

INTERPRETATION AND LEGISLATIVE REFORM (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT - BACKGROUND

Part 1: Interpretation

Tables

54. The first table below provides a list of corresponding and omitted provision of the Interpretation Order as compared with the provisions in the Act.
55. The second table lists the provisions in Parts 1 and 2 of the Act with their corresponding provisions in the Interpretation Order and the 1978 Act.

TABLE 1

TABLE OF CORRESPONDING AND OMITTED PROVISIONS OF THE INTERPRETATION ORDER

The first column of the Table lists the provisions of the Interpretation Order.

The second column gives the corresponding provision of the Act or (where a provision of the Order is not reproduced) states the reason for its omission.

<i>Provision of Interpretation Order</i>	<i>Corresponding provision of Act or reason why omitted</i>
Article 1	omitted - unnecessary
Article 2(1)	schedule 1 (definition of “enactment” and section 1(b) partially omitted (definition of “the Parliament”)
Article 2(2)	omitted - unnecessary
Article 3(1)	section 38(6)
Article 3(2)	section 38(8)
Article 3(3)	section 39(1) & (2)
Article 3(4)	section 40(1)
Article 4(1)	section 38
Article 4(2)	section 38(2)
Article 4(3)	section 38(3), (4) & (5)
Article 5(1)	partially omitted as unnecessary; section 9(3)
Article 5(2)	section 9(1)

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Act 2010 (asp 10) which received Royal Assent on 3 June 2010*

<i>Provision of Interpretation Order</i>	<i>Corresponding provision of Act or reason why omitted</i>
Article 5(3)	section 9(2)
Article 5(4)	sections 10 and 11
Article 6(1)	omitted - unnecessary
Article 6(2)	section 25(1)
Article 6(3)	omitted - some definitions included in schedule 1
Article 7(1)	omitted – different drafting approach (specific provision made in Act)
Article 7(2)	omitted – Act does not apply to deeds, documents or other instruments
Article 8	omitted - unnecessary
Schedule 1 paragraph 1	omitted - unnecessary
Schedule 1 paragraph 2	sections 2 and 3
Schedule 1 paragraph 3	section 22 reproduces the provisions on number; gender provisions are omitted as unnecessary
Schedule 1 paragraph 4	section 26
Schedule 1 paragraph 5	omitted – infrequent use – specific provision can be made in Act or instrument as required
Schedule 1 paragraph 6	section 23
Schedule 1 paragraph 7	omitted as unnecessary – provision applies without need for specific provision
Schedule 1 paragraph 8	section 24
Schedule 1 paragraph 9(1)	section 7(1) and (2)
Schedule 1 paragraph 9(2)	section 7(3)
Schedule 1 paragraph 10	section 4
Schedule 1, paragraph 11	section 6
Schedule 1, paragraph 12	section 15(1) and (3)
Schedule 1, paragraph 13(1)	sections 15(1) and (2), 16 and 17
Schedule 1, paragraph 13(2)	section 18
Schedule 1, paragraph 14(1)	omitted - unnecessary
Schedule 1, paragraph 14(2)	section 19
Schedule 1, paragraph 15(1)	section 13
Schedule 1, paragraph 15(2)	section 14
Schedule 1, paragraph 16	section 12
Schedule 2 - “Act”	schedule 1
“civil partnership”	schedule 1
“commencement”	schedule 1
“the Communities” etc.	the corresponding expressions (“the EU” etc.) are in schedule 1

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<i>Provision of Interpretation Order</i>	<i>Corresponding provision of Act or reason why omitted</i>
“Comptroller and Auditor General”	omitted – infrequent use
“Crown Estates Commissioners”	omitted – infrequent use
“Court of summary jurisdiction”	omitted – infrequent use
“Devolution issue”	omitted – infrequent use
“EEA agreement”	omitted – infrequent use
“EEA state”	omitted – infrequent use
“England”	omitted – infrequent use
“Government department”	omitted – infrequent use
“High Court”	schedule 1
“Land”	schedule 1
“Lands Clauses Acts”	schedule 1
“Minister of the Crown”	omitted – infrequent use
“Month”	schedule 1
“Oath” and “affidavit”	schedule 1
“Ordnance map”	schedule 1
“Person”	schedule 1
“Police area” etc.	schedule 1
“The Privy Council”	schedule 1
“Registered”	schedule 1
“Registered medical practitioner”	schedule 1
“Rules of court”	schedule 1
“Scottish parliamentary election”	omitted – infrequent use
“Secretary of State”	schedule 1
“Sheriff”	schedule 1
“Standard scale”	schedule 1
“Statutory declaration”	schedule 1
“Statutory maximum”	schedule 1
“The Treasury”	omitted – infrequent use
“United Kingdom”	schedule 1
“Wales”	omitted – infrequent use
“Writing”	schedule 1

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TABLE 2

TABLE SHOWING PROVISIONS OF PARTS 1 AND 3 OF ACT AND THEIR CORRESPONDING PROVISIONS IN THE INTERPRETATION ORDER AND THE 1978 ACT

<i>Provision of Act</i>	<i>Corresponding provision of Interpretation Order</i>	<i>Corresponding provision of 1978 Act</i>
1	Articles 6(1) and 7(1)	sections 22 and 23
2	Schedule 1, paragraph 2	section 4
3	Schedule 1, paragraph 2	section 4
4	Schedule 1, paragraph 10	section 13
5	n/a	n/a
6	Schedule 1, paragraph 11	section 14
7	Schedule 1, paragraph 9	section 12
9	Article 5(3)	section 19
10	Article 5(4)	section 19
11	Article 5(4)	section 19
12	Schedule 1, paragraph 16	section 20A
13	Schedule 1, paragraph 15(1)	section 20(1)
14	Schedule 1, paragraph 15(2)	section 20(2)
15	Schedule 1, paragraphs 12, 13(1)	section 16(1)
16	Schedule 1, paragraph 13(1)	section 16(1)
17	Schedule 1, paragraph 13(1)	section 16(1)
18	Schedule 1, paragraph 13(2)	section 16(2)
19	Schedule 1, paragraph 14(2)	section 17
20	n/a	n/a
21	n/a	n/a
22	Schedule 1, paragraph 3	section 6(c)
23	Schedule 1, paragraph 6	section 9
24	Schedule 1, paragraph 8	section 11
25	Article 6(2)	section 5
26	Schedule 1, paragraph 4	section 7
38	Articles 3(1) and (2) and 4	n/a
39	Article 3(3)	n/a
40	Article 3(4)	n/a
Schedule 1 "Act"	Schedule 2	Schedule 1
"Act of Parliament"	Schedule 2	Schedule 1

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<i>Provision of Act</i>	<i>Corresponding provision of Interpretation Order</i>	<i>Corresponding provision of 1978 Act</i>
“Act of the Scottish Parliament”	Schedule 2	n/a
“civil partnership”	Schedule 2	Schedule 1
“commencement”	Schedule 2	Schedule 1
“constable”	n/a	n/a
“document”	Article 6(3)	n/a
“enactment”	Article 6(3)	Schedule 1
“the EU” etc.	Schedule 2	Schedule 1
“financial year”	Article 6(3)	Schedule 1
“functions”	Article 6(3)	n/a
“High Court”	Schedule 2	Schedule 1
“land”	Schedule 2	Schedule 1
“Lands Clauses Acts”	Schedule 2	Schedule 1
“local authority”	n/a	n/a
“local authority area”	n/a	n/a
“member of the Scottish Executive”	Article 6(3)	n/a
“modify”	Article 6(3)	n/a
“month”	Schedule 2	Schedule 1
“oath” and “affidavit”	Schedule 2	Schedule 1
“ordnance map”	Schedule 2	Schedule 1
“person”	Schedule 2	Schedule 1
“police area”	Schedule 2	Schedule 1
“police authority”	Schedule 2	Schedule 1
“police force”	n/a	n/A
“the Privy Council”	Schedule 2	Schedule 1
“registered”	Schedule 2	Schedule 1
“registered medical practitioner”	Schedule 2	Schedule 1
“rules of court”	Schedule 2	Schedule 1
“Scotland”	Article 6(3)	n/a
“the Scottish Administration”	Article 6(3)	n/a
“Scottish instrument”	n/a	n/a

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<i>Provision of Act</i>	<i>Corresponding provision of Interpretation Order</i>	<i>Corresponding provision of 1978 Act</i>
“the Scottish Ministers”	Article 6(3)	n/a
“Scottish public authority”	Article 6(3)	n/a
“Secretary of State”	Schedule 2	Schedule 1
“sheriff”	Schedule 2	Schedule 1
“standard scale”	Schedule 2	Schedule 1
“statutory declaration”	Schedule 2	Schedule 1
“statutory maximum”	Schedule 2	Schedule 1
“subordinate legislation”	Article 6(3)	section 21
“United Kingdom”	Schedule 2	Schedule 1
“writing”	Schedule 2	Schedule 1