

2023 No. 172

COURT OF SESSION

PROCEEDS OF CRIME

SHERIFF COURT

**The Coronavirus (Recovery and Reform) (Scotland) Act 2022
(Early Expiry of Provisions) Regulations 2023**

Made - - - - - *31st May 2023*

Laid before the Scottish Parliament *2nd June 2023*

Coming into force - - - *3rd July 2023*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 53, 54(1) and 58(1) of the Coronavirus (Recovery and Reform) (Scotland) Act 2022^(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Coronavirus (Recovery and Reform) (Scotland) Act 2022 (Early Expiry of Provisions) Regulations 2023.

(2) They come into force on 3 July 2023.

(3) In these Regulations, “the 2022 Act” means the Coronavirus (Recovery and Reform) (Scotland) Act 2022.

Expiry of provisions of the 2022 Act

2.—(1) 3 July 2023 is specified as the date at the end of which the following provisions of the schedule of the 2022 Act expire for the purposes of the proceedings mentioned in paragraph (2)—

- (a) paragraph 6 (suspension of requirement for physical attendance in non-criminal proceedings: criminal trials and certain processes),
- (b) paragraphs 8 and 9 (attending by electronic means: directions),
- (c) paragraphs 10(c) and (d) (publication of directions and guidance),
- (d) paragraph 11(1) (transitional provision for directions under earlier enactment) to the extent it relates to paragraphs 6(2), (4) and 8(1),
- (e) paragraph 11(2) (transitional provision for general directions under earlier enactment) to the extent it relates to paragraph 9(1)(a),

(a) 2022 asp 8.

- (f) paragraph 12 (interpretation of Part), for the purposes of paragraphs 6, 8 and 9.
- (2) The proceedings are those non-criminal proceedings—
 - (a) in the Court of Session,
 - (b) raised under the Ordinary Cause Rules 1993(a).
- (3) 3 July 2023 is specified as the date at the end of which paragraph 24 (making of confiscation order: postponement due to coronavirus) of the schedule of the 2022 Act expires.

Directions of the court or tribunal to continue in force

- 3.**—(1) Any direction which is in effect immediately before 4 July 2023—
 - (a) in respect of proceedings mentioned in regulation 2(2), and
 - (b) which concerns a hearing fixed before that date which is to take place on or after it,remains in effect on or after that date for the purpose of that hearing.
- (2) In this regulation, “direction” means—
 - (a) any direction issued under paragraph 6(2) or (4), paragraph 8 or paragraph 9 of the schedule of the 2022 Act, or
 - (b) any direction treated as though it were issued under one of those paragraphs by virtue of paragraph 11 of that schedule.

Decision to postpone or extension to postpone proceedings to continue in force

- 4.** Any decision of the court, made by reference to provisions as modified by paragraph 24 of the schedule of the 2022 Act, which is in effect immediately before 4 July 2023, remains in effect on or after that date.

St Andrew’s House,
Edinburgh
31st May 2023

SIOBHIAN BROWN
Authorised to sign by the Scottish Ministers

(a) The Ordinary Cause Rules 1993 are in schedule 1 of the Sheriff Courts (Scotland) Act 1907 (c. 51). Schedule 1 was substituted by S.I. 1993/1956 and last amended by S.S.I. 2022/329.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations partially expire paragraphs 6, 8 and 9 of the schedule of the Coronavirus (Recovery and Reform) (Scotland) Act 2022. Those provisions introduced temporary justice measures concerning the modes of attendance at courts and tribunals.

These Regulations also fully expire paragraph 24 of that schedule which modified section 99 of the Proceeds of Crime Act 2002 to put beyond doubt that “exceptional circumstances” in relation to the court’s power to postpone proceedings for making a confiscation order beyond the end of the permitted period included the effect (direct or indirect) of coronavirus on the proceedings.

Paragraphs 6, 8 and 9 are no longer required as the Court of Session is making court rules by Act of Sederunt to regulate the modes of attendance in court proceedings in the Court of Session and those subject to the Ordinary Cause Rules 1993 in the sheriff court. Those court rules will come into force on the same date as the expiry of the provisions repealed by these Regulations.

The provisions therefore expire only for the purpose of non-criminal proceedings in the Court of Session and those subject to the Ordinary Cause Rules 1993.

Saving provision is made so that any directions made by the court in proceedings in the Court of Session and those subject to the Ordinary Cause Rules 1993 continue to have effect in relation to hearings which are to take place on and after the date the relevant provisions are expired.

Saving provision is also made so that any decision of the court to extend a period of postponement under section 99 of the Proceeds of Crime Act 2022 continues to have effect after the date the relevant provisions are expired.

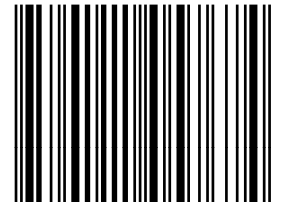
© Crown copyright 2023

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, the King’s Printer for Scotland.

£4.90

<http://www.legislation.gov.uk/id/ssi/2023/172>

ISBN 978-0-11-105767-4



9 780111 057674