



Climate Change (Scotland) Act 2009

2009 asp 12

PART 6

GENERAL AND MISCELLANEOUS

97 Subordinate legislation: pre-laying procedure

- (1) This section applies where the Scottish Ministers propose to lay before the Scottish Parliament a draft of a statutory instrument containing
 - [^{F1}(a) the first regulations under section 84 or 88 (other than a draft containing regulations mentioned in section 96(7)(c) or (d) to which section 96(5) applies)] [^{F2}; or
 - (b) regulations under section 13A(1) that propose an increase to any limit on the maximum amount of carbon units that may be credited to the net Scottish emissions account for a year.]
- (2) The Scottish Ministers must, before doing so, lay before the Parliament—
 - (a) a copy of the proposed regulations;^{F3}...
 - (b) a statement setting out their reasons for proposing to make those regulations [^{F4}; and
 - (c) in the case of regulations mentioned in subsection (1)(b), a statement setting out whether the proposed limit is consistent with the most up-to-date advice they have received from the relevant body.]
- (3) The Scottish Ministers must, when laying such a copy, specify a period (the “representation period”) during which representations on the proposed regulations may be made to them.
- (4) The representation period must be at least 90 days, of which no fewer than 30 must be days on which the Parliament is not dissolved or in recess.
- (5) The Scottish Ministers must, as soon as reasonably practicable after laying a copy of the proposed regulations, publicise them in such manner as they consider appropriate.
- (6) The Scottish Ministers must, before laying the proposed regulations before the Parliament, have regard to—
 - (a) any representations on the proposed regulations made to them;

Changes to legislation: There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009, Section 97. (See end of Document for details)

- (b) any resolution relating to those regulations passed by the Parliament; and
 - (c) any report relating to those regulations published by any committee of the Parliament for the time being appointed by virtue of standing orders, before the expiry of the representation period.
- (7) The Scottish Ministers must, when laying such proposed regulations, lay a statement setting out—
- (a) details of any representations, resolutions or reports mentioned in subsection (6);
 - (b) the changes (if any) they have made to the proposed regulations in response to such representations, resolutions or reports and the reasons for those changes^{F5}; and
 - (c) in the case of regulations mentioned in subsection (1)(b), whether the proposed limit is consistent with the most up-to-date advice they have received from the relevant body.]
- (8) In this section, “proposed regulations” means a draft of a statutory instrument to which subsection (1) applies.

Textual Amendments

- F1** Words in s. 97(1) renumbered as s. 97(1)(a) (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\), ss. 15\(3\)\(a\)\(i\)](#), 32(2); S.S.I. 2020/66, reg. 2
 - F2** S. 97(1)(b) and word inserted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\), ss. 15\(3\)\(a\)\(ii\)](#), 32(2); S.S.I. 2020/66, reg. 2
 - F3** Word in s. 97(2) repealed (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\), ss. 15\(3\)\(b\)\(i\)](#), 32(2); S.S.I. 2020/66, reg. 2
 - F4** S. 97(2)(c) and word inserted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\), ss. 15\(3\)\(b\)\(ii\)](#), 32(2); S.S.I. 2020/66, reg. 2
 - F5** S. 97(7)(c) and word inserted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\), ss. 15\(3\)\(c\)](#), 32(2); S.S.I. 2020/66, reg. 2
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Commencement Information

- I1** S. 97 in force at 31.10.2009 by [S.S.I. 2009/341, art. 2\(2\)\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009, Section 97.