

Coronavirus Bill passed at Holyrood

The Scottish Parliament has today unanimously supported new emergency powers which they say are intended to help protect the public, maintain essential public services and support the economy during the coronavirus outbreak.

Parliament is now in recess, and will not meet again for two weeks unless there are exceptional circumstances.

The Coronavirus (Scotland) Bill adjusts the law on evictions to protect people renting their homes in the private and social sector.

Mike Russell, The Cabinet Secretary for the Constitution, Europe and External Affairs, introduced the emergency legislation: "Our laws need to change for a while in response to the coronavirus crisis. We took the first step last week, when the Parliament gave its consent to the United Kingdom bill that is now the Coronavirus Act 2020. We have further work to do today and we will have further work to do in the weeks ahead.

"The Coronavirus (Scotland) Bill will make changes to Scotland's laws across a wide range of subject areas. It will, I imagine, be the only piece of legislation that any of us will consider that amends both the Anatomy Act 1984 and the Freedom of Information (Scotland) Act 2002.

"The bill provides essential and practical help. It will help people who are in difficulty because of Covid-19 to keep a

roof over their heads, and it will help people who are struggling with debt. However, the bill also makes dramatic changes to our laws that many of us will find uncomfortable and challenging. I do not shirk from that. I find them very difficult, too, but I am satisfied that they are necessary and proportionate given the scale of the challenge that we face.

“The changes that the bill makes are far reaching, but they will not be for ever. Unless the Parliament’s approval is obtained for an extension, the provisions of the bill will expire on 30 September 2020. That date is written into the bill. Parliament can extend that period for two six-month periods if it chooses to do so, but the changes in the bill will not remain in place beyond 30 September 2021.”

The Bill delivers new provisions that are designed to ensure businesses, consumers and public services continue to operate effectively and makes necessary adjustments to the criminal justice system to ensure essential services continue.

But provisions relating to the removal of juries from criminal trials were scrapped before the bill was debated. A further emergency bill will be brought back to Holyrood on 21 April. At that point Justice Secretary Humza Yousaf promise: “We will bring emergency legislation for debate on the next due sitting day here, which is 21 April. We will also aim to bring forward draft regulations to implement the legislation at that time.

“I ask all members to accept that offer, which seeks to take us forward together, as we must move at this incredibly difficult time. Whatever measure is brought forward, I reiterate that what is proposed will be temporary. After we get through the pandemic, we will of course return to trial by jury.”

Lord Carloway who is Scotland’s Lord Justice-General said the suspension of jury trials could overwhelm the judicial system. But other lawyers hit out at the proposals, saying this would

overturn the principles on which Scottish criminal law is based.

John Mulholland, President of the Law Society of Scotland, responded: "I am reassured that the Scottish Government has listened to the concerns raised by the Law Society on behalf of our members about the possibility of allowing trials to take place without a jury in the most serious of cases. I would like to thank all our members who took the time to provide their views on this fundamental issue. We look forward to engaging positively with the Scottish Government and partners as they investigate practical ways to ensure that justice can continue to be carried out effectively during the outbreak."

Changes to Freedom of Information legislation, which were challenged by a response from the Scottish Information Commissioner, were amended by the Minister for Europe and International Development, Jenny Gilruth. The Minister said she was responding to the Scottish Information Commissioner's request.

People and some small businesses who are unable to repay debts due to the outbreak will be able to apply for a six-month 'breathing space' period. This will allow them to seek money advice and find long-term solutions to repay debts.

Licensing authorities will be allowed to extend the deadlines for licence applications that allow the sale and supply of alcohol, and taxi and private hire. This flexibility will help to minimise the risk of losing current licensing rights due during the outbreak.

Constitution Secretary Michael Russell said: "Scotland is facing an unprecedented situation. This emergency Bill delivers necessary powers that will allow us to prioritise tackling the coronavirus pandemic.

"People across the country have responded magnificently as we

work together to save lives. It is in that spirit of co-operation and consensus that we have worked across Parliament to pass these vital – time-limited – measures,

“By unanimously passing this Bill the Parliament has ensured practical help will be given to many businesses and to people struggling financially because of the crisis.

“The Scottish Government will continue to engage across parties to help the country get through this most testing of times. In particular we must have a criminal justice system that can operate effectively while treating all those involved, including victims, fairly.”

The bill was both introduced and passed today with fewer MSPs in the Chamber than normal to allow for social distancing. This legislation will run alongside the UK legislation which was passed last week and which MSPs consented to.

This includes the powers given to police to enforce the lockdown.