considers appropriate to bring it to the attention of other persons who may be affected by it.

(3) In any other case, the direction must be published in such manner as the Secretary of State considers appropriate to bring it to the attention of persons who may be affected by it.

(4) Where the Secretary of State varies or revokes a direction which imposes prohibitions, requirements or restrictions on a person specified by name, notice of the variation or revocation—
(a) must be given in writing to that person, and
(b) may be published in such manner as the Secretary of State considers appropriate to bring it to the attention of other persons who may be affected by it.

(5) Where the Secretary of State varies or revokes any other direction, notice of the variation or revocation must be published in such manner as the Secretary of State considers appropriate to bring it to the attention of persons who may be affected by the variation or revocation.

Offences

9 (1) A person commits an offence if the person fails without reasonable excuse to comply with a prohibition, requirement or restriction imposed on the person by a direction issued under this Part of this Schedule.

(2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine.

10 (1) If an offence under paragraph 9 committed by a body corporate is proved—
(a) to have been committed with the consent or connivance of an officer of the body, or
(b) to be attributable to any neglect on the part of such an officer,
the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.

(2) In sub-paragraph (1), "officer", in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

Enforcement and prosecutions

11 (1) A person, or description of person, designated in writing for the purpose of this sub-paragraph by the Secretary of State may take such action as is necessary to enforce compliance with a direction issued under this Part of this Schedule.

(2) Proceedings for an offence under this Part of this Schedule may be brought by a person, or description of person, designated in writing for the purpose of this sub-paragraph by the Secretary of State.

(3) The powers conferred by or under this paragraph do not affect any other power to enforce compliance with a direction issued under this Part of this Schedule or to bring proceedings for an offence under this Part of this Schedule.

End of public health response period

12 When a public health response period comes to an end, a direction under this Part of this Schedule issued during that period ceases to have effect in respect of times after the end of the period.

PART 3

POWERS RELATING TO EVENTS, GATHERINGS AND PREMISES IN SCOTLAND

Declaration of threat to public health in Scotland due to coronavirus

13 (1) If at any time the Scottish Ministers are of the view that—
- (a) the incidence or transmission of coronavirus constitutes a serious and imminent threat to public health in Scotland, and
- (b) the powers conferred by this Part of this Schedule will be an effective means of—
  - (i) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus in Scotland, or
  - (ii) facilitating the most appropriate deployment of medical or emergency personnel and resources in Scotland,

the Scottish Ministers may make a declaration to that effect.

(2) If, having made a declaration under this paragraph, the Scottish Ministers cease to be of the view mentioned in sub-paragraph (1), the Scottish Ministers must revoke the declaration.

(3) A declaration or the revocation of a declaration under this paragraph—
- (a) is to be made by being published online, and
- (b) must, as soon as reasonably practicable after it is made, also be published in the Edinburgh Gazette.

(4) Before making or revoking a declaration under this paragraph, the Scottish Ministers must consult the Chief Medical Officer of the Scottish Administration or such other person as may be designated for the purposes of this paragraph by the Scottish Ministers.

(5) The Scottish Ministers may make a declaration under this paragraph on more than one occasion.

14 In this Part of this Schedule, "public health response period" means a period which—
- (a) begins when the Scottish Ministers make a declaration under paragraph 13(1), and
- (b) ends when the Scottish Ministers revoke the declaration.

Power to prohibit or otherwise restrict events or gatherings in Scotland

15 (1) The Scottish Ministers may, for the purpose of—
- (a) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus, or
- (b) facilitating the most appropriate deployment of medical or emergency personnel and resources,

issue a direction prohibiting, or imposing requirements or restrictions in relation to, the holding of an event or gathering in Scotland.

(2) A direction under sub-paragraph (1) may be issued in relation to—
  (a) a specified event or gathering, or
  (b) events or gatherings of a specified description.

(3) A direction under sub-paragraph (1) may only have the effect of imposing prohibitions, requirements or restrictions on—
  (a) the owner or occupier of premises for an event or gathering to which the direction relates;
  (b) the organiser of such an event or gathering;
  (c) any other person involved in holding such an event or gathering.

(4) A direction under sub-paragraph (1) may only be issued during a public health response period.

(5) A direction under sub-paragraph (1) may, among other things, impose requirements about informing persons who may be planning to attend an event or gathering of its prohibition or any requirements or restrictions imposed in relation to the holding of it.

(6) For the purposes of sub-paragraph (2), events or gatherings may be described—
  (a) by reference to a number of people attending the event or gathering,
  (b) by reference to a requirement for medical or emergency services to attend the event or gathering, or
  (c) in any other way.

(7) The reference in sub-paragraph (3)(c) to a person involved in the holding of an event or gathering does not include a person whose only involvement in the event or gathering is, or would be, by attendance at the event or gathering.

Power to close premises in Scotland or impose restrictions on persons entering or remaining in them

16 (1) The Scottish Ministers may, for the purpose of—
  (a) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus, or
  (b) facilitating the most appropriate deployment of medical or emergency personnel and resources,

issue a direction imposing prohibitions, requirements or restrictions in relation to the entry into, departure from, or location of persons in, premises in Scotland.

(2) A direction under sub-paragraph (1) may be issued in relation to—
  (a) specified premises, or
  (b) premises of a specified description.

(3) A direction under sub-paragraph (1) may only have the effect of imposing prohibitions, requirements or restrictions on—
  (a) the owner or occupier of premises to which the direction relates;
  (b) any other person involved in managing entry into, or departure from, such premises or the location of persons in them.

(4) A direction under sub-paragraph (1) may only be issued during a public health response period.

(5) A direction under sub-paragraph (1) may, among other things, impose requirements for the purpose of—
  (a) closing the premises;
  (b) restricting entry into the premises;
  (c) securing restrictions in relation to the location of persons in the premises.

(6) A direction under sub-paragraph (1) may impose prohibitions, requirements or restrictions by reference to (among other things)—
  (a) the number of persons in the premises;
  (b) the size of the premises;
  (c) the purpose for which a person is in the premises;
  (d) the facilities in the premises;
  (e) a period of time.

Variations and revocations

17 The Scottish Ministers may vary or revoke to any extent a direction issued under this Part of this Schedule.

Procedure

18 (1) Before issuing a direction under this Part of this Schedule, the Scottish Ministers must have regard to any relevant advice published by the Chief Medical Officer of the Scottish Administration or such other person as may be designated for the purposes of this paragraph by the Scottish Ministers.

(2) Where a direction imposes prohibitions, requirements or restrictions on a person specified by name, the direction—
  (a) must be given in writing to that person, and
  (b) may be published in such manner as the Scottish Ministers consider appropriate to bring it to the attention of other persons who may be affected by it.

(3) In any other case, the direction must be published in such manner as the Scottish Ministers consider appropriate to bring it to the attention of persons who may be affected by it.

(4) Where the Scottish Ministers vary or revoke a direction which imposes prohibitions, requirements or restrictions on a person specified by name, notice of the variation or revocation—
  (a) must be given in writing to that person, and
  (b) may be published in such manner as the Scottish Ministers consider appropriate to bring it to the attention of other persons who may be affected by it.

(5) Where the Scottish Ministers vary or revoke any other direction, notice of the variation or revocation must be published in such manner as the Scottish Ministers consider appropriate to bring it to the attention of persons who may be affected by the variation or revocation.

Enforcement

19 (1) Compliance with a direction issued under this Part of this Schedule may be enforced by—
  (a) a constable;
  (b) any other person, or description of person, designated in writing for the purpose of this paragraph by the Scottish Ministers.

(2) In exercising the power of enforcement conferred by sub-paragraph (1), a person may—
  (a) enter any premises;
  (b) if necessary, use reasonable force.

(3) The powers conferred by sub-paragraph (2) are exercisable in relation to Crown premises only with the consent of the appropriate authority.

(4) In sub-paragraph (3), "appropriate authority", in relation to any premises—
  (a) in the case of premises belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners,
  (b) in the case of any other premises belonging to Her Majesty in right of the Crown, means the office-holder in the Scottish Administration or, as the case may be, government department having the management of the land or the relevant person, and
  (c) in the case of premises belonging to an office-holder in the Scottish Administration or to a government department or held in trust for Her Majesty for the purposes of the Scottish Administration or a government department, means that office-holder or government department.

(5) In sub-paragraph (4)(b), "relevant person", in relation to any premises to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages those premises.

(6) It is for the Scottish Ministers to determine any question which arises as to who is the appropriate authority in relation to any premises, and their decision is final.

Constables

20 (1) The chief constable of the Police Service of Scotland may authorise a police custody and security officer (see section 28 of the Police and Fire Reform (Scotland) Act 2012 (asp 8)) to exercise the powers conferred on a constable by this Part of this Schedule.

(2) Accordingly references to a constable in this Part of this Schedule include a police custody and security officer so authorised.

Offences

21 (1) A person commits an offence if the person fails without reasonable excuse to comply with a prohibition, requirement or restriction imposed on the person by a direction issued under this Part of this Schedule.

(2) A person guilty of an offence under this paragraph is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum, or
(b) on conviction on indictment, to a fine.

22 (1) Sub-paragraph (2) applies where—
(a) an offence under paragraph 21 is committed by—
(i) a body corporate,
(ii) a Scottish partnership, or
(iii) an unincorporated association other than a Scottish partnership, and
(b) the commission of the offence involves the connivance or consent of, or is attributable to the neglect of—
(i) a relevant individual, or
(ii) an individual purporting to act in the capacity of a relevant individual.

(2) The individual (as well as the body corporate, partnership or (as the case may be) association) commits the offence.

(3) In sub-paragraph (1), "relevant individual" means—
(a) in relation to a body corporate (other than a limited liability partnership)—
(i) a director, manager, secretary or other similar officer of the body, or
(ii) where the affairs of the body are managed by its members, a member,
(b) in relation to a limited liability partnership, a member,
(c) in relation to a Scottish partnership, a partner,
(d) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.

Compensation

23 (1) The Scottish Ministers may pay compensation in connection with the issuing of a direction under this Part of this Schedule.

(2) The power conferred by sub-paragraph (1) does not affect any other power to pay compensation.

End of public health response period

24 When a public health response period comes to an end, a direction under this Part of this Schedule issued during that period ceases to have effect in respect of times after the end of the period.

Review

25 The Scottish Ministers must—
(a) keep directions issued by them under this Part of this Schedule under review, and
(b) if they are of the view that a direction is no longer required for the purpose set out in paragraph 15(1) or, as the case may be, 16(1), they must revoke it.

PART 4

POWERS RELATING TO EVENTS, GATHERINGS AND PREMISES IN WALES

Declaration of threat to public health in Wales due to coronavirus

26 (1) If at any time the Welsh Ministers are of the view that—
- (a) the incidence or transmission of coronavirus constitutes a serious and imminent threat to public health in Wales, and
- (b) the powers conferred by this Part of this Schedule will be an effective means of—
  - (i) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus in Wales, or
  - (ii) facilitating the most appropriate deployment of medical or emergency personnel and resources in Wales,

the Welsh Ministers may make a declaration to that effect.

(2) If, having made a declaration under this paragraph, the Welsh Ministers cease to be of the view mentioned in sub-paragraph (1), the Welsh Ministers must revoke the declaration.

(3) A declaration or the revocation of a declaration under this paragraph—
- (a) is to be made by being published online, and
- (b) must, as soon as reasonably practicable after it is made, also be published in a newspaper in general circulation in Wales.

(4) Before making or revoking a declaration under this paragraph, the Welsh Ministers must consult the Chief Medical Officer or one of the Deputy Chief Medical Officers for Wales.

(5) The Welsh Ministers may make a declaration under this paragraph on more than one occasion.

27 In this Part of this Schedule, "public health response period" means a period which—
- (a) begins when the Welsh Ministers make a declaration under paragraph 26(1), and
- (b) ends when the Welsh Ministers revoke the declaration.

Power to prohibit or otherwise restrict events or gatherings in Wales

28 (1) The Welsh Ministers may, for the purpose of—
- (a) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus, or
- (b) facilitating the most appropriate deployment of medical or emergency personnel and resources,

issue a direction prohibiting, or imposing requirements or restrictions in relation to, the holding of an event or gathering in Wales.

(2) A direction under sub-paragraph (1) may be issued in relation to—
- (a) a specified event or gathering, or
- (b) events or gatherings or a specified description.

(3) A direction under sub-paragraph (1) may only have the effect of imposing prohibitions, requirements or restrictions on—
  (a) the owner or occupier of premises for an event or gathering to which the direction relates;
  (b) the organiser of such an event or gathering;
  (c) any other person involved in holding such an event or gathering.

(4) A direction under sub-paragraph (1) may only be issued during a public health response period.

(5) A direction under sub-paragraph (1) may, among other things, impose requirements about informing persons who may be planning to attend an event or gathering of its prohibition or any requirements or restrictions imposed in relation to the holding of it.

(6) For the purposes of sub-paragraph (2), events or gatherings may be described—
  (a) by reference to a number of people attending the event or gathering,
  (b) by reference to a requirement for medical or emergency services to attend the event or gathering, or
  (c) in any other way.

(7) The reference in sub-paragraph (3)(c) to a person involved in the holding of an event or gathering does not include a person whose only involvement in the event or gathering is, or would be, by attendance at the event or gathering.

Power to close premises in Wales or impose restrictions on persons entering or remaining in them

29 (1) The Welsh Ministers may, for the purpose of—
  (a) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus, or
  (b) facilitating the most appropriate deployment of medical or emergency personnel and resources,

issue a direction imposing prohibitions, requirements or restrictions in relation to the entry into, departure from, or location of persons in, premises in Wales.

(2) A direction under sub-paragraph (1) may be issued in relation to—
  (a) specified premises, or
  (b) premises of a specified description.

(3) A direction under sub-paragraph (1) may only have the effect of imposing prohibitions, requirements or restrictions on—
  (a) the owner or occupier of premises to which the direction relates;
  (b) any other person involved in managing entry into, or departure from, such premises or the location of persons in them.

(4) A direction under sub-paragraph (1) may only be issued during a public health response period.

(5) A direction under sub-paragraph (1) may, among other things, impose requirements for the purpose of—
  (a) closing the premises;

(b) restricting entry into the premises;
(c) securing restrictions in relation to the location of persons in the premises.

(6) A direction under sub-paragraph (1) may impose prohibitions, requirements or restrictions by reference to (among other things)—
(a) the number of persons in the premises;
(b) the size of the premises;
(c) the purpose for which a person is in the premises;
(d) the facilities in the premises;
(e) a period of time.

Variations and revocations

30 The Welsh Ministers may vary or revoke to any extent a direction issued under this Part of this Schedule.

Procedure

31 (1) Before issuing a direction under this Part of this Schedule, the Welsh Ministers must have regard to any relevant advice given to the Welsh Ministers by—
(a) the Chief Medical Officer or one of the Deputy Chief Medical Officers for Wales, or
(b) a director of, or senior clinician working within, Public Health Wales.

(2) Where a direction imposes prohibitions, requirements or restrictions on a person specified by name, the direction—
(a) must be given in writing to that person, and
(b) may be published in such manner as the Welsh Ministers consider appropriate to bring it to the attention of other persons who may be affected by it.

(3) In any other case, the direction must be published in such manner as the Welsh Ministers consider appropriate to bring it to the attention of persons who may be affected by it.

(4) Where the Welsh Ministers vary or revoke a direction which imposes prohibitions, requirements or restrictions on a person specified by name, notice of the variation or revocation—
(a) must be given in writing to that person, and
(b) may be published in such manner as the Welsh Ministers consider appropriate to bring it to the attention of other persons who may be affected by it.

(5) Where the Welsh Ministers vary or revoke any other direction, notice of the variation or revocation must be published in such manner as the Welsh Ministers consider appropriate to bring it to the attention of persons who may be affected by the variation or revocation.

(6) In this paragraph "Public Health Wales" means the Public Health Wales National Health Service Trust as established by the Public Health Wales National Health Service Trust (Establishment Order) 2009 (S.I. 2009/2058 (W.177)).

Offences

32 (1) A person commits an offence if the person fails without reasonable excuse to comply with a prohibition, requirement or restriction imposed on the person by a direction issued under this Part of this Schedule.

(2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine.

33 (1) If an offence under paragraph 32 committed by a body corporate is proved—

(a) to have been committed with the consent or connivance of an officer of the body, or

(b) to be attributable to any neglect on the part of such an officer,

the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.

(2) In sub-paragraph (1), "officer", in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

Enforcement and prosecutions

34 (1) A person, or description of person, designated in writing for the purpose of this sub-paragraph by the Welsh Ministers may take such action as is necessary to enforce compliance with a direction issued under this Part of this Schedule.

(2) Proceedings for an offence under this Part of this Schedule may be brought by a person, or description of person, designated in writing for the purpose of this sub-paragraph by the Welsh Ministers.

(3) The powers conferred by or under this paragraph do not affect any other power to enforce compliance with a direction issued under this Part of this Schedule or to bring proceedings for an offence under this Part of this Schedule.

Compensation

35 (1) The Welsh Ministers may pay compensation in connection with the issuing of a direction under this Part of this Schedule.

(2) The power conferred by sub-paragraph (1) does not affect any other power to pay compensation.

End of public health response period

36 When a public health response period comes to an end, a direction under this Part of this Schedule issued during that period ceases to have effect in respect of times after the end of the period.

PART 5

POWERS RELATING TO EVENTS, GATHERINGS AND PREMISES IN NORTHERN IRELAND

Declaration of threat to public health in Northern Ireland due to coronavirus

37 (1) If at any time the Executive Office is of the view that—

(a) the incidence or transmission of coronavirus constitutes a serious and imminent threat to public health in Northern Ireland, and

(b) the powers conferred by this Part of this Schedule will be an effective means of—

(i) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus in Northern Ireland, or

(ii) facilitating the most appropriate deployment of medical or emergency personnel and resources in Northern Ireland,

the Executive Office may make a declaration to that effect.

(2) If, having made a declaration under this paragraph, the Executive Office ceases to be of the view mentioned in sub-paragraph (1), the Executive Office must revoke the declaration.

(3) A declaration or the revocation of a declaration under this paragraph—

(a) is to be made by being published online, and

(b) must, as soon as reasonably practicable after it is made, also be published in the Belfast Gazette.

(4) Before making or revoking a declaration under this paragraph, the Executive Office must consult the Chief Medical Officer or any of the Deputy Chief Medical Officers of the Department of Health in Northern Ireland.

(5) The Executive Office may make a declaration under this paragraph on more than one occasion.

38 In this Part of this Schedule—

"Executive Office" means the Executive Office in Northern Ireland;

"public health response period" means a period which—

(a) begins when the Executive Office makes a declaration under paragraph 37(1), and

(b) ends when the Executive Office revokes the declaration.

Power to prohibit or otherwise restrict events or gatherings in Northern Ireland

39 (1) The Executive Office may, for the purpose of—

(a) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus, or

(b) facilitating the most appropriate deployment of medical or emergency personnel and resources,

issue a direction prohibiting, or imposing requirements or restrictions in relation to, the holding of an event or gathering in Northern Ireland.

(2) A direction under sub-paragraph (1) may be issued in relation to—

(a) a specified event or gathering, or

(b) events or gatherings of a specified description.

(3) A direction under sub-paragraph (1) may only have the effect of imposing prohibitions, requirements or restrictions on—

(a) the owner or occupier of premises for an event or gathering to which the direction relates;

(b) the organiser of such an event or gathering;

(c) any other person involved in holding such an event or gathering.

(4) A direction under sub-paragraph (1) may only be issued during a public health response period.

(5) A direction under sub-paragraph (1) may, among other things, impose requirements about informing persons who may be planning to attend an event or gathering of its prohibition or any requirements or restrictions imposed in relation to the holding of it.

(6) For the purposes of sub-paragraph (2), events or gatherings may be described—
  (a) by reference to a number of people attending the event or gathering,
  (b) by reference to a requirement for medical or emergency services to attend the event or gathering, or
  (c) in any other way.

(7) The reference in sub-paragraph (3)(c) to a person involved in the holding of an event or gathering does not include a person whose only involvement in the event or gathering is, or would be, by attendance at the event or gathering.

Power to close premises in Northern Ireland or impose restrictions on persons entering or remaining in them

40 (1) The Executive Office may, for the purpose of—
  (a) preventing, protecting against, delaying or otherwise controlling the incidence or transmission of coronavirus, or
  (b) facilitating the most appropriate deployment of medical or emergency personnel and resources,

issue a direction imposing prohibitions, requirements or restrictions in relation to the entry into, departure from, or location of persons in, premises in Northern Ireland.

(2) A direction under sub-paragraph (1) may be issued in relation to—
  (a) specified premises, or
  (b) premises of a specified description.

(3) A direction under sub-paragraph (1) may only have the effect or imposing prohibitions, requirements or restrictions on—
  (a) the owner or occupier of premises to which the direction relates;
  (b) any other person involved in managing entry into, or departure from, such premises or the location of persons in them.

(4) A direction under sub-paragraph (1) may only be issued during a public health response period.

(5) A direction under sub-paragraph (1) may, among other things, impose requirements for the purpose of—
  (a) closing the premises;
  (b) restricting entry into the premises;
  (c) securing restrictions in relation to the location of persons in the premises.

(6) A direction under sub-paragraph (1) may impose prohibitions, requirements or restrictions by reference to (among other things)—
  (a) the number of persons in the premises;

(b) the size of the premises;
(c) the purpose for which a person is in the premises;
(d) the facilities in the premises;
(e) a period of time.

Variations and revocations

41 The Executive Office may vary or revoke to any extent a direction issued under this Part of this Schedule.

Procedure

42 (1) Before issuing a direction under this Part of this Schedule, the Executive Office must—
(a) have regard to any relevant advice published by the Chief Medical Officer or any of the Deputy Chief Medical Officers of the Department of Health in Northern Ireland, and
(b) consult the Chief Medical Officer or any of the Deputy Chief Medical Officers.

(2) Where a direction imposes prohibitions, requirements or restrictions on a person specified by name, the direction—
(a) must be given in writing to that person, and
(b) may be published in such manner as the Executive Office considers appropriate to bring it to the attention of other persons who may be affected by it.

(3) In any other case, the direction must be published in such manner as the Executive Office considers appropriate to bring it to the attention of persons who may be affected by it.

(4) Where the Executive Office varies or revokes a direction which imposes prohibitions, requirements or restrictions on a person specified by name, notice of the variation or revocation—
(a) must be given in writing to that person, and
(b) may be published in such manner as the Executive Office considers appropriate to bring it to the attention of other persons who may be affected by it.

(5) Where the Executive Office varies or revokes any other direction, notice of the variation or revocation must be published in such manner as the Executive Office considers appropriate to bring it to the attention of persons who may be affected by the variation or revocation.

Enforcement

43 (1) Compliance with a direction issued under this Part of this Schedule may be enforced by—
(a) a constable;
(b) any other person, or description of person, designated in writing for the purpose of this paragraph by the Executive Office.

(2) In exercising the power of enforcement conferred by sub-paragraph (1), a person may—
(a) enter any premises;

(b) if necessary, use reasonable force.

Offences

44 (1) A person commits an offence if the person fails without reasonable excuse to comply with a prohibition, requirement or restriction imposed on the person by a direction issued under this Part of this Schedule.

(2) A person guilty of an offence under this paragraph is liable—
(a) on summary conviction, to a fine not exceeding £100,000;
(b) on conviction on indictment, to a fine.

45 (1) If an offence under paragraph 44 committed by a body corporate is proved—
(a) to have been committed with the consent or connivance of an officer of the body, or
(b) to be attributable to any neglect on the part of such an officer,
the officer (as well as the body corporate) is guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.

(2) In sub-paragraph (1), "officer", in relation to a body corporate, means a director, manager, secretary or other similar officer of the body corporate.

Compensation

46 (1) The Executive Office may pay compensation in connection with the issuing of a direction under this Part of this Schedule.

(2) The power conferred by sub-paragraph (1) does not affect any other power to pay compensation.

End of public health response period

47 When a public health response period comes to an end, a direction under this Part of this Schedule issued during that period ceases to have effect in respect of times after the end of the period.

SCHEDULE 23

Section 53

LIVE LINKS IN CRIMINAL PROCEEDINGS

PART 1

EXPANSION OF POWERS UNDER THE CRIMINAL JUSTICE ACT 2003

Introduction

1 The Criminal Justice Act 2003 has effect as if amended in accordance with this Part of this Schedule.

Live links in criminal proceedings

2 (1) Section 51 has effect as if amended in accordance with sub-paragraphs (2) to (8).

(2) For subsection (1) there were substituted—

"(1) A person may, if the court so directs, take part in eligible criminal proceedings through—
(a) a live audio link, or
(b) a live video link.

(1A) A direction under this section may be given for a judge or justice to take part in eligible criminal proceedings through a live audio link or a live video link.

(1B) But no direction under this section may be given for any member of a jury to take part in eligible criminal proceedings through a live audio link or a live video link."

(3) In subsection (2)—

(a) for the words before paragraph (a) there were substituted—

"(2) In this Part "eligible criminal proceedings" means—";

(b) for paragraph (b) there were substituted—

"(b) a criminal appeal to the Crown Court and any proceedings that are preliminary or incidental to such an appeal,";

(c) in paragraph (c) after "indictment" there were inserted "or any other trial in the Crown Court for an offence";

(d) after paragraph (c) there were inserted—

"(ca) proceedings under section 4A or 5 of the Criminal Procedure (Insanity) Act 1964,

(cb) proceedings under Part 3 of the Mental Health Act 1983,

(cc) proceedings under—

(i) section 11 of the Powers of the Criminal Courts (Sentencing) Act 2000, or

(ii) section 81(1)(g) of the Senior Courts Act 1981 or section 16 of this Act in respect of a person who has been remanded by a magistrates' court on adjourning a case under that section of the 2000 Act,";

(e) in paragraph (d), after "Court of Appeal" there were inserted "and any proceedings that are preliminary or incidental to such an appeal";

(f) after paragraph (d) there were inserted—

"(da) a reference to the Court of Appeal by the Attorney General under Part 4 of the Criminal Justice Act 1988 and any proceedings that are preliminary or incidental to such a reference,";

(g) in paragraph (e), after "Criminal Appeal Act 1995 (c.35)" there were inserted "and any proceedings that are preliminary or incidental to such a hearing";

(h) in paragraph (f), "and" were omitted;

(i) after paragraph (f) there were inserted—

"(fa) a hearing under section 142(1) or (2) of the Magistrates' Courts Act 1980 or under section 155 of

the Powers of Criminal Courts (Sentencing) Act 2000,";

(j) in paragraph (g), for "Act." there were substituted "Act and any proceedings that are preliminary or incidental to such a hearing, and";

(k) after paragraph (g) there were inserted—

"(h) any hearing following conviction held for the purpose of making a decision about bail in respect of the person convicted;

but hearings to which Part 3A of the Crime and Disorder Act 1998 applies (see section 57A(1) of that Act) are not eligible criminal proceedings."

(4) For subsection (4) there were substituted—

"(4) But the court may not give a direction for a person to take part in eligible criminal proceedings through a live audio link or a live video link unless—

(a) the court is satisfied that it is in the interests of justice for the person concerned to take part in the proceedings in accordance with the direction through the live audio link or through the live video link,

(b) the parties to the proceedings have been given the opportunity to make representations, and

(c) the relevant youth offending team has been given the opportunity to make representations, if it is a case where the defendant is a party to the proceedings and either—

(i) the defendant has not attained the age of 18 years, or

(ii) the defendant has attained the age of 18 years since proceedings for the offence were begun, and the court has decided to continue to deal with the case as if he or she had not attained that age."

(5) After subsection (4) there were inserted—

"(4A) The power conferred by this section includes power to give—

(a) a direction that is applicable to several, or all, of the persons taking part in particular eligible criminal proceedings;

(b) a direction that is applicable to a particular person in respect of only some aspects of particular eligible criminal proceedings (such as giving evidence or attending the proceedings when not giving evidence);

(c) a direction for a person who is outside England and Wales (whether in the United Kingdom or elsewhere) to take part in eligible criminal proceedings through a live audio link or a live video link.

(4B) The power of the court to give a direction under this section is subject to Schedule 3A (prohibitions and limitations on use of live links).

(4C) The court may vary a live link direction under this section; and the provisions of this Part that apply to the giving of such a direction also apply to the variation of such a direction.

(4D) If a court gives a live link direction under this section for a person to take part in particular proceedings by giving evidence through a live audio link or a live video link, the person may not give evidence except in accordance with the direction.

(4E) The court may rescind a live link direction under this section at any time before or during the eligible criminal proceedings to which it relates (but this does not affect the court's power to give a further live link direction in relation to the proceedings).

(4F) A live link direction under this section may not be rescinded unless—

(a) the court is satisfied that it is in the interests of justice for the direction to be rescinded,

(b) the parties to the proceedings have been given the opportunity to make representations,

(c) the relevant youth offending team has been given the opportunity to make representations, if it is a case where the defendant is a party to the proceedings and either—

(i) the defendant has not attained the age of 18 years, or

(ii) the defendant has attained the age of 18 years since proceedings for the offence were begun, and the court has decided to continue to deal with the case as if he or she had not attained that age.

(4G) A live link direction under this section may be varied or rescinded by the court of its own motion or on an application by a party; but such an application may not be made unless there has been a material change of circumstances since the direction was given.

(4H) If a hearing takes place in relation to the giving or rescinding of a live link direction under this section, the court may require or permit a person to take part in that hearing through—

(a) a live audio link, or

(b) a live video link."

(6) Subsection (5) were omitted.

(7) In subsection (6), after "give" there were inserted "or rescind".

(8) For subsection (7) there were substituted—

"(7) Those circumstances include in particular—

(a) in the case of a direction relating to a witness—

(i) the importance of the witness's evidence to the proceedings;

(ii) whether a direction might tend to inhibit any party to the proceedings from effectively testing the witness's evidence;

(b) in the case of a direction relating to any participant in the proceedings—

(i) the availability of the person;

(ii) the need for the person to attend in person;

(iii) the views of the person;

(iv) the suitability of the facilities at the place where the person would take part in the proceedings in accordance with the direction;

(v) whether the person will be able to take part in the proceedings effectively if he or she takes part in accordance with the direction."

(9) After subsection (8) there were inserted—

"(9) The following functions of a magistrates' court under this section may be discharged by a single justice—

(a) giving a live link direction under this section;

(b) rescinding a live link direction before the eligible criminal proceedings concerned begin; and

(c) requiring or permitting a person to attend by live link a hearing about a matter within paragraph (a) or (b).

(10) A court may not refuse or revoke bail for a person (P) at eligible criminal proceedings if—

(a) any person takes part in the proceedings— other than for the purpose of giving evidence — through a live audio link, and

(b) P objects to the refusal or revocation.

(11) But subsection (10) does not apply if section 4 of the Bail Act 1976 does not apply to P.

(12) A court may not deal with a person for contempt of court (including enquiring into conduct and imposing punishment) at eligible criminal proceedings in which any person takes part — other than for the purpose of giving evidence — through a live audio link."

(10) Section 52 were omitted.

Magistrates' courts permitted to sit at other locations

3 (1) Section 53 has effect as if amended as follows.

(2) In subsection (1)—

(a) in paragraph (a), for "evidence to be given through a live link in proceedings before the court" there were substituted "a person to take part in proceedings before the court through a live audio link or a live video link";

(b) in paragraph (b), for "receiving such evidence" there were substituted "such participation".

Requirement to attend at court, holding proceedings in court etc

4 After section 53 there were inserted—

"53A Requirement to attend court, perjury

(1) A person who takes part in eligible criminal proceedings in accordance with a direction under section 51 is to be treated as complying with any requirement (however imposed or expressed) for that person to attend or appear before court, or to surrender to the custody of the court, for the purposes of that participation in those proceedings.

(2) A person who takes part in eligible criminal proceedings in accordance with a direction under section 51 is to be treated as present in court for the purposes of those proceedings.

(3) Eligible criminal proceedings that are conducted—
(a) wholly as audio proceedings, or
(b) wholly as video proceedings,
are to be regarded as taking place at the location where the member or members of the court take part in the proceedings.

(4) A statement made on oath by a witness outside the United Kingdom and given in evidence through a live audio link or a live video link in accordance with a direction under section 51 is to be treated for the purposes of section 1 of the Perjury Act 1911 as having been made in the proceedings in which it is given in evidence."

Warning to jury

5 In section 54(1), for "a live link" there were inserted "a live audio link or a live video link by a witness (including the defendant)".

Rules of court

6 (1) Section 55 has effect as if amended as follows.

(2) In subsection (2)—
(a) in paragraph (a), "or 52" were omitted;
(b) in paragraph (b), for "live links" there were substituted "live audio links and live video links".

(3) In subsection (3)—
(a) in paragraph (a), "uncontested" were omitted;
(b) in paragraph (c), "or 52" were omitted.

Interpretation

7 (1) Section 56 has effect as if amended as follows.

(2) In subsection (1)—
(a) before the definition of "legal representative" there were inserted—
""bail" includes remand to local authority accommodation in accordance with Chapter 3 of Part 3 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012,
"eligible criminal proceedings" has the meaning given in section 51(2),";
(b) after the definition of "local justice area" there were inserted—
""relevant youth offending team" means the youth offending team (established under section 39 of the Crime and Disorder Act 1998) whose functions are exercisable in relation to the defendant concerned,".

(3) For subsection (2) there were substituted—

"(2A) A reference to a person taking part in eligible criminal proceedings includes—

(a) giving evidence in the proceedings, and

(b) attending the proceedings when not giving evidence.

(2B) A "live audio link", in relation to a person (P) taking part in eligible criminal proceedings, is a live telephone link or other arrangement which—

(a) enables P to hear all other persons taking part in the proceedings who are not in the same location as P, and

(b) enables all other persons taking part in the proceedings who are not in the same location as P to hear P.

(2C) Eligible criminal proceedings are conducted wholly as audio proceedings if—

(a) directions have been given under section 51 for all of the persons taking part in the proceedings to do so through a live audio link, and

(b) all of those persons take part in the proceedings in accordance with those directions.

(2D) A "live video link", in relation to a person (P) taking part in eligible criminal proceedings, is a live television link or other arrangement which—

(a) enables P to see and hear all other persons taking part in the proceedings who are not in same location as P, and

(b) enables all other persons taking part in the proceedings who are not in the same location as P to see and hear P.

(2E) Eligible criminal proceedings are conducted wholly as video proceedings if—

(a) directions have been given, whether under section 51 or any other power, for all of the persons taking part in the proceedings to do so through a live video link, and

(b) all of those persons take part in the proceedings in accordance with those directions."

(4) In subsection (3)—

(a) for the words before paragraph (a) there were substituted—

"(3) A reference to the persons participating in eligible criminal proceedings includes—";

(b) in paragraph (b), for "judge or justices (or both)" there were substituted "member or members of the court";

(c) after paragraph (b) there were inserted—

"(ba) witnesses in the proceedings,";

(d) in paragraph (d), for "the witness" there were substituted "in the proceedings".

(5) After subsection (3) there were inserted—

"(3A) Subsections (2A) to (3) apply for the purposes of this Part."

(6) For subsection (4) there were substituted—

"(4) The following matters are to be disregarded for the purposes of subsections (2B) and (2D)—

(a) the extent (if any) to which a person is unable to see or hear by reason of any impairment of eyesight or hearing;

(b) the effect of any direction or order which provides for one person taking part in proceedings to be prevented by means of a screen or other arrangement from seeing another person taking part in the proceedings."

Safeguards

8 After Schedule 3 to the Criminal Justice Act 2003 there were inserted—

"SCHEDULE 3A

PROHIBITIONS AND LIMITATIONS ON USE OF LIVE LINKS

Conduct of proceedings wholly as audio proceedings

1 (1) Eligible criminal proceedings may be conducted wholly as audio proceedings only if the proceedings meet one of the following conditions.

(2) *Condition A*: the proceedings are preliminary or incidental to a criminal appeal to the Crown Court.

(3) *Condition B*: the proceedings are preliminary or incidental to an appeal to the criminal division of the Court of Appeal.

(4) *Condition C*: the proceedings are preliminary or incidental to a reference to the Court of Appeal by the Attorney General under Part 4 of the Criminal Justice Act 1988.

(5) *Condition D*: the proceedings are preliminary or incidental to the hearing of a reference under section 9 or 11 of the Criminal Appeal Act 1995.

(6) *Condition E:* the proceedings are a hearing following conviction held for the purpose of making a decision about whether to impose or vary conditions of bail in respect of the person convicted.

(7) *Condition F:*—

(a) the proceedings are a hearing following conviction held for the purpose of deciding whether to grant or continue bail in respect of the person convicted, and

(b) either—

(i) section 4 of the Bail Act 1976 does not apply to the person, or

(ii) the making of the decision is not disputed (including where the court is minded to refuse or revoke bail of its own motion).

(8) But proceedings which meet any of those conditions may not be conducted wholly as audio proceedings if the court is minded to

deal with a person for contempt of court (including enquiring into conduct and imposing punishment) at the proceedings.

Conduct of proceedings wholly as video proceedings

2 (1) Eligible criminal proceedings may be conducted wholly as video proceedings only if the proceedings meet one of the following conditions.

(2) *Condition A*: the proceedings are—
- (a) an appeal to the Crown Court which is an appeal only against sentence,
- (b) an appeal to the Crown Court arising out of a summary trial—
  - (i) which is an appeal arising out of a summary trial which was itself conducted wholly as video proceedings, and
  - (ii) which the parties agree may be conducted wholly as video proceedings, or
- (c) preliminary or incidental to any criminal appeal to the Crown Court.

(3) *Condition B*: the proceedings are preliminary or incidental to an appeal to the criminal division of the Court of Appeal.

(4) *Condition C*: the proceedings are preliminary or incidental to a reference to the Court of Appeal by the Attorney General under Part 4 of the Criminal Justice Act 1988.

(5) *Condition D*: the proceedings are preliminary or incidental to the hearing of a reference under section 9 or 11 of the Criminal Appeal Act 1995.

(6) *Condition E*: the proceedings are preliminary or incidental to a hearing before the Court of Appeal under section 80 of this Act.

(7) *Condition F:* the proceedings are a hearing following conviction held for the purpose of making a decision about bail in respect of the person convicted.

(8) *Condition G:*—
- (a) the proceedings are a summary trial in a magistrates' court,
- (b) a written procedure notice has been served on the defendant but the offence is not being tried in accordance with section 16A of the Magistrates' Courts Act 1980, and
- (c) the parties agree to the proceedings being conducted wholly as video proceedings.

(9) *Condition H:* the proceedings are a hearing under section 142(1) or (2) of the Magistrates' Courts Act 1980 or under section 155 of the Powers of Criminal Courts (Sentencing) Act 2000.

Other use of live audio links in preliminary and incidental proceedings etc

3 (1) This paragraph applies to eligible criminal proceedings which meet any of the conditions in paragraph 1.

(2) The defendant may not take part in the proceedings through a live audio link for the purpose of giving evidence.

(3) A person (other than the defendant) may not take part in the proceedings through a live audio link for the purpose of giving evidence unless—

(a) there are no suitable arrangements by means of which that person could give evidence through a live video link, and

(b) the parties agree to that person giving evidence through a live audio link.

(4) This paragraph does not apply to proceedings which meet any of the conditions in paragraph 1 if the court is minded to deal with a person for contempt of court (including enquiring into conduct and imposing punishment) at the proceedings (but see paragraph 4).

Other use of live audio links in other eligible criminal proceedings

4 (1) This paragraph applies to—

(a) eligible criminal proceedings which do not meet any of the conditions in paragraph 1, and

(b) eligible criminal proceedings which meet any of those conditions if the court is minded to deal with a person for contempt of court (including enquiring into conduct and imposing punishment).

(2) The defendant may not take part in the proceedings through a live audio link.

(3) A person (other than the defendant) may not take part in the proceedings through a live audio link unless—

(a) that person's participation through the live audio link is only for the purpose of giving evidence in the proceedings,

(b) there are no suitable arrangements by means of which that person could give evidence through a live video link, and

(c) the parties agree to that person giving evidence through a live audio link.

(4) Where this paragraph applies by virtue of sub-paragraph (1)(b), references to the defendant include references to the person whom the court is minded to deal with for contempt of court.

(5) Where this paragraph applies to proceedings under section 4A or 5 of the Criminal Procedure (Insanity) Act 1964, it is for the defendant's representative (if such a representative has been appointed), rather than the defendant, to give any agreement under sub-paragraph (3)(c).

(6) In this paragraph "defendant's representative" means the person appointed by the court to put the case for the defence.

Other limitations to apply also

5 The limitations imposed under this Schedule are in addition to any others (such as those in section 51(4)) which apply to the exercise of the power to give a direction under section 51."

PART 2

OTHER MODIFICATIONS

Criminal Appeal Act 1968

9 (1) The Criminal Appeal Act 1968 has effect as if amended as follows.

(2) In section 22 (right of appellant to be present), subsections (4) to (6) were omitted.

(3) In section 23 (evidence), subsection (5) were omitted.

(4) In section 31 (powers of Court which are exercisable by single judge)—

(a) in subsection (1), after paragraph (a) there were inserted—

"(aza) the powers under section 51 of the Criminal Justice Act 2003 as they are exercisable in relation to appeals to the criminal division of the Court of Appeal and preliminary and incidental proceedings;";

(b) in subsection (2), paragraph (ca) were omitted.

(5) In section 31A (powers of court under Part 1 which are exercisable by registrar)—

(a) in the heading, "under Part 1" were omitted;

(b) after subsection (2) there were inserted—

"(2A) The registrar may exercise the powers under section 51 of the Criminal Justice Act 2003 as they are exercisable in relation to appeals to the criminal division of the Court of Appeal and preliminary and incidental proceedings.";

(c) in subsection (4), after "subsection (2)" there were inserted "or (2A)".

Criminal Justice Act 1988

10 (1) The Criminal Justice Act 1988 has effect as if section 32 (evidence given by persons abroad through television links) were omitted.

(2) But section 32 continues to have effect for the purposes of—

(a) paragraph 8 of Schedule 13 to the Criminal Justice Act 1988 (direction for section 32 to have effect in relation to Service Courts); and

(b) section 29(1) of the Crime (International Co-operation) Act 2003 (hearing witnesses abroad through television links).

(3) Accordingly the modification in sub-paragraph (1) does not—

(a) affect any order made under—

(i) paragraph 8 of Schedule 13 to the 1988 Act, or

(ii) section 29(1) of the 2003 Act,

which has effect immediately before the time when that modification comes into effect; or

(b) prevent the power under—
(i) paragraph 8 of Schedule 13 to the 1988 Act, or
(ii) section 29(1) of the 2003 Act,
from being exercised after that time.

SCHEDULE 24

Section 54

LIVE LINKS IN OTHER CRIMINAL HEARINGS

PART 1

EXPANSION OF POWERS UNDER THE CRIME AND DISORDER ACT 1998

Introduction

1 (1) The Crime and Disorder Act 1998 has effect as if amended in accordance with this Part of this Schedule.

(2) For the heading of Part 3A there were substituted "LIVE LINKS IN PRELIMINARY, SENTENCING & ENFORCEMENT HEARINGS".

Interpretation etc

2 (1) Section 57A has effect as if amended as follows.

(2) For subsections (1) and (2) there were substituted—

"(1A) This Part applies to—
(a) preliminary hearings and sentencing hearings in the course of proceedings for an offence, and
(b) enforcement hearings."

(3) In subsection (3)—
(a) before the definition of "confiscation order" there were inserted—
""bail" includes remand to local authority accommodation in accordance with Chapter 3 of Part 3 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012;";
(b) the definitions of "confiscation order" and "custody" were omitted;
(c) for the definition of "enforcement hearing" there were substituted—
""enforcement hearing" means a hearing relating to collection, discharge, satisfaction or enforcement of—
(a) a sum that has been adjudged to be paid on conviction by a magistrates' court or the Crown Court, or
(b) a financial penalty that is enforceable in accordance with section 85(6) and (7) of the Criminal Justice and Immigration Act 2008 as if it were such a sum (including a hearing to determine whether a financial penalty is so enforceable);";
(d) the definitions of "live link" and "police detention" were omitted;

(e) after the definition of "preliminary hearing" there were inserted—

""relevant youth offending team", in relation to a case where—

(a) the accused, the offender or the person liable to pay the sum or financial penalty has not attained the age of 18 years, or

(b) the accused or the offender has attained the age of 18 years since proceedings for the offence were begun, and the court has decided to continue to deal with the case as if he or she had not attained that age,

means the youth offending team (established under section 39) whose functions are exercisable in relation to the accused, the offender or the person liable to pay the sum or financial penalty;";

(f) in the definition of "sentencing hearing"—

(i) paragraph (a) were omitted;

(ii) in paragraph (b), "or" were omitted;

(iii) in paragraph (c), for "offence." there were substituted "offence (including reviewing, amending or revoking such a sentence or determination); or";

(iv) after paragraph (c) there were inserted—

"(d) determining—

(i) how the offender has complied with a sentence given in respect of the offence, or

(ii) how the offender should be dealt with in respect of compliance with such a sentence;

and here "sentence" includes any way in which a court has determined that the offender should be dealt with in respect of the offence."

(4) After subsection (3) there were inserted—

"(4) A reference to a person taking part in a hearing includes—

(a) giving evidence in the hearing, and

(b) attending the hearing when not giving evidence.

(5) A "live audio link", in relation to a person (P) taking part in a hearing, is a live telephone link or other arrangement which—

(a) enables P to hear all other persons taking part in the hearing who are not in the same location as P, and

(b) enables all other persons taking part in the hearing who are not in the same location as P to hear P.

(6) A hearing is conducted wholly as an audio hearing if—

(a) directions have been given under section 57B, 57E or 57F for all of the persons taking part in the hearing to do so through a live audio link, and

(b) all of those persons take part in the hearing in accordance with those directions.

(7) A "live video link", in relation to a person (P) taking part in a hearing, is a live television link or other arrangement which—

(a) enables P to see and hear all other persons taking part in the hearing who are not in the same location as P, and

(b) enables all other persons taking part in the hearing who are not in the same location as P to see and hear P.

(8) A hearing is conducted wholly as a video hearing if—

(a) directions have been given, whether under section 57B, 57E or 57F or any other power, for all of the persons taking part in the hearing to do so through a live video link, and

(b) all of those persons take part in the hearing in accordance with those directions.

(9) The following matters are to be disregarded for the purposes of subsections (5) and (7)—

(a) the extent (if any) to which a person is unable to see or hear by reason of any impairment of eyesight or hearing;

(b) the effect of any direction or order which provides for one person taking part in a hearing to be prevented by means of a screen or other arrangement from seeing another person taking part in the hearing.

(10) Subsections (4) to (9) apply for the purposes of this Part.

(11) Nothing in this Part is to be regarded as affecting any power of a court—

(a) to make an order, give directions or give leave of any description in relation to any witness (including the accused), or

(b) to exclude evidence at its discretion (whether by preventing questions being put or otherwise)."

Expansion of availability of live links at preliminary hearings

3 (1) Section 57B has effect as if amended in accordance with sub-paragraphs (2) to (5).

(2) In the heading, "where accused is in custody" were omitted.

(3) For subsections (2) and (3) there were substituted—

"(2) The court may, by a direction (a "live link direction"), require or permit a person to take part in the preliminary hearing through—

(a) a live audio link, or

(b) a live video link.

(3) But the court may not give a direction for a person to take part in a preliminary hearing through a live audio link or a live video link unless—

(a) the court is satisfied that it is in the interests of justice for the person concerned to take part in the preliminary hearing in accordance with the direction through the live audio link or through the live video link,

(b) the parties to the preliminary hearing have been given the opportunity to make representations,

(c) the relevant youth offending team has been given the opportunity to make representations, if it is a case where—

(i) the accused has not attained the age of 18 years, or

(ii) the accused has attained the age of 18 years since proceedings for the offence were begun, and the court has decided to continue to deal with the case as if he or she had not attained that age.

(3A) A direction under this section—

(a) may be given by the court of its own motion or on an application by a party; and

(b) may be given in relation to all subsequent preliminary hearings before the court or to such hearing or hearings as may be specified or described in the direction.

(3B) The power to give a live link direction under this section includes power to give—

(a) a direction for a judge or justice to take part in a preliminary hearing through a live audio link or a live video link;

(b) a direction that is applicable to several, or all, of the persons participating in a particular preliminary hearing;

(c) a direction that is applicable to a particular person in respect of only some aspects of a particular preliminary hearing (such as giving evidence or attending the hearing when not giving evidence);

(d) a direction for a person who is outside England and Wales (whether in the United Kingdom or elsewhere) to take part in a preliminary hearing through a live audio link or a live video link.

(3C) The power of the court to give a direction under this section is subject to Schedule 3A (prohibitions and limitations on use of live links).

(3D) The court may vary a live link direction under this section; and the provisions of this section and Schedule 3A that apply to the giving of such a direction also apply to the variation of such a direction.

(3E) The court may rescind a live link direction under this section at any time before or during the preliminary hearing to which it relates (but this does not affect the court's power to give a further live link direction in relation to the hearing).

(3F) A live link direction under this section may not be rescinded unless—

(a) the court is satisfied that it is in the interests of justice for the direction to be rescinded,

(b) the parties to the preliminary hearing have been given the opportunity to make representations,

(c) the relevant youth offending team has been given the opportunity to make representations, if it is a case where—

(i) the accused has not attained the age of 18 years, or

(ii) the accused has attained the age of 18 years since proceedings for the offence were begun, and the court has decided to continue to deal with the case as if he or she had not attained that age.

(3G) A live link direction under this section may be varied or rescinded by the court of its own motion or on an application by a party; but such an application may not be made unless there has been a material change of circumstances since the direction was given.

(3H) If a hearing takes place in relation to the giving or rescinding of a live link direction under this section, the court may require or permit a person to take part in that hearing through—

(a) a live audio link, or

(b) a live video link.

(3I) In deciding whether to give or rescind a direction under this section the court must consider all the circumstances of the case.

(3J) Those circumstances include in particular—

(a) in the case of a direction relating to a witness—

(i) the importance of the witness's evidence to the hearing;

(ii) whether a direction might tend to inhibit any party from effectively testing the witness's evidence;

(b) in the case of a direction relating to any participant in the hearing—

(i) the availability of the person;

(ii) the need for the person to attend in person;

(iii) the views of the person;

(iv) the suitability of the facilities at the place where the person would take part in the hearing in accordance with the direction;

(v) whether the person will be able to take part in the hearing effectively if he or she takes part in accordance with the direction."

(4) Subsections (4) and (5) were omitted.

(5) After subsection (7) there were inserted—

"(8) A court may not refuse or revoke bail for a person (P) at a preliminary hearing if—

(a) any person takes part in the hearing — other than for the purpose of giving evidence — through a live audio link, and

(b) P objects to the refusal or revocation.

(9) If any person takes part in a preliminary hearing— other than for the purpose of giving evidence — through a live audio link, the court may not—

(a) accept a guilty plea, or

(b) deal with a person for contempt of court (including enquiring into conduct and imposing punishment)."

(6) Sections 57C and 57D were omitted.

Use of live link in sentencing hearings

4 (1) Section 57E has effect as if amended as follows.

(2) For subsections (1) to (3) there were substituted—

"(1) The court may, by a direction (a "live link direction"), require or permit a person to take part in a sentencing hearing through—

(a) a live audio link, or

(b) a live video link.

(2) But the court may not give a direction for a person to take part in a sentencing hearing through a live audio link or a live video link unless—

(a) the court is satisfied that it is in the interests of justice for the person concerned to take part in the sentencing hearing in accordance with the direction through the live audio link or through the live video link,

(b) the parties to the sentencing hearing have been given the opportunity to make representations, and

(c) the relevant youth offending team has been given the opportunity to make representations, if it is a case where—

(i) the offender has not attained the age of 18 years, or

(ii) the offender has attained the age of 18 years since proceedings for the offence were begun, and the court has decided to continue to deal with the case as if he or she had not attained that age."

(3) In subsection (4), for "Such a direction" there were substituted "A live link direction under this section".

(4) After subsection (4) there were inserted—

"(4A) The power to give a live link direction under this section includes power to give—

(a) a direction for a judge or justice to take part in a sentencing hearing through a live audio link or a live video link;

(b) a direction that is applicable to several, or all, of the persons participating in a particular sentencing hearing;

(c) a direction that is applicable to a particular person in respect of only some aspects of a particular sentencing hearing (such as giving evidence or attending the hearing when not giving evidence);

(d) a direction for a person who is outside England and Wales (whether in the United Kingdom or elsewhere) to take part in a sentencing hearing through a live audio link or a live video link.

(4B) The power of the court to give a direction under this section is subject to Schedule 3A (prohibitions and limitations on use of live links).

(4C) The court may vary a live link direction under this section; and the provisions of this section and Schedule 3A that apply to the giving of such a direction also apply to the variation of such a direction."

(5) Subsection (5) were omitted.

(6) In subsection (6)—

(a) "if it appears to the court to be in the interests of justice to do so" were omitted;

(b) for "offender" there were substituted "hearing";
(c) the second sentence were omitted.

(7) After subsection (6) there were inserted—

"(6A) A live link direction under this section may not be rescinded unless—
(a) the court is satisfied that it is in the interests of justice for the direction to be rescinded,
(b) the parties to the sentencing hearing have been given the opportunity to make representations, and
(c) the relevant youth offending team has been given the opportunity to make representations, if it is a case where—
(i) the offender has not attained the age of 18 years, or
(ii) the offender has attained the age of 18 years since proceedings for the offence were begun, and the court has decided to continue to deal with the case as if he or she had not attained that age.

(6B) A live link direction under this section may be varied or rescinded by the court of its own motion or on an application by a party; but such an application may not be made unless there has been a material change of circumstances since the direction was given.

(6C) If a hearing takes place in relation to the giving or rescinding of a live link direction under this section, the court may require or permit a person to take part in that hearing through—
(a) a live audio link, or
(b) a live video link.

(6D) In deciding whether to give or rescind a direction under this section the court must consider all the circumstances of the case.

(6E) Those circumstances include in particular—
(a) in the case of a direction relating to a witness—
(i) the importance of the witness's evidence to the hearing;
(ii) whether a direction might tend to inhibit any party from effectively testing the witness's evidence;
(b) in the case of a direction relating to any participant in the hearing—
(i) the availability of the person;
(ii) the need for the person to attend in person;
(iii) the views of the person;
(iv) the suitability of the facilities at the place where the person would take part in the hearing in accordance with the direction;
(v) whether the person will be able to take part in the hearing effectively if he or she takes part in accordance with the direction."

(8) Subsection (7) were omitted.

(9) After subsection (8) there were inserted—

"(9) The following functions of a magistrates' court under this section may be discharged by a single justice—

(a) giving a live link direction under this section;

(b) rescinding a live link direction before a sentencing hearing begins; and

(c) requiring or permitting a person to attend by live link a hearing about a matter within paragraph (a) or (b)."

Use of live link in certain enforcement hearings

5 (1) Section 57F has effect as if amended as follows.

(2) In the heading, "certain" were omitted.

(3) For subsections (1) to (3) there were substituted—

"(1) The court may, by a direction (a "live link direction"), require or permit a person to take part in an enforcement hearing through—

(a) a live audio link, or

(b) a live video link.

(2) But the court may not give a direction for a person to take part in an enforcement hearing through a live audio link or a live video link unless—

(a) the court is satisfied that it is in the interests of justice for the person concerned to take part in the enforcement hearing in accordance with the direction through the live audio link or through the live video link,

(b) the parties to the enforcement hearing have been given the opportunity to make representations, and

(c) the relevant youth offending team has been given the opportunity to make representations, if it is a case where the person liable to pay the sum or financial penalty has not attained the age of 18 years and is a party to the hearing."

(4) In subsection (4) for "Such a direction" there were substituted "A live link direction under this section".

(5) After subsection (4) there were inserted—

"(4A) The power to give a live link direction under this section includes power to give—

(a) a direction for a judge or justice to take part in an enforcement hearing through a live audio link or a live video link;

(b) a direction that is applicable to several, or all, of the persons participating in a particular enforcement hearing;

(c) a direction that is applicable to a particular person in respect of only some aspects of a particular enforcement hearing (such as giving evidence or attending the hearing when not giving evidence);

(d) a direction for a person who is outside England and Wales (whether in the United Kingdom or elsewhere) to take part in an enforcement hearing through a live audio link or a live video link.

(4B) The power of the court to give a direction under this section is subject to Schedule 3A (prohibitions and limitations on use of live links).

(4C) The court may vary a live link direction under this section; and the provisions of this section and Schedule 3A that apply to the giving of such a direction also apply to the variation of such a direction."

(6) In subsection (5), after "relates" there were inserted "(but this does not affect the court's power to give a further live link direction in relation to the hearing)".

(7) For subsection (6) there were substituted—

"(6) A live link direction under this section may not be rescinded unless—

(a) the court is satisfied that it is in the interests of justice for the direction to be rescinded,

(b) the parties to the enforcement hearing have been given the opportunity to make representations, and

(c) the relevant youth offending team has been given the opportunity to make representations, if it is a case where the person liable to pay the sum or financial penalty has not attained the age of 18 years and is a party to the hearing.

(6A) A live link direction under this section may be varied or rescinded by the court of its own motion or on an application by a party; but such an application may not be made unless there has been a material change of circumstances since the direction was given."

(8) For subsection (7) there were substituted—

"(7) If a hearing takes place in relation to the giving or rescinding of a live link direction under this section, the court may require or permit a person to take part in that hearing through—

(a) a live audio link, or

(b) a live video link.

(7A) In deciding whether to give or rescind a direction under this section the court must consider all the circumstances of the case.

(7B) Those circumstances include in particular—

(a) in the case of a direction relating to a witness—

(i) the importance of the witness's evidence to the hearing;

(ii) whether a direction might tend to inhibit any party from effectively testing the witness's evidence;

(b) in the case of a direction relating to any participant in the hearing—

(i) the availability of the person;

(ii) the need for the person to attend in person;

(iii) the views of the person;

(iv) the suitability of the facilities at the place where the person would take part in the hearing in accordance with the direction;

(v) whether the person will be able to take part in the hearing effectively if he or she takes part in accordance with the direction."

(9) Subsection (8) were omitted.

(10) In subsection (10)(b) for "a preliminary" there were substituted "an enforcement".

(11) After subsection (10) there were inserted—

"(11) If any person takes part in an enforcement hearing— other than for the purpose of giving evidence — through a live audio link, the court may not—

(a) impose imprisonment or detention in default of payment of a sum or financial penalty, or

(b) deal with a person for contempt of court (including enquiring into conduct and imposing punishment)."

Requirement to attend at court, holding proceedings in court etc

6 After section 57F there were inserted—

"57G Requirement to attend court, perjury

(1) A person who takes part in a hearing in accordance with a direction under section 57B, 57E or 57F is to be treated as complying with any requirement (however imposed or expressed) for that person to attend or appear before court, or surrender to the custody of the court, for the purposes of that participation in that hearing.

(2) A person who takes part in a hearing in accordance with a direction under section 57B, 57E or 57F is to be treated as present in court for the purposes of that hearing.

(3) A hearing that is conducted in accordance with directions under section 57B, 57E or 57F—

(a) wholly as an audio hearing, or

(b) wholly as a video hearing,

is to be regarded as taking place at the location where the member or members of the court take part in the hearing.

(4) A statement made on oath by a witness outside the United Kingdom and given in evidence through a live audio link or a live video link in accordance with a direction under this Part is to be treated for the purposes of section 1 of the Perjury Act 1911 as having been made in the proceedings in which it is given in evidence."

Prohibitions and limitations on use of live links

7 After Schedule 3 there were inserted—

"SCHEDULE 3A

PROHIBITIONS AND LIMITATIONS ON USE OF LIVE LINKS

PART 1

DIRECTIONS UNDER SECTION 57B — PRELIMINARY HEARINGS

Introduction

1 This Part of this Schedule applies to the conduct of preliminary hearings in accordance with live link directions under section 57B.

Use of audio links

2 (1) The accused may not take part in a preliminary hearing through a live audio link for the purpose of giving evidence.

(2) A person (other than the accused) may not take part in a preliminary hearing through a live audio link for the purpose of giving evidence unless—

(a) there are no suitable arrangements by means of which that person could give evidence through a live video link, and

(b) the parties agree to that person giving evidence through a live audio link.

(3) This paragraph does not apply to a preliminary hearing if the court is minded to deal with a person for contempt of court (including enquiring into conduct and imposing punishment) at the hearing (but see paragraph 4).

Disputed bail hearings

3 (1) This paragraph applies to a preliminary hearing at which the court is deciding whether to grant or continue bail if the making of the decision is disputed (including where the court is minded to refuse or revoke bail of its own motion).

(2) The accused may not take part in the hearing through a live audio link.

(3) A person (other than the accused) may not take part in the hearing through a live audio link unless—

(a) that person's participation through the live audio link is only for the purpose of giving evidence at the hearing,

(b) there are no suitable arrangements by means of which that person could give evidence through a live video link, and

(c) the parties agree to that person giving evidence through a live audio link.

Contempt of court

4 (1) This paragraph applies to a preliminary hearing at which the court is minded to deal with a person for contempt of court (including enquiring into conduct and imposing punishment).

(2) The accused may not take part in the hearing through a live audio link.

(3) A person (other than the accused) may not take part in the hearing through a live audio link unless—

(a) that person's participation through the live audio link is only for the purpose of giving evidence at the hearing,

(b) there are no suitable arrangements by means of which that person could give evidence through a live video link, and

(c) the parties agree to that person giving evidence through a live audio link.

(4) References in this paragraph to the accused include references to the person whom the court is minded to deal with for contempt of court.

Unfitness to plead

5 (1) This paragraph applies to a hearing under section 4 of the Criminal Procedure (Insanity) Act 1964.

(2) The hearing may not be conducted wholly as a video hearing.

(3) The accused may not take part in the hearing through a live audio link.

(4) A person (other than the accused) may not take part in the hearing through a live audio link unless—

(a) that person's participation through the live audio link is only for the purpose of giving evidence at the hearing,

(b) there are no suitable arrangements by means of which that person could give evidence through a live video link, and

(c) the parties agree to that person giving evidence through a live audio link.

Acceptance of a guilty plea

6 (1) This paragraph applies to a preliminary hearing at which the accused is expected to plead guilty.

(2) The accused may not take part in the hearing through a live audio link.

(3) A person (other than the accused) may not take part in the hearing through a live audio link unless—

(a) that person's participation through the live audio link is only for the purpose of giving evidence at the hearing,

(b) there are no suitable arrangements by means of which that person could give evidence through a live video link, and

(c) the parties agree to that person giving evidence through a live audio link.

Other limitations to apply also

7 The limitations imposed under this Part of this Schedule are in addition to any others (such as those in section 57B(3)) which apply to the exercise of the power to give a direction under section 57B(2).

PART 2

DIRECTIONS UNDER SECTION 57E — SENTENCING HEARINGS

Introduction

8 This Part of this Schedule applies to the conduct of sentencing hearings in accordance with live link directions under section 57E.

Use of live audio links

9 (1) The offender may not take part in a sentencing hearing through a live audio link.

(2) A person (other than the offender) may not take part in a sentencing hearing through a live audio link unless—

(a) that person's participation through the live audio link is only for the purpose of giving evidence at the hearing,

(b) there are no suitable arrangements by means of which that person could give evidence through a live video link, and

(c) the parties agree to that person giving evidence through a live audio link.

Other limitations to apply also

10 The limitations imposed under this Part of this Schedule are in addition to any others (such as those in section 57E(2)) which apply to the exercise of the power to give a direction under section 57E(1).

PART 3

DIRECTIONS UNDER SECTION 57F — ENFORCEMENT HEARINGS

Introduction

11 This Part of this Schedule applies to the conduct of enforcement hearings in accordance with live link directions under section 57F.

Use of live audio links

12 (1) The person liable to pay the relevant sum may not take part in an enforcement hearing through a live audio link for the purpose of giving evidence.

(2) A person (other than the person liable to pay the relevant sum) may not take part in an enforcement hearing through a live audio link for the purpose of giving evidence unless—
  (a) there are no suitable arrangements by means of which that person could give evidence through a live video link, and
  (b) the parties to the hearing agree to that person giving evidence through a live audio link.

(3) In this paragraph "relevant sum" means the sum or financial penalty whose collection, discharge, satisfaction or enforcement the enforcement hearing is concerned with.

(4) This paragraph does not apply to an enforcement hearing if the court is minded to deal with a person for contempt of court (including enquiring into conduct and imposing punishment) at the hearing (but see paragraph 14).

Hearing where court minded to impose imprisonment or detention

13 (1) This paragraph applies to an enforcement hearing if the court is minded to impose imprisonment or detention on a person (the "defaulter") in default of payment of a sum or financial penalty at the hearing.

(2) The defaulter may not take part in the hearing through a live audio link.

(3) A person (other than the defaulter) may not take part in the hearing through a live audio link unless—
  (a) that person's participation through the live audio link is only for the purpose of giving evidence at the hearing,
  (b) there are no suitable arrangements by means of which that person could give evidence through a live video link, and
  (c) the parties to the hearing agree to that person giving evidence through a live audio link.

Contempt of court

14 (1) This paragraph applies to an enforcement hearing at which the court is minded to deal with a person for contempt of court (including enquiring into conduct and imposing punishment).

(2) The person liable to pay the relevant sum may not take part in the hearing through a live audio link.

(3) A person (other than the person liable to pay the relevant sum) may not take part in the hearing through a live audio link unless—
  (a) that person's participation through the live audio link is only for the purpose of giving evidence at the hearing,
  (b) there are no suitable arrangements by means of which that person could give evidence through a live video link, and
  (c) the parties to the hearing agree to that person giving evidence through a live audio link.

(4) In this paragraph—

(a) "relevant sum" means the sum or financial penalty whose collection, discharge, satisfaction or enforcement the enforcement hearing is concerned with;

(b) references in this paragraph to the person liable to pay the relevant sum include references to the person whom the court is minded to deal with for contempt of court.

Other limitations to apply also

15 The limitations imposed under this Part of this Schedule are in addition to any others (such as those in section 57F(2)) which apply to the exercise of the power to give a direction under section 57F."

PART 2

EXPANSION OF POWERS UNDER THE EXTRADITION ACT 2003

8 The Extradition Act 2003 has effect as if amended in accordance with this Part of this Schedule.

9 (1) Section 206A has effect as if amended as follows.

(2) In the heading, "certain" were omitted.

(3) In subsection (1)—

(a) in paragraph (a), the words from "other" to "56," were omitted, and

(b) in paragraph (b), the words from ", other" to the end were omitted.

(4) In subsection (2)—

(a) for the words from "the person" to "during the hearing," there were substituted "it is in the interests of justice to do so,", and

(b) "at any time before the hearing" were omitted.

(5) For subsection (3) there were substituted—

"(3) A live link direction is a direction requiring a person to take part in the hearing through a live link.

(3A) The power to give a live link direction under this section includes the power to give a direction to all or any of the following persons to take part in the hearing through a live link—

(a) the appropriate judge,

(b) the person affected by the extradition claim,

(c) any other party,

(d) the prosecutor or any other legal representative acting in the hearing,

(e) any witnesses in the hearing, and

(f) any interpreter or other person appointed by the court to assist in the hearing."

(6) Subsection (5) were omitted.

(7) For subsection (6) there were substituted—

"(6) A person who takes part in the hearing through a live link is to be treated as present in court for the purposes of the hearing."

10 (1) Section 206C has effect as if amended as follows.

(2) Subsection (5) were omitted.

(3) In subsection (6)—

(a) in the opening words, for ", while absent from the place where the hearing is being held," there were substituted "(P)",

(b) in paragraph (a), for the words from "the appropriate" to the end there were substituted "all other persons taking part in the hearing who are not in the same location as P, and", and

(c) in paragraph (b), for the words from "the judge" to the end there were substituted "all other persons taking part in the hearing who are not in the same location as P,".

PART 3

OTHER MODIFICATIONS

Police and Criminal Evidence Act 1984

11 (1) The Police and Criminal Evidence Act 1984 has effect as if amended as follows.

(2) In section 46ZA (persons granted live link bail), in subsection (3)(b), for "section 57C" there were substituted "section 57B".

(3) In section 46A (power of arrest for failure to answer to police bail), in subsection (1ZA)(b), for "section 57C" there were substituted "section 57B".

(4) In section 47 (bail after arrest), in subsection (3)(b)(i)—

(a) for "section 57C" there were substituted "section 57B";

(b) "where accused is at police station" were omitted.

Prosecution of Offences Act 1985

12 Section 22(11A) of the Prosecution of Offences Act 1985 (power of Secretary of State to set time limits in relation to preliminary stages of criminal proceedings), has effect as if "or fitness to plead" were omitted.

Serious Organised Crime and Police Act 2005

13 The Serious Organised Crime and Police Act 2005 has effect as if section 75A were omitted.

SCHEDULE 25

Section 55

PUBLIC PARTICIPATION IN PROCEEDINGS CONDUCTED BY VIDEO OR AUDIO

Criminal, civil and family proceedings

1 The Courts Act 2003 has effect as if after section 85 there were inserted—

"Use of live video or audio links: public participation & offences of recording etc

85A Enabling the public to see and hear proceedings

(1) If the court directs that proceedings are to be conducted wholly as video proceedings, the court—
  (a) may direct that the proceedings are to be broadcast (in the manner specified in the direction) for the purpose of enabling members of the public to see and hear the proceedings;
  (b) may direct that a recording of the proceedings is to be made (in the manner specified in the direction) for the purpose of enabling the court to keep an audio-visual record of the proceedings.

(2) If the court directs that proceedings are to be conducted wholly as audio proceedings, the court—
  (a) may direct that the proceedings are to be broadcast (in the manner specified in the direction) for the purpose of enabling members of the public to hear the proceedings;
  (b) may direct that a recording of the proceedings is to be made (in the manner specified in the direction) for the purpose of enabling the court to keep an audio record of the proceedings.

(3) A direction under this section may relate to the whole, or to part, of the proceedings concerned.

85B Offences of recording or transmission in relation to broadcasting

(1) It is an offence for a person to make, or attempt to make—
  (a) an unauthorised recording, or
  (b) an unauthorised transmission,
of an image or sound which is being broadcast in accordance with a direction under section 85A.

(2) It is an offence for a person to make, or attempt to make—
  (a) an unauthorised recording, or
  (b) an unauthorised transmission,
of an image of, or sound made by, another person while the other person is viewing or listening to a broadcast made in accordance with a direction under section 85A.

(3) It is a defence for a person charged with an offence under subsection (1) or (2) to prove that, at the time of the actual or attempted recording or transmission of the image or sound concerned—
  (a) he or she was not in designated live-streaming premises, and

(b) he or she did not know, and could not reasonably have known, that the image or sound was—

(i) being broadcast in accordance with a direction under section 85A (in the case of an offence under subsection (1)), or

(ii) an image of, or sound made by, another person while viewing or listening to a broadcast made in accordance with a direction under section 85A (in the case of an offence under subsection (2)).

(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) For the purposes of this section it does not matter whether a person making, or attempting to make, a recording or transmission intends the recording or transmission, or anything comprised in it, to be seen or heard by any other person.

(6) For the purposes of this section a recording or transmission is "unauthorised" unless it is—

(a) authorised by a direction under section 85A,

(b) otherwise authorised (generally or specifically) by the court in which the proceedings concerned are being conducted, or

(c) authorised (generally or specifically) by the Lord Chancellor.

85C Offences of recording or transmitting participation through live link

(1) It is an offence for a person to make, or attempt to make—

(a) an unauthorised recording, or

(b) an unauthorised transmission,

of an image or sound which is being transmitted through a live video link or transmitted through a live audio link.

(2) It is an offence for a person (P) to make, or attempt to make—

(a) an unauthorised recording, or

(b) an unauthorised transmission,

of an image of, or sound made by, any person (whether P or another person) while that person is participating in court proceedings through a live video link or a live audio link.

(3) It is a defence for a person charged with an offence under subsection (1) or (2) to prove that, at the time of the actual or attempted recording or transmission, he or she did not know, and could not reasonably have known, that the image or sound concerned—

(a) was being transmitted through a live video link or through a live audio link (in the case of an offence under subsection (1)), or

(b) was an image of, or sound made by, a person while that person was participating in court proceedings through a live video link or a live audio link (in the case of an offence under subsection (2)).

(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) For the purposes of this section it does not matter whether a person making, or attempting to make, a recording or transmission intends the recording or transmission, or anything comprised in it, to be seen or heard by any other person.

(6) For the purposes of this section a recording or transmission is "unauthorised" unless it is—
  (a) authorised (generally or specifically) by the court in which the proceedings concerned are being conducted, or
  (b) authorised (generally or specifically) by the Lord Chancellor.

85D Interpretation

(1) This section applies for the purposes of sections 85A to 85C (and this section).

(2) The following expressions have the meanings given—

"court" means—
  (a) the Court of Appeal;
  (b) the High Court;
  (c) the Crown Court;
  (d) the county court;
  (e) the family court;
  (f) a magistrates' court;

"court proceedings" means any proceedings in any court;

"designated live-streaming premises" means premises that are designated by the Lord Chancellor for the purposes of this section as premises provided by the Lord Chancellor for the purpose of enabling members of the public to see and hear, or hear, proceedings that are broadcast in accordance with directions under section 85A;

"recording" means a recording on any medium—
  (a) of a single image, a moving image or any sound, or
  (b) from which a single image, a moving image or any sound may be produced or reproduced;

"transmission" means any transmission by electronic means of a single image, a moving image or any sound (and "transmitted" is to be construed accordingly).

(3) A "live video link", in relation to a person (P) taking part in proceedings, is a live television link or other arrangement which—
  (a) enables P to see and hear all other persons taking part in the proceedings who are not in the same location as P, and
  (b) enables all other persons taking part in the proceedings who are not in the same location as P to see and hear P.

(4) Proceedings are conducted wholly as video proceedings if—
  (a) directions have been given, whether under section 51 of the Criminal Justice Act 2003 or any other power, for all of the persons taking part in the proceedings to do so through a live video link, and
  (b) all of those persons take part in the proceedings in accordance with those directions.

(5) A "live audio link", in relation to a person (P) taking part in proceedings, is a live telephone link or other arrangement which—
  (a) enables P to hear all other persons taking part in the proceedings who are not in the same location as P, and
  (b) enables all other persons taking part in the proceedings who are not in the same location as P to hear P.

(6) Proceedings are conducted wholly as audio proceedings if—
  (a) directions have been given under section 51 of the Criminal Justice Act 2003 for all of the persons taking part in the proceedings to do so through a live audio link, and
  (b) all of those persons take part in the proceedings in accordance with those directions.

(7) An image or sound is transmitted—
  (a) through a live video link if it is transmitted as part of a person's participation in court proceedings through a live video link;
  (b) through a live audio link if it is transmitted as part of a person's participation in court proceedings through a live audio link."

First-tier Tribunal and Upper Tribunal

2 The Tribunals, Courts and Enforcement Act 2007 has effect as if after section 29 there were inserted—

"Use of live video or audio links: public participation & offences of recording etc

29ZA Enabling the public to see and hear proceedings

(1) If the First-tier Tribunal or Upper Tribunal directs that tribunal proceedings are to be conducted wholly as video proceedings, that Tribunal—
  (a) may direct that the proceedings are to be broadcast (in the manner specified in the direction) for the purpose of enabling members of the public to see and hear the proceedings;
  (b) may direct that a recording of the proceedings is to be made (in the manner specified in the direction) for the purpose of enabling that Tribunal to keep an audio-visual record of the proceedings.

(2) If the First-tier Tribunal or Upper Tribunal directs that tribunal proceedings are to be conducted wholly as audio proceedings, that Tribunal—
  (a) may direct that the proceedings are to be broadcast (in the manner specified in the direction) for the purpose of enabling members of the public to hear the proceedings;
  (b) may direct that a recording of the proceedings is to be made (in the manner specified in the direction) for the purpose of enabling that Tribunal to keep an audio record of the proceedings.

(3) A direction under this section may relate to the whole, or to part, of the proceedings concerned.

29ZB Offences of recording or transmission in relation to broadcasting

(1) It is an offence for a person to make, or attempt to make—
  (a) an unauthorised recording, or
  (b) an unauthorised transmission,
of an image or sound which is being broadcast in accordance with a direction under section 29ZA.

(2) It is an offence for a person to make, or attempt to make—
  (a) an unauthorised recording, or
  (b) an unauthorised transmission,
of an image of, or sound made by, another person while the other person is viewing or listening to a broadcast made in accordance with a direction under section 29ZA.

(3) It is a defence for a person charged with an offence under subsection (1) or (2) to prove that, at the time of the actual or attempted recording or transmission of the image or sound concerned—
  (a) he or she was not in designated live-streaming premises, and
  (b) he or she did not know, and could not reasonably have known, that the image or sound was—
    (i) being broadcast in accordance with a direction under section 29ZA (in the case of an offence under subsection (1)), or
    (ii) an image of, or sound made by, another person while the other person was viewing or listening to a broadcast made in accordance with a direction under section 29ZA (in the case of an offence under subsection (2)).

(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) For the purposes of this section it does not matter whether a person making, or attempting to make, a recording or transmission intends the recording or transmission, or anything comprised in it, to be seen or heard by any other person.

(6) For the purposes of this section a recording or transmission is "unauthorised" unless it is—
  (a) authorised by a direction under section 29ZA,
  (b) otherwise authorised (generally or specifically) by the Tribunal in which the proceedings concerned are being conducted, or
  (c) authorised (generally or specifically) by the Lord Chancellor.

29ZC Offences of recording or transmitting participation through live link

(1) It is an offence for a person to make, or attempt to make—
  (a) an unauthorised recording, or
  (b) an unauthorised transmission,
of an image or sound which is being transmitted through a live video link or transmitted through a live audio link.

(2) It is an offence for a person (P) to make, or attempt to make—

(a) an unauthorised recording, or
(b) an unauthorised transmission,

of an image of, or sound made by, any person (whether P or another person) while that person is participating in tribunal proceedings through a live video link or a live audio link.

(3) It is a defence for a person charged with an offence under subsection (1) or (2) to prove that, at the time of the actual or attempted recording or transmission, he or she did not know, and could not reasonably have known, that the image or sound concerned—
(a) was being transmitted through a live video link or through a live audio link (in the case of an offence under subsection (1)), or
(b) was an image of, or sound made by, a person while that person was participating in tribunal proceedings through a live video link or a live audio link (in the case of an offence under subsection (2)).

(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) For the purposes of this section it does not matter whether a person making, or attempting to make, a recording or transmission intends the recording or transmission, or anything comprised in it, to be seen or heard by any other person.

(6) For the purposes of this section a recording or transmission is "unauthorised" unless it is—
(a) authorised (generally or specifically) by the Tribunal in which the proceedings concerned are being conducted, or
(b) authorised (generally or specifically) by the Lord Chancellor.

29ZD Interpretation

(1) This section applies for the purposes of sections 29ZA to 29ZC (and this section).

(2) The following expressions have the meanings given—
"tribunal proceedings" means any proceedings in the First-tier Tribunal or Upper Tribunal;
"designated live-streaming premises" means premises that are designated by the Lord Chancellor for the purposes of this section as premises provided by the Lord Chancellor for the purpose of enabling members of the public to see and hear, or hear, proceedings that are broadcast in accordance with directions under section 29ZA;
"recording" means a recording on any medium—
(a) of a single image, a moving image or any sound, or
(b) from which a single image, a moving image or any sound may be produced or reproduced;
"transmission" means any transmission by electronic means of a single image, a moving image or any sound (and "transmitted" is to be construed accordingly).

(3) A "live video link", in relation to a person (P) taking part in proceedings, is a live television link or other arrangement which—

(a) enables P to see and hear all other persons taking part in the proceedings who are not in the same location as P, and
(b) enables all other persons taking part in the proceedings who are not in the same location as P to see and hear P.

(4) Proceedings are conducted wholly as video proceedings if—
(a) directions have been given for all of the persons taking part in the proceedings to do so through a live video link, and
(b) all of those persons take part in the proceedings in accordance with those directions.

(5) A "live audio link", in relation to a person (P) taking part in proceedings, is a live telephone link or other arrangement which—
(a) enables P to hear all other persons taking part in the proceedings who are not in the same location as P, and
(b) enables all other persons taking part in the proceedings who are not in the same location as P to hear P.

(6) Proceedings are conducted wholly as audio proceedings if—
(a) directions have been given for all of the persons taking part in the proceedings to do so through a live audio link, and
(b) all of those persons take part in the proceedings in accordance with those directions.

(7) An image or sound is transmitted—
(a) through a live video link if it is transmitted as part of a person's participation in tribunal proceedings through a live video link;
(b) through a live audio link if it is transmitted as part of a person's participation in tribunal proceedings through a live audio link."

SCHEDULE 26

Section 56

LIVE LINKS IN CERTAIN MAGISTRATES' COURT PROCEEDINGS

The Magistrates' Courts Act 1980 has effect as if after section 57 there were inserted—

"Use of live links in certain proceedings

57ZA Use of live links in appeals against requirements or restrictions imposed on a potentially infectious person

(1) This section and sections 57ZB to 57ZF apply in relation to proceedings on an appeal under paragraph 17(1) or 61(1) of Schedule 21 to the Coronavirus Act 2020 (appeal against requirement or restriction imposed on potentially infectious person).

(2) The proceedings are to be conducted wholly as video proceedings unless the court directs otherwise under subsection (3).

(3) The court must, where it considers that it would be contrary to the interests of justice not to do so, direct that one or more persons taking part in the proceedings—
  (a) is not to take part in all or any part of the proceedings through a live video link;
  (b) is to take part in all or any part of the proceedings through a live audio link.

(4) The court's power to make a direction under subsection (3) may be exercised by—
  (a) a single justice;
  (b) an authorised court officer.

(5) In subsection (4)(b), an "authorised court officer" means a person who—
  (a) is an authorised person for the purposes of Part 6A of the Courts Act 2003 (see section 67B(3) of that Act), and
  (b) has a qualification specified in regulation 2 of the Authorised Court Staff (Legal Advice Functions) Qualifications Regulations 2020 (S.I. 2020/98).

57ZB Use of live links: supplementary provision

(1) A person who takes part in proceedings through a live video link or a live audio link is to be treated as—
  (a) complying with any requirement (however imposed or expressed) for that person to attend or appear before the court for the purposes of that participation in those proceedings, and
  (b) present in court for the purposes of those proceedings.

(2) Proceedings that are conducted—
  (a) wholly as video proceedings, or
  (b) wholly as audio proceedings,
are to be regarded as taking place at the location where the justice or justices take part in the proceedings.

(3) A statement made on oath by a witness outside the United Kingdom and given in evidence through a live video link or a live audio link is to be treated for the purposes of section 1 of the Perjury Act 1911 as having been made in the proceedings in which it is given in evidence.

57ZC Enabling the public to see and hear proceedings

(1) If the proceedings are to be conducted wholly as video proceedings, the court—
  (a) may direct that the proceedings are to be broadcast (in the manner specified in the direction) for the purpose of enabling members of the public to see and hear the proceedings;
  (b) may direct that a recording of the proceedings is to be made (in the manner specified in the direction) for the purpose of enabling the court to keep an audio-visual record of the proceedings.

(2) If the court directs that proceedings are to be conducted wholly as audio proceedings, the court—

(a) may direct that the proceedings are to be broadcast (in the manner specified in the direction) for the purpose of enabling members of the public to hear the proceedings;

(b) may direct that a recording of the proceedings is to be made (in the manner specified in the direction) for the purpose of enabling the court to keep an audio record of the proceedings.

(3) A direction under this section may relate to the whole, or to part, of the proceedings concerned.

(4) The court's power under this section may be exercised by a single justice.

57ZD Offences of recording or transmission in relation to broadcasting

(1) It is an offence for a person to make, or attempt to make—

(a) an unauthorised recording, or

(b) an unauthorised transmission,

of an image or sound which is being broadcast in accordance with a direction under section 57ZC.

(2) It is an offence for a person to make, or attempt to make—

(a) an unauthorised recording, or

(b) an unauthorised transmission,

of an image of, or sound made by, another person while the other person is viewing or listening to a broadcast made in accordance with a direction under section 57ZC.

(3) It is a defence for a person charged with an offence under subsection (1) or (2) to prove that, at the time of the actual or attempted recording or transmission of the image or sound concerned—

(a) he or she was not in designated live-streaming premises, and

(b) he or she did not know, and could not reasonably have known, that the image or sound was—

(i) being broadcast in accordance with a direction under section 57ZC (in the case of an offence under subsection (1)), or

(ii) an image of, or sound made by, another person while viewing or listening to a broadcast made in accordance with a direction under section 57ZC (in the case of an offence under subsection (2)).

(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) For the purposes of this section it does not matter whether a person making, or attempting to make, a recording or transmission intends the recording or transmission, or anything comprised in it, to be seen or heard by any other person.

(6) For the purposes of this section a recording or transmission is "unauthorised" unless it is—

(a) authorised by a direction under section 57ZC,

(b) otherwise authorised (generally or specifically) by the court, or

(c) authorised (generally or specifically) by the Lord Chancellor.

(7) The court's power under subsection (6)(b) may be exercised by a single justice.

57ZE Offences of recording or transmitting participation through live links

(1) It is an offence for a person to make, or attempt to make—
(a) an unauthorised recording, or
(b) an unauthorised transmission,
of an image or sound which is being transmitted through a live video link or transmitted through a live audio link.

(2) It is an offence for a person (P) to make, or attempt to make—
(a) an unauthorised recording, or
(b) an unauthorised transmission,
of an image of, or sound made by, any person (whether P or another person) while that person is participating in court proceedings through a live video link or a live audio link.

(3) It is a defence for a person charged with an offence under subsection (1) or (2) to prove that, at the time of the actual or attempted recording or transmission, he or she did not know, and could not reasonably have known, that the image or sound concerned—
(a) was being transmitted through a live video link or through a live audio link (in the case of an offence under subsection (1)), or
(b) was an image of, or sound made by, a person while that person was participating in court proceedings through a live video link or a live audio link (in the case of an offence under subsection (2)).

(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) For the purposes of this section it does not matter whether a person making, or attempting to make, a recording or transmission intends the recording or transmission, or anything comprised in it, to be seen or heard by any other person.

(6) For the purposes of this section a recording or transmission is "unauthorised" unless it is—
(a) authorised (generally or specifically) by the court, or
(b) authorised (generally or specifically) by the Lord Chancellor.

(7) The court's power under subsection (6)(a) may be exercised by a single justice.

57ZF Interpretation

(1) This section applies for the purposes of sections 57ZA to 57ZE (and this section).

(2) Proceedings are conducted wholly as video proceedings where all of the persons taking part in the proceedings do so through a live video link.

(3) A "live video link", in relation to a person (P) taking part in proceedings, is a live television link or other arrangement which—
  (a) enables P to see and hear all other persons taking part in the proceedings who are not in the same location as P, and
  (b) enables all other persons taking part in the proceedings who are not in the same location as P to see and hear P,

(ignoring for these purposes the extent (if any) to which a person is unable to see or hear by reason of any impairment of eyesight or hearing).

(4) Proceedings are conducted wholly as audio proceedings if all of the persons taking part in the proceedings do so through a live audio link.

(5) A "live audio link", in relation to a person (P) taking part in proceedings, is a live telephone link or other arrangement which—
  (a) enables P to hear all other persons taking part in the proceedings who are not in the same location as P, and
  (b) enables all other persons taking part in the proceedings who are not in the same location as P to hear P,

(ignoring for these purposes the extent (if any) to which a person is unable to hear by reason of any impairment of hearing).

(6) A reference to a person taking part in proceedings includes—
  (a) giving evidence in the proceedings, and
  (b) attending the proceedings when not giving evidence.

(7) A reference to the persons taking part in proceedings includes—
  (a) the complainant,
  (b) the defendant,
  (c) the justices,
  (d) any person acting as justices' clerk or assistant to a justices' clerk or providing legal advice to the justices pursuant to an authorisation under section 28 of the Courts Act 2003,
  (e) any witnesses in the proceedings,
  (f) any legal representatives acting in the proceedings, and
  (g) any interpreter or other person appointed by the court to assist in the proceedings.

(8) The following expressions have the meanings given—

"designated live-streaming premises" means premises that are designated by the Lord Chancellor for the purposes of this section as premises provided by the Lord Chancellor for the purpose of enabling members of the public to see and hear, or hear, proceedings that are broadcast in accordance with directions under section 57ZC;

"recording" means a recording on any medium—
  (a) of a single image, a moving image or any sound, or
  (b) from which a single image, a moving image or any sound may be produced or reproduced;

"transmission" means any transmission by electronic means of a single image, a moving image or any sound (and "transmitted" is to be construed accordingly).

(9) An image or sound is transmitted—
(a) through a live video link if it is transmitted as part of a person's participation in court proceedings through a live video link;
(b) through a live audio link if it is transmitted as part of a person's participation in court proceedings through a live audio link."

SCHEDULE 27

Section 57

USE OF LIVE LINKS IN LEGAL PROCEEDINGS: NORTHERN IRELAND

PART 1

POWERS OF COURTS AND TRIBUNALS TO DIRECT USE OF LIVE LINKS

Proceedings to which this Part of this Schedule applies

1 (1) This Part of this Schedule applies to any proceedings in a court or statutory tribunal.

(2) In this Part of this Schedule "court" means—
(a) the Court of Appeal,
(b) the High Court,
(c) the Crown Court,
(d) a county court, or
(e) a magistrates' court.

(3) In this Part of this Schedule "statutory tribunal" means a tribunal (however named or described, and including a coroner holding an inquest) established by or under a statutory provision, but does not include—
(a) a court, or
(b) any tribunal established by or under a statutory provision that could not have been included in an Act of the Northern Ireland Assembly made without the Secretary of State's consent.

(4) In this paragraph "statutory provision" has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

Power to give direction for participation by live link

2 (1) A person may, if a court or statutory tribunal so directs, participate in any proceedings in the court or tribunal through a live link.

(2) A direction may not be given under this paragraph as respects a person's participation in proceedings as a member of a jury.

(3) A direction may be given under this paragraph in respect of a person—
(a) of the court or tribunal's own motion,
(b) on application by the person, or
(c) on application by a party to the proceedings.

(4) A court or tribunal may not give a direction under this paragraph unless the court or tribunal is satisfied that it is in the interests of justice to do so.

(5) In deciding whether to give a direction under this paragraph, the court or tribunal must consider all the circumstances of the case.

(6) Those circumstances include (in particular)—
  (a) the views of the person;
  (b) the views of the parties to the proceedings;
  (c) public health interests.

(7) Where a court or tribunal refuses an application for a direction under this paragraph, it must—
  (a) state openly its reasons for doing so, and
  (b) if it is a magistrates' court, cause the reasons to be entered in the Order Book.

(8) Power of a court or tribunal to give a direction under this paragraph is additional to, and does not limit, any other power of the court or tribunal.

Effect, and rescission, of directions

3 (1) Where in any proceedings a court or tribunal—
  (a) has given a direction under paragraph 2 in respect of a person, and
  (b) has not rescinded the direction,

  the person may not participate in the proceedings otherwise than through a live link.

(2) A court or tribunal may rescind a direction under paragraph 2 if it appears to the court or tribunal to be in the interests of justice to do so.

(3) Where it does so, the person concerned ceases to be able to participate in the proceedings through a live link, but this does not prevent a further direction under paragraph 2 being given in the proceedings in respect of the person.

(4) A direction under paragraph 2 in respect of a person may be rescinded—
  (a) of the court or tribunal's own motion,
  (b) on application by the person, or
  (c) on application by a party to the proceedings.

(5) An application may not be made under sub-paragraph (4)(b) or (c) unless there has been a material change of circumstances since the direction was given.

(6) Where a court or tribunal rescinds a direction under paragraph 2, or refuses an application to rescind such a direction, it must—
  (a) state openly its reasons for rescinding the direction or refusing the application, and
  (b) if it is a magistrates' court, cause the reasons to be entered in the Order Book.

Meaning of references to participation in proceedings

4 A reference in this Part of this Schedule to participating in any proceedings includes (in particular) participation—
  (a) as a party to the proceedings,

(b) as a witness,
(c) as a judge or other member of the court or tribunal,
(d) as a member of a jury,
(e) as a legal representative acting in the proceedings,
(f) as an interpreter or other person appointed by the court or tribunal to assist in the proceedings,
(g) as the clerk to the court or tribunal, or
(h) as a representative of the press.

Participation by persons outside the United Kingdom

5 (1) A direction under paragraph 2 may be given in respect of a person whether the person is in the United Kingdom or elsewhere.

(2) A statement made on oath by a person outside the United Kingdom and given in evidence through a live link in accordance with a direction under paragraph 2 is to be treated for the purposes of Article 3 of the Perjury (Northern Ireland) Order 1979 (S.I. 1979/1714 (N.I. 19)) as having been made in the proceedings in which it is given in evidence.

Meaning of "live link"

6 (1) In this Part of this Schedule "live link" means a live video link or a live audio link.

(2) A "live video link", in relation to a person ("P") participating in proceedings, is a live television link or other arrangement which—
(a) enables P to see and hear all other persons participating in the proceedings who are not in the same location as P, and
(b) enables all other persons participating in the proceedings who are not in the same location as P to see and hear P.

(3) A "live audio link", in relation to a person ("P") participating in proceedings, is a live telephone link or other arrangement which—
(a) enables P to hear all other persons participating in the proceedings who are not in the same location as P, and
(b) enables all other persons participating in the proceedings who are not in the same location as P to hear P.

(4) The extent (if any) to which a person is unable to hear or see by reason of any impairment of hearing or eyesight is to be disregarded for the purposes of sub-paragraphs (2) and (3).

Interpretation of this Part of this Schedule: general

7 The Interpretation Act (Northern Ireland) 1954 applies for the purposes of the preceding provisions of this Part of this Schedule as if those provisions were contained in an Act of the Northern Ireland Assembly.

PART 2

PUBLIC PARTICIPATION IN PROCEEDINGS WHERE LIVE LINKS USED

8 The Judicature (Northern Ireland) Act 1978 has effect as if after section 102

there were inserted—

"PART 9A

USE OF LIVE LINKS IN COURT OR TRIBUNAL PROCEEDINGS: PUBLIC PARTICIPATION & OFFENCES OF RECORDING ETC

102A Enabling the public to see and hear proceedings

(1) If proceedings in a court or statutory tribunal are to be conducted wholly as video proceedings, whether or not as a result of directions given by the court or tribunal, the court or tribunal—
  (a) may direct that the proceedings are to be broadcast (in the manner specified in the direction) for the purpose of enabling members of the public to see and hear the proceedings;
  (b) may direct that a recording of the proceedings is to be made (in the manner specified in the direction) for the purpose of enabling the court or tribunal to keep an audio-visual record of the proceedings.

(2) If proceedings in a court or statutory tribunal are to be conducted wholly as audio proceedings, whether or not as a result of directions given by the court or tribunal, the court or tribunal—
  (a) may direct that the proceedings are to be broadcast (in the manner specified in the direction) for the purpose of enabling members of the public to hear the proceedings;
  (b) may direct that a recording of the proceedings is to be made (in the manner specified in the direction) for the purpose of enabling the court or tribunal to keep an audio record of the proceedings.

(3) A direction under this section may relate to the whole, or to part, of the proceedings concerned.

102B Offences of recording or transmission in relation to broadcasting

(1) It is an offence for a person to make—
  (a) an unauthorised recording, or
  (b) an unauthorised transmission,
of an image or sound which is being broadcast in accordance with a direction under section 102A.

(2) It is an offence for a person to make—
  (a) an unauthorised recording, or
  (b) an unauthorised transmission,
of an image of, or sound made by, another person while the other person is viewing or listening to a broadcast made in accordance with a direction under section 102A.

(3) It is a defence for a person charged with an offence under subsection (1) or (2) to prove that, at the time of the recording or transmission of the image or sound concerned, the person—
  (a) was not in designated live-streaming premises, and
  (b) did not know, and could not reasonably have known, that the image or sound was—

(i) being broadcast in accordance with a direction under section 102A (in the case of an offence under subsection (1)), or

(ii) an image of, or sound made by, another person while viewing or listening to a broadcast made in accordance with a direction under section 102A (in the case of an offence under subsection (2)).

(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) For the purposes of this section it does not matter whether a person making a recording or transmission intends the recording or transmission, or anything comprised in it, to be seen or heard by any other person.

(6) For the purposes of this section, a recording or transmission is "unauthorised" unless it is—

(a) authorised by a direction under section 102A,

(b) otherwise authorised (generally or specifically) by the court or tribunal in which the proceedings concerned are conducted, or

(c) authorised (generally or specifically) by the Department.

102C Offences of recording or transmitting participation through live link

(1) It is an offence for a person to make—

(a) an unauthorised recording, or

(b) an unauthorised transmission,

of an image or sound which is being transmitted through a live video link or transmitted through a live audio link.

(2) It is an offence for a person ("P") to make—

(a) an unauthorised recording, or

(b) an unauthorised transmission,

of an image of, or sound made by, any person (whether P or another person) while that person is participating in court or tribunal proceedings through a live video link or live audio link.

(3) It is a defence for a person charged with an offence under subsection (1) or (2) to prove that, at the time of the recording or transmission, the person did not know, and could not reasonably have known, that the image or sound concerned—

(a) was being transmitted through a live video link or through a live audio link (in the case of an offence under subsection (1)), or

(b) was an image of, or sound made by, a person while that person was participating in court or tribunal proceedings through a live video link or live audio link (in the case of an offence under subsection (2)).

(4) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) For the purposes of this section it does not matter whether a person making a recording or transmission intends the recording or

transmission, or anything comprised in it, to be seen or heard by any other person.

(6) For the purposes of this section, a recording or transmission is "unauthorised" unless it is—
  (a) authorised (generally or specifically) by the court or tribunal in which the proceedings are conducted, or
  (b) authorised (generally or specifically) by the Department.

102D Interpretation of Part 9A

(1) This section applies for the purposes of this Part.

(2) The following expressions have the meanings given—

"court" means—
  (a) the Court of Appeal,
  (b) the High Court,
  (c) the Crown Court,
  (d) a county court, or
  (e) a magistrates' court;

"court or tribunal proceedings" means any proceedings in any court or statutory tribunal;

"the Department"—
  (a) in relation to a court, means the Department of Justice, and
  (b) in relation to a statutory tribunal, means a Northern Ireland department;

"designated live-streaming premises" means premises that are designated by the Department for the purposes of this section as premises provided by the Department for the purpose of enabling members of the public to see and hear, or hear, proceedings that are broadcast in accordance with directions under section 102A;

"recording" means a recording on any medium—
  (a) of a single image, a moving image or any sound, or
  (b) from which a single image, a moving image or any sound may be produced or reproduced;

"statutory tribunal" means a tribunal (however named or described, and including a coroner holding an inquest) established by or under a statutory provision, but does not include—
  (a) a court, or
  (b) any tribunal established by or under a statutory provision that could not have been included in an Act of the Northern Ireland Assembly made without the Secretary of State's consent;

"transmission" means any transmission by electronic means of a single image, a moving image or any sound.

(3) A "live video link", in relation to a person ("P") taking part in proceedings, is a live television link or other arrangement which—
  (a) enables P to see and hear all other persons taking part in the proceedings who are not in the same location as P, and

(b) enables all other persons taking part in the proceedings who are not in the same location as P to see and hear P.

(4) Proceedings are conducted wholly as video proceedings if—
(a) directions have been given, whether under paragraph 2 of Schedule 27 to the Coronavirus Act 2020 or any other power, for all the persons taking part in the proceedings to do so through a live video link, and
(b) all those persons take part in the proceedings in accordance with those directions.

(5) A "live audio link", in relation to a person ("P") taking part in proceedings, is a live telephone link or other arrangement which—
(a) enables P to hear all other persons taking part in the proceedings who are not in the same location as P, and
(b) enables all other persons taking part in the proceedings who are not in the same location as P to hear P.

(6) Proceedings are conducted wholly as audio proceedings if—
(a) directions have been given, whether under paragraph 2 of Schedule 27 to the Coronavirus Act 2020 or any other power, for all the persons taking part in the proceedings to do so through a live audio link, and
(b) all those persons take part in the proceedings in accordance with those directions.

(7) An image or sound—
(a) is transmitted through a live video link if it is transmitted as part of a person's participation in court or tribunal proceedings through a live video link;
(b) is transmitted through a live audio link if it is transmitted as part of a person's participation in court or tribunal proceedings through a live audio link.

(8) The extent (if any) to which a person is unable to hear or see by reason of any impairment of hearing or eyesight is to be disregarded for the purposes of subsections (3) and (5)."

PART 3

AVAILABILITY OF LIVE LINKS IN CERTAIN MAGISTRATES' COURT PROCEEDINGS IN NORTHERN IRELAND

9 The Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) has effect as if in Part 7 after Article 76 there were inserted—

"76A Availability of live links in certain proceedings

(1) A person may, if the court so directs, take part in eligible magistrates' court proceedings through—
(a) a live audio link, or
(b) a live video link.

(2) "Eligible magistrates' court proceedings" are—
(a) proceedings on an appeal under paragraph 82 of Schedule 21 to the Coronavirus Act 2020, and

(b) proceedings in relation to an application for a Part 1A order under Part 1A of the Public Health Act (Northern Ireland) 1967.

(3) A direction under this Article may be given for a district judge (magistrates' courts) to take part in the proceedings through a live audio link or a live video link.

(4) A person who takes part in proceedings in accordance with a direction under this Article is to be treated as—

(a) complying with any requirement (however imposed or expressed) for that person to attend or appear before the court for the purposes of that participation in those proceedings, and

(b) present in court for the purposes of those proceedings.

(5) Eligible magistrates' court proceedings that are conducted—

(a) wholly as audio proceedings, or

(b) wholly as video proceedings,

are to be regarded as taking place at the location where the district judge (magistrates' courts) takes part in the proceedings.

(6) This Article applies whether the person is in the United Kingdom or elsewhere; and a statement made on oath by a person outside the United Kingdom and given in evidence through a live audio link or live video link in accordance with a direction under this Article is to be treated for the purposes of Article 3 of the Perjury (Northern Ireland) Order 1979 (S.I. 1979/1714 (N.I. 19)) as having been made in the proceedings in which it is given in evidence.

(7) Paragraphs (8) to (13) apply for the purposes of this Article.

(8) A reference to a person taking part in proceedings includes—

(a) giving evidence in the proceedings, and

(b) attending the proceedings when not giving evidence.

(9) A "live audio link", in relation to a person (P) taking part in proceedings, is a live telephone link or other arrangement which—

(a) enables P to hear all other persons taking part in the proceedings who are not in the same location as P, and

(b) enables all other persons taking part in the proceedings who are not in the same location as P to hear P.

(10) Proceedings are conducted wholly as audio proceedings if—

(a) directions have been given under this Article for all the persons taking part in the proceedings to do so through a live audio link, and

(b) all those persons take part in the proceedings in accordance with those directions.

(11) A "live video link", in relation to a person (P) taking part in proceedings, is a live television link or other arrangement which—

(a) enables P to see and hear all other persons taking part in the proceedings who are not in the same location as P, and

(b) enables all other persons taking part in the proceedings who are not in the same location as P to see and hear P.

(12) Proceedings are conducted wholly as video proceedings if—
(a) directions have been given under this Article for all the persons taking part in the proceedings to do so through a live video link, and
(b) all those persons take part in the proceedings in accordance with those directions.

(13) A reference to the persons taking part in proceedings includes—
(a) the applicant;
(b) any person who, in relation to the proceedings, is within Article 76(3)(a);
(c) the district judge (magistrates' courts);
(d) any witness in the proceedings;
(e) any legal representatives acting in the proceedings;
(f) any interpreter or other person appointed by the court to assist in the proceedings;
(g) the clerk of the court;
(h) representatives of the press.

(14) The extent (if any) to which a person is unable to hear or see by reason of any impairment of hearing or eyesight is to be disregarded for the purposes of paragraphs (9) and (11)."

SCHEDULE 28

Section 58

TRANSPORTATION, STORAGE AND DISPOSAL OF DEAD BODIES ETC

PART 1

INFORMATION ABOUT CAPACITY

1 (1) A local authority may require a person to provide information for the purposes of ascertaining the capacity within its area to deal with the transportation, storage or disposal of dead bodies or other human remains.

(2) A requirement under sub-paragraph (1) must be in writing and must specify—
(a) whether the information is to be provided to the local authority or to some other specified person,
(b) how the information is to be provided (and may in particular specify the form in which and means by which it is to be provided), and
(c) when the information is to be provided (and may in particular specify the time or times at or before which it is to be provided).

(3) It is an offence for a person—
(a) to fail, without reasonable excuse, to comply with a requirement under sub-paragraph (1);
(b) knowingly or recklessly to give false information in response to a requirement under sub-paragraph (1).

(4) A local authority or other person who holds information which has at any time been provided under sub-paragraph (1)—

(a) may use it if, and only if, the use is for the purpose mentioned in that sub-paragraph;
(b) may disclose it to another person if, and only if, the disclosure is either for the purpose mentioned in that sub-paragraph or for the purpose of complying with any enactment.

(5) It is an offence for a person who holds information which has at any time been provided under sub-paragraph (1) to use or disclose it otherwise than as authorised by sub-paragraph (4).

(6) A person guilty of an offence under this paragraph is liable on summary conviction—
(a) in England and Wales, to a fine;
(b) in Scotland and Northern Ireland, to a fine not exceeding level 5 on the standard scale.

2 (1) The appropriate national authority may require a local authority to provide information for the purposes of ascertaining the capacity nationally, or within a particular area, to deal with the transportation, storage or disposal of dead bodies or other human remains.

(2) A requirement under sub-paragraph (1) must be in writing and must specify—
(a) whether the information is to be provided to the appropriate national authority or to some other specified person,
(b) how the information is to be provided (and may in particular specify the form in which and means by which it is to be provided), and
(c) when the information is to be provided (and may in particular specify the time or times at or before which it is to be provided).

(3) A local authority must comply with a requirement under sub-paragraph (1).

(4) The appropriate national authority or any other person who holds information which has at any time been provided under sub-paragraph (1)—
(a) may use it if, and only if, the use is for the purpose mentioned in that sub-paragraph;
(b) may disclose it to another person if, and only if, the disclosure is for the purpose mentioned in that sub-paragraph or for the purpose of complying with any enactment.

(5) It is an offence for a person who holds information which has at any time been provided under sub-paragraph (1) to use or disclose it otherwise than as authorised by sub-paragraph (4).

(6) A person guilty of an offence under this paragraph is liable on summary conviction—
(a) in England and Wales, to a fine;
(b) in Scotland and Northern Ireland, to a fine not exceeding level 5 on the standard scale.

3 (1) A duty or power to disclose information under this Part of this Schedule does not operate to require or authorise the disclosure of information which—

(a) would contravene the data protection legislation (but the duty or power is to be taken into account in determining whether the disclosure or use would contravene that legislation);
(b) is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.

(2) In this paragraph "the data protection legislation" has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

PART 2

DIRECTIONS AND OTHER MEASURES TO ADDRESS LACK OF CAPACITY

Designation where there is insufficient capacity to deal with dead bodies etc

4 (1) The appropriate national authority may designate a local authority for the purposes of this Part of this Schedule if of the view that—
(a) as a result of coronavirus disease there is, or is likely to be, insufficient capacity within the area of that local authority to transport, store or dispose of dead bodies or other human remains, and
(b) the powers conferred by this Part of this Schedule are likely to be an effective means of addressing that lack of capacity.

(2) If, having made a designation under this paragraph, the appropriate national authority ceases to be of the view mentioned in sub-paragraph (1), the appropriate national authority must revoke the designation (but this does not limit the future exercise of the power in sub-paragraph (1) in relation to the same local authority).

(3) If a mayoral combined authority is designated under sub-paragraph (1), the designation may make provision for its functions under this Part of this Schedule to be exercisable only by the mayor.

(4) A designation or revocation under this paragraph—
(a) takes effect when published online, and
(b) must, as soon as reasonably practicable after it is made, also be published in the appropriate Gazette.

(5) In sub-paragraph (4)(b) "the appropriate Gazette" means—
(a) where the designation or revocation relates to a local authority in England or Wales, the London Gazette;
(b) where the designation or revocation relates to a local authority in Scotland, the Edinburgh Gazette;
(c) where the designation or revocation relates to a local authority in Northern Ireland, the Belfast Gazette.

(6) In this Part of this Schedule "designated local authority" means a local authority for the time being designated under this paragraph.

Directions to do things calculated to facilitate dealing with dead bodies etc

5 (1) A designated local authority may give a direction requiring a person to do anything calculated to facilitate the transportation, storage or disposal of dead bodies or other human remains in the local authority's area or from its area.

(2) The appropriate national authority may give a direction requiring a person to do anything calculated to facilitate the transportation, storage or disposal of dead bodies or other human remains if—
  (a) one or more local authorities are designated under paragraph 4, and
  (b) the appropriate national authority considers that, in respect of any matter, a regional or national response is appropriate, instead of leaving it to individual local authorities to give directions under sub-paragraph (1).

(3) A direction under this paragraph may, in particular—
  (a) require a person to provide services;
  (b) require a person to provide facilities, premises, vehicles, equipment or anything else within the person's possession or under the person's control;
  (c) require a person to exercise any right they have to require others to do things (including things within other paragraphs of this sub-paragraph);
  (d) direct whether a dead body or other human remains must be buried by the person or cremated by the person;
  (e) make provision about how or where a person is to bury or cremate a dead body or other human remains;
  (f) in the case of a direction by a local authority, require a person to do things outside the local authority's area;
  (g) make provision about how or when things are to be done in accordance with the direction;
  (h) make provision about the supervision of anything required to be done in accordance with the direction;
  (i) require a person to provide information about things done in response to a direction.

(4) A direction may require a person to do things even if they would involve the person breaching a contract or incurring other liabilities (but the right of any other person to claim damages for such a breach or to enforce such a liability is not affected by the direction).

(5) A direction under this paragraph may not be given to—
  (a) an individual, or
  (b) a public authority.

(6) In exercising its functions under this paragraph a designated local authority or the appropriate national authority must have regard to the effect that any direction is likely to have on the ability of any person to carry on their normal business.

(7) Designated local authorities and the appropriate national authority must keep such records relating to directions under this paragraph for such time as they consider appropriate.

(8) A person commits an offence if the person fails without reasonable excuse to comply with a direction under this paragraph.

(9) A person guilty of an offence under this paragraph is liable on summary conviction—
  (a) in England and Wales, to a fine;

(b) in Scotland and Northern Ireland, to a fine not exceeding level 5 on the standard scale.

(10) A direction under sub-paragraph (1) lapses on the revocation of the designation under paragraph 4 of the local authority that gave the direction.

(11) A direction under sub-paragraph (2) lapses if there are no designated local authorities.

Power of ministers etc to step in

6 If the appropriate national authority considers that a designated local authority is failing to exercise its powers under paragraph 5(1) properly, it may give any direction under paragraph 5(1) that could have been given by the designated local authority (and paragraph 5 applies with any necessary modifications).

Appropriate national authority directions to prevail

7 If there is a conflict between—

(a) a direction given by a designated local authority under paragraph 5(1), and

(b) a direction given by the appropriate national authority under paragraph 5(2) or in reliance on paragraph 6,

the direction given by the local authority is of no effect to the extent of that conflict.

Compensation where directions given

8 (1) The appropriate national authority must publish a scheme for the making of payments to persons to whom directions are given under paragraph 5.

(2) The scheme must include provision for a person to whom a direction is given under paragraph 5 to be paid—

(a) a reasonable sum in respect of anything provided by the person in accordance with the direction, and

(b) compensation in respect of—

(i) any losses,

(ii) any liabilities to pay damages for breach of contract, or

(iii) any other liabilities,

incurred by the person as a result of the direction.

(3) The scheme may include provision for payments in respect of other matters.

(4) The scheme may include provision designed to prevent double recovery (for example, by reducing a payment in respect of a liability for which a person is entitled to be indemnified under an insurance policy).

(5) A payment under the scheme—

(a) in relation to a direction given by a local authority under paragraph 5(1), is to be paid by that local authority;

(b) in relation to a direction given by the appropriate national authority in reliance on paragraph 6, is to be paid by the local authority that it considered to be failing to exercise functions properly;

(c) in relation to a direction under paragraph 5(2), is to be paid by the appropriate national authority.

(6) The scheme may include provision about procedural matters, including provision—

(a) imposing time limits for the making of a claim or other steps under the scheme;

(b) about the calculation of amounts and how they are to be determined;

(c) permitting or requiring the review of decisions under the scheme.

(7) The scheme may confer discretions or other functions on public authorities.

(8) The appropriate national authority may vary a scheme under this paragraph.

(9) The appropriate national authority need not make a scheme under this paragraph unless or until it has designated a local authority under paragraph 4.

Guidance

9 (1) The appropriate national authority may give guidance as to the exercise by designated local authorities of functions under this Part of this Schedule.

(2) Designated local authorities must have regard to any guidance given under this paragraph.

General provisions about directions and schemes

10 A direction or scheme under this Part of this Schedule may—

(a) make provision that applies generally or only in specified circumstances or for a specified purpose;

(b) make different provision for different purposes;

(c) contain incidental, supplemental, consequential or transitional provision.

Procedure

11 (1) A power to give directions under this Part of this Schedule includes power to vary or revoke the directions.

(2) A direction under this Part of this Schedule must be given in writing.

PART 3

POWER TO DIRECT LOCAL AUTHORITIES ETC

12 (1) This paragraph applies if the appropriate national authority considers that a local authority—

(a) has failed properly to exercise any of its functions as a burial authority or a cremation authority, or

(b) has failed properly to exercise any of its other functions in connection with the transport, storage or disposal of dead bodies or other human remains (whether under this Schedule or otherwise).

(2) The appropriate national authority may give the local authority directions as to the exercise of its functions in connection with any of those matters.

(3) A direction under this paragraph must be given in writing.

(4) The power to give directions under this paragraph includes power to vary or revoke the directions.

(5) A local authority must comply with a direction under this paragraph.

PART 4

DECEASED'S WISHES ETC

13 (1) In carrying out functions under this Schedule, local authorities and the appropriate national authorities must have regard to the desirability of disposing of a dead person's body or other remains—

(a) in accordance with the person's wishes, if known, or

(b) otherwise in a way that appears consistent with the person's religion or beliefs, if known.

(2) In carrying out functions under the legislation listed in sub-paragraph (3), designated local authorities must have regard to the desirability of disposing of a dead person's body or other remains—

(a) in accordance with the person's wishes, if known, or

(b) otherwise in a way that appears consistent with the person's religion or beliefs, if known.

(3) The legislation is—

(a) section 46(1) or (2) of the Public Health (Control of Disease) Act 1984 (local authority to arrange burial or cremation where no other suitable arrangements being made);

(b) section 25(1) of the Welfare Services Act (Northern Ireland) 1971 (corresponding provision for Northern Ireland).

(4) The following do not apply to a designated local authority—

(a) section 46(3) of the Public Health (Control of Disease) Act 1984 (local authority not to cause body to be cremated under that section contrary to the wishes of the deceased);

(b) in section 25(5) of the Welfare Services Act (Northern Ireland) 1971, the words from "and a body" to the end (corresponding provision for Northern Ireland);

(c) regulations 6 and 13(a) of the Cremation (Belfast) Regulations (Northern Ireland) 1961 (S.R. & O. (N.I.) 1961 No. 61) (which provide that the remains of a person must not be cremated if it is known that the person has left a written direction to the contrary).

(5) The appropriate national authority must give guidance as to the discharge by local authorities of duties under this paragraph.

(6) Local authorities must have regard to any guidance given under sub-paragraph (5).

(7) In this paragraph "designated local authority" means a local authority for the time being designated under paragraph 4.

PART 5

INTERPRETATION

14 In this Schedule—

"the appropriate national authority" means—

(a) in relation to local authorities and areas in England, the Secretary of State or the Minister for the Cabinet Office,

(b) in relation to local authorities and areas in Wales, the Welsh Ministers,

(c) in relation to local authorities and areas in Scotland, the Scottish Ministers, and

(d) in relation to local authorities and areas in Northern Ireland, a Northern Ireland department;

"burial authority" means—

(a) a burial authority for the purposes of section 214 of the Local Government Act 1972,

(b) a burial authority for the purposes of the Burial and Cremation (Scotland) Act 2016 (asp 20) (see section 2 of that Act), or

(c) a district council in Northern Ireland exercising its functions under Part 3 of the Public Health (Ireland) Act 1878;

"combined authority" means a combined authority established under section 103(1) of the Local Democracy, Economic Development and Construction Act 2009;

"cremation authority" means—

(a) a cremation authority for the purposes of the Burial and Cremation (Scotland) Act 2016 (see section 47(5) of that Act), or

(b) a district council in Northern Ireland providing and maintaining a crematorium under Article 17 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1985 (S.I. 1985/1208) (N.I. 15));

"English local authority" means—

(a) a combined authority,

(b) a county council,

(c) a district council,

(d) a London borough council,

(e) the Greater London Authority,

(f) the Common Council of the City of London in its capacity as a local authority, or

(g) the Council of the Isles of Scilly;

"local authority" means—

(a) an English local authority,

(b) a county council in Wales or a county borough council,

(c) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994, or

(d) a district council in Northern Ireland;

"mayoral combined authority" has the meaning given by section 107A(8) of the Local Democracy, Economic Development and Construction Act 2009.

SCHEDULE 29

Section 81

RESIDENTIAL TENANCIES IN ENGLAND AND WALES: PROTECTION FROM EVICTION

Interpretation

1 (1) In this Schedule "the relevant period" means the period—
(a) beginning with the day after the day on which this Act is passed, and
(b) ending with 30 September 2020.

(2) The relevant national authority may by regulations made by statutory instrument amend sub-paragraph (1)(b) to specify a later date than the date for the time being specified there.

(3) In this Schedule "relevant national authority" means—
(a) in relation to England, the Secretary of State, and
(b) in relation to Wales, the Welsh Ministers.

Rent Act 1977: protected tenancies and statutory tenancies

2 (1) Section 5(1) of the Protection from Eviction Act 1977 (validity of notices to quit) is to be read, in relation to Rent Act notices to quit given by the landlord during the relevant period, as if the reference to 4 weeks were a reference to 3 months.

(2) In sub-paragraph (1) "Rent Act notice to quit" means a notice to quit relating to a tenancy that is a protected tenancy for the purposes of the Rent Act 1977 (see section 1 of that Act).

(3) Section 3 of the Rent Act 1977 (terms and conditions of statutory tenancies) is to be read as if after subsection (4) there were inserted—

"(4A) Proceedings for an order for a landlord to obtain possession of a dwelling-house as against a statutory tenant may not be commenced during the relevant period (see paragraph 1(1) and (2) of Schedule 29 to the Coronavirus Act 2020) unless—
(a) the landlord has given the statutory tenant a notice of intention to commence possession proceedings;
(b) the notice period is a period of at least three months; and
(c) the proceedings are commenced on or after the intended date for commencing proceedings.

(4B) But the proceedings may be commenced without compliance with subsection (4A) if the court considers it just and equitable to dispense with the requirement to comply.

(4C) For the purposes of this section a "notice of intention to commence possession proceedings", in relation to a dwelling house and a statutory tenant, is a notice that—
(a) is in writing;
(b) describes the statutory tenancy;
(c) states—
(i) the address of the dwelling-house,
(ii) the name of the statutory tenant, and
(iii) the name and address of the landlord;

(d) states that the landlord intends to commence proceedings to obtain possession of the dwelling-house as against the statutory tenant;

(e) states—

(i) the ground or grounds on which the landlord intends to seek possession of the dwelling-house, and

(ii) the reason or reasons why the landlord believes the ground or grounds to be applicable;

(f) states the date on or after which the landlord intends to commence the possession proceedings;

(g) explains that the landlord is prohibited from commencing those proceedings in reliance on the notice—

(i) unless that date falls at least three months after the date on which the notice is given, and

(ii) until that date.

(4D) A notice of intention to commence possession proceedings may be given by leaving it at, or sending it by post to, the dwelling-house to which it relates.

(4E) Where subsection (4A) applies and possession proceedings are commenced in reliance on a notice of intention to commence possession proceedings, the court must not make an order for the landlord to obtain possession of the dwelling-house as against the statutory tenant on a particular ground mentioned in Schedule 15 or 16 to this Act unless—

(a) the notice states the ground and one or more reasons why the landlord believes that the ground is applicable, or

(b) the court gives permission for the ground to be raised in the proceedings.

(4F) In this section, in relation to a notice of intention to commence possession proceedings—

"intended date for commencing proceedings" means the date stated in accordance with subsection (4C)(f);

"notice period" means the period that—

(a) begins with the date on which the notice is given, and

(b) ends with the intended date for commencing proceedings."

Secure tenancies

3 Section 83 of the Housing Act 1985 (proceedings for possession etc. of a dwelling-house let under a secure tenancy: general notice requirements) is to be read, in relation to notices served under that section during the relevant period, as if—

(a) subsection (3) were omitted,

(b) in subsection (4) for the words from the beginning to "specified in the notice," there were substituted "If the proceedings are for an order for the possession of a dwelling-house,",

(c) after subsection (4A) there were inserted—

"(4B) The date specified in accordance with subsection (4)—

(a) must not be earlier than three months after the date of service of the notice, and

(b) in a case where the tenancy is a periodic tenancy, must also not be earlier than the date on which the tenancy could, apart from this Part, be brought to an end by notice to quit given by the landlord on the same date as the notice under this section.",

(d) in subsection (5) for "subsection (3), (4) or (4A)" there were substituted "subsection (4A)", and

(e) in subsection (6) for "subsections (3) to (5)" there were substituted "subsections (4B)(b) and (5)".

4 Section 83ZA of the Housing Act 1985 (notice requirements in relation to proceedings for possession on absolute ground for anti-social behaviour) is to be read, in relation to notices served under that section during the relevant period, as if—

(a) for subsection (10) there were substituted—

"(10) The date specified in accordance with subsection (9)(a)—

(a) must not be earlier than three months after the date of the service of the notice, and

(b) in a case where the tenancy is a periodic tenancy, must also not be earlier than the date on which the tenancy could, apart from this Part, be brought to an end by notice to quit given by the landlord on the same day as the notice under this section.", and

(b) in subsection (11) for "subsection (10)(a)" there were substituted "subsection (10)(b)".

Flexible tenancies

5 Section 107D of the Housing Act 1985 (recovery of possession on expiry of flexible tenancy) is to be read, in relation to notices given under subsection (4) of that section during the relevant period, as if for "two months' notice" in that subsection there were substituted "three months' notice".

Assured tenancies

6 Section 8 of the Housing Act 1988 (notice of proceedings for possession: assured tenancies) is to be read, in relation to notices served under that section during the relevant period, as if—

(a) in subsection (3A)—

(i) in paragraph (a), for "periodic tenancy," there were substituted "periodic tenancy—

(i) three months after the date on which the notice was served, and

(ii) ", and

(ii) in paragraph (b) for "one month" there were substituted "three months",

(b) in subsection (4) after "earlier than" there were inserted "three months after",

(c) in subsection (4A)(a) for "two months" there were substituted "three months", and

(d) in subsection (4B) for "two weeks" there were substituted "three months".

Assured shorthold tenancies

7 Section 21 of the Housing Act 1988 (recovery of possession on expiry or termination of assured shorthold tenancy) is to be read, in relation to notices given under subsection (1) or (4) of that section during the relevant period, as if—

(a) in subsection (1)(b) for "two months'" there were substituted "three months'",

(b) in subsection (4)(a) for "two months" there were substituted "three months", and

(c) in subsection (4E)(b) for "two months" there were substituted "three months".

Introductory tenancies

8 Section 128 of the Housing Act 1996 (notice of proceedings for possession of a dwelling-house let under an introductory tenancy) is to be read, in relation to notices served under that section during the relevant period, as if—

(a) in subsection (4) the second sentence were omitted, and

(b) after subsection (4) there were inserted—

"(4A) The date specified in accordance with subsection (4)—

(a) must not be earlier than the end of the period of three months beginning with the date on which the notice of proceedings is served, and

(b) must not be earlier than the date on which the tenancy could, apart from this Chapter, be brought to an end by notice to quit given by the landlord on the same date as the notice of proceedings."

Demoted tenancies

9 Section 143E of the Housing Act 1996 (notice of proceedings for possession of a dwelling-house let under a demoted tenancy) is to be read, in relation to notices served under that section during the relevant period, as if for subsection (3) there were substituted—

"(3) The date specified under subsection (2)(c)—

(a) must not be earlier than the end of the period of three months beginning with the date on which the notice of proceedings is served, and

(b) must not be earlier than the date on which the tenancy could (apart from this Chapter) be brought to an end by notice to quit given by the landlord on the same date as the notice of proceedings."

Consequential modifications in relation to prescribed forms

10 (1) Part 1 of the Schedule to the Secure Tenancies (Notices) Regulations 1987 (S.I. 1987/755) (notice of seeking possession) is to be read, in relation to

notices served under section 83 of the Housing Act 1985 during the relevant period, as if—

(a) in the first paragraph 5—

(i) the words "Cross out this paragraph if possession is being sought on Ground 2 of Schedule 2 to the Housing Act 1985 (whether or not possession is also sought on another Ground)" were omitted,

(ii) in the first bullet point, for the words from "the date when" to the end there were substituted "three months from the date this Notice is served and also cannot be earlier than the date on which your tenancy or licence could be brought to an end by notice to quit given by the landlord on the same date as this Notice", and

(iii) in the second bullet point, for "this date" there were substituted "the date in this paragraph", and

(b) the second paragraph 5 were omitted.

(2) Part 2 of the Schedule to the Secure Tenancies (Notices) Regulations 1987 (S.I. 1987/755) (notice of seeking termination of tenancy and recovery of possession) is to be read, in relation to notices served under section 83 of the Housing Act 1985 during the relevant period, as if after paragraph 4 there were inserted—

"5 The Court proceedings for possession will not be begun until after ...

(give the date after which Court proceedings can be brought)

• *Court proceedings cannot be begun until after this date, which cannot be earlier than three months from the date this Notice is served.*

• *After this date, Court proceedings may be begun at once or at any time during the following twelve months. Once the twelve months are up this Notice will lapse and a new Notice must be served before possession can be sought.*"

11 The Schedule to the Assured Tenancies and Agricultural Occupancies (Forms) Regulations 1997 (S.I. 1997/194) (which applies in relation to Wales) is to be read, in relation to notices served under section 8 of the Housing Act 1988 during the relevant period, as if in Form 3 (notice seeking possession of a property let on an assured tenancy or an assured agricultural occupancy), in paragraph 5 (earliest date on which court proceedings can be brought)—

(a) in the first bullet point, for "2 months" there were substituted "3 months",

(b) in the second bullet point—

(i) for "2 weeks" there were substituted "3 months", and

(ii) for "two months" there were substituted "three months", and

(c) in the third bullet point, for the words "before the date this notice is served" there were substituted "earlier than 3 months from the date on which this notice is served".

12 (1) The Schedule to the Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015 (S.I. 2015/620) is to be read, in relation to notices served under section 8 of the Housing Act 1988 during the relevant period, as if in Form 3 (notice seeking possession of a property let on an assured tenancy or an assured agricultural occupancy), in the notes to

paragraph 5 (notes on the earliest date on which court proceedings can be brought)—

(a) in the first bullet point, for "2 months" there were substituted "3 months",

(b) in the second bullet point—

(i) for "2 weeks" there were substituted "3 months", and

(ii) for "two months" there were substituted "three months",

(c) in the third bullet point, for "1 month" there were substituted "3 months", and

(d) in the fourth bullet point, for the words "before the date this notice is served" there were substituted "earlier than 3 months from the date on which this notice is served".

(2) The Schedule to the Assured Tenancies and Agricultural Occupancies (Forms) (England) Regulations 2015 (S.I. 2015/620) is to be read, in relation to notices given under section 21(1) or (4) of the Housing Act 1988 during the relevant period, as if in Form 6A (notice seeking possession of a property let on an assured shorthold tenancy)—

(a) in the section headed "What to do if this notice is served on you", in the second paragraph—

(i) for "two months'" there were substituted "three months'", and

(ii) the words "if you pay rent quarterly, you must be given at least three months' notice, or," were omitted, and

(b) in paragraph 3, for "two months'" there were substituted "three months'".

Power to alter three month notice periods

13 (1) The relevant national authority may by regulations made by statutory instrument amend this Schedule—

(a) to alter a reference to three months in this Schedule into—

(i) a reference to six months, or

(ii) a reference to any other specified period which is less than six months, or

(b) to alter a reference which has been altered by virtue of paragraph (a) or this paragraph (but not so as to result in the reference being to a specified period of more than six months).

(2) Sub-paragraph (1) applies to references in this Schedule whether or not they are contained in text which is to be treated as if inserted or substituted into another enactment.

Regulations under this Schedule

14 (1) Any power to make regulations under this Schedule—

(a) may be exercised more than once,

(b) may be exercised so as to make different provision for different purposes or different areas, and

(c) includes power to make supplementary, incidental, consequential, transitional, transitory or saving provision (including provision modifying enactments or amending this Schedule).

(2) A statutory instrument containing regulations of the Secretary of State under paragraph 1 or 13 is subject to annulment in pursuance of a resolution of either House of Parliament.

(3) A statutory instrument containing regulations of the Welsh Ministers under paragraph 1 or 13 is subject to annulment in pursuance of a resolution of the National Assembly for Wales.