

# Revised Two Monthly Report on the status on the non-devolved provisions of the Coronavirus Act 2020: September 2021

Presented to Parliament pursuant to section 97(8)  
of the Coronavirus Act 2020



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## Amendments made to the Ninth Two-Monthly Status Report on the Coronavirus Act

The ninth two-monthly status report, laid in Parliament on 22 September 2021, contained errors regarding the indemnity arrangements provided for under section 11 of the Coronavirus Act.

Section 11 was introduced to ensure any gaps in indemnity cover for NHS clinical negligence would not delay or prevent care during the pandemic. The previous version of this report mistakenly read that, those working on the vaccination programme in NHS settings are also covered under arrangements provided for by section 11. However, these workers are covered by other indemnity arrangements, and not by the powers under section 11.

This table sets out these changes, with the bold text representing the changes from the previous version.

Report and page number	Original Text	Revised Text
Ninth Report (page 14)	Section 11 was introduced to ensure any gaps in indemnity cover for NHS clinical negligence would not delay or prevent care during the pandemic. Without extra indemnity cover, novel and emerging treatments and flexible approaches could not have gone ahead. Section 11 continues to allow the Government to fill these gaps and move quickly to respond to the pandemic. Section 11 also provides reassurance to patients that they will have a route of redress should they suffer harm while receiving care related to Covid-19 and to clinicians, <b>including those working on the vaccination programme in NHS settings</b> , so they do not need to worry about indemnity arrangements. As per section 89 of the Act, section 11 is not a temporary provision and so is not subject to the renewal vote.	Section 11 was introduced to ensure any gaps in indemnity cover for NHS clinical negligence would not delay or prevent care during the pandemic. Without extra indemnity cover, novel and emerging treatments and flexible approaches could not have gone ahead. Section 11 continues to allow the Government to fill these gaps and move quickly to respond to the pandemic. Section 11 also provides reassurance to patients that they will have a route of redress should they suffer harm while receiving care related to Covid-19 and to clinicians, so they do not need to worry about indemnity arrangements. As per section 89 of the Act, section 11 is not a temporary provision and so is not subject to the renewal vote.
Ninth Report (pages 22-24)  [NB - The removal of this section in the status table is for completeness to avoid any confusion with	As per section 89 of the Act, section 11 is not temporary and therefore not subject to the renewal vote or sunset date of the Act.  Section 11 was introduced to ensure any gaps in indemnity cover for NHS clinical negligence would not delay or prevent care during the pandemic. More broadly, section 11 was intended to remove indemnity as a potential blocker to new ways of working that might be needed as part of the response to the pandemic – providing reassurance to clinicians.	As per section 89 of the Act, section 11 is not temporary and therefore not subject to the renewal vote or sunset date of the Act.  Section 11 was introduced to ensure any gaps in indemnity cover for NHS clinical negligence would not delay or prevent care during the pandemic. More broadly, section 11 was intended to remove indemnity as a potential blocker to new ways of working that might be needed as part of the response to the pandemic – providing reassurance to clinicians.

<p>reference to the vaccination programme.]</p>	<p>Throughout the pandemic, a range of special/novel healthcare arrangements have relied on indemnities provided under section 11. Section 11 is only required where there are gaps in existing indemnity cover. Some examples include:</p> <ul style="list-style-type: none"> <li>• NHS England/Improvement's contracts with independent sector providers for extra capacity, which were crucial for increasing NHS capacity;</li> <li>• Covid-19 testing contracts, which underpin Pillar 2 of the testing programme, are also enabled by the measures;</li> <li>• regular lateral flow testing of asymptomatic staff is being conducted to maintain NHS capacity. These tests are sometimes administered by other staff. As peer to peer testing in primary care is not covered by standard indemnity arrangements; and</li> <li>• where pharmacy and dental staff have been asked to work outside their usual practice to maintain service coverage during lockdown.</li> </ul> <p>Without extra indemnity cover, these arrangements could not go ahead. <b>Section 11 has allowed government to fill these gaps and move quickly to respond to the pandemic.</b></p> <p><b>More broadly, clinicians are reassured that they do not need to worry about indemnity when asked to support the pandemic response. In April 2020, DHSC, NHS England/ Improvement and NHS Resolution jointly wrote to all NHS clinicians to provide reassurance that they would be covered for clinical negligence incidents if they had to work in different ways or locations. A similar letter was also sent in December 2020, in relation to the vaccination programme.</b></p> <p>Section 11 has allowed new ways of working to be established quickly during the pandemic. Without section 11, complex work to establish bespoke indemnity arrangements for each situation would have been required. Should this not have been possible, the services could not have proceeded. Section 11 provides</p>	<p>Throughout the pandemic, a range of special/novel healthcare arrangements have relied on indemnities provided under section 11. Section 11 is only required where there are gaps in existing indemnity cover. Some examples include:</p> <ul style="list-style-type: none"> <li>• NHS England/Improvement's contracts with independent sector providers for extra capacity, which were crucial for increasing NHS capacity;</li> <li>• Covid-19 testing contracts, which underpin Pillar 2 of the testing programme, are also enabled by the measures;</li> <li>• regular lateral flow testing of asymptomatic staff is being conducted to maintain NHS capacity. These tests are sometimes administered by other staff. As peer to peer testing in primary care is not covered by standard indemnity arrangements; and</li> <li>• where pharmacy and dental staff have been asked to work outside their usual practice to maintain service coverage during lockdown.</li> </ul> <p>Without extra indemnity cover, these arrangements could not go ahead.</p> <p>Section 11 has allowed new ways of working to be established quickly during the pandemic. Without section 11, complex work to establish bespoke indemnity arrangements for each situation would have been required. Should this not have been possible, the services could not have proceeded. Section 11 provides reassurance to staff that they will be covered for any clinical negligence claims in relation to health services provided in response to the pandemic, even where their existing arrangements would be insufficient. Section 11 also provides reassurance to patients that they will have a route of redress should they suffer harm.</p> <p>The section 11 powers must remain in place to allow claims covered by the indemnities provided to be handled, and</p>
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	<p>reassurance to staff that they will be covered for any clinical negligence claims in relation to health services provided in response to the pandemic, even where their existing arrangements would be insufficient. Section 11 also provides reassurance to patients that they will have a route of redress should they suffer harm.</p> <p>The section 11 powers must remain in place to allow claims covered by the indemnities provided to be handled, and for continuation of the range of services that it currently enables, as well as new arrangements that it may be required to enable in future. For this reason, the section 11 powers are excluded from the Act's expiry provisions.</p>	<p>for continuation of the range of services that it currently enables, as well as new arrangements that it may be required to enable in future. For this reason, the section 11 powers are excluded from the Act's expiry provisions.</p>
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## Introduction

The Coronavirus pandemic has had a profound impact on the lives of everyone in the UK, affecting all parts of society, public services and the economy. Following the move to Step 4 of the Government's Roadmap, we are now learning how to live with virus whilst continuing to support the NHS.

On Monday 19 July 2021, England moved to Step 4 of the Government's Roadmap. The majority of legal restrictions were removed. This was an enormous boost to the country. All remaining businesses were able to reopen, including nightclubs, and hospitality venues no longer required table service or physical distancing. Various legal restrictions were lifted, including all gathering limits and mandatory wearing of face coverings, with many moving into guidance instead. However, the pandemic is global in nature and the threat from Covid-19 has not disappeared.

The Government published the [COVID:19 Response: Autumn and Winter Plan](#) on 14 September 2021, which set out the plan to sustain the progress made and prepare the country for future challenges, while ensuring the NHS does not come under unsustainable pressure. The Government has set out five principles for achieving this:

- **Building our defences through pharmaceutical interventions:** vaccines, antivirals and disease modifying therapeutics.
- **Identifying positive cases to limit transmission:** Test, Trace and Isolate.
- **Supporting the NHS and social care:** managing pressures and recovering services.
- **Advising people on how to protect themselves and others:** clear guidance and communications.
- **Pursuing an international approach:** helping to vaccinate the world and managing risks at the border.

If the data suggests the NHS will come under unsustainable pressure, the Government has set out a Plan B. Although the intention is that Plan B is not implemented, the Government

has set out details in the COVID-19 Response - Autumn and Winter Plan 2021<sup>1</sup> so that the public and businesses have a clearer idea of what to expect if further measures prove necessary.

- The pandemic is not over. The last 18 months have taught us to be humble in the face of nature and it remains hard to predict with certainty what course the virus will take. The Government will continue to monitor the data on a regular basis to inform decisions that will protect the public and ensure the NHS is not put under unsustainable pressure. It remains important for everyone, including those who are fully vaccinated, to follow behaviours and actions that reduce transmission and help to keep people safe. Following the recommended actions will also help limit the spread of seasonal illnesses, including influenza.
- The Government is already taking steps to ensure that the UK has the best protection available from vaccines beyond this autumn and winter. The Vaccines Task Force has procured vaccines to run further booster programmes in autumn 2022 if necessary and will continue to look to future deployment needs.

## **The Government's Response to Covid-19**

The Government's response to the pandemic has required use of existing tools, such as the Public Health (Control of Disease) Act 1984 ("the Public Health Act"), and the rapid development of new legislation, particularly the Coronavirus Act 2020 ("the Act"). This has given the Government the ability to tackle the public health threat and develop a broader package of support for people, businesses, and public services. Whilst the Public Health Act contains the tools to respond to a public health risk, it does not provide the ability to mount the full-scale response required for this pandemic. As well as efforts to tackle the health impacts of the virus, it was critical that action was taken to support individuals, businesses, and the economy. The capacity and resilience of the health and care systems needed to be shored up and the continued delivery of essential public services had to be protected. The Act has allowed the Government to deliver these goals.

The Government's approach has evolved following the success of the vaccine rollout and the promising data on hospitalisations. Throughout the pandemic, the Act has played an important role in boosting NHS capacity, providing financial support to people and businesses, and enabling other essential public services to function.

However, the Government has been clear that it will seek to expire the temporary provisions in the Act early, when appropriate to do so. This was reflected in the one-year review of the Act in which the Government proposed the permanent expiry of twelve non-devolved provisions and the suspension of three further provisions. Regulations to suspend<sup>2</sup> these provisions were made on 20 April 2021 and came into force the following day, 21 April. The

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<sup>1</sup> [COVID-19 Response: Autumn and Winter Plan 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97111/COVID-19_Response_Autumn_and_Winter_Plan_2021.pdf)

<sup>2</sup> [The Coronavirus Act 2020 \(Suspension: Temporary Judicial Commissioners, Urgent Warrants, and Disposal of Bodies\) Regulations 2021](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97111/COVID-19_Response_Autumn_and_Winter_Plan_2021.pdf)



expiry regulations<sup>3</sup> were laid on 21 April 2021 and came into force on 16 July 2021 once considered and passed by Parliament.

The Government has undertaken a thorough six-month review of the Act and its temporary provisions. Excellent progress has been made in several areas and this report sets out the detail of this review, ahead of the House of Commons considering a motion in October to renew the temporary provisions of the Act. Throughout the pandemic, the Government has been clear that measures will not be in place any longer than absolutely necessary. We intend to expire a number of powers in the Act; a significant landmark in our progress in tackling the virus.

Any remaining temporary powers in the Coronavirus Act are due to expire at the end of 24 March 2022. In the spring, the Government will review this legislation and the other remaining regulations and measures and decide whether any need to remain in place.

### **What the Act was Designed to Achieve**

Most of the provisions within the Act are facilitative and enabling, providing support throughout the pandemic to the NHS, individuals, and businesses, and will continue to do so into the recovery period. Since its inception, the Act has ensured that the NHS had the capacity to deal with the peak of the virus by allowing the temporary registration of over 14,000 nurses and other healthcare professionals. It has also protected critical societal functions and ensured that they were still able to continue, such as enabling 14,000 hearings per week to take place using remote technology across 3,200 virtual court rooms. The Act has meant that we were able to ensure effective support packages such as the Coronavirus Job Retention Scheme and Self-Employed Income Support Scheme were in place for people and businesses alike.

To achieve the aim effectively of tackling the pandemic, the Act enables action in 5 key areas:

1. **increasing the available health and social care workforce:** the Act removes barriers to allow suitably experienced people to be part of the workforce during this period (such as recently retired NHS staff and social workers returning to work, including in Scotland);
2. **easing and reacting to the burden on frontline staff:** the Act strives to reduce the number of administrative tasks frontline staff have to perform, so that actions can be focussed where most needed and public services maintained;
3. **supporting people:** provisions of the Act make it easier for people and businesses impacted by Covid-19 to access financial support when they need it;
4. **containing and slowing the virus:** provisions of the Act facilitate actions to promote social distancing and mitigate spread, including preventing gatherings of people and closing schools, and encouraging people to self-isolate by making Statutory Sick Pay (SSP) payable from day 1; and,
5. **Managing the deceased with respect and dignity:** The Act enables the death management system to deal with increased demand for its services.

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<sup>3</sup> [The Coronavirus Act 2020 \(Early Expiry\) Regulations 2021](#)

The Act remains important for this next phase of the pandemic and recovery. To repeal the Act in its entirety, without regard for the current state of the pandemic, would risk undermining these essential support mechanisms.

Since the Act's inception, the Government has identified some provisions which have supported public services, and which may be beneficial to retain permanently via separate legislation. These powers minimised disruption to important public services throughout the pandemic and will benefit longer-term reform. This includes section 30 of the Act, which allows the suspension of inquests without a jury where Covid-19 is suspected as the cause of death, which the Government is seeking to make permanent through the Judicial Review and Courts Bill; and sections 53-55 enabling virtual court hearings, which have been incorporated into the Police, Crime, Sentencing and Courts Bill. Expiring such provisions before primary legislation is passed to put them on a sustainable basis would be inefficient and risk denying some easy access to certain public services. Retaining powers in the Act in the short term will allow these supportive provisions to continue whilst Parliament scrutinises any legislation that puts these powers on a more permanent footing.

### **Reporting and Accountability Arrangements for the Coronavirus Act**

The Government recognises the vital importance of Parliamentary scrutiny and has built in checks and balances on the use of the Act. Therefore, Part 2 of the Act also includes various arrangements to facilitate accountability and transparency over the use of powers set out in Part 1.

The Act requires that the temporary, non-devolved provisions be subject to a six-monthly review and renewal vote in the House of Commons. This gives Parliament the opportunity to debate the relevant provisions in detail and consider their continued application based on the latest evidence. To date, two six-monthly reviews have taken place, in September 2020 and then in March 2021. On both occasions, Parliament voted to renew the temporary, non-devolved provisions in the Act. This report provides the detail of our latest six-month review of the Act. This will support the next debate and renewal vote in the House of Commons in October 2021. Other accountability measures include an annual debate, which took place on 25 March 2021, alongside the second six-month review.

The Secretary of State for Health and Social Care is required to prepare and publish a report on the status of the main non-devolved provisions in the Act relating to every two-month period during the operation of the Act. The report must set out for each of the provisions: (a) whether it is in force at the end of each two-month period, and (b) whether Ministers have, during that period, exercised powers under the Act to change the status of any provisions. This report is the ninth such report and provides the outcome of the six-month review of the Act.

While there is the legal obligation to report on the non-devolved provisions of the Act, under Part 2, there is not the same obligation for devolved matters. Each Devolved Administration has its own arrangements for reporting on these, and on other powers within their legislative competence for tackling the pandemic. For example, the Scottish Government publish a report on the use of the emergency powers contained within the Act and the Coronavirus (Scotland)

Act 2020 every two months. However, as the Act contains powers which relate to each nation, extensive engagement has taken place with the Devolved Administrations on the approach.

### **Mechanism to Change the Status of Provisions**

The Government has always sought to balance the need to be able to respond effectively to the pandemic with a commitment to maintain powers for the shortest possible time and expire provisions which are no longer proportionate.

Under section 88 of the Act, many of the provisions contained within the Act can be suspended if the scientific advice is that they are not needed for the time being. They can then be revived again if that advice changes. This allows Government to be cautious on the approach they take towards the provisions as the evidence and data changes. Section 22, section 23, and parts 2 and 3 of section 58 (Schedule 28) of the Act were suspended on 21 April 2021.

The expiry date of the temporary provisions can also be altered using section 90 of the Act. Under section 90(1) the powers can be permanently expired earlier than the automatic sunset date. This is done using the draft affirmative procedure, and so again is subject to a debate in the House of Commons before coming into force. Section 90 was used to expire the Mental Health provisions under section 10 of the Act (in relation to England) in December 2020 and twelve provisions following the one-year review of the Act (see table at the end of this document for more detail on what has been expired previously).

### **Six-Month Review**

As part of the latest six-month review of the Act, the Government has conducted an in-depth assessment of the 27-remaining temporary, non-devolved provisions in the Act. In keeping with the commitment to only retain provisions in force so long as they are necessary and proportionate, the review has concluded that seven provisions should be expired. Subject to approval of the six-month review motion at the House of Commons in October, it is the Government's intention to bring forward regulations after recess seeking the expiry of the following provisions in England, unless otherwise specified:

- **Section 23 (reserved power applying to whole of UK): Time limits in relation to urgent warrants etc under Investigatory Powers Act**

This power enables the time allowed for urgent warrants to be reviewed by a Judicial Commissioner and how long they can last before they need to be renewed to be varied. It is not envisaged that this power will be required at this stage in the pandemic and therefore the intention is to expire it following the review.

- **Section 37 (Schedule 16): Temporary closure of educational institutions and childcare premises**

This provision gives powers to direct the temporary closure of a school, further or higher education institution, or registered childcare provider, or restrict access to them, where tests in the Act are met. As the Secretary of State has not used these powers and instead, to date, has relied on guidance to limit attendance at education settings, the intention is to expire them following the review.

- Section 51 (Schedule 21): Powers relating to potentially infectious persons**

These powers provide Public Health Officers (PHOs), who are public health professionals designated for these purposes by the Secretary of State or relevant ministers in the devolved administrations, with powers to control the spread of Covid-19 in the UK. These powers have only been used 10 times, and not since October 2020. Alternative legislative powers exist under Part 2A of the Public Health Act, which act as a justifiable and legitimate deterrent to non-compliance. Public Health England were consulted in making this decision. The Government's assessment is the benefit of retaining the measures set out in Schedule 21 of the Act is low at this stage in the pandemic. The intention is to expire the powers following the review.
- Section 52 (Schedule 22): Powers to issue directions relating to events, gatherings, and premises**

These provisions give the Secretary of State the power to prohibit or restrict events and gatherings, and to close premises, if the public health situation should require such actions. To date, most legal restrictions have been achieved under the Public Health Act, and so these powers have not been required. As such, Government feels it would be disproportionate to retain these powers and the intention is to expire them following the review.
- Section 56 (Schedule 26): Live links in magistrates' court appeals against requirements or restrictions imposed on a potentially infectious person**

This power allows for appeals to Magistrates' Courts against restrictions or requirements on potentially infected persons to be heard by live link unless the court directs otherwise. The court may, for example, direct that one or more parties should not participate by video link, or that they may participate by telephone if that is in the interests of justice. To date this power has not been used and the intention is to expire it following the review.
- Section 77 (reserved power applying to whole of UK): Uprating of working tax credits etc.**

This power allowed for the rate of Working Tax Credit to be increased by an additional £1,045 a year above the rate of £1,995 previously announced in a Written Ministerial Statement on 4 November 2019 ([HCWS75](#)), to £3,040 a year for 2020/2021. However, as this power was time-limited to the 2020/21 tax year, it has now served its purpose and the intention is to expire this power following the review.
- Section 78: Local Authority Meetings.**

This provision enabled all local authority meetings held before 7 May 2021 to be held remotely, including allowing remote access by members of the public, and it removed the requirement for local authorities to hold a 2020 annual meeting. As the power was time-limited until 7 May 2021 and no longer operable, the intention is that provision will be expired from the Act.

The Government also intends to expire parts of Schedule 17 (section 38). Part of this power allows the Secretary of State to disapply or modify specified existing requirements or restrictions contained in education and childcare legislation when tests in the Act have been met. Having reviewed the use of the notices and the requirements needed for the Department for Education's Contingency Framework we are now able to remove 19 of the possible 29 provisions which could be modified or disapplied via a notice. These provisions are:

- Section 43 of the Children and Families Act 2014
- Section 44(1) of the Children and Families Act 2014
- Children and Families Act 2014 section 42
- Section 512(3)(b) and (c)(ii) of the Education Act 1996
- Education Act 1996 sections 512 to 512ZB
- Education Act 2005 section 13(2)(b)
- Section 87 School Standards and Framework Act 1998 (SSFA)
- Section 88D School Standards and Framework Act 1998
- Section 99 of the School Standards and Framework Act 1998
- Education Act 1996 sections 508A to 508F
- Education Act 1996 section 14
- Education and Skills Act 2008 section 124(2)
- Education and Skills Act 2008 section 125(2)
- The Further and Higher Education Act 1992 section 44
- The Further and Higher Education Act 1992 section 51A
- Education Act 1996 sections 15ZA to 15ZC
- Childcare Act 2006 sections 7 and 7A
- Childcare Act 2006 Section 12
- School Standards and Framework Act 1998 section 70

The provisions that are being retained in Schedule 17 are required for mobilising policies in line with the Contingency Framework, to ensure relevant protections to individuals and the sector.

### Suspended Provisions

The Government also intends to make regulations after recess which will suspend the following provision. Section 22, which was suspended following the one-year review, will remain suspended.

- **Parts 1, 4 and 5 of Schedule 28, section 58: Powers in relation to transportation, storage, and disposal of dead bodies etc**

The provisions under Schedule 28 were introduced to support the death management system if difficulties arose as a result of the pandemic. There are several death management provisions, covering information about capacity and powers to direct local authorities, as well as directions to address lack of capacity. They serve as a contingency power for the NHS in managing the deceased. Parts 2 and 3 (powers of direction) of this Schedule were suspended on 21 April 2021. The recommendation

from the six-month review is that it is now appropriate for the entire section to be suspended, meaning parts 1, 4 and 5 of this power will also be suspended.

In addition, the Government laid a Statutory Instrument<sup>4</sup> on 8 September in relation to Schedule 29 (section 81) (Residential tenancies: England and Wales: Protection from eviction). This SI returns notice periods for residential tenancies in England to the pre-COVID lengths from 1 October 2021 whilst retaining the ability to reapply longer notice periods until 25 March 2022 as a backstop, should the future public health situation warrant a further extension. This does not change the position that notice periods should return to their pre-COVID lengths from 1 October 2021.. However, the Government remains mindful of the need to be able to act rapidly should a future public health situation warrant the reintroduction of longer notice periods to protect renters. As such, the Government has retained the power under the Act to introduce longer notice periods as a contingency until 25 March 2022. This is to ensure that the Government can swiftly reintroduce longer notice periods as a contingency measure without new primary legislation.

### **The Impact of the Act**

It has been assessed that the remaining temporary non-devolved provisions, recommended for retention, continue to enable action in the five key areas outlined above. They, therefore, help to achieve a balance between the Government's social and economic priorities while preserving the health and safety of the country.

### **Increasing the available health and social care workforce**

Protecting the NHS has been at the forefront of the Government's response over the course of the pandemic to ensure the best possible level of care is provided to those most in need. Despite the unprecedented challenges and pressures on the NHS throughout the pandemic, the needs of people have continued to be met, in part, thanks to the workforce the Act has helped support.

The powers under section 2 of the Act have enabled the Nursing and Midwifery Council (NMC) to temporarily register nurses, midwives and, in England, nursing associates. They also enable the Health and Care Professions Council (HCPC) to temporarily register paramedics, operating department practitioners, radiographers, and other professionals. As of 7 September 2021, both the NMC and the HCPC had over 14,000 registrants on their respective emergency registers. We also know that, at a national level, circa 4,000 healthcare professionals are employed on the basis of temporary registration based on data from the Bring Back Staff scheme run by NHS England/Improvement. It is essential that, with an increase of cases over winter, the temporary registers are maintained to enable the NHS to increase workforce capacity to meet increased demand.

Similarly, section 6 of the Act has allowed the creation of a temporary register of social workers who have recently left the profession so that they may provide support to social care providers facing Covid-19 pressures, either because of high demands on their service or because of

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<sup>4</sup> <https://www.legislation.gov.uk/ukxi/2021/994/contents/made>

high workforce absence. There are currently over 13,000 temporary registrants. These individuals are not required to notify the regulator, Social Work England (SWE), if they enter practice. However, in spring 2021, around 100 of these temporary registrants indicated in response to a survey by SWE that they were practising. Separately, the Local Government Association (LGA) has worked with the Department for Education, the Department of Health and Social Care and SWE to provide Social Work Together, an online platform bringing together temporary registrants and employers. Around 300 temporary registrants have signed up to make themselves available to support frontline services through Social Work Together, with at least 20 of them finding roles through the platform. The availability of temporary registrants has provided a valuable contingency in employers' planning throughout the pandemic and they will be able to plan with confidence to meet changing pressures this autumn and winter.

Section 14 of the Act allows the NHS the option not to comply with the requirement to carry out Continuing Healthcare (CHC) assessments before discharge from hospital, and in the community. While CHC assessments were paused nationally from 19 March to 31 August 2020, they were reintroduced from 1 September 2020 following the publication of Restart Guidance on 21 August 2020. Section 14 remains in force to support timely discharge from hospital and the effective prioritisation of health and social care staff as well as resources. The provision will be retained to support timely discharge from hospital and the effective prioritisation of health and social care staff and resources. This means that the measure can be relied upon quickly if necessary, without the need to make regulations to revive it, and would provide an option of last resort to support NHS capacity and help address pressures this winter, if all other options had been exhausted.

Section 45 of the Act suspends rules in the NHS Pension Scheme, for England and Wales, to allow retired and partially retired NHS staff to return to work or increase their working commitments, without having their pension benefits suspended. These measures have given thousands of retired and partially retired NHS staff the opportunity to provide the NHS with increased capacity, which has been valuable during peak periods of the pandemic. Staff who returned to work in 2020 re-joined with a higher average full-time equivalent (FTE) (0.55) than in each of the previous five years (average 0.47 FTE). This resulted in returning staff working around an extra half a day per week. More recently, these powers have been vital in providing the extra support needed to facilitate the effective vaccine rollout across the country. Between 15 July and 8 September 2021, this workforce has supported the administration of around 8.9 million doses of vaccines across England.

### **Easing and reacting to the burden on frontline staff**

At the start of the pandemic, the potential impact of the virus on essential public services was unknown. It was imperative, therefore, to ensure these services were able to cope with extraordinary pressures resulting from Covid-19. The pandemic has presented our health service with unprecedented challenges, but it has retained, at its heart, the need to provide people with the care they need when they need it and without the system becoming overwhelmed.

Section 11 was introduced to ensure any gaps in indemnity cover for NHS clinical negligence would not delay or prevent care during the pandemic. Without extra indemnity cover, novel and emerging treatments and flexible approaches could not have gone ahead. Section 11 continues to allow the Government to fill these gaps and move quickly to respond to the pandemic. Section 11 also provides reassurance to patients that they will have a route of redress should they suffer harm while receiving care related to Covid-19 and to clinicians, so they do not need to worry about indemnity arrangements. As per section 89 of the Act, section 11 is not a temporary provision and so is not subject to the renewal vote.

The Schedule 20 (section 50) powers ensure a response can be mounted quickly and effectively in the event that an outbreak of Covid-19 leads to many Border Force staff being unwell and unable to work, resulting in a scenario where there are insufficient staff to adequately protect the UK's border. This provision ensures that the Government has the power to instruct ports to close, were this event to arise. There is a high threshold for the use of the power and it will only be used where the Secretary of State believes that it is necessary, proportionate, and there is a real and significant risk to border security; and only after all other reasonably practicable measures avenues have been exhausted.

Sections 53-56 were introduced to allow the courts and tribunals system to continue to function throughout the pandemic and ensure people were able to access justice. Despite the considerable challenges and restrictions in place, the legislative provisions have allowed thousands of hearings to take place since the passing of the Act, with over 14,000 hearings per week currently taking place using remote technology across 3,200 virtual court rooms. The number of virtual hearings per week have reduced since the move to Step 4 of the Government's Roadmap as it is now possible for more hearings to be held in person. However, these provisions remain important, with over 45% of hearings each day including one or more parties joining remotely. The provisions allow the courts to deal promptly and safely with proceedings, avoiding unnecessary social contact and travel, whilst allowing key services within the justice system to continue to be delivered while upholding the principle of open justice. These provisions have also been vital in supporting court recovery and helping courts work through the backlog of cases as quickly and efficiently as possible by enabling preliminary hearings to take place remotely so that courtrooms can be reserved for more hearings (particularly trials) that must happen in court. Provisions were included in the Police, Crime, Sentencing and Courts Bill (introduced in March) to make these powers permanent, subject to parliamentary approval of the Bill.

### **Supporting people**

The Government has remained committed to protecting people's jobs and livelihoods throughout the pandemic, while also supporting businesses and public services. Provisions available under the Act have facilitated this support.

The power under section 39 allowed small and medium employers with fewer than 250 employees to claim back the costs of two weeks' Statutory Sick Pay (SSP) for absences related to Covid-19. The rebate scheme was an important part of the wider package of support to employers. The scheme will be closing to new claims on 30 September 2021. An



administrative period of three months will mean businesses will, until 31 December 2021, be able to claim back SSP costs via the rebate for any eligible absence that occurred up to 30 September 2021.

Section 75 of the Act ensures that necessary support to UK business can continue to be provided under the Industrial Development Act 1982 in relation to Coronavirus by ensuring that financial assistance provided to business under section 8 of that Act which is designated as coronavirus-related does not count towards the overall limit on assistance that can be provided to business under section 8. This change has enabled businesses to access loan schemes such as the Bounce Back Loan Scheme, Coronavirus Business Interruption Loan Scheme, Coronavirus Large Business Interruption Loan Scheme, and the Future Fund. To ensure transparency of expenditure under the Industrial Development Act, the Business Secretary already reports annually to Parliament. However, the Business Secretary has gone further in relation to the Coronavirus Act, and will continue, by reporting to Parliament on a quarterly basis, to ensure full transparency on spend related to Covid-19. The latest report that has been published is [Q1 2021](#) (Jan – March), which was published on 21 July 2021. As per section 89 of the Act, section 75 (1) is not a temporary provision and so is not subject to the renewal vote.

The powers in section 76 of the Act have allowed the Government to provide an extraordinary level of support to both people and businesses through the Coronavirus Job Retention Scheme (CJRS) and Self-Employed Income Support Scheme (SEISS). The Government has extended the CJRS until the end of September 2021. As of 16 August 2021, there have been 11.6 million unique jobs supported by the CJRS since its inception. A total of 1.3 million employers have made a claim through the CJRS since it started in March 2020, totalling £68.5 billion in claims. SEISS also continues until the end of September 2021, with a fifth and final grant. As of 15 August 2021, £27.1 billion has been paid in SEISS grants in total. Across the four grants 2.9 million individuals have received a grant and 9.9 million total grants have been claimed. As per section 89 of the Act, section 76 is not a temporary provision and so is not subject to the renewal vote.

Section 82 prevents landlords of commercial properties from being able to evict tenants for the non-payment of rent, providing continued support for businesses given the high levels of unpaid rent accrued since March 2020 until new measures can be put in place. These provisions have prevented commercial landlords from evicting tenants due to non-payment of rent, protecting businesses and the jobs that they support during enforced sector closures and partial closures at a time when trading was still restricted. The measures are now providing breathing space for landlords and tenants to negotiate outstanding arrears while businesses continue to recover.

### **Containing and slowing the virus**

The Government's objective has always been to save lives and protect the NHS. As set out in the Roadmap when restrictions were lifted, the modelling indicated that cases, and therefore hospitalisations and deaths would rise. This is because no vaccine is 100% effective and, despite very high levels of take up, not everyone will be vaccinated. However, through the

cautious approach that has been taken and the excellent progress of the vaccination programme, the aim is to minimise the effect of any surge. As of 14 September 2021, over 48 million people have now received their first vaccine dose and over 44 million their second. Over 81% of individuals aged 16 or over in the UK have now received two doses of a Covid-19 vaccine. The vaccination programme has severely weakened the link between catching the virus and hospitalisation. It is estimated that the vaccines have so far directly prevented around 143,600 hospitalisations. Estimates on the direct and indirect impact of the vaccination programme suggest the vaccines have saved approximately 112,300 lives. In addition, many provisions contained within the Act continue to be effective in allowing the Government to protect society since the move to Step 4 of the Roadmap.

Section 38 continues to support schools and education settings. Under this section, a modification notice has been issued which allows pupils to attend a different school without needing to be registered as pupils in their temporary schools. This has helped schools work together to provide education to vulnerable children and other priority groups in an area. The Secretary of State issued the remote education temporary continuity direction (no.2) on 26 August 2021. School attendance is mandatory for all pupils of compulsory school age. However, the Government recognises that Covid-19 will cause further disruption this academic year, with some pupils currently not able to attend school if they test positive for Covid-19, and the possibility that wider attendance restrictions may need to be reintroduced. The Secretary of State has therefore issued a new remote education temporary continuity direction for academic year 2021/22, providing clarity to the sector about what is expected and ensuring consistency with last academic year. As mentioned above, the Government intends to expire certain parts of Schedule 17 (section 38) following the review. In removing 19 of the 29 provisions, reach of this power is significantly reduced; retaining only what is absolutely necessary. The remaining 10 provisions in Schedule 17 are likely to be needed for either the continued recovery of the sector, or to ensure the Department for Education's Contingency Framework can be operationalised successfully.

### **Managing the deceased with respect and dignity**

The steps the Government has taken throughout the pandemic have been designed to save lives. Regrettably, and despite the Government's best efforts, people have suffered the loss of loved ones due to Covid-19. The Government wants to ensure the deceased were treated with the upmost respect and dignity and existing procedures were modified to enable this.

Section 18 of the Act modified procedures in relation to death and still-birth registration and management. This expanded the list of people who can register a death to include funeral directors acting on behalf of the family, and it enabled those who are required to give information about a death or still-birth to do so by telephone or other means instead of in person. The changes to the certification and registration of deaths have been vital not only in meeting the pressures placed on the NHS, the local registration service and the coronial service by Covid-19, but also to protect loved ones, easing their burden in already difficult times. The ability to register a death by telephone has been widely welcomed especially by the bereaved as it enables them to make the necessary arrangements without needing to travel. Since the provisions came into force, around 95% of all death registrations in England

and Wales have been completed by telephone. As the vaccine rollout allows us to continue to advance away from the peak, it remains important to maximise frontline resources to reduce the backlog in procedures caused by the pandemic. The pressures on the medical and registration services to deliver death certification and registration services have changed but not diminished and so the Government is keeping provisions in place to avoid any delays.

The powers under section 19 remove the requirement for provision of a confirmatory medical certificate from a second medical practitioner, independent of the first, to accompany an application for cremation. The purpose is to reduce demand on the medical profession at a time when they are managing a number of significant additional pressures arising from the pandemic; and to support timely cremations during periods of excess deaths, thereby reducing pressure on mortuary capacity. This provision has contributed to ongoing Covid-19 management, and national recovery, by removing from the cremation process the requirement for input from a second health professional, thereby increasing their capacity to focus on frontline duties. In addition, by shortening the cremation process, it continues to support the timely throughput of cremations, which also contributes to Covid-19 management, and to national recovery, by reducing pressure on the death management process. Retaining this power avoids the confusion and administrative burden of reintroducing the confirmatory cremation certificate for only a short period, pending its planned abolition with the expected introduction of a statutory Medical Examiner scheme, subject to the passage of the Health and Care Bill.

The powers under section 30 allow most inquests where Covid-19 is suspected as the cause of death to take place without a jury. Coroner services continue to experience difficulties in hearing jury and non-jury complex inquests and section 30 has supported efforts over the last two months to mitigate the impact of the increased demands the pandemic has placed on them, and to assist their recovery plans. Section 30 continues to be necessary as the requirement for jury inquests where Covid-19 is suspected would disproportionately add to the demand on coroner services, adversely impacting their ability to operate during the pandemic, and would exacerbate the existing inquest backlog across England and Wales. This provision will support efforts to keep coroner services functioning in the light of continuing pressures. The Judicial Review and Courts Bill, which is currently before Parliament, contains a measure which effectively continues section 30.

## **Equality and Human Rights**

The Government appreciates the impact that many of the provisions of the Act have on people's lives. Throughout the pandemic, action has been taken quickly and decisively in order to protect public health. The Government has maintained a cautious approach and ensured that any action is proportionate, in place for as short a time as possible and undergoes appropriate checks and balances.

The government considered their Public Sector Equality Duties as part of the six-month review in assessing the impacts of either retaining, suspending, or expiring provisions. The Government is closely monitoring the remaining powers in the Act, and the impact that retaining the powers has on human rights.

Some of the provisions proposed for expiry have either not been used, or have been used sparingly, and have therefore had either no or limited equality and human rights impacts. Prior to making any decisions linked to Schedule 17 of the Act, the Secretary of State for Education fully considered the equality implications pursuant to the requirements of the public sector equality duty (PSED) in section 149(1) of the Equality Act 2010.

The Government is determined to address the pre-existing health inequalities which have contributed to the unequal effect of Covid-19 across different segments of our society. The causes of these inequalities are deep-rooted and varied and will require a wide-ranging long-term response, encompassing levelling up health, the economy, welfare and more.

### **Summary of provisions to be suspended or expired**

As a result this latest six-month review of the Act, the Government will make a Statutory Instrument (SI) after recess to suspend parts 1, 4 and 5 of Schedule 28, section 58 (powers in relation to transportation, storage and disposal of dead bodies etc).

An SI will also be laid after recess under section 90(1) seeking to expire the following provisions (in England unless otherwise specified):

- Section 23 (applies to the whole of the UK): Time limits in relation to urgent warrants etc under Investigatory Powers Act
- Section 37 (Schedule 16): Temporary closure of educational institutions and childcare premises
- Section 51 (Schedule 21): Powers relating to potentially infectious persons
- Section 52 (Schedule 22): Powers to issue directions relating to events, gatherings, and premises.
- Section 56 (Schedule 26): Live links in magistrates' court appeals against requirements or restrictions imposed on a potentially infectious person.
- Section 77 (applies to the whole of the UK): Up-rating of Working Tax Credits etc
- Section 78: Local Authority Meetings

This SI will also seek the expiry of elements of the powers under Schedule 17 (section 38) of the Act relating to the temporary continuity of education, training, and childcare. Full details of which elements will be expired are set out in the status table below.

A status table has been published and provides up to date information on the status of all provisions, including devolved provisions, in the Act. This will be updated regularly, should any of the provisions be repealed before reaching the automatic sunset of the temporary provisions in the Act and is available on Gov.uk:

<https://www.gov.uk/government/publications/coronavirus-act-2020-status>

### **Appropriateness Statement**

Each two-monthly report must contain a statement that the Secretary of State is satisfied that the status of the non-devolved provisions is appropriate. The Secretary of State for Health and Social Care, Sajid Javid, has made the following statement regarding the status of provisions in the Act in accordance with section 97(1)(b):

***“I am satisfied that the status of those provisions of Part 1 of the Coronavirus Act 2020 which are my responsibility (within the meaning of section 97(6) of that Act) is appropriate.”***

## **Progress to Date**

The provisions of part 2 of the Act require the Secretary of State to provide an update to Parliament on the status of non-devolved provisions in part 1 every two months. The table below shows how each section has been used since Royal Assent:

- the first column refers to the section of the Act;
- the second column is a brief description of its scope;
- the third column sets out the status of the provision. There are three elements to this: whether commenced; whether suspended/revived; whether the sunset date has changed. The regulations to expire sections 8, 9, part 1 of section 15, 24, 25-29, 71, 79 and 84 has been reflected in this table.
- the fourth column describes how the provision, once commenced, has been used.

A more detailed account of the policy under each provision can be found in the Explanatory Notes and other supporting material published alongside the Act. As detailed above, the Devolved Administrations are responsible, although not obligated, for their own reporting arrangements for any devolved provisions of the Act.

## Status Table

Section (All Part 1) And Schedules	Provision	Status	Use of provision since Royal Assent – 25 <sup>th</sup> September 2021
1	Meaning of 'coronavirus' and related terminology	Came into force on Royal Assent	No change in terminology
2 <i>Sch 1</i>	Emergency registration of nurses and other health and care professionals	Came into force on Royal Assent	<p>These provisions enable the Nursing and Midwifery Council (NMC) to temporarily register nurses, midwives and (in England) nursing associates. They also enable the Health and Care Professions Council (HCPC) to temporarily register paramedics, operating department practitioners, radiographers and other professionals. The purpose of the temporary registration of these professionals is to provide the NHS with additional workforce capacity to deal with the impact of the Coronavirus pandemic.</p> <p>The provision has been used from the time it was enacted, providing the NHS with additional workforce capacity to deal with the impact of the Coronavirus pandemic.</p> <ul style="list-style-type: none"> <li>• Over 14,000 registrants are on NMC temporary registers.</li> <li>• Over 14,000 registrants are on HCPC temporary registers.</li> </ul> <p>We also know that, at a national level, circa 4,000 healthcare professionals are employed on the basis of temporary registration based on data from the Bring Back Staff scheme run by NHS England/Improvement.</p> <p>The combination of the move to Step 4 and the reopening of society, coupled with a large volume of other usual seasonal respiratory conditions on top of management of the vaccination programme (both flu and Covid-19) is likely to result in increased demand on healthcare professionals over winter. Therefore, it is essential that the temporary registers are maintained to enable the NHS to increase workforce capacity to meet increased demand.</p>
6 <i>Sch 5</i>	Emergency registration of social workers: England and Wales	Came into force on Royal Assent	<p>This provision allows the temporary registration of social workers who had recently left the profession, so that they may provide support to health and social care providers facing coronavirus pressures. This power has been used continuously since enactment, when Social Work England (SWE) temporarily registered social workers no longer registered but with recent experience (i.e. who left the full register not more than two years before the</p>

			<p>commencement of the Act). Social workers could opt out if they wished, and there are currently over 13,000 temporary registrants. In spring 2021, around 100 of these temporary registrants indicated in response to a survey by SWE that they were practising. As there is no requirement on registrants to tell SWE whether they are practising, the actual number is likely to be higher.</p> <p>Temporary registrants can help ensure the health system can work at maximum capacity. Social workers operate at the interface of hospitals and arranging care and support for people ready for discharge, as well as those supported at home and their family carers. Their role will be essential in ensuring the NHS can cope with winter pressures from the combined impact of coronavirus, influenza and other seasonal respiratory conditions. Social workers also have a vital role in keeping children safe. Demands on children's services fluctuate in line with school term dates, with rising numbers of referrals through the autumn term. While there is uncertainty in projecting the impact of restrictions, school closures and self-isolation on seasonal trends as we move into winter, we anticipate that children's services may experience uneven increases in demand through the following months.</p> <p>Employers have advised that the availability of temporary registrants has provided a valuable contingency in their planning throughout the pandemic. They will be able to plan with confidence to meet changing pressures this autumn and winter.</p>
8 <i>Sch 7</i>	Emergency volunteering leave	Expired	Following the one-year review, an SI was laid under the draft affirmative procedure on 21 April 2021 and was debated and approved by both Houses. The SI came into force on 16 July 2021 and expired these provisions.
9	Compensation for emergency volunteers	Expired	
10 and Sch 8	Temporary modification of mental health and mental capacity legislation	Expired (in relation to England)	These powers were expired in relation to England on 10 December 2020.
11	Indemnity for health service activity: England and Wales	Came into force on Royal Assent	<p>As per section 89 of the Act, section 11 is not temporary and therefore not subject to the renewal vote or sunset date of the Act.</p> <p>Section 11 was introduced to ensure any gaps in indemnity cover for NHS clinical negligence would not delay or prevent care during the pandemic. More broadly, section 11 was intended to remove indemnity as a potential blocker to new ways of working that might be needed as part of the</p>



			<p>response to the pandemic – providing reassurance to clinicians.</p> <p>Throughout the pandemic, a range of special/novel healthcare arrangements have relied on indemnities provided under section 11. Section 11 is only required where there are gaps in existing indemnity cover. Some examples include:</p> <ul style="list-style-type: none"> <li>• NHS England/Improvement’s contracts with independent sector providers for extra capacity, which were crucial for increasing NHS capacity;</li> <li>• Covid-19 testing contracts, which underpin Pillar 2 of the testing programme, are also enabled by the measures;</li> <li>• regular lateral flow testing of asymptomatic staff is being conducted to maintain NHS capacity. These tests are sometimes administered by other staff. As peer to peer testing in primary care is not covered by standard indemnity arrangements; and</li> <li>• where pharmacy and dental staff have been asked to work outside their usual practice to maintain service coverage during lockdown.</li> </ul> <p>Without extra indemnity cover, these arrangements could not go ahead.</p> <p>Section 11 has allowed new ways of working to be established quickly during the pandemic. Without section 11, complex work to establish bespoke indemnity arrangements for each situation would have been required. Should this not have been possible, the services could not have proceeded. Section 11 provides reassurance to staff that they will be covered for any clinical negligence claims in relation to health services provided in response to the pandemic, even where their existing arrangements would be insufficient. Section 11 also provides reassurance to patients that they will have a route of redress should they suffer harm.</p> <p>The section 11 powers must remain in place to allow claims covered by the indemnities provided to be handled, and for continuation of the range of services that it currently enables, as well as new arrangements that it may be required to enable in future. For this reason, the section 11 powers are excluded from the Act’s expiry provisions.</p>
14	NHS Continuing Assessments	Came into force on Royal Assent	Section 14 of the Act allows the NHS the option not to comply with the requirement to carry out

			<p>Continuing Healthcare (CHC) assessments before discharge from hospital, and in the community.</p> <p>While CHC assessments were paused nationally from 19 March – 31 August 2020, they were reintroduced from 1 September 2020 following the publication of Restart Guidance on 21 August 2020.</p> <p>Section 14 has been retained to support timely discharge from hospital and the effective prioritisation of health and social care staff and resources. This means that the measure can be relied upon quickly if necessary, without the need to make regulations to revive it, and would provide an option of last resort to support NHS capacity and help address pressures this winter, if all other options had been exhausted.</p>
15 <i>Sch 12</i>	Local authority care and support	Part 1 expired in relation to England	Following the one-year review, an SI was laid under the draft affirmative procedure on 21 April 2021 and was debated and approved by both Houses. The SI came into force on 16 July 2021, expiring Part 1 of Sch 12 and section 15 as far as it relates to those parts (i.e. in relation to England).
18 <i>Sch 13</i>	Registration of deaths and still-births etc	Came into force on 26 March 2020	<p>These provisions reduce the burdens placed on frontline services and assist in the managing of the deceased with respect and dignity. Without these provisions deaths would have to be registered in person by informants and additional natural deaths would need to be referred to the coroner (as medical practitioners would not have the power to certify the death), placing an unnecessary burden on that service as well as causing extra distress and delay for families with a risk of delay to associated bereavement processes such as funerals.</p> <p>These measures have widened the scope of who can certify a cause death; they have enabled medical practitioners to complete and sign a Medical Certificate of Cause of Death (MCCD) when the attending doctor has not been available (due to illness, self-isolation or any other reason), thus preventing delays to the death management process and associated pressures building on the health service. They have enabled deaths to be registered when access to offices has not been possible, and, more generally, reduced footfall at register offices by allowing deaths to be registered by telephone, rather than face to face, and for associated documents to be electronically sent, rather than by hand. This has enabled deaths to be registered without delay and facilitated the timely arrangement of funerals. The provisions have also benefited the ongoing recovery of other registration services which cannot be delivered remotely, such as the registering of births and marriages.</p>

			<p>The provisions continue to alleviate pressures within both the health service and the local registration service. For example, in relation to the health service, they enable the Medical Certificate of Cause of Death to be completed when the relevant practitioner may not be available, due to illness or self-isolation or by freeing them to undertake vital front-line duties such as the immunisation programme. Both the death certification and the registration modifications stand ready to be used in any further waves going forward into the winter period.</p> <p>The modifications to the certification and registration of deaths have been vital in meeting the ever-increasing pressure placed on the NHS, the local registration service and the coronial service by the coronavirus. While the easements are continuing, the underpinning advice continues to be to only use the easements when and where needed.</p> <p>The easements continue to assist in the availability of medical practitioners to complete Medical Certificates which is currently impacted by various factors, including the backlog in medical procedures; the need to ensure delivery of the vaccine; vacancies; absences due to sickness or isolating; and in some areas, leave postponed during the pandemic emergency. Besides working well, the easements have proved popular with bereaved families and trusts have reported positive working arrangements with register offices.</p> <p>The easements are useful tools to assist response in times of excess death, but they have proved more beneficial than this, accelerating the adoption of up-to-date working practices. It is recognised that some stakeholders had concerns about the reduced number of protections as a result of the easements, however the National Medical Examiner is not aware of any significant examples of negative events which have arisen.</p> <p>These easements have been widely welcomed by the public and the funeral sector. The General Register Office attends weekly Cabinet Office meetings with the sector and has attended the annual Cremation and Burial Communication Education Event (joint conference of The Cremation Society of Great Britain and the Federation of Burial and Cremation Authorities) at which the positive impact of the easements has been reported. The sector overwhelmingly wishes for the easements to continue post pandemic).</p>
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			<p>As we continue to move away from the peak of the pandemic and the coronavirus vaccine rollout continues, the pressures on the medical and registration services to deliver death certification and registration services has changed but not diminished and we still need to avoid any onward delays. For example the medical profession has been impacted by doctors not being available to sign off MCCDs through taking time off to recharge after the demands of 2020/21.</p> <p>For registration purposes, the continuation of death registration easements will ensure that Covid-secure office space can be utilised to assist wider civil registration recovery including vital services such birth registrations, marriages and civil partnerships. It is estimated that around 125K marriages did not take place because of the pandemic and that many of these will be rearranged to 2021 and beyond. In addition to the ceremonial activity, this will continue to generate a high level of advance office footfall, as prior to a civil marriage or civil partnership couples must attend and give formal notice of their intent.</p>
19	Confirmatory medical certificate not required for cremations: England and Wales	Came into force on 26 March 2020	<p>As per section 89 of the Act, section 19(11) is not temporary and therefore not subject to the renewal vote or sunset date of the Act.</p> <p>This provision removes the requirement for provision of a confirmatory medical certificate from a second medical practitioner, independent of the first, to accompany an application for cremation. The purpose is to:</p> <ul style="list-style-type: none"> <li>• reduce demand on the medical profession at a time when they are managing a number of significant additional pressures arising from the pandemic; and</li> <li>• support timely cremations during periods of excess deaths, thereby reducing pressure on mortuary capacity.</li> </ul> <p>This provision has contributed to ongoing Covid-19 management, and also to national recovery, by removing from the cremation process the requirement for input from a second health professional, thereby increasing their capacity to focus on frontline duties.</p> <p>In addition, by shortening the cremation process, it continues to support the timely throughput of cremations which also contributes to Covid-19 management, and to national recovery, by reducing pressure on the death management process.</p>

			<p>Confirmatory medical certificates are provided by medical practitioners in addition to their role as healthcare providers. This provision therefore continues to reduce demand on medical practitioners at a time when they are under significant additional pressures relating to Covid-19 management and national recovery, including the continued rollout of the vaccination programme. Medical practitioners not involved in the care of the deceased would otherwise be required to attend the deceased and consult medical records.</p> <p>Retention of section 19 also avoids the confusion and administrative burden of reintroducing the confirmatory cremation certificate for only a short period, pending its planned abolition with the expected introduction of a statutory Medical Examiner scheme, subject to the passage of the Health and Care Bill.</p> <p>The administration of the cremation process is one of a number of factors which impact on the timeliness of throughput between death and cremation, on which data is not centrally held. This provision applies to all cremations where the death has not been referred to the coroner. 205,400 deaths were reported to coroners in 2020. See more generally the Coroner Statistics published on 13 May 2021: <a href="https://www.gov.uk/government/statistics/coroners-statistics-2020">https://www.gov.uk/government/statistics/coroners-statistics-2020</a>. Annual statistics from The Cremation Society (<a href="https://www.cremation.org.uk/Annual-statistics-1960-2020">https://www.cremation.org.uk/Annual-statistics-1960-2020</a>) show that 542,774 cremations were carried out in the British Isles in 2020.</p>
22	Appointment of temporary Judicial Commissioners	Suspended	<p>This provision was suspended on 21 April 2021, following the one-year review of the Act.</p> <p>The provision allowed the Secretary of State, on a request from the Investigatory Powers Commissioner, to make Regulations to provide for temporary judicial commissioners (JCs) to be appointed by the Investigatory Powers Commissioner, in the event that there are insufficient JCs available to effectively fulfil their functions under the Investigatory Powers Act 2016.</p> <p>Regulations were made on 26 March 2020 for 12 months and ten temporary Judicial Commissioners were appointed for an initial six-month term. They were not reappointed following this and the regulations expired in March 2021.</p> <p>Given the vital role Judicial Commissioners play in protecting our national security and the prevention of serious crime, it is proportionate to keep this power suspended in case it needs to be revived in future.</p>

23	Time limits in relation to urgent warrants etc under Investigatory Powers Act	Suspended	<p>Following the six-month review, an SI will be laid under the draft affirmative procedure, which will expire these provisions if Parliament agrees.</p> <p>This power enables the time allowed for urgent warrants to be reviewed by a Judicial Commissioner, and how long they can last before they need to be renewed, to be varied. It is not envisaged that this power will be required at this stage in the pandemic and therefore the intention is to expire.</p>
24	Extension of time limits for retention of fingerprints and DNA profiles	Expired	<p>Following the one-year review, an SI was laid under the draft affirmative procedure on 21 April 2021 and was debated and approved by both Houses. The SI came into force on 16 July 2021 which expired this provision.</p> <p>For the avoidance of doubt, the SI saved the operation of Coronavirus (Retention of Fingerprints and DNA Profiles in the Interests of National Security) (No 2) Regulations 2020, SI 2020/973.</p>
25	Power to require information relating to food supply chains	Expired	<p>Following the one-year review, an SI was laid under the draft affirmative procedure on 21 April 2021 and was debated and approved by both Houses. The SI came into force on 16 July 2021 which expired these provisions.</p>
26	Authorities which may require information	Expired	
27	Restrictions on use and disclosure of information	Expired	
28 <i>Sch 15</i>	Enforcement of requirement to provide information	Expired	
29	Meaning of 'food supply chain' and related expressions	Expired	
30	Suspension of requirement to hold inquests with jury: England and Wales	Came into force on Royal Assent	<p>These provisions allow the majority of inquests where Covid-19 is suspected as the cause of death to take place without a jury.</p> <p>During the pandemic coroners have been significantly impacted by the lockdown restrictions in the conduct of inquests all of which must be held in public, and a number of which must by law be held with a jury (such as non-natural deaths in custody). Coroners across England and Wales have universally reported considerable difficulties in</p>

		<p>hearing jury inquests and non-jury complex inquests due to social distancing requirements and there remain backlogs in scheduling these inquests.</p> <p>The requirement for a jury in inquests where Covid-19 is suspected would have disproportionately added to the demand on local authority funded coroner services, adversely impacting their ability to operate and exacerbating the inquest backlog. Section 30 has supported efforts to keep coroner services functioning in light of continuing pressures.</p> <p>Coroner services continue to experience difficulties in hearing jury and non-jury complex inquests and section 30 has supported efforts over the last two months to mitigate the impact of the increased demands the pandemic has placed on them and to assist their recovery plans.</p> <p>The Judicial Review and Courts Bill which is currently before Parliament contains a measure which effectively continues section 30. It would cause confusion and disruption to coroner services, as well as being perverse to pre-empt Parliament's consideration of the substantive issue, by repealing section 30 at this stage, only to reintroduce it in a few months time.</p> <p>In revised Guidance No. 39 to coroners on Recovery from the Covid-19 Pandemic issued on 21 May 2021 the Chief Coroner noted the significant impact on the coronial system, providing guidance to assist coroners in developing a robust, dynamic plan to deal with the challenges the service was currently facing.</p> <p>We do not hold statistics on the number of deaths reported to the coroner where the deceased had been diagnosed with Covid-19. However, Ministry of Justice coroner statistics for 2020 published on 13 May showed (amongst other matters) an 18% increase in deaths in state detention - 562 deaths in state detention were reported to coroners in 2020, up from 478 in 2019. A number of these would have been natural cause deaths and would have added to coroners' inquest backlogs had they needed to be held with a jury. There were 3,845 natural cause inquest conclusions in the 2020 calendar year, a number of which would have been where Covid-19 had been suspected as the cause, and would also have increased coroners' inquest backlogs had they had to be held with a jury.</p> <p>Section 30 continues to be required as the requirement for jury inquests where Covid-19 is suspected would disproportionately add to the demand on coroner services, adversely impacting</p>
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			<p>their ability to operate during the pandemic, and exacerbating the existing inquest backlog across England and Wales. This provision will support efforts to keep coroner services functioning in light of continuing pressures.</p> <p>Were section 30 to be suspended or sunsetted, a spike in COVID-19 deaths, and any commensurate increase in the numbers of such deaths reported to the coroner, would have an immediate effect on the ability of coroners to hold those inquests. It would also significantly undermine existing recovery plans by increasing the overall proportion of inquests requiring a jury.</p>
37 <i>Sch 16</i>	Temporary closure of educational institutions and childcare premises	Came into force on Royal Assent	<p>Following the six-month review, an SI will be laid under the draft affirmative procedure, which will expire this provision if Parliament agrees.</p> <p>This Schedule gives the power to direct the temporary closure of a school, further or higher education institution, or registered childcare provider, or restrict access to them, where tests in the Coronavirus Act 2020 are met.</p> <p>The Secretary of State for Education might have opted to rely on this power to rapidly direct the temporary closure of one or more schools, further or higher education institutions, or registered childcare providers, or restrict access to them, where tests in the Coronavirus Act 2020 were met. However, the use of this provision has never been required and education settings began to return to full on-site attendance from 8 March 2021. Restricting attendance in education settings has been possible through guidance only, and attendance will continue to be managed in this way should it be necessary to do so. After careful consideration, the Government has concluded that this power is unlikely to be needed in the future and so the intention is for it to be expired.</p>
38 <i>Sch 17</i>	Temporary continuity: education, training and childcare	Came into force on Royal Assent	<p>Following the six-month review, an SI will be laid under the draft affirmative procedure, which will expire parts of these provisions if Parliament agrees. As outlined in the 'Six-month review' section of the report, 19 of the possible 29 provisions under Schedule 17 will be expired.</p> <p>Schedule 17 confers two main powers: a power to make a temporary continuity direction, and a power to issue a notice disapplying or modifying one or more of a set of enactments listed in the Schedule.</p> <p><b>Modification and disapplication notices</b> Notices regarding mandatory attendance, pupil registration, school inspections and Education,</p>



		<p>Health and Care plans (EHCPs) have been issued to carefully manage the sector's response to Covid-19. Since May 2020, 39 notices have been issued and a notice disapplying requirements for the inspection of collective worship and denominational education for schools of religious character continued to be issued monthly until the end of August 2021. Other notices remain under review should they be needed urgently to respond to challenges relating to Covid-19. Notices are used to provide relevant protections to the sector and ensure stakeholders are able to support the effective delivery of the Department for Education's Contingency Framework.</p> <p><b>Temporary continuity directions</b></p> <p>The Secretary of State for Education also has the power to direct educational and training institutions, local authorities, and registered childcare providers in England, to take reasonable steps (which can be specified in the direction) to do certain things in connection with the provision of education, training, childcare, and other related matters, where the tests in the Coronavirus Act 2020 are met. Local authorities can be authorised to issue such directions in relation to registered childcare providers, schools and 16-19 Academies in their areas. The Office for Students can be authorised to issue directions in relation to registered higher education providers.</p> <p>The Secretary of State has used this power in the past two months and issued the remote education temporary continuity direction (no.2) on 26 August 2021.</p> <p>School attendance is mandatory for all pupils of compulsory school age. However, we recognise that Covid-19 will cause further disruption this academic year, with pupils currently not able to attend school if they test positive for Covid-19, and the possibility that wider attendance restrictions may need to be reintroduced.</p> <p>The Secretary of State has therefore issued a new remote education temporary continuity direction for academic year 21/22, providing clarity to the sector about what is expected and ensuring consistency with the last academic year. The <a href="#">temporary continuity direction</a> requires schools to provide remote education for state-funded, school-aged pupils whose attendance would be contrary to local public health advice or UK central government guidance or law relating to Covid-19. Schools must also have regard to the <a href="#">expectations for remote education</a> which remain the same as the last academic year.</p>
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39	Statutory sick pay: funding of employers' liabilities	Came into force on Royal Assent	<p>This power allows small and medium employers with fewer than 250 employees to claim back the costs of two weeks' SSP for absences related to coronavirus. The rebate scheme was an important part of the Governments wider package of support to employers.</p> <p>The scheme will be closing to new claims on the 30th September, an administrative period of three months will mean businesses will, until 31 December 2021, be able to claim back SSP costs via the rebate for any eligible absence that occurred up to 30 September 2021</p>
40	Statutory sick pay: power to disapply waiting period limitation	Came into force on Royal Assent	<p>This power allows for the suspension of the waiting days' rule for absences related to Covid-19 and regulations were introduced under these powers to disapply waiting days for coronavirus related sickness absences. It means that statutory sick pay (SSP) is payable from day one for employees who are unable to work as a result of Covid-19 and therefore provides additional support for impacted employees.</p> <p>The provision came into force on Royal Assent of the Act and has been in use throughout the pandemic, although no data is currently available on the effects of this provision, given that employers are not mandated to report SSP payment to government.</p>
41	Statutory sick pay: modification of regulation making powers	Came into force on Royal Assent	<p>This power allows for regulations which provide for employees to be treated as incapable of work (and therefore eligible for SSP) to do so by reference to the latest guidance issued by the UK health authorities. This ensures that regulations can keep in step with the latest guidance, for example with new categories of employees who are required to self-isolate and as a result of being considered incapable of work and supports delivery of SSP for impacted employees</p> <p>This power was used in the Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020 which came into force on 28<sup>th</sup> March 2020 and will remain in place until section 41 expires. These Regulations referenced guidance issued by the Chief Medical Officers or Deputy Chief Medical Officers so that regulations continue to apply as and when the guidance is updated.</p> <p>The power in section 41 also allows us to use relevant notifications i.e. from the Test and Trace scheme to trigger for SSP eligibility. The provision came into force on Royal Assent of the Act.</p>

45	NHS pension schemes: suspension of restrictions on return to work: England and Wales	Came into force on Royal Assent	<p>These measures suspend rules in the NHS Pension Scheme to allow retired and partially retired staff to return to work or increase their working commitments. This aims to boost NHS capacity throughout the pandemic response.</p> <p>The measures have been positive in removing barriers that would otherwise prevent retired staff from returning to work, or partially retired staff from taking on additional work. The measures remain proportionate to the initial aim of increasing NHS capacity by offering greater flexibility to retired and partially retired staff.</p> <p>The provisions have remained in effect since the Coronavirus Act received Royal Assent. From September 2021, section 45 will commence a six-month sunsetting to expire at the end of March 2022. This ensures the provisions remain in effect during the winter period when the NHS is likely to need additional capacity. The six-month notice period allows staff and employers time to adjust to the return to business as usual.</p> <p>As the provisions allow staff to adjust their working patterns, we recommend they are left in effect for as long as required to avoid unnecessary disruption that would be caused by turning them off then on again. If the provisions are turned off abruptly, there is a risk staff would not respond positively if they were turned back on.</p> <p>The provisions have been in effect throughout the pandemic response, and we have consistently recommended they remain in force until the pandemic is over and we are assured that the additional emergency capacity will no longer be needed. Although the peaks of the pandemic have passed, the potential for extra workforce capacity created by these provisions is helpful during the vaccine rollout period.</p>
50 <i>Sch 20</i>	Power to suspend port operations	Came into force on Royal Assent	<p>The purpose of this power is to ensure that we can continue to protect the border in the event that, due to Covid-19, there is a real and significant risk that there are or will be insufficient officers to maintain adequate border security, and the Secretary of State has taken such other measures as are reasonably practicable to mitigate that risk.</p> <p>Specifically, the Schedule provides powers for the Secretary of State to direct a port operator in the UK (i.e. a person concerned in the management of any port, for example airport, ferry port, international rail terminal) to suspend relevant operations. The Schedule also provides the Secretary of State a power to issue consequential directions to other</p>

			<p>parties if the Secretary of State considers it appropriate in connection with the primary direction.</p> <p>It remains a key contingency measure to enable Border Force (BF) to maintain a secure border if, as a consequence of Covid-19, BF frontline resources are impacted to such an extent that there are insufficient officers to carry out essential, ministerially mandated checks and controls at individual ports.</p> <p>Modelling suggests that the increase in passenger volumes into 2022 will increase the likelihood of using this power rather than diminish it. While we are currently seeing manageable border queues at approximately 28% of pre-pandemic passenger volumes, our modelling suggests demand could rise to circa 40% before the end of the year, with some carriers and ports suggesting this could be as high as 60-70% of pre-pandemic demand.</p> <p>Protecting the border is a fundamental duty for government. While the threat of coronavirus remains, this power is needed to continue to provide for the scenario where, due to Covid-19, there are insufficient officers to maintain adequate border security. The power to suspend port operations will only be used where the Secretary of State believes that it is necessary, proportionate, and there is a real and significant risk to border security.</p> <p>As per section 88 of the Act, Schedule 20 is unable to be suspended. Therefore, the Government maintains this power as a contingency for the reason outlined above.</p>
51 <i>Sch 21</i>	Powers relating to potentially infectious persons	Came into force on Royal Assent	<p>Following the six-month review, an SI will be laid under the draft affirmative procedure, which will expire these provisions if Parliament agrees.</p> <p>The Schedule 21 powers were important for controlling and containing the virus, and were applicable to all potentially infectious persons, not only international travellers. They were part of a suite of powers to support a range of strategic responses throughout the lifecycle of the pandemic.</p> <p>Public Health Officers (PHO) have used the powers a total of 10 times, but not since October 2020. Police have not used these powers to date and were only to use them after obtaining advice from a public health officer.</p>

			<p>As such the Secretary of State is no longer of the opinion that these powers remain necessary and proportionate and so they will be expired, if Parliament agrees, following the review.</p> <p>In addition, the Secretary of State is consulting with (D)CMO as part of his duty to revoke the declaration (which enables the Schedule 21 powers to be used) when he is of the view that the powers are no longer an effective means of preventing significant further transmission of the virus (paragraph 4(2) of Sch 21). It is intended that the declaration will be revoked at the time the expiry SI is laid.</p>
52 <i>Sch 22</i>	Powers to issue directions relating to events, gatherings and premises	Came into force on Royal Assent	<p>Following the six-month review, an SI will be laid under the draft affirmative procedure, which will expire these provisions if Parliament agrees.</p> <p>These powers were introduced to streamline existing legislation in England and Wales, to ensure that powers to prevent events or gatherings can be deployed as quickly as possible in the event this is justified by the evidence. It also extends the power to Scotland and Northern Ireland too, where there is no equivalent legislation.</p> <p>To date, regulations made using powers contained in Public Health (Control of Disease) Act 1984 have been used to restrict gatherings. Currently in force are The Health Protection (Coronavirus, Restrictions) (No. 3) (England) Regulations 2020 (S.I. 2020/750).</p> <p>As the Government has not exercised the powers under Schedule 22, the Secretary of State has agreed to expire the powers, should Parliament agree</p>
53 <i>Sch 23</i>	Expansion of availability of live links in criminal proceedings	Came into force on Royal Assent	Sections 53-55 have been introduced to allow the courts and tribunals system to continue to function throughout the pandemic and ensure that more people are able to access justice.
54 <i>Sch 24</i>	Expansion of availability of live links in other criminal hearings	Came into force on Royal Assent	The legislative provisions have allowed thousands of hearings to take place using audio and video links since the passing of the Act. The take-up of remote technology has increased significantly, with over 14,000 hearings per week taking place using remote technology across 3,200 virtual court rooms.
55 <i>Sch 25</i>	Public participation in proceedings conducted by video or audio	Came into force on Royal Assent	<p>14,000 hearings per week taking place using remote technology across 3,200 virtual court rooms.</p> <ul style="list-style-type: none"> <li>• At present, over 45% of hearings each day include one or more parties joining remotely [to note this is down from 88% at the height of the lockdown and reflects the impact as we have re-opened the courts estate and are now able to hear more cases in person].</li> <li>• These provisions have been necessary during Covid-19 emergency response in</li> </ul>

			<p>ensuring that the courts can continue to run under social distancing restrictions by keeping the travel of participants and public to and from court to a minimum and enabling participants and non-party observers to attend hearings remotely.</p> <ul style="list-style-type: none"> <li>• These provisions have also been vital in supporting court recovery and helping courts work through the backlog of cases as quickly and efficiently as possible by enabling preliminary hearings to take place remotely so that courtrooms can be reserved for more hearings (particularly trials) that must happen in court.</li> <li>• It is important to note that sections 53 – 55 outlined above will be replaced by permanent provisions via clauses 167-169 of the Police Crime, Sentencing and Courts Bill.</li> </ul>
56 <i>Sch 26</i>	Live links in magistrates' court appeals against requirements or restrictions imposed on a potentially infectious person	Came into force on Royal Assent	<p>Following the six-month review, an SI will be laid under the draft affirmative procedure, which will expire these provisions if Parliament agrees.</p> <p>Section 56 and Schedule 26 provide for an appeal to the Magistrates' Court via live link from potentially infectious persons. This appeal right is linked to Schedule 21 of the Act, which enables public health officers, immigration officers and constables to exercise powers regarding potentially infectious persons. As the Secretary of State for Health and Social Care is of the opinion that those powers are no longer necessary and will be seeking expiry following Recess, the right of appeal will be superfluous, and section 56 and Schedule 26 can also expire.</p> <p>In addition, an amendment to the Magistrates' Courts Rules earlier this year has clarified and regulated the power of magistrates' courts to make live link directions in civil proceedings such that a standalone power to order video links in these cases is no longer necessary.</p>
58 <i>Sch 28</i>	Powers in relation to transportation, storage and disposal of dead bodies etc	<p>Parts 1 and 4 of sch 28 came into force on Royal Assent and remain in force</p> <p>Parts 2 and 3 were suspended in England and Northern Ireland on 21 April 2021.</p>	<p>An SI was made on 20 April 2021, which came into force the following day, suspending parts 2 and 3 of Schedule 28. Following the six-month review, an SI will be laid under the made affirmative procedure, which will suspend parts 1, 4 and 5 of Schedule 28.</p> <p>The section 58 powers were introduced to ensure that the UK was prepared for a reasonable worst-case scenario of the number of deaths. Scientific modelling at the time indicated that the number of people who might die was likely to significantly</p>

			<p>exceed the national or local capacity to manage the deceased.</p> <p>The section 58 powers are split into information gathering powers and powers of direction.</p> <p><b>Part 1 Powers</b></p> <p>The information gathering powers (also known as Part 1 powers) enable local authorities and government to develop a more comprehensive understanding of where pressures are occurring in the death management system, allowing for targeted interventions to support existing procedures.</p> <p>We are aware London, Lincolnshire and Merseyside have made explicit use of these powers where voluntary engagement with the sector has proved inadequate. Local authorities are not required to inform the government if they have used the Part 1 powers to obtain this information. Use of the other powers is dependent upon certain tests which depend on timely and accurate information flow.</p> <p><b>Part 2 and 3 Powers</b></p> <p>The powers of direction (also known as part 2 powers) are extraordinary measures which must be activated by the appropriate national authority. These would allow national or local governments to take control of a component or components of the death management process. These powers would only be used in extreme circumstances, whereby scientific evidence and operational advice suggests local capacity could otherwise be overwhelmed. Part 3 allows for central government to intervene if a local authority is unable to manage the death management system effectively.</p> <p>These have been suspended since April. However, they remain an important contingency measure given the on-going pandemic and the unpredictable nature of the virus. They will only be revived by regulation if the course of the pandemic suggests they may be required. Even if the powers are revived, the threshold for their actual activation remains very high, requiring evidence that the death management system in a local area is likely to be overwhelmed.</p> <p><b>Part 4 Powers</b></p> <p>Part 4 was introduced as an amendment to the Bill during its passage through the House to ensure that the wishes of the deceased were respected if powers</p>
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			<p>of direction were needed. These powers were introduced to ensure that the wishes of the deceased were respected if powers of direction under Parts 2 or 3 were ever used. As Parts 2 and 3 have been suspended, we propose to also suspend Part 4 with the clear understanding that if we ever needed to revive Parts 2 or 3, we would revive Part 4 at the same time.</p> <p>The Part 1 powers have enabled local authorities and others to maintain an accurate picture of the capacity of the death management system in their area so they can identify and address emerging issues. The other powers have not been used throughout the Government's response to the pandemic. We do not wish to maintain provisions that have not been used, but since these remain an important lever in our contingency planning, we wish to maintain the ability to implement revive them if needed, rather than expiring them. Death follows infection and critical illness, usually in hospital, so given the time taken for a rise in infections, then hospitalisations to occur, there would be sufficient time for us to anticipate problems in the death management system and revive the necessary death management powers.</p>
59	Elections and referendums due to be held in England in period after 15 March 2020	Came into force on Royal Assent	<p>As per section 89 of the Act, sections 59-61 are not temporary and therefore not subject to the renewal vote or sunset date of the Act.</p> <p>The impact of this provision was to allow returning officers and others responsible for the running of polls to postpone any local authority byelections (for example council parish, mayoral) and local referendums (for example concerning neighbourhood planning) which were ongoing within a period of 30 days from 15 March 2020 should they choose, by removing the statutory duty to do so from them.</p>
60	Postponement of elections due to be held on 7 May 2020	Came into force on Royal Assent	<p>The provision came into force on Royal Assent and most of such polls were postponed to 6 May 2021 consequently.</p>
61	Power to postpone certain other elections and referendums	Came into force on Royal Assent	<p>This provision enabled returning officers to avoid running polls at a time when the pandemic was developing in the UK. The use of polling stations and related activity would have increased the spread of the virus. This allowed staff to be readily re-deployed to other duties to support the response to the pandemic.</p> <p>This provision has supported the aim of protecting public health by containing and slowing the spread of the virus.</p>



			The May 2021 elections took place successfully following the action plan the Government published to deliver them in a Covid-secure way
62	Power to postpone a recall petition under the Recall of MPs Act 2015	Came into force on Royal Assent	<p>As per section 89 of the Act, section 62 is not temporary and therefore not subject to the renewal vote or sunset date of the Act.</p> <p>Since the Act came into force, there have been no recall petitions triggered. Had there been a duty on a Petition Officer to organise a recall petition, the possibility to defer the petition would have allowed for the electorate in that constituency to make their views known (i.e. by attending a petition signing station) at a later date without having to act in a way contrary to the public health guidance. It has contributed to allowing staff to be freed up from being on standby for any electoral event during the period until 6 May 2021 and to be readily re-deployed to other duties to support the response to the pandemic.</p>
63	Power to make supplementary etc provision	Came into force on Royal Assent	<p>As per section 89 of the Act, section 63 is not temporary and therefore not subject to the renewal vote or sunset date of the Act.</p> <p>No SIs have been made over the latest reporting period on this matter</p> <p>An SI was made on 3 April 2020: The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020, SI 2020/395.</p> <p>An SI was made on 15 April 2020: The Local Government (Coronavirus) (Structural Changes) (Consequential Amendments) (England) Regulations 2020 (SI 2020/426) which ensure that local government reorganisation in Buckinghamshire and Northamptonshire, which had been dependant on local elections taking place throughout those areas in May 2020, is still implemented, ensuring continued effective delivery of local public services in those areas.</p> <p>Another SI was made on 1 September 2020: Postponed Elections and Referendums (Coronavirus) and Policy Development Grants (Amendment) Regulations 2020 (SI 2020/926) which deals with various matters relating to polls where the electoral timetable had started so that the candidate position, their expenditure and how paperwork from the poll, including postal votes, are addressed.</p>

			This has supported the benefits brought about by the postponement of the polls which have supported the aim of protecting public health by containing and slowing the spread of the virus.
71	Signatures of Treasury Commissioners	Expired	Following the one-year review, an SI was laid under the draft affirmative procedure on 21 April 2021 and was debated and approved by both Houses. The SI came into force on 16 July 2021 which expired this provision.
72	Power under section 143 of the Social Security Administration Act 1992	Came into force on Royal Assent	As per section 89 of the Act, sections 72-74 are not temporary and therefore not subject to the renewal vote or sunset date of the Act.  These powers were taken to enable the government to respond flexibly to the pandemic through the National Insurance system. The government has made a range of significant interventions to support employers including but not limited to the Coronavirus Job Retention Scheme and the Statutory Sick Pay rebate scheme. At this time, the government doesn't consider further support is required but remains ready to do whatever is required to support the economic recovery from Covid-19.
73	Power under the section 145 of the Social Security Administration Act 1992	Came into force on Royal Assent	
74	Power under section 5 of the National Insurance Contributions Act 2015	Came into force on Royal Assent	
75	Disapplication of limit under section 8 of the Industrial Development Act 1982	Came into force on Royal Assent	As per section 89 of the Act, section 75(1) is not temporary and therefore not subject to the renewal vote or sunset date of the Act.  The provision is in use to facilitate the provision of financial support to business affected by Coronavirus and is in active use. BEIS Ministers are satisfied that the status of Section 75 is appropriate as the provision is and remains in use to facilitate the provision of support to business.  To ensure transparency of expenditure under the Industrial Development Act the Business Secretary already reports annually to Parliament. However, we have gone further in relation to the Coronavirus Act – the Business Secretary has already and will continue to report to Parliament on a quarterly basis to ensure full transparency on spend related to Coronavirus. The latest report that has been published is <a href="#">Q1 2021</a> (Jan – March) which was published on 21 <sup>st</sup> July. The Q2 report is due to be published by the end of September  It has always been envisaged that this power would continue and not be repealed (an intent recorded on the face of the Act and accepted by Parliament as under section 89(1), the temporary provisions in the Act expires after 2 years, with the exception of several provisions, including section 75(1)) which contains the power to disapply the limit

76	HMRC functions	Came into force on Royal Assent	<p>As per section 89 of the Act, section 76 is not temporary and therefore not subject to the renewal vote or sunset date of the Act.</p> <p>The government has used this power to direct HMRC to have new functions relating to the payment and management of amounts in respect of the Coronavirus Job Retention Scheme, the Self-Employed Income Support Scheme (SEISS) and the Eat Out to Help Out Scheme.</p> <p>The powers set out in Section 76 cannot be expired. They support the Government's continued ability to manage the economic response to the ongoing pandemic.</p> <p><u>Coronavirus Job Retention Scheme:</u> The Government has extended the CJRS for a further five months until the end of September 2021. In addition to National Insurance Contributions and pensions, the Government has now introduced an employer contribution towards the cost of unworked hours of 10% in July, increasing to 20% in August and September as the economy reopens and demand returns.</p> <p>As of 16 August 2021, there have been 11.6 million unique jobs supported by the CJRS since its inception. A total of 1.3 million employers have made a claim through the CJRS since it started in March 2020, totalling £68.5 billion in claims.</p> <p><u>Self Employed Income Support Scheme:</u> The Government announced at Budget 2021 that the Self-Employment Income Support Scheme (SEISS) will continue until the end of September, with a fifth grant.</p> <p>Individuals are able to qualify for the new grants based on their 2019-20 tax returns. This means that hundreds of thousands of self-employed individuals may be newly eligible for the SEISS, including many new to self-employment in 2019-20. The fourth SEISS grant is worth 80% of average trading profits. The fifth and final SEISS grant includes a turnover test known as a 'Financial Impact Declaration'(FID), to ensure that the most generous support is targeted at those who need it the most.</p> <p>As of 15 August 2021, £27.1 billion has been paid in Self-Employment Income Support Scheme grants in total. Across the four grants 2.9 million individuals have received a grant and 9.9 million total grants have been claimed.</p>
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77	Up-rating of working tax credit etc	Came into force on Royal Assent	<p>Following the six-month review, an SI will be laid under the draft affirmative procedure, which will expire these provisions if Parliament agrees.</p> <p>This power allowed for the rate of Working Tax Credit to be increased by an additional £1,045 a year above the rate of £1,995 previously announced in a Written Ministerial Statement on 4 November 2019 (<a href="#">HCWS75</a>), to £3,040 a year for 2020/2021.</p> <p>These provisions ceased to have effect from 05/04/2021 and therefore are no longer required.</p>
78	Local authority meetings	Came into force on Royal Assent	<p>Following the six-month review, an SI will be laid under the draft affirmative procedure, which will expire these provisions if Parliament agrees.</p> <p>The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, made under section 78 allowed local authority meetings before 7 May 2021 to be held remotely. The regulations were brought in specifically to help local authorities deal with the challenges of holding in-person meetings during the Coronavirus pandemic</p> <p>To extend the regulations to cover meetings after 6 May 2021 required primary legislation. The Government considered the case for legislation carefully, including the significant impact it would have on the Government's legislative programme which is already under severe pressure in these unprecedented times. We were also mindful of the excellent progress that has been made on the vaccination programme and the progress through each of the steps of the Government's roadmap for lifting Covid-19 restrictions. Given this context, the Government has concluded that it was not possible to bring forward emergency legislation on this issue at this time. All local authority meetings in England were in the scope of the regulations. It has been down to the local authority to decide what was appropriate in their specific circumstances.</p>
79	Extension of Business Improvement Districts (BID) arrangements: England	Expired	<p>Following the one-year review, an SI was laid under the draft affirmative procedure on 21 April 2021 and was debated and approved by both Houses. The SI came into force on 16 July 2021 which expired this provision.</p>
81 <i>Sch 29</i>	Residential tenancies in England and Wales: protection from eviction	Came into force on Royal Assent	<p>An <a href="#">SI</a> was laid on 8 September which returns notice periods for residential tenancies in England to pre-Covid lengths from 1 October 2021 whilst retaining the ability to reapply longer notice periods un 25</p>

			<p>March 2022 as a backstop, should the future public health situation warrant a further extension.</p> <p>These measures gave tenants more time before the landlord is able to bring possession proceedings and thus delayed the point at which the tenant may be required to leave their home. This provided more time for tenants to seek to resolve the issue or find alternative accommodation. This has supported tenants in allowing them to remain in their homes for longer or to have more time to make alternative arrangements safely – thereby reducing the risk of transmission that arises from movement and homelessness, and reducing the subsequent pressure on public services.</p> <p>From 1 June 2021 notice periods that were six months were reduced to four months and the threshold for what constitutes ‘serious arrears’ was lowered from six months of arrears to four months of arrears. Notice periods for the most serious cases remained lower. Tapering down notice periods prevented a steep drop-off from the previous level, avoiding a possible spike of pressure on public services.</p> <p>From 1 August 2021, the notice period for non-serious rent arrears reduced again from four months to two months.</p> <p>These measures apply to most renters in the private and social sectors, covering 8.4 million households.</p> <p>In response to the improving public health situation, the rollout of the vaccination programme and the easing of national lockdown restrictions, it is the Government’s intention that notice periods will return to their pre-Covid-19 lengths from 1 October 2021. From 1 June, notice periods have been tapered down to mitigate the risk of a steep drop off in support.</p> <p>However, the Government wishes to retain the power to extend notice periods in future to provide a contingency should the future the public health situation warrant a further extension.</p>
82	Business tenancies in England and Wales: protection from forfeiture etc	Came into force on Royal Assent	<p>Prevents landlords of commercial properties from being able to evict tenants for the non-payment of rent, providing continued support for businesses given the high levels of unpaid rent accrued since March 2020 until new measures can be put in place.</p> <p>The measures have been in place since March 2020 and extended in three-monthly periods until 30 June,</p>

			<p>when the measures were extended again until 25 March 2022.</p> <p>These provisions have prevented commercial landlords from evicting tenants owing to non-payment of rent, protecting businesses and the jobs that they support during enforced sector closures and partial closures at a time when trading was still restricted. The measures are now providing breathing space for landlords and tenants to negotiate outstanding arrears while businesses continue to recovery.</p> <p>On 24 June 2021 a further SI was laid before Parliament, extending the measures for nine months until 25 March 2022, following a Call for Evidence launched by Government in April on the state of negotiations between landlords and tenants regarding rent arrears and ongoing lease terms. The Government did not consider that allowing the current moratorium to lapse with 30 June 2021 was appropriate as it was likely to lead to a significant level of evictions and business insolvencies which threaten jobs.</p> <p>It is the intention to bring forward separate primary legislation to ringfence rent debt accrued during the pandemic by businesses affected by closures and set out a process of binding arbitration to be undertaken between landlords and tenants where a negotiated settlement cannot be reached. In order to legislate for this, an extension sufficient to pass new legislation is required, i.e., nine months. As such, the provisions of section 82 have been extended, whilst primary legislation can be drafted and put into place following the expiration of the current measures.</p> <p>Many businesses have not yet fully recovered from the impact of the pandemic, particularly in vulnerable sectors such as hospitality. The most recent data from Remit Consulting indicates that while overall rent collection is at 80.7% at 90 days past the March due date, £1bn of rent is missing from the March quarter, totalling a potential shortfall of up to £6.4bn of rent since the start of the pandemic. Hospitality rent payment continues to lag behind, with just 58.6% of rent collected within the same period; this is particularly acute in the pubs, bars and restaurants sector, with just 28.4% of rent paid 90 days after the March payment date.</p> <p>It is clear from the low levels of rent collected in these sectors that there would be substantial scope for evictions for the non-payment of rent if the current</p>
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			tenant protection measures were not in place, resulting in mass business failures and job losses.
84	Postponement of General Synod Elections	Expired	<p>Following the one-year review, an SI was laid under the draft affirmative procedure on 21 April 2021, and was debated and approved by both Houses. The SI came into force on 16 July 2021 which expired this provision.</p> <p>For the avoidance of doubt the SI saves the operation of General Synod of the Church of England (Postponement of Elections) Order 2020, SI 2020/526 and General Synod of the Church of England (Postponement of Elections) (Amendment) Order 2020, SI 2020/1123.</p>

## Changes to Status during Reporting Period

There have been no changes to the status of any provisions during the ninth reporting period.

## Changes to status since Enactment of the Act

Section number (and relevant Schedule number where applicable)	Measure	Type of change	Details of change	Secondary legislation making the change
Section 8	Emergency Volunteering Leave	Expired under section 90(1)	An SI was laid on 21 April 2021 which came into force on 16 July 2021 to expire these powers.	<a href="#">The Coronavirus Act 2020 (Early Expiry) Regulations 2021 (legislation.gov.uk)</a>
Section 9	Compensation for Emergency Volunteers	Expired under section 90(1)	An SI was laid on 21 April 2021 which came into force on 16 July 2021 to expire these powers.	<a href="#">The Coronavirus Act 2020 (Early Expiry) Regulations 2021 (legislation.gov.uk)</a>
Section 15 (part 1 of Schedule 12)	Local authority care and support.	Expired under section 90(1)	An SI was laid on 21 April 2021 which came into force on 16 July 2021 to expire these powers.	<a href="#">The Coronavirus Act 2020 (Early Expiry) Regulations 2021 (legislation.gov.uk)</a>
Section 24	Extension of time limits for retention of fingerprints and DNA profiles.	Expired under section 90(1)	An SI was laid on 21 April 2021 which came into force on 16 July 2021 to expire these powers.	<a href="#">The Coronavirus Act 2020 (Early Expiry) Regulations 2021 (legislation.gov.uk)</a>
Section 25	Power to require information relating to food supply chains	Expired under section 90(1)	An SI was laid on 21 April 2021 which came into force on 16 July 2021 to expire these powers.	<a href="#">The Coronavirus Act 2020 (Early Expiry) Regulations 2021 (legislation.gov.uk)</a>
Section 26	Authorities which may require information	Expired under section 90(1)	An SI was laid on 21 April 2021 which came into force on 16 July 2021 to expire these powers.	<a href="#">The Coronavirus Act 2020 (Early Expiry) Regulations 2021 (legislation.gov.uk)</a>
Section 27	Restrictions on use and disclosure of information	Expired under section 90(1)	An SI was laid on 21 April 2021 which came into force on 16 July 2021 to expire these powers.	<a href="#">The Coronavirus Act 2020 (Early Expiry) Regulations 2021 (legislation.gov.uk)</a>
Section 28	Enforcement of requirement to provide information	Expired under section 90(1)	An SI was laid on 21 April 2021 which came into force on 16 July 2021 to expire these powers.	<a href="#">The Coronavirus Act 2020 (Early Expiry) Regulations 2021 (legislation.gov.uk)</a>



Section 29	Meaning of 'food supply chain' and related expressions	Expired under section 90(1)	An SI was laid on 21 April 2021 which came into force on 16 July 2021 to expire these powers.	<a href="#">The Coronavirus Act 2020 (Early Expiry) Regulations 2021 (legislation.gov.uk)</a>
Section 71	Signatures of Treasury Commissioners.	Expired under section 90(1)	An SI was laid on 21 April 2021 which came into force on 16 July 2021 to expire these powers.	<a href="#">The Coronavirus Act 2020 (Early Expiry) Regulations 2021 (legislation.gov.uk)</a>
Section 79	Business Improvement Districts (BIDs).	Expired under section 90(1)	An SI was laid on 21 April 2021 which came into force on 16 July 2021 to expire these powers.	<a href="#">The Coronavirus Act 2020 (Early Expiry) Regulations 2021 (legislation.gov.uk)</a>
Section 84	Postponement of General Synod elections.	Expired under section 90(1)	An SI was laid on 21 April 2021 which came into force on 16 July 2021 to expire these powers.	<a href="#">The Coronavirus Act 2020 (Early Expiry) Regulations 2021 (legislation.gov.uk)</a>
Section 22	Appointment of temporary Judicial Commissioners	Suspended under section 88(2)	An SI was made on 20 April 2021 which came into force on 21 April 2021 to suspend these powers.	<a href="#">The Coronavirus Act 2020 (Suspension: Temporary Judicial Commissioners, Urgent Warrants, and Disposal of Bodies) Regulations 2021</a>
Section 23	Time limits in relation to urgent warrants etc under Investigatory Powers Act	Suspended under section 88(2)	An SI was made on 20 April 2021 which came into force on 21 April 2021 to suspend these powers.	<a href="#">The Coronavirus Act 2020 (Suspension: Temporary Judicial Commissioners, Urgent Warrants, and Disposal of Bodies) Regulations 2021</a>
Section 58 (parts 2 and 3)	Powers in relation to transportation, storage and disposal of dead bodies etc	Suspended under section 88(2)	An SI was made on 20 April 2021 which came into force on 21 April 2021 to suspend these powers.	<a href="#">The Coronavirus Act 2020 (Suspension: Temporary Judicial Commissioners, Urgent Warrants, and Disposal of Bodies) Regulations 2021</a>
<b>Mental Health and Mental Capacity</b>				
Section 10,	Temporary modification of mental health and mental capacity legislation	Commencement under section 87(2)	Section 10(1) came into force on 27 March 2020 in relation to Wales and has been expired in relation to England.	<a href="#">The Coronavirus Act 2020 (Commencement No. 1) (Wales) Regulations 2020 (SI 2020/336)</a>
Section 10,	Temporary modification of mental health and mental capacity legislation	Commencement under section 87(2)	Section 10(3) and (4) came into force on 2 April 2020 in Northern Ireland.	<a href="#">The Coronavirus Act 2020 (Commencement No.1) Order (Northern Ireland) 2020 (SI 2020/58)</a>

Schedule 8	Temporary modification of mental health and mental capacity legislation	Commencement under section 87(2)	Schedule 8 (paragraphs 1 to 2 and paragraphs 11 to 13) came into force on 27 March 2020 in relation to Wales. Schedule 8 is now expired in relation to England.	<a href="#">The Coronavirus Act 2020 (Commencement No. 1) (Wales) Regulations 2020 (SI 2020/366)</a>
Schedule 10	Temporary modification of mental health and mental capacity legislation	Commencement under section 87(2)	Schedule 10 came into force on 2 April 2020 in Northern Ireland.	<a href="#">The Coronavirus Act 2020 (Commencement No.1) Order (Northern Ireland) 2020 (SI 2020/58)</a>
Schedule 11	Temporary modification of mental health and mental capacity legislation	Commencement under section 87(2)	Schedule 11 (paragraphs 1 to 10, 19, 20 (so far as it relates to paragraphs 5 and 9 only) and 22) came into force on 2 April 2020 in Northern Ireland.	<a href="#">The Coronavirus Act 2020 (Commencement No.1) Order (Northern Ireland) 2020 (SI 2020/58)</a>
Section 10 (1) and parts 1 and 2 of Schedule 8  Parts 5, 6, 7 and 8 of Schedule 8	Temporary modification of mental health and mental capacity legislation	Expired	The early sunset of these provisions was made on 8 December 2020 and came into force 9 December 2020.	<a href="#">The Coronavirus Act 2020 (Expiry of Mental Health Provisions) (England and Wales) Regulations 2020 (SI 2020/1467)</a>
<b>NHS and local authority care and support</b>				
Section 15, Schedule 12	Local Authority care and support	Commencement under section 87(2)	Section 15 (in relation to England) and part 1 of Schedule 12 (powers and duties of local authorities in England) came into force on 31 March 2020	<a href="#">The Coronavirus Act 2020 (Commencement No. 2) Regulations 2020 (SI 2020/388)</a>
Section 15, Schedule 12	Local Authority care and support	Commencement under section 87(2)	Section 15 (in relation to Wales) and part 2 of Schedule 12 (powers and duties of local authorities in Wales) came into force on 1 April 2020	<a href="#">The Coronavirus Act 2020 (Commencement No. 1) (Wales) Regulations 2020 (SI 2020/366)</a>
Section 16	Duty of local authority to assess needs: Scotland	Commencement under section 87(2)	Came into force on 5 April 2020	<a href="#">The Coronavirus Act 2020 (Commencement No. 1) (Scotland) Regulations 2020 (SI 2020/121)</a>
Section 17	Section 16: further provision	Commencement under section 87(2)	Came into force on 5 April 2020	<a href="#">The Coronavirus Act 2020 (Commencement No. 1) (Scotland) Regulations 2020 (SI 2020/121)</a>

<b>Registration of deaths and stillbirths</b>				
Section 18, Schedule 13	Registration of deaths and stillbirths etc	Commencement under section 87(2)	Came into force on 26 March 2020	<a href="#">The Coronavirus Act 2020 (Commencement No. 1) Regulations 2020 (SI 2020/361)</a>
Section 19	Confirmatory medical certificate not required for cremations: England and Wales	Commencement under section 87(2)	Came into force on 26 March 2020	<a href="#">The Coronavirus Act 2020 (Commencement No. 1) Regulations 2020 (SI 2020/361)</a>
Section 21	Modifications of requirements regarding medical certificates for cremations: Northern Ireland	Commencement under section 87(2)	Came into force on 26 March 2020	<a href="#">The Coronavirus Act 2020 (Commencement No. 1) Regulations 2020 (SI 2020/361)</a>









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