

COVID-19 Recovery Committee

10th Meeting, 2022 (Session 6), Thursday
24 March 2022

Coronavirus (Recovery and Reform) (Scotland) Bill - Stage 1 scrutiny

Introduction

1. At this meeting, the Committee will take evidence on the public services reform provisions in Part 3 of the Coronavirus (Recovery and Reform) (Scotland) Bill at Stage 1 and will focus on the remote delivery of public services where these are enabled by the Bill. The Committee will hear from the following witnesses—

- Adam Stachura, Head of Policy and Communications, Age Scotland
- Douglas Hendry, Executive Director, Argyll and Bute Council
- Fiona Blair, President, Association of Registrars of Scotland
- Mairi Millar, Head of Licensing and Democratic Services, Glasgow City Council
- David McNeill, Director of Development, Scottish Council for Voluntary Organisations (SCVO)

2. The Committee has received a written submission from the Association of Registrars of Scotland, which is attached in **Annexe A**.

The Bill

3. The [Coronavirus \(Recovery and Reform\) \(Scotland\) Bill](#) is a Scottish Government bill that was introduced on Tuesday, 25 January 2022 by John Swinney, Deputy First Minister and Cabinet Secretary for COVID Recovery. The Bill was accompanied by a [Policy Memorandum](#) (PM), [Explanatory Notes](#) (EN), and a [Financial Memorandum](#) (FM). The Scottish Government also published the following impact assessments—

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

- [Coronavirus \(Recovery and Reform\) \(Scotland\) Bill: child rights and wellbeing impact assessment](#)
- [Coronavirus \(Recovery and Reform\) \(Scotland\) Bill: equalities impact assessment](#)
- [Coronavirus \(Recovery and Reform\) \(Scotland\) Bill: fairer Scotland duty impact assessment](#)
- [Coronavirus \(Recovery and Reform\) \(Scotland\) Bill: island communities impact assessment](#)

4. The Bill will make permanent some of the time-limited reforms to the delivery of public services that were introduced in response to the COVID-19 pandemic and extends others. The Bill also contains some new provisions, such as those relating to the registration of live births (Clause 18) and the Register of Inhibitions (Clause 25), which the Scottish Government considers are complimentary to the Bill’s overall purpose.

5. The Scottish Government consulted on the proposals in its consultation paper entitled “[Covid recovery: a consultation on public health, public services and justice system reforms](#)”, which was open from 17 August 2021 to 9 November 2021.¹

6. The Policy Memorandum states that the purpose of the Bill is—

“to embed reforms in Scotland’s public services and justice system that, though necessitated by the Covid pandemic, have delivered improvements for service users and improved efficiency. The Bill will also help build resilience against future public health threats. Furthermore, the Bill will continue certain temporary justice system provisions on a longer extension basis as part of the Recover, Renew, Transform (“RRT”²) programme and as a response to the impact of Covid on Scotland’s justice system, most particularly where backlogs have unavoidably built up.”²

6. The Bill is divided into 6 Parts, as follows—

- Part 1: Public health protections (clauses 1 – 4)
- Part 2: Education (clauses 5 – 14)
- Part 3: Public service reform (clauses 15 – 32)
- Part 4: Tenancies (clauses 33 – 37)
- Part 5: Temporary justice measures (clauses 38 – 44)
- Part 6: Final provisions (clauses 45 – 47)

7. This Bill therefore covers a range of policy areas—

- alcohol licensing
- bankruptcy
- civic licensing
- courts, tribunals and parole boards
- criminal justice and proceeds of crime

¹ <https://consult.gov.scot/constitution-and-cabinet/covid-recovery/>.

² Coronavirus (Recovery and Reform) (Scotland) Bill, Policy Memorandum, page 1

- education (powers to close educational establishments and ensure continuity of education)
- freedom of information
- legal aid
- named persons nomination
- public health
- registration of deaths, still-births and live births
- tenancies and evictions
- vaccinations and immunisations

8. The Scottish Parliament’s Information Centre (SPICe) has published a [bill briefing](#) on aspects relating to public health, education and the delivery of other public services. This is one of two SPICe briefings on the Bill.

Committee scrutiny

9. As the provisions in the Bill cover a wide range of policy areas, 4 committees are involved in the Stage 1 scrutiny of this Bill. The COVID-19 Recovery Committee is the lead committee on the Bill.³ The Criminal Justice Committee has been designated as a secondary committee and will be considering the civil and criminal justice matters covered in Parts 3 and 5 of the Bill. The Local Government, Housing and Planning Committee has also been designated as a secondary committee and will consider the tenancies provisions included in Part 4 of the Bill. The Education, Children and Young People Committee has an interest in Part 2 of the Bill. Those committees will report to this Committee.

10. To ensure a joined-up approach to scrutiny, the committees issued a joint [call for views](#), which included the option of completing a short survey or a detailed response option. The short survey closed on 18 March 2022 and received 3,926 responses. The detailed response option for the call for views closed on 25 February 2022 and the submissions received have been [published](#).

Next steps

11. The Committee will continue to take evidence on the Bill at its meeting 31 March 2022. The Committee expects to publish its report before the Stage 1 deadline on 12 May 2022.

Committee Clerks March 2022

³ [S6M-03035](#) – Designation of lead Committee.

ANNEXE A

Association of Registrars of Scotland's written submission

Association of Registrars of Scotland has been representing Scottish Local Authority Registrars since 1865 and is one of the oldest established Professional Associations within Local Authorities and is certainly the oldest Registrars Association in Europe. It provides a valuable networking group for Registrars and Assistant Registrars. As an Association we are very pro-active in contributing towards a workable and customer friendly registration system.

Registration of deaths (Part 3, Clauses 19-20)

The Association of Registrars of Scotland would like to raise an issue with a funeral director providing the particulars of a death to the local authority registrar.

Due to the information that we require, in order to register a death, we feel that funeral directors may not have access to full information about the deceased. On the occasions that we have had to accept a funeral director as an informant, families often contact us to correct registration information after the death has been registered, thus causing more distress for the family and requiring additional resources from registrars in order to correct the entry.

We are also concerned that some Funeral Directors may charge clients an additional fee for providing this service.

Normally a death will be registered on the information of a relative of the deceased, as they are more likely to have full and accurate information about the deceased. However, it may occasionally have to be registered on the information of another qualified informant.

Qualified Informants should remain as:

1. Any relative of the deceased.
2. Any person present at the death.
3. The deceased's executor or other legal representative.
4. The occupier of the premises where the death took place.

Funeral Directors should be only considered when a Qualified Informant cannot register the death as: Any other person having knowledge of the particulars to be registered may register the death.